

30/600

15

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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R.A/C.P No. 20/2000
E.P/M.A No.

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SECTION OFFICER (Judl.)

Handwritten signature
22.11.8

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

O.A. 101/95

ORIGINAL APPLICATION NO. 101 1995

MISE.PETITION/CONTEMPT PETITION/REVIEW APPLICATION NO. (O.A.)

J Bhornick

APPLICANT (S)

VERSUS

U.O.I Govt

RESPONDENT (S)

Mr. J.L. Sarkar, M. Chandra

ADVOCATE FOR
APPLICANT (S)

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

ADVOCATE FOR
RESPONDENT (S)

OFFICE NOTE

DATE

COURT'S ORDER

19.5.95

(Mentioned)

Mr J.L.Sarkar for the appli-
cant.

In view of the pendency of
O.A.141/92 and M.P.133/94 in that
O.A. and the interim orders passed
in that O.A. and further as it
appears that an S.L.P has been
filed by the department in the
Hon'ble Supreme Court against the
decision of Calcutta Bench on
similar point we direct that notice
before admission be issued to the
respondents to show cause as to
why the application may not be
admitted and interim relief as
prayed may not be granted. All the
applicants in O.A.141/92 have not
been made respondents in this O.A.
The effect thereof will be consi-
dered if necessary at proper stage.
Returnable on 20.6.95.

This application is in
form and within time
E. of Rs. 50/-
deposited vide
IPO/ST No. 884477
Dated 27.4.95

for Dr. Bhornick

contd...

19.5.95

No interim relief at this stage. ^{with} At this stage liberty to move for the interim relief after respondents are served.

Mr S. Ali, Sr. C.G.S.C seeks to appear for the respondents. However notices be directly issued to the respondents.

Notices to the parties i.e. v/w XXVI may be served through Resp. No. 3.

Go
Member

hll
Vice-Chairman

pg

Filing

Genis is an unwhisked matter. Pl. Check the OA and do the needful for registration.

21-6-95

Notices not yet served.
Adjourned to 6-7-95.

hll
Vice-Chairman

Go
Member

lm

Requisite fee of Rs. 105/-
deposited for... 21... No.
Respondant vide IPO/BD/
Cash Receipt No. 955
Dated 6/6/95

hll
By Registrar (A)

6.7.95

Adjourned to 11.7.95

Notices received &
issued vide no. 2554-79
19.6.95

28-6-95

valcalatnama filed
by Mr. B.K. Sharma, ex-officio
Registrar - 16.

OFFICE NOTE

DATE

COURT'S ORDER

11.7.95

The service of notice on the respondents is still incomplete. The Court Officer to report as to why the office copy of the notice contained in 'C' file does not indicate as to whom it was addressed.

2. Whether notices intended for respondent Nos. V to XXVI were prepared and issued for service ~~either~~ through respondent No.III apart from separate notice to respondent No.III.

3. When and how notices have been issued to respondent Nos. I to IV.

The Court Officer may obtain the information from the Dealing Assistant and submit a detailed report within one week to the Bench.

Adjourned for further directions to 18.7.1995.

These minutes be brought to the notice of the Deputy Registrar immediately.

Vice-Chairman

Member

nkm

18-7-95

Service report relating to respondents 5 to 26 is awaited. Adjourned to 25-7-95.

Vice-Chairman

Member

lm

The explanation furnished by the Dealing Assistant and further elucidated by C.O. is submitted for consideration of the bench.

On the 'C' file, office copy should reflect the details properly.

Honble Bench

R. Panda
14.7.95

Mr. K.M. Rahman

Submit the information as directed by the Honble Court immediately.

13/7/95
So (S)

D.R.

Report from Co. and S/Asst. as called for are put up before for laying before the Court.

13/7/95

OFFICE NOTE

DATE

COURT'S ORDER

Notice served on R.
nos 1, 2, 3 & 4, 5.

25.7.95

Notice duly served
on R. nos. 8, 12, 13, 14,
15, 18, 23 & 25.

Notice served on R. no. 6 & 7.

Order d. 25.7.95

to all respondents.

V. no. 3379-04 d. 1-8-95

Mr B.L.Sarkar for the applicant.
Mr S.Ali, Sr.C.G.S.C for respondents i to iv.

Mr B.K.Sharma for respondent No.xvi.

Frankly speaking I am (V.C) not able to understand what is the grievance of the applicant in specific terms. The application as well as his representations are more argumentative than to specific to point out the grievance. It appears that the applicant has grievance against the policy decision taken by the Revenue Board in the light of certain decisions of the Supreme Court and C.A.T and O.Ms in the field as were found applicable. Unless a specific case is made out as to how the new policy has affected the applicant it is not possible for me to consider that the policy decision is per se illegal. Instead of wasting time for trying to understand the case of the applicant we are therefore admitting the application. Issue not to the respondents. 8 weeks for written statement. Those respondents who have not yet been served should be served again with the notice in the O.A. Respondents may file their respective written statement.

Since the application is now admitted any promotion effected on the basis of the existing seniority list naturally will be subject to the final result of this O.A. Hence No interim relief is granted.

Adjourned to 9.10.1995 for further orders.

17.10.95

Mr M.Chanda/Mr S.Ali, Sr.C.G.S.C.

Six weeks for written statement.

Adjourned to 4.12.1995 for directions.

*W/ statement has not been
filed*

*54
1/12*

[Signature]
Member

[Signature]
Vice-Chairman

pg

4-12-95

Mr.M.Chanda for the applicant.
Mr.S.Ali, Sr.C.G.S.C. and Mr.B.K.
Sharma for the respondents.

Adjourned to 12-1-96 for orders
Liberty to file counter.

*W/ statement has not
been filed*

*20
1/11*

[Signature]
Member

[Signature]
Vice-Chairman

lm

12-1-96

To be listed for hearing on
29-2-96. Liberty to file written
statement.

*Notice duly served
on R. no. 1, 2, 3, 4, 5, 8, 9,
12, 13, 14, 15, 18, 23 & 25.*

[Signature]
Member

[Signature]
Vice-Chairman

*Notice received back
for R. no. 6 & 7.*

lm

*for
1/91*

25.4.96

Mr M.Chanda for the applicant. Mr
S.Ali, Sr.C.G.S.C for the respondents.

Written statement on behalf of
official respondents submitted on
26.2.96. Mr Chanda receives copy of the
same today.

List for hearing on 5.6.96.

*28.2.96
W/S on behalf
of the Official Respondents
has been submitted.*

[Signature]
Member

29-2-96

Adjourned to 23-4-96

for hearing, B.K.

pg

4-6-96

5-6-96

At the request of Mr.J.L.Sarkar
hearing is adjourned to 7-6-96.

Rejoinder filed
by the Applicant.
lm

Member(A)

Member(J)

lm

- 1) Notices duly served
on respondents nos. 1-5, 8-9,
12-15, 18, 23 & 25.
- 2) w/statment has been
b/w
- 3) Rejoinder has been
b/w
- 4/6

7.6.95 Mr. J.L.Sarkar for the applicant.
Mr. S.Sarma seeks for adjournment for
personal difficulties of Mr.
B.K.Sharma who has submitted leave
not. Hearing adjourned to 5.7.96.

Member(J)

Member (A)

trd

5-7-96

Learned Sr.C.G.S.C. Mr.S.Ali
for the respondents. List for
hearing on 2-8-96.

Member

pg

2.8.96

Mr M.Chanda for the appli-
cant. Mr S.Ali, Sr.C.G.S.C for the
respondents.

List for hearing on 29.8.96.

Member

pg

w/statment & rejoinder
has been b/w
4/7

w/statment & rejoinder
has been b/w
28/8

28/8

OA 101/95

14-3-97

17-3-97

1/ written statement filed by the respondent at page - 87 to 93.

by 14-3

The respondents have failed to file the written statement within the time limit. Later written statement was filed with a petition praying inter alia for acceptance of the written statement filed after the time allowed.

We have heard Mr. M. Chanda counsel for the applicant and Mr. B.K. Sharma on behalf of the respondents. We accept the written statement and grant 7 days time from to-day for filing of rejoinder. The applicant may file rejoinder within a week from to-day if so advised.

List for hearing on 29-4-97.

Member

Vice-Chairman

26-3-97

Pray for acceptance of WST filed.

lm
for
26/3

26-3-97

Rejoinder filed on behalf of applicant.

29-4-97

On the prayer of Mr. S. Sarma on behalf of learned counsel Mr. B.K. Sharma for the respondents, case is adjourned to 1-5-97.

Member

Vice-Chairman

30-4-97

As prayed by Mr. M. Randa, Adv., it is a similar matter with the OA 171/95 & may be placed along with it - OA.

lm
for
30/4

6-5-97

Division Bench is not sitting. Therefore, the case is adjourned to 23-6-97. for hearing.

Hence, placed on 6-5-97 along with OA 171/95.

Vice-Chairman

lm
for
2/5

(7)

O.A. 101/95

of statement & Reason when
has been A/H.

29.8.96

Mr M.Chanda for the applicant.
Mr S.Ali, Sr.C.G.S.C for the respondents.

List for hearing on 26.9.96.

Member

pg

Mr
30/8

26.9.96

Learned counsel Mr J. L. Sarkar for the applicant. Learned Sr. C.G.S.C. Mr S. Ali for the respondents.

List for hearing on 20.11.96.

Member

trd

Mr
27/9

12.3.97

Two days time is granted to Mr B.K.Sharma, learned counsel appearing on behalf of the private respondents for taking necessary steps.

List on 17.3.97 for further orders.

Member

Vice-Chairman

trd

13-3-97

Mr J.L.Sarkar counsel for the applicant and Mr.S.Ali, Sr.C.G.S.C. is present for the respondents.

List for hearing on 8-4-97.

Member

lm

11-3-97

1275 filed on b/h of
Mr. K.V. (Bhayan Patic)

23-6-97 On the prayer of counsel for the parties case is adjourned till 4-8-97.

lm
Member

DB
Vice-Chairman

lm
25/6

4.8.97

There is no sitting or Division Bench. List on 25-9-97 alongwith on 17/95.
By *and*.

25-9-97 Leftover. List on 19-12-97.
By *and*.

19.12.97

Adj

13-2-98 There is no representation.
Adjourned to 20-3-98.

By *and*.

20-3-98

Let this case be listed for hearing on 23-3-98.

Member

DB
Vice-Chairman

lm

23.3.98

Adjourned to 23.6.98.

By *and*.

23.4.98

Heard in part. List on 28.4.98 for further hearing.

lm
Member

DB
Vice-Chairman

pg

28.4.98 Hearing concluded. Judgment reserved.


Member


Vice-Chairman


pg

25.8.98 On the prayer of the learned counsel for the parties this case is adjourned till 27.8.98.


Member


Vice-Chairman

nkm

27.8.98 Adj'd to 31-8-98
By order



31.8.98 On the prayer made on behalf of the Mr B.K. Sharma, learned counsel for the respondent No.16 the case is adjourned till 8.9.98.


Member


Vice-Chairman

nkm

18
219

8.9.98 Adj'd to 10.9.98
By order


10.9.98 Mr. J.L.Sarkar, learned counsel appearing on behalf of the applicant prays for two weeks adjournment. Mr. S.Ali, learned Sr. C.G.S.C. and Mr. B.K.Sharma, learned counsel appearing appearing on behalf of the opposite parties have no objection. Accordingly we adjourn the case till 3.11.1998.

Contd.

(11)

11

O.A. 101/95

10.9.98

List on 3.11.1998.

W/S and Rejoinder
has been filed


Member


Vice-Chairman

SP
2/11

trd

AS
11/9

2 3.11.98


Division Bench is not available.
List on 23.11.1998 for hearing.


Member

pg


2-12-98
Written Statement,
Rejoinder and
Written Submission
has been filed

23.11.98

Adjourned to 26.11.98
By order


26.11.98

Division Bench is not available.
List on 3.12.98 for hearing.

By Order


SP
2/12/98

pg
25/11

3-12-98

On the prayer of Mr.U.K.Nair
learned counsel on behalf of Mr.B.K.
Sharma learned counsel for Railway
Administration case is adjourned to
8-12-98 for hearing.

Member

Vice-Chairman

lm

7-8-98
Written Statement, Rejoinder
and Written Submission
has been filed

3-12-98

Case is adjourned to 8-12-98,
for hearing.


Member


Vice-Chairman

SP
7/12/98

lm

MS
7/12/98

GA 101/95

2

24-12-98

Written statement
rejoinder and written
Submission has been filed

11/12/98

8-12-98

Mr. A.K. Choudhury, learned Addl.
C.G.S.C. on behalf of Mr. S. Ali prays for
adjournment of this case on the ground
that Mr. Ali is indisposed. Mr. J.L. Sarkar
learned counsel appearing on behalf of the
applicant has no objection. Prayer allowed.
List on 28-12-98 for hearing.

Member

Vice-Chairman

in

9/12/98

6-1-99

Written statement
rejoinder and
written Submission
has been filed

11/1/99

28.12.98

Let this case be listed on
7.1.1999 alongwith R.A.No.10/95.

Member

Vice-Chairman

nkm

29/12/98

11-1-99

Written statement
rejoinder and
written Submission
has been filed

11/1/99

7.1.99 Adjourned to 12-1-99.

By order,

12-1-99 Adjourned to 19-1-99.

By order,

18-1-99

Written statement
and written Submission
has been filed

11/1/99

20.1.99 Adjourned to 22-1-99.

By order,

Notes of the Registry

Date

Order of the Tribunal

26.3.99

Copies of the Judgment have been sent to the Respondents vide D.Nos. 995 to 998 of 26.3.99.

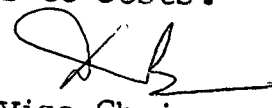
Also copies of the Judgment sent to the applicants vide D.Nos. 1473 to 1475 of 28.4.99.
(Three cases)

28.4.99

22.1.99

trd

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in the open court, kept in separate sheets. The application is disposed of. No order as to costs.


Member
Vice-Chairman

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Notes of the Registry	Date	Order of the Tribunal

16

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A.Nos. 101/95, 171/95, and 147/95

Date of decision 22.1.1999

Shri Jibanlal Bhowmick (O.A. No. 101/95)
~~Shri Debajyoti Mishra~~ (O.A. No. 171/95) PETITIONER(S)
Shri AShoke Dey & ors. (O.A. No. 147/95)

Mr. J.L.Sarkar and Mr. M.Chanda. ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors. RESPONDENT(S)

Mr. A. Deb Roy, learned Sr. C.G.S.C. ADVOCATE FOR THE
Mr. B.K.Sharma. RESPONDENT(S)

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

THE HON'BLE SRI 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



17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Date of decision: This the 22nd day of January, 1999.

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

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

O.A. No. 101 of 1995

Shri Jibanlal Bhowmick

...Applicant.

By Advocate Mr. M. Chanda.

-versus-

Union of India & Ors.

...Respondents.

By Advocate Mr. A. Deb Roy, learned Sr. C.G.S.C.

O.A. No. 171 of 1995.

Shri Debajyoti Mishra

... Applicant.

By Advocate Mr. M. Chanda.

-versus-

Union of India & Ors.

....Respondents.

By Advocate Mr. A. Deb Roy, learned Sr. C.G.S.C.

O.A. No. 147 of 1995.

Shri Ashoke Dey & Ors.

...Applicant.

By Advocate Mr. M. Chanda.

-versus-

Union of India & Ors.

... Respondents.

By Advocate Mr. A. Deb Roy, learned Sr. C.G.S.C.



Contd....

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O R D E R

BARUAH.J. (V.C.)

All the above three original applications involve common questions of law and similar facts. Therefore, we dispose of all the three applications by this common order.

2. All the applicants were Inspectors of Customs and Central Excise, working in the North Eastern Region at the material time. They were appointed on ad hoc basis during the period from 1981 to 1983 and later on they were regularly appointed as Inspectors. The seniority of the applicants was fixed above the private respondents in pursuance of the Office Memorandum dated 22.12.1959 issued by the Department of Personnel and Training, Ministry of Home Affairs, New Delhi. According to the applicants such seniority was settled long back in the cadre of Inspectors in the year 1983. The applicants further state that the seniority used to be maintained on Regional basis. Such seniority was fixed in terms of Quota-Rota Rule as per the guidelines given in O.M. dated 22.12.1959. This practice continued till 1993. In October 1994 a Draft Seniority List was published by the respondents showing private respondents above the applicants. This was in violation of the provisions of the Office Memorandum dated 7.2.1986 whereby the old cases were sought to be reopened. The draft seniority list was prepared. By the draft seniority list so prepared, a letter dated 24.10.1984 was issued showing the applicants juniors to the private respondents. According to the applicants the draft seniority list which was later on

R

made final was in violation of the Office Memorandum dated 7.2.86 inasmuch as in the said draft seniority list the old cases had been re-opened, which was prohibited by the Office Memorandum dated 7.2.86. After the publication of the draft seniority list the applicants submitted representation objecting the draft seniority list. These representations were disposed of against the applicants by order dated 27.4.1995. and the draft seniority list so published is declared final. Being aggrieved, the applicants have approached this Tribunal by filing the aforesaid original applications.

3. In due course the respondents have entered appearance. The official respondents have filed written statements in all the application. In O.A. No. 101/95 the private respondent No. 16 has filed written statement. In O.A. No. 147/95 none of the private respondents No. 5 to 36 has filed written statement. In O.A. Nos. 171/95 private respondent Nos. 5, 27, 28 and 31 have filed written statements, others have not filed any written statement even though notices were duly served on them as will appear from the office note. Today Mr. B.K.Sharma, learned counsel appearing on behalf of respondent No. 16 in O.A. 101/95, respondent Nos. 7, 30 and 31 in O.A. No. 147/95 and Respondent Nos. 5, 27, 28 in O.A. No. 171/95 is present. Mr. B.P.Kataki has entered appearance for respondent No. 28 in O.A. 171/95. However, he is not present today before the Tribunal.

4. We have heard Mr. M.Chanda, learned counsel for all the applicants, Mr. A.Deb Roy, learned Sr. C.G.S.C for all the official respondents and Mr. B.K.Sharma,

B

learned counsel for some of the private respondents as mentioned above. Mr. Chanda, submits that the applicants were originally shown as senior to the private respondents since their appointments by promotion to the rank of Inspector of Customs and Central Excise were earlier. This was done in strict compliance with the Office Memorandum dated 22.12.1959. During the period of 1959-85 the quota-rota system was prevalent. The persons were appointed by promotion or directly recruited on the basis of the quota. However, Mr. Chanda submits that by yet another Office Memorandum dated 7.2.86 issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, the old system of quota-rota had been done away and in its place the seniority was required to be fixed as per the date of appointment. The quota-rota system was abolished after the O.M.86. As per the said O.M. 86 the old cases where the seniority had already been fixed would not be re-opened. The Office Memorandum dated 7.2.86 was to take effect from 1.3.1986. Relying on this Mr. Chanda submits that as the quota-rota system was there and the same procedure was followed, the applicants were put above the direct recruits on the basis of quota-rota system, the said seniority ought to have been maintained. Instead, the respondents have made a total change in the seniority list in utter violation of the provisions contained in para 7 of the Office Memorandum dated 7.2.86. Learned counsel further submits that when the seniority was fixed on earlier occasion putting the applicants above the private respondents they never objected. He also submits that the applicants having occupied the place for a long time their seniority positions ought not to have been

B

disturbed. It is also submitted that the decision of the Calcutta Bench rendered in O.A. No. 925/92 is not binding on the applicants in as much as the applicants were never served with a notice. The decision was made ex parte in their absence. They had no knowledge whatsoever, about it. They came to know it only from the written statement filed by the respondent No.16 in O.A. No. 101/95. The written statement filed by the official respondents is silent in this regard.

5. Mr. Deb Roy, learned Sr. C.G.S.C. submits that prior to Office Memorandum dated 7.2.86, the quota-rota system was in vogue. This system was abolished by the said Office Memorandum dated 7.2.86. He however very fairly submits that the relative seniority of Inspectors between Direct Recruits and Promotees was maintained as per Circular dated 22.12.1959.

6. Mr. B.K.Sharma, learned counsel submits that though quota-rota system was applicable as per the Office Memorandum dated 22.12.1959, this system was never adhered to. In fact, there was a break down of this system and the procedure as prescribed in the subsequent notification dated 7.2.1986 was in fact followed. Therefore, there was no question of following quota-rota system. Besides he has drawn our attention to a decision of Cuttack Bench of the Central Administrative Tribunal. Relying on this Mr. Sharma states that the quota-rota system was never followed and therefore the Office Memorandum dated 22.12.1959 had no relevance in the facts and circumstances of the case. Besides he has also drawn our attention to paragraph 14 of the judgement of the Cuttack Bench. Referring to that Mr. Sharma submits that seniority already determined could not be disturbed. The

B

Cuttack Bench of this Tribunal declined to accept the provision of the Office Memorandum dated 7.2.1986. Agreeing with the Madras Bench of the Tribunal it was held that the principles laid down by the Supreme Court should be given effect from the date of pronouncement of the judgment by the Supreme Court and not from any prospective date. It was further held that Memorandum dated 7.2.1986 could not supersede the Supreme Court decision and must not be taken into account while upsetting the seniority once fixed. Mr Sharma further submits that an SLP was filed against the Calcutta Bench decision and the said SLP was dismissed. However, Mr Sharma, when asked to produce the order, expressed his inability to do so. In the written statement there is no averment to the effect that the SLP against Calcutta Bench decision was dismissed. On the other hand Mr Chanda submits that he has no information that such SLP was filed. Mr Deb Roy has also no knowledge about it. Mr Sharma further draws our attention to a decision of this Tribunal given in original application No.241 of 1991. Besides this, Mr Sharma has relied upon two other decisions viz. A. Janardhana -vs- Union of India and others reported in AIR (1983) SC 769 and AIR (1987) SC 716, A.N. Pathak and others -vs- Secretary to the Government.

7. On the other hand Mr Chanda has referred to a catena of decisions.

8. On the rival contention of the learned counsel for the parties, it is to be seen whether the applicants are entitled to the relief claimed.

R

9. The controversy relates to which of the Office Memorandum, namely Office Memorandum dated 22.12.1959 or Office Memorandum dated 7.2.1986, was applicable to the applicants and the private respondents at the material time. Para 6 of the Office Memorandum dated 22.12.1959 (OM 59 for short) states that the relative seniority shall be determined according to the rotation of vacancies between the direct recruits and promotees on the basis of vacancies reserved for the aforesaid two categories of employees as per the Recruitment Rules. The respondent Nos.1 to 4 in their written statement have stated as follows:

".....the relative seniority of Inspectors between DRs and PRs in this Department were maintained as per Ministry of Home Affairs O.M.No.9/11/55-RPS, dt. 22.12.59 i.e. according to rotation of vacancies reserved for DRs and PRs as per Recruitment Rules. As per this principle, if in a year, sufficient DRs or PRs were not available, the practice followed was to keep the slots meant for DRs or PRs, which could not be filled up, vacant and where such DRs or PRs were available through later examination as/Selections, such persons occupied these vacant slots thereby becoming senior to some of the Officers already in position."

The respondents have also stated in their written statement that revised seniority list was prepared in accordance with the judgment of the Calcutta Bench of this Tribunal whereby the respondents were directed to refix the seniority of Shri N.C. Patra and another in the light of the judgment referred to above. The Tribunal also directed to refix the seniority of similarly situated employees in the light of judgment of Cuttack Bench and the two decisions of the Apex Court referred to in the said decision.

Rz

10. As per the Office Memorandum dated 7.2.1986 (OM 86 for short) the seniority to be fixed from the date of promotion or appointment as the case may be without following the Quota-Rota system. In para 14 of the judgment passed by the Cuttack Bench in Original Application Nos. 62 to 71 of 1987 observed as under:

".....The seniority already determined by the department has been challenged by the applicants on the basis of pronouncement of the Supreme Court, some of which have been referred to in the preceding paragraphs. We are, therefore, unable to appreciate the provision in paragraph 7 of the office memorandum dated 7.2.86 which has made the revised procedure for determination of seniority effective only from 1st March 1986. We agree with the Madras Bench that the Principles laid down by the Supreme Court have to be given effect to at least from the date of pronouncement of the decision by the Supreme Court"

Calcutta Bench of the Tribunal after hearing the parties found that the Cuttack Bench judgment has already been implemented. The judgment was passed in 1989 and no stay order was granted by the Supreme Court. This Bench also had an occasion to decide a similar matter. While deciding the similar matter in O.A.No.241 of 1991 this Bench observed as follows:

"5.In paragraph 9 of the written statement it is stated that the seniority list of Inspectors as on 1.1.91 was circulated in December 1991 and it was based on the guidelines of Govt. dated 7.2.1986 and it cannot be reopened. However in our view the question of assigning correct seniority to the applicant in the promotional post has to be decided in the light of the decision of the Cuttack Bench. This can be adequately decided while disposing of the representation."

As per the above decisions whatever was held by the Cuttack Bench should be kept in mind in fixing the seniority. In A Janardhana Vs. U.O.I. & Ors. (Supra) a similar matter came up before the Supreme Court. The Supreme Court observed as follows:

"28. It is a well recognised principle of service jurisprudence that any rule of seniority has to satisfy the test of equality of opportunity in public service as enshrined in Art. 16. It is an equally



well recognised cannon of service jurisprudence that in the absence of any other valid rule for determining inter se seniority of members belonging to the same service, the rule of continuous officiation or the length of service or the date of entering in service and continuous uninterrupted service thereafter would be valid and would satisfy the tests of Art. 16. However, as we would presently point out we need not fall back upon this general principle for determining inter se seniority because in our view there is a specific rule governing inter se seniority between direct recruits and promotees in MES Class I Service, and it was in force till 1974 when the impugned seniority list was drawn up."

The Supreme Court further observed :

" Therefore, once the quota rule was wholly relaxed between 1959 and 1969 to suit the requirements of service and the recruitment made in relaxation made in relaxation of quota rule and the minimum qualification rule for direct recruits is held to be valid, no effect can be given to the seniority rule enunciated in para 3(iii), which was wholly inter-linked with the quota rule and cannot exist apart from it on its own strength. This is impliedly accepted by the Union Government and is implicit in the seniority lists prepared in 1963 and 1967-68 in respect of AEE, because both those seniority lists were drawn up in accordance with rule of seniority enunciated in Annexure 'A' to Army Instruction No. 241 of 1950 dated September, 1, 1949, and not in compliance with para 3 (iii) of Appendix V."

In the said case Supreme Court considered 1949 Rules which came into force on April 1, 1951. In the said rule the provision was made for determining inter se seniority between direct recruits and promotees. In the Appendix V of the said Rules it was provided that the roster should be maintained indicating the order in which appointments had to be made by direct recruitment or promotion in accordance with the percentages fixed for each method of recruitment in the recruitment rules. The relative seniority of the promotees and direct recruits should be determined by the dates on which the vacancies reserved for the direct recruits and the promotees occur. This 1949 Rules related the quota of 9:1 between direct recruits and promotees. It showed that the roster was to be maintained consistently

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with the quota so that relative inter se seniority of promotees and direct recruits could be determined on the date on which vacancy occurred and the vacancy is for the direct recruit or for the promotees. If the quota prescribed was adhered to or inviolable, the rule of seniority as per the Appendix V would have to be given full play and the seniority list had to be drawn in accordance with it. But once the quota rule gave away the seniority rule as prescribed the same became otiose and ineffective.

11. The next decision cited Mr. B.K.Sharma is A.N.Pathak and Others Vs. Secretary to the Government, Ministry of Defence and another, reported in AIR 1987 SC 716, when similar questions came up before the Apex Court. In the said decision, relying on the decision of A.Janardhana Vs. Union of India and others (Supra), the Apex Court observed thus :

"14.length of service and seniority, in cases where there was inordinate delay in making direct recruitment. He tried to justify the inequity saying that the new rules have tried to rectify it. We are not satisfied with this explanation since that is little consolation to the petitioners. We are of the view that the grievance of the petitioners is justified in law. The rules enabling the authorities to fill in vacancies for direct recruits as and when recruitment is made and thereby destroying the chances of promotion to those who are already in service cannot but be viewed with disfavour. If the authorities want to adhere to the rules strictly all that is necessary is to be prompt in making the direct recruitment. Delay in making appointments by direct recruitment should not visit the promotees with adverse consequences, denying them the benefit of their service."

12. Mr Chanda has drawn our attention to a decision in the case of Union of India & Ors. Vs. G.K. Vaidyanathan and Others, reported in AIR (1996) SC 688. In the said case a three Judge Bench of the Apex Court observed as follows:

"12. We are of the opinion that the learned Additional Solicitor General is right in his submission that the decision of the

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Madras Tribunal is based upon a concession and cannot, therefore, be treated as a decision on merits. The said concession made by direct recruits cannot and does not bind the Union of India, which is equally an affected party in the matter. No such concession was made by any of the respondents before the Bangalore Bench. As stated above, the direct recruits impleaded as respondents before Madras Tribunal were also impleaded as respondents before the Bangalore Tribunal. Moreover, the said concession is found to be opposed to the record, as found by the Bangalore Tribunal, which has recorded on a perusal of relevant records, that even during the years 1978 to 1981 - the period during which the promotees say, there was a break-down in the quota rule - both direct recruitments and promotions were being made though it may be that promotions to the cadre were made in excess of the quota. The correctness of the facts recorded in Para-28 of the decision of the Bangalore Tribunal is not disputed or questioned before us. Once this is so, the very theory of break-down of the quota rule falls to the ground. In such a situation, it is not necessary either to deal with the decisions cited by the parties on the question when the quota rule can be said to have broken down or with the question whether the principle contained in Office Memorandum dated February 7, 1986 can be given retrospective effect. The factual situation concludes the issue against the promotees."

Regarding the break-down the Apex Court observed in para 7 of the said judgment as follows:

"7.The direct recruits were impleaded as Respondents Nos. 4 to 19 who included Respondents Nos. 3 to 15 before the Madras Tribunal. The basis of the claim was identical, viz., the break down of the quota rule. The direct recruits remained ex-parte but Union of India contested the promotees case. The Bangalore Tribunal looked into the relevant records and found as follows:

"On an examination of the records, we notice that there was a deviation or departure in adhering to the quotas prescribed for direct recruitment and promotion in the calendar years from 1978 to 1981 reckoning each year as one unit. In all these years, the posts in the cadres of CGI were filled in from two sources, viz. direct recruitment and promotions. Strange enough

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during this years, promotions to the cadre were in excess of direct recruitment. This then is the factual position revealed from the records."

In that case, of course, the Apex Court found that there was no breakdown. Again Mr Chanda cited another decision, namely, Abraham Jacob and others Vs. Union of India and Others, reported in (1998) 4 SCC 65. In this case the Apex Court observed as follows:

"4.....Further, the inter se seniority of such direct recruits and promotees has to be determined by taking recourse to the aforesaid office memorandum dated 22.12.1959 issued by the Government of India in the Ministry of Home Affairs. Needless to mention that this principle has to be invoked for determination of inter se seniority of the appointees both direct recruits and promotees during the period 1969 till 9.9.1976 and in fact the Government has drawn up the seniority list on following the said principle. In the aforesaid premises, the direction of the Tribunal in the impugned judgement to redraw the seniority list without importing any quota/rota rule for the period prior to 9.9.1976 is unsustainable in law and we accordingly quash the said direction. Necessarily, therefore, the inter se seniority of the direct recruits and promotees in the cadre of Assistant Engineers for the period 1969 till 9.9.1976 has to be determined in accordance with the government order dated 22.12.1959 issued by the Ministry of Home Affairs."

From the decisions cited above, it appears that if there is no rule regarding fixation of seniority, as in this case, O.M.'59 is to be adhered to for the period for which the particular O.M. was in force. It is also stated that the O.M.'86 does not have any retrospective effect. Now, the question is, as Mr. B.K.Sharma has strenuously argued, as to whether the quota-rota rule as prescribed in O.M. dtd 22.12.1959 had broken down or not. The facts are not available before us. The applicants have submitted a seniority list prepared by the office for the period before 1986. No opportunity was given to the other side to rebut. The applicants have drawn our attention to the list; we cannot ignore looking into this. On looking to the this list it cannot be said that the rule prescribed by O.M.'59

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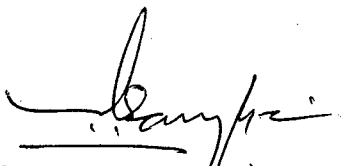
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had in fact collapsed. If it had collapsed then the decision has to be taken in the light of the decision of A. Janardhana's case (Supra) and also the other decisions cited above. Due to the paucity of the materials available before us we are not in a position to decide this.

13. In view of the above, we send back the cases to the respondents to examine the entire matter afresh in the light of the decisions of the Apex Court referred to above. If the applicants claim personal hearing before any decision is taken, they may be given such opportunity. The non-official respondents may also be given opportunity of personal hearing if they so claim and they should be given at least seven days notice. This must be done as early as possible at any rate within a period of three months from the date of receipt of this order.

14. The applications are accordingly disposed of.

15. 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

19 MAY 1995

Guwahati Bench
गुवाहाटी न्यायालय

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

An application under section 19 of the Central Administrative Tribunals Act, 1985.

O. A. No. ____/95

Sri Jibon Lal Bhowmick Applicant

-versus-

Union of India & Ors. Respondents

I N D E X

Sl.No.	Annexure	Particulars	Page No.
1	-	Application	1-23
2	-	Verification	24
3	1	Promotion Order No.105/81 dt. 2.4.81	25-26
4	2	Promotion Order No.330/82 dt. 16.11.82	27-28
5	3	Seniority List as on 21.10.94	28(a)-28(१)
6	4	O.M. dated 7.2.86	29-34
7	5	Representation dt. 14.11.94	35-38
8	6	Order dt. 27.4.95	39-42

Filed by :-

Manik Chande

Advocate

Received copy.
Lab. Sec. LGSC
15/5/95

1. Particulars of the Applicant.

Shri Jibonlal Bhowmick, Inspector,
S/o late Jyotish Chandra Bhowmick,
Customs, Preventive Division,
Mantribari Road
P.O. Agartala
Dist. Tripura (West)

2. Particulars of the Respondents.

i. Union of India,
Represented by the Secretary,
to the Govt. of India,
Revenue Department,
Ministry of Finance,
New Delhi

ii. The Chairman,
Central Board of Excise & Customs
G 1/3 Pandara Park,
New Delhi.

iii. The Collector, Customs And
Central Excise, Shillong.

iv. The Secretary to the Govt. of India,
Ministry of Personnel,
Public Grievances and Pensions,
Department of Personnel and Training,
New Delhi.

- v. Sri Madhu Sudhan Tyagā.
- vi. Sri Jagajyoti Acharjee
- vii. Sri Arun Kr. Chaturvedi
- viii. Sri S.K.Cidyanta
- ix. Sri Diḍip Kr. Verma
- x. Sri Susmal Das
- xi. Sri Khanindra Neog
- xii. Sri Mambu Lama
- xiii. Sri Nimai Ch. Patra
- xiv. Sri Nritya Gopal Barman
- xv. Sri Alagri Swami
- xvi. Sri Bapukan Patir
- xvii. Sri Raju Sonowal
- xviii. Sri Gobinda Thabab
- xix. Sri Tnankhamthang
- xx. Sri Pabitra Kr. Reang
- xxi. Sri Paresh Debnath
- xxii. Sri Bijoy Krishna Deb
- xxiii. Sri Jahar Dey
- xxiv. Sri Naba Chandra Sinsh Singjam
- xxv. Sri Ansuman Chakraborty
- xxvi. Tapan Kumar Sarkar

All the respondent Nos. v to xxvi are working as Inspectors of Customs and Central Excise, under the Collector of Customs and Central Excise, Shillong. Therefore notices may kindly be served upon the Private Respondents through the Respondent No. 3 i.e. Collector, Customs and Central Excise, Shillong.

3. Particulars for which this application is made.

This application is made for quashing and setting aside the impugned Draft Seniority List dated 24.10.94 issued by the Collector, Customs, Central Excise, Shillong, in respect of Inspectors of Customs and Central Excise, working in North Eastern Region, and also for setting aside the letter No. C. No. II (34)I/ET-I/91/PT-I dtd. 24.10.94 issued by the Deputy Collector, Customs and Central Excise, Office of the Customs and Central Excise, Shillong through which the above mentioned impugned draft seniority list was published and also against the letter No. C. No. II (34)I/ET.I/91/Pt-I 9466-550 dated 27.4.95 whereby the impugned Draft Seniority List in respect of Inspectors, Customs and Central Excise is finalised.

4. Limitation

The applicant states that the case is filed within the prescribed time period of the Central Administrative Tribunals Act.

5. Jurisdiction

That the applicant states the cause of action of the case has arisen within the jurisdiction of this Hon'ble Tribunal.

6. Facts of the case :

6.1. That the applicant is a citizen of India as such he is entitled to all the right and privileges guaranteed by the Constitution of India. That the applicant initially was appointed as Stenographer (O.G) in the Department of Customs and Central Excise, under Shillong Collectorate. Thereafter the applicant was promoted as Inspector on ad-hoc basis against regular vacancy of Inspector with effect from 8.4.81 vide office order No. 105/81 dated 2.4.81. Thereafter the applicant continues as Inspector on ad-hoc basis upto 15.11.82 and subsequently the applicant regularly appointed as Inspector ~~following~~ with effect from 16.11.82. The applicant's seniority was assigned from the date of appointment as Inspector following the then seniority rules laid down in the Office Memorandum No. 9.11.55-RSP dated 22.12.59 wherein the principles of relative seniority of direct recruits and promotees laid down according to vacancies. Be it stated that the applicant was appointed/promoted against a regular vacancy of the recruitment year

1981-82.

A copy of the promotion order dated 2.4.81 (on ad-hoc basis) and promotion order (on regular basis) dated 16.11.82 are annexed as Annexure 1 & 2 respectively.

6.2 That in terms of recruitment rules 75% posts/vacancies of Inspector were required to be filled up by direct recruitment and 25% of the vacancies by promotion from the next lower ranks.

6.3 That after promotion to the post of Inspector number of seniority lists were published by the respondent No. 3 assigning seniority of the applicant following the the then seniority rule/instruction laid down in the O.M. No. 9/11/55-RSP dated 22.12.59 issued by the Department of Personnel and Training Ministry of Home Affairs, New Delhi, showing the applicant above the Private Respondents all along, and such the seniority position of the applicant was settled long back in the cadre of Inspectors since 1983 and serving in the North Eastern Region. Be it stated that the seniority of the cadre of Inspectors used to maintain on Regional basis. A table is prepared below to show the seniority position of the applicants as on 1.1.84, 1.1.91, and after publication of draft seniority list as on 21.10.94.

Sl. No.	Name of the applicant	Seniority as on 1.1.83	Seniority as on 1.1.84	Seniority as on 1.1.93	Seniority as on 1.1.94 as per impugned seniority list
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1	Sri Jibonlal Bhowmick	389	354	53	32
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From the above table, it is quite clear that the seniority fixed as on 1.1.93 in terms of fixed quota-rota rule has correctly settled, following the principle of seniority laid down in office Memorandum dated 22.12.59, whereas, the seniority refixed as on 21.10.94 following the illegal decision of the Revenue Board, issued vide telex message under F.No. A -23024/5/92-AD-III A dated 4.10.94 on the ground of extension of relief in the light of the Cuttack Bench and Calcutta Bench judgements mentioned in the letter dated 24.10.94 through the draft seniority list published, has adversely affected the applicant at this belated stage, when next promotion of the applicant to the cadre of Superintendent Group 'B' is due, separate table is prepared below showing the present seniority position of the respondents, who illegally superseded the applicant in the matter of seniority.

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Sl. No.	Name of the applicants	Seniority as on 1.1.84	Seniority as on 1.1.93	Seniority as per impugned seniority list as on 21.10.94
1	2	3	4	5
1	Sri Madhu ^S Sudhan Tyagi	370	61	9
2	Sri Jagajyoti Acharyya	376	64	10
3	Sri Arun Kumar Chaturvedi	390	72	11
4	Sri S.K.Vidyanta	395	75	12
5	Sri D.K.Verma	397	77	13
6	Sri Susamal Das	398	78	14
7	Sri K. Neog	407	83	15
8	Sri J. Lamba	425	90	16
9	Sri N.Ch. Patra	427	92	17
10	Sri N.G.Barman	428	93	18
11	Sri Alagiri Swamy	429	94	19
12	Sri B. Patir	431	96	20
13	Sri Raju Sonowal	434	99	21
14	Sri Gobinda Thaba	437	100	22
15	Sri T Thakhan Tnagg	439	102	23
16	Sri Pabitra Kr. Reaang	440	103	24
17	Sri Paresh Debnath	443	105	25

1	2	3	4	5
18	Sri Bijoy Krishna Deb	445	107	26
19	Sri Jahar Dey	447	109	27
20	Sri N.Ch.Singhjam	449	110	28
21	Sri A.Chakraborty	452	112	30
22	Sri Tapan Kr. Sarkar	454	114	31

Therefore, the seniority was reightly settled upto 1.1.93 by the respondent no. 3, taking into consideration the fixed quota of the promotees, and the same was rightly settled position of seniority of the applicants made in terms of Office Memorandum dated 22.12.59, whereas the seniority ~~xxxxx~~ now shown in column 4 whereby the seniority position is brought down and the applicant is now shown junior to the respondents no. v to xxvi. This action of the respondents is highly illegal, arbitrary and contrary to the policy of the Govt. of India, Ministry of Personnel, Public Grievance and Pension and therefore, impugned, draft seniority list dated 24.10.94 and letter dated 27.4.95 whereby the draft seniority list is finalised are liable to be set aside and quashed.

6.8 That the respondents surprisingly published a Draft Seniority list whereby the present applicant is shown junior to the Respondent Nos. v to xxvi in total violation of the guidelines and instructions and Govt. Policy contained

in the Office Memorandum No. 35014/2/80/Estt (D) dated 7.2.86 issued by the Ministry of Personnel, Public Grievances and Pension, thereby respondents illegally trying to unsettle the settled seniority position of the applicants, which was in fact settled about 11 year back.

A copy of the draft seniority list dated 21.10.94 is enclosed as Annexure 3 and a copy of letter dated 27.4.95 whereby direct seniority list is made final is enclosed and Annexure 3A and a copy of OM. Dated 7.2.86 is enclosed as Annexure as Annexure 4 respectively.

6.5 That the respondent No. 3 by issuing the impugned draft seniority list dated 24.10.94 and further by declaring it as final by the letter dated 27.4.95 the direct recruit Inspectors are now shown senior to the applicants as the same is prepared on the basis of the date of appointments i.e. in violation of Office Memorandum dated 22.1.21959 and in violation of Office Memorandum dated 7.2.86 issued by the Deptt. of Personnel, Govt. of India. Therefore the arbitrary action of the respondents refixing the seniority of the promotees and direct recruits are highly illegal, arbitrary, illegal and unfair. The present applicants also impleaded as one of the respondents in O.A: 141/92, which was filed by some of the direct recruits before this Hon'ble Tribunal for fixing their seniority from the date of appointment and the same is still pending before this Hon'ble Tribunal.

6.6 That the draft impugned seniority list which was published vide letter No. C. No. II(34)I/ET-I/91/PT-1 dt. 24.10.94 stated interalia that following two decisions

of the Hon'ble Cuttack Bench and Calcutta Bench, in the case of Monotosh Goswami & Others -vs- U.O.I & Ors. & Shri Niman Chandra Patra & Ors. -vs- U.O. India & Ors. in O.A. Nos. 62, 63 and 71 of 1987 of Cuttack Bench, the Board of Revenue vide their telex F. No. A-23024/5/92-AD-IIIA dated 4.10.94 have decided to extend the relief as requested by Sri Patra Inspector, consequently the relative seniority between direct recruits and promotee Inspectors appointed before 1.3.1986 have been refixed and the impugned seniority list accordingly prepared by the respondent No. 3 placing the applicant at serial No. 32 whereas, the seniority position of respondents Nos. v to were xxvi ~~xxx~~ placed as on 21.10.94 in the seniority list 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30, 31, whereby respondents No. v to xxvi were shown senior to the applicant as on 21.10.94 therefore the present applicant is adversely affected by the impugned seniority list dated 21.10.94. The relevant portion of the letter dated 24.10.94 through which impugned draft seniority list was published are quoted below :

% Subject : Refixation of Seniority of Inspectors appointed before 1.03.1986.

Prior to the issuance of Ministry of Personnel,
Public Grievance and Pension's Office

Memorandum No. 35014/2/80-Estt(D) dated

7.2.86 which made into force with effect

from 1.3. 1986, the relative seniority of

Direct Recruits and Promotees in Central Services were determined as per Ministry of Home Affairs O.M. No. 9/11/55-RPS dated 22.12.1959 i.e. according to rotation of vacancies reserved for Direct Recruits and Promotees respectively as per Recruitment Rules. While the above mentioned principle was working satisfactorily in cases where direct recruitment and promotion kept pace with each other and recruitment could also be made to the full extent of the quotas prescribed, there was difficulty in determining seniority in cases where there was delay in direct recruitment or promotion or where enough number of direct recruits or promotees was not available. In such situation, the practice followed was to keep the slots meant for direct recruits or promotees, which could not be filled up, vacant, and, when direct recruits or promotees were available through later examinations or selections, such persons occupied these vacant slots thereby becoming senior to some of the Officers already in position. This matter has come up for consideration in various Court Cases both before the Hon'ble C.A.T and the Supreme Court and in

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several cases the Courts on the ground of inappropriateness, directed the Govt. to re-case the seniority already fixed on the basis of O.M. dated 22.12.59 in the lights of the principles given in para 3 of O.M. dated 02.02.86. Copy of Para 3 and the illustration of O.M. dated 7.2.86 are enclosed herewith.

Now, referring to decisions in two such cases viz. Monotosh Goswami & Ors. vs. U.O.I & Ors. in Hon'ble C.A.T., Calcutta and O.A. Nos. 62,63 and 71 of 1987 in Hon'ble C.A.T., Cuttack, Shri N.C.Patra a direct recruit Inspector of 1981 batch of the Collectorate represented seeking relief in the light of above mentioned judgements. Accordingly, the Board vide there Telex F. No. A-23024 /5/92-AD-III A dated 4.10.94 have decided to extend the relief as requested by Shri Patra, Inspector.

Consequently, the relative seniority between direct recruit and promotee Inspectors appointed before 1.1.86 have been re-fixed, a draft copy of which is enclosed herewith which may be circulated to all concerned Inspectors working under your charge immediately

on receipt of this letter. These may also be informed that they may take their representations, if any, such revision by 20.11.94, any representation received after this date will not be entertained".

From above, it is quite clear that the draft seniority list dated 24.10.94 has been prepared in violation of the Office Memorandum 7.2.86 issued by the Govt. of India, Department of Personnel, Public Grievance & Pension etc. The Govt. of India has taken the decision through Office Memorandum dated 7.2.86 after considering the decision of various Court cases, both before the Administrative Tribunal and Supreme Court cases, and it is very specifically stated in para 3 and 7 as follows :-

" 3. This matter, which was also discussed in the National Council has been engaging the attention of the Government for quite sometime and it has been decided that in future, while the principle of rotation of quotas will still be followed for determining the inter-se seniority of direct recruits of later years, thereby giving them unintended seniority over promotees who are already in position, would be dispensed with".

/Balance of paragraph 3 with illustration and paragraph 4 and 5 incorporated as paragraphs 2.4 to 2.4.4 of consolidated orders/

" 7. These orders shall take effect from 1st March, 1986. Seniority already determined in accordance with the existing principles on the date of issue of these order will not be re-opened. In respect of vacancies for which recruitment action has already been taken, on the date of issue of ~~these~~ these orders either by way of direct recruitment or promotion, seniority will continue to be determined in accordance with the principles in force prior to the issue of this O.M.

/Deptt. of Personnel and Training, O.M.

No. 35014/2/80-Estt(D), dated the 7th Feb. 1986/-

But the respondents in total violation of the Office Memorandum dated 7.2.86, decided to re-fix the seniority of the present applicant on the plea that implementation of two judgements of the Hon'ble

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Cuttack Bench & Calcutta Bench of the Central Administrative Tribunal in the case of Shri Monotosh Goswami & Ors. vs. Union of India & Ors. and Nimai Chandra Parta Vs. Union of India & Ors. Be it stated that the present applicant was never impleaded as party respondent for any of the cases of Cuttack Bench and Calcutta Bench, therefore seniority of the present applicant cannot be refixed/alterd following the judgement of Cuttack & Calcutta Benches of the Central Administrative Tribynal as because the present applicant was not a party in those cases. The judgements of Cuttack Bench and Calcutta Bench as regard seniority of Inspectors of Customs & Central Excise, are in personam and not judgements in rem, therefore the Revenue Board's decision as regard refixation of seniority of Inspectors of these regions, who were promoted. Prior to 1986, is arbitrary, illegal, and unfair, and also contrary to the existing rules of seniority and the decision is also against the Central Government Policy, therefore the impugned Draft Seniority List dated 24.10.94 and letter dated 27.4.95, whereby it is declared illegal are liable to be set aside and quashed.

The applicant urged to produce the seniority list as mentioned above at the time of hearing.

6.7. That the seniority of the applicant long back settled by the respondents following the then valid principles of seniority, following office Memorandum No. 9/II/55-RPS. dated 22.12.59. Therefore the same cannot be altered or refixed to the disadvantage of the applicant, particularly when the O.M. dated 7.2.86 does not permit such alteration/refixation. Therefore decision of the respondents is opposed to Government policy - and the impugned Draft Seniority List dated 24.10.94 and letter dt. 27.4.95 whereby draft seniority declared as final are liable to be set aside and quashed.

6.8 That the applicant further begs to state that the re-opening of past cases of seniority which were settled long back, say about 11 years back is specifically barred by the O.M. dated 7.2.86 issued by the Department of Personnel, Govt. of India.

6.9 That the applicant begs to state that although he was promoted on adhoc basis, vide order No. 105/81 dated 2.4.81 but this promotion is made against the regular and substantive vacancy of Inspector although the applicant is promoted on regular basis vide order dated 16.11.82, but Inspectors, shown in draft seniority list in serial No. 9, 11, 13, 14, 16, 17, 23, 25, 26, 27, 29, 30, 31 were in fact appointed on 13.4.81, 8.4.81,

10.8.81, 23.5.81, 9.6.81, 30.6.81, 15.4.81, 1.4.82, 19.1.82, 2.9.82, 6.8.82, and 2.8.82 respectively. Therefore, the aforesaid Inspectors, who were appointed later, than the applicant ought to have shown junior, even leaving aside the quota-rota fixation of seniority.

6.9(a) That the applicants begs to state that the Revenue Board, has communicated the decision of re-fixation of seniority in the light of Cuttack Bench and Calcutta Bench Judgements mentioned in the letter dated 24.10.94, through the which the draft seniority list is published as on 21.10.94 the decision of the Revenue Board is communicated through Telex F. No. 23024/5/92-AD-III A. dated 4.10.94, which the applicant could not obtained in spite of he best efforts. Therefore this Hon'ble Tribunal be pleased to direct the respondents No. 3 to produce the same before the Hon'ble Tribunal for perusal of the Hon'ble Tribunal.

6.10 That the applicant submitted his representation dated 14.11.94, objecting such alteration refixing of seniority within the time limit prescribed in the draft seniority list dated 24.10.94 which was addressed to the Collector, Customs and Central Excise, Shillong and the same disposed of vide Deputy Collector (P &V) Customs & Central Excise, Shillong letter dated 27.4.95.

whereby the impugned seniority list is declared as final. The applicant is now apprehending that the respondents may promote the Private respondents on the basis of the impugned seniority list on the basis of impugned seniority, then the same will cause irreparable loss to the present applicant at this belated stage when the present applicant ~~xxxxxxx~~ is due for promotion to the cadre of Superintendent Group 'B'. Therefore the Hon'ble Tribunal be pleased to interfere so that the respondents should not promote the Private Respondents on the basis of impugned seniority list as on 21.10.94 and further be pleased to set aside and quashed the draft seniority list as on 21.10.94.

A Copy of the representation dated 14.11.94 is enclosed as Annexure-5.

6.11. That Number of Seniority Lists published by the respondents since 1983 showing the present applicant senior then the respondent Nos. 9 to xxvi and the same was all along admitted by the private respondents as well as by the official respondents. Therefore now the same cannot be altered at this belated stage.

6.12 That this Hon'ble Tribunal also held in O.A. No. 2(G)/89 the similar opinion, the relevant portion of which is quoted below, while dealing with similar issues as regard dispute of seniority :

" 22. Lastly, even if we were to hold the application to be within time we would have be unnecessarily required to consider whether the seniority position which was settled in 1984 and has prevailed till now should not be unsettled after a decade".

The above referred case was decided on 17.1.95 by this Hon'ble Tribunal be pleased to set aside and quash the impugned draft seniority list dated 24.10.94. The case of the present applicant also supported by 1992 (19) A.T.C. 315 (Rajbir Singh and Ors -versus- Union of India and Others) which was decided by the Hon'ble Supreme Court. Therefore the Hon'ble Tribunal be pleased to set aside and quash the impugned draft seniority list dated 24.10.94.

6.13. That the applicant begs to state ~~that~~ that he was promoted to the post of Inspector on 8.4.81 against a substantive regular vacancy and there was no break down of quota rule, and the seniority of the applicant was assigned above the respondents v to xxvi following the Officer Memorandum dated 22.12.59 therefore, the same cannot be altered at this belated stage, after a lapse of 11 years and the seniority list as 1.10.94 is liable to set aside and quashed.

6.14 That the present applicant is apprehending that the official respondents may fill up the existing vacancies of Superintendent Group 'B' officers on the basis of the impugned seniority list published as on 21.10.94, therefore the Hon'ble Tribunal be pleased to direct the official respondents not to make any promotion to the cadre of Superintendent of Group 'B' post on the basis of the impugned seniority list till finalisation of this application otherwise the present applicant who is also due for promotion to the cadre of Superintendent 'B' post will suffer an irreparable loss in his service career.

6.15 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 impugned seniority list as on 21.10.94 published vide letter No. C. No. -II (34)I/ET-I/91/PT-I dated 24.10.94 be set aside and quashed.
2. That the letter No. C. No. II (34)I/ET-I/91/PT-I/9466-550 dated 27.4.95, whereby draft seniority is declared as final be set aside and quashed.

3. That the respondents be directed not to refix or alter the seniority of the applicant in the cadre of Inspector against the O.M. dated 7.2.86 issued by the Ministry of Personnel & Training, Department of Personnel, Govt. of India, New Delhi.
4. That the decision of the Revenue Board for refixation of seniority communicated vide Telex : F. No. 23024/5/92-AD-III.A dated 4.10.94 be set aside and quashed.

The above reliefs are prayed on the following amongst other -

G R O U N D S

1. For that the impugned seniority list as on 2.10.94 is contrary to the guidelines and instructions, decision of Govt. of India, contained in Office Memorandum dated 7.2.86 issued by the Department of Personnel Govt. of India.
2. For that there was no instruction in the Judgement and Order of Cuttack Bench and Calcutta Bench passed in cases of Monotosh Goswami & Others. vs. Union of India & Ors. in O.A. No. 62,63 and 71 of 1987 (Cuttack

6. For that the settled position of seniority cannot be permitted to unsettle after a long lapse of 11 years, under the existing seniority rule.
7. For that the case of the applicants gain support from the following decisions, judgements of the Hon'ble Central Administrative Tribunal/Hon'ble Supreme Court in -
- i. O.A. 2(G)/89 decided on 17.1.95 (Guwahati Bench);
 - ii. 1992 (19) ATC 315 (Rajbir Singh and Others Vs. Union of India & Others) (Supreme Court);

8x

~~For that decision of the Revenue Board for~~

8. For that decision of the Revenue Board, for refixation seniority communicated vide Telex F. No. 23024/5/92-AD-III.A dated 4.10.94 is arbitrary, illegal and unfair, and violative of Article 14 and 16 and the same is liable to be set aside and quashed.

9. For that the seniority of the applicant has been settled following the Office Memorandum dated 22.12.59 of the Ministry of Home Affairs, Govt. of India, New Delhi.

8. Interim Reliefs prayed for :

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

1. That the respondents be directed not to make any promotion on the basis of the impugned seniority list as on 21.10.98 till final disposal of this application.

9. That the present applicant declare that he has not filed any application before any other Court or Tribunal on this subject.

10. That there is no any other rule/law save and except filing this application before this Hon'ble Tribunal.

11. Particulars of the Postal Orders :

1. Postal Order No.	: 884477
2. Date of Issue	: 7-4-1995.
3. Issued From	: G.P.O., Guwahati
4. Payable at	: G.P.O., Guwahati

12. Index of documents is enclosed

13. Enclosures

As per Index

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

I, Shri Jibonlal Bhowmick, Inspector, working in the Customs, Preventive Division, Deptt. of Customs and Central Excise, posted at Agartala, District West Tripura, Tripura do hereby solemnly affirm and state that I verify this application that the statement made in this application are true to my knowledge and belief and are derived from records which I believe true to my information and nothing have been suppressed of the material fact.

Jibonlal Bhowmick

Date : 5.1995

Signature

Place : Gauhati.

ANNEXURE -1

CUSTOMS AND CENTRAL EXCISE : SHILLONG

ESTT. ORDER NO. 105/81

Dated Shillong the 2nd April '81

Sub : Promotion of Upper Division Clerks/Stenographer (OG) to the grade of Inspector (OG).

The following Upper Division Clerks/Stenographer (OG) are provisionally and temporarily appointed to the grade of Inspector (OG) in the scale of pay of Rs. 425-15-500-EB-15-560-20-700-EB-25-800/- with effect from the date they join as Inspector (OG) and until further orders. The promotions are purely provisional and ad-hoc and the period of ad-hoc promotion will not count towards seniority. Further, the ad hoc promotion will not confer any right for regular promotion.

Sl. No.

Name of the officer S/Shri

- | | |
|----|---------------------------------------|
| 1. | Jibanlal Bhowmick |
| 2. | Sukhesh Ranjan Ranjan Dhar |
| 3. | Srijan Ganguly |
| 4. | Biswajit Bhattacharjee |
| 5. | Priya Ram Baruah |
| 6. | Debashis Bhattacharjee |
| 7. | Rathindra Bhattacharjee |
| 8. | Priyada Ranjan Mallick |

Consequent on the above promotions, the following postings and transfers are ordered with immediate effect.

Sl. No.	Name of the Officer S/Shri	From	To
1.	Jibanlal Bhowmick	Agartala	Agartala
2.	Sukhesh Ranjan Dhar	Silchar	Silchar
3.	Srijan Ganguly	Tezpur	Tezpur
4.	Biswajit Bhattacharjee	Shillong	Shillong
5.	Priya Ram Baruah	Tezpur	Behali
6.	Debashis Bhattacharjee	Shillong	Moreh
7.	Rathindra Bhattacharjee	Shillong	Tinsukia
8.	Priyoda Ranjan Mallick	Dibrugarh	Patharkandi

Handwritten notes:
 1. Jibanlal Bhowmick
 2. Sukhesh Ranjan Dhar
 3. Srijan Ganguly
 4. Biswajit Bhattacharjee
 5. Priya Ram Baruah
 6. Debashis Bhattacharjee
 7. Rathindra Bhattacharjee
 8. Priyoda Ranjan Mallick

These postings are purely temporary and until further orders. These will not confer any right to be retained at the place of postings indicated.

Sd/- P.S. GUPTA
Assistant Collector (Hqrs.)
Customs and Central Excise
Shillong

C. No. II/3/40/ET.III/76
Copy forwarded to

Dated :-

1. The Additional Collector, Customs and Central Excise, Shillong.
2. The Assistant Collector, Customs and Central Excise, Agartala/Silchar/Tezpur/Dibrugarh, Copy meant for the concerned officers are enclosed herewith for onward transmission to them.
3. The C.A.O/P.A.O. Customs and Central Excise, Shillong. Copy meant for the officer concerned is enclosed for onward transmission to him.
4. The Asstt. Collector, Customs and Central Excise, Karimganj, Tinsukia/Superintendent, Moreh, They are requested to forward the joining report of the new promotee to this office.
5. E.T.I/II/IV/V/Accts. I/II/Confl. Branch of Hqrs. office, Shillong.
6. Shri J L Bhowmick, Inspector,
7. Guard file

Sd/- P S Gupta
Assistant Collector (Hqrs.)
Customs and Central Excise
Shillong

*Attested
Chhale
Kishu*

ANNEXURE-2

CUSTOMS AND CENTRAL EXCISE
SHILLONG

ESTABLISHMENT ORDER NO. 330/82

Dated Shillong the 16th November, 1982

Sub : Estt. - Promotion of UDCs/Steno of Customs and Central Excise to the grade of Inspector - regularisation of.

The following UDCs/Steno of Customs and Central Excise, who were earlier promoted as Inspector (OG) on ad hoc basis in the scale of pay Rs. 425-15-500-BB-15-560-20-700-25-800/- vide this office Estt. order nos. 105/81 dated 2.4.81, 254/81 dated 9.9.81, 285/81 dated 16.10.81 and 84/82 dated 6.2.82 are hereby appointed on regular basis to officiate in the grade of Inspector with effect from the date of this order and until further orders and their seniority in the grade of Inspector (OG) will be in the order as indicated below :

Sl. No.	Name
1.	Shri Debashis Bhattacharjee
2.	Shri Jibanlal Bhowmick
3.	Shri Sukesh Ranjan Dhar
4.	Shri Srijan Ganguli
5.	Shri Abhijit Ghosh
6.	Shri Biswajit Bhattacharjee
7.	Shri Priya Ram Baruah
8.	Smt. Purabi Deb Gupta
9.	Shri Rathindra Bhattacharjee
10.	Smt. Rose Mary Shabong
11.	Shri Tapan Kar
12.	Shri Priyada Ranjan Mallick
13.	Smt. Sayada Jasmin Begam
14.	Smt. Urmila Dhar
15.	Shri Debajyoti Mishra
16.	Shri Haripada Debnath
17.	Shri Gopal Chandra Das
18.	Shri L Haufaihreim
19.	Shri Sachindra Nath Das
20.	Shri Sudip Kr. Nandi
21.	Shri Sital Ch. Das
22.	Shri Biman Chl Das

Contd....P/2

A. A. S. S. S. S.
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Sl. No.	Name
23.	Shri Jyotish Chandra Das
24.	Shri Amit Kr. Deb
25.	Shri Kharendra Ch. Rabha
26.	Smt. Lilyda Shampliang.

Sd/- PREM SHANKAR
Assistant Collector (HQrs.)
Customs & Central Excise
Shillong

C. No. II/3/40/Et.III/78/1865-85C Dated 20.11.82
Copy forwarded for information & necessary action to

1. The Collector, Customs & Central Excise, Shillong
2. The Additional Collector, Customs & Central Excise, Shillong.
3. The Assistant Collector, Customs & Central Excise (All).
Copies meant for the officer(s) concerned is/are enclosed herewith for onwards transmission to him/them. Joining report of the officer(s) concerned may please be forwarded for record.
4. Shri Jibanlal Bhowmick, Inspector.
5. The CAO/PAO of Collectorate Hqrs. Office, Shillong.
6. The ET.I/Acctts. I/II/Confl. Branch of Hqrs.Office, Shillong.
7. Guard File.

Sd/- Illegible
Admn. Officer (HQrs.)
Customs & Central Excise, Shillong

Attested
Chakraborty
Sd/-

ANNEXURE -3

Draft Seniority list
dated 24.10.94

MOST IMMEDIATE/DO NOT DELAY.

CUSTOMS AND CENTRAL EXCISE : SHILLONG.

C. No. II(34)1/ET-I/91/PT-I/

Dated :- 24.10.94

To

The Assistant Collector of Central Exercise,

_____ Central Excise Division (All).

The Assistant Collector of Customs (Preventive),

_____ Customs (Preventive) Division (All.)

The Branch-in-Charge of Hqrs. Office,

_____ Shillong(All).

Subject : Refixation of Seniority of Inspectors
appointed before 01.03.86 - reg.

Prior to the issuance of Ministry of Personnel,
Public Grievance and Pension's Office Memorandum No.
35014/2/80-Estt(D) dated 07.02.86 which came into
force w.e.f. 01.03.86, the relative seniority of
Direct Recruits and Promotees in Central Services were
determined as per Ministry of Home Affairs O.M. No.
9/11/55-RPS dated 22.12.59 i.e. according to retention
of vacancies reserved for Direct Recruits and Promotees
respectively as per Recruitment Rules.

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While the above mentioned principle was working satisfactorily in cases where direct recruitment and promotion kept pace with each other and recruitment could also be made to the full extent of the quotas prescribed, there was difficulty in determining seniority in cases where there was delay in direct recruitment or promotion or where enough number of direct recruits or promotees was not available. In such situations, the practice followed was to keep the slots meant for direct recruits or promotees, which could not be filled up, vacant and, when direct recruits or promotees were available through later examinations or selections, such persons occupied these vacant slots thereby becoming senior to some of the officers already in position.

This matter had also come up for consideration in various Court Cases both before the Hon'ble C.A.T. and the Supreme Court and in several cases the Courts on the ground of inappropriateness, directed the Govt. to re-cast the seniority already fixed on the basis of O.M. dated 22.12.59 in the lights of the principles given in para 3 of O.M. dated 7.2.86. Copy of para 3 and the illustration of O.M. dated 7.2.86 are enclosed herewith.

Now referring to decisions in two such cases viz. Monotosh Goswami & Ors. Vs. U.O.I. & Ors. in Hon'ble C.A.T., Calcutta and O.A. Nos. 62, 63 and 71 of 1987 in Hon'ble C.A.T., Cuttack, Shri N.C. Patra, a direct recruit Inspector of 1981 batch of this Collectorate represented

Attested
@
Adv.

seeking relief in the light of above mentioned judgements. Accordingly, the Board vide their Telex F. No. A-23024/5/92-AD-III.A dated 04.10.94 have decided to extend the relief as requested by Shri Patra, Inspector.

Consequently, the relative seniority between direct recruit and promotee Inspectors appointed before 1.3.86 have been re-fixed, a draft copy of which is enclosed herewith which may be circulated to all concerned Inspectors working under your charge immediately on receipt of this letter. These may also be informed that they may make their representations, if any, such revision by 20.11.94, any representation received after this date will not be entertained.

Enclo : As above

Sd/- Illigible

Deputy Collector (P & V).
Customs and Central Excise, Shillong

Attested
@hmk
bckr

DRIFT SENIORITY LIST OF INSPECTORS (APPOINTED BEFORE 01.03.86)
AS ON 21-10-94. (REVISED AS PER BOARD'S TELEX F.NO. A-23024/5/92-D.III A
DATED 04-10-94)

Sl. No.	Name and Qualification	Date of Birth.	Date of apptt. in the Govt. Service.	Date of confir- mation.	Date of apptt. as Inspector.	Wt. H. I. DR/PR	REMARKS.
1.	2.	3.	4.	5.	6.	7.	8.
	<u>S/SHRI</u>						
1.	Nibash Kanti Barman, B.A.	08-02-51	28-01-77	01-08-79	26-01-77	DR	
2.	Suchakar Sharma, M.Sc.	31-03-52	25-11-78	13-12-80	25-11-78	DR	
3.	Chandler Shullai (ST), B.A.	19-12-49	13-11-78	01-04-81	13-11-78	DR	
4.	Samir Chakravorty, Matric	12-02-48	04-04-46	19-09-81	10-09-79	PR	
5.	Siba Prasad Neog, B.A.	29-08-52	22-07-76	10-10-81	22-07-76	DR	
6.	Herendra Ch. Dhar, Matric	01-03-44	22-01-65	01-10-81	06-09-79	PR	
7.	Sudip Deb, B.Sc.	15-05-54	07-03-80	01-10-81	07-03-80	DR	
8.	Nani Gopal Sen (SC), B.A.	28-08-48	28-10-70	01-10-81	26-10-80	PR	
9.	Madhu Suchan Tyagi, B.Sc.	20-07-57	13-04-81	01-12-82	13-04-81	DR	
10.	Jagajyoti Acharjee, B.Sc.	01-01-55	30-03-81	01-12-82	30-03-81	DR	
11.	Arun Kumar Chaturvedi, M.A.	25-12-54	08-04-81	01-12-82	08-04-81	DR	On deputation to DGRI, new Delhi.
12.	S.K. Vidyanta, M.Sc.	13-02-56	27-03-81	01-12-82	27-03-81	DR	
13.	Dilip Kr. Verma, B.Sc.	16-06-55	10-06-81	01-12-82	10-06-81	DR	On deputation to DGAE, Patna.
14.	Susmal Das, B.Sc.	02-01-56	23-05-81	01-12-82	23-05-81	DR	On deputation to NCB, New Delhi.
15.	Khanindra Neog, B.Com.	11-06-55	30-03-81	01-12-82	30-03-81	DR	
16.	Jambu Lama (ST), B.A.	12-04-55	09-06-81	05-03-86	09-06-81	DR	

Attended
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1.	2.	3.	4.	5.	6.	7.	8.
<u>S/SHRI</u>							
17.	Nimai Chandra Patra (SC), B.Sc.	01-01-54	16-03-79	13-03-86	30-06-81	DR	On deputation to N.C.B. Calcutta.
18.	Nritya Gopal Barma (ST), B.Sc.	27-12-54	30-03-81	13-03-86	30-03-81	DR	
19.	Alagri Swami (SC), B.A.	31-08-47	30-03-81	13-03-86	30-03-81	DR	
20.	Bapukan Patir (ST), B.A.	30-04-50	27-03-81	13-03-86	27-03-81	DR	
21.	Rajur Sonowal (ST), B.A.	01-04-56	30-03-81	19-03-86	30-03-81	DR	
22.	Gobinda Thabab (ST), B.A.	20-11-54	27-03-81	19-03-86	27-03-81	DR	
23.	T. Tuankhanthang (ST), B.Sc.	01-03-55	13-04-81	07-06-86	13-04-81	DR	
24.	Prabitra Kumar Reang (ST), B.A.	05-09-51	30-03-81	07-06-86	30-03-81	DR	
25.	Paresh Debnath, B.Sc.	02-02-56	01-04-82	07-06-86	01-04-82	DR	
26.	Bijoy Krishna Deb, B.Com.	05-06-56	19-01-82	29-11-86	19-01-82	DR	
27.	Jahar Dey, B.A. (H)	01-09-57	02-09-82	29-11-86	02-09-82	DR	
28.	Debasish Bhattacharjee, B.A.	25-03-54	07-11-75	01-12-82	06-11-82	PR	
29.	Naba Chanure Singh Singjam(SC)B.Sc.	01-09-51	07-04-82	29-11-86	07-04-82	DR	
30.	Ansuman Chakraborty, B.Sc.	06-01-56	06-08-82	29-11-86	06-08-82	DR	
31.	Tapan Kumar Sarkar (SC), B.Sc.	19-04-56	02-08-82	27-04-87	02-08-82	DR	
32.	Jibanlal Bhowmic, P.U.	26-12-53	18-02-76	01-12-82	16-11-82	PR	
33.	Partha Sarathi Das (SC), B.Com.	24-02-57	06-02-82	27-04-87	16-09-83	DR	
34.	Arabinda Dutta, B.Sc (H)	30-04-53	16-03-82	27-04-87	16-03-82	DR	On deputation to D.R.I. Calcutta.
35.	Koj Tat (ST), B.A.	22-11-55	19-01-82	27-04-87	19-01-82	DR	
36.	Sukesh Rn. Dhar, B.A.	08-05-53	09-02-76	01-12-82	16-11-82	PR	
37.	Dipak Ranjan Saha, B.Sc.	02-01-57	18-03-82	27-04-87	18-03-82	DR	
38.	Rathindra Kumar Sarkar, M.Sc.	30-11-58	06-07-82	27-04-87	06-07-82	DR	

Contd....P/3....

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(6/8/82)
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1.-----2.-----3.-----4.-----5.-----6.-----7.-----8.-----

S/SHRI

39.	Sukanta Das, B.Sc.	13-10-59	26-03-82	27-04-87	26-03-82	DR	
40.	Srijan Ganguli, B.Sc.	01-08-55	13-02-76	01-12-82	16-11-82	PR	
41.	Biren Saikia (ST), B.Sc.	01-12-53	19-01-82	27-04-87	19-01-82	DR	
42.	Subrangshu Deb, M.Sc.	01-03-57	01-04-82	27-04-87	01-04-82	DR	
43.	Smti. Ninamani Phukan, M.Sc.	01-03-56	26-02-82	27-04-87	26-02-82	DR	
44.	Abhijit Ghosh, B.Sc.	03-11-52	21-02-76	01-12-82	16-11-82	PR	
45.	Alock Chakraborty, B.Sc.	10-07-58	28-01-82	27-04-87	28-01-82	DR	
46.	Nalini Mohan Baishya, B.A.	20-12-57	01-04-82	27-04-87	01-04-82	DR	
47.	Ranjit Kr. Sharma, B.A.	01-03-60	26-02-82	29-04-87	26-02-82	DR	
48.	Biswajit Bhattacharjee, B.A.	30-06-56	20-02-76	01-12-82	16-11-82	PR	
49.	Amrit Kr. Saikia, M.Sc.	01-01-59	22-01-82	29-04-87	22-01-82	DR	
50.	Dipak Bhattacharjee, B.Sc.	18-05-57	22-01-82	29-04-87	22-01-82	DR	
51.	Amar Kr. Singha, B.A.	04-11-57	20-01-82	13-05-87	20-01-82	DR	On deputation to D.R.I. New Delhi.
52.	Priya Ram Baruah, P.U.	01-02-51	02-11-70	01-12-82	16-11-82	PR	
53.	Pinaki Sankar Roy, B.Sc.	15-01-57	09-03-82	13-05-87	09-03-82	DR	On deputation to IGIE, Calcutta.
54.	Dinesh Mahanta, B.Sc. (H)	01-01-56	12-09-83	13-05-87	12-09-83	DR	
55.	Partha Sarathi Purkayastha (2), B.Sc.	01-12-56	24-03-83	13-05-87	24-03-82	DR	
56.	Smti. Purabi Debgupta, B.A.	01-12-54	06-11-75	01-12-82	16-11-82	PR	
57.	Pranab Kr. Sharma, B.Sc.	01-03-58	14-04-82	13-05-87	14-04-82	DR	
58.	Aswini Kr. Das, (SC), B.Com.	01-03-59	05-07-82	13-05-87	05-07-82	DR	
59.	Jagadish Ch. Das (No.2) (SC), B.Com.	01-09-54	19-01-82	13-05-87	19-01-82	DR	
60.	Rathindra Bhattacharjee, B.Sc.	06-11-54	06-03-74	01-12-82	16-11-82	PR	

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18/11/82

1. 2. 3. 4. 5. 6. 7. 8.

S/SHRI

61.	Monoj Kr. Brahma (ST), M.Sc.	09-02-55	12-07-82	13-05-87	12-07-82	DR
62.	Binoy Kr. Baishing (ST), B.Sc.	08-11-56	17-03-82	13-05-87	17-03-82	DR
63.	Padmeswar Pegu (ST), B.Sc.	31-01-56	08-04-82	13-05-87	08-04-82	DR
64.	Smti. Rosemary Shabong (ST), Matric	01-09-44	05-08-71	01-12-82	16-11-82	PR
65.	Naba Kr. Baruah (ST), B.Sc.	01-01-55	29-01-82	13-05-87	29-01-82	DR
66.	Subodh Ch. Basumatari (ST), B.A.	29-01-58	06-08-82	13-05-87	06-08-82	DR
67.	Achinta Sonowal (ST), B.A.	01-11-54	05-02-82	13-05-87	05-02-82	DR
68.	Tapan Kr. Kar, B.A.	01-11-49	05-06-74	01-12-82	16-11-82	PR
69.	Bidya Bhusan Saikia (ST), B.Sc.	12-09-52	31-08-82	13-05-87	31-08-82	DR
70.	Kum. Melicia Synniah (ST), M.A.	30-03-58	04-01-82	13-05-87	04-01-82	DR
71.	Madhurya Mohon Neog (ST), B.Com.	01-01-56	02-04-82	13-05-87	02-04-82	DR
72.	Priyoda Rn. Mallic (ST), P.U.	01-02-47	01-04-72	01-12-82	16-11-82	PR
73.	Debendra Nath Doley (SC), B.Com.	30-07-53	20-02-82	13-05-87	20-02-82	DR
74.	Gangadhar Das (ST), B.A.	01-08-56	12-07-82	13-05-87	12-07-82	DR
75.	Smti. Sayada Jasmine Bagum, B.A.	01-12-52	15-04-74	01-12-82	16-11-82	PR
76.	Debendra Moshahary (ST), M.A.	20-09-58	05-03-82	13-05-87	05-03-82	DR
77.	James Dohling (ST), B.A.	18-03-56	02-03-82	13-05-87	02-03-82	DR
78.	Karendra Nath Daimary (ST) B.SC.	01-01-58	12-07-82	13-05-87	12-07-82	DR
79.	Debajyoti Mishra, B.Com.	01-09-54	01-06-74	01-12-82	16-11-82	PR
80.	Dipak Roy Choudhury, B.Sc.	21-07-57	01-07-82	13-05-87	01-07-82	DR
81.	Santanu Kr. Chalia, B.Sc. (H)	01-03-57	29-07-82	13-05-87	19-07-82	DR
82.	Fizuddin Fakir, B.Sc.	01-03-58	10-09-82	13-05-87	10-09-82	DR
***74.A.	Bikash Kr. Saikia (ST) B.Com.	01-01-57	08-03-82	13-05-37	08-03-82	DR

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1.	2.	3.	4.	5.	6.	7.	8.
<u>S/SHRI</u>							
83.	Haripada Debnath, B.Sc.	01-02-45	20-03-74	01-12-82	16-11-82	PR	
84.	Kumud Ch. Deka, B.Sc.	18-01-58	05-07-82	13-05-87	05-07-82	DR	
85.	Benu Prasad Joshi, B.A.	22-03-56	03-04-82	13-05-87	03-04-82	DR	
86.	Mukul Baruah, B.Sc.	01-02-58	11-08-82	13-05-87	11-08-82	DR	
87.	Gopal Ch. Das (SC), B.A. (H), L.L.B.	01-01-56	25-01-77	01-12-82	16-11-82	PR	
88.	Chandan Kr. Chanda, B.A.	10-12-55	25-01-77	13-05-87	18-01-82	DR	
89.	Chandan Biswas, B.Sc.	24-07-57	01-04-82	13-05-87	01-04-82	DR	
90.	Dipankar Choudhury, B.Sc.	07-10-57	09-07-82	13-05-87	09-07-82	DR	
91.	L. Hauferram (ST), P.U.	24-12-46	01-03-74	01-12-82	16-11-82	PR	
92.	Sudip Kr. Nandi, B.Sc.	01-02-51	07-09-77	01-12-82	16-11-82	PR	
93.	Satish Ch. Das (SC), H.S.L.C.	02-09-51	12-03-74	01-12-82	16-11-82	PR	
94.	Biman Ch. Das (SC), H.S.L.C.	21-08-47	15-03-74	01-12-82	16-11-82	PR	
95.	Jyotish Ch. Das (SC), B.A.	01-12-52	14-11-77	01-12-82	16-11-82	PR	
96.	Amit Kumar Deb, Matric	01-10-43	06-04-74	01-12-82	16-11-82	PR	
97.	Karendra Ch. Rabha (ST), B.A.	01-11-49	22-01-77	01-12-82	26-11-82	PR	
98.	Smti. Lilyda Shangpliang (ST), B.A.	27-01-52	03-02-74	01-12-82	16-11-82	PR	
99.	Pankajlal Singha, B.A.	28-01-60	20-06-83	13-05-87	20-06-83	DR	
100.	Tarun Kr. Singha, B.Sc.	01-02-57	22-10-83	13-05-87	22-10-83	DR	
101.	Pannalal Singha, B.Com.	30-01-58	20-06-83	13-05-87	20-06-83	DR	
102.	Ashok Kr. Dey, B.A.	10-06-53	10-04-78	01-08-83	15-07-83	PR	
103.	Smti. M. Memcha Devi, B.Sc.	01-12-57	05-05-83	13-05-87	05-05-83	DR	
104.	Waikhom Shyam Kishore Singh (ST) B.A.	01-03-57	07-09-83	13-05-87	07-09-83	DR	
*** 91.A.	Sachindra Nath Das (SC), B.A.	01-12-55	06-05-77	01-12-82	23-09-81	PR	Contd....P/6.

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A.W.

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1. 2. 3. 4. 5. 6. 7. 8.

S/SHRI

105.	Swapah Dutta, B.Sc.	18-12-56	09-03-83	13-05-87	09-03-83	DR
106.	Balaram Das, P.U. Sc.	12-02-53	23-06-77	01-08-83	18-07-83	PR
107.	Debashish Mazumder, B.Com.	22-01-57	02-05-83	13-05-87	02-05-83	DR
108.	Jamkhogin Haokip (ST), B.A.	01-03-60	30-05-83	13-05-87	30-05-83	DR
109.	Nirmal Medhi, B.Sc. (H)	01-10-57	07-09-83	13-05-87	07-09-83	DR
110.	Hmti. Halda Mary Synrem (ST), P.U.	07-12-50	14-02-78	01-08-83	05-07-83	PR
111.	Abdul Mutalib, B.Sc.	01-01-57	31-12-80	13-05-87	07-07-83	DR
112.	Sujit Misra B.Sc.	17-01-59	08-09-83	13-05-87	08-09-83	DR
113.	Syed Tafiue Hussain, B.Sc.	29-09-58	06-10-83	13-05-87	06-10-83	DR
114.	Dhaniram Das, P.U.	07-02-50	26-02-78	01-08-83	22-07-83	PR
115.	Pabitra Kataki, B.Sc.	25-12-57	02-05-83	13-05-87	02-05-83	DR
116.	Jasabanta Mazumder, B.Sc.	03-01-61	18-05-83	13-05-87	18-05-83	DR
117.	Raj Kumar Kalita, B.Sc.	15-10-56	05-05-83	13-05-87	05-05-83	DR
118.	Md. Ali Mazarbhuyan, B.A.	11-02-52	13-03-74	07-06-86	14-10-83	PR
119.	Jatin Chandra Das (SC), B.SC.	15-09-51	08-07-83	13-05-87	08-07-83	DR
120.	Dils. Debajyoti Sinha, M.A.	18-01-58	15-06-83	13-05-87	15-06-83	DR
121.	Ganesh Chandra Sharma, B.Sc.	01-03-59	04-08-83	13-05-87	04-08-83	DR
122.	Joydeep Dutta, B.Com.	01-09-56	01-09-83	13-05-87	01-09-83	DR
123.	Hom Prasad Sharma, B.A.	20-01-57	22-10-83	13-05-87	22-10-83	DR
124.	Swapan Kumar Nath, B.Sc.	01-01-58	07-09-83	13-05-87	07-09-83	DR
125.	Tridip Chandra Roy, B.Sc.	18-01-57	30-08-83	13-05-87	30-08-83	DR
126.	Rahul Sinha, B.Sc.	29-11-58	13-05-83	13-05-87	13-05-83	DR

Cn deputation
To D.R.I. Calcutta.

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S/SHRI

127. Imdadur Rahaman, M.Sc.	03-01-58	07-09-83	13-05-87	07-09-83	DR
128. Sagar Kumar Dutta, B.Sc.	31-08-57	11-07-83	13-05-87	11-07-83	DR
129. Dwigendra Mohan Das, B.A.	01-09-57	19-09-83	13-05-87	19-09-83	DR
130. Nikendra Singha, M.A.	02-09-58	02-05-83	13-05-87	02-05-83	DR
131. Naziruddin, B.Sc.	04-10-56	20-06-83	13-05-87	20-06-83	DR
132. Sudip Kr. Dutta, B.A.	31-12-58	10-05-83	13-05-87	10-05-83	DR
133. Hem Chandra Kalita, B.Sc. (H)	01-01-57	07-09-83	13-05-87	07-09-83	DR
134. Dambaru Borah (ST),	01-07-55	08-06-83	13-05-87	08-06-83	DR
135. Debeshwar Chandi (ST), B.A.	01-03-58	17-09-83	13-05-87	17-09-83	DR
136. Prafulla Kumar Taya (ST), B.A.	01-10-58	06-10-83	13-05-87	06-10-83	DR
137. Thang Chuoiilo, B.A.	01-03-52	16-05-83	13-05-87	16-05-83	DR
138. Tushar Kanti Sen, B.Com. (H)	15-01-57	16-09-83	13-05-87	16-09-83	DR
139. Nihareesh Nandi (SC), B.A.	01-11-56	10-11-83	13-05-87	10-11-83	DR
140. Larho Krelo (ST), B.A.	01-03-60	12-10-83	13-05-87	12-10-83	DR
141. Sakkam Kilong (ST), B.A.	04-08-59	01-10-83	13-05-87	01-10-83	DR
142. Dilip Kr. Gogoi, B.Sc.	01-09-56	11-11-83	13-05-87	11-11-83	DR
143. Bibhuti Bhusan Borah, B.Sc.	01-03-57	06-10-83	13-05-87	06-10-83	DR
144. Shyamal Kumar Dutta, B.Sc.	25-01-57	01-11-83	13-05-87	01-11-83	DR
145. Ashok Kr. Chakraborty, B.Sc. (II)	01-11-58	01-02-84	13-05-87	01-02-84	DR
146. Khagen Borah, B.Sc.	01-01-59	01-11-83	13-05-87	01-11-83	DR
147. Bijoy Bhusan Baruah	01-09-59	07-09-83	13-05-87	07-09-83	DR
148. Phani Bhusan Roy, B.Sc.	01-09-56	05-09-83	13-05-87	05-09-83	DR

On deputation to
D.R.I. Silchar.

Attest
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1.	2.	3.	4.	5.	6.	7.	8.
	S/SHRI						
149.	Dipak Kumar Deb, B.Sc.	16-01-58	06-09-83	13-05-87	06-09-83	DR	
150.	Basudeb Bhattacharjee, M.A.	23-02-58	26-09-83	13-05-87	26-09-83	DR	
151.	Imranul Goni	11-10-56	24-10-83	13-05-87	24-10-83	DR	
152.	Subashish Guha, B.Com.	03-03-60	06-10-83	13-05-87	06-10-83	DR	On deputation to N.C.B. Calcutta.
153.	Dilip Kumar Chettry, B.Sc.	01-03-57	19-02-83	13-05-87	25-05-83	DR	
154.	Parag Kumar Baruah, B.A.	12-10-58	10-11-83	13-05-87	10-11-83	DR	
155.	Ashit Chakravorty, B.Sc.	02-01-57	28-09-83	13-05-87	28-09-83	DR	
156.	Binayak Bhattacharjee, B.Sc.	18-06-58	03-09-83	13-05-87	03-09-83	DR	
157.	Asish Adhikary, B.Sc.	28-02-58	09-11-83	13-05-87	09-11-83	DR	
158.	Biswendu Dey, M.Sc.	26-09-56	03-10-83	13-05-87	03-10-83	DR	
159.	Tarun Chandra Mahanta	01-09-58	07-10-83	13-05-87	07-10-83	DR	
160.	Subir Das, B.Sc.(H)	01-01-60	20-10-83	13-05-87	20-10-83	DR	
161.	Bikash Ch. Nath, B.Sc.	01-12-58	19-03-84	13-05-87	19-03-84	DR	
162.	Nihar Rn. Debray, B.A.	17-08-58	21-03-84	13-05-87	21-03-84	DR	
163.	Guru Prasad Das, B.Sc.	15-06-58	14-11-83	13-05-87	14-11-83	DR	
164.	Bhaskar Kanti Bhattejee, B.A.	01-04-57	13-10-83	13-05-87	13-10-83	DR	
165.	Pannalal Dutta, B.Sc.	01-12-59	03-10-83	13-05-87	03-10-83	DR	
166.	Gopeswar Ch. Paul, B.A.	12-09-59	20-07-84	13-05-87	20-07-84	DR	
167.	Ajit Mohan Paul, B.Sc.	08-09-59	21-10-83	13-05-87	21-10-83	DR	
168.	Mohit Kanti Dey, B.Com.	11-01-58	09-09-83	13-05-87	09-09-83	DR	
169.	Mahendra Dutta, B.Sc.	01-02-57	07-09-83	13-05-87	07-09-83	DR	
170.	Mrinal Kanti Goswami, B.A.	02-01-57	23-12-83	13-05-87	23-12-83	DR	

172.	Sasanka Debbarh Das (SC), B.Com.	21.02.53	24.03.33	13.05.87	24.08.83	DR
173.	Ed. Kulibur Debbarh, B.Sc.	01.12.57	21.01.81	13.05.87	16.09.83	DR
174.	Jagadindu Das, B.Com.	30.12.57	09.09.83	13.05.87	09.09.83	DR
175.	Ganes Ch. Deka, B.Sc.	01.01.58	23.03.84	13.05.87	26.03.84	DR
176.	Pijush Banerjee, B.Com.	01.01.58	13.01.84	13.05.87	13.01.84	DR
177.	Kensilal Sahu, B.Sc.	25.01.57	07.10.83	13.05.87	07.10.83	DR
178.	Swapnatar Majanta, B.Sc.	01.10.80	29.07.85	13.05.87	29.07.85	DR
179.	Harapada Roy, B.Sc.	06.10.56	29.03.84	13.05.87	29.03.84	DR
180.	Rabindra Kr. Borah	01.01.57	09.12.83	13.05.87	09.12.83	DR
181.	Rijit Kr. Mandal, B.Sc.	01.01.59	09.12.83	13.05.87	09.12.83	DR
182.	Dheerani Borah, B.A.	01.01.57	19.12.83	13.05.87	19.12.83	DR
183.	Ed. Abdul Muneeb, B.Sc.	01.03.58	10.10.83	13.05.87	13.12.83	DR
184.	Prahlad Borburah, B.Sc.	04.09.60	14.11.83	13.05.87	10.10.83	DR
185.	Rabindra Pathak (SC), B.A.	02.07.51	06.01.84	13.05.87	14.11.83	DR
186.	Harandra Ch. Talukdar (ST), B.A.	30.10.58	01.10.83	13.05.87	06.01.84	DR
187.	Lokhondra Nath Sonowal (SC), B.Sc.	01.12.54	22.12.83	13.05.87	01.10.83	DR
188.	Jitindra Kr. Saikia, (ST), B.A.	01.07.59	18.11.83	13.05.87	22.12.83	DR
189.	Boloram Pegu (ST) B.Sc.	01.02.56	29.11.83	13.05.87	18.11.83	DR
190.	Ratneswar Doley, (ST), B.A.	01.03.56	07.09.83	13.05.87	29.11.83	DR
191.	Jojesh Sonowal (ST), B.A.	01.02.56	31.10.83	13.05.87	27.09.83	DR
192.	Jone Oscar Narak (ST), B.A.	01.01.57	07.12.83	13.05.87	31.10.83	DR
193.	Priyoram Deley (ST)			13.05.87	07.12.83	DR

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S/SHRI

194.	Bishnuram Bora (ST), B.A.	23-03-57	13-11-83	29-07-87	13-11-83	DR	
195.	Smti. Lalchangliani Sailo (ST)	01-01-55	28-05-76	29-07-87	20-05-83	DR	
196.	Dambaro Bhoktiari (ST), B.A.	01-09-59	07-10-83	29-07-87	07-10-83	DR	
197.	Paul Peter Kujur (ST)	05-06-58	08-09-83	29-07-87	08-09-83	DR	
198.	Ajit Debnath	31-01-58	07-09-84	29-07-87	07-09-84	DR	
199.	Rex Hongjo (ST)	01-06-51	11-06-84	29-07-87	11-06-84	DR	
200.	R.K. Dorendrajit Singh, B.A.	01-01-59	22-03-84	29-07-87	22-03-84	DR	On deputation with N.C.B. Imphal.
201.	Ranabir Chakravorty, B.Sc.	24-02-53	08-01-79	05-03-86	05-03-84	PR	
202.	Haritosh Kr. Das, B.A.	16-05-60	27-10-84	29-07-87	27-10-84	DR	
203.	Hareswar Goswami, B.Sc. L.L.B.	01-09-58	28-09-84	29-07-87	28-09-84	DR	
204.	Sanjoy Kr. Mazumder	31-12-58	04-05-85	29-07-87	04-05-85	DR	
205.	Smti. Sibani Bhattacharjee, P.U.	01-09-55	28-07-76	13-03-86	14-03-84	PR	
206.	Buddha Pratim Dutta, B.Sc.	29-03-58	04-07-84	29-07-87	04-07-84	DR	
207.	Rajkumar Debendra Singh, B.Sc.	01-02-60	20-03-84	29-07-87	20-03-84	DR	On deputation with N.C.B. Imphal.
208.	Subir Dutta Choudhury, B.Sc.	02-12-59	17-05-84	29-07-87	17-05-84	DR	
209.	Smti. Rita Rani Bhowmik, B.A.	01-07-57	31-07-76	13-03-86	12-02-84	PR	
210.	Rajkumar Surchandra Singh, B.Sc.	01-02-60	14-03-84	29-07-87	14-03-84	DR	
211.	N.G. Rustom Mon (ST), M.A.	01-03-57	09-08-84	29-07-87	09-04-84	DR	
212.	Vubgzakhup Hangzo (ST), B.A.	01-03-57	24-04-84	29-07-87	24-04-84	DR	
213.	Smti. Champa Shome, B.A.	03-09-51	26-07-76	19-03-86	19-03-84	PR	
214.	Sivaji Chanda, B.Sc.	23-06-60	27-04-84	29-07-87	27-04-84	DR	
215.	Abhijit Dey, B.Sc. (H)	01-02-61	12-06-84	29-07-87	12-06-84	DR	

216.	Ratnangshu Chakravorty, B.Sc.L.L.B.	24.12.61	10.04.34	29.07.37	10.04.84	DR
217.	Smti E. Patricia Laloe, (ST) P.U.	09.07.56	22.07.76	19.03.36	07.03.84	PR
218.	Phanidhar Kakoti,	01.12.53	26.04.34	29.07.37	26.04.84	DR
219.	Govinda Nath Kalita, B.Sc (Ex.s)	01.12.50	24.09.84	29.07.37	24.09.84	DR
220.	Jatindra Mohan Dora, B.Sc	01.03.60	01.05.84	29.07.37	01.05.84	DR
221.	Chakrendu Baruah, B.Sc.	01.02.53	03.08.79	07.03.36	09.06.84	PR
222.	Ashim Roy	21.07.60	23.05.84	29.07.87	23.05.84	DR
223.	Pallav Lochan Sainia, B.Sc.	03.01.60	23.11.84	29.07.37	23.11.84	DR
224.	Nirmal Kr. Das, (SC) B.Com.	01.05.57	11.06.84	29.07.37	23.05.84	DR
225.	Ashish Roy, B.Sc.	01.06.65	04.05.79	29.11.30	29.11.84	PR
226.	Pranab Kr. Phukan, B.Com (H)	01.02.59	30.04.35	29.07.37	30.04.85	DR
227.	Pankaj Kr. Bhattacharjee, B.Com (H)	01.12.59	26.03.81	29.07.87	25.01.84	DR
228.	Sanjib Kr. Chakraborty, B.A.	15.03.60	17.04.84	29.07.87	17.04.84	DR
229.	Kamal Narayan Choudhury, B.Sc.	01.12.52	15.07.79	29.11.36	29.11.84	PR
230.	Bhagirath Baruah, M.Sc.	01.01.59	01.10.84	29.07.87	01.10.84	DR
231.	Bikash Chakraborty, B.A.	30.12.57	04.07.84	29.07.84	04.07.84	DR
232.	Nobendu Narayan Roy, B.A.	06.01.58	09.06.84	29.07.87	09.06.84	DR
233.	Bhogo Ch. Baruah, P.U.	07.10.52	11.03.74	29.11.86	12.06.84	PR
234.	Sarat Kr. Saha, M.Com.	30.06.59	07.06.84	29.07.87	07.06.84	DR
235.	Lobendu Sekhar Das (SC) M.A.	01.02.61	07.06.84	29.07.87	07.06.84	DR
236.	Kishore Kr. Prasad, B.A. (H)	06.02.58	06.06.84	29.07.87	06.06.84	DR
237.	Pankaj Kr. Chakraborty, B.Com.	28.02.53	12.12.79	27.04.85	23.11.84	PR

Attached
 M. L. S.
 Adv.

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238.	Kailash Barman, B.Sc.	01-01-60	12-07-84	29-07-87	12-07-84	DR	On deputation with C.B.I., Guwahati.
239.	Tafiruddin Ahmed, B.A.	01-11-57	13-03-84	29-07-87	13-03-84	DR	
240.	Binoy Kishore Sharma, B.Sc.	30-03-59	23-06-84	29-07-87	23-06-84	DR	
241.	Ranjit Kumar Dutta (II), B.A.	01-09-54	29-09-80	27-04-87	10-12-84	PR	
242.	Jayanta Bhattacharjee	24-02-59	31-01-83	29-07-87	31-01-83	DR	
243.	Prasanta Sharma, B.A. (H)	01-01-60	26-04-84	29-07-87	26-04-84	DR	
244.	Dwipen Ch. Bania (SC), B.A. (H)	03-04-55	24-04-84	29-07-87	25-04-84	DR	
245.	Sailendra Nath Sharma, B.A.	13-09-49	07-06-74	27-04-87	10-12-84	PR	
246.	Tabul Mazumder, B.Com.	10-01-58	14-06-84	29-07-87	14-06-84	DR	
247.	Kshitenau Kr. Malakar (SC), B.A.	03-03-57	07-05-84	29-07-87	07-05-84	DR	
248.	Samiran Das, B.A.	01-02-58	08-03-84	29-07-87	08-03-84	DR	
249.	Dipankar Dey, B.Com.	27-01-53	26-05-71	02-02-81	05-03-84	PR	
250.	L.L. Mate Gante (ST), B.A. (H)	01-03-57	31-03-83	01-04-88	31-03-83	DR	
251.	Janas Gyite (ST), B.A.	07-11-59	06-02-82	01-04-88	06-02-82	DR	
252.	Dipak Mahanta, B.Sc.	01-05-58	01-08-84	01-04-88	01-08-84	DR	
253.	Liliawnliana (ST), Metric	01-03-50	07-10-71	02-02-81	16-11-84	PR	
254.	Biren Sarker (SC), B.Sc. (H)	05-03-57	28-03-84	01-04-88	28-03-84	DR	I/C transfer to Delhi Collectorate (24-04-92)
255.	Lalkhonah Sinte (ST), B.A.	01-03-53	18-06-84	01-04-88	18-06-84	DR	
256.	Kaizadal (ST), B.A.	01-03-55	04-07-84	01-04-88	04-07-84	DR	
257.	Nabim Chandra Dutta, P.U.	01-12-49	11-03-74	06-07-81	27-06-84	PR	
258.	Jayanta Kr. Pathak (SC), B.Sc.	25-04-59	25-04-84	01-04-88	25-04-84	DR	
259.	Kiran Thapa, B.A.	01-03-58	28-08-81	01-04-88	16-02-84	DR	

1.	2.	3.	4.	5.	6.	7.	8.
<u>S/SHRI</u>							
260.	Jayanta Banik, B.Com.	25-01-61	07-06-84	01-04-88	07-06-84	DR	
261.	Sasil Bhattacharjee, H.S.L.C.	01-01-52	16-03-74	13-12-81	11-06-84	PR	
262.	Sheraul Ahmed, B.Sc.	01-03-61	21-04-84	01-04-88	21-04-84	DR	
263.	Gautam Ch. Mandal (SC), B.A.	11-02-60	13-07-84	01-04-88	13-07-84	DR	
264.	Ramdev Goswami, B.Sc. (H)	01-04-59	25-04-84	01-04-88	25-04-84	DR	

265.	Inarakanta Kalita, H.S.L.C.	29-12-52	06-06-74	13-12-81	10-12-84	PR	
266.	Santanu Mukherjee, B.Com. (H)	14-06-61	19-03-84	01-04-88	19-03-84	DR	
267.	Stringasing Nongbet (ST), B.A.	11-10-58	18-04-84	01-04-88	18-04-84	DR	
268.	Biswajit Kar, B.Com.	23-03-60	07-06-84	01-04-88	07-06-84	DR	
269.	Pabitra Kr. Saikia, B.Com.	28-05-60	04-05-84	01-04-88	04-05-84	DR	
270.	Sunirmal Das Choudhury, B.Sc.	30-08-58	27-04-84	01-04-88	27-04-84	DR	
271.	Amit Kr. Sengupta, B.Sc.	18-04-59	17-03-82	01-04-88	17-03-82	DR	
272.	Bikram Shankar, M.A.	01-03-58	23-04-84	01-04-88	23-04-84	DR	
273.	Niranjana Dhar, B.Com.	10-09-60	30-04-84	01-04-88	30-04-84	DR	
274.	Benu Ranjan Sutradhar (SC),	21-01-60	23-04-84	01-04-88	23-04-84	DR	
275.	John Gilbert Kanti (ST),	01-01-55	14-09-84	01-04-88	14-09-84	DR	
276.	Amit Dutta, B.Sc.	19-01-59	08-10-84	01-04-88	08-10-84	DR	
277.	Pijush Kanti Dey, B.Com.	31-12-60	24-04-84	01-04-88	24-04-84	DR	
278.	Biswajit Paul, B.Sc.	08-01-61	30-04-84	01-04-88	30-04-84	DR	
279.	Ajoy Ghosh, B.Sc. (H)	09-08-57	03-07-84	01-04-88	03-07-84	DR	
280.	Pradip Kr. Mahanta, B.Sc.	31-12-58	08-03-84	01-04-88	08-03-84	DR	
281.	Sashi Prasad Gogoi, B.Sc.	20-11-59	01-08-84	01-04-88	01-08-84	DR	
***261.	Nalini Rn. Das, H.S.L.C.	01-03-54	20-06-74	13-12-81	10-12-84	PR	

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20/11/84

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1.	2.	3.	4.	5.	6.	7.	8.
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282.	Dilip Kumar Sharma(No.1)B.Sc.	01.02.58	08.08.84	01.04.88	08.08.84	DR	
283.	Jogodish Ch. Rajbangshi,B.Sc.	01.03.58	24.04.84	01.04.88	24.04.84	DR	
284.	Ranendu Dutta, B.Com.	30.11.58	08.03.84	01.04.88	08.03.84	DR	
285.	Hen Chandra Sharma,B.A.	01.11.58	04.09.84	01.04.88	04.09.84	DR	
286.	Rudolf Valentine Basaiawmoit(ST) B.A.	19.08.59	06.04.81	01.04.88	21.01.84	DR	
287.	Swapan Das(SC)B.A.	29.07.59	29.03.84	01.04.88	29.03.84	DR	
288.	Smti Zarina Khan Shadap(ST)	18.02.58	12.04.84	01.04.88	12.04.84	DR	
289.	Tapan Kr. Rajkhowah(SC)B.Sc.	01.04.59	27.04.84	01.04.88	27.04.84	DR	
290.	Kishore Rn. Nath, B.Sc.	04.01.58	27.04.84	01.04.88	27.04.84	DR	
291.	Tapan Ch. Gayan(SC)B.Sc.	12.02.57	25.04.84	01.04.88	25.04.84	DR	
292.	Anthony Pokthnailong(ST)	01.10.53	01.08.84	01.04.88	01.08.84	DR	
293.	Hemilton Cooper Marbaniang(ST)	28.12.53	05.03.84		05.03.84	DR	
294.	M. Khar (ST)	12.03.59	01.09.84	01.04.88	01.09.84	DR	
295.	Hemanta Prasad Rajkumar,B.A.	16.04.61	13.06.85	01.04.88	13.06.85	DR	
296.	Sanjoy Das, M.Com.	01.01.60	10.04.85	01.04.88	10.04.85	DR	
297.	Sukumar Goswami, B.Sc.	01.03.60	08.02.85	01.04.88	08.02.85	DR	
298.	Nani Bora,B.A.	16.12.56	03.08.76	27.04.87	27.04.85	PR	
299.	Sudip Kumar Dey,B.A.	01.02.59	23.12.85	01.04.88	23.12.85	DR	
300.	Sayan Sundar Joshi, B.Com.	25.01.61	02.05.85	01.04.88	02.05.85	DR	
301.	Hiremba Basumatari (ST)B.A.	03.04.82	11.06.85	01.04.88	11.06.85	DR	
302.	Smti Ledyia Dutta, (ST)F.U.	16.12.52	25.7.76	27.04.87	23.04.85	PR	
303.	Premananda Saikia(ST)B.Sc.	01.01.59	20.11.85	01.04.88	20.11.85	DR	

DR On deputation with
C.B.I., Shillong.

(contd..P/15...)

1.	2.	3.	4.	5.	6.	7.	8.
	S/ SHRI						
304.	Dharmeswar Deka (ST), B.A.	01-03-60	23-07-85	01-04-88	23-07-85	DR	
305.	LilaChar Paite (ST), B.Sc.	21-08-59	06-01-86	01-04-88	06-01-86	DR	
306.	Makbul Hussain Borbhuyan, B.Sc.	31-05-57	05-10-81	27-04-87	17-04-85	PR	
307.	Sinam Chittaranjan Singh, B.A.	13-10-61	12-03-85	01-04-88	12-03-85	DR	
308.	Thoudam Ng. Singh, B.Sc.	08-06-62	20-05-85	01-04-88	20-05-85	DR	On deputation with D.P.I. Imphal.
309.	Nirmal Kumar Sharma, B.A.	19-05-59	18-10-85	01-04-88	18-10-85	DR	On deputation with D.G.I. New Delhi.
310.	Tarcisius Langstieh (ST), P.U.	26-12-47	02-03-74	27-04-87	25-04-85	PR	
311.	Tarun Kumar Dutta, M.A.	23-01-60	14-10-85	01-04-88	14-10-85	DR	
312.	Sisir Dey, B.Sc.	25-05-60	14-10-85	01-04-88	14-10-85	DR	
313.	Swapn Roy, B.Sc.	23-11-60	14-10-85	01-04-88	14-10-85	DR	
314.	L.N. Deb Purkayastha, H.S.L.C.	01-01-52	11-03-74	29-04-87	29-04-85	PR	
315.	Tapas Bhattacharjee, B.Sc.	31-03-61	14-10-85	01-04-88	14-10-85	DR	
316.	Amitava Bhattacharjee, B.Sc.	26-02-61	24-10-85	01-04-88	24-10-85	DR	
317.	Syed Ahmed Shah, B.Sc.	03-08-60	21-01-86	01-04-88	21-01-86	DR	
318.	Prabal Chakraborty, B.A.	01-03-54	28-05-74	29-04-87	22-04-85	PR	
319.	Bijoy Thapa, B.Sc.	09-02-64	14-10-85	01-04-88	14-10-85	DR	
320.	Abdus Salam Rukumuddin, B.Sc.	01-05-60	14-10-85	01-04-88	14-10-85	DR	
321.	Uttam Kumar Dey, B.Sc.	28-01-60	14-10-85	01-04-88	14-10-85	DR	
322.	Joy Gobinda Paul, B.A.	01-07-48	09-12-74	13-05-87	13-05-85	PR	
323.	Ratan Chandra Das (SC), B.Com.	27-12-61	14-10-85	01-04-88	14-10-85	DR	
324.	Asish Kumar Nandi, B.Com.	16-03-61	14-10-85	01-04-88	14-10-85	DR	
325.	Dilip Kumar Sharma, B.Sc.	01-11-59	14-10-85	01-04-88	14-10-85	DR	

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1.	2.	3.	4.	5.	6.	7.	8.
	<u>SIRI</u>						
326.	Saniran Chakraborty, B.A.	16.01.57	15.07.81	13.12.81	23.04.85	PR	
327.	Annada Chandra Roy, B.Sc.	12.02.63	14.10.85	01.04.88	14.10.85	DR	
328.	Sheikh Anzad Hussain, B.Sc.	15.03.60	28.10.85	01.04.88	28.10.85	DR	
329.	Hirannoy Dutta, B.Sc.	18.02.62	14.10.85	01.04.88	14.10.85	DR	
330.	Kamaniya Bhattacharjee, B.Sc.	31.12.60	14.10.85	01.04.88	14.10.85	DR	On deputation with N.C.B. New Delhi.
331.	Abhijit Bhuyan, M.Com.	01.08.62	14.10.85	01.04.88	14.10.85	DR	
332.	Bijen Lyngdoh (ST) D.A.	29.07.59	04.06.80	01.04.88	14.10.85	DR	
333.	Jahar Kar, B.Com.	20.12.59	14.10.85	01.04.88	14.10.85	DR	
334.	Atanu Roy Choudhury, B.Sc.	30.11.61	14.10.85	01.04.88	14.10.85	DR	
335.	Utpal Bhattacharjee, B.Com.	12.12.60	14.10.85	19.02.92	14.10.85	DR	
336.	Sati Tshering Tohnu Bhutiani (ST) D.A.	04.03.63	28.10.85	01.04.88	28.10.85	DR	
337.	Aswini Kumar Daishya (SC) B.A.	06.07.62	14.10.85	01.04.88	14.10.85	DR	Resigned on lien (1.09.93)
338.	Nibash Ranjan Das (SC) B.A.	01.10.58	14.10.85	01.04.88	14.10.85	DR	
339.	Rownel Martin Chyne (ST) B.Com.	09.04.56	14.10.85	01.04.88	14.10.85	DR	
340.	Manindra Sarania (ST) B.Sc.	21.01.60	14.10.85	01.04.88	14.10.85	DR	On deputation to C.B.I. Shillong.
341.	Neheru Pegu (ST) B.Sc.	01.03.62	14.10.85	01.04.88	14.10.85	DR	
342.	Prouap Kumar Daimary (ST) B.A.	01.03.57	14.10.85	01.04.88	14.10.85	DR	
343.	Uttam Kumar Das, (ST) B.Sc.	24.10.59	14.10.85	01.04.88	14.10.85	DR	

(Contd..P/17...)

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		3.	4.	5.	6.	7.	8.
	S/S						
344.	Jyotish Das, (SC) B.A.	01.02.59	14.10.85	01.04.88	14.10.85	DR	
345.	Bidhu Bhusan Harnakar (SC) B.A.	01.02.61	14.10.85	01.04.88	14.10.85	DR	
346.	Gautam Das (SC) B.Com.	08.05.64	14.10.85	01.04.88	14.10.85	DR	
347.	Handeswar Basumatari (ST) B.A.	16.08.60	14.10.85	01.04.88	14.10.85	DR	
348.	Sribas Dhar (SC) B.Sc.	30.09.62	14.10.85	01.04.88	14.10.85	DR	
349.	Jayanta Mr. Hiwari (SC) B.Com.	01.07.60	20.10.85	01.04.88	20.10.85	DR	
350.	Swapn Mr. Roy, (SC) B.Com.	20.11.56	20.10.85	01.04.88	20.10.85	DR	
351.	Rajkumar Bhudindoy Singh, B.Sc	01.07.60	20.10.85	01.04.88	28.10.85	DR (on deputation to D.R.I. Imphal)	
352.	Packhokhai Neisial (ST) B.A.	01.01.58	28.10.85	01.04.88	28.10.85	DR	
353.	Hawlan Hachip (ST) B.Sc.	01.03.59	28.10.85	01.04.88	28.10.85	DR	
354.	Manik Lal Choudhury (SC) B.Com.	04.01.61	28.10.85	01.04.88	28.10.85	DR	
355.	Shehtinnong Sitlyou (ST) B.A.	01.03.61	28.10.85	01.04.88	28.10.85	DR	
356.	Surinthang Pulante (ST) B.A.	01.03.61	28.10.85	01.04.88	28.10.85	DR	

Attested
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ANNEXURE - 4

MOST IMMEDIATE

No. 35014/2/80-Estt(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Marmik, Lok Shikayat Tatha Pensions Mantralaya)
Department of Personnel & Training

North Block, New Delhi-1
the 7 February, 1986

OFFICE MEMORANDUM

Subject : General Principles for determining the seniority
of various categories of persons employed in
Central Services.

As the Ministry of Finance etc. are aware, the Central Principles for determination of seniority in the Central Services are contained in the Annexure to Ministry of Home Affairs O.M. No. 9/11/55-RPS dated 22nd December 1959. According to Paragraph 6 of the said Annexure, the relative seniority of direct recruits and promotees shall be determined according to rotation of vacancies between the direct recruits and the promotees which will be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules. In the Explanatory Memorandum to those Principles, it has been stated that a roster is required to be maintained based on the reservation of vacancies for direct recruitment and promotion in the Recruitment Rules. Thus were appointment to a grade is to be made 50% by direct recruitment and 50% by promotion from a lower grade, the inter-se seniority of direct recruits and promotees is determined on 1 : 1 basis.

*Attest ed
B. K. S.
H. K.*

2. While the above mentioned principle was working satisfactorily in cases where direct recruitment and promotion kept pace with each other and recruitment could also be made to the full extent of the quotas as prescribed, in cases where there was delay in direct recruitment of promotion, or where enough number of direct recruits or promotees did not become available, there was difficulty in determining seniority. In such cases, the practice followed at present is that the slots meant for direct recruits or promotees, which could not be filled up, were left vacant, and when direct recruits or promotees became available through later examinations or selections, such persons who were already working in the grade on regular basis. In some cases, where there was short-fall in direct recruitment in two or more consecutive years, this resulted in direct recruits of later years taking seniority over some of the promotees with fairly long years of regular service already to their credit. This matter had also come up for consideration in various Court cases both before the High Courts and the Supreme Court and in several cases the relevant judgement had brought out the inappropriateness of direct recruits of later years becoming senior to promotees with long years of service.

3. This matter, which was also discussed in the National Council has been engaging the attention of the Government for quite some time and it has been decided that in future, while the principle of rotation of quotas will still be followed for determining the inter-se seniority of direct recruits and promotees, the present practice

*Attested
C. S. S.
A. W.*

of keeping vacant slots for being filled up by direct recruits of later years, thereby giving them unintended seniority over promotees who are already in position, would be dispensed with. Thus, if adequate number of direct recruits do not become available in any particular year, rotation of quotas for purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees. In other words, to the extent direct recruits ~~are not~~ are not available, the promotees will be bunched together at the bottom of the seniority list, below the last position upto which it is possible to determine seniority on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number according to the usual practice. Thereafter, in that year while seniority will be determined between direct recruits and promotees, to the extent of the number of vacancies for direct recruits and promotees, to the extent of the number of vacancies for direct recruits and promotees as determined according to the quota for that year, the additional direct recruits selected against the carried forward vacancies of the previous year would be placed

AH-28-2-81
C. S. Kulkarni
Adv.

en-block below the last promotee (or direct recruit as the case may be) in the seniority list based on the rotation of vacancies for that year. The same principle holds good in determining seniority in the event of carry forward, if any, of direct recruitment or promotion quota vacancies (as the case may be) in the subsequent years.

Illustration:

Where the Recruitment Rules provide 50% of the vacancies in a grade to be filled by promotion and the remaining 50% by direct recruitment, and assuming there are 10 vacancies in the grade in each of the years 1986-87 and that 2 vacancies intended for direct recruitment remained unfilled during 1986 and they could be filled during 1987, the seniority position of the promotees & direct recruits of these two years will be as under :

1986		1987	
1.	p1	9.	P1
2.	D1	10.	D1
3.	P2	11.	P2
4.	D2	12.	D2
5.	P3	13.	P3
6.	D3	14.	D3
7.	P4	15.	P4
8.	P5	16.	D4
		17.	P5
		18.	D5
		19.	D6
		20. EX	D7

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4. In order to help the appointing authorities in determining the number of vacancies to be filled during a year under each of the methods of recruitment prescribed, a vacancy Register giving a running account of the vacancies arising and being filled from year to year may be maintained in proforma enclosed.

5. With a view to curbing any tendency of under reporting/suppressing the vacancies to be notified to the concerned authorities for direct recruitment, it is clarified that promotees will be treated as regular only to the extent to which direct recruitment vacancies are reported to the recruiting authorities on the basis of the quotas prescribed in the relevant recruitment rules. Excess promotees, if any, exceeding the share falling to the promotion quota based on the corresponding figure, notified for ~~promotion quotas~~ direct recruitment would be treated only as ad hoc promotees.

6. The General Principles of seniority issued on 22nd December, 1959 referred to above, may be deemed to have been modified to that extent.

7. These orders shall take effect from 1st March, 1986. Seniority already determined in accordance with the existing principles on the date of issue of these orders will not be reopened. In respect of vacancies for which recruitment action has already been taken, on the date of issue of these orders either by way of direct recruitment or promotion, seniority will continue to the determined in accordance with the principles in force prior to the issue of this O.M.

Attested
 (Signature)
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8. Ministry of Finance etc. are requested to bring these instructions to the notice of all the attached/Subordinate office under them to whom the General Principles of Seniority contained in O.M. dated 22.12.1959 are applicable within 2 week as these orders will be effective from the next month.

Sd/- Ararti Khosla

Joint Secretary to the Govt. of India
Tele. 3015010

Attested
@wills
H.V.

ANNEXURE-5

To
The Deputy Collector (P & V) of
Customs & Central Excise,
Shillong Collectorate,
Morala Compound,
P.O. Shillong
Meghalaya
PIN-793001

(Through Proper Channel)

Madam,

Sub : Representation against the draft seniority list of Inspectors as on 21.10.94 published vide letter No. C. No. II(34)10ET-1/91/PT-1/15263-302(A) dated 24.10.94 of the Deputy Collector (P&V), Customs and Central Excise, Shillong.

With reference to the subject cited above, I beg to submit my representation as follows for your kind perusal and necessary rectification in the gradation list so as to restore my original position as it stood since 01.01.1983.

1. That I am completely taken aback to come across the draft seniority list referred to above. You are aware that the question of re-fixation of seniority between the promotee Inspectors and direct recruit Inspectors are still subjudice being the subject matter of O.A. No. 141/1992 (K. Neog & Others Vs. The Union of India & Others) before the Central Administrative Tribunal, Guwahati Bench. In view of pendency of the case before the Judicial Forum, the impugned draft seniority list could not have been

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issued, more so in view of the provisions of Section 19(4) of the Administrative Tribunal Act, 1985. Thus the Draft seniority list is not sustainable on this score alone.

2. That law is well settled, more particularly in the matter of seniority that settled position should not be interfered with lightly. My seniority position in the seniority list has all along been maintained since 01.01.1983 and the direct recruits never made any objection regarding fixation of my seniority during all these years. Thus my seniority position ought not have been put down below the direct recruits after a lapse of more than eleven years and that too without giving to an opportunity of hearing before interfering with my settled and long standing seniority position.

3. That if the draft seniority list has been issued on the strength of judgement of other Bench of the Hon'ble Tribunal, same is wholly untenable in as much as the said judgement ~~of other Bench of~~ is not binding on me, I being not a party to the same. Furthermore, to make the said judgement universally applicable to all the Inspectors of Customs & Central Excise throughout India will be fallacious because my seniority is maintained in the North Eastern Region having no nexus with any all India seniority and Secondly, the judgement and for that matter the law laid down, if any, will have to be understood in

*Accepted
Order
J.W.*

the background of the factual situation of that case and cannot be made applicable to my case more particularly when my seniority position is a settled one being undisturbed for the last eleven years.

4. That leaving aside the above argument against the draft seniority list I have ~~xxx~~ yet another strong ground against the same. I was promoted to the cadre of Inspector (O.G) in the year 1981 (on 8.4.81) on ad hoc basis after completion of five years qualifying service as Stenographer (OG) and after due selection against a permanent vacancy. My such promotion was regularised in the year 1982 w.e.f. 16.11.82. You must be aware that ad-hoc promotion followed by regular promotion ~~xxxx~~ is always counted from the date of my promotion on ad-hoc basis, even if the fixation of seniority on quota-rota principle is left aside. In the connection, it will be pertinent to point out here that I was promoted on ad-hoc basis on 8.1.1981 followed by my regular promotion on 16.11.82. As against this the direct recruits at serial Nos. 9,11,13,14,16, 17,23,25,26,27,29,30,31 of the draft seniority list were appointed on 13.4.81, 8.4.81, 10.6.81, 23.5.81, 9.6.81, 30.6.81, 15.4.81, 1.4.82, 19.1.82, 2.9.82, 7.4.82, 6.8.82 & 2.8.82 respectively. Thus, their dates of appointment being later than me they will automatically rank junior to me even leaving aside the quota-rota fixation of seniority.

A. H. K. S.
@m
Adm.

5. That the Govt. of India in their Circular letter of 1986 has clearly laid down consistently with the law laid down by the Apex Court that the past cases should not be reopened so as to unsettle the settled seniority position but your action in issuing the impugned seniority list is contrary to the guide lines issued by the Govt. as well as the law laid down by the Apex Court in that regard.

That in any view of the matter the impugned draft seniority list is not sustainable and my seniority position should not be disturbed as it stood from 1981 onwards.

In the premises aforesaid should you graciously be pleased to withdraw the draft seniority list and not to make it final and publish the gradation list for the year 1994 on the basis of the earlier seniority list and thereby restore my seniority position at such point as all allowances been maintained since 1.1.83. I shall remain bound to you in deep gratitude.

With regards,

Yours faithfully,

Sd/- Jibonlal Bhowmik)

~~Customs~~ Inspector, Customs, D.E.P.

Customs Preventive Division, Agargala

Advance copy submitted to the Deputy Collector (P&V) of Customs & Central Excise, Shillong Collectorate, Morelo Compound, P.O. Shillong-793001, Meghalaya for favour of your his kind perusal and necessary action as deemed fit.

Sd/- Jibonlal Bhowmik.
14.11.94

Handwritten signature/initials

CUSTOMS AND CENTRAL EXCISE
SHILLONG

C. No. II(34)1/ET.1/91/Pt.I/ Dated :

To

The Assistant Collector of Central Excise,

----- Central Excise Division (All)

The Assistant Collector of Customs (Preventive)

Agartala Customs (Preventive) Division (All).

The Branch~~in~~-in-Charge,

----- Branch,/Coll/Unit(Hqrs.Office) (All).

Sub : Re-fixation of seniority of Inspectors
appointed before 1.3.86 - Regarding.

In continuation of this office letter of
even No. 15263-302 (A) dated 24.10.94 on the above
subject and with a view to implement the judgement
of Hon'ble C.A.T., Calcutta on O.A. No. 925/92 the
draft seniority list prepared and circulated to all
concerned is now being finalised as under :

2. Some affected Promotee Inspectors have
contended that as a similar case was Sub-judiced
before the Hon'ble C.A.T., Guwahati (O.A. No. 41/92)
to which some representees are private respondents,
their position in the seniority list should not have
been disturbed till the final disposal of the case.
However, the Hon'ble C.A.T., (Guwahati) vide their

*As stated
Chand
Adv.*

order dated 30.07.92 on O.A. No. 141/92 have empowered this department to dispose of the representations of the applicants during the pendency of the case. Hence Draft Seniority List extending the relief as requested by the applicants was not incorrect or illegal.

3. Again, some of the Direct Recruit Inspectors affected by the revision have contended that all the Promotee Inspectors who joined the grade at a later date, though in the same year, should be regarded to have become available through later selection and hence be placed junior to them. As has already been mentioned vide this office letter dated 24.10.94 mentioned above, the underlining principle, as per C.A.T's order, followed in this regard was Para 3 of Ministry of Personnel, D.O. & Pensions' C.M. No. 35014/2/80-Estt (D) dated 7.2.86 which summarily, provides for rotation of Direct Recruit and Promotee quota as per Recruitment Rules for fixing seniority among Direct Recruit and Promotee Officers becoming available through selection of the same year, irrespective of their date of joining. Hence the objections raised in this regard is not correct.

4. Further, some of the Promotee Inspectors who were first promoted on ad-hoc basis have contended that their seniority be fixed with reference to the

Attested
Calicut
H-IV

Year/date they joined as Inspectors ~~on an ad-hoc basis~~
~~and subsequently~~ subsequently promoted on regular basis.
Whereas the condition of such ad-hoc promotion was
that such ad-hoc promotion will not confer on the
officers so promoted any claim for continued officiation
in the grade and the period of such ad-hoc service will
not count for seniority confirmation or as qualifying
service for further promotion.

5. Lastly, some of the Promotee Inspectors have
contended that the Recruitment Year in their case
should be the year they passed the Departmental
examination (written examination) for promotion to
the grade of Inspector from lower grade and not the
year they were actually promoted. The relevant
instruction in this regard has clearly stated that
the Recruitment Year of Officers promoted to higher
grade is the year in which the D.P.C. was held.

In view of the above, all the representations
received against the Draft Seniority List have been
considered carefully and are hereby disposed of and
the Draft Seniority List is hereby made final without
any further alterations. This will, however be subject
to the outcome of the SLP filed by the department
before the Hon'ble Supreme Court against the judgement
of the Hon'ble C.A.T., Calcutta in O.A. No. 925/92
and various other cases pending before the Hon'ble
C.A.T, Guwahati in this issue.

Attested
@w
ADV

All the concerned Inspectors working under your charge may be informed suitably.

Sd/- illigible
Deputy ~~XXXXXX~~ Collector (P&V)
Customs & Central Excise : Shillong

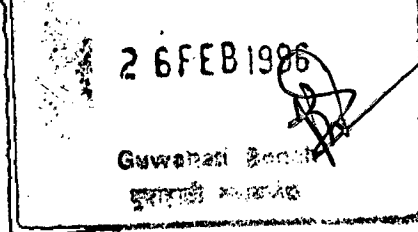
C.No. II(34)1/ET-I/91/Pt.I 9466-550 Dated 27.4.95

Copy to :

1. Shri R.K. Mitra, Under Secretary, Govt. of India, Ministry of Finance, Department of Revenue, Central Board of Excise and Customs, North Block, New Delhi.
2. The Additional Collector of Customs (Preventive), Office of the Additional Collector of Customs (Preventive), New Checkon Road, Opposite Police Gate, Imphal-1
3. The Assistant Collector (Judicial), Customs and Central Excise, Shillong.
4. Shri Nimai Chandra Patra, Intelligence Officer, Narcotics Control Bureau, Eastern Zonal Unit, 4/2 Karaya Road, 3rd Floor, Calcutta-17.
5. All other concerned Inspectors on deputation.
6. The General Secretary, Group 'C' Executive Officers' Association, Customs and Central Excise, Shillong.
7. Guard file.

Sd/- EVA M.R. HYNIBWTA
Deputy Collector (P & V)
Customs & Central Excise : Shillong

Asstd
②
Adv.



94
Filed by
Hauhat

(MD. SHAUKAT ALI)
Sr. Central Govt. Secy

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

In the matter of :

O.A.No. 101/95

Shri J.L. Bhowmick
..... Applicant

- Vs. -

Union of India & Ors.
..... Responde

- AND -

In the matter of :

Written Statement on behalf
of the official respondents

I, Shri S.R. Baruah, Assistant
Commissioner of Central Excise, Udyog Bikas
Bhawan, Bhangagarh, Guwahati - 781 005, do
hereby solemnly affirm and declare as follow

Received
25/4/96

1. That a copy of application in O.A.No. 101/95 alongwith an order passed by this Hon'ble Tribunal has been served upon the respondents and myself being authorised to file this Written Statement, I do hereby file it and say categorically that save and except what is specifically admitted in this Written Statement, rest may be treated as total denial by all the respondents. Before I make para-wise comments of the case, a Brief History of the case is incorporated in this Written Statement and same will constitute part and parcel of this Written Statement.

BRIEF HISTORY OF THE CASE

Prior to the issuance of Ministry of Personnel, P.G. and Pension O.M.No. 35014/2/80 - Estt(D) dated 07-02-86, which came into force w.e.f. 01-03-86, the relative seniority of Inspectors between DRs and PRs in this Department were maintained as per Ministry of Home Affairs O.M.No. I/11/55 - RPS dated 22-12-59 i.e. according to rotation of vacancies reserved for DRs and PRs as per Recruitment Rules. As per this principle, if in a year, sufficient DRs or PRs were not available, the practice followed was to keep the slots meant for DRs or PRs which could not be filled up, vacant and when such DRs or PRs were available through later examinations/selections, such persons occupied these vacant slots thereby becoming senior to some of the

Officers already in position.

Copies of above two communications are annexed herewith and marked as Annexure R.1 and Annexure R.2 respectively.

Now, during 1980-86, in almost all the years, we had sufficient DRs whereas due to non-availability of eligible/willing candidates, sufficient Officers could not be promoted as Inspectors. As a result when promotees were available at a later stage, such promotees Inspectors occupied the vacant slots already kept for them in the seniority list thereby becoming senior of DR Inspectors already in positions.

Due to this practice, Shri V.C. Patra, one of the DR ~~Inspector~~ Inspectors of 1981 batch was superseded by some PR Inspectors inspite of being appointed through a later selection. Hence on the ground of inappropriateness, Shri Patra approached the Hon'ble CAT, Calcutta citing two other orders issued by Hon'ble CAT, Cuttack in O.A.No. 62, 63 & 71 of 1987 and another similar order issued by Hon'ble CAT, Cuttack in O.A.No. 8 of 1988 where the Govt. was directed to refix the seniority as per para - 3 of O.M. dated 07-02-86, copy of which is annexed herewith as Annexure R11.

Accordingly, the Hon'ble CAT, Calcutta vide their judgement dated 25-11-93 on O.A.No. 923 of

1992 directed to refix the seniority of Shri Patra in the light of judgement mentioned above. At the same time, the Hon'ble CAT directed to refix the seniority of similarly situated employees as per two decisions of Hon'ble Apex Court in Inderpal Yadav case and the other as reported in 1990(13) ATC 666.

In view of the above order the seniority of N.C. Patra and other similarly placed Inspectors was revised vide the office letter C.NO. II(34)1/ET.I/91/Pt.I/15263-302(A) dated 27-04-95.

Copies of above letters are annexed herewith and marked as Annexure R.3 and Annexure R.4.

This present case has been filed by Shri J.L. Bhowmick, the applicant, who is one of the similarly placed Inspectors whose seniority was also refixed, on the following two contention :-

- a) that his seniority should not have been refixed.
- b) that the benefit of service put in by him as Inspector on ad-hoc basis should be counted for seniority.

Be it stated again that revision of seniority of the applicant is the result of implementation of the judgement dated 25-11-93 passed by the Hon'ble CAT, Calcutta Bench in O.A.No. 925 of 1992 filed by Shri N.C. Patra & Ors. Now, there was

nothing wrong on the part of this department in re-fixing his seniority as this was done as per Hon'ble CAT's Order. As regards his contention of allowing him the benefit of service put in by him as Inspector on ad-hoc basis, the position has been clearly brought out by the Apex Court in Gobind Duttatray Kelkar Vs. Chief Controller of Imports and Exports (1967) which reported in Supreme Court Weekly Reporter - 961 (1967).

2. That with regards to the contents made in paragraph 6.1 of the application, I beg to state that it is a fact that the applicant was first promoted as Inspector on ad-hoc basis but the condition of the ad-hoc promotion as per Govt. of India O.M. No. 22011/1/75-Estt(D) dated 29-10-75 is that the period of such ad-hoc service will not count for seniority. The Supreme Court and various other Courts too, in a number of cases, have opined that promotion on ad-hoc basis does not give any right to the post. One of such judgement was in Govind Duttatray Kelkar - Vs. - Chief Controller of Imports and Exports (1967) which was reported in Supreme Court Weekly Reporter 961 (1967). The above policy of the Govt. was also upheld by the Hon'ble Supreme Court in its judgement dated 03-04-92 in Union of India - Vs. - S.K. Sharma [JT 1992(2)SC 491] as well as in its judgement dated 16-07-90 in Masood Akhatar Khan - Vs. - State of M.P. [JT 1990 (3) SC 295]. As such, the applicant was never assigned with the seniority of an Inspector until

16-11-82 i.e. the date from which he was regularly promoted/appointttd as Inspector vide this Department's Order No. 330/92 dated 16-11-82 and that too on the basis of rotation of vacancies reserved for DRs and PRs as per Ministry of Home Affairs O.M.No. 9/11/55-RPS dated 22-12-59 (Annexure R.2) and not as per the date of the joining of the applicant.

The copy of appointment letter dated 16-11-82 is annexed herewith and marked as Annexure R.5.

3. That with regards to the contents made in paragraph 6.2 of the application, I beg to state that I have nothing to comment being matter of fact.

4. That with regards to the contents made in paragraph 6.3, I beg to state that comparing the seniority list of Inspectors as on 01-01-93 with those of 1983 to 1990 does in no way imply that the seniority of the applicant fixed in the S/List of 1-1-93, was correctly settled and hence there is no scope of revision of the same. Infact, the revision, as ordered by the Board vide their Telex F.No. A.23024/5/92-AD+III-A dated 04-10-94, was made in compliance with the Hon'ble CAT, Calcutta's order dated 23-11-93 in O.A.No. 925/92.

Copy of the said telex F.No. as cited is annexed herewith and the same is marked as Annexure - R.6.

Hence, the revision of seniority list vide Draft Seniority List dated 21-10-94 circulated vide letter

C.NO. II(34)1/ET-I/91/Pt-I/15263-302(A) dated 24-10-94 (Annexure R.3) and subsequently finalising the same vide letter of even no. 9466-550(A) dated 27-04-95 (Annexure R.4) was in no way illegal and arbitrary and hence there was no illegal supersession in the Seniority of the applicant.

5. That with regards to the contents made in paragraph 6.4 of the application, I beg to state that as has already been stated above, the revision of seniority was ordered by the Hon'ble CAT, Calcutta and the Board and this respondent Department had just implemented the order of Hon'ble CAT and hence, the contention of the applicant that the Board and this Department violated Govt.'s Instruction is not correct.

6. That with regards to the contents made in paragraph 6.5, I beg to state that contention of the applicant that revision of seniority was illegal, arbitrary, unfair and violative of Govt.'s Instruction is not correct in view of the fact that the revision of seniority was ordered by the Hon'ble CAT, Calcutta Bench and the Board and the respondent department had just implemented the order of the Hon'ble Tribunal. As regards his objection regarding revision of S/List pending disposal of O.A.No. 141/92 before this Hon'ble Tribunal, it would appear that the applicant is not fully aware of the fact that the Hon'ble CAT vide order dated 30-07-92 in the same case had empowered this respondent department

to dispose of the representations of the applicants of the case and that such order, if passed by this department, will be considered by the Hon'ble Tribunal in the case. The revision itself meant disposal of the representations and subsequent to the revision, the Hon'ble Tribunal vide order dated 7-6-95 allowed the applicant of above mentioned O.A.No. 141/92 to withdraw the case which would imply that the Hon'ble Tribunal was satisfied with the revision.

A copy of order dated 7-6-95 passed by this Hon'ble Tribunal in O.A.No. 141/92 is annexed herewith and same is marked as Annexure R.7.

7. That with regards to the contents made in paragraph 6.6 of the application, I beg to state that as has already been stated, the seniority was revised in compliance with the order dated 25-11-93 of Hon'ble Tribunal, Calcutta Bench in O.A.No. 925/92 and the ~~order~~ order, inter-alia, directed to re-fix the seniority of all similar placed employees as per two decisions of Hon'ble Apex Court, one being in Inderpal Yadav case and the other as reported in 1990 (13) ATC 666. Hence, the contention of the applicant that the order of Hon'ble Tribunal was 'in Personam' and ~~xxx~~ not 'in rem' and that his seniority should not have been re-fixed is not correct.

8. That with regards to the contents made in paragraph 6.7, I beg to state that these are not

.....9/-

correct, as the revision of seniority was ordered by the Hon'ble Tribunal, Calcutta Bench and the Board and this respondent department had just implemented the order of Hon'ble Tribunal and hence, the contentions of the applicant are denied.

9. That with regards to the contents made in paragraph 6.8, I beg to state that these are not correct, as the revision of seniority was ordered by the Hon'ble Tribunal, Calcutta Bench and the Board and this respondent department had just implemented the order of Hon'ble Tribunal.

10. That with regards to the contents made in paragraph 6.9, I beg to state that I have nothing to comment further except that applicant was first promoted as Inspector on ad-hoc basis but the condition of the ad-hoc promotion as per Govt.'s Instruction, was that the period of such ad-hoc service will not count for seniority. The Supreme Court and various other Courts too, in a number of cases, have opined that promotion on ad-hoc basis does not give any right to the post. One of such judgement was in Govind Duttatray Kelkar - Vs. - Chief Controller of Imports and Exports (1967) which was reported in Supreme Court Weekly Reporter 961 (1967). As such, the applicant was never assigned with the seniority of an Inspector until 16-11-82 i.e. the date from which he was regularly promoted/appointed as Inspector vide Order No. 330/92 dated 16-11-82 (Annexure R.5)

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and that too on the basis of rotation of vacancies reserved for DRs and PRs as per Ministry of Home Affairs O.M.No. 9/11/55/RPS dated 22-12-59 (Annexure R.2) and not as per the date of the joining of the applicant.

11. That with regards to the contents made in paragraph 6.9(a), I beg to state that no such request from the applicant has been received in this office till today.

12. That with regards to the contents made in paragraph 6.10, I beg to state that as the seniority was set right in compliance of the applicant being superseded illegally.

13. That with ~~reg~~ regards to the contents made in paragraph 6.11 and 6.12, I beg to state that as has already been stated, S/List was revised as per the order of the Hon'ble Tribunal, Calcutta Bench.

14. That ~~xxx~~ with regards to the contents made in paragraph 6.13, I beg to state that as has already been explained the applicant was regularly appointed as Inspector w.e.f. 16-11-82 and not w.e.f. 08-04-81.

15. That with regards to the contents made in paragraph 6.14, I have nothing to comment further except that the seniority was set right in compliance with the direction of the Court, there is no question of the applicant being superseded illegally.

.....11/-

16. That the present application is without any merit and as such the same is liable to be dismissed.

17. That the present application is ill-conceived of law and mis-conceived of fact.

18. That the applicant has not exhausted all the remedies available to him, and as such the application is liable to be rejected.

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

20. That the Respondents crave leave for submission of additional written statement if this Hon'ble Tribunal so demands.

..... VERIFICATION.....

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VERIFICATION

I, Shri S.R. Baruah, Assistant Commissioner of Central Excise, Udyog Bikash Bhawan, Bhangagarh, Guwahati - 5, do hereby solemnly affirm and declare that the contents made in paragraph - 1 are true to my knowledge and those made from paragraph 2 to 15 including Brief History of the case, are derived from records which I believe to be true and rest are humble submissions before this Hon'ble Tribunal.

I sign this Verification on this 22nd day of February, 1996 at Guwahati.

Sailajay Baruah 20/2/96.

Assistant Commissioner
CENTRAL EXCISE
GUWAHATI DIVISION

87 Annexure - R/1 13
54 109
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MOST IMMEDIATE

No.35014/2/80-Eatt(D)

GOVERNMENT OF INDIA

Ministry of Personnel, Public Grievances & Pensions
(Karmik, Lok Shikayat Tatha Pensions Muntralayak)
Department of Personnel and Training
.....

North Block, New Delhi-1.
the 7 February, 1986.

OFFICE MEMORANDUM

Subject: General Principles for determining the seniority of various categories of persons employed in Central services.

As the Ministry of Finance etc. are aware, the General Principles for determination of seniority in the Central Services are contained in the Annexure to Ministry of Home Affairs O.M. No.9/11/55-RPS dated 22nd December, 1959. According to Paragraph 6 of the said Annexure, the relative seniority of direct recruits and promotees shall be determined according to rotation of vacancies between the direct recruits and the promotees, which will be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules. In the Explanatory Memorandum to these principles, it has been stated that a roster is required to be maintained based on the reservation of vacancies for direct recruitment and promotion in the Recruitment Rules. Thus where appointment to a grade is to be made 50% by ~~promotion from~~ by direct recruitment and 50% by promotion from a lower grade, the inter-se seniority of direct recruits and promotees is determined on ~~an~~ 1:1 basis.

2. While the above mentioned principle was working satisfactorily in cases where direct recruitment and promotion kept with each other and recruitment could also be made to the full extent of the quotas as prescribed in cases where there was delay in direct recruitment or promotion, or where enough number of direct recruits or promotees did not become available, there was difficulty in determining seniority. In such cases, the practice followed at present is that the quota meant for direct recruits or promotees, which could not be filled up, were left vacant and when direct recruits or promotees became available through later examinations or selections, such persons occupied the vacant quota, thereby becoming senior to persons who were already working in the grade on regular basis. In some cases, where there was shortfall in direct recruitment in two or more consecutive years, this resulted in direct recruits of later years taking seniority over some of the promotees with fairly long years of regular service already to their credit. This matter had also come up for consideration in various Court cases both before the High Courts and the Supreme Court and in several cases the relevant judgement had brought out the inappropriateness of direct recruits of later years becoming senior to promotees with long years of service.

P. T. O.

Attended -
Chauhan
26/2/86

Central Govt. Standing Council
Central Administrative Tribunal
Chauhan Bench. (Chauhan)

3. This matter, which was also discussed in the National Council has been engaging the attention of the Government quite some time and it has been decided that in future where the principle of rotation of quotas will still be followed for determining the seniority of direct recruits and promotees, the present practice of keeping vacant slots for being filled up by direct recruits of later years, thereby giving them unintended seniority over promotees who are already in position, would be dispensed with. Thus, if adequate number of direct recruits do not become available in any particular year, rotation of quotas for purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees. In other words, to the extent direct recruits are not available, the promotees will be bunched together at the bottom of the seniority list, below the last position upto which it is possible to determine seniority, on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number according to the usual practice. Thereafter, in that while seniority will be determined between direct recruits and promotees, to the extent of the number of vacancies for direct recruits and promotees as determined according to the quota for that year, the additional direct recruits selected against the carried forward vacancies of the previous year would be placed en-bloc below the last promotee (or direct recruit as the case may be) in the seniority list based on the rotation of vacancies for that year. The same principle holds good in determining seniority in the event of carry forward, if any, of direct recruitment or promotion quota vacancies (as the case may be) in the subsequent years.

Illustration:

Where the recruitment Rules provide 50% of the vacancies in a grade to be filled by promotion and the remaining 50% by direct recruitment, and assuming there are 10 vacancies in the grade arising in each of the years 1986 and 1987 and that 2 vacancies intended for direct recruitment remained unfilled during 1986 and they could be filled during 1987, the seniority position of the promotees and direct recruits of those two years will be as under:

... ports ...

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1.	P1	9.	P1.
2.	D1	10.	D1
3.	P2	11.	P2
4.	D2	12.	D2
5.	P3	13.	P3
6.	D3	14.	D3
7.	P4	15.	P4
8.	P5	16.	D4
		17.	P5
		18.	D5
		19.	D6
		20.	D7

4. In order to help the appointing authorities in determining the number of vacancies to be filled during a year under each of the methods of recruitment prescribed a vacancy Register giving a running account of the vacancies arising and being filled from year to year may be maintained in the proforma enclosed.

5. With a view to erubing any tendency of under-reporting/suppressing the vacancies to be notified to the concerned authorities for direct recruitment, it is clarified that promotees will be treated as regular only to the extent to which direct recruitment vacancies are reported to the recruiting authorities on the basis of the quotas prescribed in the relevant recruitment rules. Excess promotees, if any, exceeding the share falling to the promotion quota based on the corresponding figure, notified for direct recruitment would be treated only as ad-hoc promotees.

6. The General Principles of seniority issued on the 22nd December, 1959 referred to above, may be deemed to have been modified to that extent.

7. These orders shall take effect from 1st March, 1986. Seniority already determined in accordance with the existing principles on the date of issue of these orders will not be reopened. In respect of vacancies for which recruitment action has already been taken, on the date of issue of these orders either by way of direct recruitment or promotion, seniority will continue to be determined in accordance with the principles in force prior to the issue of this O.M.

contd ...

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8. Ministry of Finance etc. are requested to bring these instructions to the notice of all the attached/sub-ordinate offices under them to whom the General principles of Seniority contained in O.M. dated 22.12.1959 are applicable within 2 weeks as these orders will be effective from the next month.

sd/-
(Murti Khosla)
Joint Secretary to the Govt. of India
Tele. 3015010

To
All Ministries, Departments of the Govt. of India.
No. 35014/2/80-Estt. (P) New Delhi, the February, 1986.

Copy to:-

1. All attached and subordinate offices of D.P.&T.
 2. Union Public Service Commission, New Delhi with 10 spare copies. Reference their letter No. 1/7/35-B II dated 29.11.1985.
 3. Comptroller and Auditor General of India, New Delhi.
 4. Rajya Sabha Sectt. (Admn. Branch), New Delhi.
 5. Lok Sabha Sectt. (Admn. Branch), New Delhi.
 6. Supreme Court of India, New Delhi.
 7. Central Vigilance Commission, New Delhi.
 8. Commission for Scheduled Castes/Scheduled Tribes, New Delhi.
 9. Railway Board, New Delhi.
 10. Secretary Staff Side, National Council, 9, Ashoka Road, New Delhi.
 11. All Members of the Staff Side of the National Council of JCM.
 12. Director, IAS National Academy of Adm. Mussoorie.
 13. All Sections of the Department of Personnel and Training.
 14. Shri P. Muthuswamy, Post Box No. 2468, Madras-28.
 15. Smt. Satya Chaudhari, P.O. Lakhinder, Hoshiarpur.
- Spare copies 500.

sd/-
(Murti Khosla)
Joint Secretary to the Govt. of India
Tele. 3015010

SENIORITY FOR PROMOTION

the D.P.C. should be arranged in the consolidated order of merit with reference to the date arrived at after adding the requisite number of years of qualifying service in the feeder grade to their date of appointment, i.e., with reference to the date from which they became eligible for promotion after rendering the prescribed qualifying service in the feeder grade, maintaining inter *inter se* seniority in the parent service/grade.

[Dept. of Per. & Trg., O.M. No. 5/13/85-PP. II, dated the 7th August, 1985.]

6. *Relative seniority of Direct Recruits and Promotees.*—The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

7. *Transferees.*—(i) The relative seniority of persons appointed by transfer to a Central Service from the subordinate offices of the Central Government or other departments of the Central or State Governments shall be determined in accordance with the order of their selection for such transfer.

(ii) Where such transfers are effected against specific quotas prescribed in the recruitment rules therefor, the relative seniority of such transferees *vis-a-vis* direct recruits and promotees shall be determined according to the rotation of vacancies which shall be based on the quotas reserved for transfer, direct recruitment and promotion respectively, in the recruitment rules.

(iii) Where a person is appointed by transfer in accordance with a provision in the recruitment rules providing for such a transfer in the event of non-availability of a suitable candidate by direct recruitment or promotion, such transferee shall be grouped with direct recruits or promotees, as the case may be, for the purpose of para. 6 above. He shall be ranked below all direct recruits or promotees, as the case may be, selected on the same occasion.

8. Persons appointed on *ad hoc* basis to a grade without consultation with the U.P.S.C. under Regulation 4 of the U.P.S.C. (Exemption from Consultation) Regulations, 1953, are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer, as the case may be. Until they are replaced, such persons will be shown in the order of their *ad hoc* appointment and below all persons regularly appointed to the grade.

[M.H.A., O.M. No. I-11/55-RPS, dated the 2nd December, 1959.]

EXPLANATORY MEMORANDUM

General Principle 4.—The Union Public Service Commission invariably indicate the order of preference at the time of selection and it will not, therefore, be difficult to determine the relative seniority of persons recruited through the Commission. In order to obviate difficulties on

SENIORITY FOR PROMOTION

determining the relative seniority of direct recruits recruited otherwise than through the U.P.S.C., the selecting authority should indicate the order of merit at the time of selection.

General Principle 5 (i).—Where promotions are made on the basis of selection by a Departmental Promotion Committee, the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior person who had superseded him.

General Principle 5 (ii) *Illustration.*—Where 75% of the vacancies in the grade of Head Clerks are reserved for promotion from the grade of Upper Division Clerks and 25% from the grade of Store-Keepers, the eligible Upper Division Clerks and Store-Keepers shall be arranged in separate lists with reference to their relative seniority in those grades. The D.P.C. will make selection of three candidates from the list of U.D.Cs. and one from the list of Store-Keepers. Thereafter the selected persons from each list shall be arranged in a single list in a consolidated order of merit assessed by the D.P.C. which will determine the seniority of the persons on promotion to higher grade.

General Principle 6.—A roster should be maintained based on the reservation for direct recruitment and promotion in the Recruitment Rules. Where the reservation for each method is 50%, the roster will run as follows:—(1) Promotion, (2) Direct Recruitment, (3) Promotion, (4) Direct Recruitment and so on. Appointments should be made in accordance with this roster and seniority determined accordingly.

Illustration.—Where 75% of the vacancies are reserved for promotion and 25% for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees. Where the quotas are 50% each, every direct recruit shall be ranked below a promotee. If for any reason, a direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not be rearranged merely for the purpose of ensuring the proportion referred to above.

General Principle 7 (i).—The principle laid down in para. 7 (i) will not present any difficulty where recruitment by transfer is made singly and at intervals but it will be found wanting in cases where two or more persons are selected from different sources on the same occasion and the selection is spread over a number of days. It will, therefore, be necessary for the authorities responsible for approving appointments by transfer to indicate the *inter se* order of merit of the selected person in such cases.

Central Govt. Standing Committee
Central Administration
Ganesh Bhat, Gandhi

Checked
Shreekrishna
26/2/96

ANNEXURE-1-R2

26/2/96

SENIORITY FOR PROMOTION

NOTE 2.—In the cadres in which the yearly vacancies are sufficient in number to be amenable for division as per the prescribed quotas, it is considered that maintenance of this Register alone will be adequate. In smaller cadres, however, where the number of vacancies arising is somewhat occasional and one or two in a year, the appointing authorities may have to maintain the recruitment roster as at present, to be clear about the method under which a particular vacancy has to be filled.

1. General principles for determining seniority.—1. (i) These principles shall apply to the determination of seniority in Central Civil Services and Civil Posts except such services and posts for which separate principles have already been issued or may be issued hereafter by Government.

Ministries or Departments which have made separate rules or issued instructions on the basis of instructions contained in the Ministry of Home Affairs O.M. No. 30/44/48-Appts., dated the 22nd June, 1949, are requested to consider modification of those rules or instructions on the basis of these general principles. However, whenever it is considered necessary to follow principles different from those laid down in this Memorandum, a specific reference would be made to the Ministry of Home Affairs who will consult the U.P.S.C. As regards individual cases, the Ministry of Home Affairs will decide the cases on which the advice of the Commission should be obtained.

(ii) Notwithstanding anything contained in these general principles, the seniority of persons belonging to the following categories will, on their appointment to a Central Civil Service or a civil post, continue to be determined by the instructions noted against each category:—

- | | |
|--|---|
| (a) Ex-Government servants penalised for their patriotic activities. | M.H.A., O.M. No. 6/4/52-S and NG, dated the 29th May, 1957. |
| (b) Central Government employees discharged on account of affliction with T.B., Pleurisy or Leprosy. | O.M. No. 37/1/52-DGS, dated the 20th July, 1954, as amended by O.M. No. 13/1/56-RPS, dated the 8th May, 1956. (Subsequently extended to ex-Pleurisy/Leprosy patients vide O.M. No. 13/4/56-RPS, dated the 29th September, 1956 and 13/4/57-RPS, dated the 14th July, 1958). |

2. Subject to the provisions of para. 3 below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these general principles shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall *en bloc* be senior to all others in that grade.

SENIORITY FOR PROMOTION

7

EXPLANATION.—For the purpose of these principles—

- persons who are confirmed retrospectively with effect from a date earlier than the issue of these general principles; and
- persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these general principles,

shall be considered to be permanent officers of the grade.

3. Subject to the provisions of para. 4 below, permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

4. Direct Recruits.—Notwithstanding the provisions of para. 3 above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment, on the recommendations of the U.P.S.C. or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection:

Provided that where persons recruited initially on temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment seniority shall follow the order of confirmation and not the original order of merit.

5. Promotees.—(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotions:

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. Thereafter, the Departmental Promotion Committee shall select persons for promotion from each list up to the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

NOTE.—If separate quotas for promotion have not already been prescribed in the relevant recruitment rules, the Ministries/Departments may do so now, in consultation with the Commission, wherever necessary.

Clarification.—Where posts in the feeder grades are in different scales of pay or even in the identical or equivalent scales of pay, the officers up to the number of vacancies for each feeder grade as per the quota may be selected and interpolated in a combined select list according to the grading. The persons who are assigned the same grading by

Supdt., Shillong Law Cell, Cal. II Collectorate

MOST IMMEDIATE/DO NOT DELAY

CUSTOMS AND CENTRAL EXCISE: SHILLONG

C. NO. II(34)1/ET-I/91/PT-I/ 15263-302A

Dated :-

24/10/94

To

The Assistant Collector of Central Excise,

Central Excise Division (ALL).

The Assistant Collector of Customs (Preventive),

Customs (Preventive) Division (ALL).

The Branch-in-Charge of Hqrs. Office,

Shillong (ALL).

Subject :- Re-fixation of Seniority of Inspectors appointed before 01-03-86 - reg.

Prior to the issuance of Ministry of Personnel, Public Grievance and Pensions Office Memorandum No.35014/2/80-Estt. (b) dated 07-02-86 which came into force w.e.f. 01-03-86, the relative seniority of Direct Recruits and Promotees in Central Services were determined as per Ministry of Home Affairs O. M. No.9/11/55-RPS dated 22-12-59 i.e. according to rotation of vacancies reserved for Direct Recruits and Promotees respectively as per Recruitment Rules.

While the above mentioned principle was working satisfactorily in cases where direct recruitment and promotion kept pace with each other and recruitment could also be made to the full extent of the quotas prescribed, there was difficulty in determining seniority in cases where there was delay in direct recruitment or promotion or where enough number of direct recruits or promotees was not available. In such situations, the practice followed was to keep the slots meant for direct recruits or promotees, which could not be filled up, vacant, and, when direct recruits or promotees were available through later examinations or selections, such persons occupied these vacant slots thereby becoming senior to some of the Officers already in position.

This matter had also come up for consideration in various Court Cases both before the Hon'ble C.A.T and the Supreme Court and in several cases the Courts on the ground of inappropriateness, directed the Govt. to re-cast the Seniority already fixed on the basis of O.M. dated 22-12-59 in the light of the principles contained in O.M. dated 07-02-86 keeping in view the illustration given in Para 3 of O.M. dated 07-02-86. Copy of Para 3 and the illustration of O.M. dated 07-02-86 are enclosed herewith.

Now, referring to decisions in two such cases viz. Monotosh Goswami & ORS VS. U.O.I. & ORS in Hon'ble C.A.T., Calcutta and O.A. Nos. 62, 63 and 71 of 1987 in Hon'ble C.A.T., Cuttack, Shri N. C. Patra, a direct recruit Inspector of 1981 batch of this Collectorate represented seeking relief in the light of above mentioned judgements. Accordingly, the Board vide their Telex F. No.A-23024/5/92-AD-III-A. dated 04-10-94 have decided to extend the relief as requested by Shri Patra, Inspector.

C. P. S. - S. A. K. 15263

Contd. . . 1/2. . .

C. P. S. - S. A. K. 15263

1. Shri R. K. Mitra, Under Secretary, Govt. of India, Ministry of Finance, Department of Revenue, Central Board of Excise and Customs, North Block, New Delhi.
2. The Additional Collector of Customs (preventive), Office of the Additional Collector of Customs (Preventive), New Checkon Road, Opposite Palace Gate, T. Nagar, Chennai.
3. The Deputy Collector of Customs (preventive), Shillong.
4. The Assistant Collector (Judicial), Customs and Central Excise, Shillong.
5. Shri Nimai Chandra Patra, Intelligence Officer, Narcotics Control Bureau, Eastern Zonal Unit, 4/2, Karaya Road, 3rd Floor, Calcutta-17.
6. All other concerned Inspectors on deputation.

7. The General Secretary, Group 10 Executive Office of Association, Customs and Central Excise, Shillong.

DEPUTY COLLECTOR (P & V)
CENTRAL EXCISE (SHILLON)

1. The first step in the process of identifying a problem is to define the problem. This involves identifying the symptoms of the problem and determining the scope of the problem. Once the problem has been defined, the next step is to identify the causes of the problem. This involves identifying the factors that are contributing to the problem and determining the root cause of the problem. Once the causes of the problem have been identified, the next step is to develop a plan to address the problem. This involves identifying the actions that need to be taken to address the problem and determining the resources that will be needed to implement the plan. Once a plan has been developed, the next step is to implement the plan. This involves taking the actions that have been identified in the plan and putting them into practice. Finally, the last step in the process is to evaluate the results of the plan. This involves determining whether the plan has been successful in addressing the problem and identifying any areas for improvement.

~~033-2207752~~
~~033-2481275~~

SENIORITY LIST IN THE GRADE OF INSPECTOR AS ON 01.01.1994

SII No.	Name and Qualification	Date of Birth.	Date of apptt. in the Govt. Service.	Date of confir- mation.	Date of apptt. as Inspector.	Whether DR/PR	REMARKS.
1.	2.	3.	4.	5.	6.	7.	8.
	<u>S/SHRI</u>						
1.	Nibash Kanti Barman, B. A.	09-02-51	28-01-77	01-08-79	28-01-77	DR	
2.	Bijoy Krishna Deb, I.A.	01-02-39	14-02-62	01-09-79	13-11-76	PR	
3.	Rameswar Bhattacharjee, B.Sc.	27-01-53	22-01-77	01-01-80	22-01-77	DR	
4.	Sudhakar Sharma, M.Sc.	31-03-52	25-11-78	13-12-80	25-11-78	DR	
5.	Chandler Shullai (ST), B.A.	19-12-49	13-11-78	01-04-81	13-11-78	DR	
6.	Samir Chakravorty, Matric	12-02-48	04-04-46	19-09-81	10-09-79	PR	
7.	Siba Prasad Neog, B.A.	29-08-52	22-07-76	10-10-81	22-07-76	DR	
8.	Harindra Ch. Dhar, Matric	01-03-44	22-01-65	01-10-81	06-09-79	PR	
9.	Bimalendu Deb, H.S.L.C.	15-11-52	23-10-70	01-10-81	25-10-80	PR	
10.	Narendra Ch. Kakati, Matric	08-04-56	28-10-80	01-10-81	28-10-80	DR	
11.	Braja Gopal Mandal, B.Sc.	21-09-52	27-05-79	01-10-81	27-10-79	DR	
12.	Debabrata Paul, B.Com.	28-11-49	28-10-70	01-10-81	23-10-80	PR	
13.	Gouranga Ch. Sarkar, Matric	25-11-44	28-10-70	01-10-81	29-10-80	PR	
14.	Sudip Deb, B. Sc.	15-05-54	07-03-80	01-10-81	07-03-80	DR	
15.	Nani Gopal Sen, (SC), B. A.	28-08-48	28-10-70	01-10-81	26-10-80	PR	
16.	Jibanalal Bhowmic, P. U.	26-12-53	18-02-76	01-12-82	16-11-82	PR	
17.	T. M. Hartlong (ST), B.A.	01-03-56	22-11-79	01-12-82	22-11-79	DR	
18.	Sukesh Rn. Dhar, B. A.	08-05-53	09-02-76	01-12-82	16-11-82	PR	
19.	Srijan Ganguli, B. Sc.	01-08-55	13-02-76	01-12-82	16-11-82	PR	
20.	Abhijit Ghosh, B. Sc.	03-11-52	21-02-76	01-12-82	16-11-82	PR	
21.	Biswajit Bhattacharjee, B. A.	30-06-56	20-02-76	01-12-82	16-11-82	PR	
**	Debashish Bhattacharjee, B.A.	25.3.54	7.11.75	1.12.82	6.11.82	PR	Contd. P/2

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1.	2.	3.	4.	5.	6.	7.	8.
	S/SHRI						
22.	Priya Ram Baruah, P. U.	01-02-51	02-11-70	01-12-82	16-11-82	PR	
23.	Smti. Purabi Deboupta, B. A.	01-12-54	06-11-75	01-12-82	16-11-82	PR	
24.	Madhu Sudhan Tyagi, B. Sc.	20-07-57	13-04-81	01-12-82	13-04-81	DR	
25.	Rathindra Bhattacharjee, B. Sc.	6-11-54	06-03-74	01-12-82	16-11-82	PR	
26.	Smti. Rosemary Shabong (ST), Matric	01-09-44	05-08-71	01-12-82	16-11-82	PR	
27.	Smti. Jagajyoti Acharjee, B. Sc.	01-01-55	30-03-81	01-12-82	30-03-81	DR	
28.	Jagan Kr. Kar, B. A.	01-11-49	05-06-74	01-12-82	16-11-82	PR	
29.	Priyoda Rn. Mallic (ST), P. U.	01-02-47	01-04-72	01-12-82	16-11-82	PR	
30.	Smti Sayada Jasmine Bagum, B. A.	01-12-52	15-04-74	01-12-82	16-11-82	PR	
31.	Debajyoti Mishra, B. Com.	01-09-54	01-06-74	01-12-82	16-11-82	PR	
32.	Haripada Debnath, B. Sc.	01-02-45	20-03-74	01-12-82	16-11-82	PR	
33.	Gopal Ch. Das (SC) B. A. (H), L.L.B.	01-01-56	25-01-77	01-12-82	16-11-82	PR	
34.	L. Hauferram (ST) P. U.	24-12-46	01-03-74	01-12-82	08-04-81	DR	On deputation to DGRI, New Delhi.
35.	Arun Kumar Chaturvedi, M. A.	25-12-54	08-04-81	01-12-82	23-09-81	PR	
36.	Sachindra Nath Das (SC), B. A.	01-12-55	06-05-77	01-12-82	16-11-82	PR	
37.	Sudip Kr. Nandi, B. Sc.	01-02-51	07-09-77	01-12-82	27-03-81	DR	
38.	S.K. Vidyanta, M. Sc.	13-02-56	27-03-81	01-12-82	16-11-82	PR	
39.	Setal Ch. Das (SC), H.S.L.C.	02-09-51	12-03-74	01-12-82	10-06-81	DR	On deputation to DGAE, Patna.
40.	Dilip Kr. Verma, B. Sc.	16-06-55	10-06-81	01-12-82	23-05-81	DR	On deputation to NCB, New Delhi
41.	Susmal Das, B. Sc.	02-01-56	23-05-81	01-12-82	16-11-82	PR	
42.	Biman Ch. Das (SC), H.S.L.C.	21-08-47	15-03-74	01-12-82	16-11-82	PR	
43.	Jyotish Ch. Das (SC) B. A.	01-12-52	14-11-77	01-12-82	16-11-82	PR	
44.	Amit Kumar Deb, Matric	01-10-43	06-04-74	01-12-82	16-11-82	PR	

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1.	2.	3.	4.	5.	6.	7.	8.
	<u>S/SHFI</u>						
45.	Karendra Ch. Rabha (ST), B.A.	01-11-49	22-01-77	01-12-82	26-11-82	PR	
46.	Khanindra Naog, B.Com.	11-06-55	30-03-81	01-12-82	30-03-81	DR	
47.	Smti. Lilyda Shangplieng (ST), B.A.	27-01-52	03-02-74	01-12-82	16-11-82	PR	
48.	Ashok Kr. Dey, B.A.	10-06-53	10-04-78	01-08-83	15-07-83	PR	
49.	Balaran Das, P.U. Sc.	12-02-53	23-06-77	01-08-83	18-07-83	PR	
50.	Smti. Hilda Mary Synnem (ST), P.U.	07-12-50	14-02-78	01-08-83	05-07-83	PR	
51.	Dhaniram Das, P.U.	07-02-50	26-02-78	01-08-83	22-07-83	PR	
52.	Ranabir Chakravorty, B.Sc.	24-02-53	08-01-79	05-03-86	05-03-84	PR	
53.	Jambu Lama (ST), B.A.	12-04-55	09-06-81	05-03-86	09-06-81	DR	
54.	Smti. Sibani Bhattacharjee, P.U.	01-09-55	28-07-76	13-03-86	14-03-84	PR	
55.	Nimai Chandra Patra, (SC), B.Sc.	01-01-54	16-03-79	13-03-86	30-06-81	DR	On deputation to N.C.B. Calcutta.
56.	Nritya Gopal Barma (ST), B.Sc.	27-12-54	30-03-81	13-03-86	30-03-81	DR	
57.	Alagiri Swami (SC), B.A.	31-08-47	30-03-81	13-03-86	30-03-81	DR	
58.	Smti. Rita Rani Bhowmik, B.A.	01-07-57	31-07-76	13-03-86	12-02-84	PR	
59.	Bapukan Patir (ST), B.A.	30-04-50	27-03-81	13-03-86	27-03-81	DR	
60.	Smti. Champa Shome, B.A.	03-09-51	26-07-76	19-03-86	19-03-84	PR	
61.	Smti. K. Patricia Laloo (ST), P.U.	09-07-56	22-07-76	19-03-86	07-03-84	PR	
62.	Raju Sonowal (ST), B.A.	01-04-56	30-03-81	19-03-86	30-03-81	DR	
63.	Gobinda Thabai (ST), B.A.	20-11-54	27-03-81	19-03-86	27-03-81	DR	
64.	Chakrendu Baruah, B.Sc.	01-02-53	03-08-79	07-06-86	09-06-84	PR	
65.	T. Tuanthanthang (ST), B.Sc.	01-03-55	13-04-81	07-06-86	13-04-81	DR	
66.	Prabitra Kumar Reang (ST), B.A.	05-09-51	30-03-81	07-06-86	30-03-81	DR	
67.	Mc. Ali Mazarbhuyan, B.A.	11-02-52	13-03-74	07-06-86	14-10-83	PR	
68.	Paresh Debnath, B.Sc.	02-02-56	01-04-82	07-06-86	01-04-82	DR	

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1.	2.	3.	4.	5.	6.	7.	8.
	S/SRI						
69.	Ashish Roy, B.Sc.	01-06-55	04-05-79	29-11-80	29-11-84	PR	
70.	Bijoy Krishna Das, B.Com.	03-06-56	15-01-82	29-11-86	19-01-82	DR	
71.	Kamal Narayan Choudhury, B.Sc.	01-12-52	15-07-79	29-11-86	29-11-84	PR	
72.	Jahar Dey, B.A. (H)	01-09-57	02-09-82	29-11-86	02-09-82	DR	
73.	Naba Chanure Singh Singjam (SC) B.Sc.	01-09-51	07-04-82	29-11-86	07-04-82	DR	
74.	Bhogo Ch. Baruah, P.U.	07-10-52	11-03-74	29-11-86	12-06-84	PR	
75.	Ansuman Chakraborty, B.Sc.	06-01-56	06-08-82	29-11-86	06-08-82	DR	
76.	Nani Bora, B.A.	16-12-56	03-08-76	27-04-87	27-04-85	PR	
77.	Tapen Kumar Sarker (SC) B.Sc.	19-04-56	02-08-82	27-04-87	02-08-82	DR	
78.	Smti. Ledyia Dutta (ST) P.U.	16-12-52	29-07-76	27-04-87	03-04-85	PR	
79.	Partha Sarathi Das (SC) R.Com.	24-02-57	06-02-82	27-04-87	16-09-83	DR	
80.	Pankaj Kumar Chakraborty, R.Com.	28-02-53	12-12-79	27-04-85	23-11-84	PR	
81.	Ranjit Kumar Dutta (II) B.A.	01-09-54	29-09-80	27-04-87	10-12-84	PR	
82.	Arabinda Dutta, B.Sc (H)	30-04-53	16-03-82	27-04-87	16-03-82	DR	On deputation to D.R.T. Calcutta.
83.	Koj Tat (ST) B.A.	22-11-55	19-01-82	27-04-87	19-01-82	DR	
84.	Dipak Manjan Saha, B.Sc.	02-01-57	18-03-82	27-04-87	18-03-82	DR	
85.	Salindra Nath Sharma, B.A.	13-09-49	07-06-74	27-04-87	10-12-84	PR	
86.	Rathindra Kumar Sarkar, M.Sc.	30-11-58	06-07-82	27-04-87	05-07-82	DR	
87.	Sukanta Das, B. Sc.	13-10-59	26-03-82	27-04-87	26-03-82	DR	
88.	Biren Saikia (ST), B. Sc.	01-12-53	19-01-82	27-04-87	19-01-82	DR	
89.	Makbul Hussain Borbhuyan, B. Sc.	31-05-57	05-10-81	27-04-87	17-04-85	PR	
90.	Subrangshu Deb, M. Sc.	01-03-57	01-04-82	27-04-87	01-04-82	DR	
91.	Iarcisius Langstieh (ST), P. U.	26-12-47	02-03-74	27-04-87	25-04-85	PR	
92.	Smti. Ninamani Thukan, M.Sc.	01-03-56	26-02-82	27-04-87	26-02-82	DR	

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1.	2.	3.	4.	5.	6.	7.	8.
	S/SHRI						
93.	Alock Chakraborty, B. Sc.	10-07-58	28-01-82	27-04-87	28-01-82	DR	
94.	Nalini Mohan Baishya, B. A.	20-12-57	01-04-82	27-04-87	01-04-82	DR	
95.	L. N. Deb Purkayastha, H.S.L.C.	01-01-52	11-03-74	29-04-87	29-04-85	PR	
96.	Ranjit Kr. Sharma, B. A.	01-03-60	26-02-82	29-04-87	26-02-82	DR	
97.	Prabal Chakraborty, B. A.	01-03-54	28-05-74	29-04-87	22-04-85	PR	
98.	Amrit Kr. Saikia, M. Sc.	01-01-59	22-01-82	29-04-87	22-01-82	DR	
99.	Dipak Bhattacharjee, B. Sc.	18-05-57	22-01-82	29-04-87	22-01-82	DR	
100.	Joy Govinda Paul, B. A.	01-07-48	09-12-74	13-05-87	13-05-85	PR	
101.	Amar Kr. Sincha, B. A.	04-11-57	20-01-82	13-05-87	20-01-82	DR On deputa New Delhi	
102.	Pinali Sankar Roy, B. Sc.	15-01-57	09-03-82	13-05-87	09-03-82	DR On deputa D.G.I.E.,	
103.	Dinesh Mahanta, B. Sc.(H)	01-01-56	12-09-83	13-05-87	12-09-83	DR	
104.	Partha Sarathi Purkayastha(2), B. Sc.	01-12-56	24-03-83	13-05-87	24-03-82	DR	
105.	Pranab Kr. Sharma, B. Sc.	01-03-58	14-04-82	13-05-87	14-04-82	DR	
106.	Aswini Kr. Das,(SC), B. Com.	01-03-59	05-07-82	13-05-87	05-07-82	DR	
107.	Jagadish Ch. Das(No.2)(SC), B. Com.	01-09-54	19-01-82	13-05-87	19-01-82	DR	
108.	Manoj Kr. Brahma(ST), M. Sc.	09-02-55	12-07-82	13-05-87	12-07-82	DR	
109.	Binoy Kr. Baishing(ST), B. Sc.	08-11-56	17-03-82	13-05-87	17-03-82	DR	
110.	Padmeswar Pegu,(ST), B. Sc.	31-01-56	08-04-82	13-05-87	08-04-82	DR	
111.	Naba Kr. Baruah (ST) B. Sc.	01-01-55	29-01-82	13-05-87	29-01-82	DR	
112.	Subodh Ch. Basumatari (ST) B.A.	29-01-58	06-08-82	13-05-87	06-08-82	DR	
113.	Achinta Sonowal (ST), B.A.	01-11-54	05-02-82	13-05-87	05-02-82	DR	
114.	Bidya Bhusan Saikia (ST), B.Sc	12-09-52	31-08-82	13-05-87	31-08-82	DR	

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1.	2.	3.	4.	5.	6.	7.	8.
	<u>S/SPC</u>						
115.	Mr. Melicia Synnah(ST) M.A.	30-03-58	04-01-82	13-05-87	04-01-82	DR	
116.	Lashurya Mohon Neog(ST) B.Com.	01-01-56	02-04-82	13-05-87	02-04-82	DR	
117.	Debendra Nath Doley(SC) B.Com.	30-07-53	20-02-82	13-05-87	20-02-82	DR	
118.	Bangadhar Das(ST) B.A.	01-08-56	12-07-82	13-05-87	12-07-82	DR	
119.	Bikash Kr. Saikia(ST) B.Com.	01-01-57	08-03-82	13-05-87	08-03-82	DR	
120.	Debendra Moshahary(ST) M.A.	20-09-58	05-03-82	13-05-87	05-03-82	DR	
121.	James Dohling(ST) B.A.	18-03-56	02-03-82	13-05-87	02-03-82	DR	
122.	Karendra Nath Daimary(ST) B.Sc.	01-01-58	12-07-82	13-05-87	12-07-82	DR	
123.	Dipak Roy Choudhury, B.Sc.	21-07-57	01-07-82	13-05-87	01-07-82	DR	
124.	Bartanu Kr. Chalia, B.Sc.(H)	01-03-57	29-07-82	13-05-87	19-07-82	DR	
125.	Fairidin Fakir, B.Sc.	01-03-58	10-09-82	13-05-87	10-09-82	DR	
126.	Abdul Ch. Jaka, B.Sc.	18-01-58	05-07-82	13-05-87	05-07-82	DR	
127.	Banu Prasad Joshi, B.A.	22-03-56	03-04-82	13-05-87	03-04-82	DR	
128.	Abdul Baruah, B.Sc.	01-02-58	11-08-82	13-05-87	11-08-82	DR	
129.	Chandan Kr. Chanda, B.A.	10-12-55	25-01-77	13-05-87	18-01-82	DR	
130.	Chandan Biswas, B.Sc.	24-07-57	01-04-82	13-05-87	01-04-82	DR	
131.	Dipankar Choudhury, B.Sc.	07-10-57	09-07-82	13-05-87	09-07-82	DR	
132.	Pankajlal Singha, B.A.	28-01-60	20-06-83	13-05-87	20-06-83	DR	
133.	Harip Kr. Singha, B.Sc.	01-02-57	22-10-83	13-05-87	22-10-83	DR	
134.	Pankajlal Singha, B.Com.	30-01-58	20-06-83	13-05-87	20-06-83	DR	
135.	Sati M. Mancha Devi, B.Sc.	01-12-57	05-05-83	13-05-87	05-05-83	DR	
136.	Alakhon Bhyam Kishore Singh(ST) B.A.	01-03-57	07-09-83	13-05-87	07-09-83	DR	

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1.	2.	3.	4.	5.	6.	7.	8.
	<u>S/SPRI</u>						
137.	Swapah Dutta, B.Sc.	18-12-56	09-03-83	13-05-87	09-03-83	DR	
138.	Debashish Mazumder, B.Com.	22-01-57	02-05-83	13-05-87	02-05-83	DR	
139.	Jankhagin Haokip(ST), B.A.	01-03-50	30-05-83	13-05-87	30-05-83	DR	
140.	Nirmal Medhi, B.Sc. (H)	01-10-57	07-09-83	13-05-87	07-09-83	DR	
141.	Abdul Mutalib, B.Sc.	01-01-57	31-12-80	13-05-87	07-07-83	DR	
142.	Sujit Misra, B.Sc.	17-01-59	08-09-83	13-05-87	08-09-83	DR	
143.	Syed Tafique Hussain, B.Sc.	20-09-58	06-10-83	13-05-87	06-10-83	DR	
144.	Pabitra Kataki, B.Sc.	25-12-57	02-05-83	13-05-87	02-05-83	DR	
145.	Jasabanta Mazumder, B.Sc.	03-01-61	18-05-83	13-05-87	18-05-83	DR	
146.	Raj Kumar Kalita, B.Sc.	15-10-56	05-05-83	13-05-87	05-05-83	DR	
147.	Jati Chandra Das(SC) B.Sc.	15-09-51	08-07-83	13-05-87	08-07-83	DR	
148.	Dils. Deb. Jyoti Sinha, M.A.	18-01-58	15-06-83	13-05-87	15-06-83	DR	
149.	Ganesh Chandra Sharma, B.Sc.	01-03-59	04-08-83	13-05-87	04-08-83	DR	
150.	Joydeep Dutta, B.Com.	01-09-56	01-09-83	13-05-87	01-09-83	DR	
151.	Hom Prasad Sharma, B.A.	20-01-57	22-10-83	13-05-87	22-10-83	DR	
152.	Swapan Kumar Nath, B.Sc.	01-01-58	07-09-83	13-05-87	07-09-83	DR	
153.	Tridip Chandra Roy, B.Sc.	18-01-57	30-08-83	13-05-87	30-08-83	DR	
154.	Rahul Sinha, B.Sc.	29-11-58	13-05-83	13-05-87	13-05-83	DR	On deputation to D.R.I. Calcutta.
155.	Imdadur Rahaman, M.Sc.	03-01-58	07-09-83	13-05-87	07-09-83	DR	
156.	Sagar Kumar Dutta, B.Sc.	31-08-57	11-07-83	13-05-87	11-07-83	DR	
157.	Dwigendra Mohan Das, B.A.	01-09-57	19-09-83	13-05-87	19-09-83	DR	
158.	Nikendra Sinha, M.A.	02-09-58	02-05-83	13-05-87	02-05-83	DR	

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1.	2.	3.	4.	5.	6.	7.	8.
	<u>S/SHRI</u>						
159.	Naziruddin, B.Sc.	04-10-56	20-06-83	13-5-87	20-06-83	DR	
160.	Sudip Kumar Dutta, B.A.	31-12-58	10-05-83	13-5-87	10-05-83	DR	On deputation to D.R.I. Silchar.
161.	Hem Chandra Kalita, B.Sc(H)	01-01-57	07-09-83	13-5-87	07-09-83	DR	
162.	Damboru Borah(ST)	01-07-55	08-06-83	13-5-87	08-06-83	DR	
163.	Debaswar Chandi(ST) B.A.	01-03-58	17-09-83	13-5-87	17-09-83	DR	
164.	Pratfulla Kumar Taya(ST) B.A.	01-10-58	05-10-83	13-5-87	06-10-83	DR	
165.	Thang Chuailo, S.A.	01-03-52	16-05-83	13-5-87	16-05-83	DR	
166.	Tushar Kanti Sen, B.Com(H)	15-01-57	16-09-83	13-5-87	16-09-83	DR	
167.	Niharresh Chandi(SC) B.A.	01-11-56	10-11-83	13-5-87	10-11-83	DR	
168.	Lara Kremo(ST) B.A.	01-03-60	12-10-83	13-5-87	12-10-83	DR	
169.	Sankar Klong(ST) B.A.	04-08-59	01-10-83	13-5-87	01-10-83	DR	
170.	Dilip Kumar Gogoi, B.Sc.	01-09-56	11-11-83	13-5-87	11-11-83	DR	
171.	Bibhuti Bhushan Borah, B.Sc.	01-03-57	06-10-83	13-5-87	06-10-83	DR	
172.	Shyamal Kumar Dutta, B.Sc.	25-01-57	01-11-83	13-5-87	01-11-83	DR	
173.	Ashoke Kumar Chakraverty, B.Sc.(H)	01-11-58	01-02-84	13-5-87	01-02-84	DR	
174.	Khagen Borah, B.Sc.	01-01-59	01-11-83	13-5-87	01-11-83	DR	
175.	Bijoy Bhushan Baruah	01-09-59	07-09-83	13-5-87	07-09-83	DR	
176.	Phani Bhushan Roy, B.Sc.	01-09-56	05-09-83	13-5-87	05-09-83	DR	
177.	Dipak Kumar Deb, B.Sc.	16-01-58	06-09-83	13-5-87	06-09-83	DR	
178.	Basudev Bhattacharjee, M.A.	23-02-53	26-09-83	13-5-87	26-09-83	DR	
179.	Imrenul Goni	11-10-56	24-10-83	13-5-87	24-10-83	DR	
180.	Subashish Guha, B.Com.	03-03-60	06-10-83	13-5-87	06-10-83	DR	On deputation to N.C.B. Calcutta.

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	3.	4.	5.	6.	7.	8.
	S/SRI					
101.	Philip Kumar Chatterjee, B.Sc.	11-03-57	10-02-53	14-05-57	25-05-53	DR
102.	Foray Kumar Baruah, B.A.	11-10-53	17-11-53	13-05-57	17-11-53	DR
103.	Ashit Ch. Kraverty, B.Sc.	02-01-57	23-09-53	13-05-57	21-09-53	DR
104.	Binyak Bhattacharjee, B.Sc.	10-06-53	03-09-53	13-05-57	03-09-53	DR
105.	Asim Adhikary, B.Sc.	23-02-57	09-11-53	13-05-57	09-11-53	DR
106.	Biswendu Dey, M.Sc.	26-09-56	03-11-53	13-05-57	03-10-53	DR
107.	Tarun Chandro Mananta	01-09-53	07-10-53	13-05-57	07-10-53	DR
108.	Subir Das, B.Sc. (H)	01-01-57	27-10-53	13-05-57	27-10-53	DR
109.	Bikash Ch. Nath, B.Sc.	01-12-53	19-03-54	13-05-57	19-03-54	DR
110.	Nihar An. Debroy, B.A.	17-03-53	21-03-54	13-05-57	21-03-54	DR
111.	Gurpreet Das, B.Sc.	15-06-53	14-11-53	13-05-57	14-11-53	DR
112.	Bhaskar Kanti Bhattacharya, B.A.	01-04-57	13-11-53	13-05-57	13-10-53	DR
113.	Fannalal Dutta, B.Sc.	01-12-59	03-10-53	13-05-57	03-10-53	DR
114.	Gopaswar Ch. Paul, B.A.	12-09-53	20-07-54	13-05-57	20-07-54	DR
115.	Ajit Mohan Paul, B.Sc.	09-09-59	21-10-53	13-05-57	21-10-53	DR
116.	Mohit Kanti Dey, B.Com.	11-01-53	09-09-53	13-05-57	09-09-53	DR
117.	Mahendra Dutta, B.Sc.	01-02-57	07-09-53	13-05-57	07-09-53	DR
118.	Krinal Kanti Goswami, B.A.	02-01-57	23-12-53	13-05-57	23-12-53	DR
119.	Sasanka Sekhar Das(SC) B.Com	21-02-53	24-03-53	13-05-57	24-03-53	DR
120.	Md. Mahibur Rahman, B.Sc.	01-03-57	21-01-51	13-05-57	16-09-53	DR
121.	Jagadindu Das, B.Com.	37-12-57	09-09-53	13-05-57	09-09-53	DR
122.	Ganesh Ch. Deka, B.Sc.	01-01-53	26-03-54	13-05-57	26-03-54	DR

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1.	2.	3.	4.	5.	6.	7.	8.
	<u>S/SHFI</u>						
203.	Pijush Banerjee, B.Com.	01-01-58	13-01-84	13-05-87	13-01-84	DR	
204.	Kamallal Saha, B.A.	25-01-57	07-10-83	13-05-87	07-10-83	DR	
205.	Skapnatar Mahanta,	01-10-60	29-07-85	29-07-87	29-07-85	DR	
206.	Harpada Roy, B.Sc.	06-10-56	29-03-84	29-07-87	29-03-84	DR	
207.	Rahindra Kr. Borah,	01-01-57	09-12-83	29-07-87	09-12-83	DR	
208.	Udit Kr. Nandy, B.Sc.	01-09-59	09-12-83	29-07-87	09-12-83	DR	
209.	Dhruv Borah, B.A.	01-01-57	19-12-83	29-07-87	19-12-83	DR	
210.	Ms. Abdul Muneem, B.Sc.	01-01-57	13-12-83	29-07-87	13-12-83	DR	
211.	Pramila Borbura, B.Sc.	01-03-58	10-10-83	29-07-87	10-10-83	DR	
212.	Rahindra Pathak(SC), B.A.	04-09-60	14-11-83	29-07-87	14-11-83	DR	
213.	Mr. Ch. Talukdar(ST), B.A.	02-07-51	06-01-84	29-07-87	06-01-84	DR	
214.	Lokanath Nath Sonowal(SC), B.Sc.	02-10-58	01-10-83	29-07-87	01-10-83	DR	
215.	Jitendra Kr. Saikia(ST), B.A.	01-12-54	22-12-83	29-07-87	22-12-83	DR	
216.	Baliram Pegu(ST), B.Sc.	01-07-59	18-11-83	29-07-87	18-11-83	DR	
217.	Rameswar Doley(ST), B.A.	01-02-56	29-11-83	29-07-87	29-11-83	DR	
218.	Jyoti Sonowal(ST), B.A.	01-03-56	07-09-83	29-07-87	07-09-83	DR	
219.	Joni Oscar Marak(ST), B.A.	01-02-56	31-10-83	29-07-87	31-10-83	DR	
220.	Priyoram Doley(ST)	01-01-57	07-12-83	29-07-87	07-12-83	DR	
221.	Bishnuram Bora(ST), B.A.	23-03-57	13-11-83	29-07-87	13-11-83	DR	
222.	Smt Lalchandiani Sailo(ST)	01-01-55	20-05-76	29-07-87	20-05-83	PR	
223.	Damara Bhoktari(ST), B.A.	01-09-59	07-10-83	29-07-87	07-10-83	DR	
224.	Pai Peter Kujur(ST)	05-06-58	08-09-83	29-07-87	08-09-83	DR	

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1.	2.	3.	4.	5.	6.	7.	8.
<u>Personnel</u>							
251.	Bhimesh Chakravorty, B. A.	30-12-57	04-07-84	29-07-87	04-07-84	DR	
252.	Robendu Narayan Roy, B. A.	06-01-58	09-06-84	29-07-87	09-06-84	DR	
253.	Sarat Kumar Saha, B. Com.	30-06-59	07-06-84	29-07-87	07-06-84	DR	
254.	Lobendu Sekhar Das (SC), B. A.	01-02-61	07-06-84	29-07-87	07-06-84	DR	
255.	Kishore Kumar Prasad, B.A.(H)	06-02-58	06-06-84	29-07-87	06-06-84	DR	
256.	Kailash Barman, B. Sc.	01-01-61	12-07-84	29-07-87	12-07-84	DR	On deputation with C.B.I., Guwahati.
257.	Tafiruddin Ahmed, B. A.	01-11-57	13-06-84	29-07-87	13-06-84	DR	
258.	Sanyo Ashore Sharma, B. Sc.	30-03-59	13-06-84	29-07-87	23-06-84	DR	
259.	Jayanto Bhattacharjee,	20-02-59	31-01-83	29-07-87	31-01-83	DR	
260.	Prasanta Sharma, B. A.(H)	01-01-60	26-06-84	29-07-87	26-06-84	DR	
261.	Dwijendra Chandra Sania (SC), B.A.(H)	03-04-55	25-06-84	29-07-87	25-06-84	DR	
262.	Basu Arjunar, B. Com.	10-01-58	14-06-84	29-07-87	14-06-84	DR	
263.	Ashitosh Mr. Malakar (SC), B. A.	03-03-57	07-06-84	29-07-87	07-06-84	DR	
264.	Sanjay Das, B. A.	01-02-50	03-03-84	29-07-87	03-03-84	DR	
265.	Dipannar Day, B. Com.	27-01-53	24-06-71	01-02-81	05-03-84	PR	
266.	Lalishwari (ST), Metric.	01-03-53	07-11-71	02-02-81	16-11-84	PR	
267.	Nabin Chandra Dutta, P. U.	01-12-49	11-03-74	03-07-81	27-03-84	PR	
268.	D. D. Mitta Ganta (ST), B.A.(H)	01-03-57	31-03-80	01-04-80	31-03-83	DR	
269.	James White (SC), B. A.	07-11-59	06-02-81	01-04-83	06-02-82	DR	
270.	Salil Bhattacharjee, H.S.L.C.	01-01-52	16-03-74	13-12-81	11-05-84	PR	
271.	Nalini M. Das, H.S.L.C.	01-03-54	20-06-74	13-12-81	10-12-84	PR	
272.	Indranil Khatia, H.S.L.C.	29-12-52	06-06-74	13-12-81	10-12-84	PR	
273.	Sanjay Chakravorty, B.A.	16-01-57	15-07-81	13-12-81	23-04-85	PR	
274.	Dipak Mahanta, B. Sc.	01-06-50	11-03-84	01-04-80	01-04-84	DR	

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Sr.	Sl. No.	3.	4.	5.	6.	7.	8.
274.	Suren Sarkar(SC), B.Sc.(H)	05-03-57	20-03-84	11-04-88	20-03-84	DR I/C Transfer to Dist Collectorate (14-04-82)	
275.	Balakhonah Sinte(ST), B. A.	01-03-58	18-06-84	01-04-88	18-06-84	DR	
276.	Kaipatal (ST), B. A.	01-03-55	06-07-84	01-04-88	06-07-84	DR	
277.	Jayanta Kr. Pathak(SC), B. Sc.	25-04-59	25-04-84	01-04-88	25-04-84	DR	
278.	Kiran Chapa, B. A.	01-03-58	20-03-84	01-04-88	16-04-84	DR	
279.	Jayanta Banik, B. Com.	25-01-61	07-06-84	01-04-88	07-06-84	DR	
280.	Sherif Ahmad, B. Sc.	01-03-61	21-04-84	01-04-88	21-04-84	DR	
281.	Gautam Ch. Mandal(SC), B. A.	11-02-60	13-07-84	01-04-88	13-07-84	DR	
282.	Ramdev Joswami, B. Sc.(H)	01-04-59	25-04-84	01-04-88	25-04-84	DR	
283.	Santanu Mukherjee, B. Com(H)	10-06-61	19-03-84	01-04-88	19-03-84	DR	
284.	Strangasingh Mongsoth(ST), B. A.	11-11-53	10-04-84	01-04-88	10-04-84	DR	
285.	Biswajit Kar, B. Com.	23-03-60	07-06-84	01-04-88	07-06-84	DR	
286.	Subrata Kr. Saikia, B. Com.	20-05-60	04-05-84	01-04-88	04-05-84	DR	
287.	Sunirmal Das Choudhury, B. Sc.	30-08-58	27-04-84	01-04-88	27-04-84	DR	
288.	Amit Kr. Sengupta, B. Sc.	10-01-59	17-03-82	01-04-88	17-03-82	DR	
289.	Dikran Shankar, M. A.	01-03-58	23-04-84	01-04-88	23-04-84	DR	
290.	Kiransing Dhar, B. Com.	10-09-60	30-04-84	01-04-88	30-04-84	DR	
291.	Benu Anjan Sutradhar(SC),	21-01-60	23-04-84	01-04-88	23-04-84	DR	
292.	John Gilbert Kanti(ST),	01-01-55	14-09-84	01-04-88	14-09-84	DR	
293.	Amit Dutta, B. Sc.	19-01-59	00-10-84	01-04-88	05-11-84	DR	
294.	Pijush Kanti Dey, B. Com.	31-12-60	24-04-84	01-04-88	24-04-84	DR	
295.	Biswajit Paul, B. Sc.	03-01-61	30-04-84	01-04-88	30-04-84	DR	
296.	Ajoy Anosh, B. Sc.(H)	09-08-57	03-07-84	01-04-88	03-07-84	DR	
297.	Pradi, Mr. Mahanta, B. Sc.	31-12-50	05-03-84	01-04-88	05-03-84	DR	

Contd...2/14...

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Sl. No.	Name	1.	2.	3.	4.	5.
293.	Sashi Prasad Gogoi, B. Sc.	03-11-59	01-05-60	01-04-68	01-13-84	DR
294.	Lilly Kumar Sharma (No. 1), B. Sc. (H)	01-02-50	13-06-54	01-04-68	01-13-84	DR
300.	Capitain Om. Rajbangshi, B. Sc.	01-03-58	14-06-61	01-04-68	25-10-84	DR
301.	Arumita Dutta, B. Com.	01-11-58	11-03-64	11-10-80	01-13-84	DR
302.	Har Manohar Sharma, B. A.	11-11-50	14-10-64	01-10-80	04-09-84	DR
303.	Rudra Valentine Dasakumari (ST) BA	19-08-50	13-06-61	01-04-68	21-11-84	DR
304.	S. L. Das (SC), B. A.	29-07-59	04-08-64	11-10-80	21-03-84	DR
305.	Smt. Parina Khan Shada (ST)	10-02-50	12-06-64	11-04-80	12-14-84	DR
306.	Tapan M. Rajkumar (SC), B. Sc.	11-04-59	27-04-64	11-10-80	27-04-84	DR
307.	Asit K. Nath, B. Sc.	11-11-58	27-04-64	11-10-80	27-04-84	DR
308.	Tapan M. Gopin (SC), B. Sc.	12-02-57	28-04-64	01-04-68	25-14-84	DR
309.	Anant Prasad Singh (ST)	04-10-53	11-06-64	11-10-80	01-13-84	DR
310.	Hamilton Cooper Marbhaning (ST)	20-12-50	05-03-64		05-03-84	DR
311.	K. Anil (ST)	12-03-59	11-05-64	01-04-68	01-09-84	DR
312.	Hamanta Prasad Rajkumar, B. A.	16-04-61	13-03-65	11-04-80	13-13-85	DR
313.	Smt. Das, B. Com.	11-01-61	11-06-65	11-04-80	10-14-85	DR
314.	Subrata Choudhary, B. Sc.	11-03-61	04-12-65	11-04-80	00-12-85	DR
315.	Smt. Manoj Das, B. A.	11-12-59	13-12-65	11-04-80	23-11-85	DR
316.	Smt. Anand Joshi, B. Com.	25-01-61	11-05-65	11-04-80	02-13-85	DR
317.	Arjun Kumar (ST), B. A.	03-04-62	11-06-65	11-04-80	11-03-85	DR
318.	Pranab Kumar Singh (ST), B. Sc.	01-01-59	20-11-65	01-04-68	21-11-85	DR On deputation with C.D.I., Shillong
319.	Subinvar Das (ST), B. A.	11-03-60	21-07-65	11-04-80	23-17-85	DR
320.	Subinvar Das (ST), B. Sc.	21-03-59	03-01-66	11-04-80	06-11-86	DR
321.	Smt. Chaitanya Singh, B. A.	13-01-61	12-03-65	11-04-80	12-03-85	DR

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1.	2.	3.	4.	5.	6.	7.	8.
S. S. R. I.							
322.	Indudam Ng. Singh, B. Sc.	05-10-62	20-10-61	01-10-61	20-10-85	DR On deputation with DRI., Imphal.	
323.	Karmal Kumar Sharma, B. A.	19-01-59	10-1-61	11-10-61	10-10-85	DR On deputation with D.G.I., New Delhi.	
324.	Ram Kumar Datta, M. A.	25-11-60	10-1-61	01-10-61	14-10-85	DR	
325.	Shear Dey, B. Sc.	25-08-60	14-1-61	11-10-61	14-10-85	DR	
326.	Swapan Roy, B. Sc.	25-11-61	10-1-61	01-10-61	14-10-85	DR	
327.	Dipas Bhattacharjee, B. Sc.	31-01-61	10-1-61	01-10-61	14-10-85	DR On deputation with CS&MT, New Delhi.	
328.	Kantabha Bhattacharjee (No.2), B. Sc.	25-12-61	20-1-61	01-10-61	20-10-85	DR	
329.	Syed Anwar Shah, B. Sc.	03-10-60	31-1-61	01-10-61	21-01-85	DR	
330.	Bijoy Thapa, B. Sc.	09-12-61	14-1-61	01-10-61	14-10-85	DR	
331.	Mus Salam Mukanuddin, B. Sc.	01-05-60	14-1-61	01-10-61	14-10-85	DR	
332.	Uttam Kumar Dey, B. Sc.	20-11-60	10-1-61	01-10-61	14-10-85	DR	
333.	Ratan Chandra Das (SC), B. Com.	27-12-61	14-1-61	01-10-61	14-10-85	DR	
334.	Arjun Kumar Nandi, B. Com.	16-03-61	14-1-61	01-10-61	14-10-85	DR	
335.	Ujjay Kumar Sharma, B. Sc.	01-11-59	14-1-61	01-10-61	14-10-85	DR	
336.	Ananta Chandra Roy, B. Sc.	12-11-63	10-1-61	01-10-61	14-10-85	DR	
337.	Sheikh Anwar Hussain, B. Sc.	15-10-60	20-1-61	01-10-61	20-10-85	DR	
338.	Karanmoy Datta, B. Sc.	13-12-62	14-1-61	01-10-61	14-10-85	DR	
339.	Rananiya Bhattacharjee, B. Sc.	31-12-60	14-1-61	01-10-61	14-10-85	DR On deputation with W.C.B., New Delhi.	
340.	Ashjit Bhuyan, M. Com.	01-10-62	10-1-61	01-10-61	14-10-85	DR	
341.	Bijay Lyngdoh (SC), B. A.	29-07-59	04-01-61	01-10-61	14-10-85	DR	
342.	Jahar Kar, B. Com.	20-12-59	14-1-61	01-10-61	14-10-85	DR	
343.	Atanu Roy Choudhury, B. Sc.	30-11-61	14-1-61	01-10-61	14-10-85	DR	
344.	Utpal Bhattacharjee, B. Com.	12-12-67	14-1-61	19-02-61	14-10-85	DR	
345.	Smt. Tshering Tshenu Shutiandi (SC) D.A.	04-10-63	20-1-61	01-10-61	28-10-85	DR	

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1.	2.	3.	4.	5.	6.	7.	8.
S/SRI							
346.	Aswini Kumar Baishya (SC), B.A.	06-07-62	14-10-85	01-04-83	14-10-85	DR	Resigned on lien- (01-09-93)
347.	Nibash Ranjan Das (SC), B.A.	01-10-58	14-10-85	01-04-88	14-10-85	DR	
348.	Rownel Martin Chyne (ST), B.Com.	09-04-58	14-10-85	01-04-88	14-10-85	DR	
349.	Manindra Sarania (ST), B.Sc.	21-01-60	14-10-85	01-04-88	14-10-85	DR	On deputation to C.B.T. Shillong.
350.	Nahend Fagu (ST), B.Sc.	01-03-62	14-10-85	01-04-88	14-10-85	DR	
351.	Prout Kumar Daimary (ST), B.A.	01-03-57	14-10-85	01-04-88	14-10-85	DR	
352.	Uttam Kumar Das (SC), B.Sc.	24-10-58	14-10-85	01-04-88	14-10-85	DR	
353.	Jyotish Das (SC), B.A.	01-02-58	14-10-85	01-04-88	14-10-85	DR	
354.	Bidhu Bhushan Karmakar (SC), B.A.	01-02-61	14-10-85	01-04-88	14-10-85	DR	
355.	Gutam Das (SC), B.Com.	08-05-64	14-10-85	01-04-88	14-10-85	DR	
356.	Nano War Dumatari (ST), B.A.	16-08-60	14-10-85	01-04-88	14-10-85	DR	
357.	Sribas Dhar (SC), B.Sc.	30-09-62	14-10-85	01-04-88	14-10-85	DR	
358.	Jayanta Kr. Hiwari (SC) B.Com.	01-07-60	20-10-85	01-04-88	20-10-85	DR	
359.	Swapan Kr. Roy (SC) B.Com.	20-11-58	10-10-85	01-04-88	20-10-85	DR	
360.	Rajkumar Bhuminjoy Singh, B.Sc.	01-07-60	28-10-85	01-04-88	28-10-85	DR	On deputation to D.P.I. Imphal.
361.	Paokhokhai Meisial (ST) B.A.	01-01-58	28-10-85	01-04-88	28-10-85	DR	
362.	Hawlar Haskip (ST) B.Sc.	01-03-59	28-10-85	01-04-88	28-10-85	DR	
363.	Manik Lal Choudhury (SC) B.Com.	08-01-61	28-10-85	01-04-88	28-10-85	DR	
364.	Shehtinmo e Sitlyou (ST) B.A.	01-03-61	28-10-85	01-04-88	28-10-85	DR	
365.	Suminhang Pulamte (ST) B.A.	01-03-61	28-10-85	01-04-88	28-10-85	DR	
366.	Abdul Kadar Zilani, B.Sc.	10-01-54	06-10-80	13-12-81	07-04-87	PR	
367.	Meitram Indramoni Singh, B.Sc.	01-03-61	10-03-86	01-04-88	10-03-86	DR	

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1.	2.	3.	4.	5.	6.	7.	8.
<u>I SHRI</u>							
368.	Sankar Pratim Deb, B.A.	01-09-58	05-01-87	05-01-89	05-01-87	DR	
369.	Santosh Saha, B.A.	04-01-56	10-07-81	13-12-81	29-12-85	PR	
370.	Pratim K. Sen, B.Com.	08-01-60	10-03-86	05-01-89	10-03-86	DR	
371.	Manamendra Barik, M.Com.	16-10-59	07-05-85	05-01-89	07-05-86	DR	
372.	Sujit Bhattacharjee, M.Sc.	26-12-53	12-03-86	05-01-89	12-03-86	DR	
373.	Bhagwati Dutta, B.A.	06-11-58	31-07-81	13-12-81	10-04-86	PR	
374.	Kamranghar Banalal Singh, B.Sc.	01-03-60	10-03-86	01-04-89	10-03-86	DR	
375.	Dolan Ch. Choudhury, B.Com.	01-01-60	10-03-86	05-01-89	10-03-86	DR	
376.	Th. Aschal Singh, B.Sc.	03-01-61	10-03-86	05-01-89	10-03-86	DR	
377.	Dulan Ch. Sharma, F.U.	01-09-51	01-06-74	13-12-81	11-06-86	PR	
378.	Darwish Chatterjee, B.Com(H)	29-04-52	10-03-86	05-01-89	10-03-86	DR	
379.	Baldev Bhattacharjee, B.Com.	09-03-56	27-07-81	13-12-81	17-03-87	PR	
380.	Suman Ch. Barman (ST) H.S.L.C.	01-04-50	14-03-74	13-12-81	21-04-86	PR	
381.	Kamini Sarker, B.A.	31-01-56	27-07-81	13-12-81	18-04-86	PR	
382.	Kirtul Ch. Satharhat (SC), B.A.	07-07-48	03-06-74	13-12-81	11-04-86	PR	
383.	Ajit Bora, B.Sc.	01-12-56	14-10-81	13-12-81	14-04-86	PR	
384.	Sankar Sengupta, B.Com.	08-03-57	01-02-82	01-02-82	10-04-86	PR	
385.	Damodar Sengupta, B.Sc.	11-06-57	12-08-81	24-06-82	11-04-86	PR	
386.	Kamrunnabi Ali Ahmed, B.A.	01-12-54	10-12-74	25-06-82	10-04-86	PR	
387.	Dan Prasad Bora, B.Sc.	01-12-55	04-09-81	01-07-82	10-04-86	PR	
388.	Santanu Ch. Mishra, H.S.L.C.	01-03-52	11-03-74	01-07-83	16-04-86	PR	
389.	Kamrunnabi, B.A.	01-07-56	29-08-81	01-10-83	11-04-86	PR	
390.	Sanku Rn. Bhattacharya (SC) H.S.L.C.	01-08-51	28-11-74	01-03-84	11-04-86	PR	

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-: 18 :-

	3.	4.	5.	6.	7.	8.
<u>S. SHRI</u>						
391. Surajit Rn Deb, H.S.L.C.	20-06-54	15-09-75	01-03-84	22-12-86	PR	
392. Jayanta Kr. Purkayastha, F.U.	01-03-57	20-09-75	01-03-84	07-04-86	PR	
393. Chandra Kanta Baruah, B.Sc.	01-03-55	23-11-81	01-03-84	25-04-86	PR	
394. Smti. Sushila Lyngden (ST) H.S.L.C.	29-12-56	29-09-75	01-03-84	07-04-86	PR	
395. Supriya Chakraborty, F.U.	12-04-55	10-11-75	01-03-84	07-04-86	PR	In deputation to D.R.I. Calcutta.
396. Girindra Nath Haloi (SC) B.Sc.	29-02-56	26-09-81	01-03-84	15-12-86	PR	
397. Niranjan Ch. Malakar (SC) P.A.	12-09-55	23-09-81	01-03-84	07-04-86	PR	
398. Nur Mohammed Sheikh, B.A.	01-01-53	21-10-76	01-03-84	11-04-86	PR	
399. Smti K.M. Syiemlich (ST) M.A.	19-05-56	27-07-81	01-03-84	07-04-86	PR	
400. Mahunda Ram Das, H.S.L.C.	20-01-55	12-08-76	01-03-84	11-04-86	PR	
401. Bich. Haverika (ST) B.Sc.	01-01-53	04-12-81	01-03-84	10-04-86	PR	
402. Smti. Sibani Lanong (ST), B.A.	01-05-55	01-02-82	01-03-84	07-04-86	PR	
403. Md. Abdur Rouf, B.A.	25-03-52	13-02-76	01-03-84	15-04-86	PR	
404. Bikash Kar, M.A.	22-05-58	26-06-81	13-12-81	22-04-87	PR	
405. Subir Kumar Dasgupta, B.A.	05-03-51	05-12-74	13-12-81	22-04-87	PR	
406. Lalit Chandra Doley (ST) F.U.	01-01-50	07-06-74	01-02-82	27-04-87	PR	
407. Babul Chandra Boro (ST) B.A.	01-01-59	22-09-81	01-03-84	23-04-87	PR	
408. Dimbeswar Paou (ST) B.Com.	05-04-55	16-10-81	01-03-84	23-04-87	PR	
409. Dipak Kumar Dey, B.Sc.	20-04-56	28-09-81	02-03-84	21-04-87	PR	
410. Manindra Karmekar, B.A. (H)	01-12-58	19-01-82	02-03-84	21-04-87	PR	
411. Lila Phukan, B.Sc.	01-09-59	16-11-81	02-03-84	23-04-87	PR	
412. Ramesh Chandra Sharma, B.A. (H)	01-10-59	02-11-81	02-03-84	21-04-87	PR	

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CUSTOMS AND CENTRAL EXCISE INTELLIGENCE

C.NO.II(34)1/ET.I/91/Pt-I/

Dated :

To

The Assistant Collector of Central Excise,

Central Excise Division(All).

The Assistant Collector of Customs(Preventive),

Customs(Preventive) Division(All).

The Branch-in-charge,

Branch/Cell/Unit(Hqrs.Office) (All).

Subject : Re-fixation of Seniority of Inspectors appointed before 01-03-86 - Regarding.

In continuation of this office letter of even no. 15263-302(A) dated 24-10-94 on the above subject and with a view to implement the judgement of Hon'ble C.A.T., Calcutta on O.A. No. 925/92, the draft seniority list prepared and circulated to all concerned is now being finalised as under :

2. Some affected Promotee Inspectors have contended that as a similar case was sub-judiced before the Hon'ble C.A.T., Guwahati(O.A.No.141/92) to which some representees are private respondents, their position in the Seniority List should not have been disturbed till the final disposal of the case. However, the Hon'ble C.A.T.(Guwahati) vide their Order dated 30-07-92 on O.A. No.141/92 have empowered this department to dispose of the representations of the applicants during the pendency of the case. Hence Draft Seniority List extending the relief as requested by the applicants was not incorrect or illegal.

3. Again, some of the Direct Recruit Inspectors affected by the revision have contended that all the Promotee Inspectors who joined the grade at a later date, though in the same year, should be regarded to have become available through later selection and hence be placed junior to them. As has already been mentioned vide this office letter dated 24-10-94 mentioned above, the underlining principle, as per C.A.T.'s Order, followed in this regard was Para 3 of Ministry of Personnel, P.G. & Pensions' O.M.No.35014/2/80-Estt.(D) dated 07-02-86 which, summarily, provides for rotation of Direct Recruit and Promotee quota as per Recruitment Rules for fixing Seniority among Direct Recruit and Promotee Officers becoming available through selection of the same year, irrespective of their date of joining. Hence the objections raised in this regard is not correct.

4. Further, some of the Promotee Inspectors who were first promoted on ad-hoc basis have contended that their seniority be fixed with reference to the Year/date they joined as Inspector on ad-hoc basis and not with reference to the Year/date they were subsequently promoted on regular basis. Whereas the condition of such ad-hoc promotion was that such ad-hoc promotion will not confer on the officers so promoted any claim for continued officialisation in the grade and the period of such ad-hoc service will not count for seniority confirmation or as qualifying service for further promotion.

5. Lastly, some of the Promotee Inspectors have contended that the Recruitment Year in their case should be the year they passed the departmental examination(written examination) for promotion to the grade of Inspector from lower grade and not the year they were actually promoted. The relevant instruction in this regard has clearly stated that the Recruitment Year of Officers promoted to higher grade is the year in which the D.P.C. was held.

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In view of the above, all the representations received against the Draft Seniority List have been considered carefully and are hereby disposed of and the Draft Seniority List is hereby made final without any further alterations. This will, however, be subject to the outcome of the SLP filed by the department before the Hon'ble Supreme Court against the judgement of the Hon'ble C.A. No. 225/92 and various other cases pending before the Hon'ble C.A. No. 225/92.

All the concerned Inspectors working under your charge may be informed suitably.

(EVA M.R. HYNIEWTA)
DEPUTY COLLECTOR (CEN)
CUSTOMS & CENTRAL EXCISE, SHILLONG

C.NO.JI(34)1/ET-I/91/PT.J/

Dated :

Copy to :

1. Shri P.K. Mitra, Under Secretary, Govt. of India, Ministry of Finance, Department of Revenue, Central Board of Excise and Customs, North Block, New Delhi.
2. The Additional Collector of Customs (Preventive), Office of the Additional Collector of Customs (Preventive), New Chackon Road, Opposite Rajah Gate, Imphal-1.
3. The Assistant Collector (Judicial), Customs and Central Excise, Shillong.
4. Shri Nimai Chandra Patra, Intelligence Officer, Narcotics Control Bureau, Eastern Zonal Unit, 4/2, Zoraya Road, 1st Floor, Calcutta-17.
5. All other concerned Inspectors on deputation.
6. The General Secretary, Group 'C' Executive Officers' Association, Customs & Central Excise, Shillong.
7. Guard File.

(EVA M.R. HYNIEWTA)
DEPUTY COLLECTOR (CEN)
CUSTOMS & CENTRAL EXCISE, SHILLONG

ANNEXURE-2

CUSTOMS AND CENTRAL EXCISE
SHILLONG

ESTABLISHMENT ORDER NO. 330/82

Dated Shillong the 18th November, 1982

Sub : Lett. - Promotion of UDCs/Steno of Customs and Central Excise to the grade of Inspector - regularization of.

The following UDCs/Steno of Customs and Central Excise, who were earlier promoted as Inspector (OC) on ad hoc basis in the scale of pay B. 425-15-500-20-15-500-70-700-25-800/- vide this office Lett. order nos. 103/81 dated 2.1.81, 254/81 dated 9.9.81, 285/81 dated 10.10.81 and 84/82 dated 6.2.82 are hereby appointed on regular basis to officiate in the grade of Inspector with effect from the date of this order and until further orders and their seniority in the grade of Inspector (OC) will be in the order as indicated below :

Sl. No.	Name
1.	Shri Lebachin Shaitacharjee
2.	Shri Jibaniel Bhosnach
3.	Shri Sukesh Ranjan Liat
4.	Shri Srijan Ganguli
5.	Shri Abhijit Ghosh
6.	Shri Biswajit Shaitacharjee
7.	Shri Priya Son Baruah
8.	Shri Parabi Barua
9.	Shri Babulakra Shaitacharjee
10.	Shri Laxmi Prasad Shaitacharjee
11.	Shri Tapan Bar
12.	Shri Laxyada Ranjan Chatterjee
13.	Shri Goyada Son An Barua
14.	Shri Gopal Bar
15.	Shri Babajyoti Chatterjee
16.	Shri Barjyoti Chatterjee
17.	Shri Gopal Chatterjee
18.	Shri Laxyada Chatterjee
19.	Shri Laxyada Chatterjee
20.	Shri Gopal Chatterjee
21.	Shri Gopal Chatterjee
22.	Shri Gopal Chatterjee

Sl. No.

23.

24.

25.

26.

Shri Jyotish Chandra Das
Shri Anil Kr. Deb
Shri Kharendra Ch. Natha
Smt. Lilyda Shampiang.

SA/- LHM SHAWHAN
Assistant Collector (Genl.)
Customs & Central Excise
Shillong

C. No. II/3/40/Et.III/78/1065-250

Dated 20.11.82

Copy forwarded for information & necessary action to

1. The Collector, Customs & Central Excise, Shillong
2. The Additional Collector, Customs & Central Excise, Shillong.
3. The Assistant Collector, Customs & Central Excise (All).
Copies sent for the officer(s) concerned to be
enclosed herewith for onward transmission to the
joining report of the officer(s) concerned may please
be forwarded for record.
4. Shri Sibulal Bhattacharya, Inspector.
5. The CRO/PAO of Collectorate Hqs. Office, Shillong.
6. The IT.I/Secy. I/II/Conf. Branch of Hqs. Office, Shillong.
7. Guard File.

SA/- LHM SHAWHAN
Asst. Collector (Genl.)
Customs & Central Excise, Shillong

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GOVERNMENT OF INDIA
MINISTRY OF FINANCE
OFFICE OF THE SECRETARY
GOVERNMENT OF INDIA
NEW DELHI

F.NO.A.2007/5/92 AD-III(A) THIS IS TO ACKNOWLEDGE RECEIPT OF
YOUR LETTER NO.V.33375/74H/92/1P24(A) DATED 1.10.94 WITH ALL
DETAILS REGARDING O.A.NO.925/92 FILED IN CAT CALCUTTA WHICH BY
SHRI H.C.PATRA AND OTHERS AND ALSO CASE RECORD IN O.A.NO.121/92
FILED BY SH. PHANU DEB(.) KINDLY NOTE THAT GOVT. HAVE ALREADY
DECIDED THE REPRESENTATION OF SHRI H.C.PATRA AND OTHERS IN
COMPLIANCE WITH A CAT ORDER DATED 25.11.93(.) IT HAS BEEN DECIDED
TO GRANT THE BENEFIT OF CAT ORDER IN O.A.NO.8/88 OF THE CAT
CALCUTTA REACH ORDER IN THE CASE OF SHRI MONOTHOSH GOSWAMI
AND OTHERS VS. UNION OF INDIA(.) THEREFORE IMMEDIATE STEPS SHOULD
BE TAKEN TO EXTEND THE RELIEF TO SHRI H.C.PATRA AND OTHERS AND
ACTION TAKEN REPORT BE INTIMATED TO US(.) THIS MAY PLEASE BE
DONE BEFORE 4.11.94 THE DATE OF HEARING OF THE CORRECT PETITION
FILED BY THE PETITIONERS BEFORE CAT CALCUTTA REACH(.) GOVT.
ADVOCATE MAY BE DIRECTED TO APPRAISE THE CAT ABOUT THE BOARD'S
DECISION WHEN THE HEARING TAKE PLACE ON 4.11.94(.) REPORT
ACTION TAKEN AT ONCE(.)

*Imposition
by 10/10/94*
*Legal
by 10/10/94*

N.T.T.

New Delhi, the
4th October, 1994.

(R.K. Mittal)
Under Secretary to the Govt. of India

✓ Copy by post in confirmation to Collector of Central
Excise, Bhubaneswar.

(R.K. Mittal)
Under Secretary to the Govt. of India

ANNEXURE - K.7

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH 111 GUWAHATI - 9

D.O. 121/82

Bhr. Khanin Naog & Ors.

-VS-

Union of India & Ors.

P.R.C.A.F.N.Y.

THE HON'BLE JUSTICE SHRI M.G. CHAUDHARY, VICE CHAIRMAN,
THE HON'BLE SHRI G. L. SANGLYNE, MEMBER (ADMIN).

For the Applicants

Mr. D.N. Choudhury,
Mr. B.P. Katoki,
Mr. N. Dutta.

For the Respondents

Mr. A.K. Choudhury, ADDL. COMM.
Mr. J.L. Sarkar,
Mr. N. Chanda,
Mr. R.H. Purkayastha.

DATE

7.6.95

ORDER

Mr. N.H. Pathak for Mr. N. Dutta and Mr. B.P. Katoki for the applicants.

Mr. A.K. Choudhury for respondents 1 to 3.

Mr. Pathak states that applicants do not desire to press the relief in this application and the application may be accordingly disposed of. In view of the aforesaid statement, the application is disposed of as not pressed. No order as to costs.

The interim order stands vacated.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMIN)

Registered with A/B

Case No. : 3019

Date : 17/7/95

Copy for information & necessary action to :

- (1) Bhr. Khanin Naog, S/O. Sri D.N. Naog, Inspector of Customs and Central Excise, O/D. the Superintendent of Customs and Central Excise, Dispur.
- (2) The Secretary, Govt. of India, Revenue Department, Ministry of Finance, New Delhi.
- (3) The Chairman, Central Board of Excise and Customs, C-1/3 Pandara Park, New Delhi.
- (4) The Collector, Customs & Central Excise, Shillong.
- (5) The Secretary, Govt. of India, Ministry of Personnel Public Grievances and Pensions, Department of Personnel and Training, New Delhi.

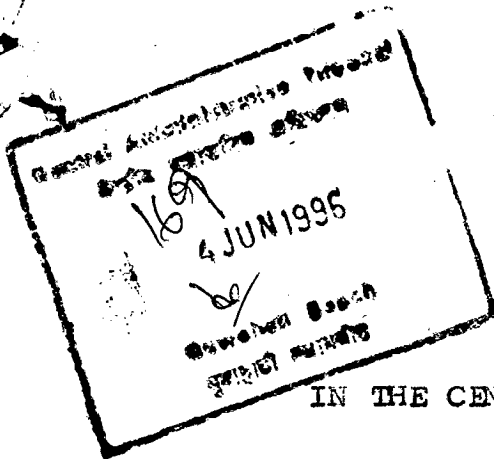
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24/7/95

Handwritten signature and initials

SECTION OFFICER (3)

Handwritten initials



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

O.A. No. 101/95.

Sri J.L. Bhowmik.

-Versus-

Union of India & Ors.

In the matter of -

Rejoinder submitted by the applicant
in this case as follows :-

The applicant most humbly begs to
state as follows :-

1. That your applicant has received a copy of the
written statement submitted by the official respondent
and he has gone through the same carefully and understood
the contents thereon.

2. That it would be evident from the brief history
narrated by the official respondent as regard fixation
of seniority of ~~Direct Recruits~~ Direct Recruits and promotees
in the introduction of the written statement. It would
be evident from the brief history stated by the official
respondent in page 3 whereby it is categorically admitted

that.....

Copy is
being over
to Mr. S. Ali
Sr. C.A. Sec.
While
adv.
4-6-96.

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that Sri N.C. Patra, one of the D.R. Inspector of 1981 batch was superseded by some promotee Inspectors in spite of being appointed through a latter selection. Therefore, it is quite clear that Sri N.C. Patra although superseded in the year 1981, but he had approached the Hon'ble Tribunal, Calcutta Bench only in the year 1992 through original application No. 925 of 1992. Therefore, he had approached the Tribunal for refixation of seniority after a long back of 11 years which is hopelessly time-barred.

But, most unfortunately the present applicant was not impleaded as respondent. Therefore, the present petitioner had no opportunity to represent his case before the Hon'ble Tribunal, Calcutta Bench. Therefore, following the Calcutta Bench judgement, the commissionerate of Central Excise & Customs, Shillong had altered/refixed the seniority of the present applicant which was assigned to the applicant long back in the year 1982. This decision of Commissionerate of Central Excise & Customs, Shillong, to revise the seniority through impugned office order under letter C. No. II(34)1/E.T.-i/91/Pt-I/15263-302(A), dated 27.4.95 is arbitrary, illegal and unfair and the same is liable to be set aside and quashed.

The seniority of the applicant cannot be revised on only ~~xx~~ the ground that the applicant is similarly placed

Inspector

Inspector 'as' stated in the brief history narrated by the respondent.

The decision cited by the respondent cannot be applied in the facts and circumstances of the case of the applicant. Be it stated that every case is governed by its own facts and circumstances, this is a well-settled principle of law laid down by the Hon'ble Apex & Court. The question of revision of seniority after a long lapse of 12 years does not arise and also not permitted. The settled things should not have been unsettled after a long lapse of 12 years by revising the seniority and by declaring the respondent No. V to XXVI senior to the present applicant. Therefore, the impugned revised seniority list which was issued ~~xx~~ on 24.10.94 and subsequently finalised by order dated 27.4.95 is liable to be set aside and quashed. The action of the respondent is highly illegal and arbitrary as the revision of seniority is being done for implementation of the judgement dated 25.11.93 passed by the Calcutta Bench 925 of 1992, whereas the applicant was not at all a party in O.A. No. 925 of 1992 before the Calcutta Bench, and the applicant further declares that he did not receive any copy of the notice of O.A. No. 925 of 1992. Therefore, revision on the basis of Calcutta judgement is violative of principle of natural justice. The cases cited by

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the respondents not at all applicable in the instant case as the seniority of the applicant is disturbed by refixing after a lapse of 12 years. The seniority of the applicant was assigned w.e.f. 16.11.82 on the basis of office Memorandum No. 22.12.59 which was valid rule of seniority prevailing at the relevant time.

3. That your applicant categorically denies the statement made in paragraph 4, 5, 6, 7, 8 and 9 of the written statement and further begs to state that there was no direction in the judgement of Calcutta to alter or revise the seniority of the applicant as referred by the official respondent. The judgement passed in the case of Sri N.C. Patra where the applicant was not impleaded a party cannot be applied to the case of the present applicant. In this connection, it may also be stated that in O.A. No. 141 of 1992 the Hon'ble Tribunal only empowered for disposal of representations of the applicant of O.A. 141 of 1992. Therefore, the respondent ought to have acted in a fair manner, but in the instant case the respondent had taken an arbitrary decision of refixation of seniority. The decisions of Hon'ble Apex Court in paragraph 7 cannot be applied in the instant case as the seniority of the applicant assigned long back in the year 1982 following the seniority principle laid down in O.M. dated 22.12.59.

The private.....

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The private respondents remained silent for the last 12 years and accepted the seniority of the applicant above them. Therefore at this belated stage, the question of refixation of seniority is not permitted under any law. The Apex Court in any of the judgement referred by the respondents permitted to alter or refix after a lapse of 12 years. In fact, the cause of action arises long back in the year 1982 when the seniority was fixed following the principle laid down in O.M. dated 22.12.59. Therefore, the same cannot be questioned or altered or refixed in the belated stage in the year 1995 while the applicant was in the verge of promotion in the post of Supdt. of Customs & Central Excise.

4. That the applicant denies the written statement made in para 10, 11, 13, 14 and further begs to state that the vacancy against which the applicant was promoted on ad-hoc basis initially w.e.f. 8.4.81 was a regular vacancy for the recruitment year 1981-82 and the applicant at the relevant time was eligible as per the amended recruitment rule for promotion to grade of Inspector as amendment of the recruitment rules notified in the Gazette of India dated 21.6.80, Part-III Section 3(I) but for non-convening the D.P.C. in time the promotion was termed as ad-hoc which is contrary to the instruction laid down

in the.....

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in the office Memo. issued by the depts. of personnel and A.R. under G.I.D.P. and AROM No. 22012/2/79(D) dated 19.9.79 and O.M. No. 22011/3/82-Estt.(D) dated 23.6.82 wherein the Deptt. of Personnel and A.R. repeatedly issued instruction for holding DPC. meeting at regular intervals to draw panel which could be utilised for making promotions against the vacancies occurring during the course of a year so that officers due for promotion should not incur any financial loss or any other loss of service benefit in the next higher grade. But in the instant case the applicant was regularised in the cadre of Inspector on 16.11.82 vide estt. order No. 330/82. Therefore in the instant case date of appointment of the applicant should be treated as 8.4.81 instead of 16.11.82 and seniority also be counted w.e.f. 8.4.81.

5. That with regard to the written statement made in para 15, 16, 17, 18, 19 and 20. The applicant categorically denies the correct the same and begs to state that the case of the applicant is squarely covered by the judgement and order dated 17.1.95 (Gauhati Bench) passed in O.A. No. 2(G)/89 and also support the case of the present applicant following the judgement and order passed in Rajbir Singh and ors. -vs- Union of India & ors. by the Hon'ble Apex Court reported in 1992 (90) ATC. 315.

A similar.....

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A similar question of seniority was dealt by the Hon 'ble Principal Bench, New Delhi in O.A. No. 1089/86 which was decided on 28.5.87 (Sri L.B. SibDasani & ors. -vs- Union of India & ors.). This case also dealt with the O.M. dated 7.2.86 issued by the Govt. of India and uphold the decision of the Govt. which was dealt in para 7 of the O.M. dated 7.2.86 wherein it is clearly laid down that the law laid down by the apex court as regard determination of seniority shall take effect from 1st March/1986 and the seniority already determined in existence of principle on the date of issue of this order will not be reopen. This decision of the Govt. is neither struck off either by the Kattack Bench or Calcutta Bench, therefore the same is still in force and the question of seniority should not have revised by the official respondents contrary to the R principle laid down in O.M. dated 7.2.86. Be it stated that the official respondent have preferred an SLP against the judgement and order of the Calcutta Bench passed in O.A. No. 925/92² and the same is still pending before the Hon'ble Apex Court. Therefore in the circumstances stated above the official respondents should not have revised the seniority of the applicant declaring the Respondent No. 5 to 26 senior to the applicant at this belated stage after a lapse of 12 years to the detriment of of the interest of the applicant. In the circumstances

impugned.....

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impugned seniority list as on 21.10.94 finalised under letter dated 27.4.95 be set aside and quashed and the applicant be declared senior to the Respondents No. 5 to 26 and thereby restore the original position of seniority in terms of O.M. dated 7.2.86. The application deserves to be allowed with cost.

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

I, Sri Jibanalal Bhowmick, Superintendent of Customs and preventive Division, applicant in this case.

The statement made in the rejoinder are true to my knowledge and belief. I have nothing suppressed of material fact.

Date. 3-5-96.

Jibanalal Bhowmick
Signature.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

OA No-101/95

Shri Jeevan Lal Bhawmick

- Verses -

Union of India & Ors.

..... Applicant.

..... Respondent.

Written statement on behalf of
the respondent No- 2XVI Shri
(Bhupen Patir).

The answering respondent begs to
state as follows:-

1. That the answering respondent has gone through the copy of the original applicant on which the above noted case has been registered and has understood the contents thereof. Save and except the statements which are specifically admitted herein below, other statements made in the OA are denied. Further the statement which are not born on records are also denied and the applicant is put to the strictest proof thereof.

2. That with regards to the statement made in paragraphs 6.1 the answering respondent begs to state that the office orders dated 2.4.81 itself stipulated that the appointments made therein were purely provisional and adhoc and that the period of adhoc promotion would not count towards ~~seniority~~ seniority. It is denied that the applicant's seniority was assigned following the then seniority laid down in the

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*Received
10-3-97*

office memorandum dated 22.12.59. It is also denied that the applicant was appointed/promoted against regular vacancy of the recruitment year. In any case the OM dated 22.12.59 cannot determine the seniority of different incumbents more particularly. When the quota.rota rule itself has broken down.

3. That with regards to the statement made in para 6.2 of the OA, the answering respondent doesnot admit anything contrary the relevant records.

4. That with regards to the statement made in para 6.3 of the OA, while denying the contentions/allegations the applicant begs to state that the seniority list prepared prior to 24.10.94 were all erroneous and illegal in as much as the seniority of the incumbents was fixed putting the appointees against vacant slots of the earlier years which is totally arbitrary as has been held by the Hon'ble Supreme Court, different High Court and Hon'ble Tribunal. Revised seniority list dated 24.10.94 was prepared as far direction of Hon'ble CAT, Calcutta Bench in OA 925/92 (N.C.Patir Vs Union of India and Ors) in which the applicant was a party respondent . The seniority list dated 24.10.94 has been prepared for the reason mentioned in the Annexure 3 later dated 24.10.94 and there is not informity in doing so.

5. That with regards to the statement made in para 6.4 of the OA, while denying the allegation made therein the respondent begs to state that the draft seniority

list was published in accordance with al law . It will be pertinent to mention here that some of the judgement on the basis of which the impugned seniority list has been published were tested on appeal before the Apex Court but the same has been dismissed and thus there is no informity in the revised list de dated 24.10.94.

6. That with regards to the statement made in para 6.5 of the OA, the answering respondent doesnot admit anything contrary to the relevant records. To the best of knowledge of the respondent, OA 141/92 has since been withdrawn on 17.6.95.

7. That with regards to the statements made in para 6.6 of the OA, the answering respondent denies the contentions/allegations made therein. As already stated above, the present applicant was very much party to the OA No- 925/92 decided by Calcutta Bench of the Hon'ble Tribunal. The judgement of the Calcutta Bench has attained its finality and the same cannot be reopened through the instant OA. In any case of the official respondent are bound to follow the principles laid down in a case to those similarly situated persons. Accordingly the respondent is entitled to the benefit of the said judgement being similarly circumstanced.

8. That with regards to the statement made in para 6.7 of the OA, while denying the contentions/allegation made therein the respondent begs to state that the app.

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cant cannot base his claim of seniority ~~from the date~~ on the basis of illegalities. He cannot have his seniority from the date when he was not even born in the cadre. Even leaving aside the OM dated 7.2.96 also the applicant cannot claims seniority above the respondent .

9. That with regards to the statement made in para 6.8 of the OA, while reiterating and reaffirming the statement made above the respondent begs to state that ~~the~~ an illegal fixation of seniority can always be reopened as has been done in the instant case. The circumstances for doing so have been fully explained in the impugned orders.

10. That the answering respondent categorically denies the contentions made in para 6.9 of the OA. As will be seen from the Annexure 1 appointment letter dated 2.4.81 the appointments made therein were purely provisional and adhoc with the stipulation that the same would not count towards seniority. The applicant all along accepted that position and now he cannot turn around the same. Be it stated here that in the seniority list issued since 1983 the appointment of the applicant has been shown as 16.11.8 to which the applicant never objected to. It will be thus clear when the applicant was assigned a higher seniority following the quota-rota rules although the same had already broken down. The admitted position is that when the respondent had already born in the cadre, the applicant was not even appointed to service. The applicant was is not entitled to seniority over the respondent

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either on the basis of quota-rota fixation of seniority or on the basis of date of regular appointment .

11. That with regards to the statement made in para 6.10 (a) of the OA, the answering respondent doesnot admit anything contrary to the relevant records.

12. That with regards to the statement made in para 6.11 of the OA, the answering respondent begs to state that the later dated ~~27.10.~~ 27.4.95 finalising the draft seniority dated 24.10.94 was issued after considering of representation of the incumbents that is the promotees and the directs . The Hon'ble Tribunal will be reluctant to interfere with the seniority list under the facts and circumstances of the case.

13. That with regards to the statement made in para 6.12 of the OA, the answering respondent denies the content-made therein. The unattended cause of action ~~long~~ has ~~be~~
~~---ee~~ been met with by issuing the impugned orderd and the long standing grievence of the person like that of the respondent has been removed . There is no question of any admission on the part of the respondent. The applicant cannot stake his claim on the basis of illegal fixa-tion of seniority.

14. That with regards to the statement made in para 6.13 of the OA, the answering respondent doesnot admit anything contrary to the relevant records. The applicant has suppressed the facts that a review application against

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the judgement in OA No 2/89 has been admit and now the same is pending disposal before this Hon'ble Tribunal . Further more the facts involved in the said case is different. Be it also stated here that this Hon'ble Tribunal has followed the principles laid down by the various benches of Hon'ble Tribunal (OA 62,63,71 of 1987 etc) while delivering judgement in similar cases. This Hon'ble Tribunal has followed the principles in OA No 241/91 (B.Dhar, Vs Union of India & Ors). The present applicant never claim his seniority to be fixed as par his adhoc appointment on 8.4.81. Since 1983 his dated of appointment has all along been shown as 16.11,82 that is the date of his regular appointment to which the applicant never objected to.

15. That with regards to statement made in para 6.14 of the OA, the answering respondent begs to state that the applicant was regularly appointed with effect ~~fr~~ from 16.11,82 and thus he cannot claim seniority on the basis of his date on adhoc appointment with effect from 8.4.81. The applicant is not entitled to seniority above the respondent on the basis of deemed that of appointment on which date he was not born in the cadre.

16. That with regards to the statement made in para 6.15 of the OA, the answering respondent begs to state that the private respondent 2V to 2XVII including the answering respondent has already been promoted as Superintendent and all of them have joined the promotional

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post. They have been so promoted on 7.6.95 on the basis of seniority list dated 24.10.94 .

17. That with regards to the statement made in para 6,16 of the OA, the answering respondent states that the instant OA has not been filed ~~melafide-and-a~~ bonafide and for cause of justice but the same has been filed melafide and accordingly liable ~~to~~ to be dismissed with cost.

18. That the answering respondent submits that none of the grounds on the basis of which reliefs have been sought for are maintainable and the applicant is not entitled to any relief. The instant OA is also hit by the principles of res-judicata, waiver, estoppel and acquiescence.

19. That under the facts and circumstances stated above the instant OA is liable to be dismissed with cost.

V R I F I C A T I O N

I, Shri Bapukan Patir, the respondent No 2XVI of OA

No 101/95 do here by solemnly affirm and verify

that the statement made in paragraphs (1 to 19)

are true to my knowledge and I have not suppressed

any materials- facts.

And I sign This verification on This the 2nd day of March 1997

Bapukan Patir

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

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Filed by
Siddhartha Sarma
Advocate
14-3-97

MISC. CASE NO. _____/1997.

IN THE MATTER OF :-

O.A. No. 101 of 1995

Sri Jeevan Lal Bhowmick ... Applicant.

Vs.

Union of India & Ors. ... Respondents.

AND

IN THE MATTER OF :-

Written statements filed on behalf
of respondent No. 2(XVI).

AND

IN THE MATTER OF :-

An application for acceptance of the
written statements filed by the above
respondent.

The humble petition on behalf of
the above-named respondent -

Most Respectfully Sheweth :-

1. That the respondent in the above-noted case
namely, respondent No. 2(XVI) has filed written statement
on 10.3.97.

Contd.....2

Copy served
on Mr. J.L. Sarma
Advocate
14.3.97

2. That the necessary para-wise comments in respect of the original application could not be prepared in time in as-much-as necessary documents towards preparation of the same were not available with the respondents. However, after collecting the same, the para-wise comments were handed over to his Counsel for preparation of the written statements.

3. That due to inadvertence, the written statement remained unprepared and accordingly, could not be filed in time. However, on detection of the same, the written statements was prepared and the same has been filed on 10.3.97.

4. That if the written statements filed by the respondent is not taken into account and the case is decided ex-parte against him, the respondent will suffer irreparable loss and injury. There was no laches and/or negligence on his part towards filing of the written statement and the delay which occurred in filing the same is due to the time taken for collecting the necessary documents and there-after due to inadvertence, same was not filed by his Advocate. If this delay in filing the written statements is not condoned, the respondent will suffer irreparable loss and injury.

5. That this application has been filed bonafide and for ends of justice .

It is, therefore, prayed that the written statement filed by the respondent in O.A. No. 101/95 may be accepted and/or be pleased to pass such further order/orders as the Hon'ble Tribunal may deem fit and proper.

And for this, the respondent as in duty bound, shall ever pray.

VERIFICATION.

I, Shri S. Sarma, son of Dr. B.K. Sarma, by profession Advocate, Central Administrative Tribunal Bar Association, aged about 28 years, do hereby verify that the statements made in paragraph 1 to 4 are true to my knowledge and I sign this Verification on behalf of respondent No. 2(XVI), on this 13th day of March, 1997.

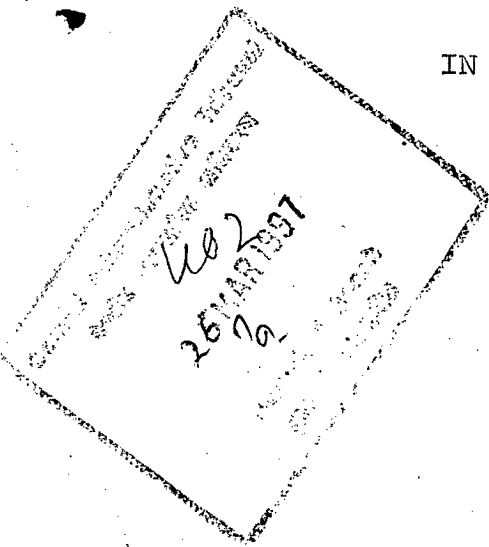
S. Sarma

(S. Sarma)
Advocate.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



In the matter of :

O.A. No. 101 of 1995

Sri J.L.Bhowmick

-versus-

Union of India & Ors.

-And-

In the matter of :

Rejoinder submitted by the applicant
in reply to the written statement
submitted by the Respondent Sri
B. Patir.

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

1. That the applicant categorically deny the statement made in paragraphs 2 and 3 of the written statement and further reiterates that the applicant was promoted vide order dated 2.4.1981 against regular vacancy of the recruitment year 1981-82 and at the relevant time, the seniority rules laid down in the Office Memorandum dated 22.12.1959 controlling the field of seniority and accordingly following the Procedure laid down in OM dated 22.12.59, the seniority of the applicant was rightly assigned to him and the same was never challenged by the Respondent Sri Patir at that time since last 13 years. It is ought to be mentioned that at the time when seniority was fixed, since 1983 onwards in the instant case, the opportunity was provided to the Respondent as per relevant rules of seniority inviting

Contd...P/2

Filed by the applicant
through Malik, Charde
26.3.97. Adv.

objections if any but the Respondent, particularly Respondent Sri Patir never raised any objection and the seniority position of the applicant in terms of the provisions of the O.M. dated 22.12.59 stands settled. ~~and~~ therefore, the re-opening of the past seniority of the applicant which was settled long back on the pretext of break-down of quota rule and re-fixation of the seniority of the applicant at this belated stage is arbitrary and the same cannot be sustained in law.

It is categorically stated that there was no break-down of quota rule and the Respondent is put to the strictest proof thereof. The plea of break-down of quota Rule taken by the Respondent with an ulterior motive to take away the valuable and legal right of the applicant as regard to the seniority position which was settled long back in terms of O.M. dated 22.12.59 and therefore the impugned seniority list published as on 21.10.94 vide impugned letter dated 24.10.94 which was later declared final vide impugned letter dated 27.9.95 are liable to be set aside and quashed.

2. That with regard to the statement made in paragraphs 4,5 and 6, the applicant categorically deny the correctness of the same and further begs to state that the seniority of the applicant has been rightly fixed in terms of the O.M. dated 22.12.1959 and the same continued for a long last 11 to 13 years and this position cannot be altered at this belated stage arbitrarily by the Respondent vide impugned seniority list published as on 21.10.94 vide

Contd...

impugned letter dated 29.10.94. The applicant categorically begs to state that he has not received any intimation/notice regarding his impleadment in O.A. No. 925/92 (Sri N.C.Patra Vs. U.O.I & Ors) otherwise the applicant would have contested the same. Therefore, without affording any opportunity to the applicant, the seniority list cannot be altered/refixed to his disadvantage. Moreover, the seniority of the applicant which is altered/refixed vide impugned seniority list published as on 21.10.94 vide impugned letter dated 24.10.94 is contrary to the O.M. dt. 22.12.59 and in violation of the O.M. dated 7.2.1986 issued by the Government of India, Deptt. of Personnel. In para 7 of the O.M. dated 7.2.1986 it is categorically stated that the seniority already been determined in accordance with the existing principle on the date of issue of the order will not be reopened and it is further stated that the O.M. dated 7.2.86 will take effect from 1.3.1986. Therefore, the alteration/refixation of seniority done by the Respondent by publishing the revised seniority list as on 21.10.94 vide impugned letter dated 29.10.94 is liable to be set aside and quashed.

3. That with regard to the paragraphs 7,8,9,10 and 11 the applicant denies the correctness of the fact and further begs to state that the present applicant for the first time now after receipt of the written statement of private respondents Sri Patir came to know that the applicant was a respondent in O.A. No. 925/92. In this connection the applicant begs to state that if the applicant would have received the notice of his impleadment in O.A. No. 925/92 which was decided by the Hon'ble Calcutta Bench of the

Contd...P/4

Central Administrative Tribunal the applicant would have definitely contested the same but unfortunately till date he had no information regarding his impleadment in O.A. No. 925/92. But this is first time it is stated by the private respondent Sri Patir in his written statement in paragraph 7 that the present applicant was a respondent in O.A. No. 925/92 of the Calcutta Bench of the Central Administrative Tribunal. Therefore no opportunity was given to the applicant for contesting the case in O.A. No. 925/92. Be it stated that the written statement filed by Sri Patir was received by the counsel of the applicant only on 10.3.97 and thereafter the present applicant has come to know that he was a respondent in O.A. No. 925 of 1992. It may further be stated that the official respondents also have not disclosed this above fact of impleadment of the applicant in the O.A. No. 925/92 while refixing/altering the seniority of the applicant vide impugned letter dated 24.10.94. It is simply stated by the Deputy Collector (P&V) Customs and Central Excise, Shillong in the impugned letter dated 24.10.94 that as follows :

"Now referring to decisions in two such cases viz. Monotosh Goswami & Ors Vs. U.O.I. & Ors. in Hon'ble C.A.T., Calcutta and O.A. Nos. 62, 63 and 71 of 1987 in Hon'ble C.A.T., Cuttack, Shri N.C.Patra, a direct recruit Inspector of 1981 batch of this Collectorate represented seeking relief in the light of above mentioned judgements. Accordingly, the Board vide their Telex F. No. A-23024/5/92-AD-III.A dated 04.10.94 have decided to extend the relief as requested by Shri Patra, Inspector. Consequently the relative seniority

between direct recruit and promoted Inspectors appointed before 01.03.86 have been re-fixed."

From the above reference the applicant could not gather any information that he was a respondent in O.A. No. 925/92. The official respondents ought to have disclosed the fact that the applicant was respondent in the O.A. No. 925/92. Therefore, it is first time in the written statement submitted by Sri Patir, the applicant come to know that he was impleaded in O.A. No. 925/92. It is simply stated in the impugned letter dated 24.10.94 that the benefit of the decision of O.A. 62, 63 and 71 of 1987 have been decided to extend as requested by Sri N.C. Patra, Inspector by the Central Board of Excise and Customs vide their telex dated 4.10.94 and accordingly the impugned revised seniority list was published. Hence the same is liable to be set aside and quashed. The applicant categorically denies the statement made by the respondent in paragraph No. 10 that there was a break down on the quota-rota Rule. Rather the applicant was a recruitee in the cadre of Inspector in the recruitment year 1981-82 and he was promoted against a regular vacancy.

4. That with regard to the statement made in paragraphs 12, 13, 14, 15, 16 and 17, the applicant categorically denies the correctness of the statement and further begs to state that the seniority has been refixed in total violation of the O.M. dated 22.12.59 as well as O.M. dated 7.2.1986, and the same was not duly considered by the Respondent while revising the seniority of the present applicant. The case of the present applicant is squarely covered by the judgement and order dated 17.1.1995 by

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this Hon'ble Tribunal in O.A. No. 2 (G)/89. It is further stated that by arbitrary action of the Respondent after lapse of 11 to 13 years by refixing the seniority of the present applicant to his disadvantage is in total violation of O.M. dated 22.12.1959 and dated 7.2.1986. The impugned order of seniority is liable to be set aside and quashed. The Hon'ble Full Bench of the Central Administrative Tribunal, Hyderabad also dealt with the similar question whether O.M. dated 7.2.1986 or the Govt. of India, Deptt. of Personnel is prospective or retrospective and the Hon'ble Full Bench answers the reference by stating that the O.M. dated 7.2.1986 particularly paragraph-7 thereof is prospective in operation and also it is stated that the finding of the Hon'ble Ernakulam Bench of Central Administrative Tribunal in V. Narayan and three Ors Vs. Collector of Central Excise and Customs and Ors. reported in 1992 (19 ATC P-198 which took the view that the provision herein before noticed operates ~~provision~~ retrospectively. The Ernakulam Bench has not given any reason for coming to this conclusion and no findings entered or facts on the question whether the quota rule has broken down. The findings of Ernakulam Bench in law is related to facts and has to be treated as Per-incurium and observed that it did not lay down the correct law.

Therefore in view of the Hon'ble Full Bench's decision of Hyderabad Bench the question of refixation of the seniority at this belated stage cannot be re-opened in terms of O.M. dated 7.2.1986 and therefore the impugned revised seniority list is liable to be set aside and quashed

and the promotion of Sri Patir based on the impugned seniority list cannot be sustained in law.

5. That with regard to para 18 and 19 the applicant categorically denies the correctness of the same and further begs to state that the statement made in paragraph 18 is misleading. In the facts and circumstances of this case the application is deserves to be allowed with costs.

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

I, Shri Jibonlal Bhowmick, Inspector, working in the Customs, Preventive Division, Deptt of Customs & Central Excise, posted at Agartala, District, West Tripura, applicant in the Original Application No. 101 of 1995 do hereby verify the statements made in the rejoinder in paragraphs 1 to 5 are true to my knowledge and belief and I have not suppressed any material facts.

I, sign this verification on this the 25th March, 1997 at Guwahati.

Jibonlal Bhowmick

S I G N A T U R E

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J. L. Bhowmik

Union of India & Ors.

O.A. No. 171/95

- Versus -

AND

A. Dey

Union of India & Ors.

Written submissions on behalf of the private	
	Respondents

1. That the impugned seniority list dated 24.10.94 having been prepared as per direction of the Hon'ble C.A.T. Bench of the Tribunal in O.A. No. 925/92 (N.C. Patel - Vs - Union of India & Ors.) to which the Applicant in O.A. 101/95 was a party, the instant O.A. is not maintainable and liable to be dismissed in limine.
2. That the question of law involved in the instant case having already been gone into by various Benches of the Hon'ble Tribunal and some of the judgments delivered by the Hon'ble Tribunal having been tested on appeal unsuccessfully in the Apex Court, the instant O.As. are

not maintainable.

3. That in view of the decisions rendered by various Benches of the Hon'ble Tribunal, the official Respondents are bound to follow the principles laid down in those decisions and to apply the same to the similarly situated persons.

4. That the Applicants cannot claim their seniority from a date prior to their entry into service. Similarly the adhoc appointment made by way of stop-gap arrangement is also not countable towards seniority. The quota-rota rule having been broken down in the instant case, the Applicants are not entitled to the benefit of quota-rota rule in view of the various decisions of the Apex Court which has been referred to in the various decisions rendered by the different benches of the Hon'ble Tribunal. In this connection, the case laws relied upon by the Applicants in O.A. 2/89 (R.A. 10/95) as will be reflected in the judgment in O.A. 2/89 may be referred to. Although the judgment in O.A. 2/89 has gone against the Applicants but the R.A. 10/95 filed against the same has been admitted and the judgment has been stayed having regard to the factual as well as legal position reflected in the order of admission of R.A. itself. Thus it is fallacious on the part of the Applicants to advance the arguments that the judgment in O.A. 2/89 fully supports their case inasmuch as the said judgment is contrary to the judgments of various Benches of the Hon'ble Tribunal as well as the Apex Court. Accordingly, R.A. 10/95 has been filed and the same has been admitted by staying the judgment in question.

5. That the Applicants by referring to a full Bench decision of the Hon'ble Tribunal have tried to mislead this Hon'ble Tribunal by way of advancing the argument that their cases are covered by that decision. While doing so, they deliberately did not highlight the decisions of the various Benches of the Hon'ble Tribunal. The Full Bench of the Hon'ble Tribunal has only held that the office memorandum of 1986 is only prospective and it has not decided the other questions involved including the legality or otherwise of the O.M. The most important and vital question is as to whether the quota-rotta rule has broken down. It has been consistently held by the Apex Court that the date of entry into the service is the material date for determination of seniority and by injecting the quota-rotta rule a later entrant into the service cannot be given seniority over the earlier entrants. To that extent this principle has been accepted in the O.M. of 1986. However, while doing so, it has been stated in the O.M. that the past cases need not be reopened. This is precisely the reason why the Full Bench of the Hon'ble Tribunal has held that this O.M. has got prospective application. However, the Full Bench has not decided anything else. In any case the O.M. of 1986 cannot override the decisions of the Apex Court as has been discussed in the judgment of the Hon'ble Calcutta Bench based on which the impugned seniority list has been prepared.

6. That the impugned seniority list is admittedly based on various decisions of the Hon'ble Tribunal and unless

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those judgments are reviewed and a different view is taken, the instant O.As. are not maintainable and the Applicants are not entitled to any relief. In this connection, para 5 of the case reported in AIR 1996 SC 640 may be referred to.

7. That the following case laws are relied upon on behalf of the private Respondents :

- (1) 1998 (2) SCALE 662
- (iA) AIR 1983 SC 769 : A Janardhana -Vs- UOI & Ors.
 - (ii) AIR 1980 SC 1607 : The Direct Recruit Class II Engineering Officers' Association -Vs- State of Maharashtra & Ors.
 - (iii) AIR 1987 SC 716 : A. Pathak -Vs- Secretary to the Government.
 - (iv) 1990 (2) SLJ (CAT) 133 : Ramal Thakur & Ors. -Vs- Union Territory & Ors.
 - (v) 1989 (1) SLJ (CAT) 97 :
 - (vi) 1990 (3) SLJ (CAT) 181 : Tota Ram Sharma -Vs- UOI
 - (vii) 1991 (Supp.) 1 SCC 335 : D. Prasad -Vs- UOI
 - (viii) Decision of Calcutta Bench of the Hon'ble Tribunal in O.A. No. 925/92 dated 25.11.93
 - (ix) Decision of the Cuttack Bench of the Hon'ble Tribunal dated 10.4.89 in O.A. No. 62 to 71 of 1987
 - (x) Decision in O.A. 8/1988 by the Calcutta Bench of the Hon'ble Tribunal dated 24.7.90
 - (xi) AIR 1996 SC 640/2340/2397.
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Gomathi Ammal's death, there is any heir of her husband who fits the description in the Schedule of being the widow of his pre-deceased son, she will be one of the heirs entitled to succeed. The status of the heir must be determined at the time of the death of the female whose heirs are being ascertained. The appellant was the widow of a pre-deceased

son on the date when Gomathi Ammal died. Therefore, the learned single Judge was not right in coming to the conclusion that the appellant is not an heir of Gomathi Ammal.

5. The appeal is, therefore, allowed. The impugned order of the High Court is set aside and the suit filed by the plaintiff is decreed with costs.

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1998(2) SCALE

JAGDISH CH. PATNAIK & ORS.

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Appellants

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VS

STATE OF ORISSA & ORS.

Respondents

CORAM: G.B. PATTANAİK AND M. SRINIVASAN, JJ.

SERVICES — APPOINTMENT — ORISSA SERVICE OF ENGINEERS RULES, 1941 — RULES 5, 6, 26 — Seniority — Rule for determining inter se seniority between promotees and direct recruits — Expression 'officers are recruited by promotion and by direct recruitment' — Means that when they are appointed as Assistant Engineers by the State Government — Expression 'recruited' would mean appointed and expression 'during the same year' in Rule 26 would mean during the calendar year — Direct recruits recruited during the calendar year would be junior to the promotee recruits recruited during that calendar year — Whether the year in which the vacancy accrues can have any relevance for the purpose of determining the seniority irrespective of the fact when the persons are recruited — Held,

A. Under Rule 26, which is the Rules for determining inter se seniority between promotees and direct recruits when the expression used is 'officers are recruited by promotion and by direct recruitment' necessarily it means that when they are appointed as Assistant Engineers by the State Government. To import something else into the Rule will neither be in the interest of justice nor is it necessary in any manner and it would tantamount to a legislation by the Court. It is a well known principle of construction of statute that when the language used in the statute is unambiguous and on a plain grammatical meaning being given to the words in the Statute, the end result is neither arbitrary, irrational or contrary to the object of the statute, then it is the duty of the Court to give effect to the words used in the Statutes as the words declare the intention of the law making authority best. In that view of the matter there is no justification to go into the question of quota meant for direct recruits and promotees nor is it necessary to find out as to the year in which the vacancy arose against which the recruitment is made. On an analysis of the scheme of the Rules, the expression 'recruited' would mean appointed and the expression 'during the same year' in Rule 26 would mean during the calendar year and,

therefore, direct recruits recruited during the calendar year would be junior to the promotee recruits recruited during the said calendar year. (Para 10).

B. Under Rule 26 the year in which vacancy arose and against which vacancy the recruitment has been made is not at all to be looked into for determination of the inter se seniority between direct recruits and the promotees. It merely states that during the calendar year direct recruits to the cadre of Assistant Engineer would be junior to the promotee recruits to the said cadre. It is not possible for the Court to import something which is not there in Rule 26 and thereby legislate a new Rule of Seniority. (Para 14).

C. The only appropriate and logical construction that can be made of Rule 26 is the date of the order under which the persons are appointed to the post of Assistant Engineer is the crucial date for determination of seniority under the said rule. (Para 16).

SERVICES — REVIEW — ADMINISTRATIVE TRIBUNAL ACT, 1985 — SECTION 22

— Review — Appellants recruited as Assistant Engineers claiming that appointments having been made against vacancies of the year 1978 they should be treated as appointees of the year 1978 though they were factually appointed in the year 1980

— Application allowed by the Tribunal — Promotee Assistant Engineers of the years 1979 and 1980 had not been arrayed as party to the proceedings — Petition for reviewing the order — Maintainability — Whether Tribunal was justified in entertaining application for review and ultimately reversing earlier decision. (Para 15).

INTERPRETATION OF STATUTES — When the language used in the statute is unambiguous — Duty of the Court to give effect to the words used in the statutes. (Para 10).

Referred: *K. Ajit Babu & Ors. vs Union of India & Ors.* [1997(6) SCC 473 = 1997(5) SCALE 82].

Distinguished: *S.G. Jaisinghani vs Union of India & Ors.* [1967 (2) SCR 703]; *V.B. Badami etc. vs State of Mysore & Ors.* [1976(1) SCR 815]; *T.N. Saxena & Ors. vs State of U.P. & Ors.* [1991 Supp. (2) SCC 551]; *A.N. Sehgal & Ors. vs Raje Ram Sheoran & Ors.* [1992 Supp.(1) SCC 304 = 1991(1) SCALE 601]; *Direct Recruits Class II Engineering Officers' Association vs State of Maharashtra* [1990(2) SCC 715 = 1990(1) SCALE 839].

G.B. Pattanaik, J.— Leave granted in SLP No. 7017 of 1998.

2. This appeal is directed against the order dated 25.10.1994 of the Orissa Administrative Tribunal in Misc. Petition No. 3229 of 1992, arising out of Original Application No. 78 of 1989. The appellants are graduates in Civil Engineering and had been recruited as Assistant Engineers in the Irrigation Wing in the Irrigation and Power Department in the State of Orissa after being duly selected by Orissa Public Service Commission in accordance with Orissa Service of Engineers Rule, 1941 (hereinafter referred to as 'The

Rules). The respondents are the promotees to the post of Assistant Engineers from amongst the Junior Engineers and Sub-Assistant Engineers. O.A. No. 78 of 1979 had been filed by the direct recruited Assistant Engineers claiming inter alia that the appointments of such direct recruits having been made against vacancies of the year 1978 they should be treated as appointees of the year 1978 and consequently their seniority should be determined on that basis under the promotee Assistant Engineers of that year notwithstanding the fact that they were factually appointed as Assistant Engineer in

the year 1980. The Tribunal allowed the said application by order dated 29.6.1992. It may be stated that the promotee Assistant Engineers of the years 1979 and 1980 had not been arrayed as party to the said proceedings. As the order of the Tribunal dated 29.6.1992 adversely affected the seniority of the promotee Assistant Engineers who had been promoted in the year 1979 and 1980 they filed a Misc. Petition which was Registered as Misc. Petition No. 3229 of 1992 for reviewing the order dated 29.6.1992. They also filed a direct Petition before the Tribunal which was registered as OA No. 2325 of 1992. The Tribunal disposed of both the Original Application as well as the Misc. Petition by the impugned judgment and came to hold that the Original Application would not be maintainable since the question of inter se seniority has been decided in O.A. No. 78 of 1989 by Order dated 29.6.1992. It, however, came to the conclusion that the review of the said order is maintainable particularly when the affected persons had not been arrayed as parties to the earlier decision. Thereafter by interpreting the Rule of seniority, particularly Rule 26 of the Rules, came to hold that the direct recruits cannot be held to be recruits of the year 1978 and on the other hand, must be held to be recruits of the year 1980 when the State Government by Notification appointed those direct recruits as Assistant Engineers in March 1980. It further came to hold that such direct recruits, therefore, cannot be held to be senior to the promotees of the year 1979 and will be juniors to promotees of the year 1980. The aforesaid order of the Tribunal reviewing the earlier order dated 29.6.1992 is the subject, matter of challenge in this appeal. The promotees whose Original Application No. 2325 of 1992 was dismissed as not maintainable also filed a Special Leave Petition by way of abundant caution and that Special Leave Petition was also taken on Board and was heard alongwith the present appeal.

3. The brief facts culminating in the impugned order of the Tribunal may be stated as hereunder:-

That in the year 1978 forty vacancies were available in the post of Assistant Engineers in the Irrigation Wing of the Irrigation Department of the State of Orissa out of which 10 posts were to be filled up by direct recruitment in accordance with Rule 7 of the Rules. Orissa Public Service Commission issued an advertisement inviting applications from the candidates eligible for appointments to the service in the year 1979 and after completing the process of selection prepared a list of selected candidates in accordance with Rule 13 of the Rules and submitted the same to the State Government sometimes in November 1979. The State Government finally made the final selection in accordance with Rule 15 and required the selected candidates to undergo medical examination and issued letters of appointment in March 1980. Thereafter the appointees joined as Assistant Engineer. The respondents who are junior engineers had been promoted as Assistant Engineers in accordance with Rules on different dates in 1979 and 1980, namely, 27.8.1979, 27.11.1979, 4.2.1980, 4.11.1980 and 27.12.1980. Jagdish Patnaik, appellant no.1, who was a direct recruit to the post of Assistant Engineer filed Original Application No. 78 of 1989 in the State Administrative Tribunal seeking the relief that he should be given the seniority in the rank of Assistant Engineer below the promoted Assistant Engineers in the year 1978 since he has been recruited to the said post against a vacancy which has arisen for the year 1978 and for the delay caused by the department he should not be made to suffer. The Tribunal was persuaded to accept the said contention raised on behalf of Shri Patnaik and it came to hold that since he has been selected against a vacancy of the year 1978 his seniority in the cadre of Assistant Engineer

should be determined treating him to be a recruit of the year 1978 notwithstanding the fact that he was appointed as an Assistant Engineer by Notification dated 29th March 1980. The Tribunal, therefore directed the State Government to fix the seniority of said Shri Patnaik below the promoted Assistant Engineers of the year 1978. It may be stated at this stage that under Rule 26 of the Rules which deals with the inter se seniority of the Assistant Engineers as between direct recruits and promotees, the promoted officers recruited during the year would be considered senior to the officers directly recruited during the year. Since the implementation of the aforesaid direction of the Tribunal adversely effected the seniority of the promoted Assistant Engineers who had been promoted during the year 1979-80 they approached the Tribunal both by filing an Application for Review and by filing an Original Application, as already stated, and the Tribunal disposed of the same by the impugned order.

4. Mr. Milan Banerjee, the learned senior counsel appearing for the appellants contended that under the Rules quota having been fixed for direct recruits and for promotees and appointments having been made according to the quotas, a person appointed as a direct recruit against the quota available for the year 1978 cannot be held to be junior to promotee who was promoted in the year 1979 or 1980. According to the learned senior counsel though Rule 26 which deals with the question of inter se seniority between the direct recruits and promotees in the cadre of Assistant Engineer does not refer to the aforesaid quota, but once appointment itself is on the basis of quota that must be engrafted into the Rule meant for determining the inter se seniority and on that basis the impugned order of the Tribunal cannot be sustained in law.

5. Mr. Banerjee, the learned senior counsel further contended that the recruitment

to the cadre of Assistant Engineer being made from two different sources and the Recruitment Rules having itself prescribed the quota of recruitment from different sources the seniority inter se has to be regulated on the basis of the said quota and judged from that stand point the impugned order is unsustainable in law. Mr. Banerjee learned senior counsel lastly submitted that after disposal of the Original Application No. 78 of 1979 by entertaining an application for Review the Tribunal could not have reconsidered the matter and could not have taken a contrary view than the earlier one and the impugned order therefore, is beyond powers of review of the Tribunal.

6. Mr. Raju Ramachandran, learned counsel appearing for some of the interveners who are direct recruits, supported the submissions made by Mr. Banerjee, learned senior counsel and contended that there is a distinction between expression 'recruitment' and 'appointment' in service jurisprudence. The expression 'recruitment' signifies a stage prior to the issuance of an actual appointment order, therefore, when the seniority Rules contained in Rule 26 uses the expression 'direct recruitment' there is no justification to construe that it is the actual year of appointment that would govern the seniority and in this view of the matter the impugned order of the Tribunal is erroneous in law. According to Mr. Ramachandran, learned senior counsel the expression 'direct recruitment' in Rule 26 of the Rules refers to the commencement of the process of recruitment which is fixed and ascertainable and not the date of actual appointment which for several reasons can be indefinitely delayed in a given cases and there is no justification for construing Rule 26 in that manner.

7. Mr. G.L. Sanghi, learned senior counsel appearing for the promotees respondents on the other hand contended, that the language used in Rule 26 of the Rules is

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clear and unambiguous and on a plain grammatical meaning being given to the words used therein the conclusion is irresistible that the seniority of Assistant Engineers appointed during a particular year has to be determined on the principle that the promotees appointed during the year would be senior to the direct recruits appointed during the year, and therefore, the impugned order of the Tribunal is unassailable. Mr. Sanghi, learned senior counsel further contended that the Recruitment Rules no doubt have provided quota indicating the percentage to be appointed as Assistant Engineers by direct recruits and percentage to be appointed as Assistant Engineers on promotion but that provision has no relevance nor can it be engrafted into Rule 26 which governs the inter se seniority of the persons appointed in the cadre of Assistant Engineer. Mr. Sanghi, learned senior counsel also submitted that in the facts and circumstances of the case Application for Review was maintainable and was rightly entertained by the Tribunal and in any event Original Application also having been filed the rights of the respondents cannot be denied in any manner.

8. Mr. P.N. Mishra, learned counsel appearing for the State of Orissa supported the submissions made by Mr. Sanghi and contended that the actual year during which the appointment is made to the cadre of Assistant Engineer, but it on promotion or be it on the basis of direct recruitment is the governing factor for determination of inter se seniority as is apparent from the language used in Rule 26 of the Rules. Mr. Mishra, learned counsel further contended that under the scheme of the Rules, it is the State Government who has the final power of selection both for an appointment under direct recruitment as well as appointment under promotion and until that power is exercised no person can claim to have been recruited to the service and that being the position the year

in which the vacancies arose and against which the recruitment made is irrelevant for the purpose of determining the seniority. Mr. Mishra, learned counsel further submitted that Rule 5 which deals with recruitment to service is also indicative of the fact that a person can be said to be recruited only on being appointed to the rank of Assistant Engineer and therefore it is not possible to construe that for the purpose of determining the seniority any date anterior to the said appointment can at all be a germane consideration. Mr. Mishra, learned counsel also submitted that the word 'year' having been defined to mean a calendar year under Rule 3(f) of the Rules and Rule 26 being categorical to the effect that the officers recruited by promotion and by direct recruitment during the same calendar year the promoted officers would be considered senior to the direct recruited officers, it is only logical to hold that when they are appointed to the post of Assistant Engineer which would be taken into account for the purpose of seniority and not otherwise.

9. Correctness of the rival submissions would depend upon an interpretation of the relevant provisions of the Rules and for that purpose it would be necessary to notice the scheme of the Rules itself.

10. Rule 4 of the Rules indicate the strength of the cadre and it includes posts starting from Assistant Engineer to the Chief Engineer. Rule 5 deals with recruitment to the service and the expression 'service' has been defined in Rule 3(a) to mean Orissa Service of Engineers.

Under Rule 5 first appointment to the service has to be made to the rank of Assistant Engineer ordinarily.

Rule 6 deals with the mode of recruitment to the rank of Assistant Engineer and under the said Rule the said recruitment is made partly by direct recruitment in accordance with Rules 8 to 15 and partly by promotion from the Subordinate Engineering Service

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and the Junior Engineers Service in accordance with Rules 16 to 18.

Under Rule 7 the Government decides the number of vacancies to be filled each year and it further provides that out of the vacancies posts to be filled up by promotion from Sub-Assistant Engineers should be such as it would not exceed the 25% of the total strength of the permanent and temporary Assistant Engineers including the leave and training reserve and those officiating as Executive Engineers. Out of the remaining vacancies 2/3rd would be filled up by promotion from the rank of Junior Engineers and the rest by direct recruitment.

Rule 9 prescribes the qualification for a direct recruitment of Assistant Engineer.

Rule 10 is the procedure which the Public Service Commission is required to adopt by inviting applications for the vacancies to be filled up by direct appointment.

Rule 11 provides for submission of application forms to the Commission. And

Rule 12 provides for consideration of those application by the Commission and interviewing all candidates who are likely to be suitable for appointment.

Rule 13 prescribes that the Commission shall prepare a list of selected candidates, arranged in order of preference, and the said list is required to be submitted to the Government alongwith the recommendations of the Commission.

Rule 14 and 14A deal with reservation in favour of Scheduled Castes and Scheduled Tribe candidates.

Rule 15 provides for final selection of the candidates to be made by the Government from amongst the list submitted by the Commission. In Rule 15B candidates so selected would be examined by a Medical Board and on being found medically fit letters of appointments can be issued.

Rules 16 to 18 is the procedure prescribed for promotion of the candidates who are either

Junior Engineers or in Subordinate Engineering Service. And in their case also the final selection lies with the State Government under Rule 18.

Rule 19 provides for probation of direct recruits for a period of 2 years and for promotees a period of one year.

Rule 20 is the provision for confirmation.

Rule 26 with which we are really concerned in the present case is the rule of seniority. It would be appropriate to extract the said Rule 26 in extenso:-

"Rule 26 - Seniority - (1) When officers are recruited by Promotion and by direct recruitment during the same year, the promoted officers shall be considered senior to the officers directly recruited irrespective of their dates of joining the appointment.

(2) Between the two groups of promoted officers, those promoted from the rank of Sub-Assistant Engineers shall en bloc be senior to those promoted from the rank of Junior Engineers.

(3) Subject to provision of sub-rules (1) and (2) seniority of officers shall be determined in accordance with the order in which their names appear in the lists prepared by the Commission."

The very scheme of recruitment under the Rules, as indicated above, unequivocally indicates that in case of direct recruit the final authority lies with the State Government who issues appointment orders from amongst the persons found eligible by the Public Service Commission and further who have been found medically fit by the Medical Board. Even such an appointee is also required to undergo probation for two years and there after he can be confirmed in the service. Under Rule 26, which is the Rules for determining inter se seniority between promotees and direct recruits when the expression used is 'officers

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are recruited by promotion and by direct recruitment' necessarily it means that when they are appointed as Assistant Engineers by the State Government. To import something else into the Rule will neither be in the interest of justice nor is it necessary in any manner and it would tantamount to a legislation by the Court. It is a well known principle of construction of statute that when the language used in the statute is unambiguous and on a plain grammatical meaning being given to the words in the Statute, the end result is neither arbitrary, irrational or contrary to the object of the statute, then it is the duty of the Court to give effect to the words used in the Statute as the words declare the intention of the law making authority best. In that view of the matter we do not see any justification to go into the question of quota meant for direct recruits and promotees nor is it necessary to find out as to the year in which the vacancy arose against which the recruitment is made. On an analysis of the scheme of the Rules, as narrated earlier, we are of the considered opinion that the expression 'recruited' would mean appointed and the expression 'during the same year' in Rule 26 would mean during the calendar year and, therefore, direct recruits recruited during the calendar year would be junior to the promotee recruits recruited during the said calendar year.

11. Mr. Banerjee, learned senior counsel appearing for the appellants, however, strenuously urged that when the Recruitment Rules provide for different quotas in the rank of Assistant Engineer and persons are appointed against those quotas the seniority must be governed accordingly and, therefore, the year in which the vacancies arose and against which the recruitment is made would get engrafted into the Rule meant for determining the inter se seniority. In support of this contention the learned senior counsel placed reliance on the decisions of this Court in *S.G. Jaisinghani vs. Union of India & Ors.*

1967 (2) Supreme Court Reports 703, *U.P. Bandami etc. vs. State of Mysore & Ors.* - 1975 (1) Supreme Court Reports 815, *7 A. Sreena & Ors. v. State of U.P. & Ors.* 1991 Supp. (2) Supreme Court Cases 58 and *A.N. Sehgal & Ors. vs. Raju Ram Sheoran & Ors.* - 1992 Supp. (1) Supreme Court Cases 304.

In *Jaisinghani's case* (supra) the validity of Rule 1(f)(iii) of the Seniority Rules framed in 1952 was under challenge inter alia on the ground that the said Rule was based upon an unjustifiable classification between direct recruits and promotees after they had entered into Class I Grade II service. This Court negated the said contention on a finding that under the said Rule three years of outstanding work in Class II is equal to two years of probation in Class I service and on consideration of this aspect of the matter the promotee is given seniority over the direct recruit on completing the period of probation in the same year. On a thorough analysis of the different provisions of the Rules this Court also came to the conclusion that Rule 1(f)(iv) is based on a reasonable classification and does not violate the guarantee under Articles 14 and 16. Mr. Banerjee, learned senior counsel appearing for the appellants, however, placed strong reliance on the observations of this Court in *Jaisinghani's case* whereunder the Court had observed "we are of the opinion that having fixed the quota in exercise of the power under Rule 4 between the two sources of recruitment, there is no discretion left with the Government of India to alter that quota according to the exigencies of the situation or to deviate from the quota; in any particular year, at its own will and pleasure. As we have already indicated, the quota rule is linked up with the seniority rule and unless the quota rule is strictly observed in practice, it will be difficult to hold that the seniority rule i.e., rule 1(f)(iii) (iv), is not unreasonable and does not offend Article 16

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of the Constitution."

The aforesaid observation had been made when the allegation that there was excessive recruitment of promotees in violation of the Quota Rule was being considered and examined. In the case in hand there is no assertion by the appellants-direct recruits that promotees have been recruited to the cadre of Assistant Engineer in excess of the quota provided for them. We are not in a position to hold that in Jaisinghani's case anything has been said by this Court to even suggest that whenever in a Recruitment Rule quota is fixed for different feeder cadre then the said quota gets engrafted into the Seniority Rules and seniority has to be determined thereby. If an allegation is made by the direct recruits that at a given point of time or during a calendar year the promotees were in excess of the quota available for them under the Rules then such of those promotees who are found to be in excess of the quota would obviously be held to be recruits contrary to the Rules and as such, would not have any right to the post, but such an allegation has not been made in the case in hand and consequently the question does not arise for consideration. In our considered opinion the decision of this Court in Jaisinghani's case cannot be held to have laid down an inflexible rule that a quota having been fixed for recruitment to a service for different feeder cadres the said quota protento gets embodied into the Seniority Rules.

12. In *Badami's case* (supra) on which Mr. Banerjee, learned senior counsel strongly relied upon what really fell for consideration of this Court is whether the direct recruits were really recruited against the vacancies available in their quota and as such would be senior to the promotees? This Court rejected the contention of the promotees that the said direct recruits were recruited against temporary vacancies and held that they having been recruited against the vacancies meant

for their quota would be senior to the promotees under the Seniority Rules. In the absence of any such grievance in the case in hand we fail to understand as to how the aforesaid decision will be of any assistance in interpreting Rule 26 of the Rules.

The next decision on which the learned senior counsel relied upon is *T.N. Saxena's case* (supra). In this case the dispute relating to inter se seniority between direct recruits and promotees to the post of Senior Marketing Inspector was for consideration before this Court and the Court had given certain earlier directions while disposing of an appeal. Pursuant to the said direction a fresh seniority list had been drawn up and that seniority list had been assailed on the ground that the earlier direction of the Court has not been implemented. In disposing of the matter the Court had observed that in drawing up the seniority list the earlier direction of the Court has not been borne in mind and consequently the list was quashed.

13. Mr. Banerjee, the learned senior counsel further very much relied upon the observations made by this Court in *Direct Recruits Class II Engineering Officers' Association vs. State of Maharashtra case* - 1990 (2) SCC 715, a portion of which has been extracted in *Saxena's case* to the effect: "When appointments are made from more than one source, it is permissible to fix the ratio for recruitment from the different sources and if rules are framed in this regard, it must ordinarily be followed strictly."

There is no dispute with the aforesaid proposition nor is there any dispute in the present case that neither quota has been fixed or quota fixed has been violated in filling up the post in the cadre of Assistant Engineers. That being the position, the aforesaid decision also is of no assistance to the contention raised.

The last case on which Mr. Banerjee, learned senior counsel relied upon is the case of *A.N. Sehgal*, (supra). In this case the inter

se seniority between the direct recruits and promotees in Haryana Service of Engineers Class I PWD (Roads and Buildings Branch) Rules, 1960, came up for consideration. On consideration of the relevant provisions of the Rules the Court came to the conclusion that when under Rule 5(2)(a) the quota for appointment of direct recruits Assistant Executive Engineers has been fixed at 50% and proviso to said Rules merely enables the State Government to promote in excess of 50% of the Assistant Engineer, the intendment of the proviso is that so long as eligible direct Assistant Engineers are not available for appointments as Executive Engineer a promotee from Class II service could be allowed to officiate in excess of the quota but the moment the direct recruits are available they alone would be entitled to fill up the posts and promotees will have to give place to the said direct recruits. And this being the position those promotees who had been recruited in excess of the quota under the proviso cannot get seniority over the direct recruits who were within the quota of 50% available for them. The ratio of the aforesaid case also will have no application to the case is hand. It may be stated that subsequent to this decision the Haryana Legislators amended the Recruitment Rules giving it retrospective effect as aforesaid interpretation given by this Court caused undue hardship and a situation which cannot be conceived of and the said later Rule has also been considered by this Court by a Bench of three Hon'ble Judges in *S.S. Bola & Ors. vs. B.D. Sardana* - 1997(8) Supreme Court Cases 522, and the Rule has been held to be valid. In the aforesaid premises, we are unable to accept the contention of Mr. Banerjee, the learned senior counsel, that under the Rules in question quota having been fixed, while interpreting inter se seniority under Rule 26 that should be borne in mind. As we have stated earlier, there has been no grievance on

the part of the appellants direct recruits that there has been any excess promotion beyond the quota permissible for them and consequently such question does not crop up for consideration.

14. The next question for consideration is whether the year in which the vacancy accrues can have any relevance for the purpose of determining the seniority irrespective of the fact when the persons are recruited? Mr. Banerjee's contention on this score is that since the appellant was recruited to the cadre of Assistant Engineer in respect of the vacancies that arose in the year 1978 though in fact the letter of appointment was issued only in March 1980, he should be treated to be a recruit of the year 1978 and as such would be senior to the promotees of the year 1979 and 1980 and would be junior to the promotees of the year 1978. According to the learned counsel since the process of recruitment takes a fairly long period as the Public Service Commission invites application, interviews and finally select them whereupon the Government takes the final decision, it would be illogical to ignore the year in which the vacancy arose and against which the recruitment has been made. There is no dispute that there will be some time lag between the year when the vacancy accrues and the year when the final recruitment is made for complying with the procedure prescribed but that would not give a handle to the Court to include something which is not there in the Rules of Seniority under Rule 26. Under Rule 26 the year in which vacancy arose and against which vacancy the recruitment has been made is not at all to be looked into for determination of the inter se seniority between direct recruits and the promotees. It merely states that during the calendar year direct recruits to the cadre of Assistant Engineer would be junior to the promotee recruits to the said cadre. It is not possible for the Court to import something

which is not there in Rule 26 and thereby legislate a new Rule of Seniority. We are, therefore, not in a position to agree with the submission of Mr. Banerjee, the learned senior counsel appearing for the appellants on this score.

15. The only question that survives for consideration raised by Mr. Banerjee learned senior counsel appearing for the appellant is whether the Tribunal was justified in entertaining a application for review and ultimately reversing the earlier decision? In support of this contention reliance has been placed on the decision of this Court in *K. Ajit Babu & Ors. vs. Union of India & Ors.* - 1997(6) Supreme Court Cases 473. In the said case what was held by this Court, after analysing the provisions of the Administrative Tribunal Act is that the right of review is available only to those who are party to a case and even if a wider meaning is given to the expression 'person feeling aggrieved' accruing in Section 22 of the Administrative Tribunal Act then whether such person can seek the review by opening the whole case has to be decided by the Tribunal in the facts and circumstances. The Court also held that the right to review is possible only on limited grounds although strictly speaking Order 47 R.1 Civil Procedure Code may not be applicable and when such application is filed within the period of limitation. This Court also held that when the application under Section 19 of the Act is filed and the question involved in the said application stands concluded by some earlier decisions of the Tribunal, the Tribunal necessarily has to take into account the judgment rendered in the earlier case, as a precedent and decide the application accordingly. But in the case in hand the respondents who were not parties to the earlier proceedings not only filed an application for review but also filed an independent application and the Tribunal being of the view that independent application

will not be maintainable reviewed its earlier order and the impugned order has been passed. While the appellants have challenged the reviewed order of the Tribunal respondents have filed a Special Leave Petition against the order of the Tribunal dated 29.10.1994 dismissing their original application No. 2335 of 1992 holding the same to be not maintainable. In this view of the matter the entire dispute is before this Court and we have also heard the parties at length and the question that review is not maintainable really does not arise.

16. The only other contention which requires consideration is the one raised by Mr. Raju Ramachandran, learned senior counsel appearing for the intervenors to the effect that expression 'recruitment' and 'appointment' have two different concepts in the service jurisprudence and, therefore, when Rule 26 uses the expression 'recruited' it must be a stage earlier to the issuance of appointment letter and logically should mean when the selection process started and that appears to be the intendment of the Rule Makers in Rule 26. We are, however, not persuaded to accept this contention since under the scheme of Rules a person can be said to be recruited into service only on being appointed to the rank of Assistant Engineer, as would appears from Rule 5 and Rule 6. Then again in case of direct recruits though the process of recruitment starts when the Public Service Commission invites applications under Rule 10 but until and unless the Government makes the final selection under Rule 15 and issues appropriate orders after the selected candidates are examined by the Medical Board, it cannot be said that a person has been recruited to the service. That being the position it is difficult for us to hold that in the Seniority Rule the expression 'recruited' should be interpreted to mean when the selection process really started. That apart the said expression 'recruited' applies not only to the direct

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recruits but also to the promotees. In case of direct recruits the process of recruitment starts with the invitation of application by the Commission and in case of promotees it starts with the nomination made by the Chief Engineer under Rule 16. But both in the case of direct recruits as well as in the case of promotees the final selection vests with the State Government under Rules 15 and 18 respectively and until such final selection is made and appropriate orders passed thereon no person can be said to have been recruited to the service. In this view of the matter the only appropriate and logical construction that

can be made of Rule 26 is the date of the order under which the persons are appointed to the post of Assistant Engineer. Is the crucial date for determination of seniority under the said rule. Mr. Raju Ramachandran's contention, therefore, cannot be sustained.

17. In the premises, as aforesaid, the appeal fails and is dismissed. But in the circumstances there will be no order as to costs.

18. In view of the decision in C.A. No. 9108 of 1995 the appeal arising out of SLP No. 7017 of 1998 does not survive and no further order is required to be passed therein.

1998(2) SCALE

STATE OF ANDHRA PRADESH

VS

N. RADHAKISHAN

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Appellant

Respondent

CORAM: SUJATA V. MANOHAR AND D.P. WADHWA, JJ.

SERVICES — DISCIPLINARY PROCEEDINGS — Delay in concluding disciplinary proceedings — Whether on that ground the proceedings liable to be terminated — Held, each case to be examined on facts and circumstances in that case — Right of delinquent employee that disciplinary proceedings against him are concluded expeditiously — Court has to consider nature of charge, its complexity and on what account the delay has occurred — Unexplained delay — Prejudice to delinquent employee unless it can be shown that he is to be blamed for the delay — Court is to balance these two diverse considerations — Held,

A. The delinquent employee has a right that disciplinary proceedings against him are concluded expeditiously and he is not made to undergo mental agony and also monetary loss when these are unnecessarily prolonged without any fault on his part in delaying the proceedings. In considering whether delay has vitiated the disciplinary proceedings the Court has to consider the nature of charge, its complexity and on what account the delay has occurred. If the delay is unexplained prejudice to the delinquent employee is writ large on the face of it. It could also be seen as to how much disciplinary authority is serious in pursuing the charges against its employee. It is the basic principle of administrative justice that an officer entrusted with a particular job has to perform his duties honestly, efficiently and in accordance with the rules. If he deviates from this path he is to suffer a penalty prescribed. Normally, disciplinary proceedings should be allowed to take its course as per relevant rules but then delay defeats justice. Delay causes prejudice to the charged