

50/600
6
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A.No. 238/96
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SECTION OFFICER (Judl.)

G. Gohain
31/11/18

DA No. 238/96

Smti. Kiran Roy - Applicant(s)

vs
Lokin D. Didi - Respondent(s)

Mr. S. Deka, R.C. Bhaya - Advocates for the applicant(s)

Mr. G. Sarma, Addl. C.G.S.C - Advocates for the Respondent(s)

Office Notes

Date

Court's Orders

This application is in
form and within time
C. F. of Rs. 50/-
deposited vide

IPO BD No 664566
Dated ... 7-10-96

18.10.96

None for the applicant. Mr
G. Sarma, Addl.C.G.S.C for respon-
dents No.3 & 4. None for the other
respondents.

List for consideration of
admission on 12.11.1996.

Dr. Sarma
D. Regd. No. 16/10/96

6 Member

pg

m

23/10

Mr R.
applicant. None for the respon-
dents.

Issue notice on the res-
pondents before admission. Return-
able within one month.

List for show cause and
consideration of admission on
11.12.96.

6 Member

pg

m

12/11

13-12-96

11.12.96

Mr. S.P.Deka with Mr.

Bhuyan for the applicant.

None for the responder.

Notice issued to the
Concerned parties vide

D.No. 4129 to 4133 dt-

16.12.96

T3/12

Steps have not been tal

Applicant is directed to take
within 3(three) days.List for consideration on
admission on 3.1.1997.Service Reports are still
awaited.Show Cause has not been
lodged.

2/97

pg

60
Member

9-1-97

3.1.97

Mr S.P.Deka for the applicant. M.
G.Sarma, Addl.C.G.S.C for respondents No.
3 & 4 seeks time for submission of show
cause.List for show cause and considera-
tion of admission on 24.1.97.Registry to delete the name of
Railway counsel from this case as the
case is not relate to the Railways.

Member

pg

29.1.97

Mr G.Sarma, learned Addl.C.G.S.C
appearing for respondents No.1 to 5 submit-
that inspite of his best effort he has
not received the written statement. From
the order sheet it appears that several
adjournments have been taken for filing
the written statement. Mrs M.Das, learned Government Advocate
Assam also prays for time because accord-
ing to her no copy was received by her.

contd...

29.1.97 The Registry has informed that the Senior Government Advocate, Assam Dr Y.K. Phukan has already received the copy. This type of submission cannot be encouraged. However, for the ends of justice, we allow 10 days time to file written statement. If no written statement is filed on the next date the case will proceed without the written statement.

List on 10.2.97 for written statement and further orders.

Information

28.1.97.

93/2497

6/2
Member

S. S.
Vice-Chairman

pg
312

10.2.97 No show cause reply has been submitted. Perused the application. Heard Mr. S.P. Deka appearing on behalf of the applicant and Mr. G. Sarma, Addl. C.C.S.C. appearing on behalf of the respondent. Heard Dr. Phukan, Govt. Advocate, Assam and Meghalaya also. By 27th March 1997 respondents may file written statement serving a copy on the applicant and the applicant may file written statement if so advised in the meantime.

6/2
Member

S. S.
Vice-Chairman

In this case the written statement was filed on 27.3.1997 by Mr. Deka, learned Addl. C.C.S.C. However, without serving a copy on the other side, Mr. S.P. Deka submits that he has not received a copy only today. As per the order passed by Registrar on 10.2.97 it was directed the office not to accept any application etc. unless a copy is filed on the same date on the other side. Office can explain why

6.3.97
Information
received from the 7.4.97
S.C. Kanis (R.W.S.)
Today post

6.3.
A/S filed on 11/5
Received on 12/5/97

13/15
4
P.G.

Vice-Chairman

Member

to 24.6.97 for hearing.
for the applicant the case is adjourned
behalf of Mr S.P.Deka, Learned Counsel
On the prayer of Mr S.A.I on

12.5.97

22/4
4

11

Vice-Chairman

Member

List for hearing on 12.5.97.
for hearing, Mr
for the applicant. Case is ready
Learned Counsel Mr S.P.Deka

21.4.97

16/19
4
P.G.

Vice-Chairman

Member

List on 21.4.1997 for hearing.
21.4.97.
Deka shall submit rejoinder within
allowed to make submissions. Mr
Any Government Advocate will not be
complication over which, the C.G.B.C or
memorandum of appearance. This cannot be
is appearing without submitting the
Learned Advocates Mr S.Batra
today.

7.4.97 action shall not be taken for non
compliance of the order. This
explanation should be placed before
this Tribunal within 3 weeks from

2/ ESI Human Information
Request, from the D.C.
Kumarpur (R.No.5) by
post, at stage-21,22.
3/ M/S 676 D on behalf
of Mr R.N. 1,2 A3.

11/ Nachi and by Surend
on R.N. - 5 to 3.

4 - 4 - 97

24.6.97

Mr. S.S. Deka appears on behalf of applicant.

Dr. Y.K. Phukan, learned Sr. Govt. Advocate, Assam prays for adjournment. Mr. Deka and Mr. G. Sarma, learned Addl. C.G.S.C. have no objection. Accordingly the case is adjourned till 8.8.1997.

List on 8.8.97 for hearing.

6
Member

DB
Vice-Chairman

3-11-97

W/S has been filed.
No. of rejoinder has
been filed.

trd

X
3/8

8.8.97. There is no sitting on
Lokman Bench. List on 4.11.97

By order,

4.11.97

Heard Mr. S.P. Deka, learned counsel for the applicant, Mr. G. Sarma, learned Addl. C.G.S.C for respondents 1-4 and Ms. M. Das, learned Govt. Advocate, Assam for respondent No. 5. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

The application is disposed of in terms of the order. No order as to costs.

6
Member

DB
Vice-Chairman

pg

DB
8/12
at 31.M.

X

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

O.A.No. 238 of 1996.

4.11.1997.
DATE OF DECISION.....

Shri. Kiran Roy

(PETITIONER(S))

Shri S.P.Deka

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Shri G.Sarma, Addl.C.G.S.C & Mrs M.Das
Govt. Advocate Assam.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN
THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER

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

Judgment delivered by Hon'ble Vice-Chairman.



..... (S)

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 238 of 1996.

Date of Order : This the 4th Day of November, 1997.

Justice Shri D.N.Baruah, Vice-Chairman.

Shri G.L.Sanglyine, Administrative Member.

Smt Kiran Roy,
Wife of Shri Himangsu Sekhar Roy,
resident of Quarter No.266/A,
West Gotanagar, Guwahati-11.

... .Applicant.

By Advocate Shri S.P.Deka.

- Versus -

1. Principal Director of Audit,
N.F.Railway, Maligaon,
Guwahati-12.
2. Deputy Director of Audit,
N.F.Railway, Maligaon,
Guwahati-12.
3. Union of India
represented by the Comptroller & Auditor
General of India,
New Delhi.
4. The Regional Director(NER),
Staff Selection Commission,
Guwahati.
5. The Deputy Commissioner,
Kamrup, Guwahati. . . . Respondents

By Advocate Shri G.Sarma, Addl.C.G.S.C
for respondents No. 1 to 4 and Ms M.Das
Govt. Advocate, Assam for respondent No.5.

O R D E R

BARUAH J.(V.C)

The applicant has approached this Tribunal against
the Annexure-VI impugned order dated 25.4.1996 by which
the claim of the applicant was rejected. The facts are :

the applicant belongs to general category. She
was however, married to a Namasudra community which is
recognised as one of the listed castes under the Constitution.

2. Pursuant to an advertisement, the applicant applied for the post of LDC. A selection was held and the applicant states that she was selected even in the general category. However, she was appointed in a post earmarked for the scheduled caste candidate. Her appointment was later on cancelled by the authorities. The applicant being aggrieved approached this Tribunal by filing O.A.No.177/92 and the said O.A was dismissed on 18.9.1995 holding that the applicant was not entitled to be appointed in the scheduled caste quota. The Tribunal in the aforesaid judgment also observed thus :

"However, it is open to the respondents to consider applicant's appointment without reference to the rule of reservation, if found eligible."

Against that the applicant filed a representation before the authority and the representation was disposed of on 25.4.1996 rejecting the claim by Annexure-VI. The applicant has now approached this Tribunal by the O.A. In due course the respondents have filed written statement.

3. Heard Mr S.P.Deka, learned counsel appearing on behalf of the applicant and Mr G.Sarma, learned Addl.C.G.S.C for respondents No.1 to 4 and Ms M.Das, learned Government Advocate, Assam for respondent No.5.

4. The main grievance of Mr Deka is that the authority did not consider the case of the applicant though the applicant was entitled to be appointed as a general candidate. The impugned Annexure-VI order is a cryptic and non speaking one. No reason has been assigned for rejection of the claim of the applicant. Mr G.Sarma, learned Addl. C.G.S.C very fairly concedes that the impugned Annexure-VI order is not a speaking order. Ms M.Das, learned Government Advocate, Assam also makes a similar submission. Considering

the submissions of the counsel for the parties, we are of the opinion that impugned Annexure-VI order rejecting the claim of the applicant cannot sustain in law in as much as the order is without reason and a non speaking one. On the said Annexure-VI order it is difficult for this Tribunal to examine the legality and validity of the order. Accordingly we set aside Annexure-VI order and remand the case to the authorities to consider the case of the applicant afresh and thereafter to pass a reasoned order. The respondents are directed to dispose of the case as early as possible and at any rate within a period of two months from the date of receipt this order.

Considering the entire facts and circumstances of the case we however, make no order as to costs.


(G.L. SANGLFINE)
ADMINISTRATIVE MEMBER


(D.N. BARUAH)
VICE CHAIRMAN

Central Administrative Tribunal
Guwahati Bench
(An application under Section 19 of the Administrative
Tribunal Act, 1985)

10 OCT 1996

Title of the Case : O.A. No. 238/96

BETWEEN

Shrimati Kiran Roy ... Applicant

AND

Union of India & Ors ... Respondents.

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For use in Tribunal's Office :

Date of Filing 10.10.96

Registration No. CA 238/96

Signature :

Parmeet
6th Registrar. 16/10/96

R> copy
by (S) Parmeet
16/10/96

Filed by
Roshan/10/96 Admire

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

BETWEEN

Smti. Kiran Roy,

W/O Shri Himangsu Sekhar Roy,

resident of Quarter No.266/A,

West Gotanagar, Guwahati -11 ... Applicant

AND

1. Principal Director of Audit,

N.F.Railway, Maligaon,

Guwahati -12.

2. Deputy Director of Audit,

N.F.Railway, Maligaon,

Guwahati -12.

3. Union of India, represented

by the Comptroller & Auditor

General of India,

New Delhi.

4. The Regional Director (NER)

Staff Selection Commission,

Guwahati.

5. The Deputy Commissioner, Kamrup,

Guwahati.

... Respondents.

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:

This application is directed against S.O.O. No.64 dated 6.8.1992 issued by the Deputy Director, Administration, whereby the service of the applicant has been terminated w.e.f. 6.8.'92 and No.Admn/1-2B/85/2B/1135 dtd.25.04.'96 issued by Deputy Director, Administration, rejecting the representation of applicant.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the orders against which she seeks remedy is within the jurisdiction of this Hon'ble Tribunal.

3. L I M I T A T I O N:

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

4. FACTS OF THE CASE:

i. That the applicant is a citizen of India and as such she is entitled to all the rights, privileges and protection as guaranteed by the Constitution of India.

ii. That the applicant is married to Sri Himangsu Roy, who belongs to Namasudra Community which is recognised as Scheduled Caste under the Constitution (Scheduled Caste) Order 1950 as amended by the Scheduled Caste and Scheduled Tribes List (Modification Order) 1976.

After marriage, the applicant has attained the status of S.C. and she has been accepted and recognised as such for all purposes by the Scheduled Caste Community. The applicant has also been granted Scheduled Caste Certificate by the Asom Anusuchit Jati Parishad, Assam, which has also been countersigned by the Deputy Commissioner, Kamrup.

A copy of the Caste Certificate is annexed herewith and marked as Annexure I.

iii. That in the year 1989, in response to an advertisement issued by the Staff Selection Commission, the applicant applied for the post of Clerk in the Scheduled Caste reserve quota. The applicant submitted all certificates and testimonials including Caste Certificate with the petition.

Kirjan Roy

iv. That, subsequently the selection examination was held for the post and in the said examination the applicant was declared selected for the post against reserve quota. After the selection, her name was recommended by the Staff Selection Commission to the Principal Director of Audit, N.F.Railway, Maligaon. Pursuant to the said recommendation the Principal Director of Audit, N.F.Railway issued a letter dated 5.12.90 whereby the applicant was asked whether she was willing to be appointed in the post of Clerk with certain conditions as were mentioned in the said letter.

A copy of the letter dtd. 5.12.90
is annexed herewith as Annexure II.

V. That the applicant accepted the conditions imposed for appointment and she joined her post as Clerk on 14.2.1991 in the Office of the Principal Director of Audit, N.F.Railway, Maligaon. After her joining the post of Clerk on 5.3.91 the Principal Director of Audit issued her appointment order on the same day vide S.O.O. No.109 dated 5.3.91.

A copy of the appointment order dtd.
5.3.91 is annexed herewith as Annexure III.

vi. That since her joining the said post of Clerk, the applicant had been working with all sincerity, devotion and to the satisfaction of all concerned and there has never been any complaint either against her conduct or against her performance. But all of a sudden, the Deputy Director, Administration, issued an office order No.S.O.O. 64 dtd., 6.8.1992 terminating the service of the applicant with effect from 6.8.92 (AN) on the alleged ground that the

applicant does not belong to Scheduled Caste Community.

A copy of the termination order dated 6.8.92 is annexed as Annexure IV.

vii. That it is stated that before issuing the order of termination, proper procedure was not followed by the Respondents and no opportunity was afforded to the applicant to defend herself against the order of termination. Instead of following the laid down procedure the respondents imposed the heaviest punishment of termination from the service in utter violation of the laid down rules and the principle of natural justice.

viii. That, it may be stated that the said order of termination was sent to the applicant through postal service when she was lying ill. After recovery from her illness, the applicant went to the office to enquire into the matter and requested respondent No. 1 and 2 to allow her to join her duties but she was not allowed to do so. It may, however, be stated here that she has not yet been relieved of her duties and she has not handed over charge to anyone; nor has any one joined the post which is lying vacant.

ix. That, it is stated that the Scheduled Caste Certificate issued to the petitioner by the Asom Anusuchit Jati Parishad, Assam is a genuine one which was issued after following the laid down procedure and which has been duly countersigned by the Deputy Commissioner, Kamrup.

x. That it is stated that although the petitioner was a caste Hindu by birth, after her marriage with a person belonging to Scheduled Caste, she has become a member of the Scheduled Caste by marriage and she has been accepted as such by the Scheduled Caste Community.

Skiran Roy

xi. That the impugned order of termination is illegal and violative of the principles of natural justice in-as-much as the applicant was not given any opportunity to defend herself before the drastic action of termination was taken.

xii. That against the illegal and unjustified order of termination the applicant approached this Hon'ble Tribunal in O.A. 177/92 and this Hon'ble Tribunal by order dated 18th September, 1995 in the aforesaid case, while dismissing the O.A. observed that it was open to the respondents to consider applicant's appointment without reference to the rule of reservation, if found eligible.

A copy of the Order is at Annexure V.

xiii. That pursuant to the said order of this Hon'ble Tribunal the applicant submitted a representation to the authorities on 6.12.'95 praying for considering the case of the applicant for appointment as a clerk. But most unfortunately the representation of the applicant has been rejected by the authorities. In the order of rejection of the representation no reason whatsoever has been shown for having done so. It merely says that the representation has been rejected.

A copy of the order of rejection of the representation is at Annexure VI.

5. GROUNDS FOR APPEAL:

i. For that the applicant having acquired the status of Scheduled Caste by marriage the respondents cannot deny her the privilege enjoyed by Scheduled Caste candidates in matters of appointment.

ii. For that the applicant having been granted Scheduled Caste Certificate by the Asom Anusuchit Jati Parishad, Assam

which is the competent authority to issue such Certificate, and the Certificate having been duly countersigned by the Deputy Commissioner, the respondents cannot question its genuineness or validity and cannot reject it. The Deputy Commissioner must have verified the antecedents of the applicant before countersigning the Certificate.

iii. For that the respondents have terminated the service of the applicant without following the due procedure laid down in rules and without affording an opportunity to the applicant to defend herself before taking such a drastic action of termination.

iv. For that the action of the respondents is violative of the service laws and principles of natural justice inasmuch as the applicant was appointed on the recommendation of the Staff Selection Commission and she joined her duties and served for nearly 1 year and a half, and therefore, she ought to have been given a chance to defend herself before taking such a drastic action.

v. For that the Deputy Commissioner after having countersigned the Certificate on due verification cannot cancel the certificate without affording an opportunity to the applicant to adduce evidences in support of her claim. But instead, action was taken behind the back of the applicant.

vi. For that, the applicant worked in the post for nearly ~~and~~ one year and a half after being ~~du~~ly appointed and therefore she cannot be thrown out without affording her an opportunity to defend herself against the order of termination.

vii. For that no speaking order was passed while rejecting

Kiran Roy

the representation of the petitioner and no reason whatsoever has been shown for rejecting the representation.

viii: For that, as per direction of the Hon'ble Tribunal the petitioner's case for appointment could have been considered without reference to the rule of reservation as the applicant was eligible for the post.

ix. For that the action was taken behind the back of the applicant and as such she did not get any chance to defend herself.

x. For that the action of the respondents violates Articles 14, 16 and 311 of the Constitution of India.

6. DETAILS OF REMEDIES EXHAUSTED:

The applicant declares that she has exhausted all avenues for relief and as such she has no other alternative remedy available to her except approaching this Hon'ble Tribunal by this petition.

7. THE MATTER IF PREVIOUSLY FILED AND IS PENDING BEFORE ANY COURT:

The applicant states that she approached this Hon'ble Tribunal in O.A.177/92 but it was dismissed with a direction that the respondents may consider applicant's appointment without reference to the rule of reservation, if found eligible. No other case is pending relating to this matter in any Court. The applicant's case has been rejected for appointment without any speaking order.

8. RELIEFS SOUGHT:

The applicant seeks the following reliefs:-

(i) Office order issued vide S.O.O. No.64 dt.

6.8.92 (Annexure IV) be set aside and quashed.

(ii) To allow the applicant to resume her duties

Kiran Roy

19

treating her as on continuous service and giving her all service benefits including back wages.

(iii) Any other relief/reliefs that may be granted by your Lordships.

(iv) Cost of the suit.

9. INTERIM RELIEF PRAYED FOR:

Pending disposal of the case the operation of the impugned orders No.S.O.O. No.64 dt. 6.8.92 and orders conveyed under No. Admn/1-2B/85/2B/1135 dt. 25.04.96 (Annexures IV and VI respectively) MAY BE stayed, and the respondents directed to allow the applicant to resume her duties.

10.

11: PARTICULARS OF THE I.P.O.

I.P.O. No. B H 444566.

Date 7.10.96.

Payable at Guwahati.

12. LIST OF ENCLOSURES:

As in the Index.

Kiran Roy

VERIFICATION

I, Shrimati Kiran Roy, W/O Shri Himangsu Roy, aged about 34 years, resident of Quarter No.266/A, West Gotanagar, Maligaon, Guwahati -11 in the district of Kamrup, Assam do hereby verify the contents of paragraph 1 to 9 and 11 and 12 of this application are true to my knowledge and belief and I have not suppressed any material fact.

And I sign this verification this the 9th day of September, 1996.

Kiran Roy.
(Signature of the applicant)

Book No. 50

Serial No. 4960

ASOM ANUSUCHIT JATI PARISHAD
Chenikuthi, Guwahati-781003

Regd. No. 1406 of 1981-82

THIS IS TO CERTIFY THAT Smt. Kirfon Roy, wife of Shri Himangshu Roy of Village Adarsha Colony, Maligaon, in the district of Kamrup of the State of Assam belongs to Namasudra Castes which is recognised as a Scheduled Castes under the Constitution (Schuduled Castes), Order 1950 as amended by the Scheduled Castes and Scheduled Tribes Lists (Modification order) 1976.

Smt. Kiron Roy and/or her family ordinarily resides in Village Adarsha Colony, Maligaon of Kamrup district of the State of Assam.

Signature : Sd/- Illegible
Designatins President
Seal

Asom Anusuchit Jati Parishad

Place : Guwahati
State : Assam

Countersigned : Seal
Sd/-Illegible
for Deputy Commissioner,
Kamrup, Guwahati, Assam.

Date : 14/11/84.

Attested
Ranjan Adhikari
9/11/96.

* Registered with Ack. Due.

OFFICE OF THE PRINCIPAL DIRECTOR OF AUDIT,
N.F. RAILWAY, MALIGAON, GUWAHATI.

No. Admin/1-2/85/88/18174

Dt. 5/12/1990.

Memo

With reference to her recommendation by the Staff Selection Commission, Guwahati for a temporary post of Clerk in this office in the scale of pay of Rs.950-20-1150-EB-25-1500/- plus the usual allowances sanctioned by the Govt. of India, Smt.Kiron Kalita (Roy) is informed that she is likely to be offered an appointment in the aforesaid post in this office. If she is offered the said post her appointment will be subject to the following terms and conditions :

i) The appointment will be purely temporary and will be governed by the Central Civil Services (Temporary Service) Rule 1966 as amended from time to time. Her services are liable to be terminated without assigning any reasons under Rule 5 ibid.

ii) She will be liable to be appointed at and transferred to any branch office of the office of the Pr. Director of Audit, N.F.Railway either already in existence or likely to be formed in future. The branches at present are at Dibrugarh Town, Silchar, Lumding, New Bongaigaon, Alipurduar Jn., New Jalpaiguri, Katihar.

iii) She will be on probation for a period of 2(two) years.

iv) Not applicable.

v) She will have to comply with the requirements of the Central Civil Services (Conduct) Rules, 1964 and the Plural Marriage Act. All Rules or orders already in existence or issued from time to time regarding Attendance, duties, discipline, conditions of Service etc. will automatically be applicable to her.

vi) If she belongs to Scheduled Caste and professes the Hindu/Sikh religion, she should report any change of religion to the appointing authority immediately such a change takes place.

2. If the above conditions are acceptable to her, she should sign the enclosed acceptance letter and send the same immediately so as to reach this office not later than 24/12/90 for considering her case for offering her appointment for the post mentioned above. If the acceptance letter is not received in this office by the above due date, it will be assumed that she is not interested for employment in this organisation and her case will not be considered again.

3. If she accepts the above terms and conditions, she should submit the following documents alongwith the acceptance letter.

i) Attestation from (enclosed) duly completed.

Attested
R.P.
9/12/96
Abhaya

ii) Certificate of character in the form enclosed from the Head of the Educational Institution last attended or in case such a certificate cannot be obtained, a certificate in the same form from a Gazetted Officer (in both case, duly attested by a District Magistrate, Sub-Divl. Magistrate or Stipendiary First Class Executive Magistrate). This certificate should have reference to the 2 years immediately proceeding.

iii) A Schedule Castes/Tribes certificate in the form enclosed from a District Magistrate, Additional Dist. Magistrate, Collector, Dy.Commissioner, Addl.Dy.Commissioner, Dy.Collector, First Class Stipendiary Magistrate, City Magistrate, Sub-Divl. Magistrate not below the rank of First Class Stipendiary Magistrate, Taluka Magistrate, Executive Magistrate, Extra Asstt. Commissioner, Chief Presidency Magistrate, Presidency Magistrate, Addl.Chief Presidency Magistrate, Revenue Officer not below the rank of Tehsildar, Sub-Divisional Officer of the area where she or her family normally resides.

iv) A declaration in the form enclosed indicating whether her husband has more than one wife living.

v) No objection certificate from her previous employer.

vi) Displaced person certificate from a Gazetted Officer of the Central Govt. or from a District Magistrate and/or eligibility certificate issued by the Govt.of India or Citizenship certificate as a proof of registration as an Indian Citizen.

She may please note that this is not an offer of appointment and is merely an intimation of her being consider for appointment.

Maligaon, Guwahati-11

Sd/-illegible
Director
(Appointment Authority)

To

Smt.Kiron Kalita (Roy),
C/o Sri D.M.Roy, Rly.Ors.No.266/A,
West Gotanagar, P.O. Maligaon,
Dt.Kamrup, PIN-781011.

*Almed
R.M.R.
9/1/96. Adarsh*

OFFICE OF THE PRINCIPAL DIRECTOR OF AUDIT,
N.F. RAILWAY,
MALIGAON, GUWAHATI - 11.

S.O.O. No.109

Date: 5/3/91.

Sub: Appointment order

With reference to her letter of acceptance of the offer of appointment Smt.Kiron Kalita (Roy) is appointed to a temporary post of clerk in the scale of Rs.950-20-1150-EB-25-1500/- plus allowances sanctioned by the Government of India, from time to time in the office of the Principal Director of Audit, N.F. Railway with effect from 14/2/91 (FN). Her appointment will be governed by the following terms and conditions which have been accepted by her while responding to the offer of appointment.

i) The appointment is purely temporary and will be governed by the CCS(TS) Rules, 1965 and is liable to termination without assigning any reasons under Rule 5 ibid.

ii) She will be on probation for a period of 2 years.

iii) She is liable to be transferred to any branch of the office of the Principal Director of Audit, N.F. Railway, either already in existence or likely to be formed in future on such terms and conditions decided by the Department. She is posted at Hd.Qrs/Maligaon.

iv) She will have to comply with the requirements of the CCS(Conduct) Rules 1964 and the plural Marriage Act. All rules or orders already in existence or issued from time to time regarding attendance, duties, discipline, conditions of service etc. will automatically be applicable to her.

iv) "The appointment is provisional and is subject to the Scheduled Caste certificates being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificates.

vi) She should produce the H.S.L.Certificate in original issued by the Board within three months from the date of her appointment.

Appointing Authority.

Place : Maligaon

Date :

Sd/-D.J.Bhadra

Director

5/3/91

*Attested
R.K.
9/10/96.
Advocate*

F.T.O.

OFFICE OF THE PRINCIPAL DIRECTOR OF AUDIT,
N.E. RAILWAY,
MALIGAON, GUWAHATI - 781111.

No. Admn/28-478/91/607/225137

Dated 6/3/91.

Copy forwarded to :

1. The Principal Director of Audit/N.Railway/New Delhi.
2. The FA & Chief Accounts Officer/N.E.Railway/Maligaon.
3. Smt. Kiron Kalita (Roy), CL, HQ/Maligaon.
4. Auditor/Service Book.
5. Sr. Auditor/Bill.
6. S.O.O. Register.

Sd/- Illegible
Audit Officer/Admn.

*Aftered
RJ
9/10/91.
Adwale*

OFFICE OF THE PRINCIPAL DIRECTOR OF AUDIT, N.F. RAILWAY,
MALIGAON, GUWAHATI - 781011.

S.O.O. No.64

Dated : 06-08-1992.

OFFICE ORDER

Smt.Kiran Roy alias Smt.Kiran Roy was appointed in this office as Clerk w.e.f. 14/2/1991 against a Scheduled Caste quota sponsored by the Regional Director (NFR), Staff Selection Commission, Guwahati as Scheduled Caste candidate.

2. Her appointment in this office as Clerk vide S.O.O. No.109 dt.4/3/1991 was provisional subject to the verification of her claim to Scheduled Caste through proper channels. It was clearly indicated in the appointment order (vide S.O.O. No.109 dt.4/3/91) mentioned above that if the verification reveals the claim to belong to Scheduled Caste is false, her services from this office will be terminated forthwith without assigning any reason and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate.

3. The claim of Smt.Kiran Roy Alias Smt.Kiran Kalita Roy belong to Scheduled Caste was referred to the Deputy Commissioner, Kamrup, Guwahati for verification. The Deputy Commissioner, Kamrup, Guwahati, after verification, has now intimated this office that Smt.Kiran Roy Alias Smt.Kiran Kalita Roy does not belong to Scheduled Caste community.

4. As per conditions of the appointment order referred to above, the services of Smt.Kiran Roy alias Smt.Kiran Kalita Roy, Clerk is terminated with effect from 06-08-1992 (AN).

Sd/- Illegible
Deputy Director/Admn.

To :

1. Smt.Kiran Roy,
C/o Shri D.M. Roy,
Gr. No.226/A, West Gobanagar,
Guwahati-781011.
2. Office of the Principal Director of Audit,
N.F. Railway, Maligaon,
Guwahati-781011.

P.T.O.

Attested
R.D.S.
9/10/96
Advocate

No. Admn/18-478/91/607/6894

Dated : 07-08-1992.

2

Copy forwarded for information & necessary action to :

- 1) The Principal Director of Audit, Northern Railway, New Delhi-1.
- 2) The F.A. & Chief A/cs. Officer, ENGA/PF, N.F.Railway, Maligaon.
- 3) Smt. Kiran Roy, Gr. No. 266/A, West Ghatanagar, Guwahati-11. She is directed to deposit the following immediately :
 - a) Identity Card No. 112381 dated 19-3-1991 issued to her.
 - b) Books, equipments etc. if any issued to her by R.C. Section and by Audit Recreation Club, N.F. Railway, Maligaon.
- 4) The Asstt. Supdt/RC.
- 5) AAO/Admn/Bill - The payment for the period Smt. Kiran Roy served in this office may please be made immediately.
- 6) The Chief Security Commissioner/RPF, N.F.Railway, Maligaon. - The Identity Card No. 112381 dt. 19-3-91 issued in favour of Smt. Kiran Roy may be treated as cancelled.
- 7) The Secretary, Audit Recreation Club, N.F. Railway, Maligaon.
- 8) The Secretary, Benevolent Fund, Maligaon.
- 9) S.O.O. Register.

Sd/- Illegible
Audit Officer/Admn

Attested
RSP
9/10/96.
Admireable

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 177/92

Date of order : This the 18th Day of September, 1995.

JUSTICE SHRI M.G. CHAUDHARI, VICE-CHAIRMAN
SHRI G.L. SANGLYINE, MEMBER (ADMN)

1. Smt. Kiran Roy,
W/o. Himangsu Sekhar Roy,
Resident of Qrs. No. 266/A,
West Gotanagar, Guwahati-11. Applicant

By Advocate Mr. A.K. Roy and Mr. M.K. Choudhury.

- Vs. -

1. Principal Director of Audit,
N.F. Railway, Maligaon, Guwahati-11.
2. Deputy Director of Audit,
N.F. Railway, Maligaon, Guwahati-11.
3. Union of India, represented by the Comptroller & Auditor General, New Delhi.

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

ORDER

CHAUDHARI J(VC) :

1. The undisputed facts are that the applicant Shrimati Kiran Roy is a Caste Hindu by birth. She married Himangsu Roy, who is a member of Scheduled Caste community by birth. The applicant applied and was selected in the year 1989 for the post of Clerk in the office of the Deputy Director, Audit, N.F. Railway, against Scheduled Caste quota. The applicant submitted certificate to show that she was Scheduled Caste person after marriage. She was issued a letter of appointment and joined the service on 5/3/91. However her service was terminated by order dated 6/8/92 passed by the Deputy Director (Admn) on the ground that she did not belong to the Scheduled Caste community and was not eligible for being appointed in the reserved post. The said order is challenged in the instant O.A. The applicant prays that the said order be set aside and the respondents be directed to treat her as a member of Scheduled Caste community and allow her to resume her duty in the post of clerk.

2. It is contended by the applicant that by virtue of her marriage with Himangsu Roy who belongs to Namasudra community which is recognised as a scheduled caste under the Constitution (scheduled caste) order 1950 as amended by SC and ST lists (modification order) 1970 she has acquired membership of scheduled caste community and is

*After tee
Roy
9/10/96
perjocale*

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entitled to get the benefit of reservation in service and therefore the decision of the respondents is illegal and unconstitutional. She also contends that her service was terminated without giving her opportunity to show cause and therefore the impugned order is violative of principle of natural justice and is illegal. She claims that despite the impugned order of termination of service she has not been relieved and has not handed over the charge but that the respondents are illegally refusing to allow her to perform her duty.

3. The respondents rely upon the guide lines issued by the Ministry of Home Affairs by circular letter No.35/1/72-RV(SCTV) dated 2-5-75 and contend that a person who is not scheduled caste by birth will not be deemed to be a member of scheduled caste merely because he or she has married a person belonging to scheduled caste. They contend that the applicant therefore was not eligible for being appointed and when that fact was noticed the appointment has been cancelled. The respondents also contend that the appointment of the applicant was provisional subject to verification of the caste and therefore mere circumstance that she was allowed to work before the verification was made does not create a vested right in her to be continued in the post. Thus they justify the impugned order. The question that arises for consideration is as to whether by virtue of her marriage the applicant acquired the status of being a scheduled caste person so as to be entitled to the appointment to a post reserved for scheduled caste community.

4. Same question arise for our consideration in O.A. 131/90 which we have separately decided to-day. The facts of the instant case are similar to the facts involved in that case. We have discussed the relevant aspects of the question and have followed the decision of the Kerala High Court in the case of Valsamma Paul Vs. Rani George and Ors. reported in 1995(2) SLJ(Kerala) page 81 and have held that a person born outside the scheduled caste or Scheduled Tribe does not acquire that status by virtue of marriage with a person belonging to such Tribe and is not entitled to get benefit of reservation under article 15(4) of Constitution. For the same reasons as are discussed in the order in that case we hold that the applicant is not entitled to claim benefit of reservation and since her appointment was provisionally made subject to verification of her caste the impugned order cannot be held to be illegal. No question of violation of Natural justice also can arise.

5. It is however necessary to note the decision of the Assam High Court in Wilson Reade V.C.S. booth & Ors., AIR 1958, Assam 128. In the case the election of a candidate (respondent No.3) to the Assam Legislative Assembly was challenged on the ground that the nomination of Wilson Reade to the reserved seat was wrongly rejected holding that he was not a member of the Scheduled Tribe and was not entitled to be nominated as a candidate for the reserved seat meant for the member of the Tribe of the Autonomous District Khasi and

Attested
R.D.
09/10/96
Ad. W. Wale

Contd... 3/

Jayantia Hills within the meaning of Article 366(2) of the Constitution. It was the contention of Mr. Wilson Reade that although his father was an Englishman he had married a Khasi woman and that under the practice prevalent among the Khasi Tribal people any one who was born of a Khasi mother was regarded as a member of Khasi Tribe and was entitled to the benefit of the reservation. It was contended on his behalf before the Election Tribunal that the Khasis being matriarchal in descent he acquired the domicile of his mother by birth as a legal incident and he continued to retain that domicile in the matter of personal law. After referring to the finding of the Tribunal in that behalf. Their Lordships were pleased to express following opinion. Hon'ble Merotra J. held in his opinion as follows :

" Having considered carefully the evidence on the record, we are of the opinion that the petitioner has fully established that he was a member of the Khasi community and thus his nomination paper was wrongfully rejected . . . "

Hon'ble Deka J. observed in his opinion thus :

" . . . Therefore taking all these facts into consideration it can easily be construed by applying the common-sense and practical view that he was a member of the Khasi community and his nomination paper was wrongly rejected . . . "

Thus the conclusion mainly rested on the evidence. The question that arises in the instant case is however of a different nature. The question here is not as to whether the applicant has been accepted by the tribe of her husband as one of them but whether the applicant by virtue of her marriage in the community is entitled to get the benefit of reservation meant for the particular tribe. The fact that Wilson Reade was born to a Khasi mother distinguishes the applicant's position who seeks link with Namasudra community through her husband and not by birth. We are therefore of the opinion that the decision of the Full Bench of Kerala High Court in Valsammas' case (Supra) is nearer in point to the instant case than this decision and should be followed in the instant case.

In the result the O.A. is dismissed. However, it is open to the respondents to consider applicants' appointment without reference to the rule of reservation, if found eligible.

No order as to costs.

Sd/- Vice Chairman
Sd/- Member (Admn)

Attested
R. D. J.
9/10/96
Advocate

-:20:-

ANNEXURE - VI

3
Registered with A/D

OFFICE OF THE PRINCIPAL DIRECTOR OF AUDIT
N.F. RAILWAY, MALIGAON,
GUWAHATI - 781011.

No. Admn/1-2B/85/2B/1135

Date : 25/4/96.

To

Smt. Kiran Roy,
C/o Shri D.M. Roy,
Railway Qrs. No. 266/A,
West Gotanagar,
Guwahati-781011.

Sub: Representation consequent on CAT/GHY's
judgement on order of termination.

With reference to your representation submitted to
the C & AG of India on the above mentioned subject, I am
directed to intimate you that your representation has been
rejected.

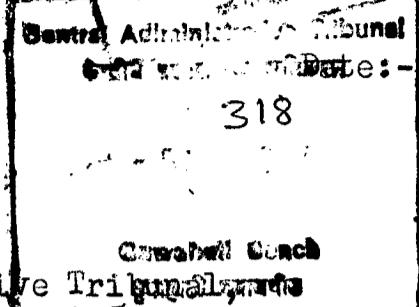
Sd/-Illegible
Deputy Director/Admn.

Aftered
RSH
9/1/96
Advocate

(21)

GOVERNMENT OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER::: KAMRUP::: GUWAHATI
(ADMINISTRATION BRANCH)

NO.KAV-18/91-92/(Pt.3)/239



To

Section Officer, Guwahati Bench
Central Administrative Tribunal
Guwahati Branch, Guwahati

Sub:- Verification of Caste Certificate in respect of
Smti.Kiran Kalita Roy.

Ref:- Your letter No.238/96/4133 dt.16/12/96.

Sir,

With reference to the subject quoted above I have the honour to inform you that Smti.Kiron Kalita (Roy) does not belong to scheduled caste S.T.(P) S.T.(H) etc. Information has already been sent to Principal Director of Audit Administration, N.F.Railway, Maligaon vide this office letter No.KAV-18/91-92/Pt.3/194 dt.4.8.92 copy of which is sent herewith for information.

Yours faithfully,

Addl. Deputy Commissioner,
Kamrup, Guwahati.

So (I)

J/16/2/97

for 5/3/97
Smti. Rabha
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5/3/97 -000-

CONFIDENTIAL

(22) GOVT. OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER KAMRUP:GUWAHATI
(ADMINISTRATIVE BRANCH)

No. KAV-18/91-92/(Pt-3)/194

Dated : 3/8/92

To

The Principal Director of Audit
Administration,
N.F.Rly. Maligaon,
Guwahati-11.

Sub:- Verification of claims of
Smti. Kirana Kalita (Ray)

Ref.:- Your letter No. Admn/18-473/91/607/4089 dt. 8.6.92.

Sir,

With reference to the subject quoted above I have the honour to inform you that after proper verification it has been found that Smti. Kirana Kalita (Ray) does not belong to Scheduled Caste/ST(P)/ST(H) etc. All certificates issued earlier either from this office or from any other organisations may kindly be treated as cancelled. This is for your information & necessary action.

AKC
Addl. Deputy Commissioner
Kamrup : Guwahati.

No. KAV-18/91-92(Pt-3)/194-95

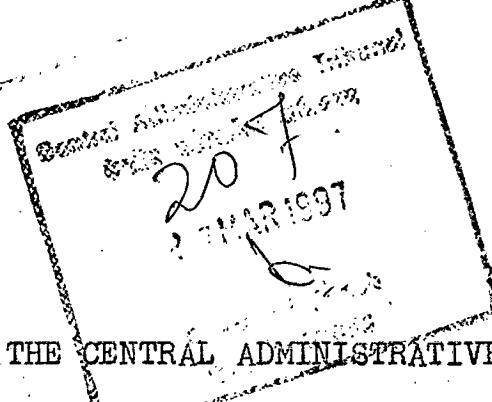
Dt. 3/8/92

Copy to :-

1. Assam Anusuchit Jati Porisad
Bharulumukh, Guwahati.

AKC
Addl. Deputy Commissioner
Kamrup : Guwahati.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH



27.3.97
B-901 (45C)
File No. 401
Vol. 1, Sec. 3
27.3.97

In the matter of :

O.A.No.238/96

Smt.Kiran Roy ...Applicant.

-Vs-

Union of India & Ors. ...Respondents.

-AND-

In the matter of :

Written Statement on behalf

of Respondent No.1,2 and 3.

I, Shri Satish Chandra Raut

do hereby solemnly affirm and declare as follows :-

1. That a copy of application alongwith an order passed by this Hon'ble Tribunal have been served upon the respondents No.1,2 & 3 and myself being authorised to file a common written statement on behalf of Respondent No.1,2 and 3 I do hereby file the same and assert categorically that save and except what is admitted in this written statement, rest may be treated as total denial by the Respondent No.1,2 and 3. Before going for para-wise comments, respondents aforesaid, considered it necessary to incorporate 'Brief History of the Case' which may be treated as part and parcel of this Written Statement.

Contd.....

Recd
Gopal
Awards
X/1997

Brief History of the Case

The Regional Director(NER), Staff Selection Commission, Guwahati vide his letter No.SSCG-1/7/90(NOM)/3510 dated 14.11.90 recommended the name of the applicant for appointment as Clerk/Typist against a Scheduled Caste quota. A copy of the said letter is annexed herewith and marked as Annexure R.1.

As recommended by the Staff Selection Commission, Guwahati, an intimation of likelihood of offer of appointment was issued on 05-12-90, copy annexed as Annexure R.2. On her acceptance of all the terms and conditions vide letter dated 14-12-90 (copy annexed as Annexure R.3) the offer of appointment for the post of clerk against a Scheduled Caste quota was issued in favour of the applicant vide this office memorandum no. Admn/1-28/85/28 dated 12-2-91. It was clearly indicated in the aforesaid Memorandum that the appointment of the applicant would be subject to the terms and conditions inter-alia that the appointment was provisional and subject to the caste certificate being verified through the proper channels and if the verification revealed that the claim to belong to Scheduled Caste was false the services would be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificates. A copy of the above Memorandum is annexed herewith as Annexure R.4.

The applicant was appointed in this office as temporary Clerk/Typist with effect from 14-2-1991 (FN)

vide.....

vide this office S.O.O. No.109 dated 04.03.1991, copy of which is annexed herewith and marked as Annexure R.5. It was again clearly indicated in the appointment letter that her appointment was provisional and was subject to the scheduled caste certificate being verified through the proper channels and if the verification revealed that the claim to belong to scheduled caste was false, the services would be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate.

At the time of her appointment in this office the applicant submitted a scheduled caste certificate issued by the District Magistrate, Kamrup in her favour but the community to which she belonged was not indicated therein. It was certified that Smt. Kiran Kalita(Roy), the applicant, daughter of late Tanu Ram Kalita of village Pacharia, Dist. Kamrup(Assam) belonged to scheduled caste. The column for community was left blank (a copy of the certificate is enclosed vide Annexure R.6). The incomplete certificate was accepted provisionally in this office, pending its verification, in terms of para 13.2 of the Brochure on reservation for S.C. and S.T. in services (Seventh Edition).

The applicant furnished a declaration on 14.2.91 i.e. on the date of her appointment, that she belonged to Namasudra community which was recognised as scheduled caste community (a copy of the declaration is annexed herewith and marked as Annexure R.7).

It may be mentioned here that the scheduled caste certificate submitted by the applicant to the Staff

Selection.....

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Selection Commission, Guwahati, which was subsequently forwarded to this office by them at the time of recommending her name for appointment was issued by Asom Anusuchit Jati Parishad, Chenikuthi, Guwahati, Assam. It was certified that Smt. Kiran Roy (applicant) wife of Shri Himangshu Roy of village Adarsha Colony, Maligaon, Dist. Kamrup of the state of Assam belonged to Namasudra which was recognised as scheduled caste under the Constitution (Scheduled Caste) Order 1950. Smt. Kiran Roy and her family ordinarily of village Adarsha Colony of Kamrup (A copy of the certificate is annexed herewith and marked as Annexure R.8).

The applicant did not disclose to this office that she had attained the status of scheduled caste by marriage. As per instructions contained in Govt. of India, Ministry of Home Affairs letter No.35/1/72-RV(SCT.V) dated 2nd May, 1975 (vide page 209 of the Brochure on S.Cs and S.Ts in services, (7th Edition), the guiding principle is that no person who was not a scheduled caste or a scheduled tribe by birth will be deemed to be a member of scheduled caste or a scheduled tribe merely, because he or she had married a person belonging to scheduled caste or a scheduled tribe. Similarly a person who is a member of a scheduled caste or scheduled tribe. (a copy of the letter is enclosed herewith and marked as Annexure-R9)

As per procedure laid down in para 13.3 of the Brochure on reservation of Scheduled Caste and Scheduled Tribe in Services (7th Edition) published by the Govt. of India, Ministry of Personnel and Public Grievances and Pensions (Department of Personnel and Training), New Delhi in 1987 the caste of the applicant was referred to the

Deputy.....

Deputy Commissioner, Kamrup, Guwahati vide this office confidential letter No. Admn/18-478/91/607/22381 dated 22/26-2-1991 for verification of her claim of belonging to Scheduled Caste. (A copy of the letter dated 22/26.2.91 is annexed herewith and marked as Annexure R.10).

It is pertinent to mention here that the applicant submitted an application on 16.8.1991 alongwith a copy of Affidavit executed by her in the Court of the Magistrate of Guwahati requesting this office to change her name from Smt. Kiran Kalita to Smt. Kiran Roy. A copy of the application alongwith the copy of Affidavit is annexed herewith and marked as Annexure R.11 & Annexure R.11A.

The Deputy Commissioner, Kamrup, Guwahati vide his confidential letter No. KVA/8/91-92/(Pt.-3)/194/2955-56 dated 4.8.1992 intimated that after verification it was found that the applicant did not belong to scheduled caste/S.T.(P)(H) etc. and added that all the certificates issued earlier might be treated as cancelled. A copy of the Deputy Commissioner's letter dated 4.8.1992 is annexed herewith and marked as Annexure R.12.

As per conditions of the appointment order vide S.O.O. No.109 dated 04.03.1991(Annexure R.5) the services of Smt. Kiran Roy alias Smt. Kiran Kalita Roy(the applicant) Clerk/Typist was terminated with effect from 06.08.1992 (AN) vide this office S.O.O. No.64, copy of which is annexed as Annexure R.13.

A copy of this office S.O.O. No.64 dated 06.08.92 terminating the services of the applicant could not be delivered to her on 06.08.92 as she was not found at office in the afternoon of that day till 6 p.m. However, a

copy.....

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copy of the same was sent by Registered Post under this office endorsement No. Admn./18-478/91/607/6896 dated 6/7-8-1992 to her address as recorded in the service records i.e. Smt. Kiran Roy, C/o Shri D.M.Roy, Qr.No.266/A, West Gotanagar, Maligaon, Guwahati but the letter had come back as "UNCLAIMED/REFUSED/LETTER" although from her O.A. No.177/92 it is noticed that the same address has been given in the verification statement. Again, on 30.9.92 the applicant sent an application to this office changing her address as "Smt. Kiran Roy, C/o Kalyan Nandi (Nandi & Sons) Barabazar, Pandu, Guwahati-12". A copy of her application dated 30.9.92 is enclosed herewith and marked as Annexure R.14. Since a copy of the said S.O.O. No.64 dated 6.8.92 was found enclosed with the O.A. No.177/92 it is considered that the same stands delivered to her. It may also be stated here that the applicant did not attend office since 07.08.92.

The applicant had filed an application before this Hon'ble Tribunal being O.A.No.177/92 seeking relief:-

- (i) Office Order issued vide S.O.O. 64 dated 06.8.1992 be set aside and quashed with all consequential benefits.
- (ii) To direct the respondents to treat the applicant as a member of scheduled caste community.
- (iii) Any other relief/reliefs as His Lordships deem fit and proper.
- (iv) Cost of the application.

The following were made as respondents in the case:-

- (i) The Principal Director of Audit, N.F.Railway, Maligaon, Guwahati.

Contd.....

(ii) The Deputy Director of Audit,
N.F.Railway, Maligaon, Guwahati.

(iii) Union of India represented by the Comtroller
and Auditor General of India, New Delhi.

A copy of the O.A.No.177/92 is annexed herewith and marked as Annexure R.15.

The above noted OA was dismissed by this H_on'ble Tribunal by an order dated 18.9.95. However, it was stated in the said order that it was open to the respondents to consider applicants appointment without reference to the rule of reservation, if found eligible. (Annexure R.15.A.)

The applicant had submitted an undated application for considering her appointment on considerate and humanitarian ground which was received in this office in December, 1995 (copy annexed as Annexure R.16). The applicant (date of birth 05.09.1962) was sponsored by the Staff Selection Commission, Guwahati under age relaxation admissible to SC/ST candidates, against normal age limit of 02.08.64 to 01.08.71 admissible to unreserved candidates on crucial date 01.08.89. Accordingly, her application for appointment was rejected by this office and communicated to her on 25.04.96, copy of which is annexed as Annexure R.17.

Now, the applicant has again filed another application i.e. the present O.A.No.238/96 before this Hon'ble Tribunal seeking :-

(i) Office order No.64 dated 06.08.92 (Annexure R.13)
to be set aside and quashed.

(ii)

(ii) To allow the applicant to resume her duties treating her as on continuous service and giving her all service benefits including back wages.

(iii) Any other relief/benefit that may be granted by Hon'ble Central Administrative Tribunal, Guwahati.

(iv) Cost of the suit.

2. That with regard to the contents made in paragraph 1 of the application, the respondents beg to state that the applicant has clubbed two issues - one is termination of her service vide S.O.O.No.64 dated 06.08.92(Annexure R.13), against which the O.A.No.177/92 filed by her was dismissed by this Hon'ble Tribunal by an order dated 18.9.95 and the other is rejection of her undated application for appointment as Clerk on considerate and humanitarian ground after dismissal of OA No.177/92 vide letter No.Admn/1-28/86/28/1135 dtd. 25.04.96(Anx.R.17).

The relief sought for by the applicant in the O.A.No.177/92 for setting aside and quashing S.O.O.No.64 dated 6.8.92 was dismissed by the Hon'ble Tribunal by order dated 18.9.95. Therefore, there is no merit in challenging the orders of this Hon'ble Tribunal before the same authority and cannot be impugned on the same ground.

While passing the orders dated 18.9.95 in O.A. No.177/92, this Hon'ble Tribunal observed that it was open.....

open to the respondents to consider applicants appointment without reference to the rule of reservation.

Her undated application for appointment as Clerk without reference to the rule of reservation as per Hon'ble Tribunal's order dated 18.9.95 was considered by this office but found to be ineligible. As such, her application was rejected vide letter No. Admn/1-28/8/28/1135 dated 25.4.96.

3. That with regard to the contents made in paragraph 2 of the application, the respondents have nothing to comment being legal matter.

4. That with regard to the contents made in paragraph 3 of the application, respondents have nothing to comment except to state that an application cannot be made to this Hon'ble Tribunal unless final order has been made by the Govt. of India or other authority on appeal preferred or representation made by the applicant within six months from the date on which such appeal was preferred or representation was made to the appellate authority.

As per section 20 of Administrative Tribunals Act, 1985 an application for redressal of grievances cannot ordinarily be filed before the Hon'ble Tribunal unless the applicant had availed of all the remedies available to her under the relevant service rules. The services of the applicant was terminated by the appointing authority i.e. Deputy Director of the office of the Principal Director of Audit, N.F.Rly, Maligaon but the applicant did not submit any appeal to the appellate authority i.e. the Principal Director of Audit, N.F.Railway, for redressal of her grievances.

Contd...

5. That with regard to the contents made in paragraph 4(i) of the application, the respondents have nothing to comment.

6. That with regard to the contents made in paragraph 4(ii), respondents beg to state that the first para of the claim is denied for want of knowledge, except that (1) according to the declaration of the applicant in the Attestation Form submitted by her at the time of her appointment that Shri Himangshu Sekhar Roy is her husband and (2) according to the certificate issued by the Asom Anusuchit Jati Parishad the applicant, wife of Shri Himangshu Sekhar Roy belongs to S.C. community. As regards second para, it is submitted that the status of scheduled caste or scheduled Tribe is determined by birth and not by marriage. In this connection an extract of Govt. of Indis's guidelines received under Ministry of Home Affairs circular letter No.35/1/72-RV(SCTV) dated 2nd May, 1975 is reproduced below :-

"Claim through marriage.

The guiding principle is that no person who was not a Scheduled Caste or a Scheduled Tribe by birth will be deemed to be a member of a Scheduled Caste or a Scheduled Tribe merely because he or she has married a person belonging to a Scheduled Caste or a Scheduled Tribe.

Similarly a person who is a member of a Scheduled Caste or Scheduled Tribe would continue to be a member of S.C. or S.T. as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe.

Hence.....

Hence the claim of the applicant of attaining the Scheduled Caste status by marriage was not tenable. The Scheduled Caste certificate issued by the Asom Anusuchit Jati Parishad, Assam and countersigned by an authority on behalf of Deputy Commissioner, Kamrup was not accepted by this office for appointment to the govt. service as it was not in the prescribed form and not issued by the competent authority vide Appendix 14 and 15 of the Brochure on Scheduled Caste and Scheduled Tribe in service (Seventh Edition 1987 edition).

7. That with regard to the contents made in paragraph 4(iii), the respondents beg to state that the Regional Director(NER), Staff Selection Commission, Guwahati vide his letter No.SSCG-1/7/909/NOMO/3510 dated 14.11.90 (Annexure R.I) recommended the applicant for appointment as Clerk/Typist against a Scheduled Caste quota. As per para 3 of the aforesaid letter the other formalities which were required to be undertaken in accordance with the rules and orders in force including the verification of certificates in this regard before sending an offer of appointment to the candidate were to be observed. As such whatever certificates testimonials submitted to the Staff Selection Commission, were subject to verification and acceptance by this office.

8. That with regard to the contents made in paragraph 4(iv) of the application, the respondents beg to state that as recommended by the Regional Director(NER), Staff Selection Commission, Guwahati, a likelihood offer of appointment was issued in favour of the applicant with the instructions that

she....

she should submit all the necessary papers/documents including Scheduled Caste certificate in the prescribed form from the competent authority. A prescribed form in which the Scheduled Caste certificate to be obtained was also supplied to the applicant vide this office letter dated 5.12.90, copy of which is annexed as Annexure R.2.

9. That with regard to the contents made in paragraph 4(v) of the application, the respondents beg to state that the applicant accepted the terms and conditions of the offer of appointment for the post of Clerk(vide her acceptance letter dated 14.12.90 copy of which annexed as Annexure R.3). The applicant had submitted a Caste Certificate signed by a Magistrate for D.C. Kamrup, Guwahati. It was certified that the applicant daughter of late Tanu Ram Kalita of village Pacharia, Dist.Kamrup(Assam) belonged to Scheduled Caste but the column for community left blank (Annexure R.6). The incomplete certificate was provisionally accepted in this office, pending its verification in terms of para 13.2 of the Brochure of reservation of Scheduled Caste and Scheduled Tribe in services(Seventh Edition). An extract of para 13.2 of the Brochure on reservation on SC/ST is enclosed as Annexure R.18. The actual offer of appointment for the post of clerk against a Scheduled Caste quota was issued in favour of the applicant vide this office Memorandum No. Admn/1-28/85/28 dated 12.2.91. It was clearly indicated in the aforesaid memorandum that the appointment of the applicant would be subject to the terms and conditions inter-alia that the appointment was provisional and subject to the Caste Certificate being verified through the proper channels and if the verification revealed that

her.....

her claim to belong to Scheduled Caste was false the service would be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate (Annexure R.4). On acceptance of the offer, the applicant reported to this office on 13.2.91 for joining (copy annexed as Annexure R.19). The applicant had also furnished a declaration on 14.2.91 (i.e. on the date of her appointment) that she belonged to Namashudra community which was recognised as Scheduled Caste (Annexure R.7). The applicant did not disclose to this office that she had attained the status of scheduled caste by marriage till the filing of the O.A.No.177/92.

10. That with regard to the contents made in paragraph 4(vi) of the application, the ~~applicants~~ respondents beg to state that the applicant was appointed in this office provisionally as temporary clerk with effect from 14.2.91 (vide Annexure R.5). It was clearly indicated in the appointment letter that her appointment was provisional and subject to the Scheduled Caste certificate being verified through the proper channels and if the verification revealed that the claim to belong to Scheduled Caste was false, the services would be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of Indian Penal Code for production of false certificate (Annexure R.5). According to the above condition and as per procedure laid down in para 13.3 of the Brochure on reservation of S.C. and S.T. in services (7th Edition)

published by the Govt. of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) New Delhi in 1987. The case of the applicant was referred to the Deputy Commissioner, Kamrup, Guwahati vide this office confidential letter No. Admn/18-478/91/607/22381 dated 22/26-2-1991 (Annexure R.10) for verification of her claim of belonging to Scheduled Caste. It is pertinent to mention here that the applicant submitted an application on 16.8.1991 alongwith a copy of the Affidavit executed by her in the Court of Magistrate of Guwahati requesting this office to change her name from Smt. Kiran Kalita (Roy) to Smt Kiran Roy (Annexure R.11.A, 11.B). Subsequently, the Deputy Commissioner, Kamrup, Guwahati vide his confidential letter No. KAV/8/91-92/(Pt-3)/194/2955-56 dated 4.8.1992 (Annexure R.12) intimated that after verification it was found that the applicant did not belong to Scheduled Caste/ Scheduled Tribe (P) (H) etc. and added that all certificates issued earlier may be treated as cancelled. Thus it appears that the applicant obtained fraudulently both the Scheduled Caste Certificates - one from Asom Anusuchit Jati Parishad, Guwahati and another incomplete S.C. certificate issued by a Magistrate for D.C., Kamrup by false declaration/manipulation, and secured the Govt. service fraudulently. Hence the allegation of the applicant that her service was terminated suddenly by the Deputy Director is not correct. Her service was terminated as per terms and conditions of the appointment order.

11. That with regard to the contents made in paragraph 4(vii) of the application, respondents beg to state.....

state that the appointment of the applicant was purely temporary and also provisional. This was also subject to verification of the Scheduled Caste certificate submitted by her. It was known to her that if the verification revealed that the claim to belong to Scheduled Caste was false, her service would be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate. When it was revealed after verification by the Deputy Commissioner Kamrup that the applicant did not belong to Scheduled Caste community there was no scope for giving any chance to justify her claim. The content of the termination order will show that the termination was not made by way of punishment and it did not involve any stigma since the order was an order of termination simplicitor, the provision of Art. 311 will not attract.

12. That with regard to the contents made in paragraph 4(viii) of the application, respondents beg to state that the applicant attended office on 6.8.92 and vacated office on the afternoon of 6th August/1992 on termination of her services (vide Annexure R.13). The S.O.O. was, therefore, sent to her by Registered Post on 7.8.92 to her residential address i.e. Smt. Kiran Roy, C/o Shri D.M. Roy, Qrs No.266/A, West Gotanagar, Maligaon, Guwahati-11, but the letter came back on 26.8.92 to the sender as "Unclaimed/Refused/Letter" although from her earlier O.A.No.177/92 it is noticed that address has been the same as noted in Regd.letter(Copy of Regs.letter is annexed as Annexure R.20).

Contd.....

From the records it is noticed that the applicant requested this office on 7.8.92 to issue a sick certificate to enable her to undergo medical treatment in Central Hospital, N.F.Railway, Maligaon, copy of which is annexed herewith as Annexure R.21. This was not agreed to by the office as she was no longer in service, copy of which is annexed as Annexure R.22. However, as no one was available to receive this letter, the same was sent by post to her residential address. A delegation of women employees of the office of the Principal Director of Audit, N.F.Railway, Maligaon, accompanying the applicant informally met the Principal Director of Audit on or about 12.8.92 to know the exact reason for her termination. The Principal Director of Audit on or about 12.8.92 also explained the position verbally to the delegation. Except the above, no appeal preferred or representation made by the applicant to the appellate authority.

13. That with regard to the contents made in paragraph 4(ix), the respondents beg to state that the applicant's claim belonging to scheduled caste is not correct. After its verification by the Deputy Commissioner, Kamrup it is proved that she does not belong to Scheduled Caste. The Scheduled Caste Certificate obtained by the applicant from Asom Anusuchit Jati Parishad, Assam is not acceptable in terms of para 13.1 of the Brochure on reservation of SC and ST in Govt. service (Seventh Edition) read with Govt. of India O.M. No.36012/6/88-Estt(SCT)(SRO-III) dated 24.4.90, copy of which is annexed herewith as Annexure R.23.

Contd.....

14. That with regard to the contents made in paragraph 4(x), the respondents beg to state that as per guidelines issued by the Govt. of India, Ministry of Home Affairs circular letter No.35/1/72-RV(SC.T.V) dated 2nd May 1995 (Annexure R.9) no person who was not a Scheduled Caste or a Scheduled Tribe by birth will be deemed to be a member of a Scheduled Caste or Scheduled Tribe merely because he or she had married a person belonging to a Scheduled Caste or a Scheduled Tribe. It seems that the applicant did not disclose this fact to the authority/authorities of the office of the Deputy Commissioner, Kamrup from which she obtained the Scheduled Caste certificate. Had she disclosed this fact, the said authority might not have issued the Scheduled Caste certificate in her favour.

15. That with regard to the contents made in paragraph 4(xi), respondents beg to state that the applicant was appointed provisionally pending verification of the Scheduled Caste certificate submitted by her. Her service was terminated when it had been proved after verification that she did not belong to Scheduled Caste. The termination of her services did not amount to punishment as her appointment was conditional subject to verification of Scheduled Caste certificate and hence constitutional provision (Art 311) is not attracted. In this connection, attention of this Hon'ble Tribunal is drawn to the judgement given in the case of Gppalan Vs Managing Director, 1979 KLT 848 and AIR 1972 SC 873.

The case was dismissed by this Hon'ble Tribunal on 18.9.95 in the light of the decision of Kerala High Court in the case of Valsamma Paul Vs Rani George and others reported in 1995(2) SLJ(Kerala) page 81. The Hon'ble Tribunal, Guwahati, however held that the applicant was not entitled to claim benefit of reservation under article 15(4) of Constitution by virtue of her marriage with a person belonging to Namasudra Community.

As per Hon'ble Tribunal's order dated 18.9.95 in OA No.177/92 it was open to the respondents to consider the applicant's application without reference to the rule of reservation, if found eligible.

The undated representation of the applicant was considered without reference to the rule of reservation by the respondents but found to be ineligible for appointment. Hence the same was rejected.

16. That with regard to the content made in paragraph 5(i) under caption 'Grounds for relief', the respondents denied the same as there is no provision for attaining the status of Scheduled Caste by marriage.

17. That with regard to the contents made in paragraph 5(ii), the respondents beg to state that the Scheduled Caste Certificate obtained by the applicant from Asom Anusuchit Jati Parishad is not acceptable as this organisation is not empowered to issue Scheduled Caste Certificate(vide para 12.1 of brochure ibid). The last line of this para is denied for want of knowledge.

18. That with regard to the contents made in paragraph 5(iii), the respondents beg to state that the termination....

termination of service for submission of schedule caste certificate obtained fraudulently did not amount to punishment as her appointment was provisional and subject to certain conditions which she could not fulfil.

19. That with regard to the contents made in paragraph 5(iv), the respondents beg to state that the Staff Selection Commission, Guwahati only recommended the applicant for appointment as Clerk subject to the verification of all relevant documents/papers/certificates etc. The applicant was appointed provisionally pending verification of Schedule Caste certificate submitted by her. Her service was terminated after verification of the said certificate by Deputy Commissioner, Kamrup, Assam. As this termination does not tantamount to punishment, the constitutional provisions of natural justice is not attracted.

20. That with regard to the contents made in paragraph 5(v), the respondents denied for want of knowledge.

21. That with regard to the contents made in paragraph 5(vi), the respondents beg to state that the applicant was appointed provisionally pending verification of her caste certificate. This does not vest any status or continuation of service to an ineligible staff. Her service was terminated in terms of para 4 of S.O.O. No.109 dated 5.3.91 as per verification of caste certificate reported by Deputy Commissioner, Kamrup, Assam.

Contd.....

22. That with regard to the contents made in paragraph 5(vii), the respondents beg to state that her application for appointment on considerate and humanitarian ground was rejected as she was found to be ineligible for appointment without relaxation admissible to reserved category candidates. The applicant (date of birth was 05.09.62) was sponsored by the Staff Selection Commission, Guwahati under age relaxation admissible to SC/ST candidates against the normal age limit from 02.08.64 to 11.08.71 admissible to unreserved candidate on cut off date 01.08.89. As such, the application was rejected.

23. That with regard to the contents made in paragraph 5(viii), the respondents beg to state that as per orders dated 18.9.95 issued by this Hon'ble Tribunal, it was open to the respondents to consider the applicant's application without reference to the rule of reservation if found eligible. The applicant was found without reference to the rule of reservation to be ineligible for appointment and hence the same was rejected.

24. That with regard to the contents made in paragraph 5(ix), the respondents beg to state that the termination of service of the applicant did not amount to punishment as her appointment was provisional pending verification of schedule caste certificate. Her service was terminated as per para 4 of S.O.O. No.109 dated 5.3.91 on receipt of report regarding of verification of caste certificate from Deputy Commissioner, Kamrup, Assam. This office, however, did not take any action under Indian Penal Code as yet for producing false declaration and securing government service fraudulently.

Contd.....

21.

25. That with regard to the contents made in paragraph 6 of the application under caption 'Details of remedies exhausted', the respondents beg to state that as per para 20 of the Administrative Tribunals Act, 1985, an application for redressal of grievances cannot ordinarily be filed before the Hon'ble Tribunal unless the applicant had availed of all the remedies available to him under the relevant service rules. The services of the applicant was terminated by the Deputy Director of the Office of the Principal Director of Audit, N.F.Railway, Maligaon who was her appointing authority but the applicant did not submit any appeal to the Appellate Authority i,e, Principal Director of Audit, N.F.Railway for redressal of her grievances. The O.A.No.177/92 filed by the applicant against the termination order was also dismissed by this Hon'ble Tribunal vide orders dated 18.5.96.

26. That with regard to the contents made in paragraph 7 under caption 'Case previously filed and is pending in any court', the respondents beg to state as follows:

1st sentence is admitted being factual.

2nd sentence is denied for want of knowledge.

3rd sentence is denied as the applicant was ineligible for appointment without reference to the rules of reservation for SC/ST candidates.

27. That with regard to the contents made in paragraphs 8 & 9 of the application, the respondents beg to state that they have nothing to comment being legal matters.

Contd.....

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

29. That the present application is without any merit and hence liable to be dismissed.

30. That the applicant has not exhausted all the remedies available to her and hence the same is liable to be rejected outright.

31. That this present application is barred by law of RESJUDICATA.

32. That there being no any prima-facie case at all, the application is liable to be rejected.

33. That the respondents crave leave of filing additional written statement if situation so demands.

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

Verification.....

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VERIFICATION

I, Shri Satish Chandra Raut,
Deputy Director

in the office of the Principal Director of Audit,
N.F.Railway, Maligaon, Guwahati-781011 do hereby solemnly
affirm and verify on behalf of Respondent No.1,2 & 3 that
the contents made in paragraph 1 of this Written Statement
are true to my knowledge and those made from paragraph
2 to 27 are derived from records, contents made from para-
graphs 28 to 34 are humble submissions before this Hon'ble
Tribunal.

AND I sign this Verification on this 26th day
of March, 1997 at Guwahati.

See seal

DE P O N E N T

Shri Satish Chandra Raut,
Deputy Director
Office of the Principal
Director of Audit
N.F.Railway
Maligaon, Guwahati-781011



LIST OF ANNEXURE

1. Annexure 'R.1' = The Regional Director (NER), Staff Selection Commission, Guwahati's letter No.SSCG I/7/90(NCM)/3540 dt.14.11.90.
2. Annexure 'R.2' = This office letter dated 05.12.90 regarding intimation of likelihood offer of appointment.
3. Annexure 'R.3' = Letter dt.14.12.90 submitted by Smt. Kiran Kalita (Roy) accepting the terms and conditions.
4. Annexure 'R.4' = This office letter No.ADMN/1-28/85/2B dated 12.2.91 regarding offer of appointment issued in favour of Smt. Kiran Kalita (Roy).
5. Annexure 'R.5' = S.O.O. No.109 dt.04.03.91 - Appointment order of Smt. Kiran Kalita (roy).
6. Annexure 'R.6' = Scheduled Caste certificate issued by the District Magistrate, Kamrup, Guwahati on 13.12.90.
7. Annexure 'R.7' = Declaration furnished by Smt. Kiran Kalita (Roy) on 14.02.91 in support of her claim for belonging to 'Namasudra' community.
8. Annexure 'R.8' = Scheduled Caste Certificate issued by Asom Anusuchit Jati Parishad, Chenikhuthi, Guwahati Assam in favour of Smt. Kiran Kalita (Roy).
9. Annexure 'R.9' = Govt. of India, Ministry of Home Affairs' letter No.35/1/72-RU(SCT.V) dt.2nd MAy/1975.
10. Annexure 'R.10' = This office Confidential letter No.Admn/18-478/91/607/22381 dt.22/26.02.91 addressed to the Deputy Commissioner, Kamrup Guwahati.
11. Annexure 'R.11 & 11.A' = Smt. Kiran Kalita (Roy)'s application dated 16.08.91 and copy of affidavit regarding change of name.
12. Annexure 'R.12' = The Deputy Commissioner, Kamrup Guwahati's confidential letter No.KAV/8/91-92/(pt-3)/194/2955-56 dt.04.08.92.
13. Annexure 'R.13' = This office's S.O.O. No.64 dt.06.08.92 regarding termination of services of Smt.Kiran Roy.
14. Annexure 'R.14' = Smt. Kiran Roy's application dated 30.09.92 for change of her address.

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15. Annexure 'R.15' = Notice No.3108 and 3109 issued by the CAT, Guwahati.

15(a). Annexure 'R.15.A' = Hon'ble CAT orders dt.18.09.95 on O.A. No.177.92.

16. Annexure 'R.16' = Undated application to Smt. Kiran Roy for appointment in this office.

17. Annexure 'R.17' = Rejection of application for appointment for issued vide No.Admn/1-2B/55/2B/1135 dt.25.04.96.

18. Annexure 'R.18' = Extract of Para 13.2 of the Brochure on reservation of SC & ST in services.

19. Annexure 'R.19' = Application dt.13.02.91 submitted by Smt. Kiran Kalita(Roy).

20. Annexure 'R.20' = Copy of the cover of the Registered letter containing S.O.O No.64 dt.06.08.92.

21. Annexure 'R.21' = Application dt.07.08.92 submitted by Smt. Kiran Roy to issue a Sick Memo.

22. Annexure 'R.22' = This office letter dt.07.08.92 in reply to letter at Annexure R.21.

23. Annexure 'R.23' = Govt. of India, Deppt. of Personnel, Pension and Public Grievances, New Delhi's O. M. No.36012/6/88/Estt(SCT) (SRD III) dt.24.04.90.



R-I

61923

गोपनीय
CONFIDENTIAL

फाईल सं०
File No. SSCG-1/7/90 (NOM) / 3510
भारत सरकार
GOVERNMENT OF INDIA

कर्मचारी चयन आयोग
STAFF SELECTION COMMISSION

कार्यक्रम एवं प्रशिक्षण विभाग
Department of Personnel & Training

क्षेत्रीय कार्यालय
North Eastern Regional Office
Chenikuthi, Guwahati-3.

दिनांक
Dated 14-11-90

सेवा में
To Shri D.J.Bhadra,
Dy. Director(Audit),
North East Frontier Railways,
Guwahati-11.

परीक्षा 198 के पास हुए

उम्मीदवारों का नामांकन
Subject: Clerks' Grade Examination, 198 9
Nomination of qualified candidates

संदर्भ: पत्र सं० _____ दिनांक _____
पद _____ वेतनमान _____ रु.
Ref: Letter No. Adm/1-1/89/Ind/103157 Dt. 14.8.90
Post LDC Scale Rs. 950-1500/-

सार्वजनिक/महोदया,
Sir/Madam,

आपके उपरलिखित पत्र के संदर्भ में कथित पद के लिए शा० वि०
अनारक्षित, अ० जा०, अ० ज० जा० भूतपूर्व सैनिक उम्मीदवारों को आपकी आवश्यकता पूरी करने के लिए
तथा उम्मीदवारों के डोजियर, जिनमें उनके मूल आवेदन-पत्र एवं अन्य
मैं सम्बद्ध दस्तावेज हैं (अनुबन्ध-I) (ऐम्बास्ट शीट के, पृष्ठ सं० 1 से तक) में आपके पास भेज रहा हूं। जिन्होंने ही और
उम्मीदवार उपलब्ध हो जाएंगे, आपको शेष रिक्तियों के लिए उन्हें नामित किया जाएगा।
ये नियुक्तियाँ केवल लास्ट समय से बाली आ रही रिक्तियों पर ही की जाती हैं। नियुक्ति-प्रस्ताव अथवा नियुक्ति-पत्र
आदेश में "तदर्थ" शब्द का इस्तेमाल नहीं किया जाना चाहिए।

With reference to your letter referred to above, I am sending herewith the dossiers, containing the original application and other relevant document(s), of _____ candidates (Annexure-I) (Embossed Sheet of Page 1 to) against your requirement of UR : SC : ST : PH : EX-s : _____ for the said post. The remaining candidates against your vacancies will be nominated as and when the same will become available.

THE APPOINTMENTS ARE TO BE MADE ONLY AGAINST LONG TERM VACANCIES.
THE TERM "AD-HOC" SHOULD NOT BE USED EITHER IN THE OFFER OF APPOINTMENT
OR IN THE APPOINTMENT LETTER/ORDERS.

Adm
Date
23/11/90

प्रधायक लेखा परीक्षा अधिकारी/प्रशासन,
पू० स० एल्यू, सालोगाँव,
गुवाहाटी - 781011

Asstt Audit Officer/Adm,

92-93

12420045

290289

451/xx

280606

220777

2. उपर्युक्त उम्मीदवारों ने इस परीक्षा के लिए निर्धारित मानकों के अनुसार टंकण परीक्षण/आणुलिपि परीक्षण पास कर लिया है।

The above candidates have qualified in Type Test/Shorthand Test as per the standards prescribed for the examination.

3. उम्मीदवारों को नियुक्ति-प्रस्ताव भेजने से पहले लागू नियमादेशों के अनुसार जो अन्य औपचारिकताएं पूरी की जानी हैं, उन्हें कृपया इस पत्र के अनुबन्ध-II में देख लिया जाए।

The other formalities which are required to be undertaken in accordance with the rules and orders in force in this regard before sending an offer of appointment to the candidates may kindly be seen at Annexure-II of this letter.

4. (क) इस पत्र द्वारा नामित किए गए उम्मीदवारों को नियुक्ति-प्रस्ताव इस पत्र-प्राप्ति की तारीख से 3 महीने के अन्दर जारी कर दिया जाना चाहिए, वरना उम्मीदवारों को नियुक्ति-प्रस्ताव न भेजने के कारण बताते हुए उनके डोजियर तत्काल इस कार्यालय को वापस भेज दिए जाएं।

(a) Offer of appointment to the candidates nominated vide this letter, should be issued within 3 months from the date of receipt of this letter failing which the dossier(s) should be returned to this office forthwith stating the reasons for not sending the offer of appointment to the candidate(s).

(ब) यदि कोई नियुक्ति-प्रस्ताव 3 महीने की अवधि के अन्दर किसी नामित उम्मीदवार को भेजा गया हो, परन्तु वह उसके द्वारा अस्वीकार कर दिया गया हो, तो उसका डोजियर, उसके उत्तर सहित, इस कार्यालय को भेज दिया जाए।

(b) Where the offer of appointment has been sent to the nominated candidate within a period of 3 months and it has been declined by him/her, the dossier should be returned to this office adding a reply received from the candidate in the dossier.

(ग) यदि कोई नियुक्ति-प्रस्ताव किसी उम्मीदवार को 3 महीने की अवधि के अन्दर भेजा गया हो, परन्तु उम्मीदवार ने पद-प्रहण हेतु कुछ और समय मांगा हो, तो प्रथम नियुक्ति-प्रस्ताव की तारीख से अधिकतम 9 महीने की अवधि तक का समय उसे मंजूर कर दिया जाए, परन्तु उसके बाद उस नियुक्ति-प्रस्ताव को रद्द माना जाए। उसके बाद सारी स्थिति बताते हुए वह डोजियर मेरे पास वापस भेज दिया जाए।

(c) In cases where the offer of appointment has been sent to the candidate within a period of 3 months and the candidate has sought extension of time for joining the post, the same may be granted upto a period not exceeding 9 months reckoned from the date of initial offer of appointment whereafter the offer of appointment would be deemed to have lapsed*. The dossier should thereafter be returned to the undersigned explaining the position.

5. इस बात को विशेष रूप से नोट कर लिया जाए कि डोजियर तथा नामांकन-पत्र तभी प्रामाणिक माने जाएंगे, यदि संलग्न डोजियर में उम्मीदवार के फोटो तथा इस पत्र के अनुबन्ध-I के प्रत्येक पृष्ठ पर तथा इस पत्र पर आयोग की विशेष मोहर ऐम्बास की हुई होगी। इसलिए कोई अन्य कार्रवाई करने से पहले आप कृपया यह सुनिश्चित कर लें कि डोजियर में उम्मीदवार का फोटो तथा इस नामांकन-पत्र का प्रत्येक पृष्ठ बाकायदा ऐम्बास किया हुआ है और यदि आप उसमें कोई विसंगति महसूस करें तो विना किसी विलम्ब के वह मामला आयोग के पास भेज दें। डोजियर आयोग को वापस भेजते समय इस बात का ध्यान रखा जाए। डोजियर उसी अधिकारी के हस्ताक्षर से भेजे जाएं जिस अधिकारी को वह/वे डोजियर भेजा गया था/भेजे गए थे। उस अधिकारी को अपने पत्र के साथ लौटाए गए डोजियरों की सूची पर भी हस्ताक्षर कर देने चाहिए।

It may specially be noted that the dossier and this nomination letter shall be deemed to be authentic only if the photograph of the candidate in the enclosed dossier and each page of this letter is EMBOSSED with the special stamp of the Commission. Before taking any further action, you are, therefore, requested to please ensure that the photograph of the candidate in the dossier and each page of Annexure-I and the last page of this nomination letter is duly embossed and in case you feel that there is any discrepancy, the matter may be referred to the Commission without any delay. While returning the dossier(s) to the Commission it shall be ensured that the dossier(s) is/are returned under the signature of the officer to whom the same were sent in your office. He should also sign the list of dossier(s) which is/are returned with his letter.

6. इस पत्र के साथ भेजे गए (अंकों में) _____ (शब्दों में) _____ डोजियरों की प्राप्ति की सूचना कृपया भेजें।

The (in figure) 1 (in words) "One" dossier(s) sent alongwith this letter, may please be acknowledged.

7. The User Office (employer) should collect the Card (X-10) from the candidates at the time of his / her registration.

भवदीय,
Yours faithfully,

(क्षेत्रीय निदेशक/अवर सचिव)
REGIONAL DIRECTOR/UNDER SECRETARY

Regional Director (NER),
Staff Selection Commission
Govt of India
Guwahati.

अधिकारी के लिए परीक्षा अधिकारी/प्रशासन,

पू. सी. एल. शालोगांधी, 92-93
गुदाहाड़ी - 781011

Asset Audit Officer/Admin. 12420045

N. H. 45490, Maligaon,
Guwahati - 781011

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2327.

476230 476173 272606 272327 307. 28 279

476879 273678 273389 289 289

अनुबन्ध-I
ANNEXURE-I

(यह शीट तभी मान्य है जब नीचे दिये गये स्थान पर हस्ताक्षर हों तथा ऐम्बास की सील भी लगी हो।)
(This sheet is valid if duly authenticated by the signature and emboss seal at space provided)

कर्मचारी चयन आयोग
STAFF SELECTION COMMISSION

परीक्षा के परिणाम पर नामित किए
गए उम्मीदवारों की सूची (कुल _____, अनारक्षित _____, अ० जा० _____,
ज० जा० _____, भ० स० _____, शा० वि० _____)
List of candidates nominated (Total _____, UR : , SC : , ST : , EX-S : ,
PH :) on the results of Clerks' Grade Examination. 1989

क्रम सं०	उम्मीदवार का नाम व श्रेणी S. No. Name of the candidate and category	रोल नं०	रैंक नं०	अन्युक्तियां Remarks
1.	KIRAN KALITA (ROY) (SC)	42-16063	SLY-0086	४१२१९ Join १४/२/९१

ऐम्बास सील
Embossed Seal

सहायक लेखा राज्यी जीविकारी/प्रबालग,
पू. मी. रेल्वे, गुवाहाटी,

क्षेत्रीय निदेशक
Regional Director
Regional Director (NER)
Staff Selection Commission
Govt. of India
Guwahati.

192-93

12420045

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कर्मचारी चयन आयोग
STAFF SELECTION COMMISSION

की जाने वाली कार्रवाई (पैरा 3)

ACTION REQUIRED TO BE UNDERTAKEN (PARA 3)

I. (i) सिफारिश किए गए, उम्मीदवार(ों) के चरित्र एवं पूर्ववृत्त के बारे में जांच-पड़ताल करना।
To enquire into the Character and antecedents of the candidate(s) recommended.

(ii) उम्मीदवार(ों) का डाक्टरी परीक्षण करवाना।
To get the candidate(s) medically examined.

(iii) निम्नलिखित मर्दों का मूल-प्रमाण-पत्र(ों) से जांचना :—
To verify with reference to ORIGINAL CERTIFICATE(S) :—

- (क) जन्म-तिथि
- (a) The date of birth
- (ख) शैक्षणिक योग्यता(एं)
- (b) Educational Qualification(s)
- (ग) अ० जा०/ज० जा०/भ० र०/शा० वि० होने का दावा
- (c) Claim for SC/ST/EX-s/PH
- (घ) आयु-छूट का दावा।
- (d) Claim in respect of age relaxation

(iv) ऊपरी आयु-सीमा को जांच करना, जो प्रीरक्षा की विज्ञप्ति में बताई गई निष्पत्रिक तिथि (तिथि यहां भरी जाएगी) के हिसाब से देखी जाए, त कि किसी अन्य तिथि के हिसाब से।
To verify the Upper age limit which should be reckoned from 01-08-82 (date to be filled), the crucial date specified in the notice for the examination and *not from any other date*.

II. उम्मीदवारों को केवल उन्हीं स्थानों पर नियुक्त/पोस्ट किया जाए, जो आपके द्वारा मांग-पत्र में बताए गए हैं। प्रारम्भिक पोस्टिंग का स्थान किसी भी हालत में उस राज्य से बाहर नहीं होना चाहिए, जिसमें आपने रिक्तियां बताई थीं।
The candidates should be appointed and posted only in places shown by you in the requisition. The place of initial posting should in no case be outside the State where the vacancies were reported by you.

III. नियुक्ति-प्रस्ताव केवल "रैंक सं." नामक कालग के नीचे बताए गए योग्यता-वर्ग के अनुसार ही भेजे जाने चाहिए। परन्तु अ० जा०/ज० जा०/शा० वि०/भ० र०/ इत्यादि श्रेणियों के लिए आरक्षित रिक्तियों द्वेषु उम्मीदवारों का नामांकन करते समय केवल श्रेणी विशेष में ही योग्यता-क्रम का ध्यान रखने की जरूरत है।
The offers of appointment should be sent only according to the merit order indicated below the Column 'Rank No.'. However, in the case of candidates nominated against vacancies reserved for SC/ST/PH/EX-s etc. categories, the merit order of the particular category only needs to be taken into account.

3

सहायक लेखक प्रशिक्षित अधिकारी/प्रशासन,

शॉ. सॉ. रैल्य, मोलिगाँव,

92-93

Guwahati—781011

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IV. उम्मीदवारों की वरिष्ठता परीक्षा में उनके रैंक के आधार पर नियुक्ति की जानी चाहिए, न कि उनके पद-ग्रहण की तारीखों के आधार पर । विसी परीक्षा विशेष की यदि कोई आरक्षण-सूची हूई, तो उससे नामित विए गए सब उम्मीदवार उसी परीक्षा की मुख्य सूची से नामित किए गए उम्मीदवारों से कनिष्ठ होंगे । इसको सुलभ बनाने के लिए आरक्षण-सूची के उम्मीदवारों की रैंक सं० से पहले "(आर० एल०)" उपर्युक्त लगाया गया है ।

The seniority of the candidates should be fixed on the basis of the ranks of the candidates in the Examination and not on the basis of their dates of joining. The candidates nominated from the Reserve List, if any, of a particular examination will be *en bloc* junior to those nominated from the main list of the examination. To facilitate this, the rank number of the Reserve List candidates are given the prefix of 'RL'.

V. नियुक्ति-प्रस्ताव केवल रजिस्ट्री डाक द्वारा ही भेजे जाने चाहिए । यदि कोई पत्र डाक प्राधिकारियों द्वारा वितरित किए बगैर वापस भेज दिए जाते हैं, तो डाक प्राधिकारियों को अन्युक्तियों वाले लिफारों समेत आप उन पत्रों को अपने रिकार्ड के लिए रख लें । ऐसे मामलों में, नियुक्ति-प्रस्ताव पहले जिस पते पर भेजा गया हो, यदि वह पता उम्मीदवार के स्थायी पते से भिन्न हो, तो उस नियुक्ति-प्रस्ताव की प्रति उसके स्थायी पते पर भेजी जानी चाहिए । ऐसे उम्मीदवारों के डोजियर तभी इस कार्यालय को लौटाए जाएं, यदि दूसरा पत्र भी विना वितरित हुए वापस लौट आए ।

The offers of appointment should be sent only by Registered post. If the letters are returned by the postal authorities undelivered, the letters alongwith the envelops containing remarks by the Postal authorities, should be retained for your record. In such cases, a copy of the offer of appointment should be sent to the permanent address of the candidates, if it is different from that of the initial mailing address. The dossiers of such candidates should be returned to this office only if the second letter is also returned undelivered.

VI. नियुक्ति-प्रस्ताव का उत्तर देने के लिए उसके जारी होने की तारीख से कम से कम तीन सप्ताह का समय उम्मीदवारों को दिया जाना चाहिए ।

[At least three weeks time from the date of issue of the offer of appointment should be given to the candidates to respond to the offer of appointment.

MGIPF--301 SSC/87--12-8-87--20,000.

महाधक लेखा परीक्षा अधिकारी/प्रशासन,

शू. सी. ईलैन, श्रालोगांव, 92-93
गुवाहाटी - 781011

Asst. Audit Officer/Admn., 2420045
N.E. Railway, Maligaon.
457490 Gauhati - 781011

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2327

478230	476879	272606	272327	307	28	279
		273678	273389	289		289

Registered with Ack. Due.

Principal

OFFICE OF THE DIRECTOR OF AUDIT
N.F.RAILWAY: MALIGAON: GAUHATI

No. Admin/1-2/867/18174

S-12-1990
Dt. 7-1989

Memo

With reference to his/her recommendation by the staff Selection-Commission Guwahati for a temporary post of Asst. Clerk in this office in the scale of pay of Rs. 950-20-1150-GR-25-1500/- plus the usual allowances sanctioned by the Govt. of India, Smt/Smt/Kumari Kiran Kalita (Roy) is informed that he/she is likely to be offered an appointment in the aforesaid post in this office. If he/she is offered the said post his/her appointment will be subject to the following terms and conditions:-

(i) The appointment will be purely temporary and will be governed by the Central Civil Services (Temporary Service) Rule 1965 as amended from time to time. His/Her services are liable to be terminated without assigning any reasons under Rule 5 ibid.

(ii) He/She will be liable to be appointed at and transferred to any branch office of the office of the Director of Audit, N.F.Railway either already in existence or likely to be formed in future. The branches at present are at Dibrugarh Town, Silchar, Lunday, New Dengaigaon, Tezpur, Alipurduar Jn., New Jalpaiguri, Katihar.

(iii) He/she will be on probation for a period of 2(two) years.

(iv) (For Auditor only). He/she will be required to pass Departmental Examination for Auditors within 6 consecutive chances admissible to him/her commencing from the first exam, held immediately after completion of one year's service as Auditor,

Contd... P/2.

মহাপ্রকাশ লেখা পরীক্ষা অধিকারী/প্রশাসন,

পু. সো. রেলওয়ে, দালাগাঁও,
গুৱাহাটী - 781011

Asst. Audit Officer/Admin.,
N. F. Railway, Maligaon,
Guwahati - 781011

Unless he/she is allowed to appear in an examination before completing one year of service as a special case. In such a case the six consecutive chances will be reckoned from the first chance actually availed of. If he/she fails to negotiate the Departmental-1 Examinations within the prescribed six ^{2 chances his} her service will be liable to be terminated.

(v) He/she will have to comply with the requirements of the Central Civil Services (Conduct) Rules, 1964 and the Plural Marriage Act. All Rules or orders already in existence or issued from time to time regarding Attendance, duties, discipline, conditions of service etc. will automatically be applicable to him/her.

(vi) If he/she belongs to a Scheduled Caste and professes the Hindu/Sikh religion, he/she should report any change of religion to the appointing authority immediately as such a change takes place.

2. If the above conditions are acceptable to him/her, he/she should sign the enclosed acceptance letter and send the same immediately so as to reach this office not later than 24-12-90 for considering his case for offering him appointment for the post mentioned above. If the acceptance letter is not received in this office by the above due date, it will be assumed that he/she is not interested for employment in this organisation and his/her case will not be considered again.

3. If he/she accepts the above terms and conditions, he/she should submit the following documents alongwith the acceptance letter.

i) Attestation from (enclosed) duly completed.

After
believe
26/3/90
contd....p/3

গুৱাহাটী লেসা পরীক্ষা অধিকারী/প্রশাসন,

ডু. সী. রেলওয়ে, মালিগাঁও,

গুৱাহাটী - ৭৮১০১১

Asst. Audit Officer/Admn,

N. E. Railway, Maligaon,

Guwahati - 781011

ii)

Certificate of Character in the form enclosed from the Head of the Educational Institution last attended or in case such a certificate cannot be obtained, a certificate in the same ~~form~~ from a Gazetted Officer (in both case, duly attested by a District Magistrate, Sub-Divl. Magistrate or Stipendiary First Class Executive Magistrate). This certificate should have reference to the 2 years immediately preceding.

iii) A Schedule Castes/Tribes Certificate in the form enclosed from a District Magistrate, Additional Dist. Magistrate, Collector, Dy. Commissioner, Addl. Dy. Commissioner, Dy. Collector, First Class Stipendiary Magistrate, City Magistrate, Sub-Divl. Magistrate not below the rank of First Class Stipendiary Magistrate, Taluka Magistrate, Executive Magistrate, Extra Asstt. Commissioner, Chief Presidency Magistrate, Presidency Magistrate, Addl. Chief Presidency Magistrate, Revenue Officer not below the rank of Tehsildar, Sub-Divisional Officer of the area where he/she or his/her family normally resides.

iv) A declaration in the form enclosed indicating whether he/her husband has more than one wife living.

v) No objection certificate from his/her previous employer.

vi) Displaced person certificate from a Gazetted Officer of the Central Govt. or from a District Magistrate and/or eligibility certificate issued by the Govt. of India or Citizenship Certificate as a proof of registration as an Indian Citizen.

Asstt Audit Officer
10/10/1973
सहायक लेला परीक्षा अधिकारी/प्रशासन,
पू. सी. डेफेंस, मालिगाँव,
गुवाहाटी - 781011
Asstt Audit Officer/Admn.
N. E. Railway, Maligaon.
Guwahati - 781011

He/she may please note that this is not an offer of appointment and is merely an intimation of his/her being considered for appointment.

Maligaon, Ga uhati-11,
the 19

By Director of Audit,
(Appointing Authority)

OK
u/12
G. 21-781
Dear Director
Office of the Principal
Director of Audit
N. F. Railway Maligaon

To

Smt. Kiran Kalita (Roy),
C/o. Smt. D. M. Roy, Rly. Ac. No. 266/A,
West Golaghat, P. O. Maligaon

Dt. Kamrup - Pin - 781011

Shibani/20/7/89.

No. Admn 1-2FB/85/23/18175

dt. 5/12/90.

Copy forwarded for information and info to
the Regional Director (NFR), Staff Selection
Commission, Nabagraha Road, Chunikuthi 14 (U Side),
Guwahati - 781003. This has ref to his
Conf. L/No. 65 C.G. 1/8/90 (NFR)/3510 dt. 14.11.90.

In this connection, he is requested to send
a copy of pass port size photograph (duly embossed)
of Smt. Kiran Kalita (Roy).

Revised 19
Naharilal Deka, P. O. D. M. Roy, Assam,
D. S. O. - Dibrugarh, Assam,
Guwahati - 781011

Asstt Audit Officer/Admn,
N. F. Railway, Maligaon.
Guwahati - 781011

-S.1

ST (mc)
18

- As the same has not been pasted in the space provided for photograph on the application.

*After
Ans
26/3/99*

क्षहायक लक्षा पराया अधिकारी/प्रशासन,
पू. सो. देलवे, मालोगांव,
गुवाहाटी - 781011

Asstt. Audit Officer/Admn,
N. F. Railway, Morigaon,
Guwahati - 781011

(D. J. Bhaera)
Director.

*निम्नलिखित पराया,
क्षहायक लक्षा पराया*
Re. १२१८१-८२१-८१०१
4/12/99

*Director,
Office of the Principal
Director of Audit
N. F. Railway Morigaon
Guwahati - 781011*

— 1 —

A black and white micrograph showing a cell with a prominent, dark, oval nucleus. The surrounding cytoplasm is lighter and contains some internal structures and small dark specks.

(246)
69

FORM OF ACCEPTANCE.

From: Smt. Kiran Kalita (Roy)
C/o D.M. Roy, Rly. Q.No. 266/A, West
Ghatamangal, P.O & P.S. = Mahiyaon, Ghy = 281011.

To

The Deputy Director of Audit,
N. F. Railway, Maligaon,
Guwahati - 781 011.

Sub:- Consideration for appointment
as L.D.C. (clerk's).

Sir,

With reference to your Memo No. Admn/1-2185/2B/18174
dt. 5-12-1990 about consideration for
appointment in a temporary post of Clerk's
in your office, I hereby accept the terms and conditions
stipulated therein, which have been read and understood by
me.

The forms enclosed with the above memo are enclosed
duly filled in.

Yours faithfully,
Smt. Kiran Kalita (Raj)

Encl:

Place: Maligaon (City = 11)

Date : 14-12-90

Received
on 12/12/98.
U.S. // 12/20 AK
119

कथाये। लेखन प्राकृतिकारी/प्रशासन,
पू. सो. देलवे, मालोर्गाव,
कोडग 781011

गुरुहाटी-731011
Ass't. Audit Officer/Admn,
N. P. Railway, Maligaon,
Cachar-731011

का / का और सद्या.....

總計..... 210枝

Adams / R.R. No. 2100

Date 19/12/90

R4
By Hand
PrincipalOffice of the Director of Audit,
N.F.Railway, Morigaon, Gauhati-11.

No. Admin/1-2B/85/283

Dated 12-2-1971

MEMO

With reference to his/her recommendation by the Staff Selection Commission, Shri/Smti/Kumari Kiran Kalita (Roy) is offered a temporary post of Clerk/Typist in the scale of pay of Rs. 950-20-1150-E6-25-1500/- plus the usual allowances sanctioned by the Government of India. His/her appointment will be subject to the following terms and conditions :-

(i) The appointment is purely temporary and will be governed by the Central Civil Services (Temporary Service) Rules, 1965 as amended from time to time. His/her services are liable to be terminated without assigning any reasons under Rule 5 ibid.

(ii) He/She is liable to be appointed at/posted to any branch of the office of the Director of Audit, N.F.Railway either already in existence or likely to be formed in future. The branches at present are at Dibrugarh Town, Lumding, Silchar, Tezpur, New Bongaigaon, Alipurdeor Jn., New Jalpaiguri and Katihar.

(iii) ~~She~~ will be on probation for a period of 2 (two) years. (iv) (For the post of 'Auditor' only) ~~He/She required to pass the Departmental Examination for Auditors within 6 consecutive chances admissible to him/ her commencing from the first examination held immediately after completion of one year's service as Auditor. Unless he/she is allowed to appear in an examination before completing one year of service as a special case. In such a case the six consecutive chances will be reckoned from the first chance actually availed of. If he/she fails to negotiate the Departmental Examination for Auditor within the prescribed six chances his/her service are liable to be terminated.~~

(v) ~~He/She will have to comply with the requirements of the Central Civil Services (Conduct) Rules, 1964 and the Marriages Act. All Rules or orders already in existence or issued from time to time regarding Attendance duties, discipline, conditions of service etc will automatically be applicable to him/her.~~

(vi) If ~~he/she~~ belongs to a Scheduled Caste and professes the Hindu/Sikh religion, ~~he/she~~ should report any change of religion to the appointing authority immediately such change takes place.

NOTE :-

2/-

" The appointment is provisional and is subject to the caste/tribe certificates being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste or Scheduled Tribe, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificates."

Sub-Asstt. Audit Officer/Admn.
D. S. Deka, M.A.(Econ.)
Gauhati-781011
Ass't. Audit Officer/Admn.
N. F. Railway, Morigaon
Date: 28/1/2021

2. If the offer is accepted by him/her, he/she should sign the acceptance of the offer in the form enclosed and report personally to the Office of the ~~Pr. Director of Audit, N.E.Rly.~~ ~~Maligaon~~ ~~for further posting~~ ~~order~~ immediately but in any case not later than ~~07-3-9100~~ ~~His offer is liable to lapse if he/she does not~~ join on or before the stipulated date. His seniority in this office will be determined with reference to the merit list furnished by the Staff Selection Commission/Gauhati irrespective of the date of joining of other candidates.

3. He/she should bring with him/her the original and copies of Matriculation certificate and/or other certificates in support of age, educational qualifications, etc. He/she should also submit the following documents with his/her letter of acceptance :-

i) A declaration in the form enclosed indicating whether he has more than one wife living.

ii) Release order from his/her employer accepting his/her resignation from that service.

iii) 3 (three) copies of recent passport size photograph.

iv) Declaration of family or dependent employed in any foreign mission or foreign Organisation in India.

v) A declaration (in the enclosed form) regarding acceptance of the posting/transfer liability.

4. This offer of appointment is further subject to his/her being found medically fit for Govt. Service by the Civil Surgeon or a Chief Medical and Health Officer or a Medical Officer of the equivalent status ~~at Gauhati~~ when he/she will be sent after he/she accepts the offer and reports to this office and also subject to his/her taking an oath of allegiance to the Constitution of India.

5. He/She will not be paid any TA. for joining his/her appointment.

1 for medical examination etc. and

Contd....3/-

Abdul
Date 21/3/97
सहायक दस्ता प्रबोध अधिकारी/प्रभारी
श. सं. रेलवे, मालिगाँव,
गुवाहाटी-781011
Asst. Audit Officer/Admn.
E. R. Railway, Maligaon,
Guwahati-781011

6. The appointment order will be issued in his/her favour on his/her accepting the above terms and conditions in writing and after his/her eligibility for appointment is established on verification of the documents; he/she is required to produce and his/her being medically found fit.

Enclo:-

Malignon, Gauhati-11.

the 12.2. 1991

Dy. Director of Audit.

To

Shri. Kisan Lalita (Roy)

Ch. & Son D. M. Roy, Dr. No. 266/A,
West Godavari.

Mahgaon, Gurahati - 781011.

Received

Kiran Kalita (Ray)

Principal
Offices of the Director of Audit,
N.P.R. Colony, Maitighaon, Guhati-11.

No. Admn/ 1-28859281

Dated 19-2-1981.

Copy forwarded to the Region Director NER
Staff Selection Commission, ...Nabaranghat Board, Cherrapunji
Hill Side, ...in what.....

..... This has reference to the letter no. 88861/2/90 L No 8510 dated 14.11.90.....

Office for
Audit Officer
N. F. Railway, Maligaon, 27/2/1899.
नहां के लिया परीक्षा अधिकारी प्रवासी,
पू. सो. रेलवे, मालिगाँव,
गुदाहाटी - 781011
Asstt Audit Officer/Admn,
N. F. Railway, Maligaon.

Office of the
Principal Director of Audit,
N.F.Railway, Maligaon,
Guwahati - 781011.

S.O.O.43.109

Dated: 4.3.91.

Sub: Appointment order.

With reference to her letter of acceptance of the offer of appointment Smt. Kiren Kalita (Joy) is appointed to a temporary post of clerk in the scale of Rs. 950 - 80 - 1150 80 - 25 - 1500 plus allowances sanctioned by the Government of India, from time to time in the offices of the Principal Director of Audit, N.F.Railway with effect from 14.2.91 (F.M.). Her appointment will be governed by the following terms and conditions which have been accepted by her while responding to the offer of appointment.

- i. The appointment is purely temporary and will be governed by the CCS(1B) Rules, 1965 and is liable to termination without assigning any reasons under Rule 6 ibid.
- ii. She will be on probation for a period of 2 years.
- iii. She is liable to be transferred to any branch of the office of the Principal Director of Audit, N.F.Railway, either already in existence or likely to be formed in future on such terms and conditions decided by the Department. She is posted at Rd. Crs/Maligaon.
- iv. She will have to comply with the requirements of the CCS(Conduct) Rules 1964 and the Plural Marriages Act. All Rules or orders already in existence or issued from time to time regarding attendance, duties, discipline, conditions of service etc. will automatically be applicable to her.
- v. The appointment is provisional and is subject to the Scheduled Caste certificates being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste, as the case may be is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificates.
- vi. She should produce the H.S.L. Certificate in original issued by the Board within three months from the date of her appointment.

*Submitted
at p. 6c*
Place : Maligaon.

Appointing Authority.

महायक नियम पालन का प्रमाणात्मक
प्र० स० (ल०, मौलिगाँव)

गुवाहाटी - 781011
Asstt Audit Officer/Admn.
N. F. Railway, Maligaon,
Guwahati - 781011

OIC
W
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S. S. 6
(D.J. Bhadra)

Director.

P.T.O.

(S8) 63 74

Office of the
Principal Director of Audit,
N.F.Railway, Maligaon,
Guwahati - 11.

No. Adm/18-478/01/607/ Dated: 6.2.91.

Copy forwarded to :-

1. The Principal Director of Audit/N.F.Railway/New Delhi.
2. The FA & Chief Accounts Officer/N.F.Railway/Maligaon.
3. Smt. Kiron Kalita (Roy), CL, HQ/Maligaon.
4. Auditor/Service Book.
5. Sr. Auditor/Bill.
6. S.O.O. Register.

Ans
Audit Officer/Adm.

Ans
Re
4/3

Ans
6/3/91

S.K.P. 20.2.91.

Ans
Ans
6/3/91

सहायक लेखा परीक्षा अधिकारी/प्रवासन,
पू. सी. रेलवे, मालोगाँव,

गुरुगाँव - 781011

Asst. Audit Officer/Adm.
N.F. Railway, Maligaon.
Guwahati - 781011

FORM 1. CAST 1 CERTIFICATE

This is to certify that S.R.F./Shri .../.../... is a life member (B.S.U) of the .../.../... Late .../.../...

Kiron Kaliter (Roy) late Jan
Riron Kaliter 1943 4/1943 Pacharia in

District/Div 11 Kamville Conway

Territory Aztec Tribe which is the Aztec is the Aztec Ch

Under : *The Constitution (Scheduled Castes) Order, 1950,

*The Constitution (Scheduled Tribes) Order, 1950, & The Constitution (Scheduled Castes) (Union Territories)

*The Constitution (Scheduled Castes) Order, 1951, (Scheduled Tribes and in Territories)

*The Constitution (Scheduled Tribes) Order, 1951.

(as amended by the Scheduled Castes and Scheduled Tribes Lists Validation Order, 1956, the Bombay Reorganisation Act, 1960,

(Modification) Order, 1958, the Punjab Reorganisation Act, 1966, the state of Himachal Pradesh Act, 1970, the North-Eastern Areas (Reorganisation)

Pradesh Act, 1970, as. P. of the Scheduled Castes and Scheduled Tribes Orders Act, 1971, and the Scheduled Castes and Scheduled Tribes (Amendment) Act, 1976).

*The Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.

Tribe's Order (See) included by the scheduling of the Competition (Arran and Nicolson's) Scheduled

Constituted on 15th Aug 1947. Salaried on 1st Oct 1947. Salaried

• ~~THE Constitution (Pundoterry) Scheduled Castes Order, 1967,~~

*The Constitution (Scheduled Tribes) (Uttar Pradesh)

*The Constitution (Gor, Daman and Diu) Scheduled Castes Order, 1968.

*The Constitution (Gor, Daman and Diu) Scheduled Tribes Order, 1968.

*The Constitution (Nagaland) Scheduled Tribes Order, 1970.

Contd.....p/2

Contd. p/2

DEKA. 10/1/1989.

Wanted for - 25th 19

12. Applicable in the case of Schedule Caste
Scheduled Tribe persons who have migrated
from one State/Union Territory Administered
to another State/Union Territory Administered
This certificate is issued on the basis of the
Schedule Caste/Schedule Tribe certificate issued
to Shri/Shrimati... K. ... Son/daughter of ... J. ...
✓ Father/mother of Shri/Shrimati ... J. ...
of Village/town... Pachmarhi ... (A.S.)
in District/Division... ... A.S.
of the State/Union Territory... A.S.
who belong to the ... Scheduled Caste
caste/tribe which is recognised as ... Scheduled Tribe
in the State/Union Territory
issued by the ... (name of prescribed authority) vide their No.
dated ...

13. Shri/Shrimati... K. ... and/or his/her family ordinarily reside (s) in
and/or his/her family ordinarily reside (s) in
village/town... Pachmarhi ... District/Division
of ... A.S.
of the State/Union Territory of ... A.S.

Signature ...

Date ... (Signature)

Place ...

Date ... (Signature)

* Please delete the words which are not applicable

@ Please quote specific Presidential Order

% Delete the paragraph which is not applicable

NOTE: The term "Ordinarily reside (s)" used here will
have the same meaning as in Section 20 of the
Representation of the People Act, 1950.

Dated 13/2/89

Office of the Collector
Government of India
State of Madhya Pradesh
District of Morena

R-T

✓ 66
22

To,

The Dy. Director.

or the Dir. Director of Audit.

N.F. Railway, Maligaon, Guwahati.

Sir,

I, Smt. Kiran Kalita (Roy) is hereby declare
that I belong to Namashuda Community which
is Schedule Caste.

2. I shall produce the High School Leaving
Certificate in original issued by the Board
within three months from the date
of my appointment as clerk/typiste.

Yours faithfully,
Smt. Kiran Kalita (Roy)
(Kiran Kalita (Roy))

Date = 14-2-91

Place = Maligaon

After 5 pm on 21/2/91

सहायक लेखा परीक्षा अधिकारी/प्रशासन,
ए. सी. एस. एस. एस. एस. एस.
गुवाहाटी - 781011
Asstt Audit Officer/Admin.
N. F. Railway, Maligaon,
Guwahati - 781011

been removed and
placed in the
P.L.T.

SERIAL NO 4960

50

ASOM ANUSUCHIT JATI PARISHAD

CHENIKUTHI, GUWAHATI-781003

Regd. No. 1496 of 1981-82

This is to certify that Smt./Bm. Kiran Roy,
wife/wife of Sri Hirmangshu Roy of Village/Town Adarsha Colony, Maligaon,
District Guwahati of the State of Assam belongs to Adarsha - an
Schedule Caste of the State of Assam.

which is recognised as a scheduled castes under the Constitution (Scheduled Castes) Order 1950
issued by the Scheduled Castes and Scheduled Tribes Lists (Modification Order) 1976.

Smt./Bm. Kiran Roy and/or his/her family ordinarily
in Village/Town Adarsha Colony of Guwahati District of the
State of Assam.

GUWAHATI

ASSAM

14/11/84

Signature JATIPARISHAD Designation Asom Anusuchit Jati Parishad, Assam
(with Seal of Office)

Seal No. 123 Date 14/11/84 Designation Asom Anusuchit Jati Parishad, Assam
(with Seal of Office)

Ministry of Home Affairs letter No. 35/1/72-RU (SCT.V), dated 2nd May 1975 to all State Governments and Union Territory Administrations.

Subject :- Issue of Scheduled Castes and Scheduled Tribes certificates.

I am directed to state that complaints are often received that Scheduled Castes and Scheduled Tribes certificates are given to persons who do not in fact belong to a Scheduled Caste or Scheduled Tribe. It is necessary, therefore, that the Certificate issuing authorities should make a proper verification before they actually issue such a certificate.

2. In this connection a set of points which should be taken into account are enclosed for the guidance of those empowered to issue Scheduled Castes and Scheduled Tribes certificates. It is requested that these instructions may be circulated amongst them.

Enclosure to HX Ministry of Home Affairs circular letter No. 35/1/72-RU (SCT.V) dated the 2nd May, 1975.

Issue of Scheduled Castes and Tribes Certificate-Points to be observed.

1. General (Applicable in all cases).

Where a person claims to belong to a Scheduled Caste or a Scheduled Tribe by birth it could be verified :-

- (i) that the person and his parents actually belong to the community claimed ;
- (ii) that this community is included in the Presidential Orders specifying the Scheduled Castes and Scheduled Tribes in relation to the concerned State ;
- (iii) that the person belongs to that State and to the area within that state in respect of which the community has been scheduled ;
- (iv) If the person claims to be a Scheduled Caste, he should profess either the Hindu or the Sikh religion ;
- (v) If the person claims to be a Scheduled Tribe, he may profess any religion.

2. Cases of Migration :

(i) where a person migrates from the portion of the State in respect of which his community is scheduled to another part of the same State in respect of which his community is not scheduled, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe or the case may be, in relation to that State.

(ii) where a person migrates from one state to another, he can claim to belong to a Scheduled Caste or a Scheduled Tribe only in relation to the State to which he originally belonged and not in respect of the State to which he has migrated.

3. Claims through marriage :

The guiding principle is that no person who was not a Scheduled Caste or a Scheduled Tribe by birth will be deemed deemed to be a member of a Scheduled Caste or a Scheduled Tribe merely because he or she has married a person belonging to a Scheduled Caste or a Scheduled Tribe.

मुख्यमंत्री, राज्यपाल,

Similarly a person who is a member of a Scheduled Caste or a Scheduled Tribe would continue to be a member of that Scheduled Caste or Scheduled Tribe as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe.

4. Cases of conversion and reconversion :

(i) where a Scheduled Caste person gets converted to a religion other than Hinduism or Sikhism and then reconvert himself back to Hinduism or Sikhism, he will be deemed to have reverted to his original Scheduled Caste, if he is accepted by the member of that particular caste as one among them.

(ii) in the case of a descendant of a Scheduled Caste convert, the mere fact of conversion to Hinduism or Sikhism will not be sufficient to entitle him to be regarded as a member of the Scheduled Caste or which his forefathers belonged. It will have to be established that such a convert has been accepted by the members of the caste ~~which he has claimed~~ claimed as one among themselves and has thus become a member of that caste.

5. Cases of adoption 2

Great care has to be exercised in dealing with cases where a person claims to be Scheduled Caste on the ground that he has been adopted by a Scheduled Caste person. The validity of the adoption has to be clearly established before any caste certificate can be given. It is for the party to prove his claim by cogent and reliable evidence :-

(i) The requirements of valid adoption are given in sections 6 to 11 of the Hindu Adoptions and Maintenance Act, 1956. The actual giving and taking of the child in adoption is a mandatory requirement and thereafter the adopted child is deemed to be the child of his or her adoptive father or mother for all purposes and the child severes all ties with the family of his or her birth. Ordinarily, no child who has attained the age of 15 years or who is married can be given in adoption unless there is a custom or usage applicable to the parties.

(ii) In deciding whether an adoption is valid, the certificate issuing authority should satisfy himself that all the requirements of Law have been complied with. He should also take into account the behaviour of the child after adoption whether he physically lives with and is supported by his adoptive parents and parents and receives no financial help from his original parents. In case these conditions are not satisfied, the certificate should be refused.

(iii) Where the case relates to an adoption of a married person or of a person of the age of 15 years and above, the certificate shall be required to be given by the Dist. Magistrate who shall after making due enquiries as to the validity of the adoption and as to whether such adoption is permitted by a custom or usage applicable to the parties, make an endorsement to that effect on the certificate. Such custom or usage should have been continuously and uniformly observed for a long time and obtained the force of law among the Hindus of that particular area, or that community, group or family provided that the custom or usage is certain and not unreasonable or opposed to public policy and in the case of custom or usage in respect of a particular family that the custom or usage has not been discontinued. In addition, it should be verified that all other conditions for a valid adoption, including the physical transfer of the adopted person to the family of the adoptive parents and that he has severed all ties with the original parents are fulfilled.

Ass'tt Auditor, O.Officer/Admn,
N. F. Railway, Maligaon,
Guwahati-781018

Admn/18-478/91/607/22381

22-2-1991.

26

To
The Dy. Commissioner,
Kamrup,
Guwahati.

Sub:-Verification of claims of a candidate belonging
to Scheduled Caste for the purpose of
appointment in Govt. service.

Sir,

I am to state that one, Smt. Kiran Kalita (Roy) daughter of Late Tanu Ram Kalita of Vill-Pacharia, P.O. Dadara, P.S. - Jalukbari, Dist. Kamrup has been appointed temporarily as Clerk in this office. She claimed that she belonged to "Namasudra" community which is recognised as Scheduled Caste. She has produced a certificate in the Prescribed proforma (copy enclosed) issued by an Executive Magistrate, Kamrup but the column for indicating the community is left blank.

I would, therefore, request you to kindly examine the genuiness of the claims of Smt. Kalita and intimate this office whether she actually belongs to Scheduled Caste community.

This may kindly be treated as most urgent!

Yours faithfully,

Encl: As above.

(D. J. BHADRA)
Director/Admn.

Off No
252

सहायक लेखा पर्मिता बहिलाली/प्रशासन,
पू. सी. रैलवे, मालिगाँव,
गुवाहाटी - 781011
Ass't Audit Officer/Admn,
N. F. Railway, Maligaon,
Guwahati - 781011

R-11

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71
R.R. No. 1440
16.8.91.

To

The Audit Officer/Admn.
N.F.Railway,
Maligaon.

Sub : Change of surname.

Sir,

Consequent on my appointment my surname has been recorded as " Kalita Roy " in all official records. Now, I am requesting you to read my name as " Kiran Roy " instead of " Kinran Kalita Roy " . Necessary official records may be corrected accordingly.

Dated. 16-08-1991.

Yours faithfully,
Mrs. Kiran Roy
Clerk.

Accepted
Date - 16/8/91

নথায়ক লেখা পরীক্ষা বিভিকারী/প্রশাসন,
পু. সী. রেলও, মালীগাঁও,
গুৱাহাটী - ৭৮১০১১
Asstt Audit Officer/Admn,
N. F. Railway, Maligaon,
Guwahati - 781011



IN THE COURT OF THE MAGISTRATE AT GUWAHATI.

AFFIDAVIT

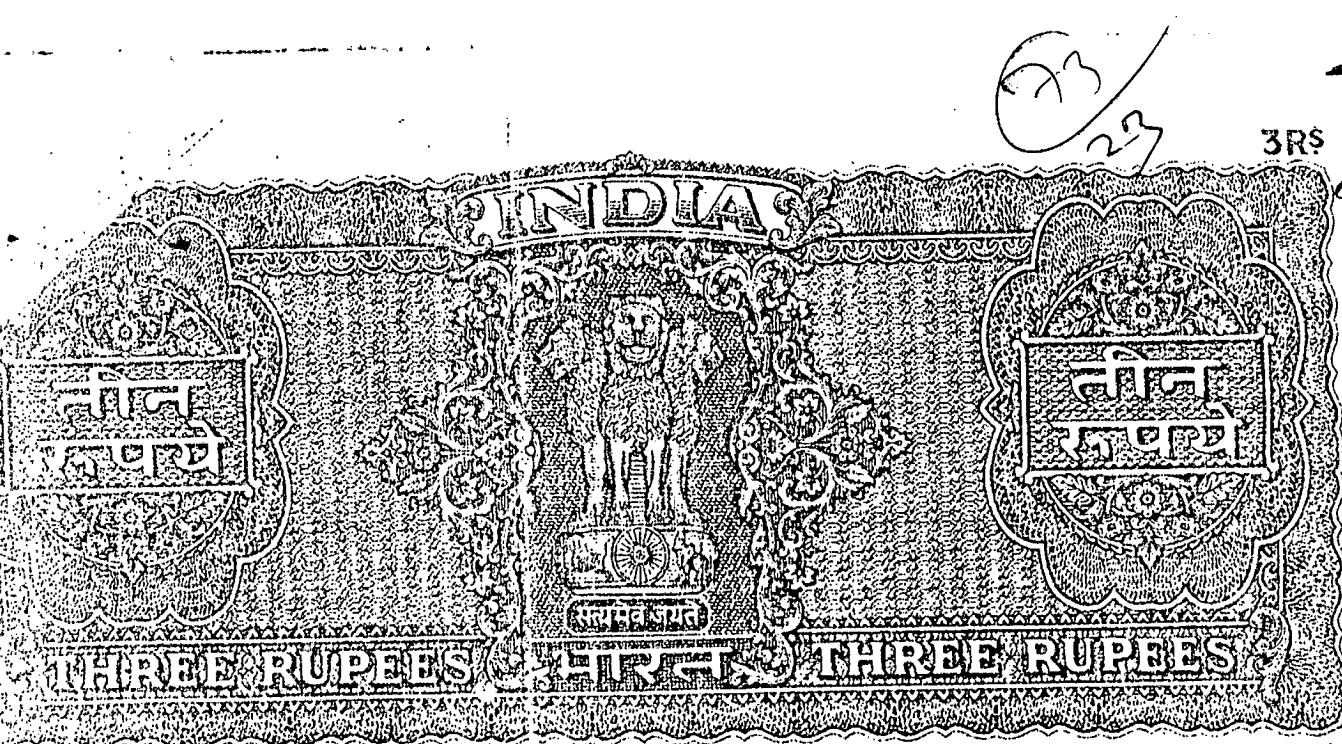
I, Mrs. Kiran Roy W/O Shri Himangshu Shekhar Roy, aged about 28 years, resident of Adarsha Colony, Maligaon, P.S. Jalukbari, Dist. Kamrup, Assam do hereby solemnly affirm and declare as under :-

Mrs. Kiran Roy
1/4 - 66 - 91

1. That I am a citizen of India by birth having permanent residence in Guwahati within the jurisdiction of Jalukbari P.S.
2. That I changed my name swearing an affidavit before the First Class Judicial Magistrate, Kamrup at Guwahati on 19.9.84, as Mrs. Kiran Roy in place of Smti. Kiran Bala Kalita with consequence to my marriage with Shri Himangshu Sekhar Roy.
3. That on the said affidavit my name was mistakenly typed as Smti. Kiran Kalita in place of Smti. Kiran Bala Kalita.
4. That the extra particular word 'Bala' in between my name and surname has been omitted as a typed mistake, and these discrepancies has caused problems to ascertain my former name (as recorded on the certificates/Testimonials issued with regards to my educational qualifications and proficiencies so far).
5. That this affidavit has been made for the purpose to declare

4. श्री. किरण रॉय, वालीगाँव, गुवाहाटी-781011, Ass't. Audit Officer/Admn, N. F. Railway, Maligaon, Guwahati-781011, that these two names 'Smti. Kiran Kalita and Smti. Kiran Bala

Contd... 2.



- 2 -

although at present I am known to the whole world as Mrs. Kiran K Roy; and this affidavit will be a piece of evidence as the rectification of the aforesaid affidavit that was sworn on 19.9.84.

6. That this affidavit will be a piece of documentary evidence to prove the aforesaid declarations and all the declarations made above are true to the best of my knowledge and belief and I sign on this the 14th day of August, 1991 at Guwahati.

Advocate

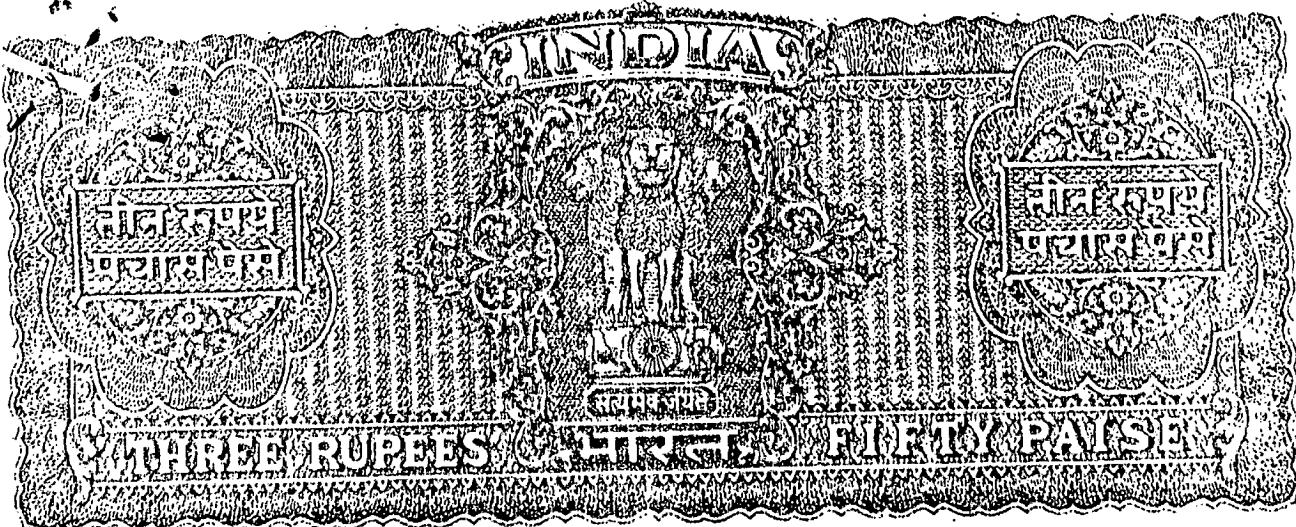
14-08-91.

Solemnly affirmed and declared before me by the deponent who is identified by Shri P.P.Saikia, Advocate on this the 14th day of August, 1991 at Guwahati.

সহায়ক লেখা কর্তৃক অভিকারী/প্রচারক,
শ্রী সো. রেলবে. মার্গোঁথ,
গুৱাহাটী - 781011

Asstt. Audit Officer/Admin.
N.E.F. Railway, Maligaon
Guwahati - 781011

Magistrate : Guwahati.



IN THE COURT OF THE MAJISTRATE I AT GAUHATI.

Roy

Mrs Kiran Roy

AFFIDAVIT

I, Smti. Kiran Kalita wife of Sri Himangshu Shekar Roy, resident of Adarsha Colony, Maligaon, P.S. Gauhati, Dist. Kamrup, aged about 21 years by caste Hindu, by profession household own-student, do hereby solemnly affirmed and state as follows:-

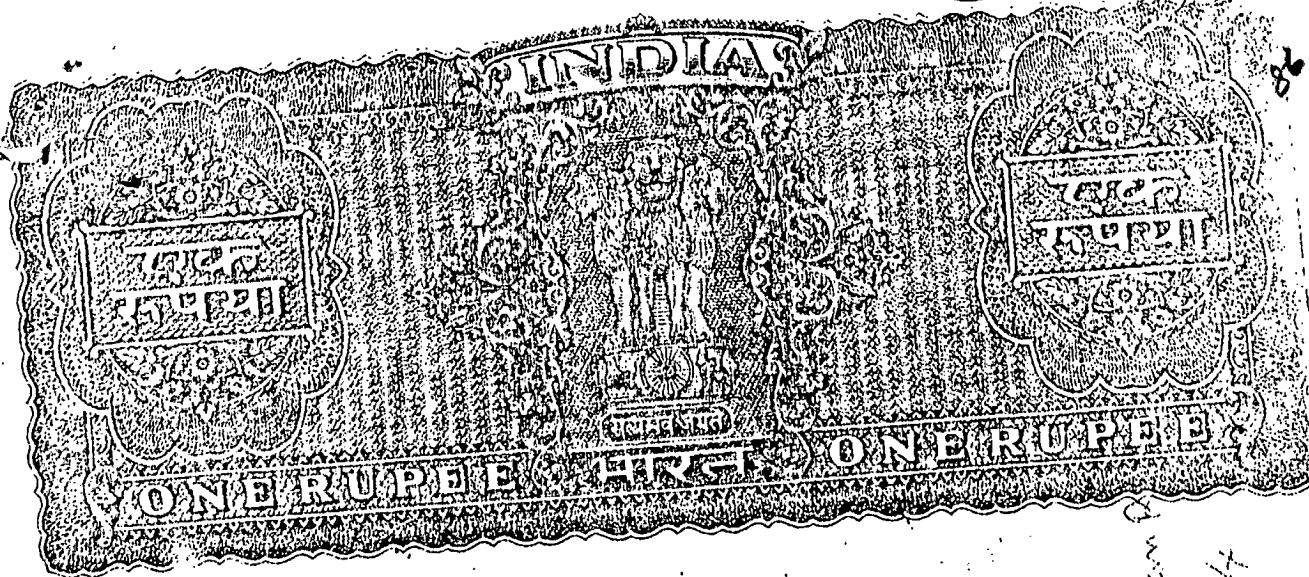
1. That I am married to Sri Himangshu Shekar Roy, resident of Adarsha Colony, Maligaon, P.S. Gauhati, Dist. Kamrup as per hindu rite and performance on 30-1-83 which is true to my knowledge.

*Attest
Kirita
1983/93*

नहायका देशा परीक्षा विभाग/प्राक्षम,
सू. सी. रॉय, मारीगाँव
सुदूरसारी-781011

Asst. Audit Officer/A
N. E. Railway, M.C.
Guwahati-781011

Contd. 2.



- 2 -

2. That my husband's title is 'Roy' and as such by any to marriage with him. I also want to change my title from "Kalita" to 'Roy' which is true to my knowledge.

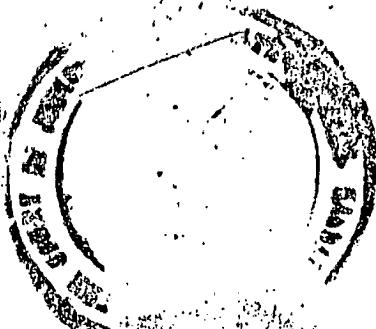
3. That from to-day I shall be known as "Smti. Kiran Roy" in place of "Smti Kiran Kalita" which is also true to my knowledge.

4. That the statements made in this affidavit are true to my knowledge and belief and I swear this affidavit this 19th day of September, 1984 at Gauhati.

*Asstt. Audit Officer
N. F. Railway, Maligaon
Guwahati-781011*

सहायक लेखा परीक्षा अधिकारी/प्रशासन,
कू. सी. रेलवे, मालिगाँव,
गुवाहाटी - 781011
Asstt. Audit Officer/Admn.
N. F. Railway, Maligaon,
Guwahati-781011

Contd.....3.



CC 20/76

89



- 3 -

Identified by me

A. K. Roy

Advocate: Gauhati.

Mrs Kisan Roy
19/3/84
Deponent.

Attested

Sub-Sub Inspector of Income Tax
to the Tax. Officer-II
from Audit Officer, (Assist.)
S. F. B. Gauhati-II

b6
iup2

Solemnly affirmed before me who is
identified by Sri A. K. Roy, Advocate
this 19th day of September, 1984.

After due
In Gauhati 26/9/84

Sub-Sub Inspector of Income Tax/Prayash
D. S. B. Gauhati-II

Prayash No. - 78/1011

ASSTT Audit Officer/Adm.
N. P. Roy, M. Sc.
Gauhati-II - 78/1011





CONFIDENTIAL

GOVT. OF ASSAM
OFFICE OF THE DEPUTY COMMISSIONER KAMRUP:GUWAHATI
(ADMINISTRATIVE BRANCH)

No. KAV-18/91-92/(Pt-3)/194/2953-56

Dated : 4/8/92

To

The Principal Director of Audit
Administration,
N.F.Rly. Maligaon,
Guwahati-11.

Sub:- Verification of claims of
Smti. Kirana Kalita (Ray)

Ref.:- Your letter No. Admn/18-478/91/607/4089 dt. 8.6.92.

Sir,

With reference to the subject quoted above I have the honour to inform you that after proper verification it has been found that Smti Kirana Kalita (Ray) does not belong to Scheduled Caste/ST(P)/ST(H) etc. All certificates issued earlier either from this office or from any other organisations may kindly be treated as cancelled. This is for your information & necessary action.

Ariff
Addl. Deputy Commissioner
Kamrup : Guwahati.

No. KAV-18/91-92(Pt-3)/194-95/2953-56) Dt.

Copy to :-

1. Assam Anusuchit Jati Porisad
Bharulumukh, Guwahati.

Officer (M. B. M. 4/8/92)

प्रायक सेला परीक्षा अधिकारी/प्रशासन,
४० सो. २५३, बालोग्ब,
गुवाहाटी-781011

Assist Audit Officer/Admin,
N. F. Railway, Maligaon,
Guwahati-781011

10
Addl. Deputy Commissioner
Kamrup : Guwahati.

OFFICE OF THE PRINCIPAL DIRECTOR OF AUDIT, N. F. RAILWAY,
MALIGAON, GUWAHATI - 781011.

S.O.O. No. 64

Dated: 06-08-1992.

OFFICE ORDER

Smt. Kiran Roy alias Smt. Kiran Kalita Roy was appointed in this office as Clerk v.e.f. 14-2-1991 against a Scheduled Caste quota sponsored by the Regional Director(NER), Staff Selection Commission, Guwahati as Scheduled Caste candidate.

2. Her appointment in this office as Clerk vide S.O.O. No.109 dt. 4.3.1991 was provisional subject to the verification of her claim to Scheduled Caste through proper channels. It was clearly indicated in the appointment order (vide S.O.O. No.109 dt. 4.3.91) mentioned above that if the verification reveals the claim to belong to Scheduled Caste is false, her services from this office will be terminated forthwith without assigning any reason and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate.

3. The claim of Smt. Kiran Roy alias Smt. Kiran Kalita Roy belong to Scheduled Caste was referred to the Deputy Commissioner, Kamrup, Guwahati for verification. The Deputy Commissioner, Kamrup, Guwahati, after verification, has now intimated this office that Smt. Kiran Roy alias Smt. Kiran Kalita Roy does not belong to Scheduled Caste community.

4. As per conditions of the appointment order referred to above, the services of Smt. Kiran Roy alias Smt. Kiran Kalita Roy, Clerk is terminated with effect from 06-08-1992 (AN)

काम करने वाला अधिकारी/प्रबालग,
सू. सी. रेलवे, मालिगाँव,
गुवाहाटी - 781011

Asst. Audit Officer/Admn.
N. F. Railway, Smt. Kiran Roy,
Guwahati - 781011
Shri D. M. Roy,
Qr. No. 226/A, West Gotanagar,
Guwahati - 781011.

2) Office of the Principal Director of Audit,
N. F. Railway, Maligaon,
Guwahati - 781011.

Deputy Director/Admn.

SLN. 6864 (Roj.)

0-7-892

Thought
Dear Govt.

No. Admn/18-478/91/607/ 6803-98

Dated: 06-08-1992.

90

Copy forwarded for information & necessary action to:-

- 1) The Principal Director of Audit, Northern Railway, New Delhi-1.
- 2) The F.A. & Chief A/cs. Officer/ENGI/PF, N.F.Railway, Maligaon.
- 3) Smt. Kiran Roy, Qr. No. 266/A, West Gotanagar, Guwahati-11. She is directed to deposit the following immediately:-
 - a) Identity Card No. 112381 dated 19-3-1991 issued to her.
 - b) Books, equipments etc, if any issued to her ~~from~~ by R.C. section and by Audit Recreation Club, N.F.Railway, Maligaon.
- 4) The Asstt. Supdt/RC.
- 5) AAO/Admn/Bill - The payment for the period Smt. Kiran Roy served in this office may please be made immediately.
- 6) The Chief Security Commissioner/RPF, N.F.Railway, Maligaon. The Identity Card No. 112381 dt. 19.3.91 issued in favour of Smt. Kiran Roy may be treated as cancelled.
- 7) The Secretary, Audit Recreation Club, N.F.Railway, Maligaon.
- 8) The Secretary, Benevolent Fund, Maligaon.
- 9) S.O.O. Register.

Subhankar Banerjee
Audit Officer/Admn. 6(B) 42

Subhankar Banerjee

Subhankar Banerjee

Subhankar Banerjee

Subhankar Banerjee

Asstt. Audit Officer/Admn,

N. F. Railway, Maligaon.

Guwahati-781011

2-14

10/1
80

a)

To
The Audit Officer/Admn,
Office of the Principal Director of Audit,
N.F.Railway, Maligaon,
G U W A H A T I - 781011.

Sub : Change of Address ..

Sir,

I am to inform you that I have changed my present address for postal convenience. Therefore, any correspondence henceforth may please be made under the address given below :-



Yours faithfully,

Kiran Roy/Clerk/30-9-92.

OLD ADDRESS
C/O D.M. Roy.
Plot No. 266/A
West Gotanagar.
Guwahati - 781011.

Change Address

Mr. Kiran Roy
C/o. Kalyan Nandi (Nandi & Sons)
Barabazar, Panbari.
Guwahati - 781012.

Asstt.
20/9/92
F.R. 10/10/92
1-10-92

West Gotanagar
Plot No. 266/A
Guwahati - 781011

Asstt. Audit Officer/Admn,
N.F. Railway, Maligaon
Guwahati - 781011

FOR SERVICE ON RESPONDENT NO. 2
WITH APPLICATION.

RECORDED WITH ALL

R-15

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av

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI 5

No: 3109

Dt. 28/9/92

To,

..... R. & R. Director of Audit
..... N. R. Railway
..... Meligaon
..... Guwahati II

Sub:-

O.A.No. 177/92

..... Smt. K. Ray APPLICANT
-versus-
..... P. C. O. T. A. D. RESPONDENTS.

In the matter of an application U/S 19 of the Central Administrative Tribunal Act, 1985, I am directed to forward herewith a copy of application alongwith a copy of Order dtd. 14.9.92 passed in the above noted case for information and necessary action.

Please take notice that the above mentioned case will be listed for ~~Admission/ Orders/Hearing~~ on 16.11.92 at 10-30 A.M. before this Tribunal.

You are, therefore, directed to appear on the said date and at the appointed time either In person or through an Advocate duly appointed by you for the purpose. In default of your appearance on the date fixed, the case will be heard ex-parte.

Records, if any, connected with this case should be submitted before the fixed date.

BY ORDER

28/9/92
DEPUTY REGISTRAR (J)

Enclo:- 1) Copy of application with Annexures.

2) Copy of Order
dtd. 14.9.92

Central Administrative Tribunal
N. R. Railway, Meligaon,
Guwahati - 781011
Asstt Audit Officer/Admn.
N. R. Railway, Meligaon,
Guwahati - 781011

8/10/92

28/9/92

B. O. T.

FOR SERVICE ON RESPONDENT NO. 1
WITH APPLICATION.

REGISTERED WITH A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI 5

No: - 3109

Dt. 23/7/92

To.

The Principal Director of Andh.
... N. S. Ray. Day. Malidhar.
..... Gopakumar. II

Sub:

O.A.No. 1-7-7/92

...Smt. K. Ray.....APPLICANT
-versus-

.....?C.97.X.08..... RESPONDENTS.

In the matter of an application U/S 19 of the Central Administrative Tribunal Act, 1985, I am directed to forward herewith a copy of application alongwith a copy of Order dtd. 14.7.92 passed in the above noted case for information and necessary action.

Please take notice that the above mentioned case will be listed for ~~Admission/ Orders/Hearing~~ on 16.11.92 at 10-30 A.M. before this Tribunal.

You are, therefore, directed to appear on the said date and at the appointed time either in person or through an Advocate duly appointed by you for the purpose. In default of your appearance on the date fixed, the case will be heard ex parte.

Records, if any, connected with this case should be submitted before the fixed date.

BY ORDER

DEPUTY REGISTRAR (J)

Enclo:- 1) Copy of application
with Annexures

2) Copy of Order
dtd. 14. 9. 32

The Controlled Effect
of Stereotyping (con't)
- Stereotyping
- Groupthink
- Confirmation bias
- Confirmation bias
- Confirmation bias

1. Specimen
and written statement
sent with the handle. C.H.
prepaid & get approved
before 16-11-92
11/11/92

सदायक लेखा परीक्षा अधिकारी/प्रशिक्षक
P. H. सो. रेलवे, धारीगाँव,
गुवाहाटी - 781011
Assam Andh Officer/Admin.
Navya, Rani, Maligaon,
Guwahati - 781011

FOR RETURN AFTER SERVICE ON RESPONDENT
No. 1

33

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI..5

No: 3108

Dt. 28/7/92

To,

The Principal Director of Audit,
N.E. Railways, Maligaon,
Guwahati-781011.

Sub:- O.A. No. 177/92

..... Sonu K. Roy APPLICANT
versus

..... K. P. X. RESPONDENTS.

In the matter of an application U/S 19 of the Central Administrative Tribunal Act, 1985, I am directed to forward herewith a copy of application alongwith a copy of Order dtd. 14.7.92 passed in the above noted case for information and necessary action.

Please take notice that the above mentioned case will be listed for ~~Admission/ Orders/Hearing~~ on 16.11.92 at 10-30 A.M. before this Tribunal.

You are, therefore, directed to appear on the said date and at the appointed time either In person or through an Advocate duly appointed by you for the purpose. In default of your appearance on the date fixed, the case will be heard ex-parte.

Records, if any, connected with this case should be submitted before the fixed date.

BY ORDER

DEPUTY REGISTRAR (J)

Enclo:- 1) Copy of application with Annexures.
2) Copy of Order dtd. 14.7.92

Alfred K. Roy
सहायक लेखा परीक्षा अधिकारी/प्रशासन,
श. सी. रेलवे, बायोगाँव,
गुवाहाटी - 781011

Asstt. Audit Officer/Admin.
N.E. Railway, Maligaon,
Guwahati-781011

37
C.A.T.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI..5

O.A. No. 177/92

Smt. Kiran Roy Applicant
vs.

U.O.I. & ors Respondents.
PRESENT

THE HON'BLE MR. JUSTICE S. HAQUE, VICE CHAIRMAN
For the Applicant, Mr. A. K. Roy, Mr. M. K. Choudhury.
For the Respondents, Mr. A. K. Choudhury, Addl. C.G.S.C.

14.9.92. Heard learned counsel Mr. A. K. Roy on behalf of applicant Smti. Kiran Roy alias Kiran Kalite. Perused the statements of grievances and reliefs sought for in this application.

This application is admitted. Issue notice on the respondents under Registered Post. Learned Addl. C.G.S.C. Mr. A. K. Choudhury takes notice of this case and prays for six weeks time to file counter. Time allowed as prayed for.

List on 16.11.92 for counter and orders.

Heard learned counsel of the parties on the interim relief prayer. Her service was terminated on 6.8.92. Therefore, there is no justification for any interim order. This prayer is rejected.

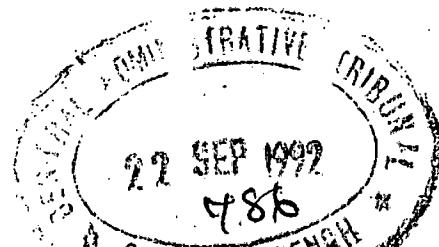
SD/ S. HAQUE,
VICE CHAIRMAN

TRIBUNAL
Deputy Registrar (Official)
Central Administrative Tribunal
Guwahati Bench, Guwahati.

Affixed on 16.11.92
सदाचाल देशा परिषद, अधिकारी/प्रबालग,
दूः सी. ई. रेलवे, मालिगाँव,

गुवाहाटी - 781011

Asst. Asst. Officer/Admn,
N. F. Railway, Maligaon,
Guwahati - 781011



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

(An application under section 19 of the Administrative Tribunals Act, 1985)

Title of the Case : O.A. No. 177/92

BETWEEN

Shri. Kiron Roy ... Applicant.

AND

Union of India & Ors. ... Respondents.

INDEX

Sl. No.	Description of documents	Page No.
1.	Application number of 177/92.	1 to 3
2.	Annexure I to V, Petition, Response &c.	4
3.	Annexure VI to VIII, Petition, Response &c.	10, 11
4.	Annexure IX, Petition, Response &c.	12
5.	Annexure X.	13. Respondents

For use in Tribunal's Office only. It is illegal to copy and use this.

Date of filing : _____

Registration No. : _____

Signature : _____

Registrar : _____

After 10/10/1992
Deliver 16/10/1992

विधायक उत्तर देशी अधिकारी/प्रशासन,

सू. सौ. सैलने, लाल्होगाँव,

गुवाहाटी - 781011

Asst. Audit Officer/Admin.

N. F. Railway, Malignon.

Gowabari - 781011

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a2

IN THE CIRCULAR ADMINISTRATIVE TRIBUNAL :: GUWAHATI BIRDI.

REBELL

Smt. Kiron Roy,
W/o. Kisaneshu Sekhar Roy,
resident of Grs. No. 206/A,
Fest Ghatager, Guwahati-II. Applicant.

AM+

1. Principal Director of Audit,
N.F. Railway, Maligon, Guwahati-II.

2. Deputy Director of Audit,
N.F. Railway, Maligon, Guwahati-II.
3. Union of India, represented by
the Comptroller & Auditor General
New Delhi. Respondents

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:

This application is directed against S.O.O. No. 64 dated 6.8.92 issued by Deputy Director, Administration, whereby the service of the applicant has been terminated w.e.f. 6.8.92.

2. JURISDICTION OF THE TRIBUNAL:

The applicant declares that the subject matter of the order against which she seeks redressal is within the jurisdiction of this Non-Union Tribunal.

3. LIMITATION:

The applicant further declares that the application is within the limitation period prescribed in Section 81 of the Administrative Tribunal Act, 1986.

M. Roy (Signature)

Subhapak Lekha Pariksha Bhawan/Prashasan,

Plot No. 102, Maligon, Assam,

Gauhati - 781011

Asst. Audit Officer/Admin.

N.F. Railway, Maligon,

Guwahati-781011

CTG.....

4. FACTS IN BRIEF :

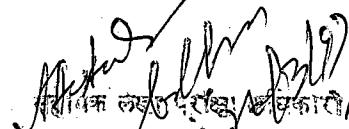
1. That the applicant is a citizen of India and as such, is entitled to all the rights and protections as guaranteed by the Constitution of India.
2. That the applicant married to Sri Kinsengen Roy, who belongs to Nomadura Community which is recognised as Scheduled Caste under the Constitution (Scheduled Caste) Order 1960 as enacted by the Scheduled Castes and Scheduled Tribes Lists (Codification Order) 1976.

After marriage, the applicant has attained the status of S.C. and she has been accepted and recognised as such for all practical purposes by the S.C. Community. She is also being granted with a Scheduled Caste certificate issued by Asstt. Amusuchit Jati Parishad, Asram, which is also counter-signed by Deputy Commissioner, Karup.

A copy of the Scheduled Caste Certificate is annexed herewith as EXHIBIT A.

3. That in the year 1969 in response to an advertisement published by the Staff Selection Commission, the applicant applied for post of clerk. She applied for one reserved post against Scheduled Caste quota. Along with the application, the applicant submitted all testimonials including the Scheduled Caste certificate.

4. That the applicant states that subsequently the examination for the aforesaid post was held and the applicant was declared selected against reserved quota. After the selection, her name was recommended by the Staff


K. K. Roy
Nomadura Community/Janam,
P. O. S. C. Ward, Sambalpur,
Orissa - 751011

Asstt Audit Officer/Admn,
R. P. Railway, Bhubaneswar,
Orissa - 751001

Ctd.

Selection Conviction to the Principal Director of Audit, N.P. Railways, Maligaon. With reference to that recommendation, the Principal Director of Audit, N.P. Railways issued a letter dated 5.11.80, whereby she was asked whether she was willing to be appointed in the post of Clerk with certain conditions as was mentioned therein.

A copy of the letter dtd. 5.12.80 is annexed herewith and marked as ANNEXURE II.

v. That the applicant accepted the said proposal of appointment and joined on 14.3.81 as a Clerk in the office of the Principal Director of Audit, N.P. Railways, Maligaon. It is pertinent to mention that after her joining i.e. on 5.3.81, the Principal Director of Audit issued her appointment order vide S.O.O. No. 300 dtd. 5.3.81.

A copy of the appointment order dtd. 5.3.81 is annexed herewith as ANNEXURE III.

vi. That since her joining in the said post, she has been working with the satisfaction of all concern and no adverse remark has ever been marked against her. But all of a sudden, the Deputy Director/Administration, issued an Office Order vide S.O.O. No. 64 dtd. 6.8.82 terminating the service of the applicant with effect from 6.8.82 (AN) with the allegation that the applicant does not belongs to Scheduled Caste community.

A copy of the termination letter dtd. 6.8.82 is annexed herewith as ANNEXURE IV.

Asstt. Audit Officer/Adm.
vii. That the applicant states that before issuing the termination order, proper procedure has not been followed

प्रधानमंत्री कार्यालय, नागरिकीय,
गुवाहाटी - 781011
Asstt. Audit Officer/Adm.
N.P. Railway, Maligaon
Guwahati - 781031

Ctd.....

by the respondents and no enquiry has been held giving proper chance to the applicant to defend herself and to justify her claim. Instead of following due procedure as laid down by the extant rule and natural justice, the respondent issued the termination letter imposing a false allegation on the applicant.

viii. That the applicant states that the said termination letter was sent by the respondent through postal service when she was sick. After recovery from illness, the applicant approached to the Office to enquire the matter and requested the respondent Nos. 1 and 2 to allow her to join in service, but the respondents flatly refused her request. However, she has not been relieved of her duties as yet and she is yet to handover charge of her post and no in current has joined her post.

ix. That the applicant states that the Scheduled Caste certificate which has been issued to her is a genuine one and which has been issued after following due procedure by the Aonch Anusandit Jati Parishad, Asans. The certificate is also counter-signed by the Deputy Commissioner, Agartala, which also proof its genuineness.

*Offered
for
filing*
x. That the applicant states that although she was a caste Hindu by birth, after her marriage with a person belonging to Scheduled Caste community, she has become a member of that family/community. After marriage she has acquired her status of a member of the scheduled Caste community and she has been accepted as such by the same. Moreover, since after her marriage her connection with her parents' society has been totally

recored and she ceases to be a caste Hindu.

xi. That the applicant states that *prima-facie*, the impugned order is illegal and violative of the principles of natural justice and the Constitutional provisions inasmuch as before arriving at such a finding, the applicant has not been given even a semblance of hearing, not to speak of conducting any regular hearing as required under the law even though she has been visited with a stigma having civil consequences.

5. GROUNDS FOR REVIEW :

i. For that the applicant having acquired the status of a member of the Scheduled Caste community immediately after her marriage, the respondent cannot deny her the status.

ii. For that on the analogy of acquiring domicile by marriage by a woman of another country, the ~~govt~~ the applicant after her marriage has become a member of the Scheduled Caste community and as such, she is entitled to all the benefits as a member of Scheduled Caste community.

iii. For that as the applicant has been accepted as a scheduled caste member by the same community and as she has been granted the certificate by the ~~Govt~~ ~~Amritsar~~ Anusukt Jati Parishad, Amritsar, the respondent cannot raise the allegation regarding her caste.

After this
After this
iv. For that the respondent has terminated the applicant's service without following due procedure and without providing any chance to the applicant to defend herself and

accordingly, there is gross violation of the principles of natural justice and constitutional provisions.

v. For that the action of the respondents violates the crux of the law and natural justice.

vi. For that the applicant has been following the customs and practices of the S.C. community and has been accepted by all as a member of the community and as such, deprivation of the benefits of a member of a Scheduled Caste member is illegal and unjust.

vii. For that as all certificates of the applicant has been verified by the Staff Selection Commission before recommendation of her name, the respondents cannot raise a false allegation against her and that too, without giving her any opportunity of being heard.

viii. For that the action of the respondents violates the Articles 14, 16 and 311 of the Constitution.

ix. For that the decision/action of the respondents goes against the verdict as laid down by the Apex Court of the land and also various decision as laid down by various tribunals.

6. DETAILS OF PLAINTIFF EVALUATED :

The applicant declares that she has no other alternative remedies except to approach before this Benificial Tribunal by filing this application.

*Mandal
Bihar
16/12/97*

Copy...

सहायक लेखा वर्तमान अधिकारी/मन्त्री/मन्त्री,
पृ. सी. २३३, मालिगांव,

गुवाहाटी - 781011

Asstt. Audit Officer/Admin.,
N. S. Railway, Morigaon,
Guwahati - 781011

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT.

The applicant further declares that he has not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of this Hon'ble Tribunal, nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR :

On the facts and circumstances of the case, the applicant prays for the following relief :-

- (i) Office order issued vide S.O.O. No. 64 dt. 6.8.98 (Annexure IV) be set aside and quashed with all consequential benefits.
- (ii) To direct the respondents to treat the applicant as a member of Scheduled Caste Community.
- (iii) Any other relief/reliefs as Your Lordships deem fit and proper.
- (iv) Cost of the application.

9. PERMISIBILITY/STAYING ORDER :

Under the facts and circumstances stated above, the applicant prays that the Office Order vide S.O.O. No. 64 dt 6.8.98 (Annexure IV) may be stayed with a direction to the respondents to continue in her post/service.

10.

11. PARTICULARS OF THE I.P.O.

- (i) I.P.O. No. _____
- (ii) Date : _____
- (iii) Payable at : Guwahati.

12. LIST OF INCORPORATED :

Attested
100% (39) as stated in the Index.

सहायक लेखा पर्केट अधिकारी/प्रशासन,
पु. ली. देखा, मालिगाँव,

गुवाहाटी - 781011

Asstt. Audit Officer/Admin.

N. H. Railway, Morigaon.

Guwahati, Assam

Verifying on

96 (23)

- 8 -

VERIFICATION.

I, Smt. Kiron Roy, W/o Kimgangshu Roy, aged about 30 years, resident of Grs. No. 266/A, West Ghatnagar, Malignon, Guwahati-11, do hereby verify the contents of paragraph 1 to 9 and 11 to 12 of this application are true to my knowledge and belief and I have not suppressed any material fact.

And I sign this Verification on this _____ day of _____ 1992.

(Signature of the applicant)

Subroto
Ghosh
M/97

মহাপ্রযোগ কেলা পরীক্ষা অধিকারী/প্রশাসক,
কু. শ্র. পুরুষ, মালীগাঁও,
গুৱাহাটী - ৭৮১০১১
Asst. Audit Officer/Admin.,
N.E. Railway, Malignon,
Guwahati - 781011

BOOK NO. 50

FILE NO. 4300.

ASOM ANUACHTI JATI PARISHAD
CHIRIBHUMI GUWAHATI 781008
Regd. No. 1406 of 1991-92

96

22

105

This is to certify that Smt. Kiron Roy,
wife of Shri Niranjan Roy of Village Adarcha Colony,
Maligaon in the District Karup of the State of Assam
belongs to Nomadic Castes which is recognized as a
Scheduled Caste under the Constitution (Scheduled Caste)
Order 1950 as amended by the Scheduled Castes and Tribes
List (Modification Order) 1976.

Smt. Kiron Roy and/or her family ordinarily resides
in Village/Town Adarcha Colony/ at Karup District of the
State of Assam.

Place : Guwahati.

State : Assam.

Counter-signed:

SC/-

14.11.84.
Deputy Commissioner
Karup, Assam.

Signature /-

President

Asom Anuacht Jati Parishad,
Assam.

(With seal of Office)

Asstt. Audit Officer (197)
बहायक लेखा परिषद अधिकारी/प्रशासन,
क्र० स० ३०३, इलेक्ट्रो, मालिगाँव,
गुवाहाटी - 781011
Asstt. Audit Officer/Admn.
N.E. Railway, Maligaon.
Guwahati - 781011

Registered with A.C.C. D.U.

No. Adm/1-2/33/ /19174

Office of the Principal
Director of Audit, N.F. Railway,
Maliaganj, Guwahati.
Dt. 5.12.1980.

MEMO.

With reference to her recommendation by the Staff Selection Commission, Guwahati, for a temporary post of Clerk in this Office in the scale of pay of Rs. 950-20-1150-1D-25-1530/- plus the usual allowances sanctioned by the Govt. of India, Smt. Kiron Kalita (Roy) is informed that she is likely to be offered an appointment in the aforesaid post in this office. If she is offered the said post her appointment will be subject to the following terms and conditions:-

- (i) The appointment will be purely temporary and will be governed by the Central Civil Services (Temporary Service) Rules 1965 as amended from time to time. Her services are liable to be terminated without assigning any reasons under Rule 5 ibid.
- (ii) She will be liable to be appointed at any transferred to any branch office of the Office of the Director of Audit, N.F. Railway either already in existence or likely to be formed in future. The branches at present are at Dibrugarh town, Silchar, Luhding, New Dangoligaon, Tepur, Alipurduar, New Jalpaiguri, Kathian.
- (iii) She will be on probation for a period of 2 (two) years.
- (iv) (not applicable)
- (v) She will have to comply with the requirements of the Central Civil Services (Conduct) Rules, 1964 and the Plural Marriage Act. All rules or orders already in existence or issued from time to time regarding Attendance, tactics, discipline, conditions of service etc. will automatically be applicable to her.
- (vi) If she belongs to a Scheduled Caste and profession, the Hindu/Riskhi religion, she should report any change of religion to the appointing authority immediately as such a change takes place.

If the above conditions are acceptable to her, she should sign the enclosed acceptance letter and send the same immediately so as to reach this office not later than 24.12.80 for considering his case for offering him appointment for the post mentioned above. If the acceptance letter is not received in this office by the above due date, it will be assumed that she is not interested for employment in this organization and her case will not be considered again.

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प्रधानक लेखा परिषद/प्रशिकारी/प्रशासन,
४० ली. रूप, मालिगाँव,
गुवाहाटी - 781011
Asstt Audit Officer/Admin.,
N. F. Railway, Maliaganj,
Guwahati - 781011

3. If she accepts the above terms and conditions, she should submit the following documents along with the acceptance letter.

- i. Attestation form (enclosed) duly completed.
- ii. Certificate of Character in the form enclosed from the Head of the Educational Institution last attended or in case such a certificate cannot be obtained, a certificate in the same from a Gazetted Officer (in both cases, duly attested by a District Magistrate, Sub-Div. Magistrate or Stipendiary First Class Executive Magistrate). This certificate should have reference to the 2 years immediately preceding.
- iii. A Schedule Castes/tribes Certificate in the form enclosed and from a District Magistrate, Addl. Dist. Magistrate, Collector Dy. Commissioner, Addl. Dy. Commissioner, Dy. Collector, First Class Stipendiary Magistrate, City Magistrate, Sub-Div. Magistrate not below the rank of First Class Stipendiary Magistrate, Taluka Magistrate, Executive Magistrate, Extra Asstt. Commissioner, Chief Presidency Magistrate, Presidency Magistrate, Addl. Chief Presidency Magistrate, Revenue Officer not below the rank of Subdivisional Officer of the area where she or her family now ally resides.
- iv. A declaration in the form enclosed indicating whether her husband has more than one wife living.
- v. No objection certificate from her previous employer.
- vi. Displaced person certificate from a Gazetted Officer or the Central Govt. or from a Dist. Magistrate and/or eligibility certificate issued by the Govt. of India or Citizenship Certificate as a proof of registration as an Indian Citizen.

She may please note that this is not an offer of appointment and is merely an intimation of her being considered for appointment.

Maligaon, Guwahati-11.

50/-
6.12.60.
By. Director of Audit.
(Appointing Authority)

To

Smt. Kiron Kalita (Roy)
Mo. Sri L. V. Roy, M/o. Tr. No. 266/A
West Cottanagar, P.O. Maligaon,
Dist. Kamrup, Assam.

*M. H. Roy
1/1/1970*

মহাক কুমাৰ রায়/প্রয়োগ,
ডেস্ট্রিক্ট কোট্টানগুৰ, মালিগাঁও,
৭৮১০১১
Asst. Audit Officer/Admn.
N. F. Railway, Maligaon,
Guwahati-781011

Office of the Principal
Director of Audit, N.E. Railways,
Maligaon, Guwahati-1

Sub: Appointment order.

With reference to her letter of acceptance of the aforesaid offer of appointment (Smt. Kiran Kalita (Roy)) is appointed to a temporary post of clerk in the scale of Rs. 350-30-1150-30-
35-1500 plus allowances sanctioned by the Govt. of India, from time to time in the office of the Principal Director of Audit, N.E. Rly. w.e.f. 14.2.91 (P.M.). Her appointment will be governed by the following terms and condition which have been accepted by her while responding to the offer of appointment.

1. The appointment is purely temporary and will be governed by the CCS(TS) Rules, 1965 and is liable to termination without assigning any reasons under Rule 3 iiii.
2. She will be on probation for a period of 2 years.
3. She is liable to be transferred to any branch of the Office of the Principal Director of Audit, N.E. Rly., either already in existence or likely to be formed in future on such terms and conditions decided by the Deptt. She is posted at Smt. GPO/ Maligaon.
4. She will have to comply with the requirements of the CCS(Conduct) Rules 1964 and the plural Marriage Act. All rules or orders already in existence or issued from time to time regarding her attendance, duties, discipline, conditions of service etc. will automatically be applicable to her.
5. The appointment is provisional and is subject to the S.O. Certificates being verified through the proper channels and if the verification reveals that the claim to belong to Schedule Caste, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provision of the Indian Penal Code for production of false certificates.
6. She should produce the N.E.L. Certificate in original issued by the Board within three months from the date of her appointment.

Appointing authority.

Sd/-

5.3.91.
(D.J. Bhadra)
Director.

No. Adm/12-478/91/607/825/37

Dated 6.3.91

Copy forwarded to:-

1. The Principal Director of Audit, N.E. Rly., New Delhi.
2. The P.A.C.O./N.E. Railway/1st Class.
3. Smt. Kiran Kalita (Roy), CL, H.O/ Maligaon.
4. Auditor / Service Book.
5. Mr. Auditor/ H.O.
6. G.O.O. Register.

Sd/-
Audit Officer/ Admin.

*After Recd
Akash
16th March 1991*

...

प्रधानक लेखा परिषद: अधिकारी/प्रशासन,
कृष्ण लो. लेखा, मालिगाँव,
গুৱাহাটী - ৭৮১০১।
Ass't Audit Officer/Admin.,
N.E. Railway, Maligaon,
Guwahati-781011

S.O.O. No. 64

- 13 -

MURIA IV.

Dated 6.8.1992.

OFFICE ORDER.

Smt. Kiron Roy alias Smt. Kiron Kalita Roy was appointed in this office as Clerk w.e.f. 14.8.91 against a Scheduled Caste quota sponsored by the Regional Director (RM), Staff Selection Commission, Guwahati as Scheduled Caste candidate.

2. Her appointment in this office as Clerk vide A.O. No. 109 dt. 4.8.91 was provisional subject to the verification of her claim to Scheduled Caste through proper channels. It was clearly indicated in the appointment order (vide S.O.O. No. 109 dt. 4.8.91) mentioned above that if the verification revealed the claim to belong to Scheduled Caste is false, her services from this office will be terminated forthwith without assigning any reason and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate.

3. The claim of Smt. Kiron Roy alias Smt. Kiron Kalita Roy belongs to Scheduled Caste was referred to the Dy. Commissioner, Kamrup, Guwahati for verification. The Dy. Commissioner, Kamrup, Guwahati, after verification, has now intimated this office that Smt. Kiron Roy alias Smt. Kiron Kalita Roy does not belong to Scheduled Caste community.

4. As per conditions of the appointment order referred to above, the services of Smt. Kiron Roy alias Smt. Kiron Kalita Roy, Clerk is terminated w.e.f. 6.8.92 (AM).

To

R/s/-
Dy. Director/Admn.

1. Smt. Kiron Roy,
1. C/o. Shri D.N. Roy,
G. B-226/A, West Ghatanagar,
Guwahati.
2. Office of the Principal Director of Audit,
N.R. Rly. Naligaon, Guwahati-781 011.

No. Admn/ B-474/91/007/6594 Dated 6/8/8.1992.

Copy forwarded for information & necessary action to :-

1. The Principal Dir. of Audit, Northern Rly., New Delhi-1.
2. The IMAO, DNGR/PP, N.R. Rly. Naligaon.
3. Smt. Kiron Roy, G. B-226/A, West Ghatanagar, Guwahati-11,
She is directed to deposit the following amount ately :-
a) Identity Card No. 112281 dt. 2.8.91 issued to her.
b) Books, equipments etc. if any issued to her by A.C. Section
and by Audit Recreation Club, N.R. Rly., Naligaon.
4. The A. stt. Upset./RC.
5. A/R/Admn/Bill - The payment for the period Smt. Kiron Roy served in this office may pl. be made immediately.
6. The C.I.C./RPF, N.R. Rly., Naligaon. The Identity Card No. 112281 dt. 2.8.91 issued in favour of Smt. Kiron Roy may be treated as cancelled.
7. The Secy. Audit Recreation Club, N.R. Rly., Naligaon.
8. The Secretary, Benevolent Fund, Naligaon.
9. S.O.O. Register.

After 10/11/92
- 16/13/92

নহায়ক লেখা দরিদ্রা অধিকারী/প্রয়াসন,

কু. সি. রেজে, মার্শালিয়া,

গুৱাহাটী - 781011

Asstt. Audit Officer/Admn.

N. R. Railway, Naligaon,

Guwahati-781011

R/s/-
6.8.92
Audit Office of Assn.

195
Order
for Respondent
No.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

DESPATCH NO. 5365

DATED GUWAHATI, THE 12/12/95

ORIGINAL APPLICATION NO. : 177/92
MISC. APPLICATION NO. :
CONTEMPT PETITION NO. :
REVIEW APPLICATION NO. :
TRANSFER APPLICATION NO. :



Smti. Kizam Ray APPLICANT (S) /
PETITIONER (S)

VERSUS

Union of India vs. RESPONDENT (S)

To,

Mr. A. K. Choudhury
Addl. C. G. Secy.
Central Admin. Tribunal,
Guwahati Bench,
Guwahati.

Sir,

I am directed to forward herewith a copy of Judgement/Order dtd.

18.9.95 passed by the Bench of this Tribunal comprising of Hon'ble
Justices Shri M.G. Choudhury Vice-Chairman and Hon'ble
Shri G.L. Sangalijina Member, Administrative in
the above noted case, for information and necessary action, if any.

Please acknowledge receipt.

Yours faithfully,

Enclo. : As above.

(Five Pages)

Shriniv
16/12/95
SECTION OFFICER (J)

GKC/281195

सहायक लेखा कार्यालय/प्रवासन,
पू. सी. रेल्वे, मालीगाँव,

गुवाहाटी - 781011

Asst. Audit Officer/Admin.
N. E. Railway, Maligaon,
Guwahati - 781011

R-15/A/94
10
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.177/92

Date of Order: This the 18th Day of September 1995.

JUSTICE SHRI M.G.CHAUDHARI, VICE-CHAIRMAN
SHRI G.L.SANGLYINE, MEMBER(ADMN)

1. Smti Kiran Roy,
W/O,Himangsu Sekhar Rey,
resident of Qrs. No.266/A,
West Ghatanagar, Guwahati-II. Applicant

By Advocate Mr.A.K.Roy and Mr.M.K.Cheudhury,

-Vs-

1. Principal Director of Audit,
N.F.Railway, Maligaon, Guwahati-II

2. Deputy Director of Audit,
N.F.Railway, Maligaon, Guwahati-II

3. Union of India, represented by the Comptroller &
Auditor General, New Delhi. Respondents

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

ORDER.

CHAUDHARI J(VC):

1. The undisputed facts are that the applicant Shrimati Kiran Rey is a Caste Hindu by birth. She married Himangsu Rey, who is a member of Scheduled Caste community by birth. The applicant applied and was selected in the year 1989 for the post of Clerk in the office of the Deputy Director, Audit, N.F.Railway, against Scheduled Caste quota. The applicant submitted certificate to show that she was Scheduled Caste person after marriage. She was issued a letter of appointment and joined the service on 5-3-91. However her service was terminated by order dated 6-3-92 passed by the Deputy Director(Adm) on the ground that she did not belong to the Scheduled Caste community and was not eligible for being appointed in the

GKC/281195

*Affected
from 26/3/97*

contd.

सहायक देखा परीक्षा अधिकारी/प्रशालन,

सू. श्री. रैमेश, यानीयि,

गुवाहाटी - 781011

Asstt. Audit Officer/Admn,

N.F. Railway, Maligaon,

Guwahati-781011

(10) 12

reserved post. The said order is challenged in the instant O.A. The applicant prays that the said order be set aside and the respondents be directed to treat her as a member of Scheduled Caste community and allow her to resume her duty in the post of clerk.

2. It is contended by the applicant that by virtue of her marriage with Himangsu Roy who belongs to Namasudra community which is recognised as a Scheduled Caste under the Constitution (Scheduled Caste) order 1950 as amended by SC and ST lists (Modification order) 1970 she has acquired membership of Scheduled Caste community and is entitled to get the benefit of reservation in service and therefore the decision of the respondents is illegal and unconstitutional. She also contends that her service was terminated without giving her opportunity to show cause and therefore the impugned order is violative of principle of natural justice and is illegal. She claims that despite the impugned order of termination of service she has not been relieved and has not handed over the charge but that the respondents are illegally refusing to allow her to perform her duty.

3. The respondents rely upon the guide lines issued by the Ministry of Home Affairs by circular letter No. 35/1/72-RV(SCTV) dated 2-5-75 and contend that a person who is not Scheduled Caste by birth will not be deemed to be a member of Scheduled Caste merely because he or she has married a person belonging to Scheduled Caste. They contend that the applicant therefore was not eligible for being appointed and when that fact was noticed the appointment

contd/-

*Abhijit
Mukherjee
19/1/97*

Abhijit

1. हायक. लेखा परिषद्या अधिकारी/प्रशासक,
पू. स्ट्री. रेलवे, मालिगाँव,
गुवाहाटी-781011
2. Audit Officer/Admin.,
S. F. Railway, Maligaon,
Guwahati-781011

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has been cancelled. The respondents also contend that the appointment of the applicant was provisional subject to verification of the caste and therefore mere circumstance that she was allowed to work before the verification was made does not create a vested right in her to be continued in the post. Thus they justify the impugned order. The question that arises for consideration is as to whether by virtue of her marriage the applicant acquired the status of being a Scheduled Caste person so as to be entitled to the appointment to a post reserved for Scheduled Caste community.

4. Same question arise for our consideration in O.A. 131/90 which we have separately decided to-day. The facts of the instant case are similar to the facts involved in that case. We have discussed the relevant aspects of the question and have followed the decision of the Kerala High Court in the case of Valsamma Paul, Vs. Rani George and Ors reported in 1995(2) SLJ(Kerala) page 81 and have held that a person born outside the Scheduled Caste or Scheduled Tribe does not acquire that status by virtue of marriage with a person belonging to such Tribe and is not entitled to get benefit of reservation under article 15(4) of Constitution. For the same reasons as are discussed in the order in that case we hold that the applicant is not entitled to claim benefit of reservation and since her appointment was provisionally made subject to verification of her caste the impugned order cannot be held to be illegal. No question of violation of natural justice also can arise.

5. It is however necessary to mention that ^{note} Mr. Chaddha sought to rely upon the decision of the Assam High Court in Wilson Reade V.C.S. Booth & Ors., AIR 1958, Assam, 128.

contd/..

GKC/281195

Afterward
13/10/95
ग्राम पंचायती विभाग/स्कॉल
श्री श्री. ईश्वर, नायिका,
पर्सनल - 781011
Asst. Audit Officer/Admn.
N. F. Railway, Maligaon,
Guwahati-781011

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In that case the election of a candidate (respondent No.3) to the Assam Legislative Assembly was challenged on the ground that the nomination of the Wilson Reade to the reserved seat was wrongly rejected holding that he was not a member of the Scheduled Tribe and was not entitled to be nominated as a candidate for the reserved seat meant for the member of the Tribe of the Autonomous District Khasi and Jayantia Hills within the meaning of Article 366(2) of the Constitution. It was the contention of Mr. Wilson Reade that although his father was an English-man he had married a Khasi Woman and that under the practice prevalent among the Khasi Tribal people any one who was born of a Khasi mother was regarded as a member of Khasi Tribe and was entitled to the benefit of the reservation. It was contended on his behalf before the Election Tribunal that the Khasis being matriarchal in descent he acquired the domicile of his mother by birth as a legal incident and he continued to retain that domicile in the matter of personal law. After referring to the finding of the Tribunal in that behalf. Their Lordships' were pleased to express following opinion. Hon'ble Mehretra J. held in his opinion as follows:

"Having considered carefully the evidence on the record, we are of the opinion that the petitioner has fully established that he was a member of the Khasi community and thus his nomination paper was wrongfully rejected....."

Hon'ble Deka J. observed in his opinion thus:

".....Therefore taking all these facts into consideration it can easily be construed by applying the commonsense and practical view that he was a member of the Khasi community and his nomination paper was wrongly rejected."

Handwritten Note: 10/11/1977
সর্বাধিক ক্ষমতা প্রদান কোর্টের স্বাক্ষর/স্বাক্ষরন,
শ্রী মু. রেডে, প্রতিপাদ্ধ,
গুৱাহাটী-781011
Asstt. Audit Officer/Admn.
N.E. Railway, Maligaon,
Guwahati-781011

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Thus the conclusion mainly rested on the evidence. The question that arises in the instant case is however of a different nature. The question here is not as to whether the applicant has been accepted by the tribe of her husband as one of them but whether the applicant by virtue of her marriage in the community is entitled to get the benefit of reservation meant for the particular tribe. The fact that Wilson Reade was born to a Khasi mother distinguishes the applicant's position who seeks link with Namasudra community through her husband and not by birth. We therefore of the opinion that the decision of the Full Bench of Kerala High Court in Valsammas' case (Supra) is nearer in point to the instant case than this decision and should be followed in the instant case.

In the result the O.A. is dismissed. However, it is open to the respondents to consider applicants' appointment without reference to the rule of reservation, if found eligible.

No order as to costs.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

TRUE COPY

নথিতি

Abhijit
14/1/95

Section Officer (J)

আনুমতি অধিকারী / নথিক কার্যা
Central Administrative Tribunal

কেন্দ্রীয় প্রশাসনিক অধিদল
Guwahati Bench, Guwahati-5
গুৱাহাটী বায়োড়, গুৱাহাটী-5

g/f
14/12

LM

*Abhijit
14/1/95*

বুদ্ধাবৰ কেন্দ্রীয় প্রশাসনিক অধিকারী/প্রশাসন,
পু. সী. রেড্ডি, মালীগাঁও,
গুৱাহাটী - 781011

Asstt. Audit Officer/Admn,

১০, F. Rd., ১১১১০৮,

Guwahati-5

GKC/281195

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साक्षात्कार फार्म/ATTESTATION FORM

चेतावनी/WARNING



साक्षात्कार फार्म में अब्दी भूचना देना या किसी तथ्य को छिपा या अन्दर लिया जाएगा तब उसके कारण उम्मीदवार को सरकारी नौकरी के लिए अद्योतक समस्या भरने की सम्भावना है।

The furnishing of false information or suppression of any factual information in the Attestation Form would be a disqualification and is likely to render the candidate unfit for employment under the Government.

2. यह फार्म को भरने वाले यदि उम्मीदवार को नजरबद्दल, दफ्तर, विविध भावि किया जाता है तो उसकी भूचना फौरन कमंचारी बदल भायोग को अधिकारी को, 'यथास्थिति भेजी जानी चाहिए, जिसको पहले साक्षात्कार फार्म भेजा गया है' ऐसा तर्क पर यह समझा जाएगा कि वास्तविक भूचना छिपाई गई है।

If detained, convicted, debarred etc. subsequent to the completion and submission of this form, the details should be communicated immediately to the Staff Selection Commission or the authority to whom the attestation form has been sent earlier, as the case may be, failing which it will be deemed to be a suppression of factual information.

3. यदि किसी व्यक्ति के सेवा-काल में यह पता चलता है कि साक्षात्कार फार्म में भूठी भूचना दी गई है या किसी तथ्य को छिपाया गया है तो उसकी सेवाएं समाप्त की जा सकेंगी।

If the fact that false information has been furnished or that there has been suppression of any factual information in the attestation form comes to notice at any time during the service of a person, his services would be liable to be terminated.

1. पूरा नाम (साफ़ भवारों में) उपनामों सहित
(यदि भापने भाने नाम या उपनाम में किसी समय मुछ बदला या घटाया है तो उपर्या यहाँ दर्ताएं)

Name in full (in block Capitals), with aliases, if any
(Please indicate if you have added or dropped at any stage, any part of your name or surname)

2. वर्तमान पूरा पता (पर्याप्त शाम, थाना और जिला या मकान नं., गली/सड़क/भाने और नगर)

Present address in full (i.e. Village, Thana and District or House Number, Lane/Street/Road and Town)

3. (a) घर का पूरा पता : (पर्याप्त शाम, थाना और जिला या मकान नं., गली/सड़क/भाने और नगर भारत के मुख्यालय का नाम)।

(b) Home address in full: (i.e. Village, Thana and District or House Number, Lane/Street/Road and Town and name of the District Headquarters).

(c) यदि पाकिस्तान का मूल निवासी है तो उस देश में पता और भारत संघ में देशांतरण प्रवर्जन की तारीख

(b) If originally resident of Pakistan, the address in that country and the date of migration to Indian Union.

4. उन स्थानों का व्योरा (खुले की भविधियों सहित) जहाँ आप पिछले पांच वर्षों से भविधक समय तक रहे हों। यदि विदेशों में (पाकिस्तान सहित) रहे हों तो उन स्थानों का व्योरा देना चाहिए जहाँ आप एक वर्ष से भविधक समय तक 21 वर्ष की आयु होने के बाद रहे हों।

5. Particulars of places (with periods of residence/s) where you have resided for more than one year at a time during the preceding five years. In case of stay abroad (including Pakistan) particulars of all places where you have resided for more than one year after attaining the age of 21 years, should be given.

कब से From	कब तक To	निवास स्थानों के पूरे पते (पर्याप्त शाम, थाना और जिला या मकान) नगर, गली / सड़क, मार्ग और नगर) Residential address in full (i.e. Village, Thana and District or House Number, Lane/Street/Road and Town)	पिछले खाने में विए गए स्थान जिले के मुख्यालय का नाम Name of the District Head quarters of the Place in tioned in the preceding column
1-1-1985	15-12-1990	Smt. Kiran Kalita (Roy) 40: D.M. Roy. Rly. Q. No. 266/A. West Ghatanagar. Ghy = 781011. P.O + P.S = Maligaon. Dt = Kamrup (Assam)	Guwahati
		By lodger	

रो. रो. रेलवे, मालिगांव,

গুৱাহাটী - ৭৮১০১১

Audit Officer/Officer,

Railway, Maligaon,

গুৱাহাটী - ৭৮১০১১

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11/8

5. (क) / (ब)

रिता Relation	नाम Name	राष्ट्रीयता (जन्म से ओर / या भौद्धिक से) Nationality (by birth and/ or by domicile)	जन्म स्थान Place of birth	व्यवसाय (यदि सेवा में हों तो पूरा पद, नाम ओर कार्यालय का पूरा पता दिया जाए) Occupation (if employed, give full designation & official address)	डाक बा पता (यदि मृतक हो तो पिछला पता) Present Postal address (if dead, give last address)	राष्ट्रीय पर का पता Permanent Home address
(i) पिता (पूरा नाम उप नामों सहित, पर्याप्त जोड़े हों): Father (Name in Full, alias, if any)	Late Jamu Ram Khatua. Indian	Service Pacharia	K.H.R.E	D.M. Roy.	P.O. = Dadaraj. Vill = Debi pur. Dt = Kamrup.	
(ii) माता / सेतुपालिते Mother	Cultivator Sethupalite Indian	Pacharia	Disgrt Contro Offer of Storey	Rly. Q. No.	P.O. = Dhali Bazaar. Vill = Debi pur. Dt = Cachar (Assam)	
(iii) पत्नी / पति / विवेगशी Wife/Husband (By birth)	Hivengashu Sekhar Roy Indian	Silchar	D. N. F. Rly New - Bhy.	266/A. West Bazaar P.C + P.S = Maligaon Dt = Kamrup	P.O. = Maligaon Vill = 788114. Bhy = 781011	
(iv) भाई/ Brother(s)	Nil		781021.			
(v) बहनें/ Sister(s)	Nil.					

(ब) विदेश में पढ़ रहे / रह रहे पुत्र (जुनों) भाइ / या बहनी (शुभियों) के नाम से में प्रस्तुत की जाने वाली सूचना :
(b) Information to be furnished with regard to son(s) and/or daughter(s) in case they are studying/living in a foreign country.

नाम Name	राष्ट्रीयता (जन्म से ओर / या भौद्धिक से) Nationality (by birth and/or by domicile)	जन्म का स्थान Place of birth	देश का नाम जहाँ पढ़ रहे/रह रहे हैं पूरा पता Country in which studying/living with full address	पिछले कालम में दिए गए देश में जिस तारीख से पढ़ रहे / रह रहे हैं Date from which studying/living in the country mentioned in previous column

6. राष्ट्रीयता :
Nationality

Indian

7. (क) जन्म की तारीख (ईस्की सम्वत में) :
(a) Date of birth (in Christian era)
(b) वर्तमान आयु :
(c) Present age
(d) मैट्रिक के समय आयु
(e) Age at Matriculation

(क)
(a) 5-9-62.
(b) 28 years 3 months 26 days.
(c) 17 years, 5 month 26 days.

8. (क) जन्म स्थान, जिता भाइ राज्य जिसमें वह स्थित है
(a) Place of birth, District and State in which situated
(b) आप किस जिले भाइ राज्य के हैं
(c) District and State to which you belong
(d) आप के पिता मूलरूप से किस जिले भाइ राज्य के हैं
(e) District and State to which your father originally belongs

(क)
(a) Pacharia. Dt = Kamrup (Assam)
(b) Kamrup (Assam)
(c) Dt = Kamrup (Assam) Vill = Pacharia.

9. (क) आप का धर्म
(a) Your Religion
(b) क्या आप अनुदूतवित जाति/जन जाति के हैं? उत्तर हाँ या नहीं को हृषि में दें
(c) Are you a member of a Scheduled Caste/Scheduled Tribes?
Answer 'Yes' or 'No'

(क)
(a) Hinduism.
(b) Yes.

मुलगा देवा चर्चा दिव्यालय/प्रशासन,
पू. सी. ईल्यै, मलीगाँव,
गुवाहाटी - 781011
Ass't. Audit Officer/Admin.,
N. F. Railway, Maligaon,
Gorakhati - 781011

10. 15 वर्ष की आयु से किन-किन स्कूलों और कालेजों में और किन-किन वर्षों में शिक्षा प्राप्त की, उनके स्थानों के नामों के साथ वर्षों को दिखाते हुए चिन्हाएँ लगायें।

Educational qualifications showing places of education with years in Schools and Colleges since 15th year of age.

स्कूल/कालिज का नाम और पूरा पता Name of School/College with full address	प्रवेश की तारीख Date of entering	छोड़ने की तारीख Date of leaving	उत्तीर्ण परीक्षा Examination Passed
H. S. L. C. Ekam.	15-3-68.	1-3-80.	31-3-81
Pre. University. 1980-81.	1981.	1984.	31-3-84

11. (क) क्या आप इस समय केंद्रीय या राज्य सरकार या भूर्ध-सरकारी या स्थायित्व सरकारी निकाय या स्वशासी निकाय या सरकारी उच्चम संस्थाएँ या संस्था के अन्तर्गत कार्य कर रहे हैं या पहले कर्म कार्य किया है? यदि हाँ, तो नियोगित की तारीख सहित अधिक वर्णन करें।

(ब) Are you holding or have any time held an appointment under the Central or State Government or a semi-Government or a quasi-Government body, or an autonomous body, or a public undertaking, or a private firm or institution? If so, give full particulars with dates of employment, up-to-date.

प्रबन्धित Period	पद, परिवलनिकाय तथा गोजगार का स्वरूप Designation, emoluments and nature of employment	नियोगित का पूरा नाम तथा पता Full name and address of employer	पहली नौकरी छोड़ने का कारण Reasons of leaving previous service
तक/From : से/To :			

NOT *Applicable*

(ख) क्या शिल्पी योग्य भारत सरकार/राज्य सरकार/भारत सरकार या किसी राज्य सरकार के स्वामित्व या नियन्त्रण सम्बालित किसी उपकार, निसी स्थापत नियाप/विष्वविद्यालय/स्थानीय निकाय के अधान थी, यदि आपने केंद्रीय सिविल सेवाएँ (प्रत्यार्थी सेवा) नियम, 1965 के अधीन या किसी इसी प्रकार के नियमों के अधीन एक महीने का नोटिस देकर सेवा छोड़ी थी तो क्या आपके विरुद्ध कोई अनुशासनिक कार्यवाही की गई थी, या जब आपने सेवा का समाप्त करने के लिए नोटिस दिया था या बाद में आपकी सेवा के वात्तव में समाप्त होने से पहले तब आपने किसी मामले में आपके आचरण के लिए स्पष्टीकरण मांगा गया था?

(ब) If the previous employment was under the Government of India/State Government/an undertaking owned or controlled by the Government of India or a State Government/Autonomous Body/University/Local Body. If you had left service on giving a month's notice under Rule 5 of the Central Civil Service (Temporary Service) Rules, 1965 or any similar corresponding rules, were any disciplinary proceedings framed against you, or had you been called upon to explain your conduct in any matter at the time you gave notice of termination of service, or at a subsequent date, before your services actually terminated?

Not Applicable.

12 (1) (क) क्या आप कभी गिरफ्तार किए गए?

(a) Have you ever been arrested?

हाँ/नहीं

(ब) क्या आप पर कभी मुकदमा चला है?

(b) Have you ever been prosecuted?

हाँ/नहीं

(ग) क्या आप कभी नजरबद रखे गए?

(c) Have you ever been kept under detention?

हाँ/नहीं

(घ) क्या आप कभी बद्दों बनाए गए?

(d) Have you ever been bound down?

हाँ/नहीं

(इ) क्या आप पर किसी विधि न्यायालय द्वारा जुर्माना किया गया है?

(e) Have you ever been fined by a Court of Law?

हाँ/नहीं

(ब) क्या आप किसी अपराध के लिए न्यायालय द्वारा दोषी ठहराए गए हैं?

हाँ/नहीं

(फ) Have you ever been convicted by a Court of Law of any offence?

हाँ/नहीं

(ड) क्या आप कभी किसी परीक्षा के लिए विवरित ठहराए गए या किसी विश्वविद्यालय या अक्सो अन्य शिक्षा अधिकारण/संस्था द्वारा निकाले गए?

हाँ/नहीं

(ग) Have you ever been debarred from any examination or rusticated by any University or any other educational authority/institution?

हाँ/नहीं

(ज) क्या आप कभी किसी लोक सेवा योग्य/सचिवालय प्रशिक्षण व प्रबन्ध संस्थान/कर्मचारी चयन आयोग द्वारा उनकी किसी भी परीक्षा में बैटने/स्पन के लिए विवरित/प्रयोग ठहराए गए हैं?

हाँ/नहीं

(ह) Have you ever been debarred/disqualified by any Public Service Commission/Institute of Secretariat Training and Management/Staff Selection Commission for any of their examinations/selections?

हाँ/नहीं

(इ) इस साधारण कार्म को भरते समय न्या किसी न्यायालय में आप के विरुद्ध मुकदमा चल रहा है?

हाँ/नहीं

(ब) Is any case pending against you in any court of law at the time of filling up this Attestation Form?

हाँ/नहीं

(ग) इस साधारण कार्म को भरते समय न्या किसी शैक्षिक प्राधिकारण/संस्था में आप के विरुद्ध कोई मामला चल रहा है?

हाँ/नहीं

(ज) Is any case pending against you in any University or any other educational authority/institution at the time of filling up this Attestation Form?

हाँ/नहीं

(क) Whether discharged/expelled/withdrawn from any training institution under the Government & otherwise

हाँ/नहीं

Not Applicable
Signature: *Abdul Qadir*
Date: *10/10/2011*
Place: *Mumbai*
No. 781011

Ass't. Audit. Officer/Admn.
N. P. Railway, Matigao,
Gadchiroli - 411111

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13/11

22771

109
203(E)

R-16

128

To

The Principal Director of Audit,
N.F.Railway :: Maligaon :: Guwahati-11.

Deputy Director of Audit,
N.F.Railway :: Maligaon
Guwahati - 11.

Comptroller & Audit General,
New Delhi.

Sub.: - Representation for setting aside Order
of termination dated 6-8-1992 or alter-
natively to make a fresh appointment as
Clerk in the Office of the Deputy Director
Audit, N.F.Railway.

Ref.: - Judgement dated 18-9-95 passed by the
Central Administrative Tribunal, Guwahati
Bench in O.A.No. 177/92 (Smt. Kiren Roy -
Vs a Principal Director of Audit & others.)

.....
Sir,

Most respectfully I beg to submit before you the
following few lines for favour of your sympathetic considera-
tion.

1. That Sir, pursuant to an advertisement published
by S.S.C., I applied for a post of clerk wherein I was
selected against a reserve quota. My name was recommended
by the S.S.C. and by letter dated 5-12-90 issued by the
Deputy Director of Audit, N.F.Railway, Maligaon I was offered
an appointment as a Clerk. I joined the post on 14-2-91 and
my order of appointment No. S.O.O. No. 109 dated 5-3-91 was
issued.

2. That Sir, thereafter, by an order vide S.O.O. No. 64
dated 6-8-92 issued by the Deputy Director Administration
my appointment was terminated with the allegation that I ~~do~~
do not belong to Scheduled Caste Community. It is pertinent
to mention here that prior to issuance of the Order of ter-
mination no show cause notice was issued to me and I was not
given a reasonable opportunity to defend my case. Be that as
it may faced with such a situation I was constrained to ~~make~~
~~examine~~ approach the Hon'ble CAT challenging my order
of termination.

Contd....2.

Adm

dated 6/8/92
109
Smt. Kiren Roy
Asstt. Audit Officer/Adm
N. F. Railway, Maligaon
Guwahati-781011

(10)
263(D)
127

3. That Sir, I married Shri Himangshu Sekhar Roy, who belongs to 'NAMASUBRA COMMUNITY' which is recognised as Scheduled Caste under the Constitution (Scheduled Caste) Order 1950 as amended by Modification Order 1976. After marriage I have attained the status of S.C. and I have been accepted as such for all practical purposes by S.C. Community. 'Anusushita Jati Parishad, Assam' issued a Certificate to this effect which was countersigned by the Deputy Commissioner, Kamrup which I produced before the appointment. It may not be out of place to mention here that the said Certificate has not been cancelled as yet, but my appointment has been terminated purportedly based on some enquiry which was conducted behind my back.

4. That Sir, the Hon'ble CAT, Guwahati Bench has passed a judgement dated 18-9-95 whereby although my application has been dismissed, it has been observed that it is open to you to consider my appointment without reference to the rule of reservation if found eligible. It is under this circumstances that this representation has been filed praying benevolence of your Honour.

5. That Sir, I have proven my ability by qualifying in the test conducted by the Staff Selection Commission. Notwithstanding the fact as to whether I belong to Scheduled Caste Community. I have established that I am eligible for appointment and as such there is no ~~immediate~~ impediment in considering my appointment in the post of Clerk which I used to hold. Besides the humiliating aspect of being terminated inspite of having come through a regular process of selection may not also be lost sight of. The same has put me to great embarrassment in the society and has also seriously told upon my family.

It is therefore prayed that your honour would take a considerate and humanitarian view of the matter and be pleased to appoint me in the post of Clerk and oblige. Should your Honour be pleased to accede to my prayer I shall spare no pain to work upto the entire satisfaction of all concern.

Yours' faithfully

Smt Kiran Roy

(KIRAN ROY)

C/O.: Shri D. M. Roy.

Rly. Qrs. No. 266 A

West Ghatanagar, Guwahati-781011.

প্রায়ক লেখা পরীক্ষা অধিকারী/প্রকাশন,

ড. সো. রেলবে, মালীগাঁও,

গুৱাহাটী-781011

Asset Audit Officer/Admn.

N. F. Railway, Meligaon,

Guwahati-781011

REGISTERED WITH A/D.

R-17

Admn/1-2B/85/2B / 1135

25-04-96.

To

Smt. Kiran Roy,
C/o Shri D.N. Roy,
Railway Ors. No. 266A,
West Ghatanagar,
Guwahati-781 011.

Sub : Representation consequent on CAT/GHY's
judgement on order of termination.

With reference to your representation submitted
to the C & AG of India on the above mentioned subject, I
am directed to intimate you that your representation has
been rejected.

Sac
Deputy Director/Admn.

::OFFICE OF THE PRINCIPAL DIRECTOR OF AUDIT:N.F.RAILWAY::
MALIGAON:GUWAHATI-11.

NO: Admn/1-2B/85/2B / 1136

Dated : 25-04-96.

Copy forwarded to the Comptroller & Auditor
General of India, Post Bag No.7, Indraprastha Head Post
Office, New Delhi-110 002. This has reference to Headquarter
-s Letter No. 434-NGE(APP)/8-96 dt. 21-03-96, on the
subject cited above.

Sac
Deputy Director/Admn.

AC22496.

काम्पन लेटा परिषा अधिकारी/प्रबाल
पू. सी. रोड, मालिगाँव,
गुवाहाटी-781011
Asstt Audit Officer/Admn.
N. F. Railway, Maligaon,
Guwahati-781011

(12)
29/5/21/e

An extract of Para 13.2 of Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services (Seventh Edition).

Where a candidate belonging to a Scheduled Caste or Scheduled Tribe is unable to produce a certificate from any of the prescribed authorities, he may be appointed provisionally on the basis of whatever, *prima facie* proof he is able to produce in support of his claim subject to his furnishing the prescribed certificate within a reasonable time or if there is genuine difficulty in his obtaining a certificate, the appointing authority should itself verify his claim through the district Magistrate concerned.

Answer

Blk 3/9
26/5/21

विद्यायक लेखा परोक्षा अधिकारी/प्रशासन,
पू. सी. रेल्वे, मार्यांगांव,
गुवाहाटी - 781011

Asstt Audit Officer/Admin.,
N. E. Railway, Mysore, Mysore
Guwahati - 781011

R-19

113

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(36C)

To,

The Deputy Director of Audit.

N.F. Railway, Maligaon.

Respected,

Sir,

With reference your letter No. Admn/1-2B/85/2B/ dated 12-2-1991. I beg to report to join the service as Clerks in your office with effect from 13-2-1991 fore noon.

Thanking you.

Date. 13-2-1991.

Yours faithfully
Kiran Kalita (C.R.O.)

13-2-1991
Kiran Kalita (C.R.O.)

कामायक लखा परामा विधिकारी/प्रकाशन,
पू. सी. रेलवे, मालिगाँव,
गुवाहाटी - 781011
Asst. Audit Officer/Admn,
N. F. Railway, Maligaon,
Gauhati - 781011

EREDIE

1991/2002
0.-10

INCL:AIMED/REFUSED/LETTER

Sunderi:-

T0

Malignant -
Gastric - 78/1011.

From

B I O Shillong-793001

साधारण लेखा परीणा विधिकारी/अभ्यास

श्रृंगीराम, बालीगांधि,

फ्राइडनी - 781011

Asstt. Audit Officer/Admin.

N. E. Railway, Malgasra.

R. K. Baruwa, Mawang
Guwahati-781011

HB

97

R-21

115
108

To

The Audit Officer, R.C.
N.F. Rly., Mogaon.
Gauhati - 781011.

Sub:- To issue one Sick
certificate.

Sir,

Please arrange to issue
one Sick certificate in favour
of me. I am under the treatment
of Dr. S. Central Hospital,
Mogaon. and oblige.

Date:- 7-8-92.

Yours faithfully
Smti. Kiran Roy /Re.
Clerk.
07-08-92.

सहायक लेखा परोपा। वाधिकारी/क्रमालय,
पू. सी. ईस्ट, गालीगंगा,
गुवाहाटी - 781011
Asst Audit Officer/Admn,
N.F. Rly., Mogaon,
Guwahati - 781011

R-22 (2)

Office of the
Pr.

116
127

Admn/10-8/88/1007

16866

7-8-1992.

To
Smt. Kiran Roy,
266/A, West Gotanagar,
Guwahati-781011.

Sub:- Issue of sick certificate.

With reference to your letter dt. 7.8.92, on the subject noted above, I am directed to state that as per records of this office no Railway Medical Identity Card was issued to you.

Moreover, your service in this office has also been terminated with effect from 06-08-1992 (AN). As such no sick memo can be issued to you by this office.

7/8/92
Audit Officer/Admn.

After 26 days (2)

রায়ান কুমাৰ পৰামাৰ্শ বিবিকারী/স্বাস্থ্য,
ৰ. ক. প. বিল্ডিং, মালীগাঁও,
গুৱাহাটী - ৭৮১০১১

Asstt. Audit Officer/Admn,
N.F. Railway, M. G. L. G. A. O.,
Guwahati - 781011

*27/8/92
Despatched*

M. 6 of 15/11/90
Admn.

(B3)

628 (17)
16/11/90

NGE GROUP CIRCULAR NO. N/ 54/1990

No. 2555-N, III/3-89
OFFICE OF THE COMPTROLLER &
AUDITOR GENERAL OF INDIA,
NEW DELHI-110002

DATED: 8-11-1990

To

1. All the Heads of Offices in the I&AD
(Except Overseas Audit Offices)
2. A.C.(C), A.C.(P), Director(P)
3. GE.I, GE.II, N.II(2 copies) N.IV(6 copies) N.I(2 copies), N.III(Gr. I), CA.I, OE&A, BRS, Exam. Wing, Legal Cell.
4. Compendium.

SUBJECT: Verification/acceptance of caste certificates produced by candidates.

Sir,

I am directed to enclose a copy of the Govt. of India, Department of Personnel, Pension, and Public Grievances (Department of Personnel and Training), New Delhi OM No. 36012/6/88-Estt(SCT) (SRD.III) dated 24.4.1990 on the subject cited above, for information and necessary action.

Please acknowledge receipt.

Yours faithfully,

R. L. Kapoor

(R. L. KAPOOR)
ADMINISTRATIVE OFFICER(N)

16/11/90
R. L. Kapoor

28 N. 16/11/90
Admn. / R.R. No. 316
Date: 16/11/90

16/11/90
16/11/90

Cost is not mentioned
in the Matriculation/H.SLC
Exam. Certificates in
W Bengal, Bihar, Assam or
any other States of N.E. Region
we accept certificates
issued by the authorities.

Published in H.M. SDO - 16/11/90
16/11/90

राष्ट्रीय रेलवे परिवहन अधिकारी/प्रशासन,
श्र. सी. रेड्डी, मालिगांव,
गुवाहाटी - 781011
Audit. Audit Officer/Adm.
N. E. Railway, Maligaon.
Guwahati - 781011

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R-23

P18

129

No. 36012/6/88-Estt(SCT)(SRD.III)

Government of India,

Department of Personnel, Pensions and Public Grievance
(Department of Personnel & Training),

New Delhi the 24th April, 1999.

OFFICE MEMORANDUM

SUBJECT: Verification/acceptance of caste certificates produced by candidates.

It has been brought to the notice of the Government that there are cases in which candidates have produced false caste certificates as belonging to Scheduled Castes/Scheduled Tribes and secured Central Government jobs against vacancies reserved for SCs/STs. Instructions already exist which provide that the services of the candidates claiming to be belonging to SC/STs would be terminated, if their claims are found to be false on subsequent verification through District Magistrates.

2. At present the following certificates can be accepted by the appointing authorities as sufficient proof in support of candidate's claim as belonging to SC/ST:

Matriculation or school leaving certificate or birth certificate giving the caste/community of the candidate and the place of his residence.

3. It has now been decided that henceforth the certificates as mentioned in para 2 above should not be accepted as proof of caste at the time of initial appointment. The caste/Tribe certificates issued by the following authorities in the prescribed form in Appendix-14 of the Brochure on Reservation for Scheduled Castes/Scheduled Tribes (Seventh Edition) will only be accepted:-

- (1) District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/Ist Class Stipendiary Magistrate/Sub Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner.
- (2) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
- (3) Revenue Officer not below the rank of Tehsildar; and
- (4) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

4. It has also been decided that henceforth the appointing authorities should, in the offer of appointment to the candidates claiming to be belonging to Scheduled Castes/Scheduled Tribes, include a clause as follows:-

provisional

"The appointment is provisional and is subject to the caste/tribe certificates being verified through the proper channels and if the verification reveals that

Concl...../-

*Received
M. P. Railway, Guwahati
1999*

हाइक लेखा प्राक्षा अधिकारी/क्रमालय

पू. सी. रेल, गालिगाँव,

গুৱাহাটী - ৭৮১০১১

Asstt. Audit Officer/Adm

N. P. Railway, Guwahati

Guwahati - 781011

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the claim to belong to Scheduled Caste or Scheduled Tribe, as the case may be, is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificates."

5. Ministries/Departments are requested to note for strict compliance.

Sd/-

(A.K. HARIT)

DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.

*A. K. Harit
Dated 10/11/01*

हायक लेखा परिदेश, अधिकारी/प्रशासन

सू. सी. १०३, गालीगाँव,

गुवाहाटी—781011

Asstt. Audit Officer/Adm

ED, B. Railway, Mysore

Guwahati—7810