

30/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 288/96.....
R.A/C.P No.....
E.P/M.A No. 16/97.....

1. Orders Sheet..... Pg. /..... to.....
MP 16/97/97 and Pg. 1 to 3297

2. Judgment/Order dtd. 26/2/97 Pg. 1 to 10. ~~Supreme Court~~ 8/9

3. Judgment & Order dtd. Received from H.C/Supreme Court

4. O.A..... Pg. 1 to 3297

5. E.P/M.P..... Pg. 1 to 3.....

6. R.A/C.P..... Pg. to.....

7. W.S..... Pg. to.....

8. Rejoinder..... Pg. to.....

9. Reply..... Pg. to.....

10. Any other Papers..... Pg. to.....

11. Memo of Appearance.....

12. Additional Affidavit.....

13. Written Arguments.....

14. Amendment Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CA No. 288196

Nawab Imdad Hussain son: Applicant(s)
-versus-

State of Assam Respondent(s)

Mr. P. Pathak . . . D.K. Das . . . Advocates for Applicant(s)

Mr. S. Ali, Sr. C.G.S.C. Advocates for Respondent(s)
Dr. Y.K. Phukan, S.C., M.M. Das
Office Notes Date Courts' Orders

20.12.96 Mr S.Ali, Sr.C.G.S.C and Mrs
M.Das, Govt. Advocate, Assam for
the respondents. None for the
applicant.
List for consideration of
admission on 1.1.97.

f/ *D. Samanta*
Dy. Registrar, 18/12
18/12

60
Member

pg

W
23/12

1-1-97 None for the applicant. Dr.Y.K
Phukan for respondent Nos.1,2 & 3.
Mr.S.Ali Sr.C.G.S.C. for respondent
Nos. 4 & 5. None for the other
respondents.
List for consideration of
Admission on 16-1-97.

lm

W
11

60
Member

16.1.97 Mr D.K.Das for the applicant
seeks short adjournment for ins-
truction. Mr S.Ali, Sr.C.G.S.C
and Mrs M.Das for the respondents.
List for consideration of admi-
ssion on 28.1.97.

60
Member

pg W 60

(2)

O.A. No. 288 of 1996

28.1.97

Mr. P.Pathak, learned counsel for the

applicant is present.

Learned Sr.C.G.S.C., Mr. S.Ali for the

respondent Nos. 4 & 5 is present.

None present for the other respondents.

On the prayer of Mr. Pathak the O.A. be listed for admission on 30.1.1996.

6/2
Member

S. B.
Vice-Chairman

trd

30.1.97

Mr. P.Pathak, learned counsel appearing on behalf of the applicant is present.

List on 3.2.1997 for admission.

Member

S. B.
Vice-Chairman

trd

3.2.97

Let this case be listed on 10.2.97 for admission.

6/2
Member

S. B.
Vice-Chairman

pg

*W
6/2*

10.2.97

Due to some personal inconvenience

Mr. P. Pathak, learned counsel for the applicant, is not able to attend court today. Dr Y.K. Phukan, learned Sr. Government Advocate, Assam, and Mr S. Ali, learned Sr. C.G.S.C., pray for a short adjournment.

Let this case be listed on 17.2.97.

6/2
Member

S. B.
Vice-Chairman

nkm

17.2.97

By an order dated 3.2.1997 the Tribunal has allowed the applicant to make the amendment as prayed for in the M.P.No.16/97. However, we directed the Registry to make the necessary correction. Mr S. Ali, learned Sr. C.G.S.C. and Dr Y.K. Phukan, learned Sr. Government Advocate, Assam, submit that a consolidated application incorporating the amendment should be filed by the applicant. None appears on behalf of the applicant. Considering the submissions of Mr Ali and Dr. Phukan we direct the applicant to file a consolidated application incorporating the amendments as allowed. This may be done by 25.2.97.

List it on 25.2.97.

Member


 Vice-Chairman

nkm

N
20/2

25.2.97

In this application the applicants have prayed for an appropriate writ or direction for quashing the purported select list whereby the names of respondent Nos. 7+8 had been incorporated in the select list

ignoring the case of the applicants. According to the counsel of the applicants they were earlier selected but without taking into consideration this aspect of the matter the select list was prepared and thereby the applicants being aggrieved they have filed representations before the Inspector General of Police(A), Ulubari,Guwahati on 19.11.96(Annexure C to the application) and also to the Chief Secretary, Assam, Dispur, Guwahati on 22.11.96 (Annexure-D) to the application) but nothing has been done. Thus, this application filed by the applicants.

We have heard Mr. P.Pathak appearing on behalf of the applicants and Dr. Y.K.Phukan, appearing on behalf of the respondent Nos. 4 and 5. None appear on behalf of respondent No.6 though copy was served.

Contd...

25.2.97

In the nature of order we propose to pass we do not consider it necessary to issue notice to respondent No. 7 and 8.

The applicants had submitted representation. It was the duty of Director General of Police, Assam, respondent No. 3 and also to the Chief Secretary, to dispose of the representations. However this was not done. Under these circumstances, in view of that we dispose of the application with a direction to the Director General of Police, respondent No. 3 to dispose of the representation of the applicants as early as possible at any rate within a period of one month on receipt of the copy of this order and it is also directed that till disposal of the representations no one should be appointed to the IPS cadre in supersession of the applicants.

12/3/97
Copy of order has
been sent to the Despatch
section for issuing the
same to party, or
Govt. Advocate, Assam,
C.G.S.C.

Dr. Y.K. Phukan shall inform the respondent No. 3 in that regard.

Copy of the order may be supplied to Dr. Y.K. Phukan, Govt. Advocate, Assam to take immediate action. If the applicants are still aggrieved after disposal of their representations they may approach this Tribunal.

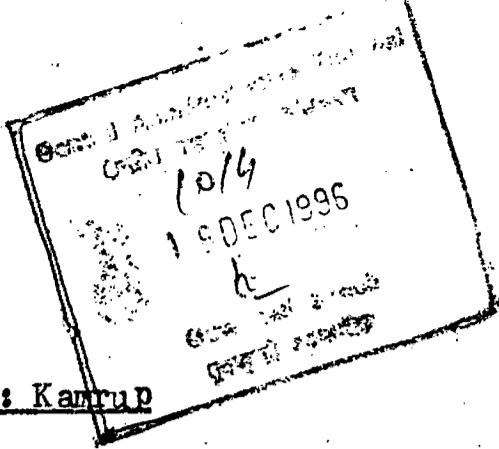
The application is disposed of with the above directions. We make no order as to costs.

60
Member


Vice-Chairman

trd
Fm
13/3

29/12/96
District : Kamrup



Filed by Applicants
through Advocate
18/12/96

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
AT GUWAHATI

O.A.NO. 288 31996

Nawab Imdad Hussain & Others ... Applicants

-Versus-

State of Assam & Others ... Respondents

Subject matter : Selection and promotion

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Application	1 - 11
2.	Verification	12
3.	Annexure-'A'	13 - 25
4.	Annexure-'B'	26 - 30
5.	Annexure-'C'	31 - 32
6.	Annexure-'D'	33

Filed by

Advocate.

Central Administrative Tribunal

सेंट्रल अडमिनिस्ट्रेटिव ट्रिब्यूनल

18 DEC 1996

Gauhati Bench

गुवाहाटी बैठकी

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Nawab Imdad Hussain & Others

-Versus-

State of Assam & Others.

I. Particulars of the Applicants :

1. Nawab Imdad Hussain,
Special Superintendent of Police, C.I.D.
2. Sri Jiban Singh,
Superintendent of Police, Cachar, Silchar.
3. Sri Anil Kumar Saharia,
Superintendent of Police, Golaghat.
4. Sri Debendra Nath Hazarika,
Superintendent of Police, Nalbari.

... APPLICANTS

II, Particulars of the Respondents :

1. State of Assam,
represented by the Chief Secretary
to the Govt of Assam, Dispur.
2. The Commissioner and Secretary,
Govt of Assam, Home Department, Dispur.
3. Director General of Police, Assam,
Ulubari, Guwahati-7.
4. The Chairman,
Union Public Service Commission,
New Delhi. Dholpur House,
Salayganj Rd.

18 DEC 1996

Convened Bench
नियंत्रित व्यापार

2.

5. The Secretary to the Govt of India,
Ministry of Home Affairs, New Delhi.
6. The Chief Secretary to the Govt of
Meghalaya, Shillong.
7. Sri Ajit Kumar Das,
Commandant 14th Assam Police Battalion,
Doulasal, District Nalbari.
8. Sri Derajuddin Ahmed,
Superintendent of Police,
Darrang, Mangaldoi.

9ex

... RESPONDENTS

III. Jurisdiction of the Tribunal :

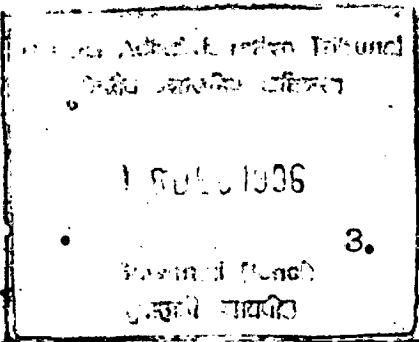
The applicants declare that the subject matter is within the jurisdiction of this Tribunal.

IV. Limitation :

The applicants further declare that the application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

V. Facts of the case :

1. That your applicants state that they are direct recruit to the Assam Police Service of 1976 and 1977 batch and from this initial dates of appointment have been rendering sincere, honest and dedicated service to the police department under the Ministry of Home, Assam.



The applicants further state that they have a good service record over the years and have been holding important position in which they have been discharging their duties to the entire satisfaction of their seniors as well as the Government and hence is qualified to be promoted to the Indian Police Service(PPS).

A short compilation of the service bio-data of the applicants are annexed herewith and marked as Annexure-A series.

2. That the promotion from the State Cadre of the Police Service to the Indian Police Service (IPS) is governed by the provisions of the Indian Police Service(Appointment by promotion) Regulations, 1955. The relevant provision i.e. Regulation 5 deals with the manner of preparation of a list of suitable officers, which is quoted hereinbelow -

" 5(1) Each Committee shall ordinarily meet at the intervals not exceeding one year and prepare a list of such members of the State Police Service, as held by them to be suitable for promotion to the services. The number of members of the State Police to be included in the list shall be calculated

16 DEC 1996

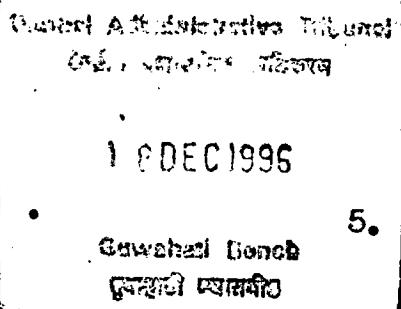
General Bench
सामान्य अदायक

as the number of substantive vacancies anticipated in the course of the period of 12 months, commencing from the date of preparation of the list i.e. the posts available for them under Rule 9 of the Recruitment Rules plus twenty percent of such number of two whichever is greater;

(2) The Committee shall consider for inclusion in the said list, the cases of the members of the State Police Service in the order of seniority in that service of a member which is equal to three times the number referred to in sub-Regulation (1);

Provided that such restriction shall not apply in respect of a State where the total number of eligible officers is less than three times the maximum permissible size of the select list and in such case the Committee shall consider all the eligible officers;

Provided that the Committee shall not consider the case of a member of the State Police Service unless on the first day of April of the year in which it meets, he is substantive in the State Police Service and has completed not less than eight years of



continuous service (whether officiating or substantive) in the post of Deputy Superintendent of Police or in any other post or posts declared equivalent thereto by the State Government."

Thus, from plain reading of the above provisions of the Regulation, it is clear that seniority will be one of the most important criteria for promotion to the Indian Police Service from the State Police Service. The applicants who were eligible for promotion to the Indian Police Service under the said Regulation were denied the same though their cases were earlier considered for promotion and two of the said applicants were classified as 'Very Good' by the Selection Committee, but due to lack of vacancies, they were not included in the select list.

3, That your applicants state that because of the non-inclusion of their names in the earlier select list for promotion to Indian Police Service inspite of they being satisfied the criteria under the relevant provisions of the Regulation, they filed representation before the competent authorities from time to time placing forward their genuine grievances, but surprisingly their representations were not disposed of or considered. Curiously, the applicants came to know that a meeting of

Office of the Advocate General
State of Bihar

18 DECEMBER

6.

General List
Graduation

the selection Committee for preparation of a list of members of the State Police Service officers for promotion to the Indian Police Service was held in June 1996 and a purported select list was prepared in gross violation of the statutory provisions of law. In the said select list, the applicants' name do not figure but two officers namely Respondent No.7, and 8 who are much junior to applicants No.1, 2 and 3 and 4 who are senior to Respondent No.8 have been included in the list superseding the just and legitimate claim of the applicants for promotion. The applicants further state that they have not been given a copy of the said select list and as such could not annex the same in this application.

A copy of the Gradation List is annexed herewith and marked as Annexure-'B'.

4. That against the arbitrary and illegal supersession of junior officers to the Indian Police Service, the applicants filed representation before the competent authorities placing their genuine grievance, but till date the said representation has not been attended to and the applicants now apprehend that the Government may appoint the Respondent No.7 and 8 in pursuance of the purported select list. The applicants further state that the purported and illegal move of the Respondents to give promotion to the

7.

18 DEC 1996

Gauhati Bench
गौहाटी बैठकाल

junior officers to the Indian Police Service superseding the just and genuine claim of the applicants will be detrimental to the morale of the State Police Service and its officers and will seriously undermine the future promotional prospects of many eligible officers to the Indian Police Service and this Hon'ble Tribunal in exercise of its jurisdiction may be pleased to restrain the authorities from appointing the Respondent No.7 and 8 in pursuance to such purported select list.

Copies of the representations are annexed hereto and marked as Annexure-'C'.

VI. Details of Remedies Exhausted :

That the applicants declare that they have got no other alternative and efficacious remedy other than to come under the protective hands of this Hon'ble Tribunal. The applicants have moved the authorities by way of various representations.

VII. Matters not previously filed or pending with any other Court :

That your applicants declares that no case is pending in any other Court in respect of the subject matter in question and leave may be granted for filing single application under Section 4(5) a of the CAT(Procedure) Rules 1987

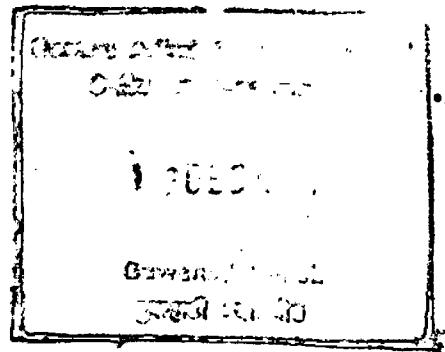
1 DECEMBER

VIII. G R O U N D S :

(a) For that the impugned action of the Respondents in preparing an purported list and including Respondent No.7 and 8 in it denying the said benefits to the applicants who were senior to them is most arbitrary, unfair, unreasonable, capricious and in complete violation of the provisions of the Indian Police Service (Appointment by Promotion) Regulation, 1955.

(b) For that the purported select list and the move of the Respondents to appoint respondent No.7 and 8 to the Indian Police Service will deprive the applicants from their rightful promotion to the I.P.S. in terms of their seniority and since the same is without any reasonable basis or justification is violative of Article 14 and 16 of the Constitution of India and is thus liable to be set aside and quashed.

(c) For that the purported selection of Respondent No.7 and 8 have been done without taking into account the relevant facts i.e. the seniority position of the respondents vis-a-vis the applicants and in fact has been passed most



9.

mechanically on the basis of irrelevant and extraneous consideration and as such the said inclusion in the select list and the move to appoint them to the IPS in pursuance to the said purported select list reflects malice in law and can be justified by reasons other than relevant and bonafide. There has been a colourable exercise of power for collateral purpose.

(d) For that the Respondent authorities could not have prepared the select list by including Respondent No.7 and 8 without deciding correctly the question of inter se seniority of the applicants with that of the respondents No.7 and 8, the resultant supersession by the said respondents who are junior to the applicants is illegal and void and is being without jurisdiction, the condition precedent for exercise of power as done in the instant case is evidently absent.

(e) For that the impugned purported select list including the Respondents No.7 and 8 has caused adverse civil consequence for the applicants and as such the same have been done without any cogent and reasons in flagrant violation of the service Rules/ Regulation governing the conditions of service

and as such the said inclusions of Respondent No.7 and 8 in the select list and the concerted move of the respondent authority to appoint them to the IPS is without jurisdiction, non-existent in law and therefore liable to be set aside and quashed.

(f) For that as per the statutory provisions of law, it was incumbent of the Selection Committee while preparing the select list to give sufficient cogent reasons in case of supersession and since no adverse entries were communicated against the applicants there was no discernable reasons to justify the non-inclusion of the applicants in the said select list for promotion to the Indian Police Service. The action of the respondents authorities in including respondents No.7 and 8 in the said purported select list and the contemplated move of the respondent authorities to appoint them to the IPS is ex facie illegal arbitrary and non-sustainable in law.

(g) For that the purported inclusion of the Respondent No.7 and 8 in the select list has caused irreparable loss and hardships to the applicants' right for promotion to the Indian Police Service and the entire action is in violation of the principles of natural justice and fairplay and therefore liable to be set aside and quashed.

(h) For that the preparation of the impugned Select List and the contemplated actions of the respondent authority in appointing respondent No. 7 and 8 to the IPS is in violation of the law laid down by the Supreme Court and as such the said action of the respondent authority is illegal, unconstitutional and contrary to law and as such the same is liable to be set aside and quashed.

IX. Prayer :

In the premises aforesaid, it is respectfully prayed that this Hon'ble Tribunal would be pleased to call for the records of the case and on cause or causes being shown and upon hearing the parties be pleased to set aside and quash the inclusions of the names of Respondent No.7 and 8 from the purported select list prepared during June, 1996 and further direct the Respondent authority to forbear from giving promotion to the Respondent No.7 and 8 to the Indian Police Service in pursuance to the purported select list and/or pass any further order(s) as your Lordships may deem fit and proper.

-And-

Pending disposal of the application be pleased to restrain the respondent authority from making promotion of the respondent No.7 and 8 to the Indian Police Service and/or to pass any further order /orders as to this Hon'ble Tribunal may deem fit and proper.

Verification....

VERIFICATION

I, Nawab Imdad Hussain, son of Late Nawab Akbar Hussain aged about 45 years, presently working as Special Superintendent of Police, C.I.D., Assam, Guwahati, do hereby verify ~~that~~ on behalf of myself and on behalf of the applicants No.2 to 4 as authorised in this behalf, that the statements made in paragraphs 1 To 8 are my knowledge and those made in paragraphs 9 to 12 are believed to be the legal submissions and I sign this verification on this the 10th day of December, 1996 at Guwahati.

Nawab Imdad Hussain

Applicant.

Annexe A Series

CITATION FOR AWARD OF INDIAN POLICE MEDAL FOR
HERITORIOUS SERVICE TO SURESH NAWAB IMDAH HUSSAIN,
SPECIAL SUPERINTENDENT OF POLICE, C.I.D., ASAM,
CUMULATIVE ON THE OCCASION OF REPUBLIC DAY, 1997. - 13 -

<input checked="" type="checkbox"/> Nawab Imdad Hussain,	Nawab Imdad Hussain.
<input checked="" type="checkbox"/> S/O Late Nawab Akbar Hussain,	
<input checked="" type="checkbox"/> P.C. Mariani,	Special Superintendent of
<input checked="" type="checkbox"/> P.S. Mariani,	Police, C.I.D., Assam, Guwahati
<input checked="" type="checkbox"/> Dist. Jorhat (Assam).	joined Assam Police Service

Educational Bio-Data

(1) Passed B.A.
with 2nd class
Honours in English
from T.B. College
Jorhat in 1971.
(2) Passed M.A.
in English Literature
from Dibrugarh
University (2nd
Class 3rd) in
1973.

ng Dy.S.P. on 17-2-76. After completion of his basic training in the Assam Police Training College and district training in Dibrugarh district, the officer was posted as Asstt. Commandant, 9th Assam Police Battalion on 8-6-78. After having served as Wing Commander of Battalion posts located along the Assam-Bangladesh International border of sensitive Phubri Sector, the officer was posted to Sarupathar Head of Manipur-Bangladesh border for "Operational Duties" following large scale massacre of Assam villagers by armed Naga miscreants in January, 1979, when he commanded his troops very effectively and was instrumental in containing the depredation of Naga miscreants in the area thereby restoring the confidence of the panic stricken people. In the year, 1980 when the Anti-foreigner agitation spearheaded by AACU took a communal turn and large scale violence broke out in different parts of the State particularly in Bongaigaon and Bijni areas, the officer was deputed to Bongaigaon for law and order duty. His tactful but firm handling of the situation not only brought back normalcy in the affected area but also ensured safety of Bongaigaon Refinery which was then high in saboteurs hit list. The excellent service rendered by the officer during disturbed conditions of 1980 was later appreciated by Govt. of Assam vide letter No. IHP.217/80/30 dated 30-3-92.

In the year, 1981, the officer was deputed to Special Operation Unit, Guwahati, a new cell opened in the wake of large scale sabotage/ blasts in OIL Pipeline and other vital installations by extremists during the period of Assam Agitation. His untiring efforts to the paramount duty, and a very hard hitting the rebels brought in the much publicised dividend in hunting the entire group of saboteurs responsible for blasts in Oil Pipeline, All India Radio installations and other various places in Assam. From 1981 to 1983 the officer was 1st Sub-divisional Police Officer of Goalpara which was highly punitive from command angle in view of on-going AACU agitation against Govt. and the

*SA
Affidavit*

officer, by his astute leadership and firmness kept the situation well under control. From 1983 to 1985, the officer was posted as Sub-Divisional Police Officer, Golaghat which was then known to be a strong support base of the Assam Agitationists. Nevertheless, the officer by dint of his sustained hard work and courage of conviction, could maintain order and keep the Sub-Division free of any major incident which was highly appreciated by the then Director General of Police, Assam vide his letter No.F/XXII/206/39 dated 7-1-85. During his tenure as SDPO, Golaghat, the officer also waged a relentless war against Rhino poachers operating in Kaziranga National Park which resulted in busting of a large gang of poachers comprising, not only of members of public but also of staff of forest, Police and some other department of Assam, which was highly appreciated by Govt. of Assam vide letter No.DMA.473/114/21 dated 5-3-84.

The officer was promoted to Senior Scale of A.P.O. in 1986 and was posted as 2nd-in-Command, 8th Assam Police Battalion, Barhampur (Nagaon) where he served till August, 1987. Thereafter the officer was posted as Addl.S.P., City Guwahati, when besides doing the multifarious duties of Addl.S.P., City Guwahati, he played a very definite role in controlling the growing crimes-against-properties by apprehending several gangs of dacoits and burglar, an act highly appreciated by Govt. of Assam vide letter No.DMA.449/87/24 dated 24-9-88. In June, 1988, the officer was posted as Commandant, 5th Assam Police Battalion, Sontilla, N.C. Hills (Assam) where he continued till August, 1989.

In August, 1989, when disruptive/terroristic activities of United Liberation Front of Assam was at its peak, the officer was posted as Supdt. of Police, Lakhimpur district - one of the worst affected districts of Assam from ULFA angle. Despite various constraints like lack of, adequate force and other resources in the district, the officer worked relentlessly to contain the menace and succeeded in preventing the situation going out of control. In July, 1990, the officer took over command of 6th APBn, Silchar and under his able leadership, the personnel of 6th APBn rendered exemplary service by containing communal riots that broke out in Nalakandi district later that year. After launching of Operation Rhino against the ULFA, the officer was posted as Supdt. of Police, Special Branch (Zonal) Jorhat in 1991 with jurisdiction over all Upper Assam districts during which he discharged his duties with utmost devotion and furnished vital intelligence to S.B. Head-quarters which in turn helped Army to a great extent in its operation against ULFA in the Upper Assam districts.

In November, 1992, the officer was posted in Department of Police of troubled-out Kohima district (Nagaland) for the time

Attached

- (3) -
scenario of the district had then taken a worse turn following resumption of agitation of by All Bodo Student Union in support of their demand for a separate Bodo State. But the officer, with his judicious use of force and clear understanding of the problem managed to contain the situation which culminated in the signing of the Bodo Land Accord in February, 1993 ushering in an era of peace.

On his transfer from Kokrajhar in October, 1993, the officer served as Commandant, 14th APBn, Daulasal, Nalbari for a brief tenure and then was posted as Supt. of Police, CPO, Assam, Guwahati in October, 94. In this capacity, the officer, besides looking after workings of several important Cells, also monitored actions of prosecution in all Habeas Corpus petition filed in large number in Guwahati High Court following arrests of ULFA/Bodo extremist by Police/Army. By his diligent efforts he ensured that the interest of the State in these cases was well served.

The officer took over as Special Supt. of Police, CPO on 12-9-95, in which capacity he is continuing till date. Besides, looking after establishment and working of several important Cells, the officer heads the Narcotic Cell of CPO, which under his able leadership has been shown remarkable result in the form of seizure of huge quantity of contraband drugs and arrest of large numbers of drug traffickers drawing accolades from Govt. and public alike.

Besides normal police duties, the officer also takes keen interest in sports and games. Because of his organizational ability, the officer was thrice selected as Team Manager of Assam Police Team participating in All India Tournaments viz., N.M. Mulluk Football Tournament in 1990, All India Police Duty Match at Bangalore in 1990 and All India Police Games at Jaipur in 1994. In all these Tournaments the Assam Police Team performed remarkably well and won laurels for the State.

The officer has put in more than 20 years of uniformly brilliant service and has worked in almost all the branches of Police Department with equal seriousness of purpose and devotion to duties which has contributed largely to detection of crimes and curbing of extremism in the State. I, therefore strongly recommend him for the award of Indian Police Medal for Meritorious Service on the occasion of Republic Day, 1997.

(S.K. DSN)
Inspector General of Police, CPO,
Assam, Guwahati

CERTIFIED

- 1) Certified that the integrity of Sri Nawab Imdad Hussain, Special Superintendent of Police, CID, Assam, Guwahati is beyond any doubt.
- 2) Also certified that the officer was never prosecuted in any Court of law and that the officer was never censured in any Departmental Proceedings nor there is any Departmental or any legal Proceeding pending against him now.


(S.K. BES)
Inspector General of Police, CID,
Assam :: Guwahati.

000002

Independent Day
Recommendation for the award of Indian Police Medal for meritorious
service on the occasion of Independence Day, 1996.

1. Full Name of the Officer recommended (in block letter)	:	SHRI NAWAB IMTIAZ HUSSAIN
2. If an I.P.S. Officer mention (W) cadre	:	No.
3. Rank/Designation with place of posting	:	Special Superintendent of Police, CID, Assam, Guwahati.
4. Date of promotion to present Rank	:	24/07/1995 10-7-98.
5. Whether substantive or officiating in the present Rank.	:	Substantive.
6. Date of birth	:	1-1-51.
7. Age on 15th August, 1996	:	45 years 0 months 18 days
8. Date of first appointment	:	17th February, 1976.
9. Total service as on 15th August, 1996.	:	20 years 5 months 28 days.
10. Rewards.	:	
i) Cash Rewards	:	Nil. X
ii) Highly commendation	:	Nil. X Not applicable
iii) Commendation	:	Nil. X
iv) Appreciation	:	1 - 1982 2 - 1985 1 - 1988 2 - 1992
v) Good Service Entries	:	Not applicable
(vi) Any other Rewards	:	Awarded Police Spl. Duty Medal. in the year, 1992.
11. Punishment.	:	Nil.
a) Major	:	Nil.
b) Minor	:	Nil.
12. Qualification.	:	
a) Academic	:	H.A. in English literature
b) Professional	:	(a) Attended Weapon and Tactics Course at C.S.W.T., RPF, Indore from 3-9-79 to 17-11-79 and obtained a high average grading. (b) Attended Orientation to terrorism Course in New Delhi from 12-10-81 to 24-10-81. (c) Attended Course on crime and Justice at Institute of Criminology and Forensic Science, Delhi from 10-7-92 to 26-7-92.
13. Whether belongs to SC/ST	:	No.
14. In case nomination to President's Award, after 5 years, all awards of Police for meritorious service.	:	Not applicable.

24

Statement of demands/representation availed by Smt. Mina Dasgupta,
Special Superintendent of Police, Cooch Behar, Comilla.

Sl. No.	Date of Report	Reason	Issuing Authority	
			Cost of Assess.	Cost of Assess.
1.	Interception letter	1932 For valuable and noteworthy service in conducting smooth running of administration and maintenance of law and order prevailing during condition of war, prevalent in Assam during the year 1930.	250/-	250/-
2.	Interception letter	1935 For smooth maintenance of law and order during India-England Cultural Festival organized at Calcutta by Govt. of Assam in October, 1934.	250/-	250/-
3.	Interception letter	1935 For prompt action in preventing and breaking a gang of robbers operating in Mymensingh during 1934	250/-	250/-
4.	Interception letter	1935 For compensation received of Rs. 100/- from Case No. 55/33 and recovery of a sum paid for whom which presented a serious law and order situation in Guwahati during the campus in 1936.	250/-	250/-
5.	Interception letter	1932 For good work done at VIP security duty organized for visit of Hon'ble Vice President of India to Cooch Behar in 1932.	250/-	250/-
5.	Interception letter	1932 For good work done at VIP security duty organized for visit of Hon'ble President of India to Guwahati on 17th/18th October.	250/-	250/-

Attested

Born in 1950, the 9 th. July. Studied in different Schools of Assam and finally Passed the H.S.L.C. Examination from Haflong High School in 1965. Studied in College at Ghati and passed the B.Sc. Examination in 1969. Thereafter studied in the Gauhati University and passed the M.Sc. Examination in 1971.

Joined the Assam Police Service in February, 1976. After training went to Dhubri Dist. as Prob. Dy. S.P. After that got posting as Asstt. Comdt. 2nd. A.P.Bn. and was posted in North Lakhimpur where was engaged in Law and order and the eviction on the Assam-Arunachal Border which was praised by the local Administration. Then got posting as S.D.P.O. Nalbari and joined in February 1980 and remained there till May, 1983. This was the entire Agitation period and had faced lot of law and order problem. For this the Govt. gave appreciation letters (One from Adviser and the other from the Chief Secy.) Then got posted to Barpeta as S.D.P.O. in 1983. In 1984 got posted as Dy. S.P. HQ Kokrajhar and served till 1986. In 1987 got posted as S.P. (Security) North Lakhimpur but remained only 10 days. Since there was serious law and order problem in 1987, on public demand and Govt. desire got posted as S.P. (HQ) Nalbari in November, 1988 and brought the situation under control. In 1991 before the election was posted as the Supdt. of Police, Korajhar and managed the Election without any incident. In the month of August was posted as Supdt. of Police N.C.Hills and remained there till May 1994. There faced the difficult situation created by the N.S.C.N. and other Extremist elements. Then got posted as the Comdt. 6th. A.P.Bn. in 1994 and then again got posted as Supdt. of Police Cachar, Silchar and now continuing.

Attested
SM

SAC No. PNB/CB/209/96/1685

dated 21/11/96 the 7th Dec/96.

To

The Spl. Bspdt. of Police (CIO),

Assam, Guwahati.

Subject : SERVICE BIODATA OF D.N. HAZARIKA.

Enc.

I am furnishing herewith my Service Biodata :-

- 1) Educational qualification : B.A. (Delhi University)
- 2) Joined APS & posted as Prbty. S.P. in August, 1977.
- 3) Confirmed in the rank of Dy.S.P. in 1980.
- 4) Got promotion to senior scale AFS in December, 1986.
- 5) Important posts held so far (W.E.F. 1990 to 1990) :-
 - a) Commandant, 2nd Bn Nalbari
 - b) ~~Superintendent of Police, Dibrugarh~~
 - c) Supdt. of Police (SDU) Assam, Guwahati
 - d) Assistant Inspector General of Police (AIP) Assam, Guwahati.
 - e) Commandant 15 (TR) Bn, Jhongupurhat
 - f) Superintendent of Police, Nalbari (continuing).

Yours faithfully


(D. N. HAZARIKA)
Superintendent of Police,
Nalbari (Assam).

SERVICE RECORDS OF SHRI ANIL KUMAR CHAHARIA, APS,
SUPDT. OF POLICE, GOLAGHAT :

Academic Career

1. Graduation

= B.Sc, with honours in 1971 from
 Cotton College, Guwahati.

2. Post-Graduation

= M.Sc, in subject Botany in 1973
 from Guwahati University.

Service records

3. Stood FIRST in Assam Police Service in 1977th batch vide
 APSC Notification NO.3 Pac/CCE-Exem/76 dated 23rd Dec '76.

4. Stood FIRST in the batch in Survey and Settlement in the
 year 1984.

5. Appreciation

:-

(a) Appreciation letter from DGP
 Shri P.C.Das, via D.O.NO.C.99/79/
 Vol.1/289 dated 9th August '83.

(b) Appreciation letter from DGP
 Assam J.S.Pathak via D.O.MD.
 FA/XX/271/HT-1/66 dat. 11th
 February '1985.

(c) Appreciation letter from DGP
 Assam Shri S.V.Subramanian via
 D.O.NO.C.100/92/90 *
 dated 16th Dec '92.

In-Service Training

:-

6. 50th Course on "Orientation to Forensic Science" at the
 Institute of Criminology and Forensic Science, New Delhi
 from 4-1-82 to 18-1-82.

7. Stood THIRD in "Anti-Insurgency Course" (IPS & other GOs)
 at Central School of Weapons & Tactics, BSF, Indore,
 Madhya Pradesh from 25-6-84 to 14-7-84.

8. "Special Course : V.I.P. Security" at North Eastern
 Police Academy, Umso Shillong, from 10-9-84 to 27-9-84.

9. 20th Course on "Accounts and Financial Rules etc." at
 Assam Administration Staff College, Guwahati from
 20-4-92 to 23-4-92.

CONT'D/2

Attested
10

10. Training Programme on "Role of Departmental Training Co-ordinator" at Assam Administrative Staff College Guwahati from 25-4-94 to 29-4-94.

Important Posts held :-

11. In Junior Scale APS :-

(a) Dy. S.P., Headquarter, Goalpara.

(b) Dy. S.P., District Special Branch, Tinsukia.

12. In Senior Scale APS :-

(d) Additional S.P. Headquarter, Darrang, Mangaldoi.

(e) Additional S.P. Security Janata Bhaban, Dispur.

(f) Supdt. of Police, Marigaon.

(g) Commandant, 3rd A.P. Battalion, Titabur.

(h) Commandant, Battalion Training Centre, Dergaon.

(i) Supdt. of Police, Tinsukia.

(j) Now as Supdt. of Police, Golaghat.

Athleted

(A.K.Chaharia)

Superintendent of Police,

GOLAGHAT

DIRECTOR GENERAL OF POLICE

ASSAM

ULUBARI GAUHATI-7

23

CONFIDENTIAL

The 9th August, 1983

29

D. O. No. No. I.C. 99/79/Vol. I/289

My dear Saharia,

I am very happy to place on record my appreciation of the good work put in by you during the selection of the candidates for appointment as constables in the Task Force Units from Goalpara District.

I hope you will continue to render devoted service in the coming years also.

A copy of this letter is being placed in your A.C.R. file.

Yours sincerely,
A.C. 9/17/1

(P.C. DAS)

Shri A.K. Saharia, APS.,
Asstt. Commandant, 5th A.P. Bn.
Sontilla

Attested

[Signature]



24
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সকালক-অসম

অসম পুলিচ

গুৱাহাটী - ৭

Director General of Police
Assam :: Guwahati - 7

D.O. No. FA/XX/271/PT-I/66

The 11th February, 1985

my dear Chaharia.

I am very happy to see that you have done magnificently well in the Anti-Insurgency Course which you had undergone at C.S.W.T. Indore from 25/6/84 to 14/7/84. I congratulate you on your standing Third in the Course in order of merit. I am also happy to find that you are a standard shot in CQB weapons. I deeply appreciate your performance and hope that you will continue to remain equally proficient in all branches of Police work.

A copy of this D.O. is being kept in your A.C.R. file.

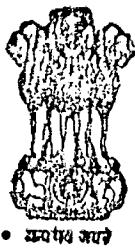
yours sincerely

J.S. Pathak, 1.2.85

(J.S. Pathak)

Shri Anil Kumar Chaharia, APS,
Asstt. Commandant, 5th A.P.Bn., Sontilla,
Haflong, Assam.

Attested



S.V.Subramanian, IPS

অবিষ্কৃত মহানির্দেশক, অসম
Director General of Police, Assam
Ulubari : Guwahati - 781 007
D.O.No.C.106/92/190
The 16th December '92.

25
3

My dear

Saharia

I am happy to place on record my sincere appreciation for discharging the onerous duty conscientiously by you and all officers under you during the visit of the President of India on 17th/18th October, 1992 and hope that you would continue to put in devoted service with same zeal in the future also.

Yours

Subramanian

(S.V.Subramanian)

Shri A.K.Saharia,APS
Commandant, 3rd A.P.Bn.,
Titabor.

A/for Sub

Sub

		(3)	(4)	(5)	(6)	(7)	(8)	(9)
146	Atul Kumar	Sitaguri	B.Sc.	24-3-77	18-1-76	18-2-75	...	Asstt. Comdt. 8th AP Bn. w.e.f. 13th July, 78.
147	Bishnu Pada Gupta	Cachar	B.A.	1950	1-2-76	1-2-76	...	Asstt. Comdt. 1st AP Bn. w.e.f. 7th July, 78.
148	Jiten Singh	Kamrup	M.Sc.	9-7-70	1-2-75	1-2-76	...	Asstt. Comdt. 2nd AP Bn. w.e.f. 10th July, 78.
149	Nowab 'Medad Hu-	Sibsagar min	M. A.	1-1-51	17-2-76	17-2-75	...	Asstt. Comdt. 9th AP Bn. w.e.f. 18th June, 78.
150	Birendra K. Doley	Lakhimpur	B. A.	1-3-56	1-2-76	1-2-76	...	Asstt. Comdt. 8th AP Bn. w.e.f. 12th June, 78.
151	Nabendu Kishore	Cachar	B. Sc.	30-10-50	28-1-76	28-4-75	...	Asstt. Comdt. 8th AP Bn. w.e.f. 20th September, 78.
152	Ajit Kr. Das	Dibrugarh	M. A.	1-11-47	25-6-76	25-6-76	...	Asstt. Comdt. 3rd AP B. w. f. 8th December, 78.
153	Upendra Nath Das	Kamrup	B.A.LLB	30-8-29	17-4-61	24-9-76	...	DSP, ACB, Law Gauhati w.e.f. 25th October, 77.

Altakect

Re

		(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
154	"	Modilal Das	Kamrup	I. A.	1-10-29	15-6-51	31-8-76	...	DSP, HQ, Hailong w.e.f. 13th June, 77.	TP
155	"	Nanda Kr. Malakar	Cachar	I. A.	1927	15-4-51	30-8-76	...	Ass't. Comdt. 10th AP. Bn w.e.f. 30th August, 1976	TP
156	"	Ugendra Nath Hazarika	Nowgong	I. Sc.	1930	27-1-53	24-12-76	...	DSP, SB, HQ, w.e.f. 24th December, 1976	Under order of transfer as DSP, DSB, Dibrugarh.
157	"	Madhab Ch. Pathak	Kamrup	I. A.	1-12-27	5-6-53	11-9-76	...	Ass't. Comdt. 3rd AP Bn w.e.f. 11th Sep- tember, 1976	Under order of transfer as Adjutant RTS, Dergaon.
158	"	Ranjit Kr. Ghose	Cachar	I. A.	1932	14-2-55	21-8-76	...		On deputation to MLP.
159	"	Tuni Ram Kalita	Sibsagar	I. A.	1-8-33	15-2-55	9-9-75	...	Ass't. Comdt. 10th AP Bn. w.e.f. 15th April, 1977	Under order of transfer as SD- PO, Mangaldoi
160	"	Monoranjan Medhi	Kamrup	I. A.	1930	15-2-55	15-3-76	...	DSP, DSB, Nowgong w.e.f. 9th February, 1977.	...

per Attached

APPENDIX LIST OF GRADUATION LIST GRAVATION LIST
APPENDIX LIST OF GRADUATION LIST GRAVATION LIST

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	
161	„	Bhola Nath Saikia	Sibsagar	I.A.	1-2-27	15-2-55	1-9-76	...	DSP, B. Nowrang, w.e.f. 18th De- cember, 1978	
162	„	Dina Nath Barua	Lakhimpur	I.A.	1-3-33	9-4-56	15-3-76	...	DSP, Reserve, Gau- hati, w.e.f 15th September, 1976	
163	„	Mahendra Nath	Darrang	B. A.	1-2-33	9-4-56	30-8-76	...	DSP, SB, HQ, w.e.f. 30th Au- gust, 1976	
43	164	„	Jadu Nath Dutta	Sibsagar	I.A.	19.30	23.4.56	1.9.76	...	DSP, SB, HQ, w.e. f. 1st September, 1976
165	„	Rohiteswar	Raj- khowa	Sibsagar	I.A.	1.3.31	23.4.56	31.8.76	...	DSP, HQ, Jorhat, w.e.f. 14th No- vember, 1977
146	„	Jaindra	Mohan	Kamrup	BA, LLB.	1.5.33	15.2.55	31.8.76	...	DSP, ACB, Gauhati w.e.f. 31st August, 1976
167	„	Bijoy Krishna Cha- krabarty	K. Hills	Matriculate	1.7.24	17.4.52	21.8.76	On deputation to MLP.
168	„	Bhaba Dutta Saarma	Nowrang	BA, LLB.	1.4.35	6.1.58	31.8.76	...	DSP, HQ, Silchar w.e.f. 31st August 1976	

Allected

1	2	3	4	5	6	7	8	9	10
179	.. Anadi Bhutan Roy	Cachar	I. A.	1.2.36	11.1.53	21.8.76	...	On repatriation to MLP	
179	.. Krishna Karmi	Cachar	I. A.	1.7.27	25.4.47	1.9.76	...	DSP, SE, Kokrajhar w.e.f. 1st September, 1976	
179	.. Battacharjee						23.5.77	...	D.O., SFSO, Gauhati w.e.f. 23rd May, 1977
179	.. Pranab Ranjan Deh	...	I. A.	...	...	...	1977	...	Prob. DSP. 6
179	.. <u>Anil Kumar Sahai</u>	Nowgong	M. Sc.	31.12.51	1.8.77	1.8.77	...	Prob. DSP.	
179	.. <u>Jafar Ali Ahmed</u>	Hogra Kamrup	M. Sc.	1.8.47	1.8.77	1.8.77	...	Prob. DSP.	
179	.. <u>Dibendra Hazarika</u>	Nath Sibasagar	M. A.	24.10.51	1.8.77	1.8.77	...	Prob. DSP.	
175	.. Bhatendra Ch.	.. Goalpara	B. A. (Hons).	7.2.51	1-8-77	1-8-77	...	Prob. DSP.	
176	.. Padma Kumar Das	Sibsagar	B.A, LLB	1-6-50	1-8-77	1-3-77	...	Prob. DSP.	
178	.. <u>Derajuddin Ahmed</u>	Goalpara	M. Sc.	1-2-47	9-8-77	9-8-77	...	On deputation to SSB.	
178	.. Jugal Ch. Mech	... Sibsagar	I. A.	1-4-34	6-1-58	3-10-77	...		

A/Head

Dr

RECEIVED IN THE LIBRARY LAST GRADATION LIST GRADATION 1977

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
179	Subodh Kr. Paul	Cachar	I. Sc.	1-3-36	6-1-58	3-10-77	...	DSP, HQ, NL W. e. f. 3-10-77	...
180	Kuangyha Sekhar Syhet	Maticulate		1925	8-5-44	3-10-77	...	Asst. Comdt. 4th A. P. Bn. w. e. f.	...
181	Jatindra Nath Dutta	Lakhimp. I. A. pur.	I. A.	Sept.34	6-1-58	9-11-77	...	Asst. Principal PTC, w. e. f. of transfer 9-11-77 as DSP, DSB, Dhulai.	3-10-77
182	A. N. M. A. Khan	Nowgong	I. A.	1-4-32	6-1-58	26-9-77	...	Asst. Comdt. 2nd A. P. Bn. w. e. f.	...
183	Nidhu Ran. Dutta	Syhet	I. A.	March'25	14-3-45	1-9-77	...	Asst. Comdt. 3rd A. P. Bn. w. e. f.	10-9-78.
184	Rebati Ch. Bhuyan	Nowgong	I. A.	1928	1-3-53	10-10-77	...	On depara- tion to MFP	...
185	Atindra Mohan Sinha	Cachar	I. A.	1936	10-4-58	11-11-77	...	Asst. Comdt. 3rd A. P. Bn. w. e. f. 10-10-77.	...
186	Sarat Kr. Phukan	Sibsagar	...		11-11-77	11-11-77	...	DSP, SB HQ W. e. f. August '73 Prob. DSP	...

Almora

Almora

82

To
The Inspector General of Police(A)
Government of India.

Commerce

-21

Sub : - Select List for appointment by promotion
to the I.P.S.

30

Sir,

We would like to place the following before
your goodness for your kind consideration and necessary
action so that a great injustice is not done to us and we
are not deprived of promotion to the I.P.S. which is
otherwise due to us.

1. We are senior A.P.S. Officers awaiting promotions
to the I.P.S. and considering our service records, we were
confident that we would be selected and promoted to the
I.P.S. In point of fact, our cases were earlier considered
for promotion to the I.P.S. and though two of us had been
classified as very good by the selection committee, due to
lack of vacancies, we were not included in the select List.

2. We have come to know that a meeting of the
selection committee for preparation of a list of members of
the State Police Service Officers as suitable for
promotion to the I.P.S. was held in June, 1996 and that a
select List was prepared. We have also come to know that in
the select List our names were not included and at least
two officers much junior to us have been included. In preparation
of our just and legitimate claim to be in included, it will be
relevant to mention here that during this period all of us
had a very good, if not outstanding service record and
there can be no justification, whatever, in excluding

Yours,

us from the Select List and including officers who are senior
junior to us.

32
31

3. We have no remedy at this stage except
approaching your goodself to look into the matter and if the
notification promoting our juniors is issued, we will suffer
irreparable loss.

Yours faithfully,

1. (Jibon Singh)

S.P., Sylhet.

2. (Mowla Imdad Hussain)

S.P.I (C.I.D.) Dacca
Ganghat L.

3. (Debendra Nath Hazarika),

S.P., Dibrugarh.

Attested

✓

From : Nawab Imdad Hussain, APS,
Special Superintendent of Police, CID,
Assam, Mathuramagar, Dispur, Guwahati-6.

To : Shri T.K.Kundu, IAS,
Chief Secretary, Assam,
Dispur, Guwahati-6.

Subject : SELECT LIST OF 1996 FOR PROMOTION
TO INDIAN POLICE SERVICE.

Sir,

I have the honour to lay before you the following facts for your kind consideration and favourable action :-

1) That Sir, I am a direct recruit to Assam Police Service of 1976 batch with 14th position in the appointment list. Six officers of 1976 batch of APS having been already promoted to Indian Police Service, I am awaiting my promotion to I.P.S.

2) That Sir, I have come to know that a meeting of the Selection Committee for preparation of a list of members of the State Police Service officers as are suitable for promotion to the IPS, was held in June/1996 and that a select list was prepared. I have also come to know that my name was not figured in the select list but two officers much junior to me viz (1) Sri Ajit Kumar Das (having 17th position in the appointment list of 1976 batch) and (2) Sri Derajuddin Ahmed (having 6th position in the appointment list of 1977 batch) have been included in the list superseding my just and legitimate claim to be so included on the basis of some records purported to have been put up before the Select Committee.

3) In this connection I would like to submit that I have consistently been having a good service record over the years and have been holding important posts like (1) Sub-Divisional Police officers, Goalpara (2) Sub Divisional Police officer, Golaghat, (3) Deputy Supdt. of Police, Dispur Division, Guwahati, (4) Addl. Supdt. of Police, City, Guwahati, (5) Commandant 5th Assam Police Battalion, Haflong, (6) District Superintendent of Police, Lakhimpur, (7) Commandant, 6th Assam Police Battalion, Jaintia (8) Inspector-in-charge of Police, Special Branch, Zone II, Dibrugarh (9) Inspector-in-charge of Police, Dibrugarh (10) Economic and Civil Action Wing, Dibrugarh District, Dibrugarh (11) Inspector-in-charge of Police, CID, Assam etc. in which I have been directed to

my duties to ample satisfaction of the senior officers
in the Police hierarchy in view of the Government.

- 34 -

- 4) There can be no justification whatsoever, in excluding me from the select list and including two officers junior to me, even one of the next batch, thereby denying me my legitimate position.
- 5) It is extremely intriguing that this should have happened as above and therefore there are strong reasons to suspect that the service records and specially the ACRs of these two superseding officers have been manipulated in their favour vis-a-vis me.

I have no remedy at this stage except approaching your goodself to look into the matter. I would therefore request you that Govt. may kindly order an enquiry into the genuineness of the service records of the superseding officers as well as mine so that doubts are dispelled before the select list is given effect to.

Yours faithfully,

12/11/64
12/11/64

(H.R. BHUPATHI)
Special Superintendent of Police, C.P.D.,
Aizawl, ~~and~~ Cherrapunji.

Copy to :-

*Re
Affixed*

- 1) The Chairman, Union Public Service Commission, Bholpur House, Bahujan Road, New Delhi-1 for favour or information and necessary action.
- 2) Shri C.P. Misra, IAS, Addl. Chief Secretary and Principal Secretary to the Govt. of Assam, Home Department, Dibrugarh, Cherrapunji for favour or information.
- 3) Shri P. Pathak, IAS, Inspector General of Police, Cherrapunji for favour or information.
- 4) Shri C. S. Dube, Inspector General of Police, Cherrapunji for favour or information.

12/11/64
12/11/64

(H.R. BHUPATHI)
Special Superintendent of Police, C.P.D.,
Aizawl, ~~and~~ Cherrapunji

XXXXXX

District : Kamrup

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
AT GUWAHATI

O.A. No. 288/1996

Nawab Imdad Hussain & Others Applicants

- Versus -

State of Assam & Others Respondents

Subject matter : Selection and promotion

CONSOLIDATED APPLICATION

<u>Sl. No</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Application	1 to 11.
2.	Verification	12.
3.	Annexure - 'A'	13 to 25
4.	Annexure - 'B'	26 to 30
5.	Annexure - 'C'	31 to 34.
6.	Annexure - 'D'	

Filed by

Advocate

(D) already
Served on the
S. C.G.S.C.

17/1/93
S. Debnath, Lawyer
24-2-93

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

Nawab Imdad Hussain & Others

- Versus -

State of Assam & Others.

I. Particulars of the Applicants :

1. Nawab Imdad Hussain,
Special Superintendant of Police, C.I.D.
2. Sri Jiban Singh,
Superintendant of Police, Cachar, Silchar
3. Sri Anil Kumar Saharia,
Superintendant of Police, Golaghat
4. Sri Debandra Nath Hazarika,
Superintendant of Police, Nalbari.

..... APPLICANTS

II Particulars of the Respondents :

1. State of Assam,
represented by the Chief Secretary
to the Govt of Assam, Dispur
2. The Commissioner and Secretary,
Govt. of Assam, Home Department, Dispur
3. Director General of Police, Assam,
Ulubari, Guwahati-7
4. The Chairman,
Union Public Service Commission,
New Delhi.

5. Union of India, represented by the secretary to the Govt. of India, Ministry of Home Affairs, New Delhi.
6. The Chief Secretary to the Govt. of Meghalaya, Shillong.
7. Sri Ajit Kumar Das,
Commandant 14th Assam Police Battalion,
Doulasal, District Nalbari
8. Sri Darajuddin Ahmed
Superintendent of Police,
Darrang, Mangaldoi

..... RESPONDENTS.

III JURISDICTION OF THE TRIBUNAL :

The applicants declared that the subject matter is within the jurisdiction of this Tribunal.

IV. LIMITATION :

The applicants further declared that the application is within the Limitation prescribed under section 21 of the Administrative Tribunal Act. 1985.

V. FACTS OF THE CASE :

1. That your applicants state that they are direct recruit to the Assam Police Service of 1976 and 1977 batch and from this initial dates of appointment have been rendering sincere, honest and dedicated service to the police department under the Ministry of Home, Assam

The applicants further state that they have a good service record over the years and have been holding important position in which they have been discharging their duties to the entire satisfaction of their seniors as well as the Government and hence is qualified to be promoted to the Indian Police Service (IPS).

A short compilation of the service bio-data of the applicants are annexed herewith and marked as Annexure-A series.

2. That the promotion from the State Cadre of the Police Service to the Indian Police Service (IPS) is governed by the provisions of the Indian Police Service (Appointment by promotion) Regulations, 1955. The relevant provision i.e. Regulation 5 deals with the manner of preparation of a list of suitable officers, which is quoted herein below :

" 5(1) Each Committee shall ordinarily meet at the intervals not exceeding one year and prepare a list of such members of the State Police Service, as held by them to be suitable for promotion to the services. The number of members of the State Police to be included in the list shall be calculated

as the number of substantive vacancies anticipated in the course of the period of 12 months, commencing from the date of preparation of the list i.e. the posts available for them under Rule 9 of the Recruitment Rules plus twenty percent of such number of two whichever is greater;

(2) The Committee shall consider for inclusion in the said list, the cases of the members of the State Police Service in the order of seniority is that service of a member which is equal to three times the number referred to in sub-Regulation (1) ;

Provided that such restriction shall not apply in respect of a state where the total number of eligible officers is less than three times the maximum permissible six of the select list and in such case the Committee shall consider all the eligible officers ;

Provided that the Committee shall not consider the case of a member of the State Police Service unless on the first day of April of the year in which it meets, he is substantive in the State Police Service and has completed not less than eight years of

Contineous service (whether officiating or substantive) in the post of Deputy Superintendent of Police or in any other post or posts declared equivalent thereto by the State Government".

Thus, from plain reading of the above provisions of the Regulation, it is clear that seniority will be one of the most important criteria for promotion to the Indian Police Service from the State Police Service. The applicants who were eligible for promotion to the Indian Police Service under the said Regulation were denied the same though their cases were earlier considered for promotion and two of the said applicants were classified as 'Very Good' by the Selection Committee, but due to lack of vacancies, they were not included in the select list.

3. That your applicants state that because of the non-exclusion of their names in the earlier select list for promotion to Indian Police Service inspite of they being satisfied the criteria under the relevant provisions of the Regulation, they filed representation before the competent authorities from time to time placing forward their genuine grievances, but surprisingly their representations were not disposed of or considered. Curiously, the applicants same to know that a meeting of

the selection Committee for preparation of a list of members of the State Police Service officers for promotion to the Indian Police Service was held in June 1996 and a purported select list was prepared in gross violation of the statutory provisions of law. In the said select list, the applicants' name do not figure but two officers namely Respondent No. 7, and 8 who are much junior to applicants No. 1, 2 and 3 and 4 who are senior to Respondent No. 8 have been included in the list superseding the just and legitimate claim of the applicants for promotion. The applicants further state that they have not been given a copy of the said select list and as such could not annex the same in this application.

A copy of the Gradation list is annexed herewith and marked as
Annexure-'B'.

4. That against the arbitrary and illegal supersession of junior officers to the Indian Police Service, the applicants filed representation before the competent authorities placing their genuine grievance, but till date the said ~~xx~~ representation has not been attended to and the applicants now apprehend that the Government may appoint the Respondent No. 7 and 8 in pursuance of the purported select list. The applicants further state that the purported and illegal move of the Respondents to give promotion to the

Junior Officers to the Indian Police Service superseding the just and genuine claim of the applicants will be detrimental to the morale of the State Police Service and its officers and will seriously undermine the future promotional prospects of many eligible officers to the Indian Police Service and this Hon'ble Tribunal in exercise of its jurisdiction may be pleased to restrain the authorities from appointing the Respondent No. 7 and 8 in pursuance to such purported select list.

Copies of the representations are annexed hereto and marked as Annexure-'C'.

VI DETAILS OF REMEDEIES EXHAUSTED :

That the applicants declare that they have got no other alternative and efficacious remedy other than to come under the protective hands of this Hon'ble Tribunal. The applicants have moved the authorities by way of various representations.

VII MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT.

That your applicant declares that no case is pending in any other Court in respect of the subject matter in question.

VIII. G R O U N D S :

- (a) For that the impugned action of the Respondents in preparing a purported list and including Respondent No. 7 and 8 in it denying the said benefits to the applicants who were senior to them is most arbitrary, unfair, unreasonable, capricious and in complete violation of the provisions of the Indian Police Service (Appointment by Promotion) Regulation, 1955.
- (b) For that the purported select list and the move of the Respondents to appoint respondent No. 7 and 8 to the Indian Police Service will deprive the applicants from their rightful promotion to the I.P.S. in terms of their seniority and since the same is without any reasonable basis or justification is violative of Article 14 and 16 of the Constitution of India and is thus liable to be set aside and quashed.
- (c) For that the purported selection of Respondent No. 7 and 8 have been done without taking into account the relevant facts i.e. the seniority position of the respondents vis-a-vis the applicants and in fact has been passed most

Machanically on the basis of irrelevant and extraneous consideration as such the said inclusion in the select list and the move to appoint them to the IPS in persuance to the said purported select list reflects malice in law and can be justified by reasons other than relevant and bonafide. There has been a colourable exercise of power for collateral purpose.

(d) For that the Respondent authorities could not have prepared the select list by including Respondent No.7 and 8 without deciding correctly the question of inter seniority of the applicants with that of their Respondent No.7 and 8, the resultant supressession by the said respondents who are junior to the applicants is illegal and void and is being without jurisdiction, the condition precedent for exercise of power as done in the instant case is evidently absent.

(e) For that the impugned purported select list including the Respondents No.7 and 8 has caused adverse civil consequence for the applicants and as such the same have been done without any cogent and reasons in flagrant violation of the service Rules/ Regulation governing the conditions of service,

• And as such the said inclusions of Respondent No.7 and 8 in the select list and the concerted move of the respondent authority to appoint them to the IPS is without jurisdiction, non-est in law and therefore liable to be set aside and quashed.

(f) For that as per the statutory provisions of law, it was incumbent of the Selection Committee while preparing the select list to give sufficient cogent reasons in case of supersession and since no adverse entries were communicated against the applicants there was no discernable reasons to justify the non-inclusion of the applicants in the said select list for promotion to the Indian Police Service. The action of the respondents authorities in including respondents No.7 and 8 in the said purported select list and the contemplated move of the respondent authorities to appoint them to the IPS is ex facie illegal arbitrary and non-sustainable in law.

(g) For that the ~~per~~ purported inclusion of the Respondent No.7 and 8 in the select list has caused irreparable loss and hardships to the applicants' right for promotion to the Indian Police Service and the entire action is in violation of the principles of natural justice and fairplay and therefore liable to be set aside and quashed.

(h) For that the preparation of the impugned select List and the contemplated actions of the respondents authority in appointing respondent No. 7 and 8 to the IPS is in violation of the law laid down by the supreme Court and as such the said action of the respondent authority is illegal, unconstitutional and contrary to law and as such the same is liable to be set aside and quashed.

IX. PRAYER :

In the premises aforesaid, it is respectfully prayed that this Hon'ble Tribunal would be pleased to call for the records of the case and on cause or causes being shown and upon hearing the parties be pleased to set aside and quashed the inclusions of the name of Respondent No. 7 and 8 from the purported select List prepared during June, 1996 and further direct the Respondent authority to forbear from giving promotion to the Respondent No. 7 and 8 to the Indian Police Service in pursuance to the purported select List and to direct the respondents for proper consideration of the case of the applicants for promotion to IPS and/or pass any further order(s) as your Lordship may deem fit and proper.

- AND -

Pending disposal of the application be pleased to restrain the respondents authority from making promotion of the respondent No. 7 and 8 to the Indian Police Service and/or to pass any further order/orders at to this Hon'ble Tribunal may deem fit and proper.

: 12 :

VERIFICATION

I, Nawab Imdad Hussain, son of I. Hussain, aged about 40 years, presently working as Special Superintendent of Police, C.I.D., Assam, Guwahati, do hereby verify on behalf of myself and on behalf of the applicants No.2 to 4 as authorised in this behalf, that the statements made in paragraphs 1 to 4 & 6 to 12 are my knowledge and those made in paragraphs 5 are believed to be the legal submissions and I sign this verification on this the 23rd day of FEB 1997 at Guwahati.

APPLICANT

Nawab Imdad Hussain

✓ Habib Habib Hussain,
✓ S/O Late Habib Akbar Hussain,
✓ P.C. Mariani,
✓ P.S. Mariani,
✓ Dist. Jorhat (Assam).
✓ Habib Habib Hussain,
✓ Special Superintendent of
Police, C.I.D., Assam, Guwahati
joined Assam Police Service

-13-

5

On 17-3-76. After completion of his basic training in the Assam Police Training College and district training in Dibrugarh district, the officer was posted as Asstt. Commandant, 9th Assam Police Battalion on 0-6-78. After having served as Main Commander of Battalion posts located along the Assam-Bangladesh International border of sensitive Dhankut Sector, the officer was posted to Scrupulous Dihing Oil Andam-Bhagat Oil Refinery for "supervision of Duties" following large scale massacre of Assam villagers by armed Naga miscreants in January, 1979. When he commanded his troops very effectively and was instrumental in containing the depredation of Naga miscreants in the area thereby restoring the confidence of the panic stricken people. In the year 1980 when the Anti-foreigner agitation spearheaded by ASU took a communal turn and large scale violence broke out in different parts of the State particularly in Dangalgaon and Bijni areas, the officer was deputed to Dangalgaon for law and order duty. His tactful but firm handling of the situation not only brought back normalcy in the affected area but also ensured safety of Dangalgaon Refinery which was then high in saboteurs hit list. The excellent service rendered by the officer during disturbed conditions of 1980 was later appreciated by Govt. of Assam vide letter No. J.M.D. 217/80/30 dated 30-3-82.

In the year, 1981, the officer was deputed to Special Operation Unit, Guwahati, a new cell opened in the wake of large scale saboteurs/terrorists in oil refinery and other vital installations for safeguarding the mode of keeping installations safe from infiltration of communists. He was a very hard hitting like soldier known to his colleagues for his indomitable effort in breaking the Hitler group of saboteurs responsible for killing in oil refinery, All India Radio installations and other various places in Assam. From 1982 to 1984 the officer is in command of Oil Refinery at Dihing, Assam which was highly responsible from command centre for ensuring ongoing ANW (National Emergency War) and was

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-(4)-

officers, by his astute leadership and firmness kept the situation well under control. From 1983 to 1985, the officer was posted as Sub-Divisional Police Officer, Golaghat which was then known to be a strong support base of the Assam Agitationists. Nevertheless, the officer by dint of his sustained hard work and courage of conviction, could maintain order and keep the Sub-Division free of any major incident which was highly appreciated by the then Director General of Police, Assam vide his letter No.F/XXII/206/39 dated 7-1-85. During his tenure as SDPO, Golaghat, the officer also waged a relentless war against Rhino poachers operating in Kaziranga National Park which resulted in busting of a large gang of poachers comprising, not only of members of public but also of staff of forest, Police and some other department of Assam which was highly appreciated by Govt. of Assam vide letter No.DPA.473/44/1 dated 5-3-84.

The officer was promoted to Senior Scale of A.P.O. in 1986 and was posted as 2nd-In-Command, 8th Assam Police Battalion, Dibrugarh (Nagaon) where he served till August, 1987. Thereafter the officer was posted as Addl.S.P., City Guwahati, when besides doing the multifarious duties of Addl.S.P., City Guwahati, he played a very definite role in controlling the growing crimes-against-properties by apprehending several gangs of dacoits and burglars, an act highly appreciated by Govt. of Assam vide letter No.DMA.449/87/24 dated 24-9-88. In June, 1988, the officer was posted as Commandant, 5th Assam Police Battalion, Sontilla, N.C. Hills (Assam) where he continued till August, 1989.

In August, 1989, when disruptive/terroristic activities of United Liberation Front of Assam was at its peak, the officer was posted as Supdt. of Police, Lakshimpur district - one of the worst affected districts of Assam from ULFA angle. Despite various constraints like lack of, adequate force and other resources in the district, the officer worked relentlessly to contain the menace and succeeded in preventing the situation going out of control. In July, 1990, the officer took over command of 6th APBn, Silchar and under his able leadership, the personnel of 6th APBn rendered exemplary service by containing communal riots that broke out in Hailakandi district later that year. After launching of Operation Rhino against the ULFA, the officer was posted as Supdt. of Police, Special Branch (Zone) Jorhat in 1991 with jurisdiction over all Upper Assam districts during which he discharged his duties with utmost devotion and furnished vital intelligence to S.P. Head-quarters which in turn helped Army to a great extent in its operation against ULFA in the Upper Assam districts.

In November, 1992, the officer was posted as Supdt. of Police of Tinsukia (Dibrugarh) District of Assam.

- (3) -

scenario of the district had then taken a worse turn following resumption of agitation of by All Bodo Student Union in support of their demand for a separate Bodo State but the officer, with his judicious use of force and clear understanding of the problem managed to contain the situation which culminated in the signing of the Bodo Land Accord in February, 1993 ushering in an era of peace.

On his transfer from Kokrajhar in October, 1993, the officer served as Commandant, 14th APBn, Daulesal, Nalbari for a brief tenure and then was posted as Supdt. of Police, CTD, Assam, Guwahati in October, 94. In this capacity, the officer, besides looking after workings of several important Cells, also monitored actions of prosecution in all Habeas Corpus petition filed in large number in Gauhati High Court following arrests of ULFA/Bodo extremist by Police/Army. By his diligent efforts he ensured that the interest of the State in these cases was well served.

The Officer took over as Special Supdt. of Police, CTD on 12-9-95, in which capacity he is continuing till date. Besides, looking after establishment and working of several important Cells, the officer heads the Narcotic Cell of CTD, which under his able leadership has been shown remarkable result in the form of seizure of huge quantity of contraband drugs and arrest of large numbers of drug traffickers drawing accolades from Govt. and public alike.

Besides normal police duties, the officer also takes keen interest in sports and games. Because of his organizational ability, the officer was thrice selected as Team Manager of Assam Police Team participating in All India Tournaments via. D.N. Mullick Football Tournament in 1980, All India Police Duty Meet at Pune in 1990 and All India Police Games at Jaipur in 1994. In all these Tournaments the Assam Police Team performed remarkably well and won laurels for the State.

The officer has put in more than 20 years of uniformly brilliant service and has worked in almost all the branches of Police Department with equal seriousness of purpose and devotion to duties which has contributed largely to detection of crimes and curbing of extremism in the State. I, therefore strongly recommend him for the award of Indian Police Medal for Meritorious Service on the occasion of Republic Day, 1997.


(S.K. Deka)
Inspector General of Police, CTD,
Assam : Guwahati.

CERTIFIED.

- 1) Certified that the integrity of Sri Nawab Imdad Hussain, Special Superintendent of Police, CID, Assam, Guwahati is beyond any doubt.
- 2) Also certified that the officer was never prosecuted in any Court of law and that the officer was never censured in any Departmental Proceedings nor there is any Departmental or any legal proceeding pending against him now.


(S.K. DEB)
Inspector General of Police, CPO,
Assam :: Guwahati.

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A/16
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~~Block 10/10/96~~
Recommendation for the award of Indian Police Medal for Meritorious Service on the occasion of Independence Day, 1996.

Annexure A
17

1. Full Name of the Officer recommended (in Block letter)
2. If an I.P.S. Officer mention (a) cadre
3. Rank/Designation with place of posting
4. Date of promotion to present rank
5. Whether substantive or officiating in the present rank.
6. Date of birth
7. Age on 15th August, 1996
8. Date of first appointment
9. Total service as on 15th August, 1996.

10. Rewards.

- i) Cash Rewards
- ii) Highly commendation
- iii) Commendation
- iv) Appreciation
- v) Good Service Entries
- vi) Any other Rewards

11. Punishment.

- a) Major
- b) Minor

12. Qualification.

- a) Academic
- b) Professional

13. Whether belongs to S.Y.P.M.
14. In case nomination is for Sub-Inspector, never served as a member of Police Force (for long service).

1. SIRE NAWAB IMAD HUSSAIN

2. No.
3. Special Superintendent of Police, C.P.D., Assam, Guwahati.
4. Date of birth 10-7-38.
5. Substantive.
6. 1-1-51.
7. 45 years 8 months 15 days
8. 17th February, 1976.
9. 20 years 5 months 20 days.

10. Rewards.
- i) Nil X Not applicable
- ii) Nil X
- iii) Nil X

1	-	1982
2	-	1985
1	-	1988
2	-	1992
		9

- iv) Appreciation
- v) Good Service Entries
- vi) Any other Rewards
11. Punishment.
12. Qualification.
13. Whether belongs to S.Y.P.M.
14. In case nomination is for Sub-Inspector, never served as a member of Police Force (for long service).

- a) Major
- b) Minor
- a) Academic
- b) Professional
1. H.A. in English Literature
2. (a) Attended Weapon and Tactics Course at C.S.W.T., NPF, Indore from 3-9-79 to 17-11-79 and obtained a high average grading.
3. (b) Attended Orientation to Paramilitary Balance Course in NPF Daulatpur from 12-10-91 to 24-10-91.
4. (c) Attended Course on Crime and Justice at Institute of Criminology and Forensic Sciences, Daulatpur from 10-9-92 to 26-7-93.
5. No.
6. Not applicable.

Annexure A
17

10

12

Statement of Awards/Appreciation availed to Sri KENG DODI HODAHL,
Special Superintendent of Police, SD, Assam, Guwahati.

CORPORATE.

Sl. No.	Nature of Reward	Year	Reason	Awarding Authority	1	2	3
				5	1	2	3
1.	Appreciation letter	1992	For valuable and noteworthy service in ensuring smooth running of Administration and maintenance of law and order during disturbed condition that prevailed in Assam during the year, 1990.	Govt. of Assam.			
2.	Appreciation letter	1995	For smooth maintenance of law and order during Industrial-cum-Cultural Festival organized at Golaghat by Govt. of Assam in October, 1994.	D.G.P., Assam.			
3.	Appreciation letter	1995	For prompt action in unearthing and busting a gang of Poachers operating in Kaziranga National Park in April/May, 1994.	Govt. of Assam.			
4.	Appreciation letter	1993	For promptly arresting accused of Golukbari P.C. Case No. 55/93 and recovering stolen articles for them which prevented a serious law and order situation in Gauhati University campus in 1993.	Govt. of Assam.			
5.	Appreciation letter	1992	For good work done at VIP security duty organized for visit of Hon'ble Vice President of India to Dibrugarh on 15-3-92.	DGP (DP) Assam, Dibrugarh			
6.	Appreciation letter	1992	For good work done at VIP security duty organized for visit of Hon'ble President of India to Guwahati on 17th/18th Oct/92.	D.G.P., Assam.			
7.	Appreciation letter		For good work done for visit of Hon'ble Vice President of India to Dibrugarh on 15-3-92.				

for good work done for
visit of Hon'ble Vice President of India to Dibrugarh on 15-3-92
for good work done for
visit of Hon'ble Vice President of India to Dibrugarh on 15-3-92

S.P. H.M.

Loknath

Born in 1950, the 9th. July. Studied in Schools of Assam and finally Passed the H.S.L.C. Examination from Haflong High School in 1965. Studied in College and passed the B.Sc. Examination in 1969. Then joined the Gauhati University and passed the

Joined the Assam Police Service. After training went to Dhubri Dist. as P.M. and got posting as Asstt. Comdt. 2nd. A.P.Bn. and was posted in North Lakhimpur where was engaged in Law and order and the eviction on the Assam-Arunachal Border which was praised by the local Administration. Then got posting as S.D.P.O. Nalbari and joined in February 1980 and remained there till May 1983. This was the entire Agitation period and had faced lot of law and order problem. For this the Govt. gave appreciation letters (One from Adviser and the other from the Chief Secy.) Was posted to Barpeta as S.D.P.O. in 1983. In 1984 got posted as Dy.S.P. (HQ) Kokrajhar and served till 1986. In 1987 got posted as Adil. S.P. (Security) North Lakhimpur but remained there only for 6 months. Since there was serious law and order problem in Nalbari in 1986, on public demand and Govt. desire got posted as Adil. S.P. (HQ) Nalbari in November, 1986 and brought the situation under control. In 1988 got posted as Supdt. of Police, Dibrugarh and faced the difficult situation of ULFA and took several actions and kept the situation under control. In 1989 transferred to Dibrugarh as the Supdt. of Police, Karimganj and Dibrugarh Election without any incident. In 1990 got posted as Supdt. of Police N.C.Hills and remained there till 1994. ~~When you worked in the Comdt~~ There faced the difficult situation created by the N.S.C.N. and other Extremist elements. In 1994 posted as the Comdt. 6th. A.P.Bn. in 1994 and then transferred and posted as Supdt. of Police Cachar, Silchar and now continuing.

*Answer
on*

Ref. No. PNB/CD/209/96/1685

Dated on 11.07.1996

To

The Spl. Super. of Police (CIO),

Assam, Guwahati.

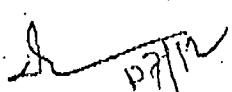
Subject: SERVICE BIODATA OF D.N. HAZARIKA.

Dear Sir,

I am furnishing herewith my Service Biodata as follows :-

- 1) Educational qualification : M.A. (Delhi University).
- 2) Joined APS & posted as Asst. S.I. in August, 1977.
- 3) Confirmed in the rank of Dy.S.P. in 1980.
- 4) Got promotion to senior scale APS in December, 1986.
- 5) Important posts held so far (W.E.F. 1990 to 1990) :-
 - a) Commandant, 2nd Train Nukta
 - b) Superintendent of Police, Dibrugarh
 - c) Superintendant of Police (ADU) Assam, Guwahati
 - d) Assistant Inspector General of Police (APG) Assam, Guwahati.
 - e) Commandant 15 (IR) Bn, Jorhat
 - f) Superintendent of Police, Nalbari (continuing).

Yours faithfully


(D.N. HAZARIKA)
Superintendent of Police,
Nalbari (Assam).

Answer

Annexure 'A' Series

SERVICE RECORDS OF SHRI ANIL KUMAR CHAUHANIA, APS
SUPDT. OF POLICE, COLAGHAT :

21
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Academic Carrier

1. Graduation :- B.Sc. with honours in 1971 from Cotton College, Guwahati.
2. Post-Graduation :- M.Sc. in subject Botany in 1973 from Guwahati University.

Service records

3. Stood FIRST in Assam Police Service in 1977th batch vide APSC Notification NO.3 Psc/CCE-Exam/76 dated 23rd Dec '76.
4. Stood FIRST in the batch in Survey and Settlement in the year 1984.

5. Appreciation

(a) Appreciation letter from DGP Shri P.C.Das. vide D.O.NO.C.99/79/ Vol.1/289 dated 9th August '83.
(b) Appreciation letter from DGP Assam Shri J.S.Pathak vi. D.O.NO. FA/XX/271/PT-1/66 dated 11th February '1985.
(c) Appreciation letter from DGP Assam Shri S.V.Subramanian vide D.O.NO.C.106/92/90 dated 16th Dec '92.

In-Service Training

6. 50th Course on "Orientation to Forensic Science" at the Institute of Criminology and Forensic Science, New Delhi from 4-1-82 to 18-1-82.
7. Stood THIRD in "Anti-Insurgency Course" (IPS & other GOs) at Central School of Weapons & Tactics, BSF, Indore, Madhya Pradesh from 25-6-84 to 14-7-84.
8. "Special Course : V.I.P. Security" at North Eastern Police Academy, Umaw Shillong, from 10-9-84 to 22-9-84.
9. 20th Course on "Accounts and Financial Rules etc." at Assam Administration Staff College, Guwahati from 21-4-92 to 23-4-92.

GUWAT/4

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or

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10. Training Programme on "Role of Departmental Training Co-ordinator" at Assam Administrative Staff College Guwahati from 25-4-94 to 29-4-94.

Important Posts held :-

11. In Junior Scale APS :-

- (a) Dy.S.P., Headquarter, Goalpara.
- (b) Dy.S.P., District Special Branch, Tinsukia.

12. In Senior Scale APS:-

- (c) Additional S.P. Headquarter, Darrang, Mangaldoi.
- (d) Additional S.P. Security Janata Bhawan, Dispur.
- (e) Supdt. of Police, Marigaon.
- (f) Commandant, 3rd A.P. Battalion, Titabur.
- (g) Commandant, Battalion Training Centre, Dergaon.
- (h) Supdt. of Police, Tinsukia.
- (i) Now as Supdt. of Police, Golaghat.

(A.K.Chaharia)

Superintendent of Police,

:GOLAGHAT:

Annexure A

DIRECTOR GENERAL OF POLICE

ASSAM

ULUBARI, GAUHATI-7

The 9th August, 1983

23/5

CONFIDENTIAL

D. O. No. No. 1.C.99/79/Vol. I/289

My dear Saharia,

I am very happy to place on record my appreciation of the good work put in by you during the selection of the candidates for appointment as constables in the Task Force Units from Goalpara District.

I hope you will continue to render devoted service in the coming years also.

A copy of this letter is being placed in your A.C.R. file.

Yours sincerely,

9/7/83

(P. C. DAS)

Shri A.K. Saharia, APS.,
Asstt. Commandant, 5th A.P.Bn.
Sontilla

Attn: F.m.



Annexure A. cont
— 24 —

সকানক-অধীন

অসম পুলিচ

ছাত্রাব্দী - ৭

Director General of Police
Assam :: Guwahati - 7

D.O. No. FA/XX/271/PT-I/66

The 11th February, 1985

my dear Chaharia.

I am very happy to see that you have done magnificently well in the Anti-Insurgency Course which you had undergone at C.S.W.T. Indore from 25/6/84 to 14/7/84. I congratulate you on your standing Third in the Course in order of merit. I am also happy to find that you are a standard shot in CQB weapons. I deeply appreciate your performance and hope that you will continue to remain equally proficient in all branches of Police work.

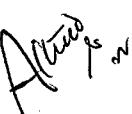
A copy of this D.O. is being kept in your A.C.R. file.

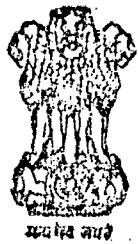
yours sincerely


1.2.85
(J.S. Pathak)

Shri Anil Kumar Chaharia, APS,
Asstt. Commandant, 5th A.P.Bn., Sontilla,
Haflong, Assam.

...


Anil Kumar Chaharia



S.V.Subramanian,IPS

আবক্ষী শহানিদেশক, অসম
Director General of Police, Assam
Ulubari : Guwahati - 781 007
D.O.No.C.106/92/190
The 16th December'92.

Anneexure A contd
25

My dear Saharia

I am happy to place on record my sincere appreciation for discharging the onerous duty conscientiously by you and all officers under you during the visit of the President of India on 17th/18th October, 1992 and hope that you would continue to put in devoted service with same zeal in the future also.

Yours ——————
—————

(S.V.Subramanian)

Shri A.K.Saharia,APS
Commandant,3rd A.P.Bn.,
Titabor.

After

26
Amonkarsa 3B

(2)	(3)	(4)	(5)	(6)	(7)	(8)
146. " ABDL. Ilyasur	Sibsagar	B.Sc.	24-5-17	18-2-75	18-2-75	Asst. Comdr. 8th AP.Bn. w.e.f. 13th June, 78.
147. " Bimal Pada Gupta	Cachar	B.A.	1950	1-2-75	1-2-75	Asst. Comdt. 1st AP. Bn. w.e.f. 7th July, 78.
148. " Jitam. Singh.	Kamrup	M.Sc.	9-7-70	1-2-75	1-2-76	Asstt. Comdt. 2nd Ap. Bn. w.e.f. 10th July, 78.
149. " Naseeb Imdad Hu- ssain	Sibsagar	M. A.	1-1-51	17-2-75	17-2-75	Asstt. Comdt. 9th AP. Bn. w.e.f. 18th June, 78.
150. " Birakanta Kr. Dotey	Lakhimpur	B. A.	1-3-46	1-2-75	1-2-76	Asstt. Comdt. 8th AP. Bn. w.e.f. 12th June, 78.
151. " Narendu Kishore Sinha	Cachar	B. Sc.	30-10-50	28-4-76	28-4-75	Asstt. Comdt. 8th AP. Bn. w.e.f. 20th September, 78.
152. " Ajit Kr. Das	Dibrugarh	M. A.	1-11-47	25-6-75	25-6-76	Asst. Comdt. 3rd AP. B. w.e.f. 8th December, 78.
153. " Upendra Nath Das	Kamrup	B.A.LLB	30-3-29	17-2-51	24-9-76	DSP, ACB, Law Gauhati w.e.f. 25th October, 77.

File No. 1

Annexe B (cont)

29

CA

			(3)	(4)	(5)	(6)	(7)	(8)	(9)
154	„ Mount Das	Kamrup	I. A.	1-10-29	15-6-51	31-8-76	...	DSP, HQ Hifeng w.e.f. 12th June, 77.	
155	„ Nandla Kr. Malaker	Cachar	I. A.	1927	15-4-51	30-3-76	...	Asstt. Comdt. 10th AP. Bn. w.e.f. 30th August 1976	
156	„ Upendra Nath Kumarika	Nowgong	I. Sc.	1930	27-1-53	24-12-76	..	DSP, 6B, HQ- w.e.f. 24th December, 1976	Under order of transfer as DSP, DSB, Dibrugarh.
157	„ Nachab Ch. P. Chak.	Kamrup	I. A.	1-12-29	5-6-53	11-3-76	...	Asstt. Comdt. 3rd AP Bn w.e.f. 11th Sep- tember, 1976	Under order of transfer as Adjutant RTS, Dergaon.
158	„ Ranjit Kr. Ghose	Cachar	I. A.	1932	14-2-55	21-8-76	..		On deputation to MLP.
159	„ Tuni Ram Kalita	Sibsagar	I. A.	1-8-33	15-2-55	9-9-76	...	Asstt. Comdt. 10th AP Bn. w.e.f. 15th April, 1977	Under order of transfer as SD- PO. Nangaldoi
160	„ Monoranjan Medhi	Kamrup	I. A.	1930	15-2-55	15-9-76	..	DSP, DSB, Nowgong w.e.f. 9th February, 1977.	...

1ST GRADUATION 1971 1ST GRADUATION 1971 1ST GRADUATION 1971 1ST GRADUATION 1971

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
161	„	Bhola Nath Saikia	Sibsagar	I. A.	1-2-27	15-2-55	1-9-76	... DSP(B. Nowgong, w.e.f. 18th Dec- ember, 1978	...
162	„	Dina Nath Barua	Lakhimpur	I. A.	1-3-30	9-4-56	15-9-76	... DSP, Reserve, Gau- hati, w.e.f 15th September, 1976	
163	„	Mahendra Nath	Darrang	B. A.	1-2-33	9-4-56	30-8-76	... DSP, SB, HQ, w.e.f. 30th Au- gust, 1976	
164	„	Jadu Nath Dutta	Sibsagar	I.A.	19.30	23.4.55	1.9.76	... DSP, SB, HQ, w.e. f. 1st September, 1976	
165	„	Rohiteswar Raj- khowa	Sibsagar	I.A.	1.3.31	23.4.56	31.8.76	... DSP, HQ, Jorhat, w.e.f. 14th No- vember, 1977	
146	„	Jatindra Mohan	Kamrup	BA, LLB.	1.5.33	15.2.55	31.8.76	... DSP, ACB, Gauhati w.e.f. 31st August, 1976	
167	„	Bijoy Krishna Cha- krabarty	K. Hills	Matriculate	1.7.24	17.4.52	21.8.76	... On deputation to MLP.	
168	„	Bhaba Dutta Sarma	Nowgong	BA, LLB.	1.4.35	6.1.58	31.8.76	... DSP, HQ, Silchar w.e.f. 31st August 1976	

Ans

		3	4	5	6	7	8	9	10
169	„ Anind Bhutan Roy Cachar		I. A.	1.2.35	11.1.58	21.8.76	...	...	On deputation to MLP.
170	„ Krishna Kamal Cachar Bhattacharjee		I. A.	1.7.27	25.4.47	1.9.75	...	DSP, SB, Kokrajhar w.e.f. 1st September, 1976	
171	„ Pranab Ranjan Deb	..	I. A.	...	..	23.5.77	...	D.O., SFSO, Gauhati w.e.f. 23rd May, 1977	
172	„ Anil Kumar Saha Nowrangpur		M. Sc.	31.12.51	1.8.77	1.8.77	1977	...	Prob. DSP.
173	„ Jamilur Rehman Hoque Kamrup Ahmed		M. Sc.	18.47	1.8.77	1.8.77	...	...	Prob. DSP.
174	„ Debendra Nath Sivasagar Hazarika		M. A.	24.10.51	1.3.77	1.8.77	...	...	Prob. DSP.
175	„ Bhagendra Ch. Goalpara Kachari	..	B. A. (Hons).	7.2.51	1.8-77	1-8-77	...	...	Prob. DSP.
176	„ Padma Kumar Das Sibsagar		B.A, LLB	1-6-50	1-8-77	1-8-77	...	1977	Prob. DSP.
177	„ Derajuddin Ahmed Goalpara		M. Sc.	1-2-47	9-8-77	9-8-77	...	...	On deputation to SSB.
178	„ Jugal Ch. Mech ... Sibsagar		I. A.	1-4-34	6-1-58	3-10-77	...	...

30

72

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
179	„ Subodh Kr. Paul ... Cachar	L. Sc.		1-3-36	6-1-58	3-10-77	...	DSP, HQ. N.L. w. e. f. 3-10-77	...
180	„ Himanshu Sekhar Sylhet Dhaar.	Matriculate		1925	8-5-44	9-10-77	...	Asstt. Comdt. 4th A. P. Bn. w.e.f. 3-10-77	...
181	„ Jatintra Nath Dutta Lakhimpur.	I. A.	Sept.34		6-1-58	9-11-77	...	Asstt. Principal, Under order PTC, w. e. f. of transfer 9-11-77 as DSP, DSB, Dhauli.	50
182	„ A. N. M. A. Khan Nowgong	I. A.	1-4-32		6-1-58	26-9-77	...	Asstt. Comdt. 8th A. P. Bn. w.e.f. 10-9-78.	1
183	„ Nidhu Rn. Dutta Sylhet	I. A.	March'25		14-3-45	1-9-77	...	...	On deputation to MLP
184	„ Rebati Ch. Bhuyan Nowgong	I. A.	1928		1-3-53	10-10-77	...	Asstt. Comdt. 3rd A. P. Bn. w. e. f. 10-10-77.	1
185	„ Atindra Mohan ... Cachar Sinha	I. A.	1936		10-4-58	11-11-77	...	DSP, SB HQ. w. e. f. August '78	1
186	„ Sarat Kr. Phukan Silsager	...			11-11-77	11-11-77	...	Prob by DSP	1

Revised

Amneure C

To
The Inspector General of Police(A)
Bharat Bhawan.

Sub : - Select List for appointment by promotion
to the I.P.S.

- 31 -

23

SIR,

We would like to place the following before
your goodness for your kind consideration and necessary
action so that a great injustice is not done to us and we
are not denied of promotion to the I.P.S. which is
otherwise due to us.

1. We are senior A.P.S. Officers awaiting promotion
to the I.P.S. and considering our service records, we were
confident that we would be selected and promoted to the
I.P.S. In point of fact, our cases were not considered
for promotion to the I.P.S. and though two of us had been
classified as very good by the selection committee, due to
lack of vacancies, we were not included in the Select List.

2. We have come to know that a meeting of the
Selection Committee for promotion of a list of members of
the State Police Service Officers, as are suitable for
promotion to the I.P.S., was held in June, 1956 and that a
select list was prepared. We have also come to know that in
the select list our names were not included and at least
two officers much junior to us have been included, which makes
our first and legitimate claim to be an injustice. It will be
relevant to mention here that during this period all of us
had a very good, if not outstanding service record and
there can be no justification, whatever, in excluding

could...

Attn
P.N

us from the Select List and including officers who are much junior to us.

3. We have no remedy at this stage except approaching your goodself to look into the matter and if the Notification promoting our juniors is issued, we will suffer irreparable loss.

Yours faithfully,

1. (Jibon Singh)

S.P., Silchar.

19/11/96

2. (Nawab Indad Hussain)

S.I. (C.I.D) Andam,
Guwahati.

3. (Debendra Nath Hazarika),
S.P., Nalbari.

19/11/96

Alam
7/11/96

From : Nawab Imdad Hussain, APS,
Special Superintendent of Police, CID,
Assam, Metheranagar, Dibrupur, Guwahati-6.

To : Shri T.K.Kamilla, IAS,
Chief Secretary, Assam,
Dibrupur, Guwahati-6.

Subject : SELECT LIST OF 1996 FOR PROMOTION
TO INDIAN POLICE SERVICE.

Sir,

I have the honour to lay before you the following facts for your kind consideration and favourable action :-

1) That Sir, I am a direct recruit to Assam Police Service of 1976 batch with 14th position in the appointment list. Six officers of 1976 batch of APS having been already promoted to Indian Police Service, I am awaiting my promotion to I.P.S.

2) That Sir, I have come to know that a meeting of the Selection Committee for preparation of a list of members of the State Police Service officers as are suitable for promotion to the IRS, was held in June/1996 and that a select list was prepared. I have also come to know that my name has not figured in the select list but two officers much junior to me viz (1) Sri Ajit Kumar Das (having 17th position in the appointment list of 1976 batch) and (2) Sri Darauddin Ahmed (having 6th position in the appointment list of 1977 batch) have been included in the list superseding my just and legitimate claim to be so included on the basis of some records purported to have been put up before the Select Committee.

3) In this connection I would like to submit that I have consistently been having a good service record over the years and have been holding important posts like (1) Sub-Divisional Police officers, Goalpara (2) Sub Divisional Police officer, Golaghat, (3) Deputy Supdt. of Police, Dibrupur Division, Guwahati, (4) Addl. Supdt. of Police, City, Guwahati, (5) Commandant 5th Assam Police Battalion, Haflong, (6) District Superintendent of Police, Lakhimpur, (7) Commandant, 6th Assam Police Battalion, Bishnupur (8) Inspector-in-Chief of Dibrupur District Branch (9) Inspector-in-Chief of Dibrupur, Dibrupur (10) Commandant 14th Assam Police Battalion, Dibrupur (11) Inspector-in-Chief of Police, CID, Assam etc., in which I have been distinguished

Dated, 11/11/96

Received

my dutiful to make application of the senior officer to the Police hierarchy on behalf of the Government.

4) There can be no justification whatsoever, in excluding me from the select list and including two officers junior to me, even one of the next batch, thereby denying me my legitimate position.

5) It is extremely intriguing that this should have happened as above and therefore there are strong reasons to suspect that the service records and specially the ACRA of those two superseding officers have been manipulated in their favour vis-a-vis me.

I have no remedy at this stage except approaching your goodself to look into the matter. I would therefore request you that Govt. may kindly order an enquiry into the genuineness of the service records of the superseding officers as well as mine so that doubts are dispelled before the select list is given effect to.

Yours faithfully,

(U. I. HOSSAIN)

Special Superintendent of Police, CID,
Assam, Gauhati.

Copy to :-

- 1) The Chairman, Union Public Service Commission, Bholpur House, Sahjanan Road, New Delhi-1 for favour or information and necessary action.
- 2) Shri C.P. Misra, TAS, Addl. Chief Secretary and Principal Secretary to the Govt. of Assam, Home Department, Dibrugarh for favour or information.
- 3) Shri P.M. Teliwani, PWD, Director General of Works, Dibrugarh for favour or information.
- 4) Shri D. Bhattacharya, Additional Secretary to the Chief Minister, Assam, Dibrugarh for favour or information.

(U. I. HOSSAIN)

Special Superintendent of Police, CID,
Assam, Gauhati.