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A  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

*Shalil  
5.2.98*

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI-5

ORIGINAL APPLICATION NO: 147/95

MISC. PETITION/ REVIEW APPLICATION/ CONT. PETITION NO.

..... A. S. L. S. K. .... APPLICANT(S)  
versus

..... U. O. I. .... RESPONDENT(S)

31-8-95

Mr. J. L. Sarkar and Mr. M. Chanda  
for the applicant. The question in-  
volved is similar to O.A. 101 of 95  
which is pending. Leave granted to  
file a single application. O.A. is  
admitted.

Issue notice to the respondents  
8 weeks for written statement.  
Mr. Sarkar prays for interim relief  
restraining the respondents from  
making any promotion on the basis of  
the impugned seniority list as on  
21-10-94 ~~only~~ until disposal of the  
O.A. We are inclined to pass only  
the following directions:-

If any promotion made will  
be subject to the decision in this  
O.A. Adjourned to 6-11-95.

Regrets are received  
on 26/10/95 & issued  
now 4231-73 & 31/10/95.

Vice-Chairman

lm

Member

6-11-95

Service awaited. Adjourned to 14-12-95 for orders. Liberty to file for written statement.

Member

Vice-Chairman

6/11

lm

2.4.96

Notice duly served on R. no. 1, 3, 4, 5, 6, 11, 14, 15, 17, 18, 21, 22, 23, 24, 26, 30, 32, 33, 34, 35, 36.

Written statement has not been submitted. List for hearing on 4.6.96. Liberty to the respondents to submit written statement in the meantime.

Member

Notice served back from R. no. 2, 7, 16, 31, 28. pg

4.6.96

for the applicant.

Learned counsel Mr. M. Chanda

submitted.

Written statement has not been

submitted. List for hearing on 8.7.96. The respondents may file counter in the meantime.

Member(A)

Member(J)

nkm

13.2.96

To be listed for hearing on 2.4.96

For w/statement has not been filed

23/6

(3) OA/IA/CP/PA/MP No. of 19

OFFICE NOTE	DATE	ORDER
<u>27-6-96</u>  WTS submitted by R. No. 1-4. at Pg. 60-66.  1m	8.7.96  nkm	Mr. S. Ali, learned Sr. C.G.S.C., or is present. List for hearing on 2.8.96.  <i>6</i> Member
  Memo of appearance submitted by Mr. S. Ali, Sr. C.G.S.C.  20/6	2.8.96  pg  <i>27/9</i>	Mr. M. Chanda for the applicant. Mr. S. Ali, Sr. C.G.S.C for the respondents. List for hearing on 30.8.96.  <i>6</i> Member
  WTS submitted by Mr. S.  20/9	30.9.96  trd	Mr. M. Chanda for the applicants. Mr. S. Ali, Sr. C.G.S.C. for the respondents. List for hearing on 27.9.96.  <i>6</i> Member
  WTS submitted by Mr. S.  20/9	27-9-96  1m  <i>27/9</i>	Learned counsel Mr. J. L. Sarkar and Mr. M. Chanda for the applicant. Mr. S. Ali, Sr. C.G.S.C. for the respondents. List for hearing on 22-11-96.  <i>6</i> Member
  WTS submitted by Mr. S.  20/9	7-5-97  1m  <i>8/5</i>	Learned counsel for the parties submit that this case is ready for hearing. Let this case be listed for hearing on 26-6-97.  <i>6</i> Member  <i>6</i> Vice-Chairman

8.7.97  
There is a prayer to  
fix the below-mentioned matter alongwith  
this OA No. 147/95 & 10/95  
which are fixed on  
4-8-97.

1m  
  
*8/5*

OFFICE NOTE	DATE	ORDER
	8.7.97	The learned counsel for the parties submit that the case is ready for hearing. List it for hearing on 4.8.97.  <i>6a</i> Member
<u>20.8.97</u> The case is ready for hearing.  <i>20/8/97</i>	<u>4.8.97</u>	There is no sitting of Division Bench to-day. List on 25.8.97.  <i>6a</i> By order.
<i>W/S his sum 6/20 on R.Nos. 1-4. 20/8/97</i>	15.9.97	Case is ready for hearing. List for hearing on 19.12.97.  <i>6a</i> Member
<i>W/S his sum 6/20 on R.Nos. 1-4. 20/8/97</i>	19.12.97	Adjourned to 13.2.98. By order.
<i>W/S his sum 6/20 on R.Nos. 1-4. 20/8/97</i>	13.2.98	There is no representation adjourned to 20.3.98. By order.
	20-3-98	Let this case be listed for hearing on 23-3-98.  <i>6a</i> Member
<i>W/S his sum 6/20 20/8/97</i>	23-3-98	Adjourned to 23-4-98. By order.

OA-147/95

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Notes of the Registry	Date	Order of the Tribunal
	23.4.98	Heard in part. List on 28.4.98 for further hearing.  <i>6</i> Member
<u>27-4-98</u> Written argument filed in OA 147/95, OA 101/95 and OA 171/95 on behalf of the respondents at Flag - "A".  <i>3/1 27-4</i>	pg <i>and 2A/1</i>	  <i>6</i> Member
	28.4.98	Hearing concluded. Judgment reserved.  <i>6</i> Member
	25.8.98	On the prayer of the learned counsel for the parties this case is adjourned till 27.8.98.  <i>6</i> Member
	31.8.98	<i>Adjourn to 31-8-98. by and</i> Let this case be listed on 8.9.98 alongwith O.A.No.101/95..  <i>6</i> Member
	8.9.98	<i>Adjourn to 10.9.98. by and</i>

(6)

Notes of the Registry	Date	Order of the Tribunal
w/s ms sum b6d 2/11/98	10.9.98	<p>Mr. J.L.Sarkar, learned counsel appearing on behalf of the applicants prays for two weeks adjournment. Mr. S.Ali, learned Sr. C.G.S.C. and Mr. B.K.Sharma appearing on behalf of the opposite parties have no objection. Accordingly the case is adjourned till 3.11.1998.</p> <p>List on 3.11.1998.</p> <p><i>6</i> Member</p>
	3.11.98	<p>Division Bench is not available.</p> <p>List on 23.11.1998 for hearing.</p> <p><i>6</i> Member</p>
<u>2-12-98</u> Written statement by sum filed on R.Nos. 1-4.	23.11.98	<p>Adjourned to 26.11.98 By order</p>
	26.11.98	<p>Division Bench is not available.</p> <p>List on 3.12.1998 for hearing.</p> <p><i>6</i> By Order</p>
	3-12-98	<p>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.</p> <p><i>6</i> Member</p>
	1m	<p>Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<u>7-12-98</u> Written Statement has been filed on R.No. 1-4.  S.B 21/12/98	3-12-98 1m 28 21/12/98 8-12-98	Case is adjourned to 8-12-98 for hearing.  Member Case is adjourned to 8-12-98 for hearing.  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 Case is adjourned to 8-12-98 for hearing.  Vice-Chairman
<u>24-12-98</u> Written Statement has been filed on R.No. 1-4.  S.B 24/12/98	28.12.98 1m 28 29/12/98	Let this case be listed on 7.1.1999 alongwith R.A.No.10.95.  Member Case is adjourned to 12-1-99. By addl. S.B
<u>6-1-99</u> Written Statement has been filed on R.No. 1-4.  S.B 6/1/99	7.1.99 nkm 29/12/98	Adjourned to 12-1-99. By addl. S.B
<u>11-1-99</u> Written Statement has been filed.	12-1-99	Adjourned to 19-1-99. By addl. S.B
<u>18-1-99</u> Written Statement has been filed.  S.B 18/1/99	20-1-99	Adjourned to 22-1-99. By addl. S.B

Notes of the Registry	Date	Order of the Tribunal
28.4.99 Copies of the Judgment sent alongwith O.A. 101/95 R!	22.1.99	Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. The application is disposed of. No order as to costs.  6/- Member
	trd	

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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 Jibanalal 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.

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Contd....

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

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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 reopened, 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,

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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 reopened. 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

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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

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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.

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9. The controversy relates to which of the Office Memorandums, 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.

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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 canon 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 promotede and direct recruits could be determined on the date on which vacancy occurred and the vacancy is for the direct recruits or for the promotedes. If the quota prescribed was adhered to or invioable, the rule of seniority as per the Appendix would hve 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.

12. 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 promotedes 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."

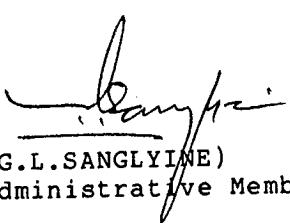
From the decisions cited above, it appears that if there is no rule regarding fixation of seniority, as in this case, O.M.'59 is to be adhered to for the period for which the particular O.M. was in force. It is also stated that the O.M.'86 does not have any retrospective effect. Now, the question is, as Mr. B.K.Sharma has strenuously argued, as to whether the quota-rota rule as prescribed in O.M. dted 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

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

trd

Central Administrative Tribunals  
गणराज्य कानूनी बोर्ड

390 7 AUG 1995 IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUAHATI BENCH : GUWAHATI

Guahati Bench  
গুৱাহাটী বৰ্ষাল

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

O. A. No. 147/95

Sri Ashoke Dey & Ors.

-versus-

Union of India & Ors.

I N D E X

Sl. No.	Annexure	Particulars
1	-	Application
2	-	Verification
3	1	Impugned Draft seniority list dt. 24.10.94
4	2	O.M. dt. 7.2.86
5	3	Copy of letter dt. 27.4.95
6	4	Impugned Promotion order dated 7-6-95.

Filed by :-

Received 6/9/95

Manik Ch  
Advocate

C. S. No. C.G.S.C  
17/8285

1. Particulars of the Applicant.

1. Shri Ashoke Dey
2. ~~Shri~~ ~~Halda~~ Mary Synrem
3. Shri Biswajit Bhattacharjee
4. ~~Smt.~~ Sayeda Jasmin Begum
5. Shri Debasish Bhattacharjee

All the applicants are working as Inspectors under the Collectorate of Customs and Central Excise, Laitumkhrah, Shillong and posted in North Eastern Region.

2. Particulars of the Respondents.

1. Union of India,

Represented by the Secretary,  
to the Govt. of India

Revenue Department,

Ministry of Finance,

New Delhi.

2. The Chairman,

Central Board of Excise & Customs  
G 1/3 Pandara Park,

New Delhi

3. The Collector,

Customs and Central Excise,  
Shillong.

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

5. Shri Madhu Sudhan Tyagi

6. Sri Jagajyoti Acharjee

7. Sri Arun Kr. Chaturvedi

8. Sri S.K.Cidyanta

9. Sri Dilip Kr. Verma

10. Sri Susmal Das

11. Sri Khanindra Neog

12. Sri Jambu Lama

13. Sri Nimai Chandra Patra

14. Sri Nritya Gopal Barman

15. Sri Alagri Swani

16. Sri Bapukan Patir

17. Sri Raju Sonowal

18. Sri Gobinda Thabah

19. Sri Tnankhamthang

20. Sri Pabitra Kr. Reang

21. Sri Paresh Debnath

22. Sri Bijoy Krishna Deb

23. Sri Jahar Dey
24. Sri Naba Chandra Sinsh Singjam
25. Sri Ansuman Chakraborty
26. Sri Tapan Kumar Sarkar
27. Shri Partha Sarathi Das
28. Sri Arabinda Dutta
29. Sri Koj Tat
30. Sri Deepak Kr. Saha
31. Sri Rathindra Kumar Sarkar
32. Sri Sukanta Das
33. Sri Biren Saikia
34. Sri Subrangshu Deb
35. Ninamoni Phukan
36. Aloke Chakraborty

All the respondent Nos. 5 to 36 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. The applicants also prays that the impugned promotion order issued under Establishment No. 167/95 dated 7.6.95 whereby Respondent Nos. 5 to 17 were promoted to the grade of Superintendent Group 'B' be set aside and quashed.

#### 4. Limitation

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

#### 5. Jurisdiction

That the applicants state that 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 all the applicants are citizens of India as such they are entitled to all the rights and privileges guaranteed by the Constitution of India.

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That all the applicants are initially appointed as Stenographers/Upper Division Clerk in the Department of Customs and Central Excise, under Shillong Collectorate, thereafter all the applicants were promoted as Inspectors initially on adhoc basis against regular vacancies of Inspector and subsequently they are regularised in the cadre of Inspectors on different dates and also assigned seniority in the cadre of Inspectors from the date of appointment on the basis of quota system as because in the relevant time there were fixed quota for direct recruit and for promotees for recruitment in the cadre of Inspectors and seniority used to be maintained in terms of definite quota system and also in terms of the seniority. Principles 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. *The Hon'ble Tribunal be pleased to grant permission under section 4(5)(a) & A.T. ext. 1985.*

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 Inspectors number of seniority lists were published by the respondent No. 3 assigning seniority of the applicants following 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 applicants above the Private Respondents all along, and such the seniority position of the applicants were settled long back in the cadre of Inspectors since 1984 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, 1.1.85, and 1.1.93 and after publication of draft seniority list as on 21.10.94.

Sl. No.	Name of the applicant	Senio- rity as on 1.1.84	Senio- rity as on 1.1.85	Senio- rity as on 1.1.93	Senio- rity as on 1.10.94 as per impugned seniority list
1	Sri Ashoke Kr. Dey	40	380	85	102
2	Sri H.M.Synrem	413	383	87	110
3	Sri B.Bhattachar- jee	364	313	58	48
4	Smt.Sayeda Jasmin begum	380	322	67	75
5	Sri Debashis Bhattacharjee	351	303	50	28
6	Sri Ashish Roy	382	388		

From the above table, it is quite clear that the seniority fixed as on 1.1.93 in terms of fixed quota-rota rule was 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.E-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 applicants at this belated stage, when next promotion of the applicants to the cadre of Superintendent Group 'B' are due, separate table is prepared below showing the present seniority position of the respondents

who are illegally superseded the applicants in the matter of seniority.

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 Madhusudan 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 Alagri 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 Tnang	439	102	23
16	Sri Pabitra Kr. <del>Reaang</del> Reaang	440	103	24
17	Sri Pares Debnath	443	105	25

1	2	3	4	5
18	Sri Bijoy Kh. Deb	445	107	26
19	Sri Jahar Dey	447	109	27
20	Sri N.Ch.Singh- jam	449	110	28
21	Sri A Chakrab- orty	452	112	30
22	Sri Tapan Kr. Sarkar	454	114	31
<b>XXXXX</b>				
23.	Sri Partha Sarathi Das	456	116	33
24	Sri Arabinda Dutta	466	119	34
25	Koj tat	467	120	35
26	Sri Deepak Kr. Saha	468	121	37
27	Sri Rathindra Kr. Sarkar	470	123	38
28	Sri Sukanta Das	471	124	39
29	Sri Biren Saikia	472	125	41
30	Sri Subrangshu Deb	474	127	42
31	Nina Moni Phukan	476	129	43
32	Sri Aloke Chak- raborty	477	130	45

Therefore, the seniority was rightly 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 now shown in column No. 4 whereby the seniority position is brought down and the applicants are now shown junior to the respondent Nos. 5 to 36. 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.

6.4 That the respondent's surprisingly published a Draft Seniority List whereby the present applicants are shown junior to the Respondent Nos. 5 to 36 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 years back.

A copy of the draft seniority list dated 21.10.94 is enclosed as Annexure - 1 and a copy of O.M. dated 7.2.86 is enclosed as Annexure & ~~xxxxxx-2 and~~ ~~xxxxxx-3~~ a copy of letter dated 27.4.95 whereby draft seniority list is made final is enclosed as Annexure-~~3~~ ~~xxxxxx-2~~ 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 22.12.59 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 re-fixing the seniority of the promotees and direct recruits are highly illegal, arbitrary, illegal and unfair.

6.6. That the draft impugned seniority list which was published vide letter No. C. No. II (34)/I/ET-1/91/PT-1 dated 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 Nimai 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 1.3.86 have been refixed and the impugned seniority list accordingly

prepared by the respondent No. 3 placing the applicants at serial Nos. 102, 110, 48, 75, and 28 respectively whereas, the seniority position of respondent Nos. 5 to 36 were 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, 33, 34, 35, 37, 38, 39, 41, 42, 43 and 45 whereby respondents No. 5 to 36 were shown senior to the applicants as on 21.10.94 therefore the present applicants are 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 1.3.86.

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 1.3.86, 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 22.12.1959 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 ~~difficulty in determining seniority in~~ 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 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 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 A 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

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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 2,4.4 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 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.

/Dept. 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 refix the seniority of the present applicants on the plea that implementation of two judgements of the Hon'ble 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 Patra Vs. Union of India & Ors. Be it stated that the present applicants were never impleaded as party respondents~~s~~ for any of the cases of Cuttack Bench and Calcutta Bench, therefore seniority of the present applicants cannot be refixed/ altered following the judgement of Cuttack & Calcutta Benches of the Central Administrative

Tribunal as because the present applicants were not made parties 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 applicants urged to produce the seniority list as mentioned above at the time of hearing.

6.7 That the seniority of the applicants 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 applicants particularly when the OM dated 7.2.86 does not permit such alteration/refixation. Therefore decision of the respondents are opposed to

Government Policy - and the impugned Draft Seniority List dated 24.10.94 and letter dated 27.4.95 whereby draft seniority declared as final are liable to be set aside and quashed.

6.8 That the applicants 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 and also liable to be rejected on the ground of limitation.

6.9 That the applicants beg to state that although they were promoted on adhoc basis initially but their promotion are made against the regular and substantive vacancies of Inspectors although the applicants are promoted on regular basis subsequently but there are some Inspectors who were directly recruited and joined in a later dates, in the department but surprisingly shown them senior to the applicants, on the ground that the initial appointment were made on adhoc basis. This decision of the respondents are highly illegal, unfair, and arbitrary.

6.10 That the applicants beg 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 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 applicants could not obtain in spite of their 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.

6.11 That the applicants submitted their representations objecting such alteration refixing of ~~seniority~~ 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 now 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 applicants are 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 applicants at this belated stage when the present applicants are due for promotion to the cadre of Superintendent Group 'B'. Therefore the Hon'ble Tribunal be pleased to interfere so that

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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.

6.12 That Number of Seniority Lists published by the respondents since 1983 showing the present applicants senior than the respondent Nos. 5 to 36 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.

6.13 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 therefore now the Hon'ble Tribunal be pleased to set aside and quash the impugned seniority

list dated 24.10.94. The case of the present applicants also supported by 1992 (19) A.T.C. 315 (Rajbir Singh and Ors -versus- Union of India and Ors.) 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.

6.14 That the applicants<sup>6</sup> beg to state that they were promoted to the post of Inspectors initially on adhoc basis against substantive regular vacancies and there was no break down of quota rule, and the seniority of the applicants were assigned above the respondents 15 to 36 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 on 21.10.94 is liable to set aside and quashed.

6.15 That the present applicants are 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

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the present applicants who are also due for promotion to the cadre of Superintendent 'B' post will suffer an irreparable loss in their service career. The present applicants were impleaded as respondents in O.A. 141/92 (K.Neog & Ors. Vs. Union of India & Others) which is still pending in this Hon'ble Tribunal, whereby the some of the direct recruit Inspectors raised the question of refixation of seniority, but the O.A. 141/92 was withdrawn subsequently.

6.16 Most surprisingly Respondents vide Establishment Order No. 167/95 dtd. 7.6.95 promoted private Respondent Nos. 5 to 17 to the grade of Superintendent Group 'B' in the scale of pay of Rs. 2000-3500/- although the Respondent Nos. 5 to 17 were junior to the applicants according to the Seniority position maintained for last one decade since 1982 the applicants ~~xxxxxxxxxxxxxx~~ to were treated senior/ ~~xxx~~ the private respondents 5 to 36 but surprisingly in total violation and disregard of the Office Memorandum dtd. 7.2.1986 altered and refixed the seniority position of the applicant w.e.f. 21.10.94 by the impugned seniority list on 21.10.94. This illegal action of the Respondents have caused irreparable loss to the applicants and their promotion prospects also frustrated. Therefore the impugned promotion order dtd. 7.6.95 which was in total violation of settled position of seniority as such the same is liable to be set aside and quashed and the Respondents be directed to hold a review D.P.C. on the basis of the seniority position shown as on 1.1.93 and further be pleased to consider

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the promotion of the applicants to the Group of Superintendent Group 'B'.

A copy of the impugned promotion order of 7.6.95 is annexed as Annexure-4.

6.17 That the applicants beg to state that should be declared senior than the Respondent Nos. 5 to 36 as the seniority position of the applicant all along maintained senior to private Respondent No. 5 to 36 since their initial appointment to the grade of Inspector and that should not be disturbed or altered after a long lapse of time. The applicants have acquired a valuable and legal right for promotion to the post of Group 'B' Superintendent on the basis of the seniority list.

6.18 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 to maintain seniority position of the applicants and Private Respondents which was assigned as on 1.1.84 and also as on 1.1.93 in terms of Seniority principles laid down in the Office Memorandum No. 9-11-55-RSP dated 22.12.59 and also in terms of para 7 of the Office Memorandum No. 35014/2/80 Estt(D) dtd. 7.2.1986.

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.

5. That the impugned Promotion order issued under Estt. Order No. 176/95 dt. 7.6.95 (Annexure -4) be set aside and quashed.

6. That the applicants be declared senior to the respondent nos 5 to 36 for all purposes including promotion.

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 21.10.94 is contrary to the guidelines and instructions, decision of Govt. of India contained in the 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 Bench) and O.A. 925 of 1992 (Calcutta Bench) n has never instructed to refix the seniority of the Inspectors of Customs and Central Excise, of the Shillong Collectorate.

3. For that the applicants were not impleaded as party respondents in the cases of Cuttack Bench and Calcutta Bench referred by the respondents in the letter dated 24.10.94 therefore judgement of the Cuttack Bench and Calcutta Bench cannot be applied upon the applicant in the matter of seniority.
4. For that the judgement of Cuttack Bench and Calcutta Bench are judgement in personam and not judgement in rem, therefore the same cannot be applied to the case of applicants.
5. For that the Office Memorandum dated 7.2.86, issued by the Department of Personnel, Govt. of India, is still valid and the instruction laid down in para 7 of the O.A. dated 7.2.86 has not

been set aside and quashed by the any of the Court/Tribunal, therefore the same is binding upon the respondents.

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 17.1.95 (Guwahati Bench);
  - ii. 1992 (19) ATC 315 (Rajbir Singh and Others Vs. Union of India & Others) (Supreme Court);  
O.A. 1083/1986 Shri L.B. Shivedarani & others Vs. Union of India & Ors. CAT. New Delhi.
  - iii. 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 applicants have 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 applicants pray 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 21.10.94 till final disposal of this application.

9. That the present applicants declare that they have 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 the application before this Hon'ble Tribunal.

11. Particulars of the Postal Orders :

1. Postal Order No.	:	885256
2. Date of Issue	:	1-8-95
3. Issued from	:	G.P.O., Guwahati
4. Payable at	:	G.P.O., Guwahati

12. Index of documents are enclosed

13. Enclosures

As per Index

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

I, Sri Biswajit Bhattacharjee, Inspector,  
Office of the Asstt. Collector, Customs & Central  
Excise, Silchar, Assam do hereby solemnly affirm  
and declare that I am one of the applicants in  
this application and being authorised by the other  
applicants to sign this verification and declare  
that the statements made in this application are  
true to my knowledge and belief and I have not  
suppressed any material facts.

I, sign this verification on this the 15<sup>th</sup> day  
<sup>August</sup>  
of May, 1995 at Guwahati.

  
Signature

MOST IMMEDIATE/DO NOT DELAY

CUSTOMS AND CENTRAL EXCISE : SHILLONG

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

Dated :- 24.10.74

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, S.O. 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 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 /S. 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-A.D-III.A. dated 01-10-94 have decided to extend the relief as requested by Shri Patra, Inspector.

After  
Cylinder

Contd. . . . .

Consequently, the relative seniority between Direct recruit and promoted Inspectors appointed before 01-03-81 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. They may also be informed that they may make their representations, if any, on such revision by 20-11-94. Any representation received after this date will not be entertained.

Enclo :- as above.

( with usual number of  
spare copies of revised  
seniority list)

( EVA M.R. HYNNEWTA )  
DEPUTY COLLECTOR ( P & V )

CUSTOMS AND CENTRAL EXCISE : SHILLONG

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

Dated :-

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 Palace Gate, Imphal-1.
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 'C' Executive Office, Association, Customs and Central Excise, Shillong.

( EVA M.R. HYNNEWTA )  
DEPUTY COLLECTOR ( P & V )

CUSTOMS AND CENTRAL EXCISE : SHILLONG

\* \* \* \*

Approved  
W. J. N.

DR. = SENIORITY LIST OF INSPECTORS (APPOINTED BEFORE 01.03.86)  
 AS ON 21-10-94. (REVISED AS PER D.O.T.C.'S TELK P.NO.A-23-24/5/92-D.ITA  
 DATED 01-10-94)

Sl. No.	Name and Qualification	Date of Birth.	Date of App'tt. in the Govt. Service.	Date of confirmation.	Date of app'tt. as Inspector.	W.I.F.I.	REMARKS.
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, Matriic	12-02-48	04-04-46	19-09-81	10-09-79	PR	
5.	Siba Prasad Neog, B.A.	29-08-52	22-7-76	10-10-81	22-07-76	DR	
6.	H. Rendra Ch. Dher, Matriic	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 Sudhan 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 Chaturvidi, 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	

Attested  
 @ Adm.

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.	Raju Sonowal (ST), B.A.	01-04-56	30-03-81	19-03-86	30-03-81	DR	
22.	Gobinda Thabah (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.	Jibanalal Bhowmik, 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...

Affested  
Chitr  
Ad.

1.	2.	3.	4.	5.	6.	7.	8.
<u>S/SHRI</u>							
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 Beishya, 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 DGIE, 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	

Attached  
(a) b  
A/N

S/SHRI	01	02	03	04	05	06
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 Pegul (ST), B.Sc.	31-01-56	08-04-82	13-05-87	08-04-82	DR	
64. Smti. Rosemary Shapong (ST), Matri	01-09-44	05-08-71	01-12-82	16-11-82	PR	
65. Nebo 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...	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 Bhushan Saikia (ST), B.Sc.	12-09-52	31-08-82	13-05-87	31-08-82	DR	
70. Kum. Melicia Synnah (ST), M...	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. Priyode 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...	01-08-56	12-07-82	13-05-87	12-07-82	DR	
75. Smti. Sayeda Jasmine Begum, B...	01-12-52	15-04-74	01-12-82	16-11-82	PR	
76. Debendra Moshahary (ST), M...	20-09-58	05-03-82	13-05-87	05-03-82	DR	
77. James Dohling (ST), B...	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 Fekir, 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	13-05-87	08-03-82	DR	Contd.... P/5....

Contd.... P/5....

After bed  
Breakfast

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

S/SHRI

83.	Haripada Debnath, B.Sc.	01-02-45	20-03-74	01-12-82	15-11-82	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. Hauferam (ST), P.U.	24-12-46	01-03-74	01-12-82	16-11-82	PR
91.	Sudip Kr. Nandi, B.Sc.	01-02-51	07-09-77	01-12-82	16-11-82	PR
93.	S. Tal Ch. Das (SC), H.S.L.C.	02-09-51	12-03-74	01-12-82	16-11-82	PR
94.	Siman 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, Metric	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

Attested  
Atul  
pdc

		3.	4.	5.	6.
	<u>S/SHRI</u>				
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. Haldia 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 Tafique 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.	Jasawanta 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.	Hem 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

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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 Mahan 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 Malita, 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. Debeswar Chandi (ST), B.A.	01-03-58	17-09-83	13-05-87	17-09-83	DR
136. Prafulla Kumar Taye (ST), B.A.	01-10-58	06-10-83	13-05-87	06-10-83	DR
137. Thang Chuoilo, 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. Niharesh 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

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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
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. Na-th, B.Sc.	01-12-58	19-03-84	13-05-87	19-03-84	DR
162.	Nihar Rn. Debrcy, 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 Bhatterjee, 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

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171.						
172.	Parashuram Patel (SC), B.Sc.	21.02.53	21.03.83	10.03.87	24.03.83	DR
173.	Malati Patel (SC), B.Sc.	01.12.57	21.01.81	11.03.87	13.03.83	DR
174.	Ja. Patel (SC), B.Sc.	30.12.57	01.09.83	11.03.87	09.09.83	DR
175.	Govardhan Patel (SC), B.Sc.	01.01.58	23.03.84	11.03.87	21.03.84	DR
176.	Ganesh Ch. Patel, B.Sc.	01.01.58	13.01.84	11.03.87	11.01.84	DR
177.	Pijush Patel (SC), B.Sc.	25.01.57	07.10.83	11.03.87	07.10.83	DR
178.	Hemal Patel (SC), B.Sc.	01.10.80	29.07.85	11.03.87	20.07.85	DR
179.	Shyamnath Patel (SC), B.Sc.	06.10.56	29.03.84	11.03.87	29.03.84	DR
180.	Parashuram Patel (SC)	01.01.57	09.12.83	11.03.87	09.12.83	DR
181.	Malini Patel (SC)	01.01.59	09.12.83	11.03.87	19.12.83	DR
182.	Ujjit Patel (SC)	01.01.51	19.12.83	11.03.87	13.12.83	DR
183.	Dinabandhu Patel (SC)	01.01.57	19.12.83	25.07.87	10.10.83	DR
184.	I.A. Abdul Jumain, B.Sc.	01.03.58	10.10.83	25.07.87	14.11.83	DR
185.	Prachin Patel (SC)	04.09.60	14.11.83	25.07.87	05.01.84	DR
186.	Ravindra Patel (SC), B.A.	02.07.51	06.01.84	29.07.87	01.10.83	DR
187.	Harendra Ch. Patel (SC), B.Sc	30.10.58	01.10.83	29.07.87	22.12.83	DR
188.	Lolondra Nath Sonowal (SC), B.A	01.12.54	22.12.83	29.07.87	18.11.83	DR
189.	Jitindra Kr. Bajikar (SC), B.A	01.07.59	18.11.83	29.07.87	29.11.83	DR
190.	Boloren Begu (ST), B.Sc	01.02.56	29.11.83	29.07.87	27.09.83	DR
191.	Ratneswar Doley (ST), B.A	01.03.56	07.09.83	29.07.87	31.10.83	DR
192.	Jojesh Sonowal (ST), B.A	01.02.56	31.10.83	29.07.87	07.12.83	DR
193.	Jone Oscar Narah (ST), B.A	01.01.57	07.12.83	29.07.87		
	Priyoram Doley (ST)					

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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.	25-03-58	04-07-84	29-07-87	04-07-84	DR	
207.	Rajkumar Dabendra 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	

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216.	Rathnangshu Chakraborty, B.Sc.L.L.B.	24.12.61	10.04.84	29.07.87	10.04.84	DR
217.	Smti H. Patricia Laloc, (ST)P.U.09.07.56		22.07.75	19.05.86	07.03.84	PR
218.	Phanidhar Kerkoti,	01.12.58	26.04.84	29.07.87	26.04.84	DR
219.	Govinda Natl. Halita, B.Sc (Ex.s)	01.12.50	24.09.84	29.07.87	24.09.84	DR
220.	Jatinendra Nahan Bora, B.Sc	01.03.60	01.05.84	29.07.87	01.05.84	DR
221.	Chakrendu Baruah, B.Sc.	01.02.53	03.03.79	07.05.86	09.06.84	PR
222.	Ashim Roy	21.07.60	28.05.84	29.07.87	28.05.84	DR
223.	Pallev Lochan Saikia, B.Sc.	03.01.60	23.11.84	29.07.87	23.11.84	DR
224.	Nirmal Kr. Das, (SC)B.Com.	01.05.57	11.05.84	29.07.87	23.05.84	DR
225.	Ashish Roy, B.Sc.	01.06.65	04.05.79	29.11.80	29.11.84	PR
226.	Pranab Kr. Phukan, B.Com(H)	01.02.59	30.04.85	29.07.87	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.	Kanai Narayan Choudhury, B.Sc.	01.12.52	15.07.79	29.11.86	29.11.84	PR
230.	Bhadirath 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	29.07.87	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. Presad, 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	23.01.84	PR

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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.Sc.	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	23-05-84	DR	
241.	Ranjit Kumar Dutta (II), B.Sc.	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.Sc. (II)	01-01-60	26-04-84	29-07-87	26-04-84	DR	
244.	Dwipen Ch. Banik (SC), B.Sc. (H)	03-04-55	24-04-84	29-07-87	25-04-84	DR	
245.	Sailendra Nath Sharma, B.Sc.	13-09-49	07-06-74	27-04-87	10-12-84	PR	
246.	Dabul Mazumder, B.Com.	10-01-58	14-06-84	29-07-87	14-06-84	DR	
247.	Kabitendu Kr. Mallick (SC), B.Sc.	03-03-57	07-05-84	29-07-87	07-05-84	DR	
248.	Samiran Das, B.Sc.	01-02-58	08-03-84	29-07-87	08-03-84	DR	
249.	Dipancker Dey, B.Com.	27-01-53	26-05-71	02-02-81	05-03-84	PR	
250.	L.L. Mata Gente (ST), B.Sc. (H)	01-03-57	31-03-83	01-04-83	31-03-83	DR	
251.	James Gyite (ST), B.Sc.	07-11-59	05-02-82	01-04-83	06-02-82	DR	
252.	Dipak Mahanta, B.Sc.	01-05-58	01-08-84	01-04-83	01-08-84	DR	
253.	Liliawnliane (ST), Matric	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	26-03-84	DR	I/C transfer to Delhi Collectorate ( 24-04-92 )
255.	Lalkhonch Sinte (ST), B.Sc.	01-03-58	18-06-84	01-04-83	18-06-84	DR	
256.	Kaizadel (ST), B.Sc.	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	01-04-83	25-04-84	DR	
259.	Kiran Thapa, B.Sc.	01-03-58	28-08-81	01-04-88	16-02-84	DR	

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260.	Jyanta Benik, B.Com.	25-01-61	07-06-84	01-04-83	07-06-84 DR
261.	Subil Bhattacharjee, H.S.L.C.	01-01-52	16-03-74	13-12-81	11-05-84 PR
262.	Shreul Ahmed, B.Sc.	01-03-61	21-04-84	01-04-88	21-04-84 DR
263.	Goutam Ch. Mandal (SC), B.Com.	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.	Inراكanta Kalita, H.S.L.C.	29-12-52	06-06-74	13-12-81	10-12-84 PR
266.	Santnu Mukherjee, B.Com. (H)	14-06-51	19-03-84	01-04-88	19-03-84 DR
267.	String sing 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.	Pubitra 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.	18-01-59	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.	Niranjan 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 Datta, 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
		01-03-54	20-06-74	13-12-81	10-12-84 PR

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282.	Dilip Kumar Sharma (No.1) B.Sc.	04.02.58	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	28.03.84	01.04.88	28.05.84	DR
288.	Smti Zarina Khan Shadap (ST)	13.02.58	12.04.84	01.04.88	12.04.84	DR
289.	Tapan Kr. Rajkhowa (SC) B.Sc.	01.04.59	27.04.84	01.04.88	27.04.84	DR
290.	Kishore Jn. Nath, B.Sc.	04.01.58	27.04.84	01.04.88	27.04.84	DR
291.	Tapan Ch. Gayen (SC) B.Sc.	12.02.57	25.04.84	01.04.88	25.04.84	DR
292.	<del>Anthony</del> Porthnailong (ST)	01.10.53	01.08.84	01.04.88	01.08.84	DR
293.	Hemilton Cooper Herbaniang (ST)	28.12.53	05.03.84		05.03.84	DR
294.	H. Khar (ST)	12.03.59	01.09.84	01.04.88	01.09.84	DR
295.	Henanta Prasad Rajkumar, B.A.	16.04.61	13.06.85	01.04.88	13.06.85	DR
296.	Sanjoy Das, B.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.	Wami Bone, B.A.	16.12.56	03.08.76	27.04.87	27.04.85	PR
299.	Sudip Kumar Dey, B.A.	01.04.59	23.12.85	07.04.88	23.12.85	DR
300.	<del>Shyam</del> Sundar Joshi, B.Com.	25.01.61	02.05.85	01.04.88	02.05.85	DR
301.	Hiremba Basumatari (ST) B.A.	02.04.62	11.06.85	01.04.88	11.06.85	DR
302.	Smti Ledyo Dutta, (ST) P.U.	16.12.52	29.3.76	27.04.87	23.04.85	PR
303.	Premnanda Saikia (ST) B.Sc.	01.01.59	20.11.85	01.04.88	20.11.85	DR On deputation with C.B.I., Shillong.

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1.	2.	3.	4.	5.	6.	7.	8.
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304.	Dharmeswar Deka (ST), B.A.	01-03-60	23-07-85	01-04-88	23-07-85	DR	
305.	Lilachar Paita (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.R.I. Imphal.
309.	Nirmal Kumar Sarmava, 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.	Terun 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.	Swapan 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	20-05-74	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 Datta (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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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.	Dijen Lyngdoh (ST) B.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.	Siti Tshering, Tohnu Bhutiani (ST) B.A.	04.03.65	13.10.85	01.04.88	28.10.85	DR	
337.	Aswini Kumar Daisiya (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.	01.10.53	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.	Prasop 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	

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*Aftered*  
 (Signature)  
 Adm.

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344.	Jyotish Das, (SC)B.A.	01.02.59	14.10.85	01.04.88	14.10.85	DR
345.	Bindu Dhusgn Namalbar (SC)B.A.	01.02.61	14.10.85	01.04.88	14.10.85	DR
346.	Sautan Das (SC)B.Com.	08.05.64	14.10.85	01.04.88	14.10.85	DR
347.	Ranadeswar 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. Niwali (SC)B.Com.	01.07.60	20.10.85	01.04.88	20.10.85	DR
350.	Swapan Mr. Roy, (SC)B.Com.	20.11.56	20.10.85	01.04.88	20.10.85	DR
351.	Rajkumar Bhurupjoy Singh, B.Sc	01.07.60	20.10.85	01.04.88	28.10.85	DR On deputation to D.R.I. Imphal
352.	Backhalkhai Neisiai (ST)B.A.	01.01.58	28.10.85	01.04.88	28.10.85	DR
353.	Hawlun Haokip (ST)B.Sc.	01.03.59	28.10.85	01.04.88	28.10.85	DR
354.	Manik Lal Choudhury (SC)B.Com.	08.01.61	28.10.85	01.04.88	28.10.85	DR
355.	Shehtimong Sitlyou (ST) B.A.	01.03.61	28.10.85	01.04.88	28.10.85	DR
356.	Suninthang Pulaute (ST) B.A.	01.03.61	28.10.85	01.04.88	28.10.85	DR

Attached  
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Adv

MOST IMMEDIATE

No. 35014/2/80-Estt (D)  
Government of India  
Ministry of Personnel, Public Grievance & Pensions  
(Karmik, Lok Shikayat Tatha Pensions Mantralaya)  
Depatement of Personnel and Training

North Block, New Delhi-1

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 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 interse seniority of direct recruits and promotees is determined on 1:1 basis.

Amended  
R. B.  
Adv.

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 occupied the vacant slots, thereby became senior to 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 ~~as~~ 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,

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while the principle of rotation of quotas will still be followed for determining the interse seniority of direct recruits and promotees, the present practice of keeping vacant slots for being filled 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 year while seniority will be determined between direct recruits and promotees, to the extent of the number of vacancies for direct recruits and promotees 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

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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 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 & 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.	D7

4. In order to help the appointing authorities in determining the number of vacancies to be filled during

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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 failing 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 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.

Attested  
R. L. N. S.  
Adv.

8. Ministry of Finance etc. are requested to bring these instructions to the notice of all the Attached/ Subordinate offices under them to whom the General Principles of Seniority contained in O.M. dated 22.12.59 are applicable within 2 weeks as these orders will be effective from the next month.

Sd/-

Joint Secretary to the Govt. of India  
Tele 3015010

Tp

All Ministries/Departments of the Govt. of India.

No. 35014/2/80-Estt (D) New Delhi the Feb. 1986.

Copy to :

1. All attached and subordinate offices of D.P. & T.
2. Union Public Service Commission, New Delhi with 10 spare copies. Ref. there letter No. 1/7/85-S II dated 29.11.85.
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,
11. All Members of the Staff Side of the National Council of JCM.
12. Director, LBS National Academy of Adm. Mussoorie.
13. All Sections of the Deptt. of P & T.
14. Shri P. Muthuswamy, P.B. No. 2468, Madras-600028.
15. Smt. Satya Choudhuri, P.O. Lakhinder, Hoshiarpur.

Spare copies 500.

Sd/- Aarti Khosla  
Joint Secretary to the Govt. of India  
Tele 3015010

Attested  
Aarti  
Khosla  
Adm.

## ANNEXURE - 3

MOST IMMEDIATE/DO NOT DELAY

## CUSTOMS AND CENTRAL EXCISE : SHILLONG

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)  
 Agartala Customs (Preventive Division (All))

The Branch in Charge

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

Subject : Re-arrangement 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. 241/92) 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  
 30.7.92 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 applicants was  
 not incorrect or illegal.

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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 CAT's Order followed in this regard was Para 3 of Ministry of Personnel D.G. & Pensions O.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 adhoc basis have contended that their senioring be fixed with reference to the Year/date they joined as Inspector on adhoc basis and not with reference to the Year/date they were subsequently promoted on regular basis. Whereas the condition of such adhoc 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 adhoc 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

*Attest  
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Adv*

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 CAT, Calcutta in O.A. No. 925/92 and various other cases pending before the Hon'ble CAT, Guwahati in this issue.

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

Sd/- EVA M.R. HYNNIDWTA)  
deputy collector 9p7v0  
Customs & Central Excise, Shillong

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

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 Palace Gate, Imphal-1.

Attested  
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3. The Assistant Collector (Judicial), Customs and Central Excise, Shillong.
4. Shri Nimai Chandra Patra, Intelligence Officer, Narcotice Control Bureau, Eastern Zonal Unit, 4/2, Karaya Road, 3rd Floor, Clacutta-17.
5. All other concerned Inspectors on deputation.
6. The General Secretary, Group 'C' Executive Officers' Association & Central Excise, Shillong.
7. Guard file.

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

Approved  
Wade  
Ad/

## CUSTOMS AND CENTRAL EXCISE ; SHILLONG

Establishment Order No. 167/1995

Dated Shillong the 7th June, 1995

Subject : Estt. Promotions of Inspectors to the grade  
of Superintendent Gr. 'B' - Order regarding.

## P R O M O T I O N S

## RT-I

The following Inspector of Customs and Central Excise are hereby promoted to the grade of Superintendent Group 'B' in the scale of pay of Rs. 2000/- to 3500/- with effect from the date they take charge of higher post at the places of posting with immediate effect and until further orders.

<u>Sl.No.</u>	<u>Name</u>
1.	Shri C. Shullai
2.	Shri Hirendra Ch. Dhar
3.	Shri Sudip Deb
4.	Shri Madhu Sudhan Tyagi
5.	Shri Jagajyoti Acharjee
6.	Shri Arun Kr. Chaturvedi
7.	Shri S.K. Vidyanta
8.	Shri Dilip Kr. Verma
9.	Shri Susmal Das
10.	Shri Khanindra Neog
11.	Shri J. Lama
12.	Shri Nimai Chl. Patra
13.	Shri Kritya Gopal Barman
14.	Shri Alagri Swamy
15.	Shri Bapuken Patir
16.	Shri Rajoo Sonowal

The seniority of the above officers in the grade will be in the order shown above.

This promotion order, excepting the officers appearing at Sl. No. 1,2 and 3 will however, be subject to the outcome of the SLP filed by the department before the Hon'ble Supreme Court against the judgement dated 25.11.93 of the Hon'ble Cat, Calcutta in O.A. No. 225/92 and various other cases pending before the Hon'ble C.A.T. Guwahati on the issue.

They are hereby asked to exercist option within one month from the date of promotion as to whether their initial pay should be fixed in the higher post on the basis of F.R. 22(I)(a) (1) straightway without any further revise on accrual of increment in the pay scale of the lower post or their pay on promotion should be fixed initially, in the manner as provided under F.R. 22(a)(i) which may be refixed under the provision of FR 22(I)(a)(1) on the date of accrual of next increment in the scale of apy of the lower post. Option once exercised shall be final.

In the event of refusal of promotion they should be debarred from promotion for a period of oner year.

#### PART-II

#### TRANSFERS AND POSTINGS

On promotion, S/Shri M.S.Tyagi, A.K.Chaturvedi, Dilip Kr. Verma, Susmal Das and N.C.Patra (Sl. No.4,6,8 9 and 12) are hereby temporarily transferred and posted at Hq's. Office, Shillong. All other promotions are trained at their respective present places of postings. Final postings as Superintendent Group 'B' will be issued later on.

-----  
Note :- In the event of any deputationists being repatriates back to parent collectorate, the junior most officer(s) in the above promotion order will be reverted back as Inspector.

This issues with the approval of the Collector of Central Excise, Shillong.

Sd/- EVA M R Hynniewta  
Deputy Collector (P&V),  
Customs and Central Excise, Shillong

C. No. II(3)9/ET.III/12029-50(A) Dated 7.6.95  
Copy forwarded for information and necessary action to :

1. The Sr. P.A. to Collector (Customs.Prev), N.E.R, Shillong.
2. The P.A. to Collector of C.E.x. Hqrs. Shillong.
3. The Additional Collector (Tech.), Hqrs. Office, Shillong.
4. The Additional Collector (Cus.Prev), NER, Imphal
5. The Director General, D.G.R.I., NEW Delhi. The copy meant for the concerned officer is enclosed.
6. The Additional Director General D.R.I. \_\_\_\_\_.
7. The Deputy Director N.C.B. \_\_\_\_\_. Copy meant for the concerned for is enclosed.
8. The Director General, DOAE, Calcutta. The copy meant for the concerned is enclosed.
9. The Assistant Collector of C.E/Cus (P) \_\_\_\_\_. The copy meant for the concerned officer(s) is/ are enclosed.
10. The Assistant Collector of C.Ex./Cus (P) Tinsukia.
11. Shri \_\_\_\_\_ for compliances.
12. The PAO/CAO of collectorate Hqrs., Office, Shillong.
13. The Accounts I & II/E.T.I & II/Confl. Br|CIU-cum-VIP Br.
14. The General Secretary Gr. D/Gr. 'C' Employees Assn., Customs and Central Excise, Shillong.
15. The Supdt. of Imphal Range, Imphal. The copy meant for the concerned officer is enclosed.
16. Guard file.

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

FILED BY:

Jahankar,  
22/6/95(M.D. SHAURAT ALI )  
Dr. Central Excise Standing Cause  
Central Administrative Tribunal  
Guwahati Bench, GuwahatiKiran  
(R. K. Kiran)Superintendent (Law)  
Central Excise  
Guwahati Division22/6/95  
Guwahati Bench  
Central ExciseIN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATIIn the matter of :-

O.A.No. 147 of 1995

Shri Ashoke Dey and others

- Vs. -

Union of India and others

- AND -

In the matter of :-Written Statements submitted by  
the Respondents Nos. 1 to 4.

XIX

WRITTEN STATEMENTS :

The humble Respondents submit  
their written statements as  
follows :-

1. That with regard to statements made in paragraphs 1 to 5 of the application, the Respondents have no comments on them.

*By  
K. K. SARKAR*  
L.R. K. SARKAR  
Superintendent (Law)  
Central Excise  
Guwahati Division

2. That with regard to statements made in paragraph 6.1 of the application, the Respondents beg to state that the applicants were first promoted as Inspector on ad-hoc basis but the condition of the ad-hoc promotion, as per Govt.'s Instructions, 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). Subsequently the applicants were promoted to the grade of Inspector on regular basis and their seniority was fixed accordingly on the basis of their regular appointment to the post as per Principles laid down in M.H.A. O.M. dated 22-12-59, as mentioned by the applicants. The Hon'ble CAT, Calcutta, however vide their order dated 25-11-93 ordered the revision of the seniority so fixed implying that there was breakdown in the quota-rota rule in fixing the seniority.

3. That with regard to statements made in paragraph 6.2 of the application, the Respondents have no comments on them, the same being matters of record.

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Central Excise  
Guwahati Division

4. That with regard to statements made in paragraph 6.3 of the application, the Respondents beg to state that comparing the seniority list of Inspectors of 1984, 1985 with that of 1993 and 1994 does in no way imply that the seniority of the applicants was correctly settled upto 1993 and that there was no scope of revision of the same. In fact, the revision was purely in compliance with order of Hon'ble CAT, Calcutta vide their order dated 25-11-93 on O.A.No. 925/92. The order of Board vide their Telex F.No. A-23024/5/92-Ad-III-A dated 04-10-94 was merely as the authority of executing Hon'ble Court's order. Hence, the contention of the applicants that the decision of Board in ordering revision seniority was illegal, arbitrary and contrary or Policy of the Govt. is not correct.

5. That with regard to statements made in paragraph 6.4 of the application, the Respondents beg to state that as it has already been stated above, the whole exercise of revision of seniority was in pursuance of order of the Hon'ble CAT, Calcutta and the Board and this department had just executed the order of Tribunal. As such, the contention of the applicants that the Board and this department has tried to illegally unsettle the seniority of the applicants is not correct.

6. That with regard to statements made in paragraph 6.5 of the application, the Respondents beg to state

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Central Excise  
Guwahati Division

that no further comments as the same has been mentioned in preceding paragraphs.

7. That with regard to statements made in paragraph 6.6 of the application, the Respondents beg to state that the same has already been stated above. The Seniority of the applicants was revised in compliance with the order dated 25-11-93 of Hon'ble CAT, Calcutta in O.A.No. 925/92 and the order, inter-alia, directed to re-fix the seniority of all similarly placed employees as per two decisions of Hon'ble Supreme Court, one being in Inderpal Yadav case and the other as reported in 1990(13) AIC 666. Hence, the contention of the applicants that the revision was illegally carried out by the Board and this department and also that the order of Hon'ble CAT, Calcutta was 'in personam' and not 'in rem' is not correct.

8. That with regard to statements made in paragraph 6.7 & 6.8 of the application, the Respondents beg to state that no further comments in view of clarifications given above.

9. That with regard to statements made in paragraph 6.9 of the application, the Respondents beg to state that the same has already stated in paragraph 6.1.

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Superintendent (Law)  
Central Excise  
Guwahati Division

10. That with regard to statements made in paragraphs 6.10 of the application, the Respondents beg to state that till today, no such request has been received in this office from the applicants.

11. That with regard to statements made in paragraph 6.11 of the application, the Respondents beg to state that as the seniority was revised as the Hon'ble Court's order, there is no question of the revision being termed as illegal by the applicants and the promotion orders issued as per the revised seniority list is also fair. Hence, there is no question of the applicants facing irreparable loss due to such promotions.

12. That with regard to statements made in paragraph 6.12 of the application, the Respondents beg to state that the same has already stated in fore-going paragraphs.

13. That with regard to statements made in paragraph 6.13 of the application, the Respondents beg to state that no further comments as the revision itself was as per Hon'ble Tribunal's order in O.A.No. 2(G)/89 vide judgement and order dated 17-1-91.

  
R.K. Gorkha  
Superintendent (Law)  
Central Excise  
Guwahati Division

14. That with regard to statements made in paragraph 6.14 of the application, the Respondents beg to state that the same already stated in paragraph 6.1.

15. That with regard to statements made in paragraphs 6.15 and 6.16 of the application, the Respondents beg to state that the same has already been stated in paragraph 6.11.

16. That with regard to statements made in paragraph 6.17 of the application, the Respondents beg to state that the same has already stated in proceeding paragraphs.

17. That with regard to statements made in paragraph 7, regarding Reliefs sought for the Respondents beg to state that the applicants are not entitled to any of the Reliefs sought for and as such the same is liable to be dismissed.

18. That with regard to grounds of the application the Respondents beg to state that none of the grounds is maintainable in law as well as in facts and as such the same is liable to be dismissed.

19. That with regard to statements made in paragraph 8, regarding Interim Relief prayed for

the Respondents beg to state that in view of the facts and circumstances narrated above, the Interim order is liable to be dismissed.

20. That with regard to statements made in paragraphs 9 to 13 of the application, the Respondents have no comments on them.

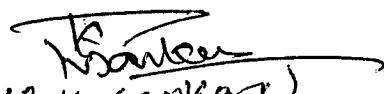
21. That w the Respondents submit that the application is devoid of merit and as such the same is liable to be dismissed.

.....

#### VERIFICATION

I, SHRI R.K. Sarker, Superintendent (Law),  
Assistant Director, Customs and Central Excise, Guwahati  
being authorised do hereby solemnly declare that the  
statements made above are true to my knowledge, belief  
and information and I sign this verification on this  
25 th day of June , 1996 at Guwahati.

#### DECLARENT :

  
(R.K. Sarker)  
Superintendent (Law)  
Central Excise  
Guwahati Division

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Filed by 90  
M. Chandra  
Advocate

In the matter of :

O.A. No. 147/95

Sri Ashok Dey

..... Applicant

-vs-

Union of India & Ors.

..... Respondents

-And-

In the matter of :

An additional statement supported  
by affidavit submitted by the  
applicant above named in O.A. No.  
171/95.

The humble applicant above named  
Most Respectfully Sheweths :

1. That he had never received any notice or copy of the O.A. No. 925/92 (Nimai Chandra Patra & Ors Vs. Union of India & Ors). It is further categorically declared that he had no knowledge regarding impleading him as respondent in the said O.A. No. 925/92 filed by Sri Nimai Chandra Patra & Ors before the Calcutta Bench of this Hon'ble Tribunal.
2. That this additional statement supported by affidavit is made in support of the statements made in the application being O.A. No. 171 of 1995 filed this

Contd....

deponent/applicant and the contents of this additional statement may be used as a piece of evidence, if required.

3. That this additional statement is filed bonafide and in the interest of justice.

..... Affidavit

A F F I D A V I T

I, Sri Prabal Chakraborty, son of late G.K. Chakraborty aged about 44 years, resident of Guwahati, in the district of Kamrup (Assam), presently serving as Inspector, Customs & Central Excise, Guwahati, do hereby solemnly affirm and declare as follows :

1. That I am the friend of the applicant in O.A. No. 147/95. I have been authorised by the applicant in this regard and taking steps into the matter. I am therefore conversant with the facts of the case and competent to swear this affidavit being instructed by the applicant in this regard.
2. That the statements made in this affidavit and in paragraphs 1 & 2 of the accompanying additional statement are true to my information and knowledge while those made in paragraph 3 are my humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this the 22<sup>nd</sup> day of January, 1999, at Guwahati.

Identified by

Manik Chanda  
Advocate

Chakraborty  
Deponent  
(PRABAL CHAKRABORTY)

Signed and sworn in by the deponent before me who is identified by Mr. M. Chanda, Advocate on this the 22<sup>nd</sup> day of January, 1999.

(N.D. Goswami)  
(N.D. Goswami)  
Advocate