

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

7

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 58/96.....

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2

ORIGINAL APPLN.NO. 58 OF 1995⁶
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 CONTEMPT APPLN.NO. OF 1995 (IN OA NO.
 REVIEW APPLN. NO. OF 1995 (IN OA NO.
 MISC. PETN. NO. OF 1995 (IN OA NO.




..... APPLICANT(S)

-vs-

..... RESPONDENT(S)

FOR THE APPLICANT(S) ... MR.
 ... MR.
 ... MR.
 ... MR.

FOR THE RESPONDENTS ... MR.

OFFICE NOTE	DATE	ORDER
	31.5.96	<p>Mr M.Chanda for the applicant. Leave note of Mr G.Sarma, Addl.C.G.S.C. Show cause has not been filed. List on 25.6.96 for show cause and consideration of admission.</p> <p style="text-align: right;">  Member (A)  Member (J) </p>
<p><u>5-6-96</u> Notice sent received on No. 1, 2.</p> <p><i>Bw.</i></p>	pg 3.7.96	<p>Leave note of Mr M.Chanda and Mr G.Sarma. Show cause has not been submitted. List for show cause and conside- ration of admission. on 1.8.96.</p> <p style="text-align: right;">  Member </p>
<p>Show cause has not been filed <i>BW</i> <i>31/7</i></p>	pg	

3

1-8-96

Learned counsel Mr.M.Chanda for the applicant. Show cause has not been submitted. List on 13-8-96 for show cause and consideration of Admission, as requested by learned Sr.C.G.S.C. Mr.G.Sarma.

[Signature]
Member

lm

1) Notice duly served on respdt no 1 & 2.
2) Show Cause has not submitted.

sd
12/8

13-8-96

Learned counsel Mr.M.Chanda for the applicant. Learned Addl.C.G.S.C. Mr.G.Sarma for the respondents. Show cause has not been submitted despite opportunity is given.

Application is admitted. Issue notice on the respondents by registered post. Written statement within 6 weeks.

List for written statement and further order on 24-9-96.

[Signature]
Member

lm

[Signature]
13/8

14.8.96
Copy of order dtl. 13.8.96 issued to the respdt vide D.No.

[Signature]

24.9.96

Mr G.Sarma, Addl.C.G.S.C for the respondents. None for the applicant.

Show cause has not been submitted.

List for written statement and further orders on 16.10.96.

[Signature]
Member

1) Notices all ready served on respdts no. 1-3. vide order dt. 12-4-96.
2) w/ statement has not been b/w till now.

sd
23/9

pg

[Signature]
25/9

16.10.96

Mr M.Chanda for the applicant. Mr G. Sarma, Addl.C.G.S.C for the respondents.

Written statement has not been submitted.

List for written statement and further orders on 28.11.96 as requested by Mr Sarma.

[Signature]
Member

w/ statement has not been b/w.
sd
15/11
sd
27/11

(4)

28.11.96

None present.

written statement has not been submitted.

Written statement has not been submitted.

2/17-12

List for written statement and further orders on 18.12.1996.

6/
Member

trd

26/11

10-1-97

18.12.96

~~w/ statement~~

w/ statement has not been filed.

Mr. M.Chanda for the applicant.

None for the respondents.

Written statement has not been submitted.

List for written statement and further orders on 13.1.1997.

2/10/

6/
Member

trd

18/12

~~18.12.97~~

~~Mr. M.Chanda for the applicant.~~

~~Mr. M.Chanda for the applicant.~~

~~with Mr. N.D. Kohli Asstt. Garrison Engineer for the respondents.~~

~~Mr. Ali prays for 2 months time to file written statement and letter dated 13.1.97 from Garrison Engineer has also been submitted to the Registrar.~~

~~Heard counsel of both sides. The respondents are allowed 2 months time to file written statement as a final opportunity.~~

~~List for written statement and further orders on 17.3.97.~~

~~Mr. Chanda submits that the O.A. should have been listed before the Division Bench. Mr. Ali has no objection to see the matter. The matter is to be listed before the Division Bench.~~

Member

5

O.A. No. 58 of 1996

5

1) Memo ab appearance has not filed by the G.Sarma Addl. C.G.S.C.

15.1.97

2) Notice duly served on Respondents no 1-3

3) w/statement - has not been filed

11/2

Mr. M.Chanda for the applicant.

Mr. G.Sarma, Addl: C.G.S.C. for the respondents.

Mr. Sarma prays for 1 month time to file written statement.

List for written statement and further orders on 12.2.1997.


Member

trdj
01/15/11

12.2.97

1) No appearance has been filed by Addl. C.G.S.C.

2) Notice issued on 1-5-96

3) Notice duly served on Respondents No 1-3.

4) w/statement - has not been filed

11/3

Mr G.Sarma, Addl.C.G.S.C for the respondents prays for further adjournment to file written statement. From the order sheet it appears that several adjournments have been granted. We are not inclined to grant any further adjournment for written statement.

List on 12.3.97 for hearing.


Member


Vice-Chairman

pg
18/2

12-3-97

1) Notice issued on 1-5-96.

2) Notice duly served on ap. No 1-3.

3) w/statement - has not been filed

11/4

Let On the request of counsel for the parties [this case to be listed for hearing on 9-4-97.


Member


Vice-Chairman

lm
11/3

9.4.97

Mr G.Sarma, learned Addl.C.G.S.C for the respondents informs that the applicant has got the relief and therefore, the application has become infructuous. Mr J.L.Sarkar, learned counsel appearing on behalf of the applicant also confirms the same. In view of the same, the application is dismissed as infructuous.

22/4/97

Copy of the order has been issued to the D/Section for issuing the same to the parties alongwith the L/Advocates of the parties.

sh
22/4

Issued via

D.No. 1485 to 1488

on 1.5.97

sh
7/5


Member


Vice-Chairman

pg
1614

Central Administrative Tribunal
 GUWAHATI BENCH
 10 APR 1996
[Signature]

*Filed by the applicant
 through M. P. under
 10-4-96. Adv. [Signature]*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH

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

O.A. No. 58/96

Sri Dev Kumar Biswas

Vs.

Union of India & Ors.

I N D E X

Sl.No.	Annexure	Particulars	Page No.
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4	2	Lr. dated 4.10.90	19
5	3	Representation dt.27.12.92	20
6	4	Representation dt.17.2.94	21
7	5	Representation dt.27.9.94	22
8	6	Representation dt. 4.2.94	23
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10	8	Reply dated 26.10.94	25
11	9	Representation dt. 28.12.94	26
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*copy handed over
 to Shri A. Sharma
 Adv. - 10-4-96
 [Signature]
 Advocate
 10-4-96*

Date : 10-4-96

Filed Byn:
 [Signature]
 Advocate

1. Particulars of the Applicant

Sri Dev Kumar Biswas

Son of late H/Captain Promod Ch. Biswas

Natun Bazar, Baishistha

P.O. Beltola,

Guwahati-781028

..... Applicant

2. Particulars of the Respondents

1. The Union of India

Through the Secretary to the Govt. of India

Ministry of Defence

New Delhi

2. The Director General M.S. (Army)

L. Block Army Headquarters

New Delhi-110011

3. The Commandant

151 Base Hospital

C/o 99 A.P.O.

3. Particulars for which this application is made.

This application is made for appointment of the applicant to the post of L.D.C. at 151 Base Hospital, Baishistha, Guwahati with immediate effect.

4. Limitation

The applicant declares that the application is filed within the prescribed time period of the Administrative Tribunals Act, 1985.

Dev Kumar Biswas

5. Jurisdiction

The applicant declares that the cause of action of the case is within the jurisdiction of the Hon'ble Tribunal.

6. Facts of the Case

6.1 That the applicant is a citizen of India as such he is entitled to all the rights and privileges guaranteed by the Constitution of India. The applicant passed Higher Secondary School Leaving Certificate (HSLC) Examination in the year 1984 from Narangi Central School. The applicant registered his name with the local Employment Exchange, Guwahati to obtain a suitable job. The name of the applicant was sponsored by the local Employment Exchange Guwahati alongwith others for the post of Lower Division Clerk (L.D.C.) in the office of the 151 Base Hospital under HQ 101-Area, C/o 99 APO, under the Ministry of Defence Govt. of India. Be it stated that there were 4 posts of LDC, out of that 2 posts of LDC for SC and 2 posts of LDC for ST candidates. The applicant was called against ~~of~~ LDC SC vacancy. Accordingly the applicant appeared in the written test on 5th September, 1990 arranged by the respondents in the 151-Base Hospital. Thereafter the applicant was directed vide letter No. 452/2/CIV EST/COY/2/90 dated 17.9.90 whereby the applicant was advised to report to COY office on 01.10.90 at 8-30 hrs. for medical examination and further directed to produce the said letter

Dr. Kumar Biswas

that all documents and certificates for consideration of his appointment. The applicant accordingly produces all his documents & certificates and ~~registra~~ appeared for medical examination on 1.10.90. Thereafter again vide letter No. 452/2/CIV EST/COY/04/90 (1) dated 4.10.90 whereby the applicant was informed that he is found fit for selection to the post of L.D.C. subject to the approval of appointing authority and he was further directed to produce Employment Card, School Certificate, SC Certificate, Character Certificate and also passport size photograph attested by a gazetter officer. Accordingly the applicant reported with all certificates as desired by the respondents.

Copies of the letter dated 17.9.90, 4.10.90 are enclosed herewith and the same is marked as Annexure 1 and 2 respectively.

6.2 That after selection process is over the applicant was expecting his appointment to the post of LDC as entire process of selection for all required formalities have been completed by the respondents. But surprisingly the respondents remain silent for a long period as regard the appointment of the applicant to the backlog vacancy of Scheduled Caste. Mother of the applicant submitted a representation addressed to the Director General M.S. (Army) 4, Block New Delhi wherein she had requested for employment of her son i.e. the present applicant as she is a widow depending on the family pension of Rs. 393 (basic) and

Darshan Bhow

passing through a great financial hardship but the respondents remain silent over the representation of the mother of the applicant. The applicant thereafter submitted representations on 3.6.94, 4.8.94, 27.9.94, and ~~her~~ his mother Smti S. Biswas also submitted a representation dated 17.2.94 addressed to the Hon'ble Defence Minister, Govt. of India, Ministry of Defence for appointment of her son to the post of LDC. The applicant also submitted representation to the D.G.M.S. (Army) for consideration of his appointment for the existing vacancy for which he appeared in the interview in the month of September, 1990. However on receipt of those representations the Commandant 151 Base Hospital vide his letter No. 452/3/CIV EST/04/94 dated 26.10.94 replied in response to his representation dated 27.9.94 addressed to D.G.M.S. (Army) informed that the case of the applicant for appointment is still under consideration with higher headquarter and also quoted their earlier letter dated 30.5.94 where the applicant also furnished ^{with} ~~that~~ a similar reply that the matter of appointment is under consideration. Be it stated that when the applicant is sponsored during 1990 by the Employment Exchange on the basis of the requisition submitted by the respondents for backlog vacancies of SC for the post of LDC and when all required formalities were over long back therefore the reply of the respondents intimated vide letter dt. 26.10.94 seems to be vague and it also appears that the respondents ~~are~~ trying to deprive the present applicant from the post of LDC for

Dr. Hemu Biswas

which he is duly sponsored by the Employment Exchange and selected by the respondents.

Copy of the representations dated 27.12.92, 17.2.94, 27.9.94, 4.8.94, 3.6.94, and reply dated 26.10.94 are enclosed herewith and the same are marked as Annexure 3,4,5,6,7, and 8 respectively.

6.3 That the applicant being frustrated again submitted a representation dated 28.12.94 which was addressed to the Hon'ble President of India and requested for necessary action as regard his appointment to the post of LDC. The President's Secretariat acknowledged the receipt of the representation of the applicant and same was duly forwarded to the Secretary to Govt. of India, Ministry of Defence and further instructed the applicant for further communication on the subject may please be made to the address to the Secretary directly quoting with the Reference No. of President Secretariat letter dated. 5.1.95. The applicant thereafter received a communication from the Director General, Medical Service (Army) vide letter No. 72082/II/DGMS/38 dated 12.1.95 wherein it is intimated that his case alongwith other individuals for the appointment of LDC under Special Drive Recruitment 1990 is under consideration of the Government and it is further stated in the said letter dated 12.1.95 that he would be apprised of the final decision as and when taken in the matter by the Government. This reply also seems to be stereo type and it is surprising that how long

Dr. Hemant B. ...

the Government Department is required to take a final decision as regard an existing backlog SC vacancy where all required formalities for appointment been completed long back in the year 1990. Therefore the applicant is being deprived from his legitimage expectation of appointment to the post of LDC and hence this application under Section 19 of the Administrative Tribunals Act, 1985 with the prayer for a direction to the respondents to expedite the appointment of the applicant to the post of LDC with immediate effect.

Copy of the representation dated 28.12.94 and reply dated 5.1.95 and 12.1.95 are enclosed herewith and the same are marked as Annexure 9, 10 and 11 respectively.

6.4 That the applicant finding no other alternative further submitted representation dated 15.2.95, 29.3.95 addressed to the Hon'ble Defence Minister wherein the applicant requested the Hon'ble Minister for his kind attention in the matter of his appointment to the post of LDC and it is further ~~xxx~~ stated by the applicant that all his original certificates and documents were kept with the authorities of 151 Base Hospital, ^{fill 1993} in connection with his selection and appointment to the post of LDC under the Special Dirve Recruitment Scheme 1990 and therefore he ^(D.M) ~~is~~ not in a position even to try for any other job in other Central/State Govt. offices. However the Director General of Medical Services (Army) vide his letter No. B/72082/II/DGMS-38 dated 9.5.95 informed the applicant that he was interviewed for the post of LDC

Dev Kumar Biswas

under the Scheme of Special Recruitment Drive for SC/ST candidates but the case of candidate selected under this scheme has not been finalised so far therefore he is instructed to renew the registration with the concerned Employment Exchange. Be it stated that the applicant's name is still now registered with the Employment Exchange and he is renewing his Employment Card every year. But the letter dated 9.5.95 seems to smell that the respondents are trying to find out a device on the ground that the scheme has not been finalised so far and therefore solely with the intention to deprive the legitimate claim of the appointment of the present applicant to the vacant post of LDC for the year 1990 under the scheme of Special Drive Recruitment, issued the letter dated. 9.5.95. ^(which he has)

Therefore the applicant finding no other alternative preferred this application before this Hon'ble Tribunal praying for a direction upon the respondents to consider his case for appointment without further delay.

Copy of the representations dated 15.2.95, 29.3.95 and letter dated 9.5.95 are enclosed herewith and the same are marked as Annexure 12, 13, and 14 respectively.

6.5 That the applicant again submitted his representation before the Hon'ble President of India vide his letter dated 5.6.95 requesting him to look into the matter. However the respondents vide their letter No. B/72082/II/DGMS-38 dated 6.7.95 again informed the applicant that the case for recruitment under the Scheme of the Special Drive

Dev Kumar Bisera

is still under consideration of the Government and as and when a decision is arrived at he would be apprised of the position. The same information also communicated to the applicant by the Director General, Medical ~~Services~~ Services (Army) vide their letter No. B/72082/II DGMS-38 dated 6.12.95. The applicant thereafter submitted a representation addressed to the Hon'ble Prime Minister of India dated 8.12.95 wherein the applicant stated ~~in~~ in detail as regard the ~~position~~ post of interview and selection and also stated regarding the delaying tactics adopted by the respondents and further requested to look into the matter so that the applicant is appointed to the post of LDC. The ~~matter~~ matter of the applicant is also taken up by the Hon'ble Member of the Parliament Shri UDDHAB BARMAN and he addressed the letter to the Hon'ble Prime Minister vide letter dated 19.12.95 wherein the Hon'ble M.P. brought the matter to the notice of the Hon'ble Prime Minister. It is ategorically stated in the said letter that the applicant was found fit for selection to the post of LDC in 151 Base Hospital and he was asked to submit all relevant certificates in original to the appointing authority by an order dated 4.10.90 and the applicant complied with the same and even after ~~the~~ an elapse ~~in original~~ of 5 years the applicant has not been appointed ~~not~~ ^{and} his certificates in original which had been held up ^{fill 1993} by the respondents ^{and the same} ~~not been~~ returned to the applicant ^{fill 1993} compelling the applicant not to apply for any other job and this has put the applicant and his mother

Dev Kumar Biswas

to a great hardship. However no positive action is also taken up by the Hon'ble Prime Minister yet. Therefore the applicant under the facts and circumstances stated above finding no other alternative filed the present application before this Hon'ble Tribunal with a hope of getting justice.

Copy of the representation dated 5.6.95 and reply dated 6.7.95, 6.12.95 and representation dated 8.12.95 and Hon'ble M.P.'s letter dated 19.12.95 are enclosed and the same are marked as Annexures 15,16,17, 18 and 19 respectively.

6.6 That with the similar facts and circumstances the Hon'ble Calcutta Bench of the Central Administrative Tribunal decided a similar application which is reported in 1195 (29) ATC page 454 wherein the Hon'ble Tribunal held that once a person is declared successful according to the merit list of the selected candidates/^{the} appointing authority ~~as the respondents to appoint him~~ has the responsibility to appoint him even if the number of vacancies undergoes a change after his name is included in the list of selected candidates and finally held that the applicant entitled to be considered for appointment in any existing or next available vacancy on the basis that he is a successful candidate whose name has been recommended for appointment. So in the instant case the backlog vacancies of Scheduled Caste are still available therefore the question of undergoes a change does not arise but under

Contd...P/11

facts and circumstances the applicant is entitled to appoint to the vacancy which is still available and for which the applicant was called for in the interview. The relevant portion of the judgement and order dated 24.11.94 passed in O.A. No. 1466/98 (K.B. Brijesh Vs. Union of India and Ors) is quoted below :

" 5. Applicants have cited Prem Prakash V. Union of India, where the Supreme Court has stated at page 1837 that :

"Once a person is declared successful according to the merit list of selected candidates the appointing authority has the responsibility to appoint him even if the number of vacancies undergoes a change after his name is included in the list of selected candidates."

6. After hearing learned counsel on both sides, we consider that in the circumstances of the case applicant is entitled to the relief asked for. We accordingly direct second respondent to consider the applicant for appointment as Diesel Assistant in any existing or next available vacancy on the basis that he is a successful candidate whose name has been recommended by the Railway Recruitment Board for appointment."

6.7 The Hon'ble Orissa High Court also observed similar view while deciding the case of Bighnaraj Panda Vs. Central Institute of Plastic Engineering & Technology and Ors. reported in 1996 LIC, 176. The relevant portion of the observation made in the aforesaid judgement is quoted below :

"Here specifically to fill up the vacancy that was existing at Bhubaneswar the advertisement was made. The petitioner having all the eligibility criteria responded to the advertisement and his candidature was considered. He was called for interview and was selected. There the theory and doctrine of legitimate expectation starts. If this legitimate expectation is frustrated by any mala fide act, the case cannot be sustained in law. If in fact there was no vacancy at Bhubaneswar, certainly the petitioner cannot ask for the relief in the manner he has done. But where a vacancy existed at Bhubaneswar and for filling up the same advertisement made and a person like the petitioner was selected, the post having been filled up by transfer of another person from Madras such a step was unwarranted and uncalled for. This would frustrate the legitimate expectation of the petitioner and is to be deemed as not bona fide. The concept of mala fide in fact and the concept of malafide in law have since been considered by various High Courts and the Apex Court in appropriate cases."

Therefore the present case of the applicant is also squarely covered by the above two judgements.

7. Reliefs Sought for :

Under the facts and circumstances stated above the applicant prays for the following reliefs :

1. That the respondents be directed to appoint the applicant to the post of LDC under the Special Drive Recruitment Scheme 1990 with immediate effect.
2. That the respondents also be directed to consider the appointment of the applicant to the post of LDC under Special Drive Recruitment Scheme 1990 with retrospective effect from the date of selection with all consequential monetary and service benefits.
3. To pass any other order or orders as deemed fit and proper under the facts and circumstances as stated above.
4. Costs of the case.

The above reliefs are prayed on the following amongst other -

- G R O U N D S -

1. For that the applicant was duly sponsored by the Employment Exchange on the basis of the requisition of the respondents for the post of LDC under Special Drive Recruitment Scheme 1990.
2. For that the applicant was duly selected and found fit by the Selection Board in all respects for appointment to the post of

LDC under the Special Drive Recruitment Scheme 1990.

3. For that the applicant declared selected vide letter dated 4.10.90 (Annexure-2) issued by the Commandant 151 Base Hospital.
4. For the respondents have delayed the process of appointment intentionally although the posts are still vacant for which the applicant was duly selected.
5. For that all original certificates were held up by the respondents for consideration of a-ppointment of the applicant to the post of LDC since 1990 till 1993.
6. For that the applicant could not apply for any other job in any Govt. department as the original certificates retained by the respondents in connection with his appointment to the post of LDC under the Scheme of Special Drive Recruitment Scheme 1990.
7. For that the respondent contention that the appointment of the applicant still under consideration is vague, arbitrary and unfair.
8. For that the approval or final decision as regard the appointment of the applicant to the post of LDC should not have taken 5 years of time by the respondents.

9. For that the applicant incurring a financial loss and other service benefits although the applicant duly selected by the respondents for the post of LDC as a result of intentional delaying tactics adopted by the respondents.
 10. For that the applicant belonged to very poor family and also belong to Scheduled Caste category and passing through an extreme financial hardship.
 11. For that the applicant has now overaged for recruitment in any other Government jobs.
 12. For that the appointment to the post of LDC is a legitimate claim of the applicant.
8. Interim relief prayed for :

1. That the respondents be directed to consider the appointment of the applicant to the ^{post of} LDC during the pendency of this application.

The above reliefs are prayed on the grounds explained in paragraph 7 of this Application.

9. The applicant declares that there is no remedy under any rule and the Hon'ble Tribunal is the only remedy.

10. That the applicant further declares that he has not filed any other application on this subject matter before any other Tribunal/Court.

11. Details of I.P.O.

Postal Order No.	-	
Date of Issue	-	
Issued from	-	G.P.O., Guwahati
Payable at	-	G.P.O., Guwahati

12. Details of Index

Index containing the details of documents are enclosed.

13. List of enclosures

As per Index.

24

17

~~214~~

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

I, Sri Dev Kumar Biswa, Son of late H/Captain Promod Ch. Biswas, Natun Bazar, Baishistha, P.O. Beltola, Guwahati-781028 applicant in the applicant and hereby solemnly affirm and declare that the statements made in this application are true to my knowledge and belief and I have not suppressed any material facts.

I sign this verification on this the 10th day of ^{April} March, 1996 at Guwahati.

Dev Kumar Biswa
Signature

Place : Guwahati

Date : 10-4-96.

o

ANNEXURE-1
REGISTERED/SDS

151 Base Aspatal
151 Base Hospital
C/p 99 A P O

452/2/Civ Est/Coy/2/90 17th Sep 90

sri Deo Kumar Biswas
Basistha Bazar
P.O. Beltola
Guwahati

MEDICAL EXAMINATION FOR FITNESS OF LDC GROUP 'C'
CIVILIAN DEFENCE EMPLOYEES.

1. Refer to this office letter No. 452/2/Civ Est/Coy/07/90 dated 31 Aug 90.
2. In connection with selection for the post for which you have been interviewed by the board of officers at this hospital on 5 Sep 90 you are advised to report to Coy office of this hospital on 01.10.90 at 0830 hrs for further guidance to complete your medical examination in this hospital (MI Room) - (Final selection will be subjected to further communication after medical examination and other necessities).
3. The documents/certificates as asked vide para 2 of our letter under reference which could not be put up completed in all respect at the time of written test/interview, may please also be completed and will be brought with you. Otherwise you may not be considered for the medical examination and for the appointment if selected.
4. Your Candidature for the above post will not be considered at all if you fail to report for the medical examination on 01.10.90.

Sd/- R.K.Sharma
Major
Coy Commander
for Offg Commandant

*Attended @ 10/9/90
R.K.S.*

ANNEXURE-2

REGISTERED POST

151 Base Aspatal
151 Base Hospital
C/o 99 A P O

452/2/Civ Est/Coy/04/90(1)

04 Oct '90

Shri Dev Kumar Biswas
Basistha Bazar
P.O.Beltola, Guwahati

CALL LETTER FOR DOCUMENTION : LDC

1. You have been found fit for slection to the post of LDC subject to the approval by appointing authority i.e. ADMS HQ 101 Area/Army HQ. You are hereby advised to report to this office with following documents at the earliest but not later than 10th Oct. '90.

- a. Employment Rend. Card (Original with three photostat copies).
- b. School Certificate (Original with three photostat copies).
- c. Scheduled Caste/Scheduled Tribe Certificate (Original with three photostat copies).
- d. Character certificate from two different Gazetted Officer with three photostat copies of each.
- e. Two passport size photos duly attested by gazetted officer.

Sd/- R.K.Sharma
Major
Coy Commander
for Commandant

*Attested
@hule
Adv.*

27
20

17

ANNEXURE-3

REGISTERED/POST

27.12.92

From

Smt. S. Biswas
W/o Late H. Capt. P.C. Biswas
Natun Bazar, Basistha
Guwahati-781028

To

: DG MS (Army)
L. Block
New Delhi-110 001

Sub : Appointment for the post of LDC in 151 Base Hospital
Ref : 151 Base Hospital Letter No.452/2/Civ Coy/04/90
(Xerox copy attached)

Respected Sir,

With due respect, I beg to invite a reference to above quoted letter and to state that my son Dev Kumar Biswas was found fit for selection for the post of LDC vide 151 Base Hospital letter under reference. All required particulars alongwith original certificates had duly been submitted to the bengin authority as asked for.

It is brought to your kind notice that though more than two years have already passed since selection of my son, but till date no appointment letter has been issued to him. The original certificates submitted have also not been returned back to my son so far and hence he has been deprived from seeking employment opportunity elsewhere.

That Sirk he is a son of Late Hony. Capt. P.C. Biswas of 151 Base Hospital. I further state that I have no earning member in my family and all four members of my family are dependent on meagre income received as family pension of Rs. 393/- p.m (Basic). Thus we are passing the days in acute financial hardshp.

Under these circumstances as mentioned above, I humbly pray to you for kind consideration s to provide an employment to my son referred above so that the applicant and the other members of the family of aRetired Hony. Capt. in Army may survive.

I trust that you will give the matter an urgent and due favourable consideration.

Thanking you,

Yours faithfully,

Sd/- S. Biswas
W/o Late Hony Capt. PC Biswas, AMC

- Copy for information and necessary action to
- 1. 151 Base Hospital, C/o 99 APO
 - 2. A.D.M.S., HQ, 101 Area
 - 3. D.D.M.S. HQ/E/C.

*Attested
Chhinder
Sd/-*

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21
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ANNEXURE-4

From Smt. S. Biswas,
W/o Late Hony. Capt. P.C. Biswas,
Natan Bazar, Basistha,
GUWAHATI-781028

Dated : Guwahati, the 17th Feb/94

To
The Hon'ble Defence Minister,
Government of India,
Ministry of Defence
NEW DELHI

Sub : APPOINTMENT FOR THE POST OF L.D.C. IN 151 BASE
HOSPITAL

Ref : 151 Base Hospital Letter No. 452/2/Civ Coy/04/90
(Xerox copy attached).

Respected Sir,

With due respect, I beg to invite a reference to above quoted letter and to state that my son Dev Kumar Biswas found fit for selection for the post of LDC vide 151 Base Hospital letter under reference. All required particulars alongwith original certificates had been submitted to the benign authority as asked for.

It is brought to your kind notice that though more than three years have already passed since selection of my son, but till date no appointment letter has been issued to him.

That Sir, he is a son of Late Hony. Capt. P.C. Biswas of 151 Base Hospital. I further state that I have no earning member in my family and all four members of my family are dependent on meager income received as family pension of Rs. 393/- p.m. (Basic). Thus we are passing the days in acute financial hardship.

Under these circumstances as mentioned above, I humbly pray to you for kind consideration as to provide an employment to my son referred above so that the applicant and the other members of the family may survive.

I trust that you will give the matter an urgent and due favourable consideration. Thanking you,

Yours faithfully,

Sd/- S. Biswas
W/o Late Hony. Capt. P.C. Biswas, A.M.C.

Copy to :
D.G.M.S. (ARMY)
L. BLOCK
ARMY H.Q.,
NEW DELHI

*Attached
Copy
AW*

ANNEXURE-5

Date : 27th Sep'94

To
The D.G.M.S. (ARMY)
L.Block Army Headquarters
New Delhi

Sir,

Ref : My regd. letter No. 3406 dt. 4.8.94.

Ref : Appointment for the post of L.D.C. (Civil)

With reference to the above at first I would like to mention, nearly 4 years lapsed and the fate of an youth is kept all in dark on same pretext or other for your ready reference I enclose photostat Copy(s) of the letter addressed to the all possible doors till date which is self explanatory of the embarrassing position of my fate.

Quite amazing is the situation when the things are not cleared even after The Hon'ble Defence Minister Govt. of India, Ministry of Defence New Delhi is apprised of the situation vide letter dt. 17th Feb/94, photostat of the same also is enclosed.

I hope a youth will not be deprived of what he deserves, whatever is the matter please make it clear so as to be relieved from mental agony and what not.

I remain with regard in anticipation.

T hanking you.

Sd/- Dev Kumar Biswas
C/o Late H/Capt.P.C.Biswas
Natun Bazar
Basistha,
Guwahati-781018

Copy to :

1. The Hon'ble Defence Minister.
2. Commandant 151 Base Hospital

For information & proper action at your end.

*Attested
@hulu
AW*

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ANNEXURE-6

Dated : 4.8.94

From

Dev Kumar Biswas
C/o Late H/Capt.
P.C.Biswas
BASISTHA, GUWAHATI-28

To

The D.G.M.S. (ARMY)
L.Block Army Headquarter,
New Delhi

Sub : REGARDING APPOINTMENT FOR THE POST OF L.D.C.(CIVIL).

Sir,

Kindly refer to the letter addressed to me regarding my selection for the post of L.D.C.(Civilian) in 151 Base Hospital. Accordingly, I have submitted my Marksheet and other documents in original for verivication in the year 1990.

It is almost three and half years have elapsed now, since I was apprised of my suitability for the post.

I regret to apprise you that the final disposal in respect of my appointment is still eagerly awaited.

In this regard I have contacted both Headquarter 101 Area (Med.) C/o 99 A.P.O. and 151 Base Hospital but without any final result. A letter from O/C Civ. Est. 151 Base Hospital is received by me in the month of June in which they have clarified me that my case is under consideration with higher Headquarter. A photostat copy of the same is enclosed herewith for your kind information.

I will be highly obliged if same is intimated to me at an early date, so that I can try elsewhere before crossing my age limit and overcome anxiety and dilemma of hanging in hopes.

Thanking you Sir in anticipation,

Yours faithfully,

Sd/- Dev Kumar Biswas

*Attested
Chhale
Sd/-*

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21 24

ANNEXURE-7

Dated 3rd June/1994

To
The Commanding Officer,
151 BH C/o 99 APO

Sub : CALL LETTER FOR LDC.

Sir,

1. Kindly refer to your letter No. 452/2/Civ.Est/COY/94 dated 30th May '94 addressed to me with copy endorsed to 101 Area.

2. Please let me know the exact higher HQ whose decision is awaited so far, so that I can also persue personally apprising them various difficulties confronted by me. This would facilitate them, to realise all pros and cons of my problems keeping them abreast without bothering you Sir,

3. I am afraid Sir, if I cross my age barrier once as laid down for Government Service, I would be like a fish out of water, knowing nowhere to go, running all hopes and aspirations in my life. I am ashamed to add here Sir; that I am almost on the verge of begging to keep myself alive with a heavy debt behind incurred for managing my going.

Due to the forgone Sir, I strongly urge upon you to finalise something soon, before it is too very late and I am forced to do anything untowards. Thanking you Sir,

Yours faithfully,

Sd/- Dev Kumar Biswas
S/o Late H/Capt P.C.Biswas,
Natun Bazar, Basistha,
Guwahati-781028

Copy to :

1. A.D.M.S.
HQ 101 Area,
C/o 99 A.P.O.

*Accepted
@ file
AD*

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22 25

ANNEXURE-8

Tele 151 : 542

151 Base Aspatal
151 Base Hospital
C/o 99 APO

452/2/Civ Est/04/94

26 Oct 94

Sri Dev Kumar Biswas
C/o Late H/Capt P C Biswas
Natun Bazar, Basistha
PO : Beltola, Gauhati-28
Dist : Kamrup (Assam)

APPOINTMENT FOR THE POST OF LDC

1. Refer to your application dated 27 Sep 94 addressed to DGMS (Army) L Block AHQ and copy to Defence Minister and Commandant 151 Base Hospital.
2. You have already been informed vide this office letter No. 452/2/Civ Est/Coy/94 dated 30 May 94 that your case for appointment is still under consideration with higher Headquarters.
3. The matter was also explained to your mother when she visited this hospital during 1st week of Oct (4).
4. You are once again advised to periodically contact this hospital and you will be informed officialy as and when order for your appointment is received by this office.

Sd/- V.S. Gurunadh
Major
OIC Civ Est
for Commandant

*Approved
Chuler
Adv*

ANNEXURE-9

From

Date 28.12.94

Dev Kumar Biswas
C/o H/Capt. P.^C.Biswas
Natun Bazar, Basistha
Guwahati-781028

To

The President of India
Rastrapati Bhavan
New Delhi

With the Highest Honour Sir,

Sub : ARMY HIGHER OFFICIALS IN DIELEMMA

With grave concern I mention that I am deprived of an employment because of uncertain condition prevailing at the end of higher authorities of army. I would like to mention that after all basic qualification qualified for the post applied. My Original Authenticate documents were kept held with the Army higher authorities giving some pretext or other for a period of about 4 years and later send back stating "THE MATTER IS PENDING WITH THE HIGHER AUTHORITIES" and at last with no way left I am addressing it to you most honourable Sir, Photostat copy of what all correspondence I had for last 4 years with the so called responsible Army post holders.

I think at this stage I am no where wrong to address it to your honourable sir that the matter will be looked into, for your honour, you are the LAST AUTHORITY (Where law prevails) to be knocked for FINAL JUSTICE.

An humble youth for your honourable JUSTICE SIR,

Sd/- DEV KUMAR BISWAS

C.C. to :

- (i) Hon'ble Defence Minister
- (ii) D.G.M.S. (ARMY) (Ref : Letter dt. 27th Sept '94)
L. Block Photostat copy enclosed for ready reference.

A. B. S. S. S.
Ad V

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ANNEXURE-10

PRESIDENT'S SECRETARIAT
PUBLIC - I SECTION

No. P1 201854
Dated : 05 Jan '95

Rastrapati Bhavan
NEW DELHI 110004

Dear Sir/Madam

I write to acknowledge the receipt of your communication dated 28-Dec-94 which has been forwarded to the Secretary to the Government of India, Ministry of Defence (Department of)
New Delhi, for appropriate action.

Any further communication on the subject may please be addressed to him direct quoting the above reference number.

Yours faithfully,
Sd/- Illegible
for Secretary to the President

BOOK POST

ON INDIA GOVERNMENT SERVICE

SH. DEV KUMAR BISWAS
C/o H/CAPT. P.C.BISWAS
NATUN BAZAR, BAISISTHA
GUWAHATI
ASSAM

President's Secretariat,
Rashtrapati Bhavan
New Delhi-110004

*Attended
Chh
JNV*

25 28 31

ANNEXURE-11

Telex : 301 9281

72082/II/DGMS-38

12 Jan 95

Shri Dev Kumar Biswas
C/o H/Capt PC Biswas
Natun Bazar Baisistha
Gauhati-781028

APPOINTMENT FOR THE POST OF LDC

1. Reference your representation dated 27 Sep 94
2. In this connection it is intimated that your case alongwith other individuals for the appointment of LDC is under special drive recruitment-1990 is under consideration of the Govt. You will be apprised of the final decision as and when taken in the matter by the Govt.

Sd/- M.L.Gandhi
 Sr Civ Staff Adhikari/SCSO
 Director, MS(Civ)
 for Dir Gen of Med Services (Army)

*A Handled
 @hls
 Adv*

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ANNEXURE-12

Tele : 301 9281

REGISTERED

B/72082/II/DGMS-38

09 May 95

Sh Dev Kumar Biswas
S/o Late H/Capt PC Biswas
Naton Bazar, Basistha
Guwahati-781028

APPOINTMENT FOR THE POST OF LDC IN 151 BH.

1. Please refer to your letters dated 15 Feb 95 and 29 Mar 95.
2. It is reiterated that you were interviewed for the post of LDC under the Scheme of Special Recruitment Drive. The case of candidates selected under this Scheme has not been finalised so far.
3. Min of Labour and Employment are issuing instructions to all the Employment Exchanges to renew the registration of SC/ST candidates who have been selected during the course of Special Recruitment Drive.
4. In view of the above, you may please approach for renewal of the registration with the concerned Employment Exchange.

Sd/- ML Gandhi
Sr. Civ Staff Adhikari/SCSO
Director, Medical Services (Civ)
for Dir Gen of Med Services (Army)

AH
Chh
AV

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ANNEXURE -13

From
Dev Kumar Biswas
Natun Bazar, Basistha,
Guwahati-781028

Dated 15th Feb'95

To

The Hon'ble Defence Minister
G-overnment of India
Ministry of Defence
New Delhi

Hon'ble Sir,

Ref : Letter dt. 17th Feb'94 addressed to your honourable
Sir,
President's Secretariat ref. No. P1-201654 dt.
05 Jan'95.
DGMS (Army) ref. No. 72082/II/DGMS-38 12 Jan'95
(XEROS COPY ENCLOSED).

Sub : Appointment for the post of L.D.C. in 151 Base Hospital.

I would like to mention specially that in my case All my original certificates were kept held about 4 years without any decision. Wherein now the above referred letter from the DGMS (Army) office reads "your case alongwith other individuals for appointment of L.D.C. is under special drive recruitment-1990 is under consideration of the Govt.". I feel in my case the matter is different as all my original certificates were kept held without any decision, leaving no option to go for any other try.

Sir, when all my original certificates were kept held and no option left to try, I am paralised and totally ruined as the age limit for other option has crossed. I once again mention that the matter of mine, I feel is different from other individuals who are under consideration. I request your goodself to look into my case with these matters in consideration and oblige.

Thanking you,

Yours faithfully,

Copy to : DGMS (Army)
New Delhi 110 011

Sd/- Dev Kumar Biswas)

*Attended
Chhale
Adm.*

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ANNEXURE-14

From

Dev Kumar Biswas
Natun Bazar, Basistha,
Guwahati-781028

Dated : 29th March '95

To

The Hon'ble Defence Minister
Government of India
Ministry of Defence
New Delhi

Hon'ble Sir,

Ref : Letter dt. 17th Feb'94 and 15th Feb'95 addressed to
your honourable Sir,

President's Secretariate ref. No. P1-201654 dt. 05
Jan '95.

DGMS (Army) ref No. 72082/11/DGMS 3 B 12th Jan'95
(Xerox copy enclosed).

Sub : Appointment for the post of L.D.C. in 151 Base Hospital.

I invite your kind attention Sir, to the above referred
letters and to my utter surprise no conclusive decision has
been taken inspite of several reminders to the concerned and
now at your end too.

Sir, alongwith the appointment for the post of L.D.C.
in 151 Base Hospital, Class-IV were also called and were
recruited under the special recruitment drive, whereas the
fate of the L.D.C. is still lingering and I do not know
whether this is my ill fate or is the working style of our
Government (keeping the original certificate for about 4
years in my case) depriving other opportunities and paralising
the future of the youths to this grave situation in the name
of consideration higher authorities.

Sir, I once again humbly request your goodself to
intervene if necessary and look into the matter for early
disposal.

Thanking you Sir,

I remain with Hope and regards

Yours faithfully

Sd/- Dev Kumar Biswas

Copy to :

DGMS (Army)
New Delhi-110011

*Attended
Adv*

REMINDER-II

29

ANNEXURE-15

From

Dated : 5th June '95.

Dev Kumar Biswas,
C/o Late H/Capt. P. C. Biswas
Natan Bazar, Basistha,
Guwahati-781028

To

The President of India,
Rastrapati Bhawan,
New Delhi

With the highest honour Sir,

Sub : Appointment for the post of L.D.C. in 151 Base Hospital

Ref : Letter addressed to President of India dt. 28.12.94.

President's Secretariate ref. No. P1-201654 dt.05 Jan'95.

I have written several letters to concerned, several times and at last with a hope I addressed to you Sir and received acknowledgement too but to my utter surprised nothing materialised till date, all the time I have been mentioning that my original certificate were kept held for about 4 years in the name of "consideration with the higher authorities" and on this day I received a letter ref. No. B/72082/11/D.G.,,S. - 3 B dt.09 May '95. I was shocked to read how an responsible authority writes in continuance of my correspondence to approach the Employment Exchange to renew the registration of SC/ST candidates for Special Recruitment Drive when my age limit for consideration is about to cross during the period when my original certificate were kept held for consideration with higher authorities.

Am I not deprived of my right by the concerned who are also responsible for the nation's security with some pretext or other.

I once again request you Sir, to look into the matter with a right approach if possible guide me to approach right person to justify my matter clearly.

With grave pain and with full hope for a positive reply from your end Sir,

Thanking you Sir,

Hopefully Yours,

Sd/- Dev Kumar Biswas

Copy to :

- i. The Hon'ble Defence Minister
- ii. The D.G.M.S. (ARMY)
- iii. The Commandant, 151 Base Hospital

Attested
Chub
Adv.

ANNEXURE-16

Tele : 301 9281

REGISTERED

B/72082/II/DGMS-38

06 Jul 95

Sh Dev Kumar Biswas
C/O Late H/Capt PC Biswas
Natun Bazar, Basistha
Guwahati-781018

APPOINTMENT FOR THE POST OF LDC IN 151 BH

1. Please refer to your letter dated 05 Jun 95 addressed to the Hon'ble President of India.
2. It is reiterated that you were selected under Special Recruitment Drive. The case of recruitment under special drive is still under consideration of the Govt. As an when a decision is arrived at you will be apprised of the position.

Sd/- ML Gandhi
Sr Civ Staff Adhikari/SGSO
Director, Med Services (Civ)
for Dir Gen of Med Services

Handwritten signature and initials:
M. K. Biswas
W. K. Biswas
A. K. Biswas

ANNEXURE-17

Tele : 3019281

Registered

B/72082/1\$/DGMS-3B

06 Dec.95

Sh. Dev Kumar Biswas
C/o late H/Capt P.C.Biswas
Natan Bazar, Basistha
Guwahati-781028

Appointment for the post of LDC in 151 BH.

1. Please refer to your letter 5 June 95 addressed to the Hon'ble President of India.
2. ~~It~~ It is reiterated that you were selected under Special Recruitment Drive. The case for recruitment under special drive is still under consideration of Govt. As and when a decision is arrived at you will be apprised of the position.

Sd/- Illegible
Asstt. Gv Staff Adhikari ACSO
for Div G_en of Med Services (Army)

Attended
Adv
Adv

Annexure-18

From

Date : 8 Dec. '95

Dev Kumar Biswas,
S/o Late H/Capt P.C. Biswas
Natan Bazar, Basistha,
GUWAHATI-781028

To

The Hon'ble Prime Minister of India,
Parliament House,
NEW DELHI-110 001

Respected Sir,

Subject : Appointment to the post of L.D.C. in
151 Base Hospital

I have been found fit for the selection to the post of L.D.C. in 151 Base Hospital and was asked to submit all the relevant certificate in original to the appointing authority vide letter No. 458/2/Civ.Est/Coy/94/90(1) dated 04 Oct '90 which I complied with. But, unfortunately upto now after the lapse of five years I have not been given appointment.

Sir, awaiting more than three years after I handed over all my relevant certificates in original to the appointing authority and hearing nothing about my appointment, I as well as mother have written one after another letter to the concerned authorities as well as to the Hon'ble Defence Minister apprising them of our financial status and running out of my age limit awaiting this appointment. But unfortunately no suitable response is sought from any and, instead all of my original certificates were held up for about four years with authority concerned preventing me to try for a similar job elsewhere.

In fine, I would like to write you Sir, that I have already crossed the age limit and my future with a stable livelihood is in stake due to the above reasons. Should I, therefore, pray to your honour to look into the matter as you are also having the Defence portfolio. For favour of ready references I enclose herewith the xerox copies of all the letters written to the authorities concerned.

Yours faithfully,

Copy to :
Shri Uddab Barman, MP, along with all relevant papers (xerox copies) for information and necessary persuasion.

Attested
Dulhan
20/12/95

Annexure-19

UDDHAB BARMAN
MEMBER OF PARLIAMANT
(LOK SABHA)

116, V.P. House,
Rafi Marg,
New Delhi.

19.12.95

Dear Prime Minister,

I am enclosing herewith a petition from Shri Dev Mumar Biswas, S/o late H/Capt. P.C. Biswas, Natun Bazar, Basistha Gauhati-28, Assam. The petition is self-explanatory. Shri Dev Kumar Biswas was found fit for selection to the post of an L.D.C. in 151 Base Hospital and he was asked to submit all relevant certificates in original to the appointing authority by a letter order dated 4th October, 1990 and he complied. Even after the elapse of five year, he has not been appointed nor his certificates in original which had been held up have been returned compelling him not to apply for other jobs. This has put Shri Biswas and his old mother into great hardship.

I would request you kindly to look into the matter and take necessary steps to undo the injustice done to Shri Biswas.

With regards,

Yours sincerely,

Sd/- Uddhab Barman

Shri P.V.Narasimha Rao
Prime Minister of India,
NEW DELHI

Attested
Uddhab
Adh.