

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 74/1996  
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SECTION OFFICER (Judl.)

the Registry

Date

Order of the Tribunal

21.2.00

On the prayer of Mr. B.C. Pathak,

Learned Addl. C.G.S.C., two weeks

time is allowed for filing of written

statement as a last chance.

List on 9.3.00.

Member

mk

9.3.00

Mr. A. Deb Roy, learned Sr. C.G.S.C.

prays for two weeks time for filing of

written statement. Several extensions

of time have already been granted. We

are not inclined to grant any further

extension of time. The case will proceed

with written statement.

List on 16.5.00 for hearing.

Member (J)

Member (A)

trd

14.5.00

Learned Sr. Advocate

for the party

the opposite No. 3-4.

5.2.00

Learned Sr. Advocate

for the party

the opposite No. 3-4.

19.7.2000

Learned Sr. Advocate

for the party

the opposite No. 7-2

27.2.01

20.7.00

On the prayer of Mr. S. Sarma, learned counsel for the applicant the case is adjourned to 24.4.2001 for hearing.

No D.B. returned to 27/2/2001. Mr. A.B. Sarma

Learned Sr. Advocate for the party

the opposite No. 3-4.

Learned Sr. Advocate for the party

the opposite No. 3-4.

Learned Sr. Advocate for the party

the opposite No. 3-4.

Learned Sr. Advocate for the party

the opposite No. 3-4.

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the opposite No. 3-4.

Learned Sr. Advocate for the party

the opposite No. 3-4.

Learned Sr. Advocate for the party

the opposite No. 3-4.

Learned Sr. Advocate for the party

No. 74/96  
AP. No. (DA)  
RA. No. (DA)  
CP. No. (DA)

Deodal Banford

APPLICANT(S)

vs. Mr. J. L. Sarma

RESPONDENT(S)

Mr. J. L. Sarma M. Chanda Advocate for the applicant.

Mr. G. Sarma Adv. Ch. Advocate for the Respondents.

Office Notes

Court's Orders

17-5-96

This application is in form and within time. E. F. of Rs. 50/- deposited vide IPO/BD No. 345/323 dated 2.9.25/96

16/5  
18/5

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

Heard Mr. M. Chanda for admission. Perused the contents of this application and reliefs sought for. The applicant has impugned the transfer order dated 8-4-96 and the movement order dated 13-4-96 in this application.

Application is admitted. Issue notice on the respondents by registered post. Written statement within six weeks. List for 1-7-96 for written statement and further orders.

Heard Mr. Chanda on interim relief prayer. Learned Addl. C.G.S.C. Mr. Sarma resists the prayer. Respondents are directed not to implement the movement order dated 13-4-96 without leave of this Tribunal.

6-6-96

Notice issued to the respondents No. 1207 dt. 6.6.96.

Ban

27-6-96

lm

Member

W/s filed on behalf of official respondents & placed at pg. 16-24.

C.A. 74/96

1-7-96

Learned Addl. C.G.S.C. Mr. G. Sarma for the respondents is present. Case ready for hearing.

List for hearing on 30-7-96.

*ba*  
Member

lm

30.7.96

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

Written statement has been submitted and also served on Mr. M. Chanda today.

List for hearing on 9.8.96-

*ba*  
Member

pg

9.8.96

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

List on 30.8.96 for hearing.

*ba*  
Member

27-8-96

Rejoinder filed by <sup>nkm</sup> the applicant.

30.8.96

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

Mr Chanda submits rejoinder and a copy of which has been served on Mr G. Sarma today. Mr Sarma seeks time to peruse the rejoinder and seeks instruction.

Adjourned for hearing to 12.9.96.

*ba*  
Member

12. 9-96

Reply to rejoinder

filed at pg- 33-42. Some reports are still pg

*lm*  
Service Reports are still awaited.

29/8

17.9.96

Mr. M.Chanda for the applicant.

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

Mr. Chanda makes his submissions in part and seeks adjournment to peruse and consider the reply to the rejoinder served by Mr. G.Sarma today. Hearing adjourned to 25.9.1996.

To be listed as part heard.

*[Signature]*  
Member

Service Reports are still awaited.  
w/statmt, rejoinder & Reply of rejoinder has been b/w

24/9

trd  
24/9

24-9-96

25.9.96

Add. Rejoinder filed in applicant's at pg. 43-46.

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

List for hearing on 11.10.1996.

*[Signature]*  
Member

Service Reports are still awaited.

10/10

11.10.96

trd  
25/9

Mr. M.Chanda for the applicant.

Leave note of Mr. G.Sarma, Addl. C.G.S.C.

List for hearing on 18.10.1996.

*[Signature]*  
Member

Service Reports are still awaited.

w/statmt Rejoinder, Reply of Rejoinder and Addl. Rejoinder has been b/w

17/10

trd

18.10.96

Mr. M.Chanda for the applicant.

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

Counsel of both sides have completed their submissions. Hearing completed. Judgement reserved.

*[Signature]*  
Member

trd  
23/10

O.A.No.74/96

12.11.96

Learned Addl. C.G.S.C. Mr G. Sarma for the respondents.

Judgment delivered. The application is dismissed in terms of the order. No order as to costs.

Interim order stands vacated.

*Chil. company.*

*12/11/96*

nkm

*62*  
Member

19.11.96

Copy of the judgment  
issued to the parties  
vide D. No- 3926 to 3930  
D. 3.12.96

*Sh.*

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

O.A. NO. 74 of 1996.  
T.A. NO.

DATE OF DECISION 12-11-1996.

Sri Deolal Basfore

(PETITIONER(S))

Shri J.L.Sarkar & M.Chanda.

ADVOCATE FOR THE  
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Sri G.Sarma, Addl.C.G.S.C

ADVOCATE FOR THE  
RESPONDENT (S)

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ? *Yes,*
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ? *NO.*

Judgment delivered by Hon'ble Administrative Member.

*Sanglyine*  
12/11/96

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 74 of 1996.

Date of Order : This the 12th Day of November, 1996.

Shri G.L.Sanglyine, Administrative Member.

Sri Deolal Basfore,  
Station Headquarter,  
Narengi Camp, P.O. Satgaon,  
Dist. Kamrup, Assam.

. . . Applicant

By Advocate Shri J.L.Sarkar & M.Chanda.

- Versus -

1. Union of India  
through Secretary, Govt. of India,  
Ministry of Defence,  
New Delhi.
  2. Additional Director General of Staff  
Duties (SDGB), General Staff Branch,  
Army Headquarter, DHG,  
P.O. New Delhi-110001.
  3. Administrative Commandant,  
Purav Kaman Mukhyalaya,  
Headquarters,  
Eastern Recommand, Fort William,  
Calcutta-700021.
  4. The Administrative Commandant,  
Station Headquarter, Narengi Camp,  
P.O.Satgaon, Dist. Kamrup (Assam).
- . . . Respondents.

By Advocate Shri G.Sarma, Addl.C.G.S.C.

O R D E R

G.L.Sanglyine, Administrative Member,

Six conservancy Staff were transferred by the Station Headquarters, Guwahati (Narengi Camp) vide order No.7202/EST/IP dated 8.4.1996. The applicant is one of them. The transfer order took effect from 11.4.1996. The applicant was directed to report for duty in his new office at 119 MC/MF Det. vide order dated 13.4.1996.

2. In this application the applicant has contested against his transfer to 119 MC/MF Det. The contention of the applicant is that he was transferred out of Narengi Camp with a malafide intention to deprive him of appointment

as Tractor Driver and with a vindictive attitude as he had submitted O.A.No.266 of 1995 before this Tribunal against refusal of appointment as Tractor Driver to him. The basis of his contention is briefly stated herein. He was appointed as Civilian Safaiwala in the Station Headquarters in the year 1978 on regular basis. It has been stated that he had been verbally appointed as Tractor Driver by the competent authority of the Station Headquarters on 24.2.1986 and had since then performed the duty of Tractor Driver without pay and allowance in the appropriate scale of pay of Tractor Driver. He was expecting for regular absorption in the post of Tractor Driver. An interview was held on 21.1.1995 for appointment as Tractor Driver. There were four candidates. The applicant appeared in the interview. But appointment was given to Sri Biswanath Ram, Safaiwala, who is junior to him as Tractor Driver appointed verbally. The applicant had filed O.A.No.266 of 1995 which was admitted by this Tribunal on 18.3.1996. According to the applicant soon after receipt of notice from this Tribunal in O.A.226 of 1995 the officiating Administrative Commandant issued the movement order dated 11.4.1996. Further, he was transferred to Borjhar in order to deprive him of the post of Tractor Driver as there is no scope of his being engaged as Tractor Driver in the absence of Tractor in that place.

3. The respondents deny that there is any malafide intention or vindictive attitude in transferring the applicant to 119 MC/MF. They submit that all the units in and around Guwahati such as Basistha, Borjhar, Pandu,

contd. 3...

1  
12/11/96

Amingaon are under the jurisdiction of the Station Headquarters, Narengi which is responsible for the cleanliness of the units. For the purpose of Conservancy all the units are treated as one, namely, Guwahati. The order of transfer of the applicant dated 8.4.1996 is a routine and normal transfer order. It has no relevancy to the filing of O.A.No.226 of 1995 by the applicant. The applicant had not been transferred since March, 1996. The order of transfer is an internal posting order issued in order to give rotation to the Conservancy Safaiwalas and justice to other employees and to avoid discontentment amongst the employees.

4. Heard learned counsel of both sides. I find that the applicant has been unduly agitated over his transfer to 119 MC/MF Det and that there is neither malafide intention nor vindictiveness in his transfer from Station Headquarters, Narangi to 119 MC/MF Det.

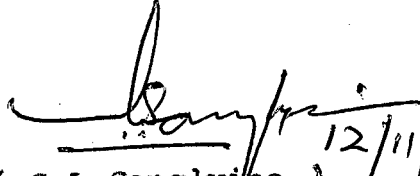
When all the units in and around Guwahati are treated as one and the maintenance of cleanliness in these units is the responsibility of the Station Headquarters, transfer of Conservancy staff from one unit to another is purely an administrative matter which the Station Headquarters is competent to do. The applicant has not been transferred from Narangi Camp since 1986. He is therefore due for internal postings. In the impugned order of transfer there are three Conservancy staff of General Gang category of the Station Headquarters including the applicant who are affected by the order. Thus there is no evidence to show that it was only the applicant who was singled out with a motive. Nothing ill

contd. 4...

h  
12/11/96

can be read in the movement order dated 13.4.1996 (Annexure 1). Moreover, from the statements of the respondents made in their reply to the rejoinder it is clear that the applicant had qualified for appointment as Tractor Driver and there is a possibility that he may be appointed as Tractor Driver in future. In the light of the above, I find no merit in this application to justify interference with the order of transfer No.7202/EST/IP dated 8.4.1996 and the movement order dated 13.4.1996. The application is accordingly dismissed. Interim order stands vacated.

No order as to costs.

  
( G.L.Sanglyine )  
ADMINISTRATIVE MEMBER

12/11/96

Central Administrative Tribunal  
 120  
 15 MAY 1996  
 Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 GUWAHATI BENCH

Filed by the applicant  
 through M. Chanda  
 15-5-96 Advocate

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

R  
 Adv.  
 17.9.96

O. A. No. 74 /96

Sri Deolal Basfore

-vs.-

Union of India & Ors.

I N D E X

Sl. No.	Annexure	Particulars	Page No.
1	-	Application	1-13
2	-	Verification	14
3	1	Movement Order dated 13.4.96	15

Date : 15.5.96.

Filed By :

*M. Chanda*

Advocate

*Read by  
 Y. Janaraj SC  
 C.A.T.  
 13.5.96*

*Deolal*

1. Particulars of the Applicant

Sri Deolal Basfore

Son of Sri Rameshwar Basfore

Office of the Station Headquarter

Narengi Camp

P.O. Satgaon,

Dist-Kamrup

Assam

..... Applicant

2. Particulars of the Respondents

1. Union of India

through Secretary, Govt. of India,

Ministry of Defence,

New Delhi.

2. Additional Director General of Staff

Duties (SDGB),

General Staff Branch

Army Headquarter, DHG,

P.O. New Delhi-110001

3. Administrative Commandant,

Purav Kaman Mukhojalaya

Headquarters

Eastern Recommand

Fort William

Calcutta-700021

4. The Administrative Commandant,

Station Headquarter, Narengi Camp

Narengi, P.O. Satgaon, Dist. Kamrup

Assam

..... Respondents

*[Handwritten signature]*

3. Particulars for which this application is made.

This application is made against the movement order issued under letter dated 13.4.96 whereby the applicant has been transferred and posted <sup>by respondents</sup> ~~the applicant~~ from Station Headquarter, Narengi, Camp, Guwahati to 119 MC/MF Det (Borjhar) for duty with retrospective effect from 11.4.96 vide Internal posting Order No. 7202/EST/IP dated 8.4.96 and praying for a direction upon the respondent to retain the applicant in the present place of posting i.e. Station Headquarter, Narengi Camp, Satgaon Guwahati to protect the claim and right made in the Original Application No. 266/95.

4. Limitation

That the applicant declares that this application well within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

5. Jurisdiction

That the applicant declares that the subject matter of the application 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 was appointed as Civilian Safaiwala on regular basis in the year 1978 in the Station Headquarter, Narengi, Camp, Guwahati. The

*Handwritten signature/initials*

Administrative Commandant, Station Headquarter, namely Sri Niranjana Singh, Col. had verbally appointed the applicant on 24.2.1986 as Tractor Driver in the Station Headquarter, Guwahati Narengi Camp as the applicant found suitable for the post of Tractor Driver and the Station Headquarter, Narengi also pleased to issue Military Motor vehicles Driver's Licence with effect from 1.10.86 to 31.12.1986 and thereafter the said driving licence was extended continuously from time to time without any break and your applicant had performed his duties as Tractor Driver continuously without any break in service.

6.2 That the applicant while serving as tractor driver, approached the authorities for regular absorption in the existing vacant post of tractor driver and also for grant of pay scale of Rs. 950-1500 per month as the services of the applicant is utilised as tractor driver but the Authorities of Station Headquarter on several occasions assured the applicant verbally to absorb him in the post of tractor driver, and also assured to grant him the appropriate scale of Rs. 950-1500.

6.3 That the applicant begs to state that while working as tractor driver, since 22.4.1986, an interview for appointment of tractor driver was notified in the Board on 21.1.95 in the Station Headquarter. The applicant also came to know from a reliable source that there are two sanctioned posts of tractor drivers for which interview was convened on 21.1.95. The applicant also appeared in

*Handwritten signature*

the said 'Interview' held on 21.1.95 and did well in the interview but the result of the interview was not declared for a long time and the applicant submitted a representation dated 16.5.95 to the Administrative Commandant, Station Headquarter Narengi, Camp and prayed for declaration of result, and also prayed that if he is found suitable then necessary action be taken for his appointment. Thereafter, surprisingly it has come to the notice of the applicant, that one Shri Biswanath Ram, Safaiwala, is appointed as Tractor Driver in the month of May, 1995 vide Part - II Order No. 35/95/CIV/ dated 12.5.95. Be it stated that the applicant was verbally appointed as tractor driver on 22.4.1986, prior to verbal appointment of respondent No. 5 in the original Application No. 266/95 the applicant continuously served as tractor driver without any remuneration for about 10 years therefore the applicant has got better claim on priority basis over the respondent No. 5 in original application No. 266/95 who was appointed subsequent to the applicant verbally. Therefore the proceedings of the Interview dated 21.1.95 is liable to be set aside and quashed as the findings of the selection committee not based on proper assessment, seniority and the selection proceedings is vitiated for favouritism and mala fide. Hence the selection proceedings dt. 21.1.95 is liable to be set aside and quashed, *this was agitated by the applicant in O.A. - 266/95, pending before this Hon'ble Tribunal*

6.4 That your petitioner being highly aggrieved with for non absorption as well as for non-appointment to the post of Tractor Driver against the existing vacant post

*Debold*

of Tractor Driver in the Station Headquarter, Narengi Camp although his services were utilised for about 10 years to the post of Tractor Driver without paying any pay and allowance only with the verbal assurance that his case would be considered for appointment to the post of Tractor Driver on priority basis but ultimately the respondents denied the appointment to the applicant to the post of Tractor Driver thereafter the applicant has filed an Application before this Hon'ble Tribunal which is registered as O.A. No. 266/95 for absorption/appointment to the post of Tractor Driver in the existing vacant post in the Station Headquarter, Narengi Camp. Be it stated that the applicant was initially appointed as Civilian Safaiwala on regular basis with effect from 14.11.1978 under the Station Headquarter, Narengi Camp.

6.5 That the Hon'ble Tribunal was pleased to admit this Original Application which was registered as O.A. No. 266/95 and also observed the the pendency of the O.A. shall not be bar for the respondents to consider the applicant in the existing vacant post of Tractor Driver. The O.A. was admitted on 18-3-96 and the Notice was received by the respondents particularly Administrative Commandant, Station Headquarter, Narengi Camp i.e. respondenr No. 4 on 6.4.96 and immediately on receipt of the notice/the Original Application No. 266/95 the officiating Administrative Commandant issued a movement order in respect of the petitioner whereby he is transferred and posted from Station Headuqarter, Narengi Camp to 119/MC/MF Det with retrospective effect from 11.4.96 vide Headquarter

*Devalal*

internal posting order No. 7202/EST/IP dated 8.4.96. The movement order issued vide order dated 13.4.96. This <sup>issued</sup> movement order is/with a malafide intention to frustrate the claim of the applicant made in the Original Application No. 266/95. The respondents of the Original Application have adopted the vindictive attitude towards the applicant as he ~~was~~ approached the Hon'ble Tribunal after being denied his legitimate claim by the respondents for consideration of his appointment to the existing vacant post of Tractor Driver. In this connection it may be stated that the applicant was verbally appointed to the post of Tractor Driver in the year 1986 to the post of Tractor Driver and thereafter he is continuously working to the post of Tractor Driver. Be it stated that there are two sanctioned post of Tractor Drivers and subsequently another person namely Sri Biswanath Ram was also verbally appointed to the post of Tractor Dirver. It is also worth mentioning that regarding the satisfactory performance number of certificates were issued by the officer of the Station Headquarter in favour of the present applicant. However, a selection test was convened on 21.1.95 for the two vacant posts of Tractor Driver. However 3 persons were called for the said selection test and they were appeared before the selection Board including the applicant but the result of the selection test was delayed and the applicant represented for publication of the same ~~vice~~ his representation dated 16.5.95 which is annexed to the Original Application No. 266/95 (Annexure-1). The respondents after receipt of the representation of the applicant got annoyed with the applicant and thereafter they have filled upon only one vacant post of Tractor

*Deval*

Driver after declaring Shri Biswanath Ram successful in the said Selection Test and the other vacant post of Tractor Driver not yet been filled up till date. The applicant although on several occasions approached the authorities for payment of salary for the post of Tractor Driver the respondents assured him verbally that he would be appointed to the post of Tractor Driver and the applicant with legitimate expectation that his case would be considered sympathetically remained silent as regard his claim for regular salary for the post of Tractor Driver. But ultimately when he submitted representation in writing the authorities of the Station Headquarter got annoyed with the applicant and started harassing him and ultimately denied the appointment of the applicant to the post of Tractor Driver.

6.6 That the respondents immediately after receipt of the notice of the O.A. No. 266/95 issued a movement order for transfer and posting of the applicant ~~and whereby an attempt is made to shift the applicant~~ and whereby an attempt is made to shift the applicant from the Station Headquarter, Narengi Camp with the view of intention to appoint someone else to the post of Tractor Driver. The applicant finding no other alternative now approached this Hon'ble Tribunal for staying the operation of the Movement Order dated 13.4.96. However the Original internal movement order could not be obtained by the applicant inspite of his best efforts therefore the Hon'ble Tribunal be pleased to direct to produce the internal movement order of transfer and posting issued under order dated 8.4.96. By the impugned order the applicant is now posted at Borjhar where there is no scope for his engagement as Tractor Driver as the Tractor

D.P. Lal

Driver as the Tractor is being operated only in the Narengi Camp, Station Headquarter, Narengi. Therefore it appears that the sole intention to deprive the applicant from the post of Tractor Driver the applicant is now being transferred to Borjhar.

A copy of Movement Order dated 13.4.96 issued by the officiating Administrative Commandant, Station Headquarter, Narengi is annexed as Annexure-1.

6.7 That your applicant begs to state that his services in the cadre of Tractor Driver was terminated<sup>in</sup> verbally on 7.6.95 by the Station Headquarter, Narengi Camp, Guwahati. However the applicant was re-engaged verbally by the Station Headquarter as Tractor Driver with effect from 1.11.95 and thereafter he continues as Tractor Driver even after selection of Shri Biswanath Ram, respondent No. 5 of the Original Application No. 266/95 but unfortunately the applicant went on leave and after his resumption of duty in the month of January 1996 the applicant was not further entrusted with the job of Tractor Driver. That in fact the service of the applicant as Tractor Driver again terminated in the month of January, 1996 and thereafter the office of the Station Headquarter on receipt of the notice of the Original Application filed by the applicant which is registered as 266/95 shifted the applicant by the impugned order dated 13.4.96 from Station Headquarter, Narengi to Borjhar to frustrate the ~~claim~~ claim of the applicant for appointment to the post of Tractor Driver in the

*Dehalal*

Station Headquarter. Be it stated that there is no scope for the applicant to absorb <sup>in</sup> the <sup>Post of</sup> applicant as Tractor Driver in the proposed place of posting at Borjhar.

~~6.8~~

6.8 Therefore it is a fit case where the Hon'ble *tribunal* be pleased to interfere and stay the operation of the impugned movement order issued under order dated 13.4.96. The applicant till date not reported for duty either at Narengi or Borjhar on medical ground.

~~Reliefs sought for~~

6.9 That this application is made *Dona fide* and for the ends of justice.

7. Reliefs sought for

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

1. That the movement order issued under letter dated 13.4.96 (Annexure-1) be set aside and quashed.
2. That the internal posting order No. 7202/EST/IP dated 8.4.96 be set aside and quashed.
3. That the respondents be directed to retain the applicant in the Station Headquarter, Narengi Camp, Guwahati to facilitate the appointment of the applicant to the post of Tractor Driver.

*Deodal*

4. To pass any other order or orders as deemed fit and proper under the facts and circumstances stated in this application.
5. 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 service of the applicant was utilised to the post of Tractor Driver by the Station Headquarter, Narengi Camp, Guwahati for about 10 years without any remuneration and thereby the applicant has acquired a valuable right for absorption/regularisation in the existing vacant post of Tractor Driver on priority basis.
2. For that the service of the Tractor Driver for about 10 years and the certificate issued by the officers of the Station Headquarter from time to time is the best documentary evidence of his satisfactory performance of service in the cadre of Tractor Driver.
3. For that the certificates issued by the officers of the Station Headquarter the best documentary evidence of utilisation of service of the applicant as Tractor Driver for about more than 10 years.

*Deo Lal*

4. For that the impugned movement order dated 13.4.96 issued by the Station Headquarter with a mala fide intention to frustrate the claim of the applicant made in the Original Application in O.A. No. 266/95.
5. For that in the proposed place of posting by the impugned order dated 13.4.96 there is no scope for the <sup>applicant</sup> application to absorb as Tractor Driver.
6. For that retention of the applicant's service is absolutely necessary in the Station Headquarter, Narengi Camp, Guwahati for his appointment to the post of Tractor Driver.
8. Interim Relief prayed for :

During the pendency of this application the applicant prays for the following relief :

1. That the Hon'ble Tribunal be pleased to stay the operation of the impugned movement order dated 13.4.96 (Annexure-1) till final disposal of this application.

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

9. That the applicant declares that he has not filed any other application in any other Court/Tribunal.

*D. Lal*

10. That the applicant declares that all the remedies available have been exhausted by him. The Hon'ble Tribunal is the only remedy.

11. Particulars of the Postal Order :

Postal Order No. : 3453 29  
Date of Issue : 29-2-96  
Issued from : G.P.O., Guwahati  
Payable at : G.P.O., Guwahati

12. An Index of documents is enclosed

13. Documents enclosed

As per Index

*[Handwritten Signature]*

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

I, Sri Deolal Basfore, son of Sri Rameshwar Basfore, working as tractor driver in the office of the Station Headquarter, Narengi Camp, P.O. Satgaon, District-Kamrup, Assam do hereby declare that the statements made in this application are true to my knowledte and belief and I have not suppressed any material facts.

And I sign this verification on this the  
15<sup>th</sup> day of May 1996.

Deolal  
SIGNATURE

## Annexure-1

MOVEMENT ORDER

T/No 286 Safaiwala Deolal Basfore has been posted to 119 MC/MF Det for duty w.e.f. 11 Apr'96 vide this Headquarter internal posting order No. 7202/ EST/IP dated 08 Apr'96

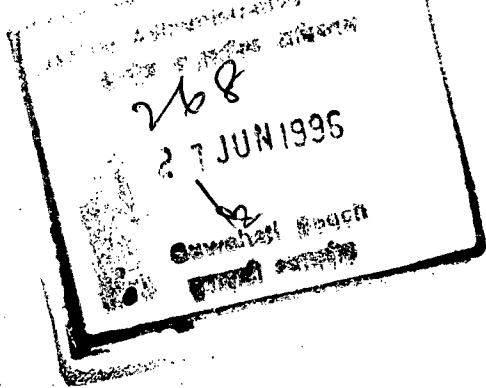
He is directed to report forthwith.

Sd/- Y. Yadav  
St. Col

Offg. Admn Commandant

Station Headquarters  
Guwahati (Narengi Camp)  
13 Apr'96

*Attended  
Chander  
Sd/-*



File B by  
Hofa Jant  
Additional Member  
Govt. Standing Council  
Central Administrative Tribunal  
Guwahati Bench

27.6.96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

In the matter of :

O.A.No.74/96

Shri Deolal Basfore ...Applicant.  
Versus-  
Union of India & Ors. ...Respondents.

-AND-

In the matter of :

Written Statement on behalf of the  
Official Respondents.

I, Y. Yadav, LT Col, Officially  
Admin Condt

do hereby solemnly affirm and declare as follows :-

1. That a copy of application alongwith an order passed by this Hon'ble Tribunal have been served upon the respondents and myself being authorised to represent them do hereby file this written statement and say categorically that save and except what is specifically admitted in this written statement, rest may be treated as total denial by all the official Respondents.

Contd...

*Prin...  
Ch...  
Ad...*

2. That with regard to the contents made in paragraph 6.1. of the application, the respondent beg to state that the applicant was allowed to assist with tractor driver as helper. He was not allowed to work as tractor driver but he himself was interested to work as tractor driver and voluntarily handled the tractor at his own time. He was not issued with any official docs giving him permission to run the tractor. The applicant voluntarily accepted to work as tractor driver some times in place of Safaiwala for his own convenience. When the applicant accepted voluntarily to do duties of the tractor driver, he was issued to Military driving licence to drive the tractor within the Cantonment area.

3. That with regard to the contents made in paragraph 6.2 of the application, the respondents begs to state that the statement made by the applicant is malafide and baseless. The Respondents neither assured him to be appointed nor assured him to pay him on the scale of Rs-950/- to 1500/-.

4. That with regard to the contents made in paragraph 6.3 of the application, the respondents begs to state that a Departmental Promotional Committee was constituted by the respondent to select the tractor driver in the month of January, 1995. The result was displaced on the Notice Board on 25th January, 1995. The

Board.....

*(Signature)*

Board selected Shri Biswanath Ram, Consy Safaiwala, T/No 88 on the merit basis because he was also working as tractor driver since 1986. He has been selected on the merit basis on seniority-cum-fitness. Only one tractor has been released to this HQ, hence two tractor drivers can not be appointed against one tractor. The appointment of Shri Biswanath Ram, T/No 88, conservancy safaiwala is fair, reasonable and without any biasless and hence no question of set aside or quash the appointment orders in respect of Shri Biswanath Ram arises. Moreover, T/No 88, Shri Biswanath Ram was selected on seniority-cum-fitness and on merit basis. Hence the question of quashing of assessment of selection committee does not arise and the selection proceedings is not vitiated for favouratism and malafide.

5.- That with regard to the contents made in paragraph 6.4 of the application, the respondents begs to state that the question of payment for his services as tractor driver does not arise as because the applicant was voluntarily worked as tractor driver and he was paid his actual pay and allowances as conservancy safaiwala since his appointment. The Respondent authorised only one tractor hence the question of appointment of another tractor driver does not arise. Though this HQ is trying for getting sanction of another tractor for smooth functioning of the Station.

6. That with regard to the contents made in paragraph 6.5 of the application, the respondents beg to

state.....

*A*

state that the question of issue of Internal Posting Order to the applicant is not carried with on the basis of his case filed by him in the Hon'ble Tribunal. The applicant's posting order issued on the normal routine order as because his appointment is in conservancy staff to look after the cleanliness of various units/organisations scattered in Narangi and other places of Guwahati is comes under the responsibility of Station HQ. If the normal posting orders will not issued/carry out in time or normal manner it will be a grave injustice to the other employees. It is also stated that the posting order has no relation / concerned with the O.A.No.266/95 as the applicant is borne on the strength of Conservancy establishment for the original duties which can not be denied. Hence the normal posting order issued by this HQ to the employees is not the main cause of harrasment or otherwise. For keeping the equal justice to the employees this HQ has issued the normal Internal posting orders to avoid discontentment amongst employees. It is also notwithstanding to state that there is no such rules to give the promotion to the unfit candidate, though he may well aquinted with the job. If the normal orders / instructions could not be manupulated by the administrative authorities to perform the duties by the workers and every body thinks the performance of trade work is a harrasment and every body will deny to do the work solder the responsibility by knocking the door of Court seeking the judgement always. The selection of the employee of tractor driver was considered keeping in view of the merit basis. Hence

relation.....

*R*

relation of Internal posting of the applicant do not have any link. Therefore the posting of the applicant is not concerned with the promotion or any revenge to him, the posting was carried on normal basis and tenure wise. He has not given posting order since March '86. Therefore, the allegation of the applicant is baseless and motivated.

7. That with regard to the contents made in paragraph 6.6 of the application, the respondents begs to state that the Internal posting of the applicant not carry with a purview of intention on account of taking another person to be employed nor shown any selfishness to the applicant. Like other employee he was also issued with a posting order to relieve another person who was on leave. Therefore, the statement made by the applicant is baseless and motivated.

8. That with regard to the contents made in paragraph 6.7 of the application, the respondents beg to state that the question of appointment of tractor driver was based on Departmental Promotional Committee's selection and selection of the employment of the driver was based on seniority and fitness and experience. Shri Biswanath Ram was selected on merit and good result. The applicant was never denied as because this HQ is having only one tractor hence appointment being made for only one man, based on approval of selection committee, which is legal and justified and not contradictory with the rules. The normal posting was carried with keeping in view to make equal justice to the other employees otherwise it will be a grave injustice towards the employees.

Contd. ✓.....

9. That with regard to the contents made in paragraph 6.8 of the application, the respondents beg to state that the applicant was never harrassed or any disciplinary action is being taken by this HQ though he could not reported to his duties at Borjhar.

10. That with regard to the contents made in paragraph 6.9 of the application, the respondents beg to state that as factual points, they have nothing to comment.

11. That with regard to the contents made in paragraphs 7.1 and 7.2 of the application, the Respondents have nothing to comment being factual.

12. That with regard to the contents made in paragraph 7.3 of the application, Respondents beg to state that the posting order / movement order issued to the applicant was not on the point of intentional for his departmental case. The posting order was issued only as normal routine as because he is by trade Safaiwala. On the other hand this HQ has no alternative sources to absorbe him as tractor driver. Therefore, the posting order was issued only for equal justification.

13. That with regard to the contents made in paragraph 7-4, the respondents have nothing to comment being factual.


Contd. *A*...

14. That with regard to the contents made in paragraph 1 under caption GROUNDS of the application, the respondents beg to state that the HQ having one tractor hence selection of tractor driver was carried out through DPC and appointment of tractor driver was made on the recommendation of the Selection Committee. Hence question of employment another tractor driver does not arise.

15. That with regard to the contents made in paragraph 2 under caption GROUNDS of the application, respondents beg to state that various certificates issued by various senior officers does not mean that the applicant is perfect one. Character certificate assessed by an officer/dignitorial staff does not mean that the authority is bound to give the promotion. Hence the unauthenticate documents can not be proved that he should get the appointment of tractor driver. though he may acquire various certificates.

16. That with regard to the contents made in paragraphs 7.3, 7.4, 7.5, & 7.6 under caption GROUNDS of the application, respondents have nothing to comment being factual points.

17. That the present application is ill-conceived of law and mis-conceived of fact and hence liable to be rejected.

Contd. 

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18. The applicant has filed the application in this Hon'ble Tribunal for this cause or that without any logic and reason. Even the misc. petition No. 55/96 which is filed in the Tribunal in the morning hour, withdrawal is made in the later part of the court *hour*.

19. That there being no any cause of action, the present application is liable to be dismissed.

20. That issue of stay order on internal posting from Narangi to Borjhar is not at all maintainable and the stay order is putting the official respondents in great administrative difficulty which needs to be vacated.

21. That the respondents crave leave of filing additional written statement if this Hon'ble Tribunal so directs.

22. That this written statement is filed bonafide and in the interest of justice.

VERIFICATION

*R...*

24

a

VERIFICATION

I, Y. Yadav, LT Col  
officially Adm Comdt,

do hereby solemnly affirm and declare that the contents made in paragraph 1 of this Written Statement are true to my knowledge and those made from paragraph 2 to 16 are derived from records which I believe to be true and rest are humble submissions before this Hon'ble Tribunal.

AND I sign this Verification on this 25 day  
of Jun, 1996 at Guwahati.

DEPONENT.

  
Y. Yadav  
Lt. Col  
Offg Adm Comdt, Gauhati  
(Narangi Camp)

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Filed by the applicant through M. Chouda. 27-8-96. ADW.

Central Administrative Tribunal  
গুৱাহাটী বেঞ্চ  
১২  
৭ AUG 1995  
Guwahati Bench  
গুৱাহাটী বেঞ্চ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

In the matter of :

O.A. No. 74 of 1996

Sri Deolal Basfore

-versus-

Union of India & Ors.

-And-

In the matter of :

~~XXXXXXXXXX~~

Rejoinder submitted by the applicant.

The above named applicant Most humbly and  
Respectfully begs to state as under :

1. That with regard to the statement made in paragraphs 2 and 3 of the written statement the applicant categorically denies the same and further begs to state that the above statements are false, misleading and further begs to state that during 1986 the applicant was directed to perform the duty of Tractor Driver by the authorities otherwise it was not possible on the part of the applicant to drive the tractor voluntarily. Therefore records of the relevant file regarding the tractor operation is required for perusal of the Hon'ble Tribunal and therefore respondents may kindly be directed to produce the same before the Hon'ble Tribunal. However the applicant begs to refer to the Daily Order Part I dated 26.5.88 issued

Maj.  
by the ~~Col.~~ S.K.Baruah on the instruction of Col. I.C. Bakshi, Administrative Commandant, Station Headquarter, Narengi wherein it was clearly stated as follows :

" ORDER

1. The following individuals will perform the duties of Tractor Driver with immediate effect :-
  - a) T/No 88 Consy Sfwl Shri Biswanath Ram
  - b) T/No. 286 -do- Shri Deolal Basfore
2. For the above purpose, they will report to Shri J.C. Roy, General Supervisor and carry out their duties as per his directions."

Therefore the statements of the respondents are false misleading that he has (the applicant) accepted the work voluntarily even similar order is their in the record since 1988 and the authorities were assured the the applicant for his regular absorption as Tractor Driver as well as for grant of salary as Tractor Driver Therefore the authorities are now duty bound to absorb the service of the applicant as Tractor Driver.

A copy of the order dated 26.5.1988 is annexed hereto and the same is marked as Annexure-2.

2. That with regard to the statement made in paragraphs 4,5 and 6 of the written statement the applicant stoutly denies the correctness of the same and further begs to ~~state the result~~ reiterate the contention made in the Original Application and also

begs to state that the result of the selection proceeding was not displayed on 25.1.1995 as stated in paragraph 4 of the written statement. The same is now developed on receipt of the notice of the Original Application which is registered as O.A. 266/95 wherein the applicant claimed for his regular appointment to the ~~grade~~ cadre of Tractor Driver and also claimed for payment of monetary benefit in the appropriate pay scale since 1986 in the cadre of Tractor Driver. Moreover the applicant have submitted a representation for declaration of result of the selection proceedings of Tractor Driver only on 16.5.95 to the Administrative Commandant, Station Headquarter, Narengi, wherein the applicant have prayed for declaration of result of the selection held on 21.1.95. The applicant also denies the correctness of the statement that there are only one post of Tractor Driver is released to the Station Head Quarter Narengi, Guwahati. It would be evident from their own record which perhaps missed the notice of the Lt. Col. Administrative Commandant, ~~Maj.~~ Y. Yadav who have ~~field~~ <sup>filed</sup> this written statement. The annexures enclosed to the O.A. 266/95 it is categorically stated in the letter dated 5.11.90 issued by General Officer Commanding indicating that the sanctioned strength of the Station Headquarter, Narengi Camp wherein ~~Lt. Col.~~ Maj. General H.S. Gill specifically mentioned that there are 2 sanctioned posts of Tractor Drivers with effect from 1.4.90 to 31.3.95 before result is declared on 25.1.95. In that event there was no difficulties to appoint the applicant on regular basis to the post of Tractor Driver. Therefore the statement made in the written statement by Lt. Col. Y. Yadav officiati

Administrative Commandant, are liable for contempt for submitting false and misleading statements before this Hon'ble Tribunal and it is further reiterated that the present movement order issued by the Station Headquarter, Narengi to frustrate the claim of the applicant in the Original Application No. 266/95 only on the receipt of notice of the said O.A. The authorities have issued the impugned Transfer/Movement order with retrospective effect and the same was not issued in normal course. Therefore the relevant records is also necessary relating to his transfer/movement order to Borjhar i.e. 119 MC/MF for duty. In this connection it may be stated that the applicant had already been posted on 3 occasions earlier at Borjhar i.e. at 199 MC/MF but the present posting made with an ulterior motive although there 181 Conservancy Safaiwalas are presently serving under the Station Headquarter, Narengi but the applicant is now chosen for posting at 119 MC/MF, Borjhar to frustrate his bonafide claim made in the Original Application 266/95. The statement made in paragraph 6 and 7 of the written statement are totally false, misleading and the same are strongly denied by the applicant. Be it stated that the applicant was engaged since 1986 as Tractor Driver therefore there was no scope to transfer him out side the Narengi Camp. Therefore the present order of transfer is made only to deprive the benefit of regular appointment of the applicant to the post of Tractor Driver and particularly when the post of Tractor Driver is lying vacant. In this connection it may also be stated that the advertisement was made for filling up of two posts of Tractor

29

B

driver but now the authorities deny to appoint the applicant although sanction post is available and thereby the authorities acted mala fide. The Hon'ble Tribunal be pleased to call for all the relevant records for perusal.

A copy of the sanctioned strength of the Station Headquarter, Narengi issued on 5.11.90 by Major H.S. Gill, which is annexed to the written statement of O.A. 266/95 is annexed hereto and the same is marked as Annexure-3.

3. That with regard to the statement made in paragraphs 8,8,12,14,15,17,18,20 of the written statement the applicant denies the correctness of the same and further begs to state that the authorities acted mala fide with the sole intention to deprive the legitimate the claim of the applicant made in O.A. 266/95. Therefore the impugned movement order is liable to be set aside and quashed.

Under the facts and circumstances stated above the application is deserves to be allowed with costs.

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

I, Sri Deolal Basfore, son of Sri Rameshwar Basfore, working as tractor driver in the office of the Station Headquarter, Narengi Camp, P.O. Satgaon, District-Kamrup, Assam do hereby declare that the statements made in this ~~affidavit~~ rejoinder are true to my knowledge and belief and I have not suppressed any material facts.

And I sign this verification on this the ~~xxx~~ day of August, 1996.

*Deolal*  
Signature

RESTRICTED

DAILY ORDER PART-I

COL. I.C. BAKSHI, ADM COMDT STATION HEADQUARTERS, GUWAHATI

Station : Guwahati

Dated : 26 May 88

ORDER

\_\_\_\_\_/88

1. The following individuals will perform the duties of Tractor Driver with immediate effect :-

a) T/No. 88 Consy Sfwl Shri Biswanath Ram

b) T/No 286 -do- Shri Deolal Basfore

2. For the above purpose, they will report to Shri J.C. Roy, General Supervisor and carry out their duties as per his directions.

Sd/- S.K. Barua

Maj

SSO

Distribution:-

Normal

*Attended  
②  
B.S.W.*

RESTRICTED

SANCTION OF THE GENERAL OFFICER COMMANDING 101 AREA  
ON THE BOARD PROCEEDINGS FOR REVIEWING THE SUPPLEMENTARY  
ESTABLISHMENT OF CONSERVANCY SAFAIWALA OF STATION HEADQUAR-  
TERS GUWAHATI (NARENGI CAMP).

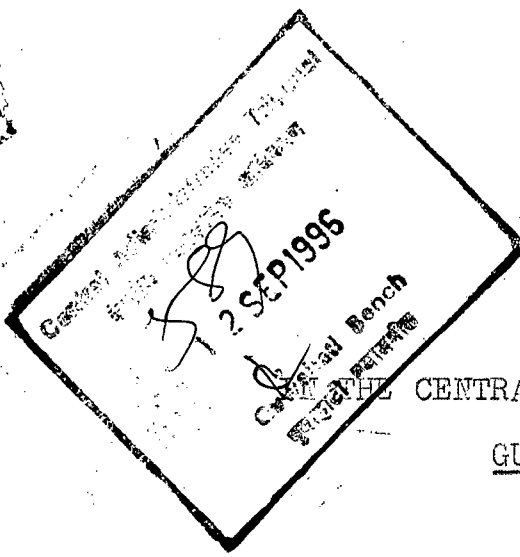
1. Under the provision of Army HQ letter No. 63161/Q3B dated 03 Nov 72, ex-post-facto sanction of the General Officer Commanding 101 Area is hereby accorded for employment of the following conservancy establishment for five years with effect from 01 Apr 90 to 31 Mar 95 :-

(a)	General Supervisor	-	2
(b)	Sanitary Inspector	-	1
(c)	Conservancy Store-Keeper	-	2
(d)	Mate	-	10
(e)	Conservancy Safaiwala	-	250
(f)	Tractor with Trolley	-	1
(g)	Driver for Tractor	-	2 ✓

Station : C/o 99 APO  
Dated 5 Nov 90

Sd/- xxxxxxxxxxxx  
(H.S.Gill)  
Major General  
General Officer Commanding

*Att-ent-ed  
@haha  
B.W*



37

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

12/9/96  
H. J. Sanyal  
Additional Central Govt.  
Standing Counsel,  
Central Administrative Tribunal  
Guwahati Bench.

In the matter of :

O.A.No.74/96

Shri Deolal Basfore ...Applicant

-Vs-

Union of India & Ors. ... Respondents.

-AND-

In the matter of :

Reply to the Rejoinder.

I, Lt Col Y.Yadav, Offg. Adm. Comdt.,  
in the Station Headquarter, Guwahati (Narangi Camp)  
do hereby solemnly affirm and declare as follows :-

1. That a copy of rejoinder in the above noted case filed by the applicant has been served upon me through my counsel and same being read over by me I have understood the contents of the rejoinder and I feel it necessary to make a reply on behalf of the respondents to inform this Hon'ble Tribunal about the factual position of the case.

Contd. *(Signature)*

2. That with regard to the contents made in paragraph 1 of the rejoinder, the respondents beg to state that as referred in the paragraphs 2 and 3, it is clear that the applicant was interested to work as tractor driver, moreover 2/3 persons were coming forward to work voluntarily to drive the tractor but they later left coming. In the interview there were four candidates who came to appear in the Departmental Promotion Committee (DPC) and Shri Biswanath Ram (T/No.88) Consy Safaiwala was selected and Shri Deolal Basfore(T/No.286) Consy Safaiwala i.e. the applicant secured second position hence Shri Biswanath Ram was selected as tractor driver at this HQ due to holding only one tractor. The applicant was permitted to drive the tractor/<sup>as</sup>and when required as he was himself interested to doing so. It is also confirmed that as per our records held no such Daily Order Part-I dated 26th May '88 was published for the tractor held by this HQ for conservancy purpose. In this connection, a copy of letter is annexed and marked as Annexure - I. Further, it is also stated that the applicant had never been assured at any stage to give salary for his services as tractor driver. Extra Duty Pay might have given to him when he had served in the Golf Course, which does not come under the administration of this HQ for maintenance. He might have operated the Golf Course Tractor at <sup>his</sup> their off time duty hours. Golf Course had its own private tractor.

3. That with regard to the contents made in

paragraph. *P. ....*

paragraph 2 of the rejoinder, the respondents beg to state that declaration of the Departmental Promotion Committee was not delayed by this HQ, but the publication of casualty order delayed, which was published later. Hence it was not displayed on receipt of Court notice. It is also stated that in the sanction copy one tractor was sanctioned and two tractor driver posts were also sanctioned by the then General Officer Commanding. In this regard a separate case was also placed to higher authorities concerned for sanction of another tractor, for which correspondences are in progress. In question of issue of posting order/movement order it is stated that the applicant was ordered for posting only because when he was spared and no transfer was made during the last 10 years period of time. A group of 6 persons including the applicant was also ordered. Hence the question of transfer/movement order issued to the applicant is in order. It is also stated that places like Basistha, Borjhar, Pandu, Amingaon etc. comes under the jurisdiction of this HQ for conservancy purpose and these places are counted as Guwahati only. It is only to give rotation to the conservancy safaiwalas that these internal postings are ordered.

It is also stated that no advertisement was made in the News Papers for the post of tractor driver only it was displayed in the Office Notice Board for information to the Departmental candidates. This HQ has no malafide intention to give him promotion as tractor driver. Being secured second position the applicant was

kept...*P.*

kept as reserve for giving promotion in due course when the second tractor will be released by the Government. In this regard a connected document related to the DPC is also enclosed herewith and marked as Annexure - II.

4. That with regard to the contents made in paragraph 3, the respondents beg to state that the said Shri Biswanath Ram, T/No.88, Consy Safaiwala was promoted on the basis of merit-cum-seniority and fitness and good result.

5. That with regard to the contents made in paragraph 9, the respondents beg to state that no harrasment was made to him by giving posting to Borjhar area taking on gradge as a particular person. As the cleanliness of the area rests upon this HQ and being essential services it is imperative to detail a person which comes under regular feature.

6. That with regard to the contents made in paragraph 12, it is stated that this HQ has no malafide intention on doing the posting with relation to the O.A. No.266/95.

7. That with regard to the contents made in paragraph 3, mentioned in previous point No.14, the respondents beg to state that no advertisement was made in the news papers for the post of tractor driver only it was displayed in the office Notice Board for information to the Departmental candidates.

Contd. P.

8. That with regard to the contents made in para 3, mentioned in point No.15, 17, 18 and 20, respondents have nothing to comment being factual.

The respondents further beg to state that Narangi Goulf Course was having a private tractor for use only in Goulf Course, may be the applicant was driving that tractor for which Extra Duty pay was granted, during off duty hours for which he might have got a Daily Order Part I published from Major S.K.Barua, which is not held in this HQ.

9. That this reply to the rejoinder is filed bonafide and in the interest of justice.

Verification.....

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

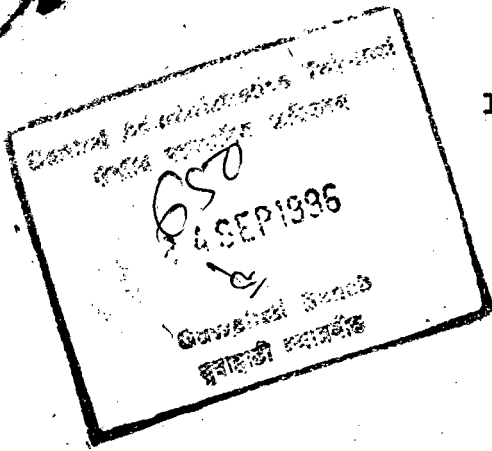
I, Lt Col Y.Yadav, Offg. Adm. Comdt.  
in the Station Headquarter, Guwahati (Narangi Camp)  
do hereby solemnly affirm and declare that the  
contents made in paragraph 1 of this reply to the  
rejoinder are true to my knowledge and those made  
from paragraph 2 to 8 are derived from records which  
I believe to be true and the contents of paragraph 9  
are humble submissions before this Hon'ble Tribunal.

AND I sign this Verification on this 12 day  
of September, 1996 at Guwahati.

D E P O N E N T

  
Y. Yadav  
Lt Col

Offg Adm Comdt, Gauhati  
(Narangi Camp)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. No: 74 of 1996

Sri Deolal Basfore

-vs.-

Union of India & Ors.

-And-

In the matter of :

Additional rejoinder submitted by  
the applicant.

The applicant above named Most humbly and  
Respectfully begs to state as under :

1. That with regard to the statement made in paragraph 2 of the reply to the rejoinder the applicant categorically denies the allegation that the Daily Order Part-I dated 26.5.1988 has not been issued by the Station Headquarter, Narengi. The applicant categorically also begs to state that this order was issued by Maj S.K. Baruah on 26.5.1988 and at the relevant time Shri M.N. Khanikar, ex-Havildar Clerk was also serving in the Station Headquarter, Narengi and Shri M.N. Khanikar is presently residing at Guwahati and the applicant urged Hon'ble that before this/Tribunal that Shri M.N. Khanikar may be summoned before the court for ascertaining the truth regarding the genuineness of the Daily Part-I Order

\* Contd...P/2

4/3  
Filed by M. Chanda  
Advocate 20.9.96

dated 26.5.1988. The applicant also in trying to furnish the residential address of Shri M.N. Khanikar and the statement made in paragraph 2 of the reply to the rejoinder that the order is not available in the records is false and misleading and the genuineness of the Order dated 26.5.1988 may also be verified from the signature of Shri S.K.Baruah made in other official records which might be lying with the Station Headquarter, Narengi at the relevant time in the year 1988. The statement made in paragraph 2 as well as in paragraph 8 of the reply to the rejoinder is contradictory itself. Therefore it is clear that the order has been passed bona fide by Maj. S.K.Baruah and the applicant further categorically begs to mention that this order is issued by the office of the Station Headquarter, Narengi. Moreover the allegation made that the applicant might have served as Tractor Driver in the Golf Course is totally false and baseless, misleading and a mere statement in the reply to the rejoinder cannot be accepted without producing any supporting documents/evidence rather it would be evident from their own statement of the written statement that the applicant was working from 1986. The relevant portion of the statement made in paragraph 4 of the written statement is quoted below :

"The Board selected Shri Biswanath Ram, Consy, Safaiwala, T/No. 88 on merit basis because he was also working as Tractor Driver since 1986."

From above, it is quite clear that the authorities have utilised the service of the present applicant as well as

Contd...P/3

Shri Biswanath Ram, therefore it is quite clear that the applicant as well as Shri Biswanath Ram also served as Tractor Driver in the Station Headquarter, Narengi from 1986.

2. That with regard to the statements made in paragraphs 4, 5, 6, 7 and 8 of the reply to the rejoinder the applicant categorically denies the correctness of the same and the applicant further begs to state that Daily Order Part-I dated 26.5.1988 had been issued by the Station Headquarter, Narengi and categorically denies the statement that the service of the applicant as Tractor Driver might have been used in the Golf Course and the applicant urged to produce some more documents at the time of hearing confirming that the authorities have utilised his services on routine basis as Tractor Driver. Since 1986 certificates were issued in respect of the applicant by number of officers in the Station Headquarter, Narengi certifying that the applicant is performing his duty of Tractor Driver. The relevant file regarding sanction of Tractor Driver till 1996 as well as the Tractor Drivers handing and taking over charge files is also required for perusal of the Hon'ble Tribunal for proper adjudication of this case.

In the facts and circumstance this application is deserves to be allowed with costs.

VERIFICATION

I, Sri Deolal Basfore, son of Sri Rameshwar Basfore, working as Tracor Driver in the office of the Station Headquarter, Narengi Camp, P.O. Satgaon, District-Kamrup, Assam do here declare tht the statement in this additional rejoinder are grue to my knowledge and belief and I have not suppressed any material fcts.

And I sign this verification on this the 24th day of September, 1996.

*Deolal*

Signature

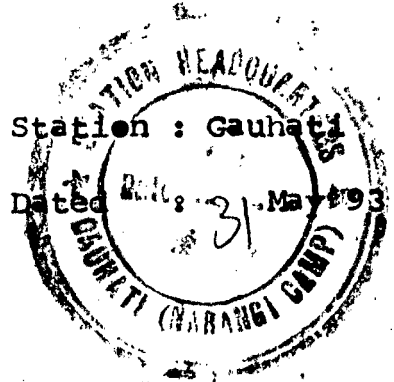
Anna 26

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3

TO WHOM IT MAY CONCERN

Certified that Shri Deolal T/No 246 is working as Tractor Driver since Apr 86 in this Headquarters. He is well disciplined and devoted to his duties. Considering his conduct and efficiency in his trade he can prove as an asset to any organisation.



(BK Sharma)  
Col  
Adm. Comdt

C.

TO WHOM IT MAY CONCERNED

Certified that Shri Deo Lal Basfore, T/No 286 is working as tractor driver since Apr 85 in this Headquarters. He is well disciplined and devoted to his duties. Considering his conduct and efficiency in his trade he can prove as an asset to any organisation.

Station: Gauhati (Nawangri Camp)

Dated : 31 Dec 85



*(Handwritten signature)*

(AS Kandari)  
Lt Col  
SSO  
for Adm Comdt

TO WHOM IT MAY CONCERN

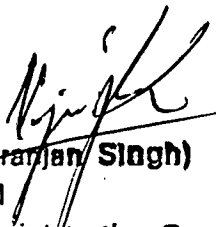
Annexure - 4

8

Certified that Shri T/No 226 DevLal was employed as tractor driver since last two years in this Station Headquarters. During the course of duty he has displayed the highest state of discipline and devotion to duty. Considering his conduct and efficiency in his trade he can prove an asset to any organisation.

Station : Gauhati

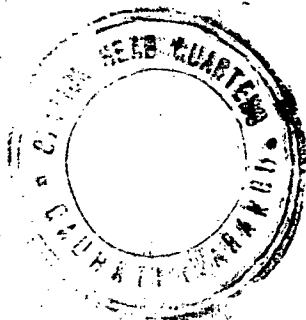
Date : 28 Apr 68



(Narayan Singh)

Col

Administrative Commandant  
Gauhati (Narangi Camp)



8

4

Tele Mil-231

Station Mukhvlaya  
Station Headquarters  
Gauhati (Barangi Camp)

7005/EST

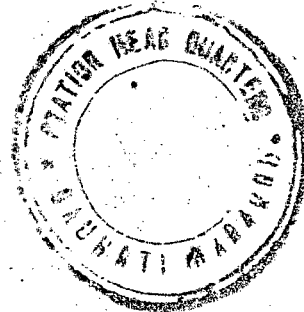
26 May 86.

To  
The DFO  
Gauhati

ISSUE OF CIV LICENCE

1. Ticket No 286 Shri Deolal Das is an employee of this HQ and driving a Tractor since 1986.
2. The above individual is applying for issue of licence in your Office. Issue of his licence is requested at your convenient.

Thanking you.



*[Handwritten Signature]*

(S K Das)

Major  
Station Staff Officer.