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100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN.NO. 53 OF 1996
 TRANSFER APPLN.NO. OF 1995
 CONTEMPT APPLN.NO. OF 1995 (IN OA NO.)
 REVIEW APPLN. NO. OF 1995 (IN OA NO.)
 MISC. PEIN. NO. OF 1995 (IN OA NO.)

Prithvi Singh Lakshari APPLICANT(S)

-vs-

Up. Govt. Serv. RESPONDENT(S)

FOR THE APPLICANT(S) ...MR. G.K. Bhattacharya
 MR. G. N. Das
 MR.
 MR.

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

OFFICE NOTE	DATE	ORDER
<p><i>Requisites are found issued vide no. 786-90 dt 11-4-96</i></p>	<p>3.4.96</p>	<p>Learned counsel Mr G.K.Bhattacharya moves this application for the applicants. Learned Addl.C.G.S.C Mr A.K.Choudhury, is present for respondent No.1.</p> <p>Permission granted to join together in this application under Rule 4(5) (b) of the Central Administrative Tribunal(Procedure) Rules 1987 vide order passed in M.P.40/96. Perused the contents of the application and the reliefs sought. Application is admitted. Issue notice on the respondents by registered post. Written statement within six weeks.</p> <p>List on 13.5.96 for written statement and further orders.</p> <p>Heard counsel of the parties on the interim relief prayer. Interim relief as prayed for cannot be granted. However pendency of this application shall not be bar for the respondents to hold the triennial review which was due in 1995. Further selection to the IPS for 1996 will be subject to the result of the O.A.</p>

Bi

Member

3

OFFICE NOTE

DATE

ORDER

13.5.96

Dr Y.K.Phukan, Sr. Govt. Advocate, Assam for respondents No.2,3 and 4. Mr A.K.Choudhury, Addl.C.G.S.C for respondent No.1. None for the applicant.

Written statement have not been submitted. As requested by Dr Phukan and Mr Choudhury time for filing written statement is extended upto 20.6.96.

List on 20.6.96 for written statement and further orders.

[Signature]
Member

30.5.96.

Notice duly served on Respond No. 4, 3, 2.

pg

20.6.96

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

Respondent No.1 has submitted written statement. Copy of the same served on the counsel of the applicant. Other respondents have not submitted written statement.

List for written statement and further orders on 18.7.96.

[Signature]
Member

pg

18-7-96

Learned Addl.C.G.S.C. Mr. A.K.Choudhury for respondent No.1. None for the other respondents and the applicant.

List on for hearing on 16-8-96. In the meantime respondent Nos.2,3,4, & 5 may submit written statement.

[Signature]
Member

lm

[Signature]

[Signature]

13-6-96

W) filed on behalf of R.no. 1 at pg 3, 4-5

W) statement has not been filed by the Responds nos-2-5

W) statement has not been filed by the Responds no. 2-5.

14/8

OFFICE NOTE

DATE

ORDER

16.8.96

Mr. G.N.Das for the applicant:

Mr. A.K.Choudhury, Addl. C.G.S.C. for respondent No. 1.

None for respondent Nos. 2 to 5. They have not submitted written statement.

List for hearing on 13.9.96. In the meantime respondent Nos. 2 to 5 may submit their written statement if desire.

Member

Informed to the respondents no. 2 to 5.
16/8/96.

w/ statement has not been submitted by the respondents no. 2-5.

trd

18.9.96

Mr. G.N.Das for the applicant.

Mr. A.K. Choudhury, Addl.C.G.S.C. for the respondent No. 1.

Written statement have not been submitted by respondent Nos. 2 - 5.

List for hearing on 17.10.1996. In the meantime the respondent Nos. 2 to 5 may submit written statement.

Member

No. w/ statement has not been submitted by respondents no. 2-5.

trd

17.10.96

Mr G.N.Das for the applicant. Mr A.K. Choudhury, Addl.C.G.S.C for the respondents. None for respondents No.2 to 5.

Written statement has not been submitted by respondents 2 to 5.

List for hearing on 5.12.96. In the meantime respondents 2 to 5 may submit written statement with copy to the opposite party.

Member

w/ statement has not been submitted by respondents no. 2-5.

5

O.A. 53 of 1996.

5.12.96 None present.

Respondent No. 1 has submitted written statement. Respondent Nos. 2,3 and 4 have not submitted written statement despite service of notices on them. The case is ready for hearing. To be listed for hearing before Division Bench next available.

Place before the Division Bench

W
6/12

trd
W
6/12


Member

9.5.97

Learned counsel for the parties submit that the case is ready for hearing. List on 9.7.97 for hearing.

1) W/S statement has been filed on R. 1.

2) W/S has not been filed on R. Nos 2-5. pg 1


Member


Vice-Chairman

9.7.97

Mr. A.K.Choudhury, learned Addl. C.G.S.C. is reported to be sick and unable to attend Tribunal today. Accordingly a mention has been made for adjournment. Mr. G.K.Bhattacharyya, learned counsel appearing on behalf of the applicant has no objection. The case is adjourned till 13.8.1997.

17

1) W/S has been filed on R. No. 1.

2) W/S has not been filed on R. Nos 2-5. trd W 30/7


Member


Vice-Chairman

13.8.97

Adjourned to 3.11.97.

By order

18

1) W/S has been filed on R. No. 1.
2) W/S has not been filed on R. Nos 2-5.

3.11.97

Adjourned to 27.11.98.
By order.

1/10

(6) QA 53/96

27-1-98

Case is ready for hearing.

List on 29-4-98 for hearing.

ba
Member

Sh
Vice-Chairman

lm
rs
3/2

17-3-98

In view of the order passed in Misc. Petition No. 61/98 the Original Application No. 53/96 to be listed for hearing on the date fixed earlier that is on 29.4.98.

ba
Member

Sh
Vice-Chairman







lm

v
D) w/s has been h'w on R. No. 1.
D) w/s has not been h'w on R. Nos. 2-5.

9-13-98

Written Statement filed on behalf of The ~~2~~ respondents No. 2, 3 & 4 with a prayer an application MP No- 61/98 filed by Dr. Y. K. Phukan, Sr. G.A. ASSAM.

YAA

Notes of the Registry	Date	Order of the Tribunal
<p>w/s has been filed in behalf of the parties 12345 20/7</p>	<p>29.4.98</p>	<p>List on 21.7.98 for hearing. X</p> <p> Member</p> <p> Vice-Chairman</p>
<p>Written statement has been filed.</p> <p>20/7</p>	<p>21.7.98</p> <p>pg 2/1 30/9</p>	<p>Mr G.N. Das, learned counsel for the applicant prays for a short adjournment for obtaining certain instructions. Let the case be listed on 27.7.98.</p> <p> Member</p> <p> Vice-Chairman</p>
<p>7.9.98</p> <p>Copies of the Judgment have been sent to the Secy for issuing the order to the parties through regd. with A/O.</p> <p>Copies of the Judgment has been receipt. & issued vide Rec. No. 2576 to 2581 dt. 10.9.98</p>	<p>27.7.98</p> <p>nkm 22/7</p> <p>nkm</p>	<p>Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.</p> <p> Member</p> <p> Vice-Chairman</p>

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.53 of 1996

Date of decision: This the 27th day of July 1998

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

The Hon'ble Mr G.L. Sanglyine, Administrative Member

1. All Assam Police Association,
Ulubari, Guwahati.
2. Shri Prabhat Singh Lahkar,
Deputy Superintendent of Police,
General Secretary, All Assam Police Association,
Ulubari, Guwahati.Applicants

By Advocates Mr G.K. Bhattacharyya and
Mr G.N. Das.

-versus-

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.
2. The State of Assam, represented by the
Chief Secretary to the Government of Assam,
Dispur, Guwahati.
3. The Commissioner and Secretary to the
Government of Assam,
Home Department,
Dispur, Guwahati.
4. The Director General of Police,
Assam, Guwahati.
5. The State of Meghalaya, represented by the
Chief Secretary to the Government of Meghalaya,
Shillong.Respondents

By Advocates Mr A.K. Choudhury, Addl. C.G.S.C.,
Dr Y.K. Phukan, Sr. Government Advocate, Assam
Ms M. Das, Government Advocate, Assam.

.....

O R D E R

BARUAH.J. (V.C.)

This application has been filed by the applicants seeking certain directions to the respondent.

2. Facts for the purpose of disposal of this application are:

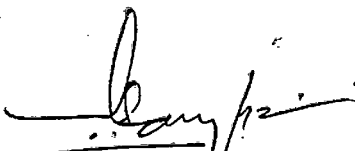
B
The applicants belong to the Assam Police Service Cadre. According to them the earlier rule was that there


should be a review of cadre strength every three years. But, in practice, the authority never did it. This three year period was amended by a Notification dated 10.3.1995 issued from the Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training. As per the said notification the cadre review should be done at the interval of every five years. The present application was filed in the month of March 1996. At that point of time the notification amending the period was very much in force. As per the said notification the review of the cadre strength was required to be made in January 1997. Therefore, when the application was filed there was no cause of action.

3. We have heard Mr G.N. Das, learned counsel for the applicant and Mr A.K. Choudhury, learned Addl. C.G.S.C. and Ms M.Das, learned Government Advocate, Assam. Mr G.N. Das submits that in 1997 also the review of cadre strength was not done. Mr A.K. Choudhury does not dispute this fact.

4. On hearing the learned counsel for the parties we find no merit in this application. However, we expect the respondents to make the review of cadre strength within five years which became due in 1997. As it was not done we expect the respondents to do it forthwith.

5. With the above observation the application is disposed of. No order as to costs.


(G. L. SANGLYINE)
MEMBER (A)


(D. N. BARUAH)
VICE-CHAIRMAN

Central Administrative Tribunal
 কেন্দ্রীয় প্রশাসনিক আদালত
 26 MAR 1996
(Signature)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GAUHATI BENCH:
 GUWAHATI.

O.A. 53 /96.

Shri Prabhat Singh Lahkar.

-vs-

Union of India and others.

Bench :-

Matter:

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Filed by :-

C. N. Das,
Att. Secy.

*Recd copy
 H.C. Choudhury
 H.C. Choudhury
 27/3/96*

Filed by:
Bill
(G. No. 200)
Hd ro case

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH
GUWAHATI.

O.A. 53 /96.

Shri Prabhat Singh Lahkar.

- Versus-

Union of India and others.

1: PARTICULARS OF THE APPLICANTS:

- 1) All Assam Police Association ,Ulubari, Guwahati.
- 2) Shri Prabhat Singh Lahkar,
Deputy Superintendant of Police,
General Secretary,
All Assam Police Association, Ulubari, Guwahati.

2 : PARTICULARS OF THE RESPONDENTS:

- 1) Union of India (Represented by the Secretary to the Government of India, Ministry of Home Affairs, New Delhi).
- 2) State of Assam (represented by the Chief Secretary to the Government of Assam, Dispur, Guwahati). 6
- 3) Commissioner and Secretary to the Govt. of Assam, Home Department, Dispur, Guwahati . 6
- 4) Director General of Police, Assam ,Ulubari, Guwahati. 7
- 5) State of Meghalaya (represented by the Chief Secretary to the Govt. of Meghalaya, Shillong).

Contd...

3: THE APPLICATION IS AGAINST THE FOLLOWING ORDERS:

1) Action of the authorities in not discharging the duties cast by the provisions of Rule 4(2) of the I.P.S. (Cadre) Rules, 1954 within a reasonable period thereby adversely affecting the interest of the Members of the applicant-Association .

2) Complete inaction of the authorities in carrying out the triennial review inspite of the fact that this Hon'ble Tribunal had held that it was a legal obligation by Judgment dt.2.8.95 in O.A. 111/95 .

4 : THE APPLICANTS DECLARE THAT THE SUBJECT MATTERS OF THE ORDERS ARE WITHIN THE JURISDICTION OF THIS TRIBUNAL :

5: THE APPLICANTS DECLARE THAT THE APPLICATION IS WITHIN THE LIMITATION PRESCRIBED UNDER SECTION 21 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985 .

6: FACTS OF THE CASE:

1) That the applicant No.1 is an Association of the Police Officers under the State of Assam having its Office at Anil-Muzzamil Road, (opposite Apsara Cinema) Ulubari, Guwahati duly approved by the Govt. of Assam . The applicant No.2 who is an officer of the Assam Police Service is the General Secretary of the Association and he is authorised to make all correspondence /take steps on behalf of the Members of the Association. The members of the Association

Contd....

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have a common grievance and as such they are approaching this Tribunal in a representative capacity to avoid multiplicity of litigation and as, if relief is granted, the members of the Applicant- Association will be benefitted.

2) That the applicant- Association includes members of the senior grade of the Assam Police Service and they are eligible to be considered for promotion to the Indian Police Service (I.P.S. in short) for advancement of their career.

3) That the Central Govt. , after consultations with the State Govts., made the I.P.S. (Recruitment) Rules, 1954 , in exercise of powers conferred by sub-section 4 of Sec.3 of the All India Services Act, 1951. The aforesaid Rules lay down the method of recruitment and other conditions for being appointed to the I.P.S. Appointments to the IPS can be made either by direct recruitment or by promotion from amongst the members of the State Service and Rule 9(1) of the said Rules empowers the Central Govt. to make such Regulations for regulating the recruitment by promotion.

The Central Govt., in exercise of powers under Rule 9(1) of the Recruitment Rules, made the I.P.S. (Appointment by promotion) Regulations, 1955. The said Regulations provide for the constitution of a Selection Committee for preparing a list of such members of the State Police Service as are held by them to be suitable for promotion to the IPS. The Committee is required to

consider the cases of the members of the State Police Service in order of seniority of a number which is equal to three times the number of vacancies.

4) That vacancies in a cadre arise out of a variety of reasons, like, retirement, creation of new posts and promotion to higher cadres besides unforeseen vacancies caused by death, resignation, permanent transfer outside the cadre, termination of service by dismissal, removal or premature retirement of any kind. A method is also prescribed for creation of new substantive posts.

The Central Govt., in exercise of powers conferred by Sub-section 1 of section 3 of the All India Services Act, 1951 made the I.P.S. (cadre) Rules, 1954.

The strength and composition of each of the cadres are fixed as per the I.P.S. (Fixation of Cadre Strength) Regulations. Rule 4(2) of the Cadre Rules provides as follows :- "4(2) : The Central Govt. shall, at intervals of every three years, re-examine the strength and composition of each such cadre in consultation with the State Govt. or State Govts. concerned and may make such alterations therein as it deem fit.

Provided that nothing in this Sub-Rule shall be deemed to affect the power of the Central Govt. to alter the strength and composition of any cadre at any other time".

5) That the applicant, begs to state that under the aforesaid Rule, the Central Govt. in consultation with the State Govt. is required to re-examine the strength

and composition of the cadre at the interval of every three years and this duty is required to be discharged without unreasonable delay so that it does not cause any adverse effect on the persons whose interests are governed by the aforesaid Rules and Regulations relating to recruitment, promotion, seniority or pay. It will be relevant to mention here that the I.P.S. officers of the State of Assam and Meghalaya are grouped together and is known as the Joint Assam Meghalaya Cadre.

6) That the applicants beg to state that the provisions of these Rules and Regulations are inter-connected in such a manner that a failure to act strictly in accordance with one results in the failure to act strictly in conformity with the spirit of certain provisions in other Rules or Regulations and the provisions in the Rules and Regulation have to be read together and harmoniously. Thus violation of the provisions of holding a triennial review of the cadre strength as contemplated under Rule 4 (2) of the Cadre Rules adversely affects and prejudices the officers of the State Police Service as normally the vacancies against the promotion quota increases after a triennial review.

7) That the applicants beg to state that, unfortunately, there has been repeated violation of Rule 4 (2) of the I.P.S. (Cadre) Rules, 1954 by which the Central Govt. is mandatorily required to re-examine the strength and

contd..

composition of the cadre in consultation with the State Govt. jeopardizing the career prospects of the State Police Service Officers.

8) That the strength of the cadre was re-examined in 1982-83 effective from 20.4.83 and the next triennial review was due in May, 1986. Unfortunately, without holding the triennial review in 1986, a meeting of the Selection Committee was held on 30.12.86 though the proposal for the triennial review was forwarded by the Joint Cadre Authority in May, 1985. In the said proposal, the number of posts in the promotion quota for Assam has been shown as raised from 22 to 30, i.e., a rise of 8 vacancies which was not taken into consideration by the Selection Committee. One of the ex-members of the Association, Shri Gopinath Das, had filed an application before this Hon'ble Tribunal which was numbered as G.C. 57/87 in which the action of the authority in not holding the triennial review in time was challenged. This Hon'ble Tribunal, after hearing all the parties concerned, by judgment dt.13.11.87, had held that where a re-examination of the cadre strength is overdue, the non-consideration of likely vacancies to be created by the statutory ^{re-}examination, while assessing the anticipated substantive vacancies, was prejudicial to the officers and that the failure to do that had caused the applicant a genuine grievance and directed the Central Govt. to take a decision on the State Govt.'s

contd...

proposal for re-examination of the strength and composition of the cadre for Assam and Meghalaya within a period of three months (Judgement reported in (1988)6 ATC 801).

9) That, in pursuance to the said judgment, the Govt. of India belatedly, by DP & T Notification No. 11052/7/88-AIS(ii) dt.19.12.88, reviewed the cadre strength as on 1.5.86 and as a result the promotion quota was increased from 27 to 34 and seven vacancies arose on 1.5.86 to be filled up by promotion of State Police Service Officers to the I.P.S. Cadre.

10) That, as per Rule 4(2) of the Cadre Rules and the Judgment of this Hon'ble Tribunal holding the said Rule to be mandatory, the next triennial review was due to be held in May, 1989. The applicants understand that a proposal was submitted by the Joint Cadre Authority in 1989 itself but that no action was taken on the same. Ultimately a meeting of the triennial review committee was held on 27.9.91 and the Central Govt. vide Notification No.11052/10/91- AIS(ii) A dt.17.1.92, made the I.P.S. (Fixation of Cadre Strength)-Second Amendment Regulation, 1992 by which the entries occurring in the schedule to the I.P.S. (Fixation of Cadre Strength) Regulation was substituted. However, the outcome of this review made on the basis of the proposal sent in 1989 did not benefit the State Police Service Officers as against the proposal to increase the cadre

contd...

posts of Commandants from 9 to 11 and by creating 4 more S.P. rank cadre posts for four new districts, the review committee withdrew four cadre posts of Commandants from the existing 9 and allotted the same to the newly created four posts of Supdts. of Police with the result that there was no increase in the cadre strength.

A copy of the said Notification is annexed herewith and marked as Annexure-I.

11) That after the Judgment passed by this Hon'ble Tribunal, by Notification dt.19.12.88, the Cadre Strength was reviewed as on 1.5.86 . As such, as per Rule 4 (2) of the Cadre Rules, the next review was due in May, 1989 and thereafter in May, 1992 . However, no such review was carried out and by Notification dt.17.1.92 .

(Annexure- I) , the cadre was reviewed on the basis of the 1989 proposal and the said review can related only to 1989 . Another review was due in May, 1992 but again absolutely no action was taken by the Respondents to hold this triennial review for which the members of the applicant -Association had to suffer. Even on the basis of the review belatedly notified in January, 1992 , the next triennial review was due to be held in Feb'1995 but again no steps whatsoever have been taken to review the matter as a result of which eligible members of the applicant- Association are being denied promotion otherwise due to them and the members feel that the matter

Contd...

is being unduly delayed at the cost of several eligible officers. A meeting of the Selection Committee, as contemplated in I.P.S. (Appointment by Promotion) Regulation, 1955 was held in March, 1995 without holding any triennial review and on the basis of the old out-dated schedule.

12) That the applicants beg to state that the injustice done to its members will be further evident from the fact that Assam and Meghalaya, being a Joint Cadre, the Officers of A.P.S. and M.P.S., in due course, are promoted to I.P.S. and eventually become members of the Joint I.P.S. Cadre of Assam and Meghalaya. As such it is imperative that the year-wise seniority of the Officers of the two state services is maintained in order to ensure that officers recruited in a particular year are not superseded by Junior Officers of any of the two State Services. Unfortunately, while as many as ¹¹13 Officers of 1976 batch and 7 Officers of 1977 batch of the Assam Police Service are awaiting promotion to the I.P.S., for want of vacancies, Meghalaya Police Service Officers recruited in 1978 and later have already been promoted to I.P.S. and this is due to mis-management of the cadre.

13) That the applicant-Association met on 22.4.95 and discussed about the mismanagement of the Joint Cadre and also non-holding of mandatory triennial review in time and resolved that the matter be taken up with the State

Govt. through the D.G.P. for holding the triennial review immediately . Copies of the aforesaid resolutions were circulated to all concerned including Respondents No.3 and 4.

Copies of the resolutions and the forwarding letter are annexed herewith and marked as Annexure-II(series).

14) That, after submission of the memorandum/ resolutions, the members of the applicant -Association took up the matter with the Govt. and it appears that there has been some confusion regarding holding of the meeting due to lack of proper application of mind . The applicants, to clear the misconception, needed certain documents and as such the applicant, by his representation dt.23.5.95, again stated the entire facts with the prayer that certain documents be furnished to them but there was no response whatsoever.

A copy of the representation dt.23.5.95 is annexed herewith and marked as Annexure-III.

15) That, since there was absolutely no response from the authorities and from the discussions and attitude of the respondents, the applicants were convinced that no useful purpose would be served by waiting any longer and as such they filed an application before this Hon'ble Tribunal for redressal of their grievances and the same was numbered as O.A.111/95.

This Hon'ble Tribunal, by order dt.2.8.95, at the time of admission, held that what the applications sought was that the Respondents should act consistently with Rule 4(2) of the I.P.S. (Cadre) Rules and perform their legal obligations ~~that~~ that a statutory obligation had to be carried out and in the absence of any convincing reason having been pointed out for the delay, the Respondents were directed to take early steps to fall in line with the requirements of Rule 4(2) of the I.P.S. (Cadre)Rules. This Hon'ble Tribunal disposed of the application with the above observations and that the applicants could move this Tribunal again if the representations were not disposed of within a period of 3 months from the date of receipt of the order.

A copy of the order is annexed herewith and marked as Annexure-IV.

16) That, though the aforesaid order was passed on 2.8.95 and the time fixed by this Hon'ble Tribunal was 3 months , nothing was done in the matter . The applicant Association made enquiries in the first week of ~~Nov~~ and came to know that the order passed by this Hon'ble Tribunal was held up by some middle-level officers and that the matter was not even brought to the notice of the Chief Secretary and higher authorities of the department and as such the applicants took steps to see that the order was placed before the proper authority.

contd...

17) That, subsequently, the applicant No.2 received a copy of letter No.HMA.395/95/78 dt.14.11.95 from the Deputy Secretary to the Govt. of Assam, Home Department, addressed to the Senior Govt. Advocate, CAT whereby the Govt. Advocate was requested to inform this Hon'ble Tribunal that the State Govt. had taken effective steps to process the case of encadrement and that the process involved many agencies including the Joint Cadre Authority but that the State Govt. was implementing the order within the shortest possible time.

A copy of the said letter is annexed herewith and marked as Annexure- V.

18) That since the reasons cited for the delay was only an eye-wash to mislead this Hon'ble Tribunal, on receipt of the said letter, the applicant No.2, by his letter No.AAPA/Vo-I/P-261 dt.14.12.95, represented to the Respondent No.3 stating the entire facts and as to how the order passed by this Hon'ble Tribunal was held up and prayed that the triennial review be carried out as assured by the Govt. and further requested not to start the process of selection for the year 1996 under the I.F.S.(Appointment by promotion) Regulations, 1955 till the triennial review was carried out.

Copy of the said letter is annexed herewith and marked as Annexure- VI.

19) That, though more than 4 months had elapsed since the letter dt.14.11.95 and more than 7 months from the order dt.2.8.95 passed by this Hon'ble Tribunal had elapsed, the triennial review has not yet been made as a result of which the members of the petitioners Association will be greatly prejudiced. Meanwhile, the Govt. had already made arrangements for holding a meeting of the Selection Committee as contemplated in the I.P.S. (Appointment by Promotion) Regulations, 1955 on two occasions, once on 6.2.96 at Shillong and again on 28.2.96 at New Delhi but the Select List could not be prepared due to want of complete ACR of the eligible officers and the next meeting is likely to be held shortly. Unless the process of Selection is stayed till the triennial review is carried out, some members of the petitioners Association will be greatly prejudiced as they will not come within the Zone of consideration because of the inaction of the authority.

7 : DETAILS OF REMEDIES EXHAUSTED:

The applicants have submitted representations on 24.4.95 and 23.5.95 but no action has been taken and the applicants are convinced that no useful purpose will be served by waiting any longer as, inspite of order dt. 2.8.95 in O.A.111/95 ; no action whatsoever has been taken. The applicants do not have any statutory remedy .

Contd...

8: The applicants further declare that they have not previously filed any application /writ petition or suit regarding the matter in respect of which this application has been made before any Court of Law or any other authority or any other Bench of the Hon'ble Tribunal and no such application/writ application or suit is pending.

9 : RELIEF SOUGHT AND GROUNDS:

I) For that the action of the authorities in not holding the triennial review of the cadre strength in due time before holding the meeting of the Selection Committee has caused adverse effects on the members of the applicant Association inasmuch as the likely alteration in the cadre strength was not taken into account for determining the zone of consideration and as such the action of the authorities is bad in law and liable to be set aside.

II) For that the provisions of the I.P.S.(Appointment by Promotion) Regulations, 1955 are interconnected with the provisions of the I.P.S.(Cadre)Rules, 1954, inasmuch as the substantive vacancies anticipated as mentioned in Regulation 5 of the Promotion Regulations are dependent on the cadre strength as determined under Regulation 4(2) of the I.P.S. (Cadre)Rules, 1954 . As such the failure to act strictly in accordance with Rule 4(2) of the Rules has resulted in failure to act in conformity with the spirit of the Promotion Regulations and as such the impugned action which adversely affects the persons

concerned is bad in law and liable to be set aside.

III) For that in order to ascertain the correct anticipated substantive vacancies as referred to in Regulation 5(1) of the Promotion Regulations, a mandatory duty is cast on the Respondents to re-examine the strength and composition of the cadre at intervals of every three years as stipulated in Rule 4(2) of the Cadre Rules and since there has been unreasonable delay in performing the same, the delay has caused adverse effects to the members of the applicant Association and as such the impugned action of the authorities is bad in law and liable to be set aside.

IV) For that not holding the triennial review in time has harmful effect on the eligible officers inasmuch as the substantive vacancies are reduced and less persons come into the zone of consideration and in the select list and the Regulation 5 of the Promotion Regulations and as such Rule 4 of the Cadre Rules confers a right on the applicants to have the re-examination of the cadre done by the due date and as the Respondents have failed to discharge the statutory duty under Rule 4(2) of the Rules, this is a fit case where this Hon'ble Tribunal will exercise jurisdiction and direct the Respondents to hold the triennial review from the date it was due.

V) For that in any view of the matter, the impugned action of the authorities in not re-examining the cadre

strength when it was due has resulted in the Selection Committee meeting held in March 1995 having a reduced number of substantive vacancies for consideration to the great prejudice of the officers and since the applicants have a genuine grievance, this is a fit case where this Hon'ble Tribunal will exercise jurisdiction and grant relief.

It is, therefore, prayed that your Lordships would be pleased to admit this application, call for the entire records of the case, ask the opposite parties to show cause as to why the Respondents should not be directed to hold the triennial review of the Joint Assam- Meghalaya cadre when it was due as required under Rule 4(2) of the I.P.S. (Cadre) Rules, 1954 and after perusing the causes shown, if any, and hearing the parties, direct that the triennial review be held when it was due and thereafter, hold a Selection Committee meeting for 1996 under the Promotion Regulations to consider the additional posts, if any and/or pass any other order/orders as your Lordships may deem fit and proper so as to grant adequate relief to the applicants.

It is further prayed that pending disposal of the application, your Lordships

contd..

would be pleased to direct the authorities not to start the process of Selection to the I.P.S. for 1996 as contemplated under the I.P.S.(Appointment by Promotion)Regulations, 1955.

10. INTERIM ORDERS:

Nil.

11: Does not arise.

12. Postal order No. 8-09-345633 dt... 26.3.96
issued by the post office at Guwahati is enclosed.

Contd...

VERIFICATION

I, Shri Prabhat Singh Lahkar , A.P.S. ,Deputy Superintendent of Police by profession and General Secretary of the All Assam Police Association, aged about ..49 years, do , hereby , verify that the contents of paragraphs ..1, 2, ...4, 6, 7, 12 + 19 are true to my personal knowledge and those made in paragraphs 3, 5, 8, 9, 10, 11, 13, 14, ^{15, 16, 17, 18} are believed to be true on legal advice and that I have not suppressed any material fact.

And I sign this verification on the 26th March 1996 at Guwahati.

Lahkar

Signature of the Applicant.

General Secretary:
All Assam Police Association
Guwahati - 1

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GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT.

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 21st February, 1992.

No. HMA.25/89/182 :: The following Notification issued by the Govt. of India, Ministry of Personnel, P.G. and Pensions (Department of Personnel and Training), New Delhi is republished for general information:

No. 11052/10/91-AIS(II)-A, Dated 17.1.1992.

NOTIFICATION.

G.S.R. NO. In exercise of the powers conferred by sub-section (1) of Section 3 of All India Services Act, 1951, 61 of 1951) read with sub-rule (2) of Rule 4 of the Indian Police Service (Cadre) Rules, 1954, the Central Government ~~of~~ in consultation, with the Governments of Assam and Meghalaya, hereby makes the following regulations further to amend the Indian Police Service (Fixation of Cadre Strength) Regulation, 1955, namely :

1. (1) These regulations may be called the Indian Police Service (Fixation of Cadre Strength) Second Amendment Regulations, 1992.
(2) They shall come into force with effect from the date of their publication in the official Gazette.

2. In the schedule to the Indian Police Service (Fixation of Cadre Strength) Regulation, 1955 :-

(1) ~~for the heading "Assam-Meghalaya" and the entries occurring thereunder the following~~
contd - 2

(1) for the heading "Assam-Meghalaya" and the entries occurring thereunder the following shall be substituted namely :-

"ASSAM-MEGHALAYA"

1. Senior posts under the State Governments - 74
- Posts under the Government of Assam - 57
- Director General and Inspector General - 1
of Police.
- Inspector General of Police (Trg.& Armed - 1
Police.
- Inspector General of Police (Admn.) - 1
- Inspector General of Police (SB) - 1
- Director of Civil Defence and Commandant - 1
General Home Guards.
- Deputy Inspector General of Police (Admn) - 1
- Deputy Inspector General of Police (Vig. - 1
ilance and E.O.)
- Deputy Inspector General of Police (Range) - 5
- Deputy Inspector General of Police (CID) - 1
- Dy. Inspector General of Police (Border) - 1
- Dy. Inspector General of Police (Training - 1
and Armed Police).
- Supdt. of Police/Addl. Supdt. of Police - 23
- Commandants Police Battalions. - 5
- Principal Police Training College - 1
- Supdt. of Police, Hailakandi - 1
- Superintendent of Police (CID) - 1
- Superintendent of Police Dhemaji - 1
- Supdts. of Police, (Spl. Branch) - 2

Cont d....3.



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Superintendent of Police, Morigaon	- 1
Supdts. of Police (Anti Corruption)	- 2
Superintendent of Police, Bongaigaon	- 1
Asstt. Inspector General of Police	- 2
Superintendent of Police, Tinsukia	- 1

Total Assam - 57

Posts under the Government of Meghalaya - 17

Director General & Inspector General of Police.	- 1
Inspector General of Police (HQR./CID)	- 1
Deputy Inspector General of Police (Re-organisation & Welfare)	- 1
Dy. Inspector General of Police(Range)	- 1
Supdts.of Police/Addl.Supdts.of Police	- 7
Asstt. Inspector General of Police	- 1
Spl. Supdts. of Police (SB)	- 1
Special Supdt.of Police (CID)	- 1
Principal Police Training School	- 1
Commandants, Police Battalion	- 2

Total Meghalaya - 17

Total-Assam-Meghalaya - 74

2.	Central deputation Reserve of 40% of above	- 30
3.	Posts to be filled by promotion in accordance with rule 9 of the IPS Recruitments Rules, 1954 @ 33.3% of 1: above	- 34
4.	Posts to be filled by direct recruitment (1+2+3) above.	- 70
5.	Deputation Reserve @ 25% of 1 above	- 18
6.	Leave reserve, Junior posts and Training Reserve @ 30% of 1 above	- 22
	Direct Recruitment	-110
	Promotion posts	- 34
	<u>Total Authorised Strength</u>	<u>-144</u>

Contd...4.

Allsted
Bill

Note : (1) The authorised strength of Assam-Meghalaya cadre was 142 prior to issue of this Notification.

(2) Principal regulations were published in part-II Section 3 of Gazette of India vide SRO No.3851 dated 22.10.55. The Cadre Schedule in respect of Assam-Meghalaya was subsequently amended vide GSP No.42 E dated 20.1.72, GSR No.342 dated 29.4.78, GSR.No.198 E dated 16.7.82, GSR.No.765 E dated 18.12.82 and 1005 dated 31-12-88.

Sd/- CHANDER PRAKASH
DESK OFFICER.

Sd/- G.C. Chutia,

Under Secretary to the Govt. of Assam,
Home(A) Department.

Memo No.HMA.25/89/182-A Dated Dispur, the 21st February,1992.
Copy to :-

1. The P.S. to Chief Secretary, Assam, Dispur.
2. The P.S. to Chief Secretary, Meghalaya, Shillong.
3. The Director General and Inspector General of Police, Assam. Ulubari, Gwahati-7.
4. The Director General and Inspector General of Police, Meghalaya, Shillong.
5. The Accountant General, Assam etc. Shillong.
6. The Secretary, Joint Cadre Authority and Secretary to the Govt. of Assam, Department of Personnel, Dispur.
7. The Secretary to the Govt. of Meghalaya, Home(P) Deptt. Shillong.
8. The Director (Police), Ministry of Home Affairs, New Delhi.
9. The Under Secretary to the Govt. of India, Ministry of Personnel, P.G. and Pensions, New-Delhi.
10. The Under Secretary to the Govt. of Assam, Finance (EC-II) Deptt. Dispur.
11. The Under Secy. to the Govt. of Assam, Finance (Estt-A) Deptt.
12. The Publisher, Assam Gazette, Bamunimaidan, Gwahati-22 for favour of publication in the next issue of Assam Gazette.

By Order-

Sd/- Illegible.

Under Secretary to the Govt. of Assam,
Home(A) Department.

.....

All Assam Police Association

(Amalgamated on 27th Sept '86 of Police Association approved by the Govt. of Assam in 1923 and Assam Police Service Association approved by the Govt. of Assam in 1958)
ANIL MUZAMMIL ROAD (OPPOSITE APSARA CINEMA).

ULUBARI, GUWAHATI-781007.

23

Adviser :
Sri Dulal Sarmah, (A.P.S.)
Sri Ajit Kr. Sarmah (Insp.)

President :
Sri Siva Prasad Sarmah (A.P.S.)

Working President :
Sri Garga Narayan Dutta-
Choudhury (Insp.)

Vice President :
Sri Rajani Goswami (S.I.
A.P.R.O.)

General Secretary :
Sri Prabhat Singha Lahkar
(Insp.)

Asstt. Secretary :
Sri Harish Sarmah (S.I.)
Smti Renu Dutta Phukan (S.I.)

Chief Organising Secretary :
Sri Pradip Bordoloi, (A.S.I.,
A.P.R.O.)

Organizing Secretary :
Sri Amalendu Bhusan Dev (SI)
Sri Ramen Hazarika, (Hav)
Sri Ramen Sarmah (NK)
Sri Jiban Sarkar (Const.)

Treasurer :
Sri Hem Ch. Sarmah (Hav.
A.S.F.O.)

Publicity Secretary :
Sri Kaushik Bhattacharjee (SI)

Letter No. A.A.P.A. VOL-I/156/95

Date 24-4-95.

To,

The Home Secretary,
Govt. of Assam,
Dispur.

Sub : Proceeding of emergent executive Committee meeting held on 22-4-95 on the subject of gross mismanagement of the Joint Assam Meghalaya Cadre of Indian Police Service.

Sir,

I am sending herewith the (original) copy of proceeding of the emergent executive Committee meeting held on 22nd April /1995 at the office building of All Assam Police Association for favour of your kind perusal and necessary action.

Yours faithfully,

Ranjan 24/4
General Secretary
All Assam Police Association,
Assam, Guwahati.

*Recd
24/4/95
RA. to Home Secy*

All Assam Police Association (24)

(Amalgamated on 27th Sept '86 of Police Association approved by the Govt of Assam in 1923 and Assam Police Service Association approved by the Govt. of Assam in 1958)
ANIL MUZAMMIL ROAD (OPPOSITE APSARA CINEMA).

ULUBARI, GUWAHATI-781007.

Director :

Sri Dulal Sarmah, (A.P.S.)
Sri Ajit Kr. Sarmah (Insp)

President :

Sri Siva Prasad Sarmah (A.P.S.)

Working President :

Sri Garga Narayan Dutta-
Choudhury (Insp.)

Vice President :

Sri Rajani Goswami (S.I.
A.P.R.O.)

General Secretary :

Sri Prabhat Singha Lahkar
(Insp.)

Asstt. Secretary :

Sri Harish Sarmah (S.I.)
Smtl Henu Dutta Phukan (S.I.)

Chief Organising Secretary :

Sri Pradip Bordoloi, (A.S.I.,
A.P.R.O.)

Organising Secretary :

Sri Amalendu Bhusan Dev (SI)
Sri Ramen Hazarika, (Hav)
Sri Ramen Sarmah (NK)
Sri Jiban Sarkar (Const.)

Treasurer :

Sri Hem Ch. Sarmah (Hav.
A.S.F.O.)

Publicity Secretary :

Sri Kaushik Bhattacharjee (SI)

Letter No. A.A.P.A. VOL-I/157/95

Date 24-4-95.

To,

The Director General of Police,
Assam, Guwahati.

Sub :- Proceeding of emergent executive Committee meeting held on 22-4-95 on the subject of gross mismanagement of the Joint Assam Meghalaya Cadre of Indian Police Service.

Sir,

I am sending herewith the photostat copy of Proceeding of the emergent executive Committee meeting held on 22nd April /1995 at the office building of All Assam Police Association.

In this connection, we have send a copy of the proceeding of the executive committee meeting of A.A.P.A., to Home Secretary, Assam and P.S. to the Chief Minister, Assam for favour of kind perusal and necessary action.

Yours faithfully,


General Secretary,

All Assam Police Association.
Assam, Guwahati.

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সদৌ অসম আৰক্ষী সন্থা

(25)

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম
চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)
অনিসম মুজাফ্ফিন বোড (অক্ষৰা চিনেমাৰ সম্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

ব্যৱস্থা কৰাৰ্থে :

আজি ইং ১১-৯-৯৩ তাৰিখৰ বিষয়
নি সভাত সৰ্বসন্মতি ক্ৰমে নিয়ন্ত্ৰণ-
ত সভা সঞ্চালক লৈ নতুন কাৰ্য্যকৰী
মিটি গঠন কৰা হয়—।

পদেটো :

শ্ৰীহুলাল শৰ্মা এ.পি. এচ.

শ্ৰীঅজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক

সভাপতি :

শ্ৰীশিৱ প্ৰসাদ শৰ্মা, এ.পি. এচ.।

ব্যৱস্থা কৰাৰ্থে :

শ্ৰীকুলধৰ দাস, আ: পৰিদৰ্শক

শ্ৰীগৰ্গ নাৰায়ন দত্ত চৌধুৰী,

আ: পৰিদৰ্শক।

সভাপতি :

শ্ৰীবজ্জনী গোস্বামী, আ: উপ

পৰিদৰ্শক

শ্ৰীঅবিনন্দ অধিকাৰী, —এ—

সাধাৰণ সম্পাদক :

শ্ৰীপ্ৰভাত সিংহ লহকৰ

আ: পৰিদৰ্শক

সাধাৰণ সম্পাদক :

শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক

শ্ৰীমতী বেবুদত্ত ফুকন —এ—

সাংগঠনিক সম্পাদক :

শ্ৰীপ্ৰদীপ বন্দ্যোপাধ্যায়, সহ উপ: পৰিদৰ্শক

শ্ৰীঅমলেন্দু ভূষণ দেৱ, —এ—

শ্ৰীবসন্ত হাজৰীকা, আ: হাবিলদাৰ

শ্ৰীজীৱন চৰকাৰ, আ: কনিষ্টেবল

শ্ৰীবসন্ত শৰ্মা, নায়ক

ভৱাৰ্থী :

শ্ৰীহেম চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ

পৰিদৰ্শক

সম্পাদক :

শ্ৰীকৌশিক ভট্টাচাৰ্য্য, আ: সহ:

পৰিদৰ্শক

চিঠি নং: স: স: আ: স: — VOL-I/158/95

তাৰিখ 24-4-95.

TO,

The Private Secretary,
to the Chief Minister of Assam,

Sub :- Proceeding of emergent executive Committee
meeting held on 22-4-95 on the subject of
gross mismanagement of the Joint Assam
Meghalaya Cadre of Indian Police Service.

Sir,

I am sending herewith a copy of proceeding
of the emergent executive Committee meeting held on
22nd April/1995 at the office building of All Assam
Police Association for favour of your kind perusal
and necessary action.

Yours faithfully,



General Secretary,
All Assam Police Association
Assam, Guwahati.

সাদৌ অসম আৰক্ষী সন্থা



26

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম
চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)
অনিম্ন মুজাম্মিল বোড (অসম চিমেণ্ডাৰ সন্থাত)
উলুবাৰী, গুৱাহাটী-৭৮১০০৭

কাৰ্য্যকৰী কমিটি :

আজি ইং ১১-৯-৯৩ তাৰিখৰ বিষয়
বাচনি সভাত সৰ্বসন্মতি ক্ৰমে নিম্নউল্লে-
খিত সভা সকলক লৈ নতুন কাৰ্য্যকৰী
কমিটি গঠন কৰা হয়—।

উপদেষ্টা :

শ্ৰীধূপাল শৰ্মা এ.পি. এচ.

শ্ৰীঅজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক

সভাপতি :

শ্ৰীশিৱ প্ৰসাদ শৰ্মা, এ. পি. এচ.।

কাৰ্য্যকৰী সভাপতি :

শ্ৰীকুলধৰ দাস, আ: পৰিদৰ্শক

শ্ৰীগৰ্গ নাৰায়ন দত্ত চৌধুৰী,

আ: পৰিদৰ্শক।

উপ সভাপতি :

শ্ৰীবজ্জনী গোস্বামী, আ: উপ

পৰিদৰ্শক

শ্ৰীঅবিনন্দ অধিকাৰী, —এ—

সাধাৰণ সম্পাদক :

শ্ৰীপ্ৰভাত সিংহ মহকৰ

আ: পৰিদৰ্শক

সহ সাধাৰণ সম্পাদক :

শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক

শ্ৰীমতী বেণুদত্ত ফুকন —এ—

মুখ্য সাংগঠনিক সম্পাদক :

শ্ৰীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক

শ্ৰীঅমলেন্দু ভূষণ দেৱ, —এ—

শ্ৰীঅমেন হাজৰীকা, আ: হাবিলদাৰ

শ্ৰীজীৱন চৰকাৰ, আ: কনিষ্টেবল

শ্ৰীঅমেন শৰ্মা, নাগক

ধন ভৱালী :

শ্ৰীহেন চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ

পৰিদৰ্শক

প্ৰচাৰ সম্পাদক :

শ্ৰীকৌণিক ভট্টাচাৰ্য্য, আ: সহ:

পৰিদৰ্শক

চিঠি নং: অ: আ: স:—

তাৰিখ

An emergent executive Committee meeting was held under the presidenship of Sri Sivaprasad sarma (President A.A.P.A.) today on 22-4-95 at 4 P.m. in the office building of ALL ASSAM POLICE ASSOCIATION. The meeting mainly discussed about gross mismanagement of the joint Assam Meghalaya Cadre of Indian Police Service by way of wrong distribution of promotion posts between Assam and Meghalaya and non holding of mandatory triennial reviews in time which has adversely affected the promoti-
onal scope of the State Police service officers.

In the meeting, General Secretary and other members of A.A.P.A. expressed deep concern for Govt. not attending to the genuine ^{grievance} of the A.P.S. officers ^{grievances} in regard to promotion from the A.P.S. Cadre to the I.P.S. Rank.

The members of the Association stated that Assam Meghalaya being a joint Cadre, the officers of Assam Police service and Meghalaya police Service, in due course are promoted to I.P.S. and eventually become members of the joint I.P.S. Cadre of Assam Meghalaya. As such , it is imperative that the year-wise seniority of the officers of the two State services is maintained in order to ensure that officers recruited in a particular year (irrespec-
tive of whatever of the two State services they belong) are not superseded by junior officers of any of the two state Services at the time of their promotion to IPS, if not disqualified otherwise. But unfortunately while as many as 13(thirteen) officers of 1976 batch and 7(seven) officers of 1977 batch of Assam Police Service are await-
ing promotion to IPS for want of vacancies, Meghalaya Police service officers recruited in the year 1978 and latter have already been promoted to IPS, which has caused

Contd...P/2.

সদৌ অসম আৰক্ষী সন্থা

(অসম চৰকাৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)

অনিম্ন সুজাগিল বোড (অসম চিনেমান সম্বন্ধত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

৩৭

কাৰ্য্যকৰী কমিটি :
 আৰ্জি নং ১১-২-২৩ তাৰিখৰ বিষয়
 বাচনি সভাত সৰ্বসন্মতি ক্ৰমে নিয়ন্ত্ৰে-
 যিত সভা সকলক লৈ নতুন কাৰ্য্যকৰী
 কমিটি গঠন কৰা হয়—।
উপদেষ্টা :
 শ্ৰীহৰাল শৰ্মা এ.পি. এচ.
 শ্ৰীঅজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক
সভাপতি :
 শ্ৰীশিৱ প্ৰসাদ শৰ্মা, এ. পি. এচ.।
কাৰ্য্যকৰী সভাপতি :
 শ্ৰীসুন্দৰ দাস, আ: পৰিদৰ্শক
 শ্ৰীগৰ্গ নাৰায়ন দত্ত চৌধুৰী,
 আ: পৰিদৰ্শক।
উপ সভাপতি :
 শ্ৰীৰজনী গোস্বামী, আ: উপ
 পৰিদৰ্শক
 শ্ৰীঅবিন্দ অধিকাৰী, —এ—
সাধাৰণ সম্পাদক :
 শ্ৰীপ্ৰভাত সিংহ গহকৰ
 আ: পৰিদৰ্শক
সহ সাধাৰণ সম্পাদক :
 শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক
 শ্ৰীমতী বেচুদন্ত মুকন —এ—
মুখ্য সাংগঠনিক সম্পাদক :
 শ্ৰীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক
 শ্ৰীঅমলেন্দু হুয়ন দেৱ, —এ—
 শ্ৰীবমেন হাজৰাকা, আ: হাবিলদাৰ
 শ্ৰীজীৱন চৰকাৰ, আ: কনিষ্টেবল
 শ্ৰীবসন্ত শৰ্মা, নাগক
মন উবাৰী :
 শ্ৰীহেম চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ
 পৰিদৰ্শক
প্ৰচাৰ সম্পাদক :
 শ্ৰীকৌশিক ভট্টাৰ্জা, আ: সহ:
 পৰিদৰ্শক

- 2 -

টিচি নং: স: অ: আ: গ: —

প্ৰাৰ্থনা

deep resentment amongst the Assam Police Service officers. This vast variation in the promotion of the officers of two services affecting seniority of 1978 and 1977 batches of Officers of Assam Police Service has occurred due to an arbitrary decision on the part of Home Department, Assam to surrender certain number of promotion posts to Meghalaya, which is not legally tenable in view of Assam and Meghalaya being a joint Cadre.

Secondly, the statutory requirement to hold triennial review to re-examine the strength and composition of Assam Meghalaya cadre of the Indian police Service has not been met regularly in Assam since 1989. The last triennial review which was due in May, 1989 was finally held on 26-9-91 after as many as three postponements. The out-come of this review however did not benefit the State Police service officer as there was not a single increase in the promotion posts of the Cadre to the detriment of the prospect of State Service officer. The subsequent triennial review which was due in the year 1992 was not held at all. In the mean time the next triennial review has fallen due in 1995. But surprisingly, without taking any step for holding the same, the State Govt. has already hold the selection Committee Meeting on 27-3-95 to finalise the select list for filling up anticipated vacancies for the year 1995. Since the select list, 1995 has been prepared without holding two consecutive triennial reviews, there was no scope for the correct assessment of the anticipated vacancies for the year 1995. This has deprived many eligible officers the chance to figure in the 'Select List' which could have been longer if the over-due triennial reviews had preceded the Selection Committee meeting.

In view of above facts, the meeting adopted resolutions as follows :-

ContdP/3.

সাদৌ অসম আৰক্ষী সন্থা



27

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)

অনিল মুজাম্বিল বোড (অসম চিনেমাৰ সম্মুখত)

উনুবাৰী, গুৱাহাটী-৭৮১০০৭

৩৭০

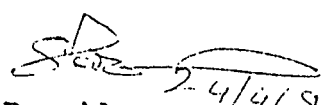
সাধাৰণী কৰ্মিটি :
আজি ইং ১১-৯-৯৫ তাৰিখৰ বিয়া
বাচনি সভাত সৰ্বসন্মতি ক্ৰমে নিম্নউল্লেখ-
বিভ সভ্য সকলক লৈ নতুন কাৰ্য্যকৰী
কৰ্মিটি গঠন কৰা হয়—।
উপদেষ্টা :
শ্ৰীচুমাৰ শৰ্মা এ.পি. এচ.
শ্ৰীঅজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক
সভাপতি :
শ্ৰীশিৱ প্ৰসাদ শৰ্মা, এ.পি. এচ.।
সাধাৰণী সভাপতি :
শ্ৰীকুলধৰ দাস, আ: পৰিদৰ্শক
শ্ৰীগৰ্ন নাৰায়ণ দত্ত চৌধুৰী,
আ: পৰিদৰ্শক।
উপ সভাপতি :
শ্ৰীবল্লভী গোস্বামী, আ: উপ
পৰিদৰ্শক
শ্ৰীঅবিন্দ অধিকাৰী, —এ—
সাধাৰণ সম্পাদক :
শ্ৰীপ্ৰভাত সিংহ মহকম
আ: পৰিদৰ্শক
সহ সাধাৰণ সম্পাদক :
শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক
শ্ৰীমতী বেহুদন্ত ফুকন —এ—
সাংগঠনিক সম্পাদক :
শ্ৰীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক
শ্ৰীঅমলেন্দু ভূষণ দেৱ, —এ—
শ্ৰীবমেন হাজৰীকা, আ: হাবিগদাৰ
শ্ৰীজীৱন চৰকাৰ, আ: কনিষ্ঠল
শ্ৰীবমেন্দ শৰ্মা, নাগক
সভাপতি :
শ্ৰীহেম চন্দ্ৰ শৰ্মা, আ: হাবিগদাৰ
পৰিদৰ্শক
সহ সম্পাদক :
শ্ৰীকৌশিক ভট্টাচাৰ্য্য, আ: সহ:
পৰিদৰ্শক

চিঠি নং: গ: অ: আ: স:—

- 3 -

তাৰিখ

- 1) The meeting resolved to move the State Govt. through the Director General of Police, Assam, to take necessary Steps for increasing the existing strength of the Cadre by holding the triennial review immediately and to promote eligible officers of entire 1976 and 1977 batches of A.P.S. to I.P.S. in order to bring parity in their seniority as they have been very unjustly Superseded by officers of Meghalaya Police Service much junior to them.
- 2) The meeting also resolved to move Govt. to keep the select list 1995 in abeyance till holding of triennial review 1995 so that more names could be included in the select list (if there is any increase in the promotion posts following the review). without prejudice to the officers already included in the list.
- 3) The meeting farther, resolved that if the authority fails to take necessary steps for redressal of the grievances of the A.P.S. officers within 15 days the association will be compelled to take shelter in court of Law for justice.


2-4/4/95 -
President,

All Assam Police Association,
Assam, Guwahati.

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সদৌ অসম আৰক্ষী সন্থা

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)

অনিলা যুজাম্বিন বোড (অক্ষৰা চিনেমান সম্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

ব্যক্তিগত কৰ্মীসকল:

ইং ১১-৯-৯৩ তাৰিখৰ বিষয়
নি সভাত সৰ্বসন্মতি ক্ৰমে নিয়ন্ত্ৰণ-
সভা সকলক লৈ নতুন কাৰ্য্যকৰী
টি গঠন কৰা হয়—।

সদস্য:

শ্ৰীমতী শৰ্মা এ.পি. এচ.
শ্ৰী অজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক
সম্পাদক:

শ্ৰী শিৱ প্ৰসাদ শৰ্মা, এ. পি. এচ.।

ব্যক্তিগত সভাপতি:

শ্ৰীমতী সন্ধ্যা দেৱী, আ: পৰিদৰ্শক
শ্ৰী গৰ্গ নাৰায়ন দত্ত চৌধুৰী,
আ: পৰিদৰ্শক।

সভাপতি:

শ্ৰী বৰ্জী গোস্বামী, আ: উপ
পৰিদৰ্শক
শ্ৰী অৰবিন্দ অধিকাৰী, —এ—
সাধাৰণ সম্পাদক:

শ্ৰী প্ৰভাত সিংহ লহকৰ
আ: পৰিদৰ্শক

সাধাৰণ সম্পাদক:

শ্ৰী হৰি শৰ্মা, আ: উপ পৰিদৰ্শক
শ্ৰীমতী বেণুদেৱী ফুকন —এ—

সাংগঠনিক সম্পাদক:

শ্ৰী প্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক
শ্ৰী অমলেন্দু ভূষণ দেৱ, —এ—
শ্ৰী ব্ৰজেন হাজৰিকা, আ: হাবিলদাৰ
শ্ৰী জীৱন চৰকাৰ, আ: কনিষ্টেবল
শ্ৰী ব্ৰজেন শৰ্মা, মাৰ্গক

সভাপতি:

শ্ৰী অক্ষয় চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ
পৰিদৰ্শক

সাধাৰণ সম্পাদক:

শ্ৰী কৌশিক ভট্টাচাৰ্য্য, আ: উপ:
পৰিদৰ্শক

চিঠি নং: স: অ: আ: স: —

তাৰিখ

steps have been taken to review the matter, as a result of which the eligible State Police Service Officers are being denied promotions otherwise overdue to them. We feel that the matter is being unduly delayed at the cost of several eligible officers. We have taken up the matter with the Govt and during discussions it became apparent that the following records are essential to explain the true and correct position of our grievances which had otherwise fallen on deaf ears. As such we request you to kindly furnish us with the following documents so as to enable us to effectively place and explain our grievance to the authorities.

(1) Proposal of the State Govt on the basis of which the meeting of the triennial review was held on 27.9.91 and Govt of India Notification dtd. 17.1.92 was issued.

(2) Correspondence/agreement with the Govt of Meghalaya showing as to how 7 promotional posts under the Govt of Assam had been allotted to the Govt of Meghalaya.

We need not point out that the action of the authorities in delaying the review has already caused the members of our Association a great injustice to their careers and as such I request you to look into the matter and furnish us the documents prayed for at your earliest convenience.

Attested

Signature

Ad.

সদৌ অসম আৰক্ষী সন্থা

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)
অনিল মুজাম্মিল বোড (অসম চিনেমাৰ সন্মুখত)
উলুবাৰী, গুৱাহাটী-৭৮১০০৭

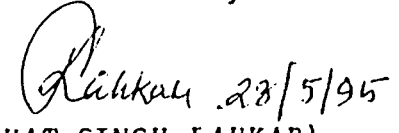
স্বাক্ষৰকাৰী কমিটি :
 ইং ১১-২-২৩ তাৰিখৰ নিয়ম
 নি সভাত সৰ্বসন্মতি ক্ৰমে নিয়ন্ত্ৰিত-
 সভা সকলক লৈ নতুন স্বাক্ষৰকাৰী
 কমিটি গঠন কৰা হয়—।
সদস্যসমূহ :
 শ্ৰী অক্ষয় শৰ্মা, এ. পি. এচ.
 শ্ৰী অক্ষয় কুমাৰ শৰ্মা, আ: পৰিদৰ্শক
সভাপতি :
 শ্ৰী অক্ষয় শৰ্মা, এ. পি. এচ.
স্বাক্ষৰকাৰী সভাপতি :
 শ্ৰী অক্ষয় কুমাৰ শৰ্মা, আ: পৰিদৰ্শক
 শ্ৰী অক্ষয় নাথান দত্ত চৌধুৰী,
 আ: পৰিদৰ্শক।
সভাপতি :
 শ্ৰী অক্ষয় শৰ্মা, আ: উপ
 পৰিদৰ্শক
 শ্ৰী অক্ষয় শৰ্মা, আ: উপ
 পৰিদৰ্শক
সাধাৰণ সম্পাদক :
 শ্ৰী অক্ষয় শৰ্মা, আ: উপ
 পৰিদৰ্শক
সাধাৰণ সম্পাদক :
 শ্ৰী অক্ষয় শৰ্মা, আ: উপ
 পৰিদৰ্শক
সাধাৰণ সম্পাদক :
 শ্ৰী অক্ষয় শৰ্মা, আ: উপ
 পৰিদৰ্শক
সাধাৰণ সম্পাদক :
 শ্ৰী অক্ষয় শৰ্মা, আ: উপ
 পৰিদৰ্শক
সাধাৰণ সম্পাদক :
 শ্ৰী অক্ষয় শৰ্মা, আ: উপ
 পৰিদৰ্শক

চিঠি নং: স: অ: আ: স:—

তাৰিখ

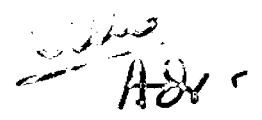
Necessary expenses, if any, for furnishing the same will be borne by us.

Yours faithfully


 (PRABHAT SINGH LAHKAR)
 GENERAL SECRETARY
 ASSAM POLICE ASSOCIATION
 ULUBARI, GUWAHATI, 7
 General Secretary
 All Assam Police Assoc
 Ulubari, Guwahati.

Copy forwarded to the Director General of Police, Assam, Ulubari, Guwahati for favour of information.

(PRABHAT SINGH LAHKAR)
 GENERAL SECRETARY
 ASSAM POLICE ASSOCIATION
 ULUBARI, GUWAHATI, 7


 A.S.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI.

DESPATCH NO. 3833

DATED GUWAHATI, THE 28/8/95-

ORIGINAL APPLICATION NO. : 111/95
MISC. APPLICATION NO. :
CONTEMPT PETITION NO. :
REVIEW APPLICATION NO. :
TRANSFER APPLICATION NO. :



All Assam Police Association & Ans. APPLICANT (S) / PETITIONER (S)
VERSUS
Union of India & Ors. RESPONDENT (S)

To,

Mr. G. N. Das,
Advocate,
Guwahati High Court,
Guwahati.

Sir,

I am directed to forward herewith a copy of Judgment/Order dtd. 28.8.95 passed by the Bench of this Tribunal comprising of Hon'ble Justice Sri M. C. Chaudhari Vice-Chairman and Hon'ble Sri G. L. Danglejine Member, Administrative in the above noted case, for information and necessary action, if any.

Please acknowledge receipt.

Yours faithfully,

[Signature]
SECTION OFFICER (J)
9/24/8

Encl. : As above.
(Five pages)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL .
GUWAHATI BENCH

Original Application No.111 of 1995

Date of decision: This the 2nd day of August 1995

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman

The Hon'ble Shri G.L. Sanglyine, Member (Administrative)

1. All Assam Police Association
Ulubari, Guwahati.

2. Shri Prabhat Singha Lahkar
Deputy Superintendent of Police,
General Secretary,
All Assam Police Association,
Ulubari, Guwahati.

.... Applicants

By Advocate Shri G.K. Bhattacharyya with
Shri G.N. Das

-versus-

1. Union of India, represented by
the Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.

2. State of Assam, represented by
the Chief Secretary to the Government of Assam,
Dispur, Guwahati.

3. Commissioner and Secretary to the
Government of Assam,
Home Department,
Dispur, Guwahati.

4. Director General of Police,
Assam,
Ulubari, Guwahati.

5. State of Meghalaya, represented by
the Chief Secretary to the Government of Meghalaya,
Shillong.

..... Respondents

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.
for respondent No.1

Respondent Nos.2, 3, 4 and 5 served.

....



ORDER

CHAUDHARI, J. (V.C.)

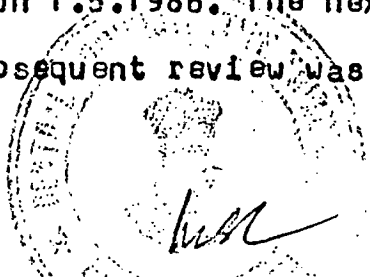
Mr G.K. Bhattacharyya with Mr G.N. Das for the applicant.

Mr A.K. Choudhury, learned Addl. C.G.S.C., for respondent No.1.

None present for respondent Nos.2, 3, 4 and 5. although served.

Heard Mr G.K. Bhattacharyya. We had hoped that the respondent Nos. 2 and 3 will enlighten us on the action proposed to be taken by the respondents for triennial cadre review. Although Mrs M. Das had appeared for the said respondents on 18.7.1995 and was aware of the adjourned date still no show cause reply has been filed nor the counsel is present.

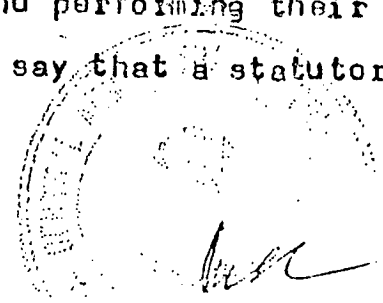
2. The short grievance of the All Assam Police Association is that the respondent Nos.2, 3 and 5 have not been performing their statutory duty to hold a triennial review of the cadre strength as required under Rule 4 (2) of the IPS (Fixation of Cadre Strength) Regulations and that has and is affecting adversely the members of the Association who are eligible to be considered for promotion to the IPS. The said officers thus are being denied a fair opportunity for advancement of their career and entry into the IPS. It is stated in the application which has not been controverted by the respondents by filing any show cause reply that it was pursuant to the earlier decision of this Tribunal. (1988) 6 ATC 801, that the review was held on 1.5.1986. The next review was held on 27.9.1991. The subsequent review was due in May 1989



and thereafter in May 1992. These reviews have not been held. The last review was due to be held in February 1995, but it has not been so far held. It is the grievance of the applicants that without holding a regular triennial review a review was purported to be made in January 1992, but the proposals that were made after the 1989 review were taken into consideration. According to the applicants there should have been an independent review made in February 1995 and the proposals could not be based on 1989 review which has caused serious prejudice to the applicants in the Assam - Meghalaya Joint Cadre.

3. Two things, therefore, become apparent, namely, that the respondent Nos. 2, 3 and 5 have not been following the provisions of Rule 4(2) of the Cadre Rules and the action taken by them since 1989 without holding further periodic triennial cadre reviews appears to have adversely affected the legitimate chances of the members of the applicant association and that would not be fair treatment to them. The respondent Nos. 2, 3 and 5, therefore, are required to look into the grievance of the ^{applicants} assessment seriously and take steps as are necessary to comply with the requirement of Rule 4(2) of the IPS Cadre Rules. The respondents also ^{are} required to seriously look into the grievance of the applicant that the basis so far adopted, relying upon the proposals made at the 1989 review has caused prejudice to them affecting their promotional prospects adversely.

4. Thus what the applicants seek is that the respondents should act consistently with Rule 4(2) of the IPS Cadre Rules and performing their legal obligations. It is needless to say that a statutory obligation has to be...



be carried out and in the absence of any convincing reasons ^{having been} pointed out for the delay we think that the respondent Nos. 2, 3 and 5 should take early steps to fall in line with the requirements of Rule 4(2) of the IPS Cadre Rules. According to the applicants the review was due in February 1995. Prima facie it appears to be so. A considerable delay has been caused by this time in holding the review. It is, therefore, desirable that the exercise is completed as expeditiously as practicable.

5. Now the grievance of the applicants as indicated above has been reflected in the representations filed by the Association on 24.4.1995 and 23.5.1995. The applicants say that they have not as yet been informed about any decision taken on these representations. We, therefore, hope and desire that the respondents will deal with the said representations in the light of above observations regarding necessity to carry out legal obligations and take steps to remove the dissatisfaction among the members of the applicant association. The decision taken on the representations be communicated to the Association.

6. With the above observations we do not think that any fruitful purpose will be served by admitting the application and keeping it pending having regard to the urgency of the nature of relief sought by the applicants. In order to be able to dispose of the matter earlier we had given opportunity to the respondents to show cause, but the concerned respondents have not chosen to avail ~~of~~ ^{that} this opportunity. Hence we dispose of the O.A. in terms of the observations made hereinabove for the guidance of

the.....

WCC

the respondents and respondent Nos. 2, 3⁺ and 5 in particular. As there has been no response from the respondents we are constrained to give liberty to the applicant, to move the Tribunal again if so necessary and if they are so advised if their representations are not disposed of within a period of three months from the date of receipt of copy of this order by the respondents or if the respondents reject the representations earlier. The contentions urged at the present stage as may be relevant will be open to agitation.

7. The original application is accordingly disposed of.

8. Copy to be supplied to Mr G.K. Bhattacharyya and Mr A.K. Choudhury. Issue the order to the respondent Nos. 2, 3 and 4 by hand delivery and to other respondents in usual manner.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMN)

TRUE COPY

प्रतिलिपि

[Handwritten Signature]
25/8

Section Officer (1)

संयुक्त अधिकांश (संयुक्त संघ)
Central Administrative Staff

गोवर्धन, दिल्ली-5

गोवर्धन, दिल्ली-5

nkm

35

BY REGISTERED MESSENGER

GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT

No. HMA.395/95/78. Dated Dispur, the 14th Nov. '95.

From : Shri. B. Sarma, ACS
Deputy Secy. to the Govt. of Assam,
Home (A) Department.

To : The Senior Govt. Advocate,
Central Administrative Tribunal,
Guwahati Bench, Guwahati.

Sub : INTERIM REPORT.

Ref : Hon'ble CAT's decision in OA No.111/1995
on 2/8/95.

Sir,

I am directed to invite your kind attention to the decision of the Hon'ble CAT in the OA stated above (Copy enclosed) and request you to inform the Hon'ble CAT that State Govt. have taken effective steps to process the case of encadrement of additional posts in the Assam wing of the Joint IPS cadre of Assam-Mechalaya for sending a formal proposal to the Govt. of India for a final decision. The process involves many agencies including the Joint cadre Authority and approval thereof. However, State Govt. is implementing the order of the Hon'ble CAT within the shortest possible time.

Yours Faithfully,

Shri
15/11/95

Deputy Secy. to the Govt. of Assam,
Home (A) Department

Memo No. HMA.395/95/78-LA, Dtd. Dispur, the 14th Nov. '95.
Copy to :-

- 1) The Deputy Registrar, Hon'ble CAT, Guwahati bench for favour of kind information of the Hon'ble CAT. This has a reference to the order stated above.
- 2) The General Secretary of All Assam Police Association, Guwahati for kind information.

By Order Etc.,

Deputy Secy. to the Govt. of Assam,
Home (A) Department

সদৌ অসম আৰক্ষী সন্থা

(36)

VI

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)

অনিল মুজাফ্ফিল বোড (অৰুবা চিনেমাৰ সম্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮১০০৭

কাৰ্য্যকৰী কমিটি :

আজি ইং ১১-৯-৯৩ তাৰিখৰ বিষয় বাচনি সভাত সৰ্বসন্মতি ক্ৰমে নিয়ন্ত্ৰিত-খিত সভা সকলক লৈ নতুন কাৰ্য্যকৰী কমিটি গঠন কৰা হয়—।

উপদেষ্টা :

শ্ৰীহুলাল শৰ্মা এ.পি. এচ.

শ্ৰীঅমিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক

সভাপতি :

শ্ৰীশিৱ প্ৰসাদ শৰ্মা, এ. পি. এচ.।

কাৰ্য্যকৰী সভাপতি :

শ্ৰীকুলধৰ দাস, আ: পৰিদৰ্শক

শ্ৰীগৰ্গ নাৰায়ন দত্ত চৌধুৰী,

আ: পৰিদৰ্শক।

উপ সভাপতি :

শ্ৰীবজ্জী গোৰামী, আ: উপ

পৰিদৰ্শক

শ্ৰীঅবিন্দ অধিকাৰী, —এ—

সাধাৰণ সম্পাদক :

শ্ৰীপ্ৰভাত সিংহ লহকৰ

আ: পৰিদৰ্শক

সহ সাধাৰণ সম্পাদক :

শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক

শ্ৰীমতী বেণুদত্ত ফুকন —এ—

মুখ্য সাংগঠনিক সম্পাদক :

শ্ৰীপ্ৰদীপ বন্দ্যোপাধ্যায়, সহ উপ: পৰিদৰ্শক

শ্ৰীঅমলেন্দ্ৰ কুমাৰ দেৱ, —এ—

শ্ৰীবসন্ত হাজৰিকা, আ: হাবিলদাৰ

শ্ৰীজীৱন চৰকাৰ, আ: কমিষ্টেবল

শ্ৰীবসন্ত শৰ্মা, নায়ক

ধন ভৱালী :

শ্ৰীহেম চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ

পৰিদৰ্শক

প্ৰচাৰ সম্পাদক :

শ্ৰীকৌশিক ভট্টাচাৰ্য্য, আ: সহ:

পৰিদৰ্শক

চিঠি নং: স: অ: আ: স: — AAPA/VOL-1/P-26/ তাৰিখ 17.12.95

To

The Commissioner and Secretary
to the Govt. of Assam,
Home Department, Dispur,
Guwahati-6.

Sub :- Triennial Review of the I.P.S. Cadre
which is long overdue.

Ref :- 1) Order dt. 2.8.95 passed by the
Hon'ble CAT, Guwahati Bench.
2) Letter No. HMA. 395/95/78 dt. 14.11.95.

Sir,

We have received a copy of the above-quoted Govt. letter dt. 14.11.95 addressed to the Senior Govt. Advocate, CAT, Guwahati Bench with a copy endorsed to us informing that effective steps to process the case had been taken and that since the process involved many agencies, the State Govt. was implementing the order dt. 2.8.95 passed by the Hon'ble CAT within the shortest possible time and we were surprised to note the contents.

It has been held that it was the duty of the Govt. to hold the triennial review in time and in fact no direction is required for carrying out the mandatory duty cast on the Govt. The Association had taken up the matter with the Govt. a long time back and a triennial review was due in Feb, 1995. The Govt.

Contd.....2/-

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম

চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলাকৰণ সন্থা)

অনিম্ন মুজাম্মিল বোড (অসম চিনেমাৰ সম্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮-১০০৭

কাৰ্য্যকৰী কমিটি :

শ্ৰী অজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক
বাচনি সভাত সৰ্বসন্মতিক্ৰমে নিয়ুটপ্লে-
খিত সভ্য সকলক লৈ নতুন কাৰ্য্যকৰী
কমিটি গঠন কৰা হয়—।

উপদেষ্টা :

শ্ৰী জ্ঞান শৰ্মা এ.পি. এচ.
শ্ৰী অজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক
সভাপতি :

শ্ৰী শিৱ প্ৰসাদ শৰ্মা, এ.পি. এচ.।

কাৰ্য্যকৰী সভাপতি :

শ্ৰী কুলধৰ দাস, আ: পৰিদৰ্শক
শ্ৰী গৰ্গ নাৰায়ন দত্ত চৌধুৰী,
আ: পৰিদৰ্শক।

উপ সভাপতি :

শ্ৰী বজ্জনী গোস্বামী, আ: উপ
পৰিদৰ্শক
শ্ৰী অৰবিন্দ অধিকাৰী, —এ—

সাধাৰণ সম্পাদক :

শ্ৰী প্ৰভাত সিংহ লহকৰ
আ: পৰিদৰ্শক

সহ সাধাৰণ সম্পাদক :

শ্ৰী হৰি শৰ্মা, আ: উপ পৰিদৰ্শক
শ্ৰী মতী বেৰুদত্ত ফুকন —এ—

মুখ্য সাংগঠনিক সম্পাদক :

শ্ৰী প্ৰদীপ বন্দ্যোপাধ্যায়, সহ উপ: পৰিদৰ্শক
শ্ৰী অমলেন্দু ভূষণ দেৱ, —এ—
শ্ৰী বসন্ত হাজৰীকা, আ: হাবিলদাৰ
শ্ৰী জীৱন চৰকাৰ, আ: কনিষ্টেবল
শ্ৰী বসন্ত শৰ্মা, নায়ক

খন স্ৰবালী :

শ্ৰী হেম চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ
পৰিদৰ্শক

প্ৰচাৰ সম্পাদক :

শ্ৰী কৌশিক ভট্টাচাৰ্য্য, আ: সহ:
পৰিদৰ্শক

চিঠি নং: আ: আ: গ: --

পাৰিষ্কাৰ

- 2 -

without holding the review, had initiated and completed the process of selection under the I.P.S. (Appointment by Promotion) Regulations, 1955 and because of the failure on the part of the Govt. to carry out its mandatory duty, members of this Association have been adversely affected. The Association had taken up the matter with the Govt. reminding the Govt. of its duty but again nothing had been done. Having no other alternative, the Association had approached the CAT, Guwahati Bench for redressal of their grievances and our application was numbered as O.A.111/95.

The Hon'ble Tribunal, by order dt. 2.8.95, had deprecated the action of the Govt. in no uncertain terms and had observed that necessary actions be carried out within 3 months.

We had made enquiries and we have come to know that, though the order was received by the Govt. in time, it was held up by some middle-level officer and that the matter was not even brought to the notice of the Chief Secretary and higher authorities of the Department and that only recently, on our intervention, the matter was placed before the authorities. As such the reasons for delay cited in letter dt. 14.11.95 is only an eye-wash to further mislead the Hon'ble Tribunal and the members of this Association.

Contd.....3/-

সাদৌ অসম আৰক্ষী সন্থা

38

(অসম চৰকাৰৰ ১৯২৩ চনৰ স্বীকৃতি প্ৰাপ্ত অসম আৰক্ষী সন্থা আৰু ১৯৫৮ চনত অসম

চৰকাৰৰ স্বীকৃতিপ্ৰাপ্ত অসম আৰক্ষী সেৱা সন্থাৰ চামিলকৰণ সন্থা)

অনিম্ন মুজাফ্ফিন বোড (অক্ষৰা চিনেমাৰ সন্মুখত)

উলুবাৰী, গুৱাহাটী-৭৮-১০০৭

কাৰ্য্যকৰী কমিটি :

আজি ইং ১১-৯-৯৩ তাৰিখৰ বিষয়
বাচনি সভাত সৰ্বসন্মতি ক্ৰমে নিম্নউল্লে-
খিত সভা সকলক সৈ নতুন কাৰ্য্যকৰী
কমিটি গঠন কৰা হয়—।

উপদেষ্টা :

শ্ৰীহুলাল শৰ্মা এ.পি. এচ.
শ্ৰীঅজিত কুমাৰ শৰ্মা, আ: পৰিদৰ্শক

সভাপতি :

শ্ৰীশিৱ প্ৰসাদ শৰ্মা, এ. পি. এচ.।

কাৰ্য্যকৰী সভাপতি :

শ্ৰীকুলধৰ দাস, আ: পৰিদৰ্শক
শ্ৰীগৰ্গ নাৰায়ন দত্ত চৌধুৰী,
আ: পৰিদৰ্শক।

উপ সভাপতি :

শ্ৰীবজ্জনী গোস্বামী, আ: উপ
পৰিদৰ্শক

শ্ৰীঅবিনন্দ অধিকাৰী, —এ—

সাধাৰণ সম্পাদক :

শ্ৰীপ্ৰভাত সিংহ লহকৰ
আ: পৰিদৰ্শক

সহ সাধাৰণ সম্পাদক :

শ্ৰীহৰি শৰ্মা, আ: উপ পৰিদৰ্শক
শ্ৰীমতী বেণুদত্ত ফুকন —এ—

মুখ্য সাংগঠনিক সম্পাদক :

শ্ৰীপ্ৰদীপ বৰদলৈ, সহ উপ: পৰিদৰ্শক
শ্ৰীঅমলেন্দু ভূষণ দেৱ, —এ—

শ্ৰীৰমেন হাজৰীকা, আ: হাবিলদাৰ

শ্ৰীজীৱন চৰকাৰ, আ: কনিষ্টেবল

শ্ৰীৰমেন্দ শৰ্মা, নায়ক

ধন শুভামী :

শ্ৰীহেম চন্দ্ৰ শৰ্মা, আ: হাবিলদাৰ

~~পৰিদৰ্শক~~

প্ৰচাৰ সম্পাদক :

শ্ৰীকৌশিক ভট্টাৰ্চাৰ্য্য, আ: সহ:
পৰিদৰ্শক

চিঠি নং স: অ: আ: স:—

তাৰিখ

- 3 -

We, therefore, request you to implement the
Judgement immediately and also request you not to
start the process of selection for the year 1996
under the I.P.S. (Appointment by Promotion) Regula-
tion 1955, till the triennial review is carried out
as assured in the above-quoted Govt. letter.

Yours faithfully,

(PRABHAT SINGH LAHKAR)
GENERAL SECRETARY,
ASSAM POLICE ASSOCIATION
ULUBARI, GUWAHATI-7

Copy forwarded to :-

- 1) The Chief Secretary to the Govt. of Assam,
Dispur, Guwahati-6.
- 2) The Director General of Police, Assam,
Ulubari, Guwahati for information.
- 3) Deputy Registrar, Central Administrative Tribunal
Guwahati for information.

(PRABHAT SINGH LAHKAR)
GENERAL SECRETARY,
ASSAM POLICE ASSOCIATION
ULUBARI, GUWAHATI-7

208
13 JUN 1995

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Filed By
A. K. Choudhury
13/6/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

In the matter of :-

O.A.No. 53 of 1996

Shri Prabhat Singha LakharApplicant

-Versus-

Union of India & OthersRespondents

WRITTEN STATEMENT FOR & ON BEHALF OF RESPONDENT NO. 1

I, M.L.Miglani, Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi, do hereby solemnly affirm and say as follows:-

1. That the answering respondent begs to state that the statements made in paragraphs 1 & 2 of the application are matter of record.

2. That the Averments of the applicant made in paragraphs 3(1) and 3(2) of the application are denied. The answering respondent begs to state that the last Cadre Review of Joint Cadre of Assam-Meghalaya was notified vide letter No. 11052/10/91-AIS(II)-A dated 17.1.92. The next cadre review is due in January, 1997 instead of January, 1995 as the IPS (Cadre) Rules, 1954 have since been amended vide Government of India's Notification No. 11033/7/94-AIS(II)-B, dated 10.3.95 (Copy at Annexure 'A'). As per amended Cadre Rules, in rule 4, in sub rule (2) for the words "at the interval of every

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Eille
(G. N. Das)
Advocate

[Signature]


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three years" the words "Ordinarily at the interval of every five years" have been substituted. Moreover, Cadre Review is not conducted with a view to increase promotional prospects but it is done to meet existing requirement at that time for effective control of Law & Order. During the review, the vacancies in promotion quota may increase, may not increase or may even decrease. In view of the above no interest of the Members of the applicant Association have been adversely affected. Moreover, in case cadre review is done retrospectively and the total cadre strength decreases, the cadre may lose the services of IPS officers appointed subsequent to that retrospective date either by promotion or through direct recruitment. In such a situation, the officers likely to be affected, must be made necessary parties.

3. That the answering respondent has no comments to the statements made in paragraphs 4 & 5 of the application.

4. That with reference to paragraph 6(1) of the application, the answering respondent begs to state that never at one point of time, all Members of Association can be affected by any action of the respondents. As such only those Members of the Association who have been affected by any inaction of the Respondents should encroach upon the valuable time of the Hon'ble CAT. In fact, since the next Cadre Review is due in January, 1997 only, there is no cause of action by which the Members of the Association are affected presently. Moreover, Proviso to Rule 4(2) clearly empowers the Union of India to


(Signature)
Ministry of Home Affairs


conduct Cadre Review even at any other time also which means that it is not mandatory to conduct Cadre Review immediately on the expiry of period contemplated in Rule 4(2) *ibid*.

5. That the answering Respondent begs to state that the statements made in paragraphs 6(2) and 6(3) of the application are matters of record.

6. That with reference to paragraphs 6(4) and 6(5) of the application, the answering respondent begs to state that this was the Rule position before amendment dated 10.3.95.

7. That the statements made in paragraph 6(6) of the application are denied. The answering respondent begs to state that review does not merely mean increase in vacancies. During review the vacancies may increase, decrease or there may not be any change at all, keeping in view the prevailing situation and administrative needs. The applicant himself is doubting his claim which is clear from the word 'normally' used by him.

8. That with reference to statements made in paragraph 6(7) of the application, the respondent begs to state that review of any cadre is not done with a view to improve promotional prospects of State Police Service Officers but it is done to meet the administrative requirements whereby some vacancies which have lost their utility and purpose are abolished while some posts which are required to be created to


(SECRETARY)
(IN CHARGE)
Under Secretary
Ministry of Home Affairs

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- 5 -

meet present need of a cadre are included. As such the averments of the applicant are denied.

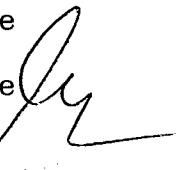
9. That the answering respondent begs to state that the statements made in paragraphs 6(8) and 6(9) of the application are matters of record.

10. That with regard to statements made in paragraph 6(10) of the application, the answering respondent begs to state that as already stated Cadre Review does not necessarily mean increase in promotion quota. It is evident from the Cadre Review notified on 17.1.92 wherein there was no increase in the ultimate cadre strength after the review of the cadre.

11. That the statements made in paragraph 6(11) of the application, the answering respondent begs to state that the last Cadre Review was notified on 17.1.92 and since then the IPS (Cadre) Rules, 1954 have been amended and according to the amended IPS (Cadre) Rules, 1954, the next review is due only in January, 1997. In view of the above, there is no merit in the averments of the applicant advanced in this paragraph.

12. That the statements made in paragraphs 6(12), 6(13) and 6(14) are concern of the State Govt.

13. That the answering respondent begs to state that the statements made in paragraph 6(15) of the application are


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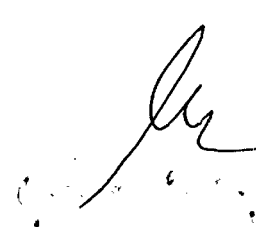
matters of record.

14. That the statements made in paragraphs 6(16), 6(17) and 6(18) are concern of the State Government.

15. That with reference to paragraph 6(19) of the application, the answering respondent begs to state that as per amendment in IPS (Cadre) Rules, 1954, of 10.3.95, the next Cadre Review of Assam-Meghalaya is due only in January, 1997 and not at present.

16. That with reference to paragraph 7 to 9 of the application, the answering respondent begs to state that the joint IPS Cadre of Assam-Meghalaya is due for next review in January, 1997 under Rule 4(2) of IPS (Cadre)Rules, 1954, as amended vide Notification dated 10.3.95 and therefore the issue raised in the Petition is not maintainable and the O.A. deserves dismissal with costs.

17. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.



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VERIFICATION

I, M.L.Miglani, Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi, do hereby solemnly declare and affirm that the statements made in this written statement are true to my knowledge derived from the records of the case.

I sign this verification on this day 10th of June, 1996 at New Delhi.


DEPONENT

Annexure - 1
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7

PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY IN PART II
SECTION 3(1), DATED 10.3.1995)

No.11033/7/94-AIS(II)-B
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi, 10th March, 1995

Notification

GSR..... In exercise of the powers conferred by sub-section (1) of section 3 of the All - India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules further to amend the Indian Police Service (Cadre) Rules, 1954, namely:-

1. (1) These rules may be called the 'Indian Police Service (Cadre) Amendment Rules, 1995.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Indian Police Service (Cadre) Rules, 1954, in rule 4, in sub-rule (2), for the words "at the interval of every three years", the words "ordinarily at the interval of every five years" shall be substituted.

(Madhumita D. Mitra)
Desk Officer)

Note: The Principal Rules were published vide GSR No. 152, dated 8.9.1954 and subsequently amended vide:

1. Notf. No.13/2/56-AIS(III), dated 28.2.1958
2. Notf. No.6/19/62-AIS(I), dated 26.12.1963
3. Notf. No.6/8/64-AIS(I), dated 30.11.1964
4. Notf. No.5/2/58-AIS(II), dated 4.5.1966
5. Notf. No.14/3/85-AIS(III)B, dated 4.5.1968
6. Notf. No.13/4/71-AIS(I), dated 11.1.1972
7. Notf. No.1/1/72-AIS(I)-B, dated 18.3.1973
8. GSR No. 50, dated 18.1.1975
9. Notf. No.11039/6/75-AIS(I)-A, dated 30.9.1976
10. Notf.No. 11051/1/76-AIS(I)B, dated 10.1.1977
11. GSR No. 747, dated 10.8.1985
12. Notf. No. 14022/1/88-AIS(I), dated 5.4.1988
13. GSR No. 341, dated 13.5.1989.

(Madhumita D. Mitra)
Desk Officer

To

The Manager
Government of India Press
Mayapuri, New Delhi.

No.11033/7/94-AIS(II) New Delhi, the 10th March, 1995.

A copy is forwarded for information to:-

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4. All the Accountant General
5. Director, Lal Bahadur Shastri National Academy of Administration, Mussoorie.
6. Director (Audit), Central Revenues, New Delhi.
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8. The Rajya Sabha Secretariat (Committee Branch), New Delhi.
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12. The Ministry of Environment & Forests (Deputy Secretary, IFS) CGO Complex, New Delhi. (with 5 spare copies).

Madhumita

(MADHUMITA D. MITRA)
DESK OFFICER

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Anjan Bardoloye
20.12.98
Yashini Kantz Phukan ex Secy. to the Govt of Assam
Senior Government Advocate, Home Department,
Assam, Dispur
Guwahati Bench, (ASSAM)

210
22/12/98

In the Central Administrative Tribunal
Guwahati Bench at Guwahati.

O.A. 53 of 1996

Shri Prabhat Singh Lahkar

-Vs-

Union of India and Others

In the matter of

The written statement on
behalf of the respondent
Nos. 2, 3 and 4 in the
above O.A. No. 53/96.

The humble written statement on behalf
of the respondent No. 2 (State of Assam), resp-
ondent No. 3 (Commissioner and Secretary, Department
of Home) and respondent No. 4 (Director General of
Police, Assam) is as follows :-

I Shri Anjan Bardoloye,.....
..... Deputy.....
Secretary to the Government of Assam, Department
of Home, do hereby solemnly declare and state as
follows -

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Memo to the Govt of Assam
Home Department
Assam, Dte

1. That I have been impleaded as the respondent No. 3 in the above Original Application. A copy of the application has been served on me which I perused and understood the contents thereof. I do not admit any of the allegations/averments which is not borne out by records. All allegations/averments which are not specifically admitted hereinafter are to be deemed as denied. This written statement is filed on behalf of respondent Nos. 2,3 and 4.

2. That in regard to the statements made in paras 6(I), 6(II), 6(IV), 6(V), 6(VI) 6(VII), 6(VIII), 6(IX), 6(X) of the application, the answering respondent has no comment to make. He, however, does not admit anything which is not borne out by records.

3. That in regard to the statements made in para 6(III) of the application, the answering respondent states that they are all matters of law and Rules and necessary interpretation on them would be submitted at the time of hearing of this case.

4. That in regard to the statements made in para 6(II) of the application, it is stated that the Government of India re-viewed the IPS Cadre of Assam and Meghalaya (Joint Cadre) with effect from 1.5.86 raising the

total authorised strength to 145 by notification No. 11052/7/88-AIS(II) dated 19.12.88 and in the same Notification modified the above authorised strength again with effect from 4.6.88 reducing the strength to 142 keeping the Cadre-strength as same.

In regard to the holding of the IPS Triennial Review of the Assam and Meghalaya Joint Cadre for 1992, the Inspector General of Police (A), Assam requested the Government of Assam to consider the holding of the Triennial Review meeting by letter No. FA/1/210/Vol.III/116 dated 30.5.94. In reply to this, the State Government by its letter No. HMA. 25/89/233 dated 27.7.94 instructed the Inspector General of Police (A), Assam to submit a detailed and comprehensive proposal. The proposal was submitted to the Government of Assam by the Assam Police by letter No. FA/1/210/Vol.III/120 dated 19.10.94.

Before further development on the above, instruction received from the Government of India for submission of the IPS Triennial Review proposal of the Joint Cadre of Assam and Meghalaya for the year 1995, showing position as on 1.1.95 vide letter No. 1-11013/10/94-IPS-1 dated 14.12.94 from Section Officer (IPS-I), Ministry of Home Affairs, Government of India, New Delhi and accordingly complete

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67 Secy. to the Govt. of Assam
Home Department,
Assam

proposal for 1995 was submitted to the Govern-
ment of Assam vide letter No. FA/1/210/Vol.III/
122 dated 12.1.95 from the Inspector General of
Police (A), Assam.

Only thereafter, the Government
of Assam by its letter No. HMA. 25/89/235
dated 22.2.95 instructed the Director General
of Police, Assam and also the Inspector General
of Police (A), Assam to attend a discussion in
the Office Chamber of the Secretary to the
Government of Assam, Home Department on 8.3.95
in connection with the Triennial Review proposal
submitted vide letter No. FA/1/210/Vol.III/120
dated 19.10.94, as stated above. The meeting
then was rescheduled to be held on 4.4.95 vide
letter No. HMA. 25/89/Pt/10 dated 1.4.95, was
again rescheduled and held on 8.5.95 vide letter
No. HMA. 271/95/5 dated 4.5.95 from the Under
Secretary to the Government of Assam, Home (A)
Department. In discussion, it was decided to
modify the proposal and re-submit the same and
accordingly a revised proposal was submitted
to the Government vide letter No. FA/1/210/
Vol.III/132 dated 24.5.95 from the Inspector
General of Police (A), Assam.

On receipt of the revised proposal
a discussion was fixed to be held in the Office
Chamber of the Commissioner & Secretary to the
Government of Assam, Home Department on 8.1.96

Contd.....P/5.

vide letter No. HMA. 25/89/239 dated 5.1.96 from the Deputy Secretary to the Government of Assam, Home (A) Department, which was subsequently refixed on 19.2.96 vide No. HMA. 25/89/240 dated 16.2.96 from the Under Secretary to the Government of Assam, Home (A) Department, then again re-fixed on 20.3.96 vide letter No. HMA. 25/89/241 dated 11.3.96 from the Deputy Secretary to the Government of Assam, Home (A) Department.

Thereafter, the Government called for certain information/particulars in connection with the same vide letter No. HMA. 25/89/242 dated 25.3.96 from the Deputy Secretary to the Government of Assam, Home (A) Department which have been furnished to the Government vide letter No. FA/1/210/Vol.IV/14 dated 27.3.96 from the Inspector General of Police(A), Assam.

5. That in regard to the statements made in para 6(12) of the application, it is stated that in the explanation below Rule 5 of the IPS (Appointment by promotion) Regulation, 1955, it has been clearly indicated that in case of "Joint Cadre" a separate select list shall be prepared in respect of each State Police Service. As such it is apparent that seniority in the State Police Service concerned are counted on the basis of seniority prevailing in the Cadre for the individual State and not taking together the seniority of both

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Anujon B. - copy
20.2.96
By Secy. to the Govt. of Assam
Home Department,
Assam, Dibrugarh

Copy to the Govt. of Assam
Home Department

the State Police Cadre Officers. Besides, in the Cadre Schedule the Senior Cadre Posts and Central Deputation Reserve posts of Assam Wing and Meghalaya Wing for each State have also been identified separately in the Joint Cadre vide Senior posts under Government of Assam and Senior posts under Government of Meghalaya in Cadre Schedule Notified vide Government of India Notification No. 11052/10/91-AIS(II) dated 17.1.92 re-notified by Government of Assam vide No. HMA. 25/89/182, dated 21.2.92 and as such when a promotion post is vacated in the Assam Wing of the IPS Joint Cadre the post is to be filled up by promoting Assam Police Service Officers from their concerned select list and similarly when a promotion post is vacated in Meghalaya Wing of IPS Joint Cadre the post is to be filled-up by promoting Meghalaya Police Service Officers from their concerned select list. As such comparing of year-wise seniority of APS Officers with these of Meghalaya Police Service Officers for promotion to IPS in the Joint Cadre is baseless.

6. That in regard to the statements made in para 6(13) of the application, it is stated that the proceeding of the Association in question ^{was} forwarded to the Assam ^{Govt.} Government vide letter No. G/XX-116/135 dated 9.5.95 from the Inspector General of Police(A), Assam.

Contd....P/7.

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Copy to the Govt of Assam
Home Department,
Assam Dispt

7. That in regard to the statements made in para 6(14) of the application, it is stated that on the representation of the General Secretary of the All Assam Police Association dated 23.5.95 and in response thereto a reply was sent to him vide letter No. FA/1/210/Vol.IV/2 dated 22.6.95 from the Assistant Inspector General of Police (A), Assam. Formal Triennial Reviews proposal, after observing all the formalities, for revision of Cadre Strength and inclusion of any few more posts in the Assam Wing of the Joint IPS Cadre of Assam & Meghalaya has already been sent to the Government of India, Ministry of Home Affairs by the Joint Cadre Authority vide letter No. AAI.9/97/82 dated 2.9.97.

8. That in regard to the statements made in paras 6(15), 6(16), 6(17), 6(18), and 6(19) of the application the answering respondent has no comment to make. He, however, does not admit anything which is not borne out by records.

9. That in regard to the statements made in para 7 of the application, it is stated that the authority already initiated action to finalise the IPS Triennial Review in time as already explained in para 6(11) above.

Contd.....P/8.

10. That in regard to the statements made in para 8 of the application, the answering respondents has no comment to make.

11. That in regard to the statements made in para 9 of the application, the answering respondents state that they are mostly matters of interpretation and as such the answering respondents have made no comments thereon. They however do not admit anything which are not borne out by records or supported by law.

VERIFICATION

I, Shri Anjan Bardoloye, Deputy Secretary to the Government of Assam, Department of Home, do hereby solemnly state that the statements made in paragraphs 1, 2, 3, 8, 10 of this written statement are true to my knowledge and those made in paragraphs 4, 5, 6, 7 and 9 are true to my information made on the basis of records which I believe to be true and the rest are my humble submission before this Honourable Tribunal.

I signed this verification on this twenty day of February, 1998 at Dispur.

[Handwritten signature]