

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

10

(DESTRUCTION OF RECORD RULES, 1990)

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✓
O.A/T.A No. 99/96
R.A/C.P No.
E.P/M.A No.

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
Gauhati Bench

✓ O.A. No. 99/96
NP No. (DA)
RA No. (DA)
CP No. (DA)

Sh. S. G. Monier, IPS APPLICANT(S)

Union of India & Ors. RESPONDENT(S)

Mr. B.C. Das, P.K. Roy, Advocate for the applicant.
D. Mazumdar, P.K. Barman

Mr. A.K. Choudhury, Addl. C.G.S.C. Advocate for the Respondents.
Dr. P.K. Phukan, SA, Assam.
Mrs. M. Das, SA, Assam & Joint Adv. Meghalaya.

Q. Nos. 2085 2087 Court's Orders

20.6.96

Mr P.K.Roy for the applicant
Mr A.K.Choudhury, Addl.C.G.S.C for
respondents No.1 & 2 and Mrs B.
Dutta for respondent No.5.

Heard Mr Roy for admission.
Perused the contents of the appli-
cation and the reliefs sought. App-
lication and the relief is admitte
subject to the determination of
time limitation at the final hea-
ring of this O.A. Issue notice on
the respondents by registered post.
Six weeks for written statement.

List on 6.8.96 for written sta-
tement and further orders.

Member

92/96
3460.32
17.6.96
1/e
19/6/96
Registrar

2.7.96

Notice to the respondents
vide D. No. 1777/79
Dt. 27.6.96.

18.7.96

Notice served
on respondents No. 1, 14.

pg

6.8.96

None for the applicant. Mr A.K. Choudhury, Addl.C.G.S.C and Dr Y.K. Phukan for official respondents.

Written statement has not been submitted.

List for written statement and further orders on 16.9.96.

2.9.96

Notice unserved
on respdt R/13,15
in "refused" Marks

Member

Bon

16-9-96

Learned counsel Mr.P.K.Roy for the applicant. Learned Addl.C.G.S.C. Mr.A.K.Choudhury seeks 1 month time to file written statement.

List for written statement and further order on 11-10-96/
11.11.96

30.9-96

lm

16/9

Memo of appearance filed

by Mr. A.K. Choudhury, a case

D/S filed on behalf 16/10.96

Revised. av. 4.12.89-98

Recd. copy 1 W.S.

P.K. Roy

Advocate
11/9/96

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

Vide order dated 16.10.96 in M.P. 168/96 the applicant has been allowed to amend the O.A. The applicant is directed to take steps and serve copy of the consolidated amendment application on the respondents within one month.

List for order on the consolidated amendment application on 14.11.96.

Member

pg

17/10

30.1.97. Office to check whether notices have been served on the respondents or not.

List on 3.2.97.

Member

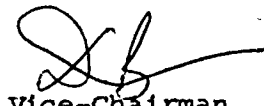
Vice-Chairman

trd

3.2.97 Dr Y.K.Phukan, learned Sr. Government Advocate, Assam submits that respondent No.4 does not want to file written statement. As per the office note notices on respondents No.1, 2, 3, 6, 8, 9, 10, 11, 12, 13 & 17 are not returned after service.

List on 3.3.1997 for orders.


Member


Vice-Chairman


pg
14/2

14-3-97

3.3.97 Learned counsel on behalf of respondent Nos. 7 & 8 has prayed for short adjournment for filing of written statement. Two weeks time is allowed.

List on 17.3.97 for written statement and further orders.


Member


Vice-Chairman

1) Written statement has been Submitted on behalf of the R-1,
2) Notice duly served on R. 7.

3) Notice returned unserved R. 15 and 16.

4) Written statement has not been filed on behalf of the R. 8.

trd
10/3

17.3.97 The learned counsel for the applicant is not present. List it on 21.3.97 for orders.

Member


Vice-Chairman

nkm

11/3/97

Notice Issued to the
Respondent No. C-10.2
13. vide D.No 162-A/163
1m

Ln

(5).

O.A. 99/96

21.3.97 At the request of Mr P.K.Roy, learned counsel for the applicant the case is adjourned to 27.3.97 for further orders. Mr A.K.Choudhury, Addl.C.G.S.C has no objection.

4-4-97

- 1/ Notice duly Served on R.No-1, 5 & 7.
- 2/ Notices on R.No-15 & 16 returned unserved.
- 3/ W/S has been filed on behalf of The R.No-5.


Member


Vice-Chairman

pg
84
2713

0 A- 77/96

7

27.5.97

Mr B.C.Das, learned counsel appearing on behalf of the applicant prays for adjournment of the case for personal reason. Mr A.K.Choudhury, learned Addl. C.G.S.C and Dr Y.K.Phukan, learned Sr. Govt. Advocate, Assam have no objection in granting adjournment.

List on 22.7.97 for hearing.

ba
Member

JB
Vice-Chairman

21.8.97

The case is ready for hearing.

21/8/97.

pg

28/5

22.7.97

There is no representation
filed on 1.7.97.

15.9.97.

Left. No. List for
hearing 16.1.98.
By order.

Bon

16.1.98

Let the case be listed for hearing on 10.3.1998.

ba
Member

JB
Vice-Chairman

pg

10-3-98

Case is ready for hearing.
List for hearing on 22-6-98.

ba
Member

JB
Vice-Chairman

lm

ms
11/3

22.6.98

Advised to 28-6-98.

by order

7.4.97

The office note indicates that notices were duly served on respondent Nos.1 to 5, 9 and 14. Respondent Nos.7 and 8 also have already entered appearance. The A/D in respect of the other respondents have not returned after service. As the steps had been taken on 29.11.1996 the notices are presumed to be served on them also. However, respondent Nos.13 and 15 have refused to accept the notices which will be evident from the postal remark on the cover of the envelope, "Refused". The notices are taken to be served on these two respondents also.

Respondent Nos.1 and 5 have already filed written statement. Mr P.K. Roy, learned counsel for the applicant, prays for 2 weeks time to file rejoinder. We feel that one weeks time is sufficient for filing rejoinder. Accordingly we grant one week to file rejoinder, if any.

List on 24.4.97.


Member


Vice-Chairman

nkm

24.4.97

Respondents No.1 & 5 have already filed written statements. Mr B.K.Sharma, learned counsel appearing on behalf of respondent No.14 informs this Tribunal that he will rely on the written statement filed by respondents No.1 & 5. Mr N.Dutta, learned counsel for respondents No.7 & 8 also similarly rely on the written statement of respondents No.1 & 5.

Let this case be listed for hearing on 27.5.97. The case will be taken up for hearing at Shillong as it relates to Meghalaya.


Member


Vice-Chairman

pg

25/4

16-4-97

1/ Rejoinder filed by the applicant, to the written statement filed by Respondent No-1 and 5.

2/ Fresh type written consolidated petition filed by the counsel of the applicant.

Rejoinder has been
filed on R. No. 1 & 5.

24.4.97

Respondents No.1 & 5 have already filed written statements. Mr B.K.Sharma, learned counsel appearing on behalf of respondent No.14 informs this Tribunal that he will rely on the written statement filed by respondents No.1 & 5. Mr N.Dutta, learned counsel for respondents No.7 & 8 also similarly rely on the written statement of respondents No.1 & 5.

Let this case be listed for hearing on 27.5.97. The case will be taken up for hearing at Shillong as it relates to Meghalaya.


Member


Vice-Chairman

pg

25/4

Notes of the Registry	Date	Order of the Tribunal
<p>19.2.99</p> <p>Copies of the Judgment have been sent to the d/tee. for issuing the same to the parties through Regd. with A/O.</p> <p>pg</p> <p>Issued vide Registry No. 619 to 627 dt. 29-3-99</p> <p>6/2/99</p>	<p>18.1.99</p>	<p>Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.</p> <p>The application is disposed of in terms of the order. No order as to costs.</p> <p>Member</p> <p>Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
<p>W/S & Rejoinder has been filed.</p> <p>48</p>	<p>29.6.98</p> <p>21</p> <p>nkm</p> <p>30/6</p>	<p>Let this case be listed on 5.8.98 alongwith O.A.No.98/96.</p> <p>Member</p> <p>Vice-Chairman</p>
<p>W/S and Rejoinder has been filed.</p> <p>49</p>	<p>5-8-98</p> <p>22</p> <p>3.9.98</p> <p>(23)</p>	<p>There was a reference Adm'd to 3.9.98.</p> <p>By order</p> <p>There is no Division Bench Adm'd to 9.11.98.</p> <p>By order</p>
<p>The case is ready for hearing as required services.</p> <p>50</p> <p>6.11</p> <p>22.12.98</p>	<p>9.11.98</p> <p>pg</p> <p>1-1-99</p> <p>lm</p> <p>7/1/99</p> <p>6.1.99</p> <p>7.1.99</p> <p>8.1.99</p> <p>12.1.99</p>	<p>Division Bench is not available. Case is adjourned to 17.12.98.</p> <p>By Order</p> <p>Case is ready for hearing. List for hearing on 6-1-99 for hearing.</p> <p>Vice-Chairman</p> <p>Parson on in day.</p> <p>By order</p> <p>Case is adjourned till 12.1.99.</p> <p>By Order</p> <p>Adj'd to 18.1.99,</p> <p>By order</p>
<p>There was a Bench at Agartala on 17.12.98. Have plead in order to.</p> <p>5-1-99</p> <p>Written statement & Rejoinder has been filed.</p> <p>51</p> <p>11/99</p>		

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

O.A.No. 98 of 1996 and 99 of 1996.

DATE OF DECISION...18-1-1999.....

Shri M.S.Syiem and Shri S.G.Momin (PETITIONER(S))

Shri A. Roy.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Sri B.C.Pathak, Addl.C.G.S.C
Dr Y.K.Phukan, Sr.Govt.Advocate, Assam &
Mr A.Sarma & Ms B.Dutta, Govt.Advocate, Meghalaya

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE CHAIRMAN

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

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

Judgment delivered by Hon'ble Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Date of Order : This the 18th Day of January, 1999.

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

Shri G.L.Sanglyine, Administrative Member.

Original Application No.98 of 1996.

Shri Maitty Sword Syiem, IPS . . . Applicant

By Advocate ~, Shri A. Roy, . . .

- Versus -

Union of India & Ors. . . . Respondents.

Original Application No. 99 of 1996.

Shri Skylance G. Momin, IPS . . . Applicant

By Advocate Shri A.Roy.

- Versus -

Union of India & Ors. . . . Respondents.

By Advocate Sri B.C.Pathak, Addl.C.G.S.C
for respondents No.1 & 2, Dr Y.K.Phukan, Sr.
Govt.Advocate for respondent No.4 Mr A.Sarma,
Ms B.Dutta, Govt.Advocate Meghalaya for respon-
dent No.5, in both the cases.

O R D E R

BARUAH J.(V.C)

The above two Original Applications involve common questions of law and similar facts. For the purpose of disposal of these two applications necessary facts are as follows :

The applicants were inducted to the Meghalaya Police Service (for short MPS) after holding a competitive examination. On completion of the training and probationary period both of them were posted as Deputy Superintendent of Police (for short DSP) in the State of Meghalaya. In December 1976 the Meghalaya Police Service Rules were framed. About 9 years

contd..2

- 2 -

W after, in June 1985, the applicants were promoted to the Senior Scale of MPS. The applicants claimed that they are recipients of various medals. For appointment to the Indian Police Service (IPS for short) under the IPS (Recruitment) Rules, 1954 the Assam-Meghalaya Joint Cadre consisted of 73 posts and out of them 17 posts were for the State of Meghalaya. In July 1985 the Central Government approved Meghalaya Civil Service (MCS) as a State Civil Service for the purpose of recruitment to IAS under IAS Recruitment Rules, 1954 with IAS (Appointment by Promotion) Regulations, 1955. During the period from February 1986 to April 1989 the State Government made correspondences with the Central Government for the purpose of approval of the Meghalaya Police Service (MPS for short) as a feeder service for promotion to IPS. According to the applicants however no such approval was necessary and the State Government was unnecessarily engaged in such correspondences. In April 1989 the Joint Cadre Authority approved the proposal of recognition of MPS as feeder service for appointment to the IPS by promotion. The names of both the applicants had been forwarded for inclusion of their names in the select list for promotion to IPS. The Selection Committee for promotion to IPS had ~~been~~ met in the year 1989 and 1990. However, the names of the applicants were not considered though they were eligible to be considered. Only in the month of March 1991 the applicants were selected for appointment to the IPS by the Selection Committee held on 12.3.1991 and pursuant to this selection the applicants were promoted to IPS in 21.2.1992. The case of the applicants is that they ought to have been considered for appointment to IPS by promotion as far back as in 1983 when they came within the zone of consideration and were eligible for promotion. However this was not

done. By Annexure-T order dated 10.8.1993 both the applicants were given 1987 as their year of allotment which, according to the applicants, was not just and proper. They ought to have been given year of allotment on earlier dates. As their cases were not taken into consideration the applicants were prejudiced. Thereafter, the applicant in O.A.98/96 submitted Annexure-U representation dated 29.3.1994 to the Special Secretary to the Government of Meghalaya and the applicant in O.A.99/96 also submitted Annexure-U representation dated 29.3.1994 to the Chief Secretary to the Government of Meghalaya and by Annexure-V letter dated 19.5.1994 both the representations were forwarded to the Government of India, Ministry of Home Affairs for its decision. It is pertinent to mention here that because of the long pending of the representations both the applicants approached this Tribunal by filing these two applications and only after filing of the applications the representations were disposed of by rejecting the prayer. After disposal of the representations the applicants prayed for amendment of their Original Applications by filing Misc. petitions and amendments had been allowed.

2. In due course the respondent No.1 had filed the written statement controverting the claim of the applicants. In para 18 of the written statement the respondent had stated that there was no inaction or delay on the part of the Central Government. The applicants have no right to claim appointment to IPS in terms of regulation 2(1)(j)(ii) of IPS (Appointment by Promotion) Regulations, 1955. It is the State Government which has to decide whether to induct SPS officers to IPS or not. The paragraph 18 is quoted below :

"That with reference to paragraph 6.39 of the application, the answering respondent begs to state that there was no inaction or delay

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on the part of the Central Government. In terms of regulation 2(1)(j)(ii) of IPS (Appointment by Promotion) Regulations 1955, the applicant has no right to claim appointment to IPS. It is the State Govt. which has to decide whether to induct SPS officers to IPS or not. The State Govt. vide their notification dated 5.4.90, recognised the Meghalaya Police Service as feeder service for the purpose of appointment to IPS. Meghalaya Police Service was not a feeder service prior to 5.4.90, therefore, the applicant has no vested right for consideration for promotion to IPS prior to that date. The seniority and year of allotments in the Indian Police Service of the applicant and respondent Nos. 6, 7 & 8 has correctly been fixed under rule 3(ii) of IPS (Regulation of Seniority) Rules, 1988. Meghalaya Police Service was recognised as feeder service for the purposes of appointment to IPS from 5.4.90 i.e. much after the enactment of seniority Rules, 1988, therefore the said rules has caused no hardship to the applicant. This case is not a fit case to invoke rule 3 of IAS (Condition of Service - Residuary Matters) Rules, 1960. Meghalaya Police Service was declared feeder service in April, 1990. No Selection Committee Meetings prior to 1990 can be convened."

Again in para 21 of the written statement the respondent No.1 has stated as under :-

"That with reference to paragraph 6.42 & 6.43 of the application, the answering respondent begs to state that the rule position quoted in this para is admitted. The Govt. of India decision No.1 below rule 3 of the AIS (Conditions of Service - Residuary Matters) Rules, 1960 provides that :-

'A doubt was raised whether the power of relaxing rules was intended to be applicable to "Recruitment Rules" also.

The Government of India have held that the "Recruitment Rules" cannot be relaxed under rule 3 of AIS (Conditions of Service - Residuary Matters) Rules, 1960.' In view of the above, it is not possible to invoke the power vested in the Govt. of India under rule 3 of the afore-said Residuary Matters Rules to relax the relevant rules for initial induction of applicant to IPS."

in its written statement disputed the claim of the applicant. In paragraph 10 of the written statement the respondent No. 5 has stated as under :

" official steps have been taken by the State Government on repeated occasions in respect of the matter and as such the allegation of the applicant is not sustainable, since all the vacancies were utilised by the Government of Assam with the knowledge of all concerned at that time, subsequently these feeder post ceased to be available to the Government of Assam and thereafter Government of Meghalaya in accordance with the Government of Assam and Government of Meghalaya agreement have systematically made use of the opportunities available to the MPS officers."

4. We have heard Mr A.Roy, learned counsel appearing on behalf of the applicants, Mr A.Deb Roy, learned Sr.C.G. S.C appearing on behalf of the respondent Nos. 1 & 2, Mrs B.Dutta, Government Advocate, Meghalaya appearing on behalf of the respondent No.5 and Mr B.K.Sharma, learned counsel appearing on behalf of the respondent No.14.

5. Mr A.Roy submits that the authority concerned have unreasonably delayed the promotion of the applicants even though the applicants became eligible and came within the zone of consideration as far back in 1983. The promotion has been denied by the authority concerned on misinterpretation of Rule 2. The respondent No.1 in his written statement has stated that it is for the State Government to take steps for recognition of the State Police Service as a feeder service. The respondents further stated that the Meghalaya Police Service was not a feeder service prior to 5.4.1990, the date of notification by which the Meghalaya Police Service was recognised as a feeder service by the State Government. Therefore, the applicants were not entitled to claim promotion prior to the recognition. Mr A.Roy has drawn

B

our attention to two different provisions of IPS (Recruitment) Rules, 1954 (for short Recruitment Rules). Mr Roy has first drawn our attention to rule 2(g), which is reproduced below:

"2(g) 'State Police Service' means -

(i) for the purpose of filling vacancies in the Indian Police Service Cadre for the Arunachal Pradesh, Goa, Mizoram Union Territories under Rule 9, any of the following service namely:-

- (a) the Delhi, Andaman and Nicobar Islands Police Service;
- (b) The Goa Police Service;
- (c) The Police Service;
- (d) the Ponicherry Police Service;
- (e) the Arunachal Pradesh Police Service;

(ii) in all other cases, the Principal Police Service of a State, a member of which normally holds charge of a sub-division of a district for purposes of Police Administration and includes any other duly constituted police services functioning in a State which is declared by the State Government to be equivalent thereto." (Emphasis supplied)

According to Mr Roy, by the definition itself the Meghalaya Police Service is the Principal Police Service which is a "State Police Service." Mr Roy has also drawn our attention to Rule 4 (1)(b) of the Recruitment Rule by which he wants to show that recruitment to the IPS by promotion is through promotion of substantive members of a State Police Service. Mr Roy has further drawn our attention to Rule 2(1)(d) of the Indian Police Service (Appointment by Promotion) Regulations, 1955. This rule provides the same manner of definition of "State Police Service" as defined in the IPS (Recruitment) Rules, 1954 reproduced above. By referring to the above rules Mr Roy submits that, as per the definition, undoubtedly the Meghalaya Police Service is the Principal Police Service of the State of Meghalaya and, therefore, it is a State Police Service within the meaning of the Regulation. Therefore, no order or approval is necessary by the



contd..7

service since inception which fulfills the condition. The Central Government was definitely wrong in denying the promotion of the applicants to the IPS cadre on the ground that the Meghalaya Police Service was not recognised as a feeder service prior to 5.4.1990. Mr Roy further submits that State Government was also under mistaken belief in seeking approval from the Central Government inasmuch as such approval was not contemplated at all under the provisions of the rules aforesaid. Besides these, Mr Roy submits even if the Central Government took such a stand, by a letter dated 23.2.1990, Annexure-N, to the original application the Central Government had informed that approval or recognition was not necessary. We quote the relevant portion of the letter dated 23.2.1990 :

"Subject : Recognition of the M.P.S. as a Feeder Service for appointment to IPS by promotion - Proposal for.

Sir,

I am directed to refer to your letter No.HPL/76/77/243 dated 31st October, 1989 on the subject mentioned above and to say that the feeder service for Indian Police Service have been defined in the sub-rule 2(j)(ii) of I.P.S. (Appointment by Promotion) Regulations, 1955 was the principal service of the State. In case M.P.S fulfils these conditions, it automatically become the feeder service. However, it is not clear under what rule such a recognition has been sought for."

In the written statement the respondents have remained silent. Mr Roy further submits that it is sufficient that this was a letter in fact written by the Central Government to the State Government. Mr Roy further submits that the stand taken in the written statement was contradictory to the



contd..8

that though the written statement of the respondent No.1 shows that the applicant was not entitled to get promotion prior to 5.4.1990, nevertheless the year of allotment was given as 1987; if they were not entitled to recruitment to IPS as Meghalaya Police Service was not recognised as a feeder service prior to 5.4.1990, the question of assigning 1987 as their year of allotment by giving weightage of State Police Service would not have arisen. By saying so, Mr Roy submits that, in fact, the Government gave recognition to the MPS prior to 1990 for the purpose of giving weightage. Annexure-O to the Original Application is a notification by which the State of Meghalaya has given the approval of Meghalaya Police Service as feeder service. According to Mr Roy, the State of Meghalaya has no jurisdiction in giving such approval. Mr Roy alternatively argued that even assuming that recognition as feeder service is necessary then also the Joint Cadre Authority having approved as far back in April 1989, the authority had delayed the consideration for appointment of the applicants by promotion to the IPS. Therefore, at any rate according to Mr Roy, the decision of the authorities concerned was not correct.

6. Mr A. Deb Roy very fairly submits that the Annexure-N letter dated 23.2.1990 is contradictory to the stand taken in the written statement. If Annexure-N is correct, in that case the recognition was not necessary. While considering this aspect of the matter Mr Deb Roy very fairly submits that this aspect was not taken into consideration. Mr Deb Roy also submits that the claim is barred by limitation as it relates to the year 1983. Therefore, the same cannot come into consideration before this Tribunal.

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contd..9

submits that because of certain confusion initially the matter could not be considered. However, according to the Government Advocate, the moment confusion disappeared State Government took steps for appointment by promotion. The learned Govt. Advocate also submits that in view of the provision of rule in all probability the approval was not necessary.

8. Mr B.K.Sharma, learned counsel for the 14th respondent tries to support the stand taken by the Union of India. He further submits that when the IPS Recruitment Rules of 1954 and Regulations of 1955 came into force, the Meghalaya Police Service Rules were not in existence, therefore the rule making authority could not have anticipated to include MPS and the definition therefore was not applicable to the State of Meghalaya and as such, according to him recognition was necessary. Regarding Annexure-N to the Original Application, Mr Sharma submits that it lays down conditions of fulfilment and without fulfilling the conditions the recognition was necessary. Mr Sharma also submits that the period from 1983-91 is hopelessly time barred and the Tribunal cannot look into the claim. Mr Sharma further submits that quota having been utilised by the State of Assam this could not be reopened by the authority and therefore applicants' claim cannot be entertained at this stage. Mr Sharma further submits that the authority rightly considered the case of the applicant in the year 1991 after the recognition of Meghalaya Police Service in April, 1990.

9. On hearing the counsel for the parties it is to be seen whether the applicants are entitled to the benefit as claimed. The provisions contained in the Recruitment Rules

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contd..10

and in the Regulations of 1955 mentioned hereinabove have not defined what the State Police ^{Service} is. Before taking a decision the respondents ought to consider this aspect of the matter. We have perused Annexure-U representations and also the order dated 18.7.1996 passed by the Authority at Annexure "W-1". In the representations the applicants have given details of their case but the representations were disposed of by the order, Annexure W-1, without assigning any reason to the points raised by the applicants. The relevant portion is reproduced herein :-

"..... the representation of the said officers have been carefully examined and it is regretted that the same cannot be agreed to."

The provisions of rules and others ought to have been taken into consideration. Therefore, in our opinion, in order to know the mind of the authority a detail reasoned order is necessary.

10. In view of the above we dispose of the Original Applications with direction to the respondent No.1 to dispose of the representations at Annexure-U by a reasoned order. The applicants may file yet another representation each giving detail of their cases within a period of 3 weeks from today. If such representation is filed, respondents shall also consider the fresh representations, if filed as directed above and dispose of the entire matter by a reasoned order within a period of three months from the date of receipt of the representations of the applicants. If no representation is filed the respondent shall dispose of the existing representations within a period of three months from today. Mr B.K.Sharma submits that respondent No.14 may also be given an opportunity to explain his case.

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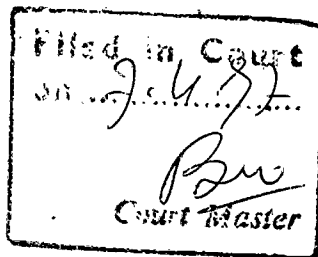
Hearing as prayed for may be given. It may be mentioned here that other private respondents are not present.

11. With the above direction the applications are disposed of. Considering the facts and circumstances of the case we, however, make no order as to costs.

Liberty is given to the applicants to approach the appropriate authority if they are aggrieved with the decision of the respondents.

Sd/- VICE CHAIRMAN

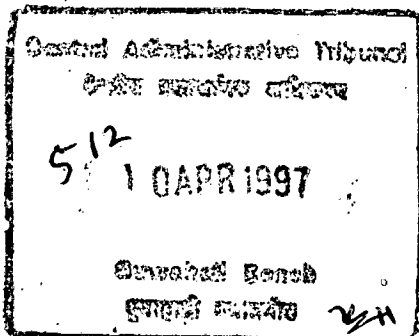
Sd/- MEMBER (ADM)



Filed by the applicant Mr.
P.K. Ray
Advocate
27-3-97

CONSOLIDATED APPLICATION.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.



O.A. No. 99 of 1996.

Shri Skylance G. Momin, I.P.S.

..... Applicant.

-Versus-

Union of India & ors.

..... Respondents.

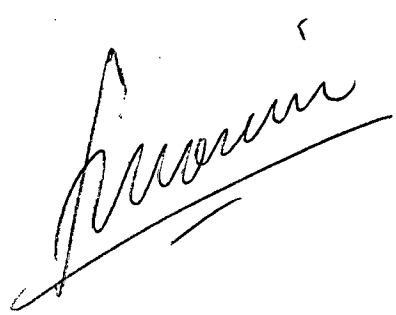
I N D E X.

<u>Sl.No.</u>	<u>Particulars.</u>	<u>Annexure.</u>	<u>Page.</u>
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<u>Sl.No.</u>	<u>Particulars.</u>	<u>Annexure.</u>	<u>Page.</u>
14.	Letter dated 6.9.89.	K	56.
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25.	Representation dt. 29.3.94.	U	81 - 82.
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28.	Letter dated 18.7.96.	W(1)	87A.
29.	Letter dated 29.8.96.	W(2)	87B.
30.	Letter dated 18.5.95.	X	88.
31.	Letter dated 5.7.95.	Y	89.
32.	Notification dated 27.7.95.	Y(1).	90.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

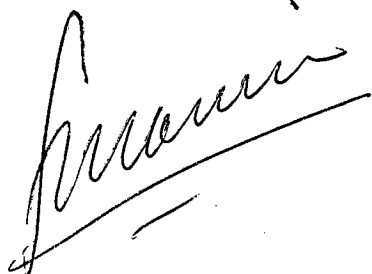
O.A. No. 99 of 1996.

1. Particulars of the Applicant.

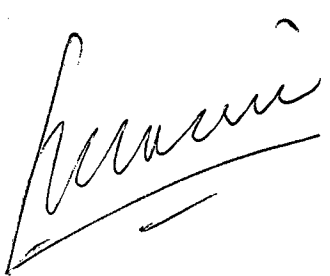
Shri Skylance G. Momin, I.P.S.,
Superintendent of Police,
West Garo Hills, Tura.

2. Particulars of the Respondents.

1. Union of India,
through the Secretary to the
Govt. of India, Home Department,
New Delhi.
2. Union Public Service Commission,
Dholpur House,
New Delhi.
3. Joint Cadre Authority,
Assam-Meghalaya Joint Cadre,
represented by the Commissioner &
Secretary to the Govt. of Assam,
(Personnel (A) Deptt.),
Dispur.
4. State of Assam,
through the Chief Secretary to the
Govt. of Assam, Dispur.



5. State of Meghalaya,
through the Chief Secretary to the
Govt. of Meghalaya, Shillong.
6. Shri A.K.Nath, I.P.S.,
Kahilipara, Guwahati - 19.
7. Shri N.M.Dutta, I.P.S.,
Commandant, 8th A.P.Battalion,
Barhampur, Assam.
8. Shri P.D.Goswami, I.P.S.,
S.P., A.C.B., Assam,
Guwahati.
9. Shri Pitambar Deuri, I.P.S.,
A.I.G. (R),
Office of the Director General of Police,
Assam, Guwahati.
10. Shri Pallav Bhattacharjee, IPS.,
S.P., Dhubri.
District - Dhubri, Assam.
11. Shri S.B.Singh, I.P.S.,
Asstt. Director, Bureau of Police Research,
& Development, P.G.O. Complex,
Lodi Road, New Delhi.
12. Shri Anil Kr. Jha, I.P.S.,
S.P.Karimganj,
P.O. - & Dist. - Karimganj.
13. Shri Jyotimoy Chakravarty, IPS.,
Commandant, 2nd A.P.Bn.,
Dergaon.



14. Ram Prakash Agarwal,
S.P., C.B.I., Nagpur.
15. Sri R.Chandra Nathan, I.P.S.,
C/O. Ministry of Home Affairs,
New Delhi.
16. A.K.Sinha Kashyap, I.P.S.,
C/O. Secretary to the Govt. of Assam,
(Home Deptt.),
Dispur.
17. B.Lyngdoh Buam, IPS.,
S.P., Ri-bhoi district,
Nongpoh.
Meghalaya.

3. Details of Application.

Particulars of the order against which the application is made.

- (i) Letter No. I-15016/37/92-IPS-1, dated 10.8.93 issued by the Under Secretary to the Govt. of India, MHA, New Delhi, fixing the applicant's year of allotment in the year 1987.

(ii)....

Prasanna

- (ii) Disposal of applicant's representation dated 29.3.93 by the Govt. of India after about $2\frac{1}{2}$ years by a cryptic and non-speaking order vide letter No. I-15016/37/92-IPS-I dated 16.7.96 issued by the Under Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi, communicated to the applicant by the Under Secretary, Home (Police) Department, Govt. of Meghalaya vide letter No. HPL.16/90/Pt./54 dated 29.8.96.

4. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order impugned in this case is within the jurisdiction of the Tribunal.

5. Limitation.

An application for condonation of delay is being filed along with this O.A. as an abundant caution though there is no delay in filing the case.

6. Facts of the case.

6.1. That the applicant, ~~is~~ a citizen of India and a tribal of the State of Meghalaya, has become a victim of continued State inaction and apathy and the persistent injustice, inequity and unfairness in action writs so large in the instant case that the applicant is left with no other remedy but to approach this Hon'ble Tribunal demanding justice. That to fulfil the long standing aspiration of the tribals of Meghalaya for self-administration to remove the.....

the feeling of deprivation amongst the tribal because of the century old and inherent ills of our class-based society, the State of Meghalaya was created in the year 1972 with the promise of equal opportunity and equal treatment. But the irony of fate of the applicant's case is that, even after the lapse of 24 years of its inception, he is not treated at par with the people similarly situated with the other parts of the country and despite having power vested in them by law, the Govt. is not exercising that power to give proper relief to the applicant.

6.2. That consequent upon formation of the new State of Meghalaya in 1972 carving out from Assam, the existing departments of the Govt. of Assam were bifurcated and separate departments were created for Meghalaya and for the purpose of recruitment of its own officers in the State Civil Service and other allied service, Meghalaya Public Service Commission (MPS. in short) was constituted in 1972 itself under the provisions of Chapter II of Part XIV of the Constitution of India vide Govt. of Meghalaya notification No. Bt.136/72/56 dated 14.9.92.

6.2(A). That the M.P.S.C. after about two years i.e. on 27.3.74 made an advertisement for combined recruitment of Extra Assistant Commissioner and Deputy Superintendent of Police (Dy. S.P. in short) for the State of Meghalaya.

6.3.....

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6.3. That pursuant to the said advertisement dated 27.3.74, M.P.S.C. conducted an interview when the applicant had appeared and was selected for appointment as a Dy. S.P. and ultimately he was appointed in the same post and posted under the Superintendent of Police, Khasi Hills, Shillong, vide Govt. notification No. HPL.153/73/Pt.1/14 dated 16.12.75. The applicant was subsequently sent for training in the Assam Police Training College, Dergaon, and on successful completion of his training and the probationary period, the Govt. posted him as Assistant Commandant, 1st Meghalaya Police Battalion, Shillong, where he joined on 14.3.77.

A copy of the order dated 16.12.75 is annexed as Annexure - 'A' to this application.

6.4. That for the purpose of regulating the appointment and condition of service of the person appointed to the M.P.S., the Governor of Meghalaya, in exercise of his power conferred under Article 309 of the Constitution of India, made a rule namely - the Meghalaya Police Service Rules, 1976, which came into effect from 14.12.1976.

6.5. That the applicant states that after having served in the various capacities for about 9 (nine) years

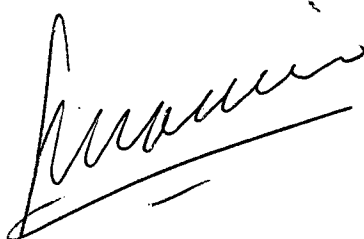
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in the junior scale of M.P.S., the applicant was promoted into the senior scale of M.P.S. on 23.7.85 vide Govt. Notification No. HPL.417/75/85 dated 23.7.85 and on promotion as such he was transferred as Asstt. S.P., East Khasi Hills where he joined on 26.7.85 and ultimately on 8.3.96 he took charge as Superintendent of Police, West Garo Hills, Tura. The applicant is substantive in the State Police Service and following are the details of the postings held by him during the last 20 years of service.

<u>Post held.</u>	<u>From.</u>	<u>To</u>
1. Asstt. Commandant, Ist. MCP.B.	14.3.77	3.2.78.
2. Dt. SP(DSB) Tura.	6.2.78.	25.2.78.
3. SDPO, Bagmara.	- 21.8.80.	10.8.81.
4. Asstt. Comdt. 2nd MCP.Bn.	- 1.6.82.	26.9.83.
5. S.D.P.O., Ampati.	- 16.2.83.	25.7.85.
6. Addl. S.P. Shillong	- 26.7.85.	1.9.86.
7. Addl. S.P., Infiltration.	- 1.9.86.	10.5.88.
8. S.P., Jaintia Hills.	- 29.9.86.	2.1.89.
9. S.P. Infiltration and S.P., Jaintia Hills.	- 11.5.88.	6.11.89.
10. Comndt. 2nd MCP. Bn.	- 16.1.89.	1.11.89.
11. S.P., West Garo Hills.	- 1.7.89.	10.10.91.
12. S.P., East Garo Hills.	- 20.2.90.	19.3.90.
13. Comndt. 2nd MCP. Bn.	- 31.10.91.	20.2.92.
14. Comndt. 2nd M.C.P. Bn.	- 21.2.92.	14.3.95 (as IPS)
15. S.P., Infiltration.	- 21.3.95.	1.3.96.
16. S.P., West Garo Hills.	- 8.3.96.	till date.

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A copy of the notification dated 23.7.85 is annexed as Annexure - B to this application.

6.6. That the applicant states that he has an unblemished service record and achieved various distinctions. He is second amongst the MPS. officers and from the enormous appreciations received by him from his superior officers, he has a reasonable belief that, he has an outstanding record in his ACRS. althroughout. He also received President's Police Medal for meritorious service.

Copies of some of the appreciation letters received by him are annexed hereto as Annexure - 'C'-serious to this application.

6.7. That the applicant states that for the purpose of appointment into the I.P.S. from amongst the State Police Service Officers and through other methods under the Indian Police Service (Recruitment) Rules, 1954, following creation of the State of Meghalaya, the cadre strength of Assam under the Indian Police Service (Cadre) Rules, 1954 (in short Cadre Rules) had to be re~~pe~~red and the share of strength between the constituent states in the Joint Cadre of Assam, Meghalaya has been fixed as follows, which took into effect from 1989.

Assam	-	56.
Meghalaya.	-	17.

6.8.....

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6.8. That the 73 posts stated above, 34 posts were fixed to be filled up by promotion from the State Police Service officers and according to the I.P.S. (Fixation of Cadre Strength) Tenth Amendment Regulation, 1989, the ratio of promotion posts for Assam and Meghalaya are 26:8.

6.9. That the applicant states that the Govt. of India through their letter No. 14015/45/79-AIS(I) dated 23.7.85 conveyed their approval for recognition of Meghalaya Civil Service (MCS) as State Civil Service for the purpose of recruitment to the IAS by promotion under sub-clause (ii) of Clause (g) of Rule 2 of the IAS (Recruitment) Rules 1954 read with sub-clause (2) of Clause (j) of sub-regulation 2 of IAS (Appointment by promotion) Regulation 1955, although the aforesaid rules does not in any way contemplate that the approval of the Govt. of India is required. The Govt. of India therefore did not apply its mind and approved the same although when approval for recognition of M.P.S. as feeder service was sought by the Govt. of Meghalaya, it clarified the legal position and by giving correct interpretation of rule 2(j) (ii) of the I.P.S. (Appointment by promotion) Regulation, 1955, stated that such recognition of the Govt. of India is not necessary vide their letter dated 23.2.90 (Annexure - 'N' to the Application).

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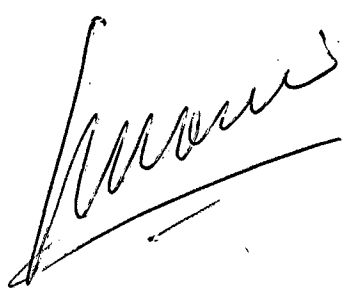


A copy of the letter dated 23.7.85 is annexed hereto as Annexure - 'D' to this application.

6.10. That the aforesaid letter dated 23.7.85 recognising M.C.S. as State Civil Service therefore led the Govt. of Meghalaya, or for that matter the Joint Cadre Authority (as would appear from Annexure - 'F' letter dated ~~22~~ 27.8.87) to believe that similar recognition in respect of M.P.S. would also be required for the purpose of promotion to the I.P.S. The Govt. of Meghalaya, therefore continued to make a series of correspondences with the Govt. of India for necessary approval in this regard and it is only their letter dated 23.2.90 by which they clarified the position. The applicant therefore could not approach the Hon'ble Tribunal earlier for proper relief.

6.11. That the applicant states that although many of the M.P.S. officers including the applicant were eligible for promotion to the I.P.S. against the vacancies earmarked for Meghalaya Wing of the Joint Cadre of Assam-Meghalaya, yet the Govt. of Meghalaya took no steps to forward their names before the Selection Committee on the mistaken belief that the State Police Service is required to be recognised as a feeder service by the Govt. of India as in the case of MCS as stated above.

6.12.....



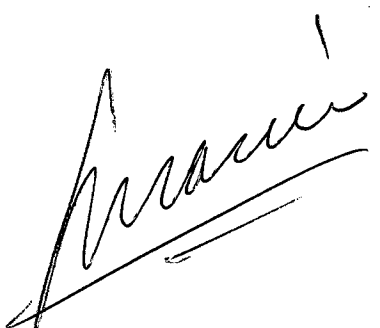
6.12. That for the aforesaid inaction on the part of the Govt. of Meghalaya, the vacancies meant to be filled up by promotion from the M.P.S. officers fixed under the Cadre Rule, were utilised by the Govt. of Assam and the applicant continued to be deprived of his due promotion to the IPS. from 1983 when he was eligible for consideration for promotion. The Govt. of India, with the concurrence of the Joint Cadre Authority, therefore appointed the APS. officers although they had no jurisdiction to make such appointment.

6.13. That the applicant states that Regulation 5 of the Indian Police Service (Appointment by Promotion) Regulation, 1955 provides as follows :-

5. Preparation of a list of suitable officers -

1. Each Committee shall ordinarily meet at intervals not exceeding one year and prepare a list of such members of the State Police Service (emphasis supplied) as are held by them to be suitable for promotion to the service. The number of members of the State Police Service included in the list shall not be more than twice the number of substantive vacancies anticipated in the course of the period of twelve

months.....



months, commencing from the date of preparation of the list, in the post available for them under Rule 9 of the Recruitment Rules, or 50 per cent of the senior posts shown against items 1 and 2 of the Cadre Schedule of each State or group of States, whichever is greater.

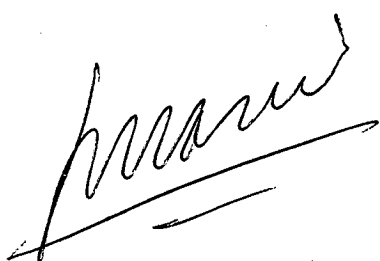
(2) The Committee shall consider for inclusion in the said list, the cases of members of the State Police Service in the order of seniority in that service of a number which is equal to three times the number referred to in sub-regulation (1).

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

Provided further that in computing the number for inclusion in the x field consideration, the number of officers referred to in sub-regulation (3) shall be excluded.

Provided also that the Committee shall not consider the case of a member of the State Police

Service.....



Service unless, on the first day of January of the year in which it meets he is substantive in the State Police Service and has completed not less than eight years of continuous service (whether officiating or substantive) in the post of Deputy Superintendent of Police or in any other post or posts declared equivalent thereto by the State Govt.

Explanation : The powers of the State Govt. under the third proviso to this sub-regulation shall be exercised in relation to the members of the State Civil Service of a constituent State, by the Govt. of that State.

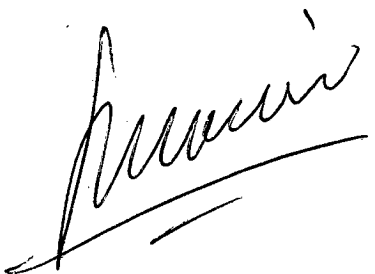
6.14. That the applicant states, that 'State Police Service' under Clause (ii) of sub-regulation (J) of Regulation 2 of the IPS. (Apptt. by Promotion) Regulation 1955 states as follows :-

(J) 'State Police Service' means -

(i) for the purpose of filling vacancies in the Indian Police Service Cadre for the Union Territories under rule 9 of the Recruitment Rules, any of the following service, namely -

(a) the Delhi and Andaman and Nicobar Islands Police Service :

(b)



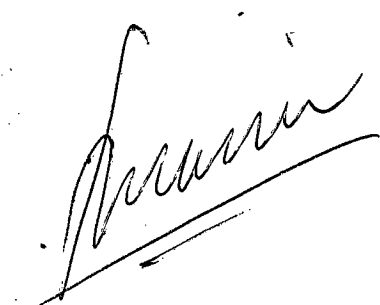
- (b) Goa, Daman and Diu Police Service,;
 - (c) Pondicherry Police service ;
 - (d) the Mizoram Police Service ;
 - (e) the Arunachal Pradesh Police Service ;
- (ii) in all other cases, the Principal Police Service of a State, a member of which normally holds charge of a sub-division of a district for purpose of police administration and includes any other duly constituted police service functioning in a State which is declared by the State Govt. to be equivalent thereto.

6.15. That the applicant states that 'State Government' under Regulation 2(K) of the IPS. (Apptt. by Promotion) Regulation, 1955 defines as follows :

(K) State Govt. means :-

- (i) in relation to a State in respect of which a separate Cadre of the service exists, the Govt. of such State; and
- (ii) in relation to a group of State in respect of which a Joint Cadre of the Service is constituted, the Joint Cadre Authority ; (emphasis supplied);

(iii)



(iii) in relation to a group of Union Territories in respect of which a Joint Cadre of the Service is constituted, the Central Govt.

(L) All other words and expression used in these regulations but not defined shall have the meaning respectively assigned to there in the Recruitment Rules.

6.16. That the applicant states that Rule 2 and 4 of the All India Services (Joint Cadre) Rules, 1972 defines a "Joint Cadre Authority" for the constituent States as follows :-

2(a) "Joint Cadre Authority" means the Committee of Representatives referred to in rule 4.

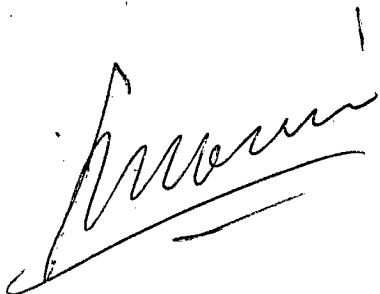
(b) 'Constituent States' means the States in respect of which a Joint Cadre is formed.

4. Committee of representatives :-

(1) There shall be a Committee consisting of a representative of each the Governments of the Constituent States to be called the Joint Cadre Authority.

(2) The representative of the Governments of the constituent States may either be members of an All India Service or Ministers

in the.....



in the Council of Ministers of the Constituent States, as may be specified by the Governments of the Constituent States.

6.17. That the applicant states that Rule 5 of the All India Services (Joint Cadre) Rules, 1972 reads as follows :

5. Duties and function of the Joint Cadre Authority.

(1) The Joint Cadre Authority shall determine the names of the members of the All India Services, who may be required to serve from time to time in connection with the affairs of each of the Constituent States and the period or periods for which their services shall be available to the Government.

(2) Where there is a disagreement on any matter among the members of the Joint Cadre Authority, the matter shall be referred to the Central Government for decision and the Governments of the Constituent States shall give effect to the decision of the Central Government.

6.18. That the applicant states that from a conjoint reading of Regulation 5 and regulation 2(J)(ii) of the I.P.S. (Appointment by Promotion) Regulation, 1955, and rule 2, 4 and 5 of the All India Service Joint Cadre Rules, 1972, it would appear that any member who is

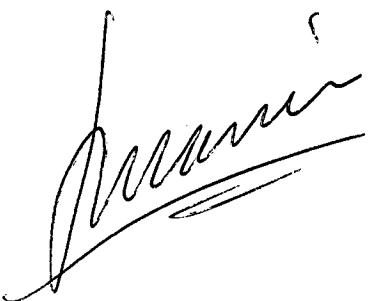
substantive.....



substantive in the State Police Service and has completed 8 years of continuous service as Deputy Superintendent of Police would be entitled for consideration for promotion to the I.P.S. and since the M.P.S. which is created under the M.P.S. rules, 1976 has all the ingredients of a State Police Service being the Principal Police Service of the State, it requires no approval either of the Govt. of India or from the State Govt. for declaration of the M.P.S. as State Police Service and it automatically becomes the feeder service for promotion to the I.P.S. This legal position was clarified by the Govt. of India in their letter No. I-11013/1089-1 PS-1 dated 23.2.90 (Annexure - 'N') addressed to the Chief Secretary to the Govt. of Meghalaya, Shillong.

The applicant further states that the declaration of the State Govt. /Joint Cadre authority is necessary only in case of 'any other duly constituted Police Service' in the State which are not the Principal Police Service of the State and the Govt. of India's letter No. MHA.28/38/64-AIS(iii) dated 5.1.65 provides that a State Govt. (Joint Cadre authority) is competent to declare any duly constituted Police Service in the State as equivalent to the Principal Police Service of the State for the purpose of regulation 2(j) and 2(g) of the I.P.S. (Recruitment) Rules, 1954. It would be pertinent to mention here that

under.....



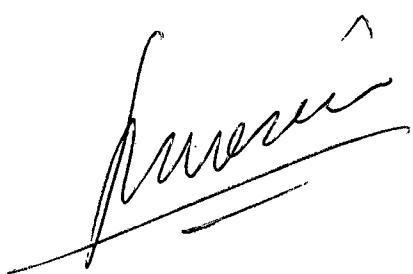
• under Rule 5(2) of the All India Service (Joint Cadre) Rules, 1972 decision of the Govt. of India is required to be sought only in case of disagreement on any matter among the members of the Joint Cadre Authority.

6.19. That the applicant states that the Govt. of Meghalaya continued to ignore his case from 1983 and did not forward the name of the applicant, to the Selection Committee for consideration and was unnecessarily seeking approval of the Govt. of India for recognition of MPS. as Feeder Service for promotion to the IPS. The details of the letters/correspondences made in this regard between 1986 and 1992 are given below in seriatim.

6.20. That on 6.2.86 the Asstt. Inspector General of Police (Admn.) Meghalaya, Shillong vide his letter No. FM/XXVI-9/65 dated 6.2.86, requested the Govt. of Meghalaya to take up the matter with the Govt. of India for recognition of MPS. as feeder service for promotion to the IPS. Similar letter was also written by the I.G.P. Shri H.S. Chittaranjan on 4.6.86 vide his letter No. FM/XXVI-9/77/68 stating that as ~~many~~ many as 5 (five) M.P.S. Officers have already completed 8 years of service.

Copies of the letter dated 6.2.86 and 4.6.86 are annexed hereto as Annexure - "E" and "E(1)" to this application.

6.21.....



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6.21. That the Govt. of Meghalaya vide its letter No. HPL. 76/77/141 dated 27.8.87 wanted the views of the Director ~~Gen~~ General of Police, Meghalaya, Shillong with regard to the manner in which the vacancies of Meghalaya Wing of the Joint Cadre of Assam-Meghalaya of the IPS. so long utilised by the Assam Wing are to be transferred. The Govt. proposed under serial No. 3 of that proposal that -

3. 5 (five) promotion vacancies due to Meghalaya Wing and currently utilised by the Govt. of Assam may be released by the Govt. of Assam at the rate of one vacancy per year till such time that the five vacancies are fully recouped by Meghalaya Wing, from the year of recognition of the MPS. and subject to the condition that the vacancy caused under Assam Wing against the promotion quota should be more than one i.e. if only one vacancy is caused in a particular year the Assam Govt. need not transfer the only vacancy to Meghalaya in that particular year.

A copy of the letter dated 27.8.87 with the proposal annexed thereto are annexed as Annexure - 'F' to this application.

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6.22. That the D.G.P. Meghalaya agreed with the proposal made by the Govt. as aforesaid with the modification that instead of the proposal for release of one vacancy per year by Assam it should 'one or more than one as may

be.....



be agreed to by the Joint Cadre Authority'. This suggestion of the D.G.P. Meghalaya was communicated vide A.I.G.(A) letter No. FM/XXVI-3/79/Vol.III/84 dated 18.9.87.

A copy of the letter dated 18.9.87 is annexed as Annexure - 'G' to this application.

6.23. That the applicant states that since there arose a feeling of deprivation and discrimination among the minds of general tribals, the question was mooted in the State Assembly in the Autumn Session of the 1988 State Assembly, but that did not attract attention of either the Central or the State Govt. and the matter remained unresolved.

6.24. That the Joint Cadre Authority however held its meeting on 20.4.89 and approved the M.P.S. as Feeder Service for appointment of the M.P.S. officer to the I.P.S. by promotion, though such recognition was not necessary in respect of the M.P.S. officers since the service of applicant, in the M.P.S. has already been incorporated under Rule 3(b) of the Meghalaya Police Service Rule 1976 and in Principal Police Service of the State Fulfilling the requirement of Rule 2(J) (ii) of the Regulation making him eligible for appointment to the I.P.S. under Regulation 5 of the said Regulation.

Copy of the extract of the minute of the meeting of the Joint Cadre Authority, held on 20.4.89 is annexed as Annexure - 'H' to this application.

6.25.....



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6.25. That on 15.7.89 the Govt. of Meghalaya forwarded a letter dated 12.5.89 from the Secretary, U.P.S.C. and requested the D.G.P. Meghalaya to furnish the information in respect of the 1975 batch of M.P.S. officers for placing the same before the Selection Committee for promotion to the I.P.S. and further intimated that the Joint Cadre Authority has approved the M.P.S. as a feeder service for promotion to the I.P.S.

A copy of the letter dated 15.7.89 is annexed as Annexure - 'I' to this application.

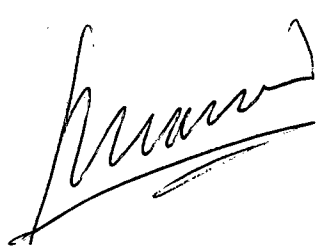
6.26. That in the meantime the Govt. of Meghalaya vide its letter No. 9.8.89 to the Govt. of India forwarded minutes of the J.C.A. details of the agreement between Govt. of Meghalaya and Assam and M.P.S. Rule 1976 to the Govt. of India and requested to approve the proposal to recognise the M.P.S. as Feeder Service for promotion to I.P.S.

A copy of the letter dated 9.8.89 is annexed as Annexure - 'J' to this application.

6.27. That the Govt. of Meghalaya again on 6.9.89 requested the D.G.P. Meghalaya to furnish information sought for onward transmission to the UPSC. for promotion of M.P.S. officers to the I.P.S.

A copy of the letter dated 6.9.89 is annexed as Annexure - 'K' to this application.

6.28.....



6.28. That pursuant to the aforesaid letters of the Govt. the DIG(A) Meghalaya forwarded the name of the applicant along with the names of the M.S. Syiem with necessary particulars to the Govt. The letter further intimated that the number of vacancy in the promotion quota of the IPS. for Meghalaya Wing of the Joint Cadre of Assam-Meghalaya is 8 (eight).

A copy of the letter dated 17.9.89 is annexed as Annexure - 'L' to the application.

6.29. That the applicant states that the Govt. of Meghalaya again on 31.10.89 requested the Govt. of India to approve the M.P.S. as Feeder Service for appointment to the I.P.S. This letter has again halted the process of his selection in 1989.

A copy of the letter dated 31.5.89 is annexed as Annexure - 'M' to this application.

6.30. That on 23.2.90, the Govt. of India in response to the letter dated 31.10.89 of the Govt. of Meghalaya, has intimated that if the M.P.S. fulfils the condition laid down in rule 2(J) (ii) of the I.P.S. (Appointment by Promotion) Regulation, 1955, which defines feeder service as principal service of the State, it would automatically become the feeder service and the recognition of the Govt. of India is not be necessary (emphasis supplied).

A copy.....



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A copy of the letter dated 23.2.90 is annexed as Annexure - 'N' to this application.

6.31. That the Govt. of Meghalaya thereafter by an apparent misinterpretation of Govt. of India's letter dated 23.2.90, issued a notification declaring M.P.S. as State Police Service under Sub-clause (ii) of Clause (g) of Rule 2 of I.P.S. (Recruitment) Rule 1954 read with sub-clause (ii) of Clause (j) of sub-regulation (1) of Regulation 2 of I.P.S. (Appointment by Promotion) Regulation, 1955. The notification dated 5.4.90 further laid down terms and condition for sharing of vacant posts for Meghalaya Wing between Assam & Meghalaya.

A copy of the notification dated 5.4.90 is annexed hereto as Annexure - 'O' to this application.

6.32. That the U.P.S.C. thereafter by its letter dated 6.8.90 had requested the Govt. of India to intimate them as to whether the Cadre strength between Assam-Meghalaya has been bifurcated and also whether a Selection Committee meeting could be convened in respect of Meghalaya Wing and by sending a copy of the aforesaid letter dated 6.8.90 to the Govt. of Meghalaya, and further wanted a self-contained proposal for convening a meeting of the Selection Committee, along with requisit documents and upto date CRs. to be sett to the Commission.

A copy.....



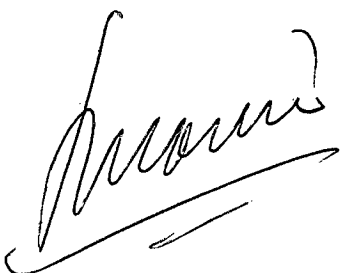
48

A copy of the letter dated 6.8.90 is annexed as Annexure - 'P' to this petition.

6.33. That on 24.10.90 the Govt. of Assam vide letter No. HMA.51/88/30 had informed the Govt. of Meghalaya to utilise the vacancy of Sri P.Kar, I.P.S. who retired with effect from 1.4.90.

A copy of the letter dated 24.10.90 is annexed as Annexure - 'C' to the ~~pe~~ application.

6.34. That the applicant states that there were altogether 7 (seven) vacancies on and from 1983 against the Meghalaya Wing of the IPS. Joint Cadre of Assam-Meghalaya, but the Govt. of Meghalaya took no steps to forward names of the M.P.S. officers before the Selection Committee and Selection Committee which met during 1989 and in 1990 considered the cases of the following Assam Police Service (APS. in short) officers only who were all juniors to the applicant in the rank of Dy. S.P. and the applicant was deprived of his legitimate promotion to the I.P.S. The said officers were subsequently promoted to the I.P.S. on the date as shown below :



<u>Names of the A.P. S. Officers.</u>	<u>Appointed as Dy.SP.on.</u>	<u>Apptt. to IPS.</u>
1. Shri A.K.Nath, Dy. SP., Assam.	1.2.76.	6.2.90.
2. Shri N.M.Dutta, Dy. SP., Assam.	1.2.76.	11.3.91.
3. Shri P.D.Goswami, Dy. SP., Assam.	1.2.76.	1.3.91.

6.35. That ultimately the Selection Committee met on 12.3.91 and considered the case of the applicant for promotion to the I.P.S. and the following officers including the applicant were selected, though they were entitled for promotion much earlier -

(1) Sri M.S.Syiem.

(2) Sri S.G.Mamin.

6.36. That in pursuance of the aforesaid selection by the Selection Committee, the applicant was promoted to the I.P.S. on 21.2.92, though he was entitled to be promoted during 1983 on completion of 8 (eight) years of service as Dy. S.P. with State Cadre. The letter dt. 21.2.92 is annexed as Annexure - 'R' to this application.

6.37. That the applicant states that the Govt. of India thereafter by its letter No. 1-11010/17/92-IPS-1 dated 5.10.92 fixed the year of allotment 8 (eight) APS. officers which includes the names of the following APS. officers who were all juniors to the applicant in the State Police Service (SPS) Cadre :



<u>Name of APS.Officers.</u>	<u>Date of appointment as Dy. S.P.</u>	<u>Date of appointment to IPS.</u>	<u>Year of allotment.</u>
1. Sri A.K.Nath.	1.2.76.	6.12.90.	1986.
2. Sri N.K.M. Dutta.	1.2.76.	1.3.91	1986.
3. P.D. Goswami.	1.2.76.	1.3.91.	1986.

. . . A copy of the letter dated 15.10.94 is annexed as Annexure - 'S' to this application.

6.38. That applicant states that since his delayed promotion into the I.P.S. was not attributable to him and it was only because of the laches on the part of the Govt. of Meghalaya and the inaction of the Govt. of India which the appointing authority, he was legitimately expecting that the Govt. would act fairly and would either issue necessary direction to convene a meeting for review of the select lists prepared by it from 1983 to 1991 during which the applicant was eligible for promotion to the IPS. under its power of review or at least fix his year of allotment in a position earlier to Respondent No. 6 to 8 who were promoted to the I.P.S. from the State Cadre of Assam and are juniors to him as Dy. S.P., by giving appropriate weightage towards fixation of his year of allotment by relaxing Rule 9 of IPS. (Appointment by Promotion) Regulation 1955 or any other rule/regulation deeming him to be promoted

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prior to 1990 and fix his year of allotment and seniority in the appropriate place before his juniors in exercise of the power conferred on the Central Govt. under Rule 3 of the All India Service (Condition of Service-Residuary matters) Rules 1980 since it is a case of undue hardship to the applicant. But the Govt. had treated his case very unfairly and unreasonably and by its letter No. I-15016/37/92-IPS-I dated 10.8.93 fixed his year of allotment in the year 1987 under Rule 3(ii) of the I.P.S. (Regulation of Seniority) Rules, 1988 by calculating the weightage from 1992 in an unjust and unfair manner and consequently he was made junior to the private respondents in the gradation list.

A copy of the letter dated 10.8.93 and a copy of the seniority list are annexed as Annexure - 'T' and T(1) to this application.

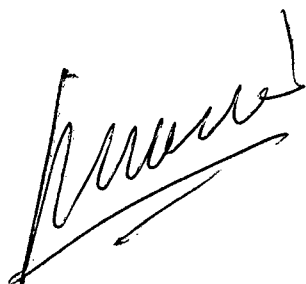
6.39. That the applicant states that the Selection Committee, which met on 1983 (21.12.83), 1984, 1985 (30.12.85), 1986 (30.12.86), 1987 (17.12.87), 1988 (29.12.88 and 30.12.88), 1989, 1990 and 1991 (22.3.91) did not consider the case of the applicant even when he was entitled to be considered under Regulation 5 of the I.P.S. (Appointment by Promotion) Regulation, 1955 and as such the above selection were done improperly being done

in violation.....



in violation of the above regulation. The applicant therefore is entitled to be considered in those selection through a review and antedate his appointment in the year first he is found suitable from 1983 to 1991. The applicant deems it proper to mention here that in a case filed by Shri H.L.Dev, I.P.S. SP/A.C.B, Assam, in O.A. No. 83/94 before this Hon'ble Tribunal, the Hon'ble Court was pleased to hold that the applicant Shri Dev should be deemed to have been included in the select list of 1983 when his name was not included in that year because of some adverse remarks in his A.C.Rs. which were later on impugned. As S.L.P. was however taken before the Hon'ble Supreme Court against this decision of the Hon'ble Tribunal and the Hon'ble Supreme Court, by modifying the order passed by the Hon'ble Tribunal, directed the Govt. to reconsider the case of the applicant Shri Dev by convening a review selection Committee meeting for the year 1983 and in compliance with the above direction the U.P.S.C. conducted a review of the above selection and the Committee having found him suitable selected him and ultimately Govt. antedated his appointment from 1992 to 1984 in the Joint Cadre of Assam-Meghalaya vide Govt. of India's Notification No. HMA.250/94/129 dated 29.5.96. The applicant therefore states that the Govt. has power to review the selection made during 1983 to 1991 and

he is.....



he is entitled for a similar direction from the Hon'ble Court.

The applicant further states that since the Govt. of India's letter dated 23.7.85 (Annexure - 'D') recognising M.S.C. as State Civil Service confused everybody and the Govt. of Meghalaya also gave out that such recognition is necessary in case of M.P.S. which is in pari-materia with the M.C.S. the applicant could not approach the Hon'ble Tribunal earlier and had to wait for a specific order from the Govt. of India.

A copy of the order dated 29.5.96 is annexed hereto as Annexure - T-2 to this application.

6.40. That the applicant states that he has a right to be considered for promotion to I.P.S. in the 1983 to 1991 select list and because of the inaction on the part of the Govt. those respondents were placed above the applicant in the seniority list resulting total miscarriage of justice. His right to career advancement is therefore put in jeopardy since with 1967 as his year of allotment, he can at best retire as Selection Grade I.P.S., while the Respondent No. 6 to 18 would score a march over him and rise upto the rank of I.G.P. if not D.G.P. in the Assam-Meghalaya Joint Cadre.

6.41. That the applicant states that Rule 3 of the All India Services (Condition of Service - Residuary Matters) Rules 1960 provides as follows :

3. Power to relax rules and regulation in certain cases:- Where the Central Govt. is satisfied that the operation of -

- (i) any rule made or deemed to have been made under the All India Service Act, 1951 (61 of 1951), or
- (ii) any regulation made under any such rule, regulating the condition of service of persons appointed to an All India Service courses under hardship in any particular case, it may, by order, dispense with or relax the requirements of that rule or regulation, as the case may be, to such extent and subject to such exception and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

6.42. That when a question arose regarding the extent of the powers vested in the Govt. under rule 3 of the AIS (Condition of Service - Residuary Matters) Rules, 1960, to deal with the cases involving relaxation of rules and regulation, the Govt. of India vide M.H.A. letter No. 30/1/63-AIS (11) dated 1.1.66 have held that -

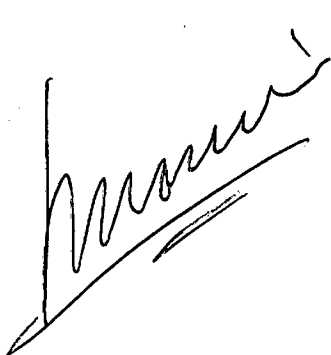
(a) undue.....



- (a) undue hardship signifies unforeseen or unmerited hardship to an extent not contemplated when the rule was framed and does not cover any ordinary hardship or inconvenience which normally arises.
- (b) the relaxation should enable the case to be dealt with in a just and equitable manner and not on grounds of compassion however justified ; and
- (c) the benefit to be conferred in relaxation of any rule or rules must be of a nature ~~x~~ already provided for in the rules ; Govt. are not empowered by this rule to confer benefits which are not contemplated in the rules.

6.43. That the applicant states that the Govt. failed to consider his case for promotion even after the Govt. of India clarified that no approval for recognition of MPS. as feeder service to IPS. was required (vide their letter dated 23.2.90 Annexure - 'N') and as a result of this inaction on the part of the Govt. of Meghalaya, the Resposat No. 6 to 8 who are junior to the applicant got selected and by virtue of their earlier selection as such and consequent promotion pursuant to that, they got 1986 as their

year of.....



year of allotment under rule 3(ii) of the seniority rules 1988. The applicant would have got earlier than that had his case been considered in the time. Since his non selection for promotion to the I.P.S. as aforesaid is directly attributable to the Govt. and not the applicant it would have been fair and just on the part of the Govt. of India to act equitably and pass necessary orders that the promotion order which he got during 1992 (Annexure - B) should be deemed to have been made prior to 1989 to place his position above Respondent No. 6 to 17 in the inter-se seniority position to meet the ends of justice. The Govt. therefore in the alternative should convene a Selection Committee meeting of the x select list prepared during 1983 to 1991 so as to place him above the private respondents in the seniority position or give more weightage by relaxing the appropriate rule for fixation of his year of allotment prior to those respondents.

6.44. That since Rule 3(11)(c) of the I.P.S. 'Regulation of Seniority Rules, 1988 provides that the weightage mentioned in sub-clause (6) of the said rule shall be calculated with effect from the year in which an officer is appointed to the service and since under the Regulation 9(1) of the I.P.S. (Appointment by Promotion) Regulation, 1955, an officer cannot be appointed to the service unless his name appeared in the select list for the time being

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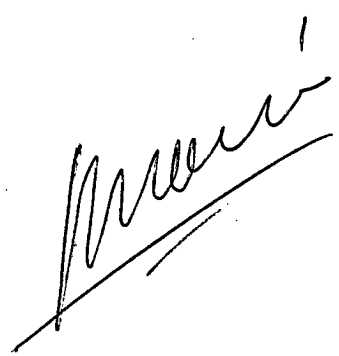


in force, justice and equity demands that the requirement to remain in the 'select list for the time being in force' appearing in the said rule for promotion to IPS. should be dispensed with and/or relaxed retrospectively so that the applicant may be deemed to be promoted prior to 1990 select list for the ends of justice, equity and fair play to keep the name of the applicant above the Respondent No. 6 to 17 who are all juniors to the applicant, if a review of the earlier select list cannot be made.

Relevant provision under Rule 9 of the Indian Police Service (Appointment by Promotion) Regulation, 1955 is extracted below :

9. Appointments to the service from the select list.
 - (1) Appointment of members of the State Police Service to the service shall be made by the Central Government on the recommendations of the State Govt. in the order in which the names of members of the State Police Service appear in the Select list for the time being in force.

6.45.....

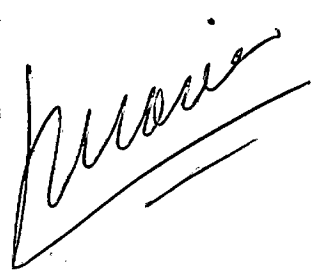


6.45. That the applicant therefore filed representation on 29.3.94 to the Govt. of Meghalaya through the Director General of Police, Meghalaya, to take up the matter with the Govt. of India to review the order of his year of allotment. The D.G.P. Meghalaya, vide his letter dated 19.5.94 by forwarding the said representation gave the details of the circumstances under which, the applicant's selection for promotion into the IPS. was considered later than A.P.S. Officers Shri A.K.Nath and others to justify the hardship caused to M.P.S. officers as stated above.

Copies of the representation dated 29.3.94 along with the forwarding letter dated 19.5.94 are annexed as Annexure - 'U' and 'V' to this application.

6.46. That the Govt. of Meghalaya thereafter vide their letter No. HPL.16/90/Pt/15 dated 15.7.94 forwarded the said representation of the applicant dated 29.3.94 to the Under Secretary to the Govt. of India (MHA) New Delhi with a request to consider the representation submitted by the applicant favourably, but the Govt. of India, by a letter dated 16.7.96, i.e. after about two and a half years rejected the said representation of the applicant dated 29.3.96 by a cryptic and non-speaking order in a most unfair and unreasonable manner. The said letter dated 16.7.95 was forwarded to the applicant by the Govt. of Meghalaya vide its letter dated 29.8.96 which the applicant received on 31.8.96.

Copies.....



Copies of the letter dated 15.7.94 and dated 16.7.96 and the forwarded letter dated 29.8.96 are annexed as Annexure - W, W-1 and W-2 to this application.

47. That the applicant in the meantime approached the Govt. of Meghalaya a number of times but the Govt. only gave out that his case has been taken up with the Govt. of India and in fact, the Govt. of Meghalaya vide its letter No. HPL.16/90/Pt/42 dated 18.5.95 requested the Union Home Ministry to convey necessary orders to that effect. The applicant with the hope so given by the Govt. of Meghalaya did not approach the Hon'ble Tribunal so long.

A copy of the letter dated 18.5.95 is annexed as Annexure - 'X' to the application.

6.48. That the Govt. of India ultimately after about two and a half years vide its letter dated 16.7.96 in a most unfair and unreasonable manner without giving any grounds thereon, rejected the applicant's representation dated 29.3.94, but in the meantime on 5.7.95 confirmed the applicant in the I.P.S. allocating him to the cadre of Meghalaya.

A copy of the order dated 5.7.95 is annexed as Annexure - 'Y' to this application.

7. G R O U N D S.

7.1. For that the Govt. acted illegally in not forwarding the name of the applicant before the Selection Committee of the Joint Cadre of Assam-Meghalaya during

1983 to 1991 particularly during 1989 when the Joint Cadre Authority itself approval M.P.S. as feeder service for promotion to I.P.S. (Annexure - H) and also during 1990 when the Govt. of India had also clarified that no recognition by the Govt. of India is necessary (Annexure - 'N') and as such promoting him in 1992 and consequently fixing his years of allotment in 1987 allowing his junior officers in State Police Service to supersede and/or go ahead of him in inter-se seniority position is a gross miscarriage of justice and as such the applicant is entitled legally to be promoted retrospectively to fix his year of allotment prior to Respondent No. 6 to 17.

7. For that the applicant being a victim of the administrative lapses resulting fixation of his year of allotment to IPS. later than his juniors and there being a your vested on the Govt. to relieve the applicant from the undue hardship caused to him because of the rigour of a rule, by making appropriate relaxation thereto, fixation of his year of allotment in 1987 as against 1986 to his junior was unfair, unreasonable, irrational and against ~~and~~ the principle of equity and justice and fair play in action.

7.3. For that the right to equal opportunity in public employment guaranteed under Article 16 of the Constitution of India also carries with it the right to one's career

advancement.....



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advancement, and as such fixation of the year of allotment of the applicant later than his juniors for reasons directly attributable to them amounts to depriving him of the right guaranteed under Article 14 and 16 of the Constitution of India.

7.4. For that the facts and circumstances of the applicants case being squarely covered by the provisions of Rule 3 of the All India Services (Conditions of Service - Residuary matters) Rules 1960 and the decision of the Govt. of India vide M.H.A. letter No. 30/1/63-AIS(11) dated 1.1.66 incorporated below that rule the Respondent Govt. should have acted fairly and granted the relief to the applicant to safeguard his chance of moving on the promotional ladder.

7.6. For that, the settled principle being that no rule of order which is meant to benefit employees should normally be construed in such a manner as to work hardship and injustice specially when its operation is automatic and if any injustice arises owing to a cause attributable to the Govt. itself, then the primary duty of the Govt. or other authority is to resolve it in such a manner that it may avoid any loss to one without giving undue

advantage.....



advantage to other. But contrary to above, the Govt. constructed the relevant rules and regulations in a manner prejudicial to the interest of the applicant and giving undue advantage to the members of the APS. who are all juniors to him. The order dated 10.8.93 fixing his seniority is therefore not tenable in law and is liable to be reviewed to give proper benefit to the applicant.

7.7. For that equity, justice and public interest demanded, that the Govt. ought to have relieved the applicant from the frustration and disappointment emanating from an unforeseen and unpredictable situation beyond his control by relaxing application of Rule 9 retrospectively and/or any other rule which is causing undue hardship in his case since no rule can be construed to be so exhaustive so as to defeat their very object aimed at by the rule itself namely efficiency in public administration and to ensure that the rules for promotional channel has been provided, but the Govt. without application of its mind went strict into the rule causing inequity, injustice, disappointment, frustration and heart-burn of the applicant.

7.8. For that the order dated 16.7.96 passed by the Govt. of India rejecting the applicant's representation after about two and a half years by a non-speaking order and in a most casual manner is unfair, unreasonable, irrational and is liable to be set aside.

7.9. For that the Govt. of India has passed the impugned order dated 16.7.96 without application of mind to the

relevant.....



relevant materials on record and by ignoring the rules and regulation relevant for determination of the applicant's representation dated 29.3.94 and since such public order made publicly by the Govt. cannot be supplemented by any subsequent explanation, the order itself cannot stand and is liable to be set aside.

8. Details of the remedies exhausted.

The applicant declares that this is no remedy available to him in the service rule/regulation against the impugned inaction of the Respondents and the Hon'ble Tribunal is the only remedy available to the applicant. However an application/representation against the impugned action was submitted by the applicant on 29.3.94 which was rejected by the Govt. of India after about $2\frac{1}{2}$ years i.e. on 16.7.96 without any application of mind.

9. Matter not pending with any other Court.

The applicant declares that the instant matter is not been taken to any other court of law.

10. Relief sought.

1. To declare that the applicant is deemed to be selected in the select list prepared by the Selection Committee prior to 1990 so as to get his appropriate year of allotment and seniority prior to Respondent No. 6 to 17.

OR

A direction to the Respondent No.1 to 5 for review and consider the case of the applicant for inclusion of his name in the Select lists prepared from 1983 to 1991 and fix appropriate year of allotment and seniority into the applicant's IPS. Cadre.

OR.....

OR

to direct the Respondent No. 1 to 5 to relax or dispense with the appropriate rule/regulation as may be required in exercise of the power conferred on the Central Govt. under Rule 3 of the All India Service (Condition of Service - Residuary Matter) Rules 1960 to fix the applicant's appropriate year of allotment and seniority prior to 1986.

- 2) To pass any other order/orders as to the Hon'ble Tribunal may deem fit and proper.

AND

- 3) To set aside the order dated 16.7.96 (Annexure - W-1) passed by the Under ~~Secretary~~ Secretary to the Govt. of India, M.H.S., New Delhi.

11. Interim order if any prayed :

- i) If in the meantime the Respondent No. 6 to 10 are promoted to a higher rank, the promotion shall be subject to the result of the original application filed by the applicant.
- ii) Pendency of the application may not be a bar for the Respondent No.1 to 5 to consider the prayers he made in his application.

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12. Particulars of postal order in respect of the application fee.

Postal Order No. -
Date -
Issued from -
Payable at -

13. List of Enclosure.

Documents No. to shown in Index.

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

I, Shri Skylance G. Momin, I.P.S., Superintendent of Police, West Garo Hills, Tura, do hereby solemnly affirm and verify that the contents of paragraphs 11-5, 6.11, 6.20, 6.35, 6.36, 6.39, 6.41, 6.45, 7.11-13 are true to my knowledge and those made in paragraphs 6.21, 6.34, 6.37, 6.38, 6.40, 6.46 & 6.49 are true to my information derived from the record and the rest are my humble submission before this Hon'ble Tribunal and I sign this Verification on the day of 25th March 1996, at Guwahati, Tura

Skylance G. Momin
Signatures

GOVERNMENT OF MEGHALAYA
HOME DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Shillong, the 16th December, 1975.

No.HPL-153/73/Pt.I/14-- In pursuance of the recommendation of the Meghalaya Public Service Commission, the following persons are appointed temporarily as Deputy Superintendents of Police in the scale of pay of Rs.500-35-745-EE-35-1025-EE-40-1225/- p.m. plus other allowances as admissible under the rules with effect from the date of taking over charge and until further orders and are posted to the Station noted against each:-

- | | <u>Place of posting</u> |
|--|-------------------------|
| 1. Shri Errol Christopher Majaw, - Office of the S.P., Garo Hills, Tura. | |
| 2. Shri Maitty Sword Syiem, - Office of the S.P., Jaintia Hills, Jowai. | |
| 3. Shri Skylance G. Momin, - Office of the S.P., Khasi Hills, Shillong. | |

V. Rajanishan
V. RAJANISHAN

Secretary to the Government of Meghalaya,
Home Department.

Memo.No.HPL-153/73/Pt.I/14-A, Dated Shillong, the 16 th December, 1975.

Copy forwarded to :-

- 1) The Superintendent, Govt. Press, Meghalaya, Shillong for publication in the Meghalaya Gazette. He is requested to supply this Deptt. with 10(ten) spare copies of the Notification.
- 2) The Accountant General, Meghalaya, Addl.M.S.Building, Shillong-793001.
- 3) The Inspector General of Police, Meghalaya, Shillong for information and further necessary action. This has a reference to his U/O No.MH/XVIII-8/31, dated 5-9-75 and letter No.MH/XVII-8/37, dated 22-10-75.
- 4) The Deputy Commissioner, Khasi Hills, Shillong/Jaintia Hills, Jowai/Garo Hills, Tura.
- 5) The Superintendents of Police, Khasi Hills, Shillong/Jaintia Hills, Jowai/Garo Hills, Tura.
- 6) The Deputy Commissioner(Supply), Khasi Hills, Shillong for favour of release of Shri Errol Christopher Majaw, Inspector of Supply.
- 7) The Director of Agriculture, Meghalaya, Shillong for favour of release of Shri Maitty Sword Syiem, Statistical Officer.
- 8) The District Family Planning Bureau Officer, Garo Hills, Tura for favour of release of Shri Skylance G.Momin, District Family Planning Information Officer.
- 9) The Secretary to the Governor of Meghalaya, Shillong.
- 10) The Private Secretary to the Chief Minister, Meghalaya, Shillong.
- 11) All Private Secretaries/Personal Asstts. to Ministers and Ministers of State.
- 12) The Private Secretary to the Chief Secretary to the Govt. of Meghalaya.
- 13) The Secretary to the Govt. of Meghalaya, Supply Deptt./Agriculture Deptt. and Health & F.P. Deptt. for information and necessary action.
- 14) Personal Files.
- 15) Shri Errol Christopher Majaw, Mission Compound, Mawkhar, P.O.Shillong-2, Khasi Hills District. } for information and necessary action. They
- 16) Shri Maitty Sword Syiem, Riatsanthiah, Mawkhar, P.O.Shillong-1, Khasi Hills District. } are requested to report
- 17) Shri Skylance G.Momin, District Family Planning Bureau, P.O.Tura, Garo Hills District. } for duty immediately to the Supts of Police of the districts concerned.

By order etc.,

[Signature]
Under Secretary to the Government of Meghalaya,
Home (Police) Department.

6/2/1/85
16/85

V-14/1-85

Annexure 'B'

41-

- Copy -

GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPTT.

ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Shillong, the 23rd July, 1985.

No.HPL.417/75/85- Shri S.G. Momin, MPS, Deputy Superintendent of Police (DSB), Tura who was also allowed to function as Sub-Divisional Police Officer, Ampati is promoted to the Senior Scale of the MPS and on promotion is transferred and posted as Additional Superintendent of Police, East Khasi Hills, Shillong against an existing vacancy.

B.NONGKYNRIH,
UNDER SECRETARY TO THE GOVT. OF MEGHALAYA
HOME (POLICE) DEPARTMENT.

Memo No.HPL.417/75/85-A, Dated Shillong, the 23rd July, 1985.

Copy forwarded to:-

1. The Special Secretary to the Governor of Meghalaya, Shillong.
2. P.P.S. to Chief Minister, Meghalaya, Shillong.
3. P.S. to Minister, Home etc., Meghalaya, Shillong.
4. The Special Assistant to Chief Secretary, Meghalaya, Shillong.
5. The Inspector General of Police, Meghalaya, Shillong.
6. The Accountant General (Accounts/Audit), Meghalaya, Shillong.
7. The Deputy Commissioner, East Khasi Hills, Shillong.
8. The Deputy Commissioner, West Garo Hills, Tura.
9. All Superintendent-s of Police.
10. The Director of Printing & Stationery, Shillong for publication in the Gazette.
11. The Officer concerned.
12. Personal file/Guard file.

By order etc.,
Sd/-

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

Memo No.FM/XXII-84/76/46-A Dated Shillong, the 26th July, 1985.

As directed, copy forwarded for information & necessary action to the:-

1. The Spl. Inspector General of Police, Meghalaya, Shillong.
2. The Dy. Inspector General of Police, SB/CID., Meghalaya, Shillong.
3. The Dy. Inspector General of Police (Re-orgn.), Meghalaya, Shillong.
4. The Dy. Inspector General of Police (Range/Trg), Meghalaya, Shillong.
5. The Superintendents of Police, East Khasi Hills, Shillong/West Khasi Hills, Nongstoin, Jaintia Hills, Jowai/East Garo Hills, Williamnagar, West Garo Hills, Tura.
6. The Commandants, 1st MLP Bn., Shillong/2nd MLP Bn., Tura.
7. The Principal, Police Training School, Shillong.
8. The Superintendent of Police (C), Meghalaya, Shillong.
9. Shri S.G. Momin, MPS, Dy. Superintendent of Police, DSB, Tura.

SP	
DY. SP.	
DY.	
H.	
C.	
AC	
II.	
Inspector	
R. O. T	
S.O. (T)	

Office of the Superintendent of Police
8 AUG 1985
TURA

Asstt. Inspector General of Police (A),
Meghalaya, Shillong.

Copy - ① RO(T) for D.O.
② 131(T) for information

30/8/85

Amr... 21.

- 42 -

D.O. No. C 21/7 S/VBL-15/86

3rd February '95.

My dear

Please accept my hearty congratulations for the award of Indian Police Medal for meritorious services on the occasion of Republic Day, 1995.

I hope & wish that you will earn more such laurels in future also.

Yours sincerely,

(D.N.S. SHRIVASTAVA)

Shri S.G. Momin, IPS,
Commandant,
2nd MLP Battalion,
Goeragre.



(C)
- 43 -

SHRI M.I.S.IYER, IPS, 9
DIRECTOR GENERAL
AND
INSPECTOR GENERAL OF POLICE
MEGHALAYA, SHILLONG

D. O. No.

21/88/31

The

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My dear

My

The visit of the Prime Minister on the 27th and 28th January '88, to Meghalaya on his electioneering tour and stay at Tura went off without any incident and the arrangements made for law and order and security were of very high order. At the end of the tour of Meghalaya, the Prime Minister had conveyed his appreciation for the very good work done by all Officers and men connected with law and order and security arrangements in Meghalaya to the Union Minister for Surface Transport. The Union Minister conveyed the appreciation of the Prime Minister to the Chief Secretary and to me personally, and I am very happy to convey these words of appreciation from the Prime Minister for the very good work done by the Officers and men deployed on duties during these days. I would like to add my own thanks and appreciation for the excellent way in which you had supervised arrangements and managed the men and materials during this occasion.

Please convey the appreciation of the Prime Minister, the Union Minister and myself to all subordinate officers and men who work under your command.

With very good wishes.

(M.I.S.IYER)

Shri S.G.Momin, MPSI,
Superintendent of Police,
Jaintia Hills,
Jowai.

Dt.....

H. A.

Acctt.

H. m.

V. D. P.

R. S. L.

R. O.

M.T.O.

Q.M.

D.S.B.

S.O.

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CONFIDENTIAL



D.O. No. C 27/73/606-I/P2/199

SHRI D.N.S. SHRIVASTAVA, IPS,

DIRECTOR GENERAL

AND

INSPECTOR GENERAL OF POLICE
MEGHALAYA, SHILLONG

14 NOV 1994

The 7th NOV 1994

My dear Momin

I take this opportunity of placing on record my deep appreciation for excellent work done by you in connection with apprehension of wanted activists of an underground outfit of Garo Hills Districts. Due to pressure mounted by Police under your leadership the entire outfit had no alternative but to surrender to the Police to face trials before the Courts of Law. The commendable commitment, devotion & dedication shown by you in discharge of your duty have been appreciated by the Government.

I hope you will continue to work in the same spirit in future too. A copy of it is being placed in your ACR Folder.

With good wishes,

Yours sincerely,

(D.N.S. SHRIVASTAVA)

✓
Shri S.G. Momin, IPS,
Commandant,
2nd MLP Battalion,
GOERAGRE.

45- ANNEXURE-D

ANNEXURE - I

No.14015/45/79-AIS (I)
Govt. of India, Ministry of Personnel & Training,
Adm. Reforms and Public Grievances and Pension
(Deptt. of Personnel & Training).

.... New Delhi, the 23rd July, 1985.

To The Chief Secretary to the Govt. of Meghalaya,
Shillong.

Sub : Meghalaya Civil Service-Approval as State Civil Service-
for purposes of I.A.S. (Recruitment) Rules, 1954 and I.A.S.
(Appointment by Promotion) Regulations, 1955.

Sir,

I am directed to say that the proposal of the Govt. of Meghalaya for recognition of the M.C.S. as a State Civil Service for the purposes of recruitment to the IAS in terms of the provisions of the IAS (Recruitment) Rules, 1954 and the IAS (Appointment by Promotion) Regulations, 1955 has been considered. The Joint Cadre Authority of the Assam and Meghalaya joint cadre of IAS had recommended approval of the M.C.S. as a State Civil Service. They had also proposed that the Governments of Assam and Meghalaya may jointly arrive at a decision on matters connected with the recognition of the M.C.S. The Govts of Assam and Meghalaya have, after consultations with each other and with the Govt. of India informed that the connected issues have been decided to be settled in the following manner.

1. All the A.C.S. officers serving in Meghalaya shall be absorbed in the Meghalaya Civil Service.
2. The promotion quota of the joint cadre will be apportioned between the two States in proportion to the senior duty posts in the respective Wings from time to time.
3. The future vacancies in promotion quota in each of the two wings will be filled by promotion from among the respective State Civil Service officers.
4. The five promotion vacancies due to the Meghalaya Wing, and currently utilised by the Govt. of Assam will be released by that Govt. at the rate of one per year, beginning from 1985.
5. If any promoted officer, as mutually agreed to between the two Governments, is to be transferred from Assam to Meghalaya during 1985-1989, such officer will be adjusted against the five promotion vacancies to be released in favour of Meghalaya.
6. If any officer promoted to the IAS from A.C.S. or from M.C.S., is transferred from Meghalaya to Assam or from Assam to Meghalaya, then Meghalaya or Assam will take in exchange another promoted officer from the other State or as mutually agreed to.
7. In course of next five years, commencing from 1985 if any non-State Civil Service officer of the Govt. of Meghalaya is appointed /against intended to IAS in the Meghalaya Wing, the same would be adjusted/ the five promotion posts to be released in favour of Meghalaya Wing from 1985 onwards.

2. In view of the above, I am directed to convey the approval of the Govt. of India, under sub-clause (ii) of Clause (g) of Rule 2 of the IAS (Recruitment) Rules, 1954, read with sub-clause (2) of Clause (j) of sub-regulation (1) of Regulation 2 of the IAS (Appointment by Promotion) Regulations, 1955 to the Meghalaya State Civil Service as a "State Civil Service" for the purposes of recruitment to the Indian Administrative Service.

Yours faithfully,

Sd/-

(BABU JACOB)
Director.

ANNEXURE-~~D~~ (165) 46-

OFFICE OF THE INSPECTOR GENERAL OF POLICE:MEGHALAYA:SHILLONG.

Letter No. FM/XXVL-9/65

Shillong, the 6th

February 1986.

From

Shri S. Prasad, I.P.S.,
Assistant Inspector General of Police (Admn),
Meghalaya, Shillong.

To

The Special Secretary to the Govt. of Meghalaya,
Home (Police) Department, Shillong.

Subject:- M.P.S. AS FEEDER SERVICE FOR I.P.S.

Sir,

As directed, I am to state that as at present, only A.P.S. is recognised as feeder service for the purposes of I.P.S. (Appointment by promotion). Regulation 1955, After creation of the State of Meghalaya, Government have created M.P.S. with effect from the year 1976. The first batch of officers recruited under M.P.S. have already completed more than 8 years of service in the cadre. And hence, many of them may be eligible for inclusion in the Select List for I.P.S. However, this shall obviously require M.P.S. to be recognised as feeder service at par with A.P.S. for the purposes of above mentioned Regulation. Here, it may be pointed out that as at present we do not have any S.P.S. Officers from Meghalaya on the Select List. The vacancy caused due to retirement of Shri J.C. Mawrch, is also likely to be utilised by Assam Wing of the joint cadre for filling up the quota of S.P.S. Officers, unless steps are immediately taken to get M.P.S. recognised for the above purpose.

In the circumstances, it is requested that immediate steps may be taken to move Government of India for getting M.P.S. recognised as feeder service.

Yours faithfully,

Assistant Inspector General of Police (Admn),
Meghalaya, Shillong.

C. / i. EP.....

(Copy to file No. FM/XIX-5/of 76 - M.P.S. Rules for record).

OFFICE OF THE DIRECTOR GENERAL OF POLICE, MEGHALAYA;
SHILLONG

NO. FM/XXVI-9/77/68,

Dated Shillong, the 4th June, 1986.

From:-

Shri H.S. Chittaranjan, IPS,
Inspector General of Police, (Admn.),
Meghalaya, Shillong.

To:-

The Secretary,
Home (Police) Department,
Govt. of Meghalaya, Shillong.

Subject:- M.P.S. AS FEEDER SERVICE FOR I.P.S.

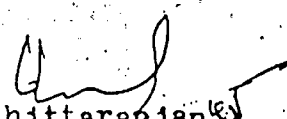
Reference:- This office letter No. FM/XXVI-9/65
dated 6th February, 1986.

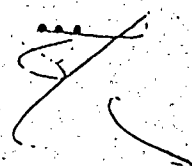
Sir,

I am directed to invite your kind attention to the above cited reference and to request that immediate steps may be taken to move Government of India for getting "M.P.S. recognised as Feeder Service to the I.P.S. It may be mentioned that as many as 5 (five) M.P.S. Officers have completed 8 (eight) years of service and it is time that some of them atleast get into the Selection List for the I.P.S.

Early action may kindly be taken up in the matter.

Yours faithfully,


(H.S. Chittaranjan)
Inspector General of Police, (Admn.),
Meghalaya, Shillong.



ANNEXURE-F

CONFIDENTIAL
MOST IMMEDIATE

GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT

SECRET

NO.HFL.76/77/141, Dated Shillong, the 27th August, 1967.

From :- Shri B.Nonglynrih,
Deputy Secretary to the Govt. of Meghalaya.
To :- The Director General & Inspector General of Police,
Meghalaya, Shillong.
Subject :- Recognition of Meghalaya Police Service as a feeder
service for promotion to the IIS.

Sir,
I am directed to send herewith a Note on Recognition
of MPS as a feeder service for promotion to the IIS and to request that
your views on portion marked 'X' thereof may please be furnished to
Govt. urgently.

Yours faithfully,

Deputy Secretary to the Govt. of Meghalaya,
Home (Police) Department

SECRET

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Recognition of Meghalaya Police Service as a feeder
service for promotion to the IFS.

In the Joint IFS cadre of Assam-Meghalaya, there are 27 promotion posts against which State Police Service Officers are promoted under the IFS (Appointment by Promotion) Regulations, 1955. According to the cadre strength out of these 27 posts, 21 posts are meant for Assam wing and 6 posts for Meghalaya wing. However, upto now all the 27 posts are filled up by promotion of Assam Police Service Officers. It also appears that all these promotion posts are filled up at present, i.e. utilised by the Govt. of Assam and only one promoted officer from Assam Police Service viz., Shri B.A. Khongman, IFS-SPS, is serving under the Meghalaya wing. The above position is due to non-recognition of the Meghalaya Police Service as a feeder service for promotion to the IFS.

Since the constitution of the Meghalaya Police Service in 1976 this State Govt. have taken up the question of recognition of the Meghalaya Police Service with the Joint Cadre Authority from time to time, but the question could not be settled upto now. The Joint Cadre Authority, in its meeting held on 18.5.85 observed that since the recognition of the MCS is not at the final stage awaiting approval of the Govt. of India, it is felt that there would not be any difficulty to recognise the other services like M.F.S. or M.P.S. as feeder service to the respective All India Service. The Govt. of Meghalaya, however, will prepare a working paper for both the services for discussions.

The Govt. of Meghalaya recruited its first batch of officers in the M.P.S. in 1975 and as such by now these officers are eligible for consideration for promotion to the I.P.S. However, the M.P.S. has not yet been recognised as feeder service for promotion to the IFS, it is not possible to take up their cases for promotion to the IFS and so long the Assam Police Service officers are enjoying the share of promotion vacancies meant for Meghalaya wing also.

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: 2 :
Since all the promotion vacancies meant for Assam wing and Meghalaya wing are filled up it is also not possible for Assam Govt. to transfer the share of promotion vacancies to Meghalaya wing at a time even if the Meghalaya Police Service is recognised as feeder service to the IPS immediately. In view of the position explained above and to facilitate the recognition of the Meghalaya Police Service as a feeder service for promotion to the Joint IPS of 5 (five) promotion vacancies now utilised by the Govt. of Assam, it is proposed as below for consideration of the Govt. of Assam.

1. The promotion quota of the Joint IPS cadre may be apportioned between Assam and Meghalaya in proportion to the senior duty posts in the respective wings (i.e. senior posts under State Govt. and Central Deputation Reserve) from time to time.

2. Future vacancies in the promotion quota in each of the two wings may be filled up by promotion from among the respective State Police Service officers.

3. Five (5) promotion vacancies due to Meghalaya wing and currently utilised by the Govt. of Assam may be released by the Govt. of Assam at the rate of one vacancy per year till such time that the five vacancies are fully recouped by Meghalaya wing, from the year of recognition of the MPS and subject to the condition that the vacancy caused under Assam wing against the promotion quota should be more than one i.e. if only one vacancy is caused in a particular year the Assam Govt. need not transfer the only vacancy to Meghalaya in that particular year.

4. If any promoted officer, as mutually agreed to between the two Govts. is to be transferred from Assam to Meghalaya before the completion of transfer of five promotion vacancies envisaged above, such officer will be adjusted against the five promotion vacancies to be released in favour of Meghalaya by Assam.

5. If any officer promoted to the IPS either from AFS or from MPS is transferred from Assam to Meghalaya or from Meghalaya to Assam, then the State from where the officer is transferred will take in exchange another promoted officer from the other State or as mutually agreed to.

OFFICE OF THE DIRECTOR GENERAL & INSPECTOR GENERAL OF POLICE:
MEGHALAYA; SHILLONG.

Letter No. FM/XXVI-3/79/Vol.III/84, Dated Shillong, the 11 Sept. '87.

From : Shri W.R. Marbaniang, IPS,
Asstt. Inspector General of Police (Admn),
Meghalaya, Shillong.To : The Deputy Secretary
to the Government of Meghalaya,
Home (Police) Department, Shillong.Subject :- Recognition of Meghalaya Police Service as a
feeder service for promotion to the IPS.

Reference :- Govt. Letter No. HPL. 76/77/141, dt. 27.8.87.

Sir,

With reference to above, I am directed to inform you that the Director General of Police agrees with all the points in the portion marked 'X' except a little change at point No. 3 which should be incorporated as follows :-

3. 5 (five) promotion vacancies due to Meghalaya Wing and currently utilised by the Govt. of Assam may be released by the Govt. of Assam at the rate of one vacancy per year or more than one as may be agreed to by the Joint Cadre Authority till such time that the five vacancies are fully recouped by Meghalaya Wing from the year of recognition of the MPS and subject to the condition that the vacancy caused under Assam Wing against the promotion quota should be more than one, i.e. if only one vacancy is caused in a particular year the Assam Govt. need not transfer the only vacancy to Meghalaya in that particular year.

Yours faithfully,

Asstt. Inspector General of Police (Admn),
Meghalaya, Shillong.

EXTRACT OF MINUTE OF THE MEETING OF THE JOINT CADRE AUTHORITY HELD ON
20.4.89 IN THE OFFICE CHAMBER OF THE CHIEF SECRETARY AT SHILLONG.

Members present:

1. Shri A.P. Sarwan, I.A.S., Chief Secretary, Assam.
2. Shri V. Ramakrishnan, I.A.S., Chief Secretary, Meghalaya.

12. Recognition of MPS as a Feeder Service to IPS.

Joint Cadre Authority approved the proposal of recognition of Meghalaya Police Service as Feeder Service for appointment to the IPS by promotion.

Sd/- A.P. WARWAN,
Chief Secretary, Assam.

Sd/- V. RAMAKRISHNAN,
Chief Secretary, Meghalaya.

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54 -

ANNEXURE 46 J

REGISTERED 1/2

GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT

No. HPL. 76/71/236

Dated Shillong, the 9th August, 1989

From: Shri N. N. S. Pariat, IAS, Secretary to the Government of Meghalaya.

To: The Joint Secretary (Police),
Government of India, Ministry of Home Affairs,
New Delhi-110001.

Subject: Recognition of Meghalaya Police Service as a Feeder Service for appointment to the Indian Police Service by promotion - proposal for

Sir,

With reference to the subject mentioned above, I am directed to say that after the inception of the State of Meghalaya in 1972, the State Government was able to constitute its own State Police Service in 1975. Till then, the State have been utilising the services of the Assam Police Service Officers for the purpose of administration of law and order in the State. The State Police Service known as 'Meghalaya Police Service' was constituted in the later part of 1975 when the first batch of officers was recruited into this cadre through the State Public Service Commission. Recruitment to subsequent batches of the Meghalaya Police Service have thereafter been made from time to time.

The State Government in the later part of 1981 initiated the proposal through the Joint Cadre Authority for the recognition of the Meghalaya Police Service as a Feeder Service for appointment by promotion to the Indian Police Services. The case after having been duly processed and after proper examination was finally approved by the meeting of the Joint Cadre Authority which met on 20.4.1989. The Government of Assam have also agreed to the said proposal.

According to the Indian Police Service (Fixation of Cadre Strength) Tenth Amendment Regulations, 1989, the posts to be filled up by promotion in respect of the Joint I.P.S Cadre of Assam-Meghalaya to the I.P.S as per Schedule at present is 34 which is in the ratio 26 : 8 for Assam and Meghalaya respectively.

The undermentioned documents relating to the case for recognition of the Meghalaya Police Service as Feeder Service for appointment to the Indian Police Service by promotion as provided under the I.P.S (Appointment by Promotion) Regulations, 1955 and I.P.S (Recruitment) Rules, 1954 as required are enclosed herewith.

1. Minutes of the Joint Cadre Authority, Assam-Meghalaya.
2. Conditions agreed to by both the Government of Assam and the Government of Meghalaya.
3. Meghalaya Police Service Rules, 1976.

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I would in the circumstances request the Ministry kindly to convey their approval on the proposal to recognise Meghalaya Police Service as a Feeder Service for promotion to the Indian Police Service with necessary orders at an early date.

Yours faithfully,

Jane
Secretary to the Government of Meghalaya,
Home Department

Memo No. MPL-76/77/236-A Dated Shillong, the 9th August, 1980

Copy forwarded to:-

1. The Director, Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training), New Delhi-110001.
2. The Secretary, Joint Cadre Authority, Assam-Meghalaya and Commissioner and Secretary to the Government of Assam, Department of Personnel (Personnel-A), Dispur, Guwahati-5.
3. The Under Secretary to the Government of Assam, Home (A) Department, Dispur, Guwahati-5.
4. Personnel & A.R(A) Department for information.

By order etc.,

Jane
Secretary to the Government of Meghalaya,
Home Department

56- ANNEXURE-K (123)
MOST IMMEDIATE
GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT
000000
Pl. send reply by 15.9.89
in the form of a letter
97

NO.HPL.160/89/16,

Dated Shillong, the 6th September, 1989.

From :- Shri H.P.O'Flynn,
Under Secretary to the Govt. of Meghalaya.

To :- ✓ The Director General & Inspector General of Police,
Meghalaya, Shillong.

Subject :- Selection Committee Meeting for selection of State
Police Service Officers for promotion to the IPS.

Reference :- Letter No.HPL.160/89/6 dated 15.7.89.

Sir,

In inviting a reference to the letter cited above,

I am directed to request that the information called for in it may
please be furnished to this Department immediately as the Govt. of India
has fixed a time-schedule that the information in this regard should
reach the UPSC latest by September, 1989. The Govt. of Assam have already
sent their proposal concerning the A.F.S. Officers to the U.F.S.C.

Yours faithfully,

H.P.O'Flynn
Under Secretary to the Govt. of Meghalaya,
Home (Police) Department

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Confidential.

OFFICE OF THE DIRECTOR GENERAL & INSPECTOR GENERAL OF POLICE:
MEGHALAYA, SHILLONG.

Letter No. FM/XXVI-9/124, Dated Shillong, the 7 September, '89.

From 1- Shri Prem Singh, IPS,
Asstt. Inspector General of Police (A),
Meghalaya, Shillong.

To 1- Shri H.P. O'lyn,
Under Secretary to the Govt. of Meghalaya,
Home (Police) Department, Shillong.

Subject 1- Selection Committee Meeting for selection
of State Police Service Officers for promo-
tion to the Indian Police Service.

Reference 1- Govt. letter No. HPL.160/89/6, dt. 15.7.89.

Sir,

With reference to the above letter, I am directed to state that only 2 (two) directly recruited Meghalaya Police Service Officers of the 1975 batch are eligible for inclusion in the Select List for promotion to the Indian Police Service, namely (1) Shri M.S. Syiem, MPS, and (2) Shri S.G. Momin, MPS.

The required information/documents as per Annexure 'A' are furnished as follows:-

- (1) (a) Shri M.S. Syiem, MPS.
- (b) Shri S.G. Momin, MPS.

(2) A.C.R's of the above named officers available in this office are enclosed herewith. A.C.R's for the following periods in respect of Shri Syiem could not be furnished as the same are yet to be initiated. The Reporting Officers have been requested to initiate and submit the same early. Same will be submitted to Govt. as soon as they are received.

Name of Officer :

Period:

- 1) Shri M.S. Syiem, MPS. - (1) 3.1.87 - 23.7.87, ✓
- (2) 23.7.87 - 1.11.87. ✓

(3) The number of Senior Duty Posts borne on the Indian Police Service Cadre (Meghalaya Wing) of the Joint Cadre of Assam and Meghalaya is 17.

(4) The number of existing vacancies in the promotion quota of the Indian Police Service (Meghalaya Wing) of the Joint Cadre of Assam & Meghalaya upto 30th November, 1990 is 8 which is the total number of posts to be filled by promotion and which are now being utilised by the Assam Wing of the Cadre due to non-recognition of the Meghalaya Police Service as a feeder service. Apart from these 8 posts, there are no other anticipated vacancies for the period in question. A separate note on this is enclosed herewith at Appendix 'A'.

(5) (a) Shri M.S. Syiem, MPS. Both belong to the
(b) Shri S.G. Momin, MPS. Scheduled Tribe.

(6) Certified that their integrity has not been questioned.

(7) To be furnished by Govt.

(8) Nil.

(9) Not applicable.

(10) This concerns Home (Police) Department.

Enclo:- 'As above'.

Yours faithfully,

Asstt. Inspector General of Police (A),
Meghalaya, Shillong.

-000-1110 10/10/90

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APPENDIX 'A'

Subject :- Transfer of promotion quota from Assam to Meghalaya.

In reply to Govt. letter No.HPL.76/77/141, dated 27.8.87, it was suggested to Govt. vide this office letter No. FM/XXVI-3/79/Vol.III/84, dated 18.9.87 (copy enclosed for ready reference) as follows :-

5 promotion vacancies (now 8) due to the Meghalaya Wing and currently being utilised by Assam Government may be released by the Government of Assam at the rate of 1 vacancy per year or more than 1 vacancy as may be agreed to by Joint Cadre Authority till such time as all vacancies are recouped by Meghalaya Wing.

In view of this, it is suggested that the Government of Assam be moved for releasing 2 promotion vacancies i.e. one for the year 1988 - 89 and one for 1989 - 90.

98

60-

ANNEXURE - M (2)

IMMEDIATE

GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT

010023

NO.HPL.76/77/243,

Dated Shillong, the 31st October, 1989.

From :- Shri H.P.O'Flynn,
Under Secretary to the Govt.of Meghalaya.

To :- The Joint Secretary (Police),
Government of India,
Ministry of Home Affairs,
New Delhi - 110001.

Subject :- Recognition of the Meghalaya Police Service as a Feder
Service for appointment to the IPS by promotion-
proposal for.

Reference:- Ministry's W.T.Message No.1-11013/10/89-IPS.I dated 25.10.89.

Sir,

In inviting a reference to the Ministry's W.T.Message
cited above, I am directed to furnish herewith a copy of the proposal sent
under letter No.HPL.76/77/236 dated 9.8.89 alongwith its enclosures for
favour of obtaining Ministry's approval on the proposal.

236-237
with enclosures

Yours faithfully,

Under Secretary to the Govt.of Meghalaya,
Home (Police) Department

010023

ANNEXURE N.

No. I-11013/10/89-IPS-1
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi-110001 the 23rd Feb., 90

To

The Chief Secretary,
Government of Meghalaya,
Home (Police) Department,
Shillong

Subject : Recognition of the M.P.S. as a Feeder
Service for appointment to IPS by
promotion - Proposal for.

Sir,

I am directed to refer to your letter
No. HPL/76877/243 dated 31st October, 1989 on the
subject mentioned above and to say that the feeder
service for Indian Police Service is defined in
the sub-rule 2(j)(ii) of I.P.S. (Appointment by
Promotion) Regulations, 1955 as the principal
service of the State. In case M.P.S. fulfils
these conditions, it automatically become the
feeder service. However, it is not clear under
what rule such a recognition has been sought for.

Yours faithfully,

(T.C. CHOWDHURY)

UNDER SECRETARY TO THE GOVT. OF INDIA.

15/8

8/11/89
5/3

GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT

NOTIFICATION

145 (C)
ANNEXURE-0

No.HPL.76/77/248 - In exercise of the powers conferred under sub-clause (ii) of clause (g) of Rule 2 of the I.P.S.(Recruitment) Rules, 1954 read with sub-clause (ii) of clause (j) of sub-regulation (1) of Regulation 2 of the I.P.S.(Appointment by Promotion) Regulations, 1955, the Governor of Meghalaya is pleased to recognise the "Meghalaya Police Service" as a "State Police Service" for the purpose of recruitment to the Indian Police Service with the following terms and conditions:-

1. That the promotion quota of the Joint IPS Cadre shall be apportioned between Assam and Meghalaya in proportion to the Senior duty posts in the respective Wings (i.e. Senior posts under the State Government and Central Government Deputation Reserve) from time to time.
2. Future vacancies in the promotion quota in each of the two Wings shall be filled up by promotion from among the respective State Police Service Officers.
3. 7(seven) promotion vacancies due to Meghalaya Wing and currently utilized by Government of Assam shall be released by the Government of Assam at the rate of one vacancy per year beginning from 1990, till such time that the seven vacancies are fully recouped by Meghalaya Wing, with immediate effect subject to the condition that the vacancy caused under Assam Wing against promotion quota should be more than one.
4. If any promoted officer, as mutually agreed to between the two Governments is to be transferred from Assam to Meghalaya before the completion of 7(seven) promotion vacancies envisaged above, such officer will be adjusted against the 7(seven) promotion vacancies to be released in favour of Meghalaya by Assam.
5. If any officer promoted to the I.P.S either from A.P.S or M.P.S is transferred from Assam to Meghalaya or from Meghalaya to Assam, then the State from where the officer is transferred will take in exchange another promoted officer from the other State or as mutually agreed to.
6. A.P.S. Officers namely (1) Sri A.M. Dasari and (2) Sri E.K. Chakraborty are absorbed in the M.P.S with effect from 6.3.90.

J.M. PHIRA

Special Secretary to the Govt. of Meghalaya,
Home (Police) Department

63
89

RECEIVED
H.M.A. (M. 11/88/20)
11/11/89

NOTIFICATION

Memo No. HPL.76/77/248-A

Dated Shillong, the 5th April, 1990

Copy for information and necessary action to:

1. The Special Commissioner & Secretary to the Government of Assam, Home (A) Department, Dispur with reference to letter No. HMA.51/88/20 dated 27.3.89. The revision of the earlier Notification is necessary in view of the subsequent revision of Cadre strength vide Notification No. 11052/7/88-ATS(II) dated 19.12.1988 which was discussed and approved in the Joint Cadre Authority meeting held on 20.4.89. The Govt. of Assam's Notification No. HMA.274/88/33 dated 4.4.90 may also please be referred to.
2. The Secretary, Joint Cadre Authority, Assam-Meghalaya, Dispur with reference to the approval of the Joint Cadre Authority to recognise the M.P.S as "State Police Service/Feeder Service" on 20.4.89 as required under Regulation 2(k) (ii) of I.P.S.(Appointment by Promotion) Regulations, 1955.
3. The Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi-110001. This has a reference to his letter No. 1-11013/10/89-IFS-I dated 26.2.90.
4. The Secretary, Union Public Service Commission, Dhoolpur House, Shahjahan Road, New Delhi-110011.
5. The Secretary, Meghalaya Public Service Commission, Shillong.
6. The Director General & Inspector General of Police, Meghalaya, Shillong.
7. Personnel & A.R(A) Department.

By order, etc. my assistant

Joint Secretary to the Govt. of Meghalaya,
Home (Police) Department

संघ लोक सेवा आयोग

धोलपुर हाउस

शाहजहाँ रोड

UNION PUBLIC SERVICE COMMISSION

(SANGH LOK SEVA AYOGE)

DHOLPUR HOUSE, SHAHJAHAN ROAD

नई दिल्ली-110011

New Delhi-110011

August, 1990

The Secretary to the Govt. of India,
Ministry of Home Affairs,
NEW DELHI.

(Attention : Shri P.K. Jain, Under Secretary)

SUB 1- Selection Committee Meeting for selection of State Police Service Officers of Meghalaya for promotion to IPS Cadre during 1990-91.

Sir,

26-42-43-

I am directed to refer to Govt. of Meghalaya Notification No. HPL 76/77/248 dated 5th April, 1990 (copy endorsed to you) regarding recognition of "Meghalaya Police Service" as a "State Police Service" for the purpose of recruitment to the Indian Police Service and to enquire as to whether Cadre Strength between Assam-Meghalaya has been bifurcated and also whether a Selection Committee Meeting may be convened in respect of Meghalaya Wing.

Yours faithfully,

(I.P. Tuli)

Under Secretary

Union Public Service Commission

Tele.No. 381056.

No. F.7/2(2)/89-ALS(M), New Delhi, the 6th August, 1990

Copy forwarded to Chief Secretary to Government of Meghalaya, Shillong. In case the formulation for constitution of Meghalaya Wing of the Joint Indian Police Service Cadre are complete, a self-contained proposal for convening a meeting of the Selection Committee, alongwith requisite documents and upto date CRs may be made to the Commission.

(I.P. Tuli)

Under Secretary

Union Public Service Commission

Tele.No. 381056.

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Am

9/8

/ COPY /

ANNEXURE - 1

OT 65 -

GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT

NO.HMA.51/88/30

Dated Dispur, the 24th October, 1990

From: Shri G.C.Chutia,
Under Secretary to the Govt. of Assam.

To: The Secretary to the Govt. of Meghalaya,
Home (Police) Department, Shillong.

Sub: Selection Committee meeting for selection of SPS officers
for promotion to IPS.

Ref: Your letter NO.HPL.160/89/56 dt.23.8.90.

Sir,

I am directed to refer to your letter quoted above, and to
say that the vacancy of Sri P.Kar, IPS (SP9) ret'd, which was caused with
effect from 1.4.90 may be utilised by Meghalaya Wing.

Yours faithfully,

Sd/- G.C.Chutia

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

/ COPY /

**PARTICULARS OF STATE POLICE SERVICE OFFICERS ELIGIBLE FOR INCLUSION IN THE SELECT LIST
FOR PROMOTION TO INDIAN POLICE SERVICE FOR 1990**

Sl.No.	Name of the officers	Date of birth	Whether held substan- tive appointment in State Police Service as on 1.4.89	Date of continuous officiation as DSP or its equivalent post	Date of continuous officiation in IPS Cadre post	REMARKS
1	2	3	4	5	6	7
1.	Shri M.S.Syam (STH)	1.5.1947	M.P.S. Senior Scale	3.1.76	Nil	
2.	Shri S.G. Nomin (STH)	1.3.1945	-do-	22.12.75	Nil	
3.	Shri T. Dhar (STH)	1.7.1954	-do-	17.2.78	Nil	
4.	Shri L.B. Sangma (STH)	22.2.1954	-do-	1.2.78	Nil	

ANNEXURE - R

6792

MOST IMMEDIATE

12. 6. 92

1-14013/12/91-IPS-I

No. I-14013/12/91-IPS-I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
New Delhi, the 21-2-92

NOTIFICATION

In exercise of the powers conferred by sub-rule (1) of rule 9 of the Indian Police Service (Recruitment) Rules, 1954, read with sub-regulation (1) of regulation 9 of the Indian Police Service (Appointment by Promotion) Regulations, 1955; the President is pleased to appoint the following members of Meghalaya Police Service to the Indian Police Service on probation and to allocate them to the joint cadre of Assam-Meghalaya under sub-rule (1) of rule 5 of the Indian Police Service (Cadre) Rules, 1954. The appointments will take effect from the date of issue of this Notification.

Sl. No.	Name of the officer	Date of birth
1.	Shri M. S. Syiem	1.5.1947
2.	Shri S. G. Momin	1.3.1945

[Signature]
21/2/92

(BUA SINGH)
OFFICER ON SPECIAL DUTY (POLICE)

2/-

93

-2-

No. I-14013/12/91-IPS-I

Dated: 21.2.91

A copy each is forwarded to :-

1. The Chief Secretary to the Govt. of Meghalaya, Shillong w.r.t. their letter No. HPL:160/89/129 and 137 dated 26.8.91 and 1.10.91 (with two spare copies for onward transmission to the officer concerned.)
2. The Accountant General, Meghalaya, Shillong.
3. The Secretary, UPSC, New Delhi
4. The DG & IGP, Meghalaya, Shillong.

OFFICER ON SPECIAL DUTY (POLICE)

15 Spare copies for IPS-I Section

Name of the officer

SHRI M.S. SINGH
SHRI S.G. MOHIN

OFFICER ON SPECIAL DUTY (POLICE)

MOST IMMEDIATE

NO.1-15-16/17/92-IPS.I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
New Delhi-15-10-92

To

The Chief Secretary to the
Government of Assam,
Home (A) Deptt.,
Dispur, Guwahati-6

Sub :

IPS (Regulation of seniority) Rules, 1988-Proposal
for determination of seniority of IPS Officers.

Sir,

I am directed to refer to the State Government's letter No.HMA.694/82/Vol.II/496 dated 3rd Nov, 1992 on the subject cited above and to say that the seniority of S/Sh. N.C. Panging and seven others, as per IPS (Regulation of Seniority) Rules, 1988 and on the basis of information furnished by the State Government, shall be as follows in the Gradation list of IPS Officers of Assam-Meghalaya Cadre.

S. Name of the No.officer(in the order of their place- ment in the Select list)	Date from which held ing rank not below that	Date of appoint- ment to IPS	Comp. Total of yrs. weigh- of ex- tags in allot- vice terms ment. rules 2(3)(ii) rank in the rank of the by S.P. IPS (Regu- or equ- lations ivalent of seni- rity)	1	2	3	4	5	6	7
N.C. Panging	2-9-68	6-12-77	22 yrs 7 years	1993						
P. Deori	15-12-73	6-12-77	16 yrs 5 years	1985						
B.N.Gohain	15-12-73	6-12-77	16 yrs 5 years	1985						
A.K. Nath	1-2-76	6-12-77	14 yrs 4 years	1986						
N.M. Dutta	1-2-76	11-3-81	15 yrs 5 years	1986						
P.D. Goswami	1-2-76	11-3-81	15 yrs 5 years	1986						
S.M. Rahman	21-9-64	26-12-81	27 yrs 2 years	1986						
L.L. Deb	10-12-66	10-3-82	25 yrs 3 years	1986						

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1/ - P.K. Javal

7-10-0

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MOST IMMEDIATE

No.I.15016/37/92-IPS.I
 Government of India/Bharat Sarkar
 Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 10/8/93

To

The Under Secy. to the
 Government of Meghalaya,
 Home(Police)Deptt.,
 Shillong.

Sub: IPS(Regulation of Seniority) Rules, 1988.
 Determination of seniority of promoted IPS
 Officers.

Sir,

I am directed to refer to State Government's letter no. 116/90/Pt./13 dated 2nd June, 1993 on the subject cited above and to say that the seniority of S/Shri. M.S. Syiem and S/G. Momin, promoted IPS Officers shall be as follows in the gradation list of IPS Officers of Meghalaya Cadre.

2. The details of service in respect of the State Police Officers appointed to the Indian Police Service by promotion are as follows :-

S. No.	Name of the Officer(in the order of their placement in the Select List).	Date from which holding rank not below that of Dy.S.P. or equivalent	Date of appointment to I.P.S.	Completed years of service rendered in the rank not below that of Dy.S.P. or equivalent.	Total Weightage in years in terms of rule 3(3)(ii) of the IPS Regulations of seniority.	Year of allotment.
--------	--	--	-------------------------------	--	---	--------------------

1	2	3	4	5	6	7
	S/Shri					
1.	M.S. Syiem	3.1.76	21.2.92	16 yrs.	5	1987.
2.	G.G. Momin	22.12.75	21.2.92	16 yrs.	5	1987

3. The above mentioned IPS Officers appointed to IPS by promotion are placed below the junior-most Direct Recruit of 1987 year of allotment in terms of Rule 4 of the IPS(Regulation of Seniority) Rules, 1988. Inter-se seniority among them will be in order in which their names are arranged in paragraph 2 above.

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4. The concerned officers may kindly be informed accordingly.

Yours faithfully,

(P.S. PILLAI)

UNDER SECY. TO THE GOVT. OF INDIA

No.I.15016/37/92-IPS.I

dated, 10/8/93

Copy to :

1. The Chief Secretary to the Govt. of Meghalaya, Shillong (with 2 spare copies).
2. The Accountant General, Assam, Meghalaya, Shillong.
3. The Chief Secretary, Govt. of Assam, Dispur.

(P.S. PILLAI)

UNDER SECY. TO THE GOVT. OF INDIA

For Internal distribution:-

Copy each to S.O.(IPS.II), D.O. (IPS.III&IV),
Dealing Handa Promotion/ACR Seats, IPS.I Section.
10 spare copies.

ASSAM & MEGHALAYA

Authorised Cadre Strength of the Indian Police Service (As on 1-1-1995)

Senior Posts									No. of officers in position as on 1-1-95		
Under the State Govt.	Under the Central Govt.	Total	Deputation Reserve	Leave Reserve, Junior Reserve, Training Reserve	Direct Recruitment quota	Promotion quota	Total authorised strength		Direct Recruits	Promotees	Total
									No. In Junior Scale	No. In Senior Scale & above	
74	30	104	18	22	110	34	144	8	82	33	123
Sl. No.	Name of the Officer/Source of recruitment, educational qualifications and Home State.	Year of allotment	Date of birth	Date of appointment to IPS	Present post held	Date of appointment to the present post	Pay/ Special pay	Police Medals, If any	Remarks		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)		
	S/Unit						Rs.				
1.	K.P.S. Gill (RR) M.A.	1957	29-12-34	4-2-58	DGP Punjab Chandigarh	9-4-84		PM PPM	On dep. to Govt. of Punjab (Extension in service)		
2.	H.S. Chittranjan (RR) M.A.	1961	6-1-37	13-11-61	DGP, Assam	1-4-84		IPM PPM	{		
3.	D.N.S. Srivastava (RR) B.A., LL.M. Uttar Pradesh	1964	20-8-39	30-7-84	DG & IG of Police Meghalaya	1-9-93	7700/-	IPM PPM			
4.	R. Das (RR) M.A.	1984	1-1-41	8-7-64	DGCG & CDHG, Assam	1-4-94		PM			
5.	M.M. Sagar (RR) M.A.	1964	24-10-40	19-7-64	Addl. DG (V&AC), Assam	26-9-94		PM			
6.	H.T. Longkumar (RR) B.A. (Hons) Nagaland	1964	6-5-41	18-7-64	Dir. Civil Defence & CGHG, Meghalaya, Shillong	9-7-93	7400/-	PM	In the rank of ADGP. Ex-cadre		
7.	K. Hichikazan (EC/SSC) M.Sc.	1964	10-1-41	3-7-68	Dir. (S&V) ONOC Nazira	11-9-91			On dep. to GOI		
8.	D.K. Das (RR) M.A.	1965	1-2-41	5-7-65					On study leave w.e.f. 20-8-79 & applied for voluntary retirement		
9.	B.N. Rammohan (RR) M.Sc.	1965	20-11-40	26-7-65				PM PPM	On dep. to GOI		

ASSAM & MEGHALAYA

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
S/Shri							Rs.		
10. P.K.Misra (RR) B.Sc(H), B.E. Dip.in Dev. Admn. (Birmingham)	1965	27-6-41	14-7-65					PM	On dep. to GOI w.e.f. 14-11-78
11. P.C.Sharma (RR) M.A.	1966	28-6-42	10-8-66						On dep. to GOI
12. P.V.Sumant (RR) B.Com.	1967	26-12-45	16-7-67	IGP (Border), Assam	5-12-94			PM PPM	
13. L.David (RR) M.A.	1967	19-3-44	20-7-67	IGP (Operation), Assam	5-12-94			PM	
14. G.N.Das (RR) M.A.	1967	18-4-38	16-7-67	IGP (OSD), Assam	1-7-92				
15. K.Lalchung (RR) B.Sc.(Hons.)	1968	1-1-41	3-7-68	Advisor (S&V) ASEB Assam.	1-7-92			PMG	
16. H.K.Deka (RR) M.A.	1968	8-1-45	4-7-68	IGP (SB) Assam	11-12-90			PM PPM	
17. S.R.Mehra (RR) M.A.	1970	4-3-46	5-7-70	IGP, BI(EO), Assam	6-7-93				
18. D.N.Dutt (RR) M.A.	1971	2-12-46	10-7-71	IGP (TAP), Assam	5-12-94			PM	
19. G.M.Srivastava (RR) M.A.	1972	15-7-49	16-7-72	Dir. (S&V) Oil India Ltd., Deraun.	1-12-93			PM PMG	On dep. to GOI
20. L.Sailo (RR) M.A. Mizoram	1972	1-3-47	17-7-72	IGP HQrs (CID), Meghalaya, Shillong	5-11-93	6300/-		IPM	
21. R.N.Mathur (RR) B.Sc.	1973	30-4-48	23-7-73	IGP (CID), Assam	11-3-94			PM	
22. Sherada Prasad (RR) M.Sc.	1973	12-9-50	15-9-73						On dep. to GOI
23. B.K.Dey (RR) B.A.(H) Meghalaya	1973	17-3-51	12-7-73	IGP (OSD), Meghalaya, Shillong	5-11-93	6300/-			
24. S.K.Deb (SPS) B.A.(Hons.)	1973	1-5-39	7-11-78	IGP (Admn), Assam	4-9-93			PM	
25. Ranjit Biswas (SPS) B.A.	1973	21-11-37	7-11-78	Dir. Fire Service, Assam	23-1-91				
26. B.C.Kalita (SPS) M.A.	1973	6-6-40	7-11-78	DIG (SB), Assam	11-12-90			PM PPM	
27. M.Thengal (SPS) B.Sc.	1973	1-3-38	17-11-79	DIG (V&EO), Assam	12-9-94			PM	
28. Sankar Barua (RR) B.A.	1974	3-12-51	20-7-74	DIG (Admn.), Assam	12-9-94				
29. S.P.Ram (RR) M.Sc.	1974	15-3-49	10-11-74						On dep. to GOI

ASSAM & MEGHALAYA

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	S/Shrl						Rs.		
30.	K.C.Reddy (RR) M.Sc.	1974	5-12-48	21-7-74	-			IPM	On dep. to GOI
31.	B.P.Rao (RR) M.Sc.	1974	10-6-49	14-7-74	-				On dep. to GOI
32.	R.N.Saikia (SPS) M.A.	1974	1-4-38	3-4-80	DIG (BI), Assam	2-3-91			
33.	M.Mohan Raj (RR) B.Sc.	1975	17-9-48	21-7-75	-				On dep. to GOI
34.	W.R.Marbaniang (RR) B.A. Meghalaya	1975	29-8-51	30-7-75	DIG (Trg./API), Meghalaya, Shillong	1-8-94	5700/-	PMG IPM	Ex-cadre
35.	J.R.Saigram (RR) M.Sc.	1975	8-10-50	10-11-75	-			PMG	On dep. to GOI
36.	A.K.Sahu (RR) M.A.	1975	23-4-53	18-7-75	DIG (TAP/EB), Assam	19-7-94			
37.	K.Krishnan (RR) B.Sc.(Hons)	1978	19-1-55	14-11-76	-				On dep. to GOI
38.	Silabratu Kakati (RR) M.Sc.	1978	1-2-55	14-11-76	-				On dep. to GOI
39.	Subash Goswami (RR) M.Sc.	1977	5-12-54	11-11-77	DIG (API), Assam	12-7-94			
40.	Anil Pradhan (RR) M.Sc. Meghalaya	1977	3-7-51	12-7-77	DIGP (SB), Meghalaya Shillong	15-6-92	5400/-		Ex-Cadre
41.	Prem Singh (RR) B.A. Himachal Pradesh	1977	1-4-55	2-12-78	DIGP (CID) Meghalaya, Shillong	17-8-92	5250/-		Ex-Cadre
42.	J.Choudhury (RR) M. A.	1978	5-5-55	18-11-78	-				On dep. to GOI
43.	N.Ramachandran (RR) B.Sc.	1978	4-10-52	18-11-78	-			PMG	On dep. to GOI
44.	B.Kozo (RR) M.A.	1978	20-9-54	14-11-78	DIGP (WR), Meghalaya, Shillong	2-6-94	5250/-		Ex-Cadre
45.	A.K.Mallick (RR) M.Sc.	1979	11-9-57	13-11-79	-				On dep. to GOI
46.	D.K.Pathak (RR) M.A.	1979	1-3-56	13-11-79	DIG (ER), Assam	29-4-93			
47.	P.J.P.Hansman (RR) B.Sc. Meghalaya	1979	8-12-54	13-7-79	DIGP (ER), Meghalaya, Shillong	3-4-93	5250/-		
48.	A.K.Mathur (RR) B.Sc.	1980	29-4-54	15-9-80	-				On dep. to GOI
49.	Rajendra Kumar (RR) B.A, LL.B.	1980	3-12-55	15-9-80	DIG (SRI), Assam	14-5-93			

73-76

ASSAM & MEGHALAYA

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	S/Shrl					Rs.			
50.	R.C.Tayal (RR) M.Sc.	1980	3-12-55	15-9-80					On dep. to GOI
51.	Kalyan Doshmukhya (SPS) B.Sc.	1980	1-3-39	5-10-83	DIG (CID), Assam	21-4-93		PM	
52.	Tara Pada Chakravarty (SPS) M.A.	1980	28-9-39	21-9-83	DIG (R) Assam	21-4-93		PM PPM	
53.	Ashim Kumar Roy (SPS) B.A.(Hons)	1980	1-1-46	25-9-84	DIGP (CWRI), Assam	3-5-93			
54.	B.A.Khongman (SPS) B.A. Meghalaya	1980	1-7-37	24-8-84	DIGP (R&W) Megh., Shillong	1-8-93	5200/-		
55.	S.P.Kar (SPS) B.A.	1980	1-1-46	25-9-84	DIG (CID), Assam	22-6-94			
56.	Rajiv Mehta (RR) M.A. New Delhi	1981	25-8-56	11-1-82	SP East Khasi Hills, Shillong	31-5-94	4200/- 400/-		
57.	Gunotam Bhuyan (RR) M.Sc.	1981	1-1-53	11-1-82	DIG (Security), Assam	22-6-94			
58.	Ravi Solanki (RR) M.A.	1981	29-7-56	2-12-81					On dep. to GOI
59.	Bhabadhar Dutta (SPS) B.A.	1981	1-1-39	7-10-85	DIG (WRI), Assam	6-7-94			
60.	S.M.A.B.Khandakar (SPS) B.A.	1981	1-1-44	7-11-85	DIG (NH), Assam	20-6-94		PM	
61.	Khagen Sarmah (RR) M.A.	1982	1-12-55	3-1-83	Principal APTC Dergaon, Assam	1-1-92			
62.	Dilip Kr.Bora (RR) M.A.	1982	1-9-55	3-1-83					On dep. to GOI
63.	Watisangba Ao (RR) M.Sc.	1982	19-6-50	3-1-83	AIG (Trg.) Assam	30-6-94			
64.	M.N.Kakali (SPS) B.A.	1982	1-3-45	23-7-86	AIGP (Admn.) Assam	26-7-91		PM	
65.	B.B.Misra (RR) M.A.	1983	10-3-55	29-8-83					On dep. to GOI
66.	Rajendra Kr.Sharma (RR) M.Sc. New Delhi	1983	25-8-55	29-8-83	SP, West Garo Hills, Tura	9-4-93	3925/- 400/-		
67.	Jatin Mipon (RR)	1983	1-8-52	15-12-83	SRP Pandu, Assam	6-9-93			
68.	K.N.Sarma Baruah (SPS) M.Com.	1983	1-3-36	29-12-88	SP cum FSA, Assam	1-9-94		PM	
69.	S.N.Mazindor Baruah (SPS) M.A.	1983	1-3-37	7-8-89	Comdt.3rd APTF Bn., Assam	17-9-92		PM	

ASSAM & MEGHALAYA

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
S/Shri							Rs.		
70. A K.Das (SPS) B.A.	1983	1-3-44	6-12-89	Comdt. PTC Dergaon, Assam	22-7-91				
71. K.K.Nath (SPS) B.A.(Hons.)	1983	1-11-43	6-12-89	SP (Border), Assam	21-7-94				
72. B.X.Borpujari (SPS) B.A.	1983	1-3-44	6-12-89	Comdt. 1st AP Bn. Assam	6-11-91				
73. P.C.Yein (SPS) B.Com.	1983	1-3-41	7-12-89	Comdt. 2nd APTB Bn. Assam	21-1-93				
74. N.C.Penging (SPS) B.A.	1983	1-4-39	3-11-90	Comdt. 4th AP Bn. Assam	6-5-93				
75. S.K.Jain (RR) M.Sc. M.Phil.	1984	5-10-50	19-12-84						On dep. to GOI
76. Mukesh Sahey (RR) M.Sc.	1984	1-5-58	17-12-84	S P CBI, Delhi	19-7-94				On dep. to GOI
77. Arvind Kumar (RR) M.Sc.	1984	30-9-59	4-1-85						On dep. to GOI
78. Umesh Kumar (RR) B.Sc.	1984	4-12-56	4-1-85	SP (SB) Assam	6-7-94				
79. Pradip Kumar (RR) M.Sc.	1984	12-6-57	4-1-85	SP Nagaon, Assam	16-2-94				
80. Prit Pal Singh (RR) M.Sc.	1984	29-8-55	4-1-85						On dep. to GOI
81. Y.C.Modi (RR) B.Com., LLB.	1984	6-6-61	12-7-85						On dep. to GOI
82. R.M.Singh (RR) M.Sc.	1984	10-6-59	10-1-85	SP Sonitpur	29-6-94				
83. P.S.Purohit (RR) M.Tech. Rajasthan	1985	28-7-58	6-1-86	SP Jantla Hills Jowai, Meghalaya	4-10-93	3700/- 400/-			
84. R.Awasathi (RR) M.A.	1985	10-9-58	23-12-85	SP Golaghat	24-6-94				
85. Ajit Prd. Raut (RR) M.Sc.	1985	10-10-58	6-1-86	Comdt. 12th AP Bn.	1-7-94				
86. Kuladhar Sarkia (RR) M.A.	1985	1-9-59	6-1-86	SP ACB, Assam					
87. Pitambar Deuri (SPS) B.A (Hons.)	1985	1-4-42	13-11-90	AIG (R) Assam	9-8-91				
88. B.N.Gohain (SPS) I.A.	1985	1-2-37	13-11-90	Comdt. 1st ASRF Bn.	17-7-91				
89. Pallav Bhattacharjee (RR) M.Sc.	1986	17-1-59	8-9-80	S P Karimganj	17-11-92				
90. S.B.Singh (RR) M.B.B.S	1986	24-4-58	25-8-86						On dep. to GOI

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
S/Shri							Rs.		
70. A.K.Das (SPS) B.A.	1983	1-3-44	6-12-89	Comdt. PTC Dergaon, Assam	22-7-91				
71. K.K.Nath (SPS) B.A. (Hons.)	1983	1-11-43	6-12-89	SP (Border), Assam	21-7-94				
72. B.K.Borpujari (SPS) B.A.	1983	1-3-44	6-12-89	Comdt. 1st AP Bn. Assam	6-11-91				
73. P.C.Yain (SPS) B.Com.	1983	1-3-41	7-12-89	Comdt. 2nd APTB Bn. Assam	21-1-93				
74. N.C.Pangang (SPS) B.A.	1983	1-4-39	3-11-90	Comdt. 4th AP Bn. Assam	6-5-93				
75. S.K.Jain (RR) M.Sc., M.Phil.	1984	5-10-50	19-12-84					On dep. to GOI	
76. Mukesh Sahay (RR) M.Sc.	1984	1-5-58	17-12-84	S P CBI, Delhi	19-7-94			On dep. to GOI	
77. Arvind Kumar (RR) M.Sc.	1984	30-9-59	4-1-85					On dep. to GOI	
78. Umesh Kumar (RR) B.Sc.	1984	4-12-56	4-1-85	SP (SB) Assam	6-7-94			On dep. to GOI	
79. Pradip Kumar (RR) M.Sc.	1984	12-6-57	4-1-85	SP Nagaon, Assam	16-2-94				
80. Prit Pal Singh (RR) M.Sc.	1984	29-8-55	4-1-85					On dep. to GOI	
81. Y.C.Modi (RR) B.Com., LLB,	1984	8-6-61	12-7-85					On dep. to GOI	
82. R.M.Singh (RR) M.Sc.	1984	10-6-59	10-1-85	SP Sonitpur	29-6-94				
83. P.S.Purohit (RR) M.Tech., Rajasthan	1985	28-7-58	6-1-86	SP Jantla Hills Jowai, Meghalaya	4-10-93	3700/- 400/-			
84. R.Awashti (RR) M.A.	1985	10-9-58	23-12-85	SP Golaghat	24-6-94				
85. Ajit Prd. Raut (RR) M.Sc.	1985	10-10-58	6-1-86	Comdt. 12th AP Bn.	1-7-94				
86. Kuladhar Saikia (RR) M.A.	1985	1-9-59	6-1-86	SP ACB, Assam					
87. Pitambar Deuri (SPS) B.A. (Hons.)	1985	1-4-42	13-11-90	AIG (R) Assam	9-8-91				
88. B.H.Gohain (SPS) I.A.	1985	1-2-37	13-11-90	Comdt. 1st ASRF Bn.	17-7-91				
89. Paliv Bhattacharjee (RR) M.Sc.	1988	17-1-59	8-9-88	S P Karimganj	17-11-92				
90. S.B.Singh (RR) M.B.B.S	1986	24-4-58	25-8-86					On dep. to GOI	

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ASSAM & MEGHALAYA

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	S/Shri						Rs.		
91.	Anil Kr. Jha (RR) M.Sc.	1986	1-5-60	25-8-86	Comdt. 11th AP Bn.	27-4-94			
92.	Jyotirmoy Chakravarty (RR) M.Sc.	1986	1-3-62	15-12-86	Comdt. 1st APTF Bn.	18-12-93			
93.	Ram Prakash Agarwal (RR) B.E.(Mech).	1986	15-4-60	25-8-86					
94.	R.Chandra Nathan (RR) B.A.	1986	13-12-61	15-12-86					On dep. to GOI
95.	A.K.Nath (SPS) B.A., LL.B.	1986	1-6-45	13-12-90	S P SB Assam	26-7-91			
96.	N.M.Dutta (SPS) M.Sc.	1986	5-1-49	11-3-90	Dy. Director, Fire Services, Assam.	1-7-94			
97.	P.D.Goswami (SPS) B.A.	1986	1-9-51	11-3-91	S.P BI(EO), Assam	15-3-91			
98.	Dr. H.L.Deb (SPS)	1986	13-1-42	16-3-92	SPV & ACD, Assam	19-5-93		PM	
99.	Ravi Kant Singh (RR) M.Sc.	1987	18-1-63	15-12-87	S.P Tinsukia Assam	3-12-93			
100.	A.K.Sinha Kashyap (RR) M.A.	1987	16-1-62	1-7-87	SP Morigaon	11-12-93			
101.	B.Lyngdoh Duam (RR) M.A., M.Phil. Meghalaya	1987	5-11-59	24-8-87	S.P Infiltration Meghalaya, Shillong	7-6-93	3000/- 400/-		Ex-Cadre
102.	M.S.Syiem (SPS) M.Sc. Meghalaya	1987	1-5-47	21-2-92	Asstt. IGP(A) Meghalaya, Shillong	17-7-92	4000/- 400/-		
103.	S.G.Momin (SPS) B.A. Meghalaya	1987	1-3-45	21-2-92	Comndt. 2nd MLP Bn., Georagra, West Garo Hills	30-10-91	4000/- 400/-		
104.	Bhaskar Jyoti Mahanta (RR) M.A.	1988	24-1-63	26-12-88	SP, NC Hills	30-4-94			
105.	Binoy Kumar Mishra (RR) M.A.	1988	26-2-63	26-12-88	Comdt. 2nd AP Bn.	14-9-94			
106.	M.R.Vijay Kumar (RR) M.A. Andhra Pradesh	1988	22-9-56	25-8-88	SP, West Khasi Hills, Nongstoin, Meghalaya	6-4-93	3200/- 400/-		
107.	T.Dkhar (SPS) B.A. Meghalaya	1988	1-7-54	11-3-93	SSP(SB) Meghalaya, Shillong	6-10-93	3750/- 400/-		
108.	Mukesh Agrawal (RR) MBA.	1989	6-2-63	21-8-89	SP, Kokrajhar	23-6-94			

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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
S/Shrl							Rs.		
109. Kumar Vinoy Singh Deo (RR)	1989	5-8-63	26-12-89	SP, Bongaigaon	28-6-94				
110. Y.K. Gautam (RR) MBBS.	1990	30-9-61	27-12-90					On dep. to GOI	
111. Lungrinding (RR) B.A. (Hons), LL.B.	1990	8-11-60	27-12-90	Addl. SP, (HO), Ghy. City	19-9-94				
112. G.P. Singh (RR) M.Sc.	1991	8-11-67	6-1-92	SDPO Rengia	9-11-93				
113. L.R. Bishnoi (RR) M.V.Sc.	1991	6-3-63	6-1-92	SDPO Udaiguri	1-12-93				
114. K.P. Changkakati (SPS) M.A.		1-2-43	23-3-93	Comdt. APTC, Assam	10-9-93				
115. Harmat Singh (RR) M.A.	1992	30-12-68	11-1-93	SDPO, Bokakhat					
116. Smt. Idashisha Nongrang (RR) B.A. (Hons.) Meghalaya	1992	30-10-65	1-6-93	Asstt. Co. 2nd MLP, Georahra, SDPO Dadengiri	5-12-94	2275/-			
117. Prakash Kr. Lohia (RR) M.Tech	1992	5-5-63	20-12-93						
118. Hari Prasad Raju (RR) M.Sc (Tech.)	1993	1-1-63	20-12-93						
119. Mrs. Malini Krishnamurthy (RR) M.A.	1993	12-7-65	20-12-93						
120. Dr. Ram Prasad Meena (RR) M.B.B.S	1993		20-12-93						
121. U.C. Das (SPS) M.A.		1-4-41	25-1-94	SP SVC, Assam	5-4-91				
122. L.B. Sangma (SPS) B.A. Meghalaya		22-2-52	9-3-94	SP, East Garo Hills, Williamnagar	5-3-92	3875/- 400/-			
123. B.R. Rana (SPS) B.A. Meghalaya		13-2-59	30-12-94	AIG (FS/Traffic), Meghalaya, Shillong	21-6-93	3480/- 400/-			

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ANNEXURE - T (2)
GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT

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ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 29th May, 1996.

NO. HMA. 250/94/129 : The following Notification No. 1-14013/34/95-IPS.I dated 9.5.96 issued by the Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi is republished. 02.392-379

"Consequent to inclusion of his name in the Select List of 1983 by the review Selection Committee which met on 15.12.95 in pursuance of judgement dated 21.9.95 in OA No. 83/94 of Central Administrative Tribunal, Guwahati Bench and in exercise of the powers conferred by sub-rule (1) of rule 9 of the Indian Police Service (Recruitment) Rules, 1954, read with sub-regulation (1) of Regulation 9 of the Indian Police Service (Appointment by Promotion) Regulations, 1955, the President is pleased to antedate the appointment of Shri H.L. Deb to the Indian Police Service from 16.3.92 to 14.11.84 and to allocate him to the cadre of Assam Meghalaya under sub-rule (1) of rule 5 of the Indian Police Service (Cadre) Rules, 1954. This supersedes this Ministry's Notification No. I.14013/22/91-IPS.I dated 16.3.92."

Sd/- M.L. Miglani,
Under Secy. to the Govt. of India.

Sd/- B. Sarina.
Deputy Secretary to the Govt. of Assam,
Home (A) Department.

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4/6/96
Memo. No. HMA. 250/94/129-A, Dated Dispur, the 29th May, 1996.

Copy to :-

1. The Accountant General, Assam etc., Shillong/Guwahati.
2. The Director General of Police, Assam, Ulubari, Guwahati-7.
3. The Under Secy. to the Govt. of India, Ministry of Home Affairs, New Delhi- 110 001.
4. The Registrar, Central Administrative Tribunal, Guwahati Bench, Guwahati-5.
5. The Under Secretary, Union Public Service Commission, Shahjahan Road, Dhalpur House, New Delhi- 110 011.
- ✓ 6. The Secy. to the Govt. of Meghalaya, Home (Police) Deptt., Shillong.
7. The Superintendent, Assam Govt. Press, Bamunimaidam, Guwahati- 21 for publication.
8. Shri H.L. Deb, IPS, Superintendent of Police, Vigilance & Anti-Corruption, Kharghuli, Guwahati-4.
9. Personal file of Shri

By order etc.,

29/5/96
Deputy Secretary to the Govt. of Assam,
Home (A) Department.

SITAKAK

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OFFICE OF THE COMMANDANT
2ND MEGHALAYA POLICE BATTALION:::GOERAGRE:::WEST GARO HILLS *

Letter No.2BN/PF/CO/94/530

Dated Goeragre, the 29th March, 1994.

From : Shri S.G. Momin, IPS
Commandant,
2nd MLP Battalion,
Goeragre.

To : The Chief Secretary,
Govt. of Meghalaya,
Shillong.

Through the Proper Channel.

Subject : REPRESENTATION FOR REVIEW OF ALLOTMENT YEAR.

Sir,

I have the honour to represent herewith for favour of your kind perusal and to take up the matter with the Home Ministry & Personnel Department, Govt. of India for review of my allotment year from 1987 to 1985.

That Sir, I joined in the Police Service on 22.12.1975 as the first batch of Meghalaya Police Service on the basis of emergency recruitment for Meghalaya Civil Service/Meghalaya Police Service made through the Meghalaya Public Service Commission as per advertisement No.MPSC/18/2/73-74 dated 27.3.1974. The examination was conducted for the Meghalaya Civil Service & Meghalaya Police Service was the same. But while the Meghalaya Civil Service was duly recognised as Feeder Service to the Indian Administrative Service in the year 1985, the recognition of Meghalaya Police Service as Feeder Service to the Indian Police Service was recognised only on 5th April, 1990. As a result of the delay in recognition of the Meghalaya Police Service when I was nominated to the Indian Police Service I got the allotment year of 1987 only, whereas, according to Govt. of India's Letter No.I-15016/17/92/IPS-1 dated 15.10.92, the following Officers - Sarveshri A.K. Nath, N.M. Dutta & P.D. Goswami who joined in 1976 batch of the Assam Police Service were nominated to the Indian Police Service in the year 1990 & 1991. All three of them have been given the allotment year for 1986, whereas, I being the first batch of Meghalaya Police Service Officer from 1975 should

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... get the allotment year of 1985 instead of 1987. Because of
 ... delay for recognition to the Feeder Service, I have become
 ... a victim and also became Junior to my friends in Assam.
 ... date of birth is 1-3-1945 and as such, retiring in the year
 1985.

Every Officer is working hard with dedication expecting
 ... attractive incentives or promotions whereas inspite of such
 ... I will be retiring as Senior Superintendent of Police only
 because of the allotment year.

Therefore, Sir, I request you to kindly peruse the
 ... and take necessary action to review the allotment
 ... as mentioned above.

Yours faithfully,

(S.D. MOHIN)

Commandant,

2nd Meghalaya Police Battalion,
 Goeragra, West Garo Hills.

-oo00oo-

DATE	
REGISTER	
GENERAL	
ACCOUNTS	
POSTS	
SUPPLY	
CONFIDENTIAL	

OFFICE OF THE DIRECTOR GENERAL OF POLICE:MEGHALAYA:SHILLOG.

1. I am forwarding herewith the representations of Sarvashree M.S.Syiem, IPS, Assistant Inspector General of Police (A) and S.G.Momin, IPS, Commandant, 2nd MLP Battalion. The representation, I think, contain facts and need to be looked into seriously and with priority. From the records available, undue delay appeared to have been caused to place these two officers in the select list. This office had taken up with the Government of Meghalaya since 1986 for the recognition of the M.P.S. as a feeder service to the I.P.S. and also to place the above officers in the select list vide letters No.FM/XXVI-9/65 dated 6/2/86 and FM/XXVI-9/77/68 dated 4.4.86.
2. Government vide letter No.HPL.76/77/141 dated 27.8.87 conveyed the observation of the Joint Cadre Authority of the Assam Meghalaya Joint Cadre in its meeting held on 18/5/85 that "since the recognition of the M.C.S. is at the final stage awaiting the approval of the Government of India it is felt that there is no difficulty to recognise the other services like the M.F.S., M.P.S. as feeder services to the respective A.I.S. The Government of Meghalaya will therefore prepare a working paper for both the services for discussion". Even though the case of the M.C.S. was cleared and notified on 23rd July 1985 the case of the M.P.S. was not pursued. It was perhaps unfortunate that the matter was pursued only after the issue was raised in the floor of the Assembly by Shri H.D.R.Lyngdoh during the Autumn Session of the Meghalaya Legislative Assembly, 1988 conveyed vide Government letter No.HPL.264/88/3 dated 11.8.88. In reply to the Assembly Question, this Office informed the Government that since all the materials relating to the question are already with the Government, Government may, therefore, appropriately reply to the question.
- The Joint Cadre Authority finally approved the M.P.S. as a feeder service to the I.P.S. on 20th April, 1989. Further to add to the already delayed process and to the heartburn and frustration of the officers, the notification of the recognition was published a year later, vide Government Notification No.HPL.76/77/248 dated 5.4.90. This I feel is a great injustice done to the Officers with no fault of theirs.
3. As a result of the said secretarial delay in the recognition of the M.P.S. as a feeder service to the I.P.S. the Government of Assam had utilised 7 (seven) promotion vacancies of Meghalaya as of the year 1990. In pursuance to Government notification No.HPL.76/77/248 dated 5.4.1990 the first vacancy was released by the Government of Assam in the year 1990 vide their letter No.HMA GI/88/30 dated 24.10.1990.
4. In pursuance to Government letter No.HPL.160/89/6 dated 15.7.89 a proposal for the inclusion in the select list of the two officers was sent by this office vide letter No.FM/XVI-9/124 dated 27.9.89. But though the recognition of the M.P.S. as a feeder service was published in April 1990 and the first vacancy released by Government of Assam in 1990, yet the selection of the two officers was delayed till 12th March, 1991.

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5. Further, on the matter of assigning the year of allotment in the I.P.S. in respect of the two officers, it was represented to the Government vide this office letter No.FM/XXVI-9/160 dated 31.12.92 where reference was also made as regards the Assam Police Officers of 1976 batch of the A.P.S. While one Assam Police Officer of the 1976 batch was duly appointed to the I.P.S. in 1990 and two in 1991, our two officers of the 1975 batch of M.P.S. were appointed to the I.P.S. in March 1992. As a result, the Assam Officers were assigned the year 1985 in the case of one Officer, Shri A.K. Nath, while the other two, Shri P.D. Goswami and N.M. Dutta, were assigned the year 1986 as the year of allotment in the I.P.S. Therefore it is surprising and unfortunate for the two Meghalaya Officers that the Home (Police) Department Meghalaya did not recommend their case as suggested by this Office vide letter stated above. The Government of India had, therefore, accepted proposal of the Government of Meghalaya and assigned the year 1987 as the year of allotment to the two Meghalaya Officers, as per the new rules of 1988. All this happened because of the undue delay in placing the two representationists in the select list.

6. Even the Police Officers of Sikkim & Nagaland were in much better position. They were straightaway assigned the year of allotment 5 years from the date of joining of Police in Nagaland and 2 years from the date of joining in Sikkim at the time of initial constitution of the I.P.S. Cadre in their respective States.

7. In this connection an extract from the judgement of Supreme Court delivered on 11/12/86 in the case of R.S. Das and others, vrs. Union of India, is given below for perusal.

"As the Select List is to be prepared each year, the State Government should take action well in advance to avoid any delay. If undue delay is caused in preparation of Select List, it provides occasion for suspicion against the authorities and it is likely to generate frustration and heart burning among the members of the State Civil Service, which would obviously be detrimental to public administration".

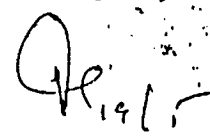
8. The above extract speaks for itself and calls for a review of the assignment of year of allotment to the representationists by the government.

9. As the officers of Assam Police Service of 1976 batch have been assigned 1985 & 1986 as year of their allotment in I.P.S. it will be in the fitness of things if the representationists who belong to the 1975 batch of M.P.S. are given 1984 as their year of allotment in the I.P.S.

10. The representationists joined M.P.S. in the year 1975 and have been assigned 1987 as the year of allotment to I.P.S., that is, 12 years after that recruitment in M.P.S. The A.P.S. Officers of 1976, appointed one year later than the representationists, have been assigned 1985 & 1986 as the year of their allotment in I.P.S. I am sure that if they go to tribunal/court, Government may not be in sound footing to counter their arguments for justice.

..P/3..

11. The representationists are first rate officers who are working with immense dedication and devotion in discharge of their duty and have proved their worth as excellent officers of the Department. I will be grateful if Government considers their representations right earnestly with sympathy at an early date.


(D.N.S. SHRIVASTAVA),
Director General
and
Inspector General of Police, Meghalaya,
SHILLONG

Shri K.K. Sinha, IAS, Chief Secretary, Meghalaya, Shillong.

U/O No. FM/XXVI-9/195 Dt. 19/5/94.

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ANNEXURE - W
GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT
...

NO. HPL. 16/90/Pt/35, Dated Shillong, the 15th July, 1990.

From: Shri I. Lyngdoh,
Under Secretary to the Govt. of Meghalaya.

To: The Under Secretary to the Govt. of India,
Ministry of Home Affairs,
New Delhi-110001.

Subject: IPS (Regulation of Seniority) Rules, 1988 - Determination
of Seniority of promotee IPS Officers.

Reference: Ministry's letter No. L15016/37/92-IPS.I dated 10.8.93.

Sir,

In inviting a reference to the Ministry's letter cited above, I am directed to forward herewith the representations submitted by S/Shri M.S. Syiem, IPS (SPS-87) and S.G. Mmin, IPS (SPS-87) and to state as follows:-

1. The Joint Cadre Authority of Assam-Meghalaya have approved the proposal of recognition of the Meghalaya Police Service as a feeder service for promotion to the I.P.S. in its meeting held on 20.4.89.

2. After receiving the approval of the Joint Cadre Authority, the State Government sought for the approval of the Ministry under State Government's letter No. HPL. 76/77/236 dated 9.8.89.

3. Home Ministry in their letter No. L-11013/10/89-IPS.I dated 26.2.90 have conveyed their decision on the matter.

4. The State Government could declare the M.P.S as a feeder service only on 5.4.1990, that is after the Selection Committee Meeting for preparation of the Select List 1990 was held.

5. The State Government in their letter No. HPL. 160/89/52 dated 19.7.90 have requested the U.P.S.C to consider as a Special Selection Committee Meeting for Meghalaya Wing and the UPSC in their letter No. F.7/2(2)/-89-AIS (M) dated 6.8.90 have requested the State Government to submit proposal for convening a meeting of the Selection Committee and accordingly the State Government have submitted the proposal to the Commission vide letter No. HPL. 160/89/55 dated 23.8.90. However, the Selection Committee Meeting could not be held during 1990 and the Select List 1990 for Meghalaya Wing could not be prepared.

Under the circumstances indicated above, I am, therefore, to request the Ministry to kindly favourably consider the representations submitted by the officers and convey necessary orders at an early date.

Yours faithfully,

Sd/-

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

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Memo No. HPL. 16/90/Pt/35, Dated Shillong, the 15th July, 1994.

Copy forwarded to the Director General & Inspector General of Police, Meghalaya, Shillong with reference to his letter U/O.No.FW-XXVI-9/195, dt.19.5.94.

By order etc.,

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

15/7/94

Annexure - W-1.

(COPY).

MOST IMMEDIATE.

NO. I-15016/37/92-IPS-I.

GOVERNMENT OF INDIA.

Ministry of Home Affairs.

New Delhi, the 18.7.96.

To

The Y. Lyngdoh,
Under Secretary,
Govt. of Meghalaya,
Home (Police) Department,
Shillong.

Subject : Representation of S/Shri M. S. Syiem, IPS.
(SPS:87) and S. G. Momin, IPS (SPS:87)
regarding.

Sir,

I am directed to refer to ex State Govt.'s letter
No. HPL. 16/90/Pt/35 dated 15.7.94 on the above noted
subject and to say that the representation of the said
officers have been carefully examined and it is regretted
that the same cannot be agreed to.

2. The concerned officers may please be informed
accordingly.

Yours faithfully,

Sd/-

(M. L. Miglani).

Under Secretary to the Govt. of India.

Tele : No. 3011527.

Annexure - "W-2."

GOVERNMENT OF MEGHALAYA.
HOME (POLICE) DEPARTMENT.

No. HPL.16/90/Pt/54. Dt. Shillong, the 29th August, 1996.

From :- Shri Y. Lyngdoh,
Under Secretary to the Govt. of Meghalaya.

To :- The Director General & Inspector General of Police,
Meghalaya, Shillong.

Subject : Representation of S/Shri M. S. Syiem, IPS (SPS:87)
and S. C. Momin, IPS, (SPS:87) - regarding.

Sir,

I am directed to forward herewith a copy of letter
No. I-15016/37/92-IPS-I dated 16.7.96 from the Under
Secretary to the Govt. of India, Ministry of Home Affairs,
New Delhi for favour of information.

Yours faithfully,

Sd/- Illegible.

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

Memo. No. HPL.16/90/Pt-54-L. Dt. Shillong, the 29th August,
1996.

Copy to -

1. Shri M. S. Syiem, IPS, Inspector General of Police (A),
Meghalaya, Shillong.
2. Shri S. C. Momin, IPS., Superintendent of Police,
West Garo Hills, Tura.

Yours faithfully,

Sd/-

Under Secretary to the Govt. of
Meghalaya, Home (Police) Department.

(88)
ANNEXURE - X
GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT

NO.HPL. 16/90/Pt/42

Dated Shillong, the 18th May, 1995.

From :- Shri Y. Lyngdoh,
Under Secretary to the Govt. of Meghalaya.

To

The Under Secretary to the Govt. of India,
Ministry of Home Affairs,
New Delhi -110001.

Subject : IPS (REGULATION OF SENIORITY) RULES, 1988- DETERMINATION
OF SENIORITY OF PROMOTEE IPS OFFICERS.

Reference:- State Government's letters No.HPL.16/90/Pt/35
dated 15.7.94 and NO.HPL.16/90/Pt/37 dated 18.7.94.

Sir,

In inviting a reference to the State Government's letters
cited above, I am directed to request that Ministry may kindly
convey necessary orders early.

Yours faithfully,

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

....

Memo NO.HPL.16/90/Pt/42-A Dated Shillong, the May, 1995.

Copy to Assistant Inspector General of Police(A) with reference
to letter No.FM/XXVI-9/94/8 dt.9.5.95.

By order etc.,

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

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ATONCE

No. I-18012/4/94-IPS. I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 5-7-95

NOTIFICATION

In exercise of the powers conferred by Rule 3-A of the Indian Police Service (Probation) Rules, 1954, the President is pleased to confirm, in the Indian Police Service, the following members of the Indian Police Service, allocated to the cadre of Meghalaya with effect from the date indicated against their names as under:-

S. No.	Name of the Officer S/ Shri	Date in Confirmation in the IPS
1.	M. S. Syiem	22.2.93
2.	S. G. Momin	22.2.93

(M. L. MIGLANI)

UNDER SECY. TO THE GOVT. OF INDIA

Ph. No. 3011527

No. I-18012/4/94-IPS. I, New Delhi, the 5-7-95

A copy each is forwarded to :-

1. The Chief Secretary to the Government of Meghalaya Home (Police) Department with two spare copies for the Officer concerned, w.r.t. their letter No. HPL-64/93-8 dated 3.9.93.
2. The Accountant General, Meghalaya, Shillong.
3. The Secretary, UPSC, (Attn.: Shri N. Namasivayan, Under Secretary) Dholpur House, Shahjahan Road, New Delhi.

(M. L. MIGLANI)

UNDER SECY. TO THE GOVT. OF INDIA

10 spare copies for the Section's use

Confirmation in the IPS.
issued by Govt of India

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GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT

ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Shillong, the 27th July, 1995.

NO.HPI.64/93/42 - The following Notification issued by the Government of India in the Ministry of Home Affairs, New Delhi is republished for general information.

No.L-18012/4/94-JPS.I dt.5.7.95

In exercise of the powers conferred by rule 3-A of the Indian Police Service (Probation) Rules, 1954 the President is pleased to confirm, in the Indian Police Service, the following members of the Indian Police Service, allocated to the cadre of Meghalaya with effect from the date indicated against the names as under :-

Sl.No.	Name of the officer S/Chri	Date in confirmation in the ICS
1.	M.S. Syiem	22.2.93
2.	S.G. Momin	22.2.93

Sd/-

M.L. Miglani

Under Secretary to the Govt. of India.

(Y . LYNGBACH)

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

Memo No.HPI.64/93/42-A

Dt. Shillong, the 27th July, 1995.

Copy to :-

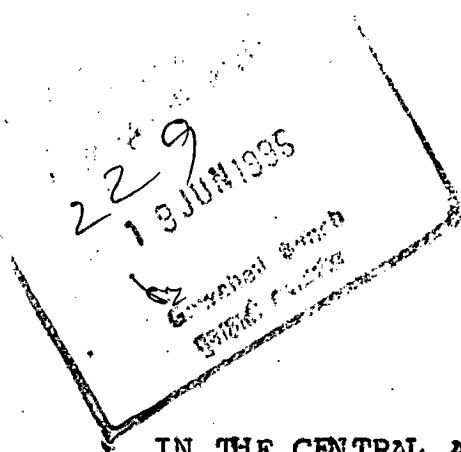
1. The Director General & Inspector General of Police, Meghalaya, Shillong.
2. The Accountant General, Meghalaya, Shillong.
3. The Secretary, Joint Cadre Authority, Assam-Meghalaya & Commissioner and Secretary to the Govt. of Assam, Department of Personnel (Personnel-A), Dispur, Guwahati-781006.
4. The Under Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi-110001.
5. The Under Secretary to the Govt. of Assam, Home (A) Department, Dispur, Guwahati-781006.
6. The officers concerned alongwith a copy of the Notification received from the Govt. of India, Ministry of Home Affairs.
7. The Director, Printing & Stationery, Meghalaya, Shillong for favour of publication in the Gazette.
8. Personal files/Guard file.

By order etc.,

Sd/- M.S. Syiem, IAS,
A.I.S. (A), Meghalaya.

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

Confirmation by IAS



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Filed by the applicant
through P.K. Roy Advocate
18.6.96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

O.A. No. 99 of 1996.

Shri Skylance G. Momin, I.P.S.,

.....Applicant.

-Versus-

Union of India & Ors.

.....Respondents.

I N D E X.

<u>Sl.No.</u>	<u>Particulars.</u>	<u>Annexure.</u>	<u>Page.</u>
1.	Application	-	1 - 39.
2.	Verification.	-	39.
3.	Order dated 16.12.75.	A	xx 40.
4.	Notification dated 23.7.85.	B	2
5.	Appreciation letters. (Series)	C.	
6.	Letter dated 23.7.85.	D	
7.	Letter dated 6.2.86.	E	
8.	Letter dated 4.6.86	E(1).	
9.	Letter dated 27.8.87.	F	
10.	Letter dated 18.9.87.	G	
11.	minute of Extracts of the meeting of the Joint Cadre Authority.	H.	
12.	Letter dated 15.7.89.	I	
13.	Letter dated 9.8.89.	J	

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- ii -

<u>Sl.No.</u>	<u>Particulars.</u>	<u>Annexure.</u>	<u>Page.</u>
14.	Letter dated 6.9.89.	K	
15.	Letter dated 17.9.89.	L	
16.	Letter dated 31.5.89.	M	
17.	Letter dated 23.2.90.	N	
18.	Notification dated 5.4.90.	O	
19.	Letter dated 6.8.90.	P	
20.	Letter dated 24.10.90.	Q	
21.	Letter dated ^{21.1.92} 15.10.94.	R.	
21-A.	Letter dated 15.10.94.	S	
22.	Letter dated 10.8.93.	T	
23.	Letter dated 10.8.93.		
23.	Seniority list.	S(1).	
24.	Order dated 29.5.96.	S(2).	
25.	Representation dt. 29.3.94.	U	
26.	Forwarding letter	V	
27.	Letter dated 15.7.94.	W	
28.	Letter dated 18.5.95.	X	

Filed by -

P. K. Ray.
Advocate.

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P. K. Ray
Advocate
Filed by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
GUWAHATI.

O. A. No. 99 of 1996.

1. Particulars of the Applicant.

Shri Skylance G. Momin, I.P.S.,
Superintendent of Police,
West Garo Hills, Tura.

2. Particulars of the Respondents.

1. Union of India,
through the Secretary to the
Govt. of India, Home Department,
New Delhi.
2. Union Public Service Commission, represented by its chairman,
Dholpur House,
New Delhi.
3. Joint Cadre Authority,
Assam-Meghalaya Joint Cadre,
represented by the Commissioner &
Secretary to the Govt. of Assam,
(Personnel (A) Deptt.).
Dispur.
4. State of Assam,
through the Chief Secretary to the
Govt. of Assam, Dispur.

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5. State of Meghalaya,
through the Chief Secretary to the
Govt. of Meghalaya, Shillong.
6. Shri A.K.Nath, I.P.S.,
Kahilipara, Guwahati - 19.
7. Shri N.M. Dutta, I.P.S.,
Commandant, 8th A.P. Battalion,
Barhampur, Assam.
8. Shri P.D. Goswami, I.P.S.,
S.P., A.C.B., Assam,
Guwahati.
9. Shri Pitambar Deuri, I.P.S.,
A.I.G. (R),
Office of the Director General of Police,
Assam, Guwahati.
10. Shri Pallav Bhattacharjee, IPS.,
S.P., Dhubri,
District - Dhubri, Assam.
11. Shri S.B. Singh, I.P.S.,
Asstt. Director, Bureau of Police Research,
& Development, P.G.O. Complex,
Lodi Road, New Delhi.
12. Shri Anil Kr. Jha, I.P.S.,
S.P. Karimganj,
P.O. & Dist. - Karimganj.
13. Shri Jyotirmoy Chakravarty, IPS.,
Commandant, 2nd A.P. Bn.,
Dergaon.

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- 8 -

14. Ram Prakash Agarwal,
S.P. C.B.I., Nagpur,
15. Sri R. Chandra Nathan, I.P.S.,
C/O. Ministry of Home Affairs,
New Delhi.
16. A.K. Sinha Kashyap, I.P.S.,
C/O. Secretary to the Govt. of Assam,
(Home Deptt.),
Dispur.
17. B. Lyngdoh Bum, IPS.,
S.P., Ri-bhoi district,
Nongpoh.
Meghalaya.

3. Details of Application.

Particulars of the order against which the
application is made.

- (i) Letter No. I-15016/37/92-IPS-1, dated 10.8.93
issued by the Under Secretary to the Govt. of
India, MHA, New Delhi, fixing the applicant's
year of allotment in the year 1987.

(11).....

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(ii) Non disposal of the representation filed by the applicant on 29.3.94 forwarded to the Govt. of India on 19.5.94 and various reminders of the Govt. of Meghalaya for consideration of the applicant's case, the last of which was issued on 18.5.95.

4. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order impugned in this case is within the jurisdiction of the Tribunal.

5. Limitation.

An application for condonation of delay is being filed along with this O.A. as an abundant caution though there is no delay in filing the case.

6. Facts of the case.

6.1. That the applicant is a citizen of India and a tribal of the State of Meghalaya, has become a victim of continued State inaction and apathy and the persistent injustice, inequity and unfairness in action writs so large in the instant case that the applicant is left with no other remedy but to approach this Hon'ble Tribunal demanding justice. ~~There~~ That to fulfil the long standing aspiration of the tribals of Meghalaya for self-administration to remove

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for

the feeling of deprivation amongst the tribals because of the century old and inherent ills of our class-based society, the State of Meghalaya was created in the year 1972 with the promise of equal opportunity and equal treatment. But the irony of fate of the applicant's case is that, even after the lapse of 24 years of its ~~application~~ inception, he is not treated at par with the people similarly situated with the other parts of the country and despite having power vested in them by law, the Govt. is not exercising that power to give proper relief to the applicant.

6.2. That consequent upon formation of the new State of Meghalaya in 1972 carving out from Assam, the existing departments of the Govt. of Assam were bifurcated and separate departments were created for Meghalaya and for the purpose of recruitment of its own officers in the State Civil Service and other allied service, Meghalaya Public Service Commission (MPS in short) was constituted in 1972 itself under the provisions of Chapter II of Part XIV of the Constitution of India vide Govt. of Meghalaya notification No. PT. 136/72/56 dated 14.9.92.

6.2(A). That the M.P.S.C. after about two years i.e. on 27.3.74 made an advertisement for combined recruitment of Extra Assistant Commissioner and Deputy Superintendent of Police (Dy. S.P. in short) for the State of Meghalaya.

6.3.....

for

6.3. That pursuant to the said advertisement dated 27.3.74, M.P.S.C. conducted an interview when the applicant had appeared and was selected for appointment as a Dy. S.P. and ultimately he was appointed ~~for appointment~~ in the same post and posted under the Superintendent of Police, Khasi Hills, Shillong, vide Govt. notification No. HPL.153/73/Pt.1/14 dated 16.12.75. The applicant was subsequently sent for training in the Assam Police Training College, Bongaon, and on successful completion of his training and the probationary period, the Govt. posted him as Assistant Commandant, 1st Meghalaya Police Battalion, Shillong, where he joined on 14.3.77.

A copy of the order dated 16.12.75 is annexed as Annexure - 'A' to this application.

6.4. That for the purpose of regulating the appointment and condition of service of the person appointed to the M.P.S., the Governor of Meghalaya, in exercise of his power conferred under Article 309 of the Constitution of India, made a rule namely - the Meghalaya Police Service Rules, 1976, which came into effect from 14.12.1976.

6.5. That the applicant states that after having served in the various capacities for about 9 (nine) years

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in the junior scale of M.P.S., the applicant was promoted into the senior scale of M.P.S. on 23.7.85 vide Govt. Notification No. HPL-417/75/85 dated 23.7.85 and on promotion as such he was transferred as Addl. S.P., East Khasi Hills where he joined on 26.7.85 and ultimately on 8.3.96 he took charge as Superintendent of Police, West Garo Hills, Tura. The applicant is substantive in the State Police Service and following are the details of the postings held by him during the last 20 years of service.

<u>Post held.</u>	<u>From.</u>	<u>To</u>
1. Asstt. Commandant, Ist. MCP. B.	14.3.77.	3.2.78
2. Dt. SP(DSB) Tura.	6.2.78	25.2.78.
3. SDPO, Bagware.	- 21.8.80	10.8.81.
4. Asstt. Comdt. 2nd MCP. Bn.-	1.6.82	26.9.83.
5. S. D. P. O., Ampati.	- 16.2.83.	25.7.85.
6. Addl. S. P. Shillong.	- 26.7.85.	1.9.86.
7. Addl. S. P., Infiltration.	- 1.9.86.	10.5.88.
8. S. P., Jaintia Hills.	- 29.9.86.	2.1.89.
9. S. P. Infiltration and S. P., Jaintia Hills.	- 11.5.88.	6.11.89.
10. Comndt. 2nd MCP. Bn.	- 16.1.89	1.11.89.
11. S. P., West Garo Hills.	- 1.7.87	10.10.91.
12. S. P., East Garo Hills.	- 20.2.90	19.3.90.
13. Commndt. 2nd MCP. Bn.	- 31.10.91.	20.2.92.
14. Comndt. 2nd MC. P. Bn.	- 21.2.92	14.3.95 (as IPS).
15. S. P., ^{Infiltration} West Garo Hills.	- 21.3.95 21.3.95	1.3.96.
16. S. P., West Garo Hills.	- 8.3.96	till date.

A copy of the notification dated 23.7.85 is annexed as Annexure - B to this application.

6.6. That the applicant states that he has an unblemish service record and achieved various distinctions. He is second amongst the MPS. officers and from the enormous appresiations received by him from his superior officers, he has a reasonable belief that, he has an ~~xxk~~ outstanding record in his ACRs. althroughout. He also received President's Police Medal for meritorious service.

Copies of some of the appreciation letters received by him are annexed hereto as Annexure - 'C'-series to this application.

6.7. That the applicant states that for the purpose of appointment into the I.P.S. from amongst the State Police Service Officers and through other methods under the Indian Police Service (Recruitment) Rules, 1954, following creation of the State of Meghalaya, the cadre strength of Assam under the Indian Police Service (Cadre) Rules, 1954 (in short Cadre Rules) had to be refixed and the share of strength between the constituent states in the Joint Cadre of Assam, Meghalaya has been fixed as follows, which took into effect from 1989.

Assam 56.

Meghalaya - 17.

6.8.....

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6.8. That the 73 posts stated above, 34 posts were fixed to be filled up by promotion from the State Police Service officers and according to the I.P.S. (Fixation of Cadre Strength) Tenth Amendment Regulation, 1989, the ratio of promotion posts for Assam and Meghalaya are 26:8.

6.9. That the applicant states that the Govt. of India through their letter No. 14015/45/79-AIS(I) dated 23.7.85 conveyed their approval for recognition of Meghalaya Civil Service (MCS) as State Civil Service for the purpose of recruitment to the IAS by promotion under sub-clause (ii) of Clause (g) of Rule 2 of the IAS (Recruitment) Rules 1954 read with sub-clause (2) of Clause (j) of sub-regulation 2 of IAS (Appointment by promotion) Regulation 1955, although the aforesaid rules does not in any way contemplate that the approval of the Govt. of India is required. The Govt. of India therefore did not apply its mind and approved the same although when approval for recognition of M.P.S. as feeder service was sought by the Govt. of Meghalaya, it clarified the legal position and by giving correct interpretation of rule 2(j)(ii) of the I.P.S. (Appointment by promotion) Regulation, 1955, stated that such recognition of the Govt. of India is not necessary vide their letter dated 23.2.90 (Annexure - 'N' to the Application).

A copy.....

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A copy of the letter dated 23.7.85 is annexed hereto as Annexure - 'D' to this application.

6.10. That the aforesaid letter dated 23.7.85 recognising M. C. S. as State Civil Service therefore led the Govt. of Meghalaya, or for that matter the Joint Cadre Authority (as would appear from Annexure - 'F' letter dated 27.8.87) to believe that similar recognition in respect of M. P. S. would also be required for the purpose of promotion to the I. P. S. The Govt. of Meghalaya, therefore continued to make a series of correspondences with the Govt. of India for necessary approval in this regard and it is only their letter dated 23.2.90 by which they clarified the position. The applicant therefore could not approach the Hon'ble Tribunal earlier for proper relief.

6.11. That the applicant states that although many of the M. P. S. officers including the applicant were eligible for promotion to the I. P. S. against the vacancies earmarked for Meghalaya Wing of the Joint Cadre of Assam-Meghalaya, yet the Govt. of Meghalaya took no steps to forward their names before the Selection Committee on the mistaken belief that the State Police Service is required to be recognised as a feeder service by the Govt. of India as in the case of MCS as stated above.

6.12.....

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6.12. That for the aforesaid inaction on the part of the the Govt. of Meghalaya, the vacancies meant to be filled up by promotion from the M.P.S. officers fixed under the Cadre Rule, were utilised by the Govt. of Assam and the applicant continued to be deprived of his due promotion to the IPS. from 1983 when he was eligible for consideration for promotion. The Govt. of India, with the concurrence of the Joint Cadre Authority, therefore appointed the APS. officers although they had no jurisdiction to make such appointment.

6.13. That the applicant states that Regulation 5 of the Indian Police Service (Appointment by Promotion) Regulation, 1955 provides as follows :-

5. Preparation of a list of suitable officers -

1. Each Committee shall ordinarily meet at intervals not exceeding one year and prepare a list of such members of the State Police Service (emphasis supplied) as are held by them to be suitable for promotion to the service. The number of members of the State Police Service included in the list shall not be more than twice the number of substantive vacancies anticipated in the course of the period of twelve

months.....

months, commencing from the date of preparation of the list, in the post available for them under Rule 9 of the Recruitment Rules, or 50 per cent of the senior posts shown against items 1 and 2 of the Cadre Schedule of each State or group of States, whichever is greater.

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

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

Provided further that in computing the number for inclusion in the field consideration, the number of officers referred to in sub-regulation (3) shall be excluded.

Provided also that the Committee shall not consider the case of a member of the State Police

Service.....

Service unless, on the first day of January of the year in which it meets he is substantive in the State Police Service and has completed not less than eight years of continuous service (whether officiating or substantive) in the post of Deputy Superintendent of Police or in any other post or posts declared equivalent thereto by the State Govt.

Explanation : The powers of the State Govt. under the third proviso to this sub-regulation shall be exercised in relation to the members of the State Civil Service of a constituent State, by the Govt. of that State.

6.14. That the applicant states that '~~Service~~ State Police Service' under Clause (ii) of sub-regulation (J) of Regulation 2 of the IPS. (App'tt. by Promotion) Regulation 1955 states as follows :-

(J) 'State Police Service' means -

(i) for the purpose of filling vacancies in the Indian Police Service Cadre for the Union Territories under rule 9 of the Recruitment Rules, any of the following service, namely -

(a) the Delhi and Andaman and Nicobar Islands police Service ;

(b)

- (b) Goa, Daman and Diu Police Service;
 - (c) Pondicherry Police Service ;
 - (d) the Mizoram Police Service ;
 - (e) the Arunachal Pradesh Police Service ;
- (ii) in all other cases, the Principal Police Service of a State, a member of which normally holds charge of a sub-division of a district for purpose of police administration and includes any other duly constituted police service functioning in a State which is declared by the State Govt. to be equivalent thereto.

6.15. That the applicant states that 'State Government' under Regulation 2(K) of the IPS. (Apptt. by Promotion) Regulation, 1955 defines as follows :

(K) State Govt. means :-

- (i) in relation to a State in respect of which a separate Cadre of the service exists, the Govt. of such State; and
- (ii) in relation to a group of State in respect of which a Joint Cadre of the Service is constituted, the Joint Cadre Authority ; (emphasis supplied) ;

(iii)

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(iii) in relation to a group of Union Territories in respect of which a Joint Cadre of the Service is constituted, the Central Govt.

(L) All other words and expression used in these regulations but not defined shall have the meaning respectively assigned to there in the Recruitment Rules.

6.16. That the applicant states that Rule 2 and 4 of the All India Services (Joint Cadre) Rules, 1972 defines a "Joint Cadre Authority" for the constituent States as follows :-

2(a) "Joint Cadre Authority" means the Committee of Representatives referred to in rule 4.

(b) 'Constituent States' means the States in respect of which a Joint Cadre is formed.

4. Committee of representatives :-

(1) There shall be a Committee ~~consisting~~ consisting of a representative of each of the Governments of the Constituent States to be called the Joint Cadre Authority.

(2) The representative of the Governments of the constituent States may either be members of an All India Service or Ministers

in the.....

in the Council of Ministers of the Constituent States, as may be specified by the Governments of the Constituent States.

6.17. That the applicant states that Rule 5 of the All India Services (Joint Cadre) Rules, 1972 reads as follows :-

5. Duties and function of the Joint Cadre Authority.

(1) The Joint Cadre Authority shall determine the names of the members of the All India Services, who may be required to serve from time to time in connection with the affairs of each of the Constituent States and the period or periods for which their services shall be available to the Government.

(2) Where there is a disagreement on any matter among the members of the Joint Cadre Authority, the matter shall be referred to the Central Government for decision and the Governments of the Constituent States shall give effect to the decision of the Central Government.

6.18. That the applicant states that from a conjoint reading of Regulation 5 and regulation 2(J)(ii) of the I.P.S. (Appointment by Promotion) Regulation, 1955, and rule 2, 4 and 5 of the All India Service Joint Cadre Rules, 1972, it would appear that any member who is

substantive.....

substantive in the State Police Service and has completed 8 years of continuous service as Deputy Superintendent of Police would be entitled for consideration for promotion to the I.P.S. and since the M.P.S. which is created under the M.P.S. rules, 1976 has all the ingredients of a State Police Service being the Principal Police Service of the State, it requires no approval either of the Govt. of India or from the State Govt. for declaration of the M.P.S. as State Police Service and it automatically becomes the feeder service for promotion to the I.P.S. This legal position was clarified by the Govt. of India in their letter No. I-11013/10/89-1 PS-1 dated 23.2.90 (Annexure - 'N') addressed to the Chief Secretary to the Govt. of Meghalaya, Shillong.

The applicant further states that the declaration of the State Govt. /Joint Cadre authority is necessary only in case of 'any other duly constituted Police Service' in the State which are not the Principal Police Service of the State and the Govt. of India's letter No. MHA.28/38/64-AIS(iii) dated 5.1.65 provides that a State Govt. (Joint Cadre authority) is competent to declare any duly constituted Police Service in the State as equivalent to the Principal Police Service of the State for the purpose of regulation 2(j) and 2(g) of the I.P.S. (Recruitment) Rules, 1954. It would be pertinent to mention here that

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under Rule 5(2) of the All India Service (Joint Cadre) Rules, 1972 decision of the Govt. of India is required to be sought only in case of disagreement on any matter among the members of the Joint Cadre Authority.

6.19. That the applicant states that the Govt. of Meghalaya continued to ignore his case from 1983 and did not forward the name of the applicant, to the Selection Committee for consideration and was unnecessarily seeking approval of the Govt. of India for recognition of MPS. as Feeder Service for promotion to the IPS. The details of the letters/correspondences made in this regard between 1986 and 1992 are given below in seriatim.

6.20. That on 6.2.86 the Asstt. Inspector General of Police (Admn.) Meghalaya, Shillong vide his letter No. FM/XXVI-9/65 dated 6.2.86, requested the Govt. of Meghalaya to take up the matter with the Govt. of India for recognition of MPS. as feeder service for promotion to the IPS. Similar letter was also written by the I.G.P. Shri H. S. Chittaranjan on 4.6.86 vide his letter No. FN/XXVI-9/77/68 stating therein that as many as 5 (five) M.P.S. Officers have already completed 8 years of service.

Copies of the letters dated 6.2.86 and 4.6.86 are annexed hereto as Annexure - "E" and "E(1)" to this application.

6.21.....

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6.21. That the Gov t. of Meghalaya vide its letter No. HPL. 76/77/141 dated 27.8.87 wanted the views of the Director General of Police, Meghalaya, Shillong with regard to the manner in which the vacancies of Meghalaya Wing of the Joint Cadre of Assam-Meghalaya of the IPS. so long utilised by the Assam Wing are to be transferred. The Govt. proposed under serial No. 3 of that proposal that -

3. 5 (five) promotion vacancies due to Meghalaya Wing and currently utilised by the Govt. of Assam may be released by the Govt. of Assam at the rate of one vacancy per year till such time that the five vacancies are fully ^{recognised} recognised by Meghalaya Wing, from the year of recognition of the MPS. and subject to the condition that the vacancy caused under Assam Wing against the promotion quota should be more than one i.e. if only one vacancy is caused in a particular year the Assam Govt. need not transfer the only vacancy to Meghalaya in that particular year.

A copy of the letter dated 27.8.87 with the proposal annexed thereto are annexed as Annexure - 'F' to this application.

6.22. That the D.G.P. Meghalaya agreed with the proposal made by the Govt. as aforesaid with the modification that instead of the proposal for release of one vacancy per year by Assam it should 'one or more than one as may

be.....

br agreed to by the Joint Cadre Authority'. This suggestion of the D. G. P. Meghalaya was communicated vide A.I.G. (A) letter N o. FM/XXVI-3/79/Vol.III/84 dated 18.9.87.

A copy of the letter dated 18.9.87, is annexed as Annexure - 'G' to this application.

6.23. That the applicant states that since there arose a feeling of deprivation and discrimination among the minds of general tribals, the question was mooted in the State Assembly in the Autumn Session of the 1988 State Assembly, but that did not attract attention of either the Central or the State Govt. and the matter remained unresolved.

6.24. That the Joint Cadre Authorityk however held its meeting on 20.4.89 and approved the M. P. S. as Feeder Service for appointment of the M. P. S. officer to the I. P. S. by promotion, though such recognition was not necessary in respect of the M. P. S. officers since the service of applicant, in the M. P. S. has already been incorporated under Rule 3(b) of the Meghalaya Police Service Rule 1976 and in Principal Police Service of the State fulfilling the requirement of Rule 2(J) (ii) of the Regulation making him eligible for appointment to the I. P. S. under Regulation 5 of the said Regulation.

Copy of the extract of the minute of the meeting of the Joint Cadre Authority, held on 20.4.89 is annexed as Annexure - 'H' to this application.

6.25. That on 15.7.89 the Govt. of Meghalaya forwarded a letter dated 12.5.89 from the Secretary, U.P.S.C. and requested the D.G.P. Meghalaya to furnish the information in respect of the 1975 batch of M.P.S. officers for placing the same before the Selection Committee for promotion to the I.P.S. and further intimated that the Joint Cadre Authority has approved the M.P.S. as a feeder service for promotion to the I.P.S.

A copy of the letter dated 15.7.89 is annexed as Annexure - 'I' to this application.

6.26. That in the meantime the Govt. of Meghalaya vide its letter No. 9.8.89 to the Govt. of India forwarded minutes of the J.C.A. details of the agreement between Govt. of Meghalaya and Assam and M.P.S. Rule, 1976 to the Govt. of India and requested to approve the proposal to recognise the M.P.S. as Feeder Service for promotion to I.P.S.

A copy of the letter dated 9.8.89 is annexed as Annexure - 'J' to this application.

6.27. That the Govt. of Meghalaya again on 6.9.89 requested the D.G.P. Meghalaya to furnish information sought for for onward transmission to the UPSC. for promotion of M.P.S. officers to the I.P.S.

A copy of the letter dated 6.9.89 is annexed as Annexure - "K" to this application.

6.28.....

6.28. That pursuant to the aforesaid letters of the Govt. the DIG(A) Meghalaya forwarded the name of the applicant along with the name of the M. S. Syiem with necessary particulars to the Govt. The letter further intimated that the number of vacancy in the promotion quota of the IPS. for Meghalaya Wing of the Joint Cadre of Assam-Meghalayais 8. (eight).

A copy of the letter dated 17.9.89 is annexed as Annexure - 'L' to the application.

6.29. That the applicant states that the Govt. of Meghalaya again on 31.10.89 requested the Govt. of India to approve the M.P.S. as Feeder Service for appointment to ~~the~~ the I.P.S. This letter has again halted the process of his selection in 1989.

A copy of the letter dated 31.5.89 is annexed as Annexure - 'M' to this application.

6.30. That on 23.2.90, the Govt. of India in response to the letter dated 31.10.89 of the Govt. of Meghalaya, has intimated that if the M.P.S. fulfils the condition laid down in rule 2(J) (ii) of the I.P.S. (Appointment by Promotion) Regulation, 1955, which defines feeder service as principal service of the State, it would automatically become the feeder service and the recognition of the Govt. of India ~~is~~ not be necessary (emphasis supplied).

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A copy of the letter dated 23.2.90 is annexed as Annexure - 'N' to this application.

6.31. That the Gov t. of Meghalaya thereafter by an apparent misinterpretation of Govt. of India's letter dated 23.2.90, issued a notification declaring M.P.S. as State Police Service under Sub-clause (ii) of Clause (g) of Rule 2 of I.P.S. (Recruitment) Rule 1954 read with sub-clause (ii) of Clause (j) of sub-regulation (1) of Regulation 2 of I.P.S. (Appointment by Promotion) Regulation, 1955. The notification dated 5.4.90 further laid down terms and condition for sharing of vacant posts for Meghalaya Wing between Assam & Meghalaya.

A copy of the notification dated 5.4.90 is annexed hereto as Annexure - 'O' to this application.

6.32. That the U.P.S.C. thereafter by its letter dated 6.8.90 had requested the Govt. of India to intimate them as to whether the Cadre strength between Assam-Meghalaya has been bifurcated and also whether a Selection Committee meeting could be convened in respect of Meghalaya Wing and by sending a copy of the aforesaid letter dated 6.8.90 to the Govt. of Meghalaya, and further wanted a self-contained proposal for convening a meeting of the Selection Committee, along with requisit documents and upto date CRs. to be set to the Commission.

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A copy of the letter dated 6.8.90 is annexed as Annexure - 'P' to this application.

6.33. That on 24.10.90 the Govt. of Assam vide letter No. HMA.51/88/30 had informed the Govt. of Meghalaya to utilise the vacancy of Sri P.Kar, I.P.S. who retired with effect from 1.4.90.

A copy of the letter dated 24.10.90 is annexed as Annexure - 'Q' to the application.

6.34. That the applicant states that there were altogether 7 (seven) vacancies on and from 1988, against the Meghalaya Wing of the IPS. Joint Cadre of Assam-Meghalaya, but the Govt. of Meghalaya took no steps to forward names of the M.P.S. officers before the Selection Committee and Selection Committee which met during 1989 and in 1990 considered the cases of the following Assam Police Service (APS. in short) officers only who were all juniors to the applicant in the rank of Dy. S.P. and the applicant was deprived of his legitimate promotion to the I.P.S. The said officers were subsequently promoted to the I.P.S. on the date as shown below :

<u>Names of the A.P.S. Officers.</u>	<u>Appointed as Dy.SP.on.</u>	<u>Apptt. to IPS.</u>
1. Shri A.K.Nath, Dy. SP., Assam.	1.2.76.	6.2.90.
2. Shri N.M.Dutta, Dy. SP., Assam.	1.2.76.	11.3.91.
3. Shri P.D.Goswami, Dy. SP., Assam.	1.2.76.	1.3.91.

6.35. That ultimately the Selection Committee met on 12.3.91 and considered the case of the applicant for promotion to the I.P.S. and the following officers including the applicant were selected, though they were entitled for promotion much earlier -

(1) Sri M.S.Syiem.

(2) Sri S.G.Mamin.

6.36. That in pursuance of the aforesaid selection by the Selection Committee, the applicant was promoted to the I.P.S. on 21.2.92, though he was entitled to be promoted during 1983 on completion of 8 (eight) years of service as Dy. S.P. with State Cadre. The letter dt 21.2.92 annexed a document 'B' to his application.

The applicant craves leave of the Hon'ble Tribunal to produce the appointment letter dated 21.2.92 at the time of hearing.

6.37. That the applicant states that the Govt. of India thereafter by its letter No. 1-11010/17/92-IPS-1 dated 5.10.92 fixed the year of allotment 8 (eight) APS. officers which includes the names of the following APS. officers who were all juniors to the applicant in the State Police Service (SPS) Cadre :

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<u>Name of APS.Officers.</u>	<u>Date of appointment as Dy. S. P.</u>	<u>Date of appointment to IPS.</u>	<u>Year of allotment.</u>
1. Sri A.K.Nath.	1.2.76.	6.12.90	1986.
2. Sri N.N.Dutta.	1.2.76.	1.3.91	1986.
3. P.D.Goswami.	1.2.76.	1.3.91.	1986.

A copy of the letter dated 15.10.94 is annexed as Annexure - 'S' to this application.

6.38. That applicant states that since his delayed promotion into the I.P.S. was not attributable to him and it was only because of the laches on the part of the Govt. of Meghalaya and the inaction of the Govt. of India which the appointing authority, he was legitimately expecting that the Govt. would act fairly and would either issue necessary direction to convene a meeting for review of the select lists prepared by it from 1983 to 1991 during which the applicant was eligible for promotion to the IPS. under its power of review or at least fix his year of allotment in a position earlier to Respondent No. 6 to 8 (~~i.e. in 1985~~) who were promoted to the I.P.S. from the State Cadre of Assam and are juniors to him as Dy. S.P., by giving appropriate weightage towards fixation of his year of allotment by relaxing Rule 9 of IPS. (Appointment by Promotion) Regulation 1955 or any other rule/regulation deeming him to be promoted

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prior to 1990 and fix his year of allotment and seniority in the appropriate place before his juniors in exercise of the power conferred on the Central Govt. under Rule 3 of the All India Service (Condition of Service-Residuary matters) Rules 1980 since it is a case of undue hardship to the applicant. But the Govt. had treated his case very unfairly and unreasonably and by its letter No. I-15016/37/92-IPS-I dated 10.8.93 fixed his year of allotment in the year 1987 under Rule 3(ii) of the I.P.S. (Regulation of Seniority) Rules, 1988 by calculating the weightage from 1992 in an unjust and unfair manner and consequently he was made junior to the private respondents in the gradation list.

A copy of the letter dated 10.8.93 and a copy of the Seniority list are annexed as Annexure 'T' and T(1) to this application.

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6.39. That applicant states that the Selection Committee, which met on 1983 (21.12.83), 1984, 1985 (30.12.85), 1986 (30.12.86), 1987 (17.12.87), 1988 (29.12.88 and 30.12.88), 1989, 1990 and 1991 (22.3.91) did not consider the case of the applicant even when he was entitled to be considered under Regulation 5 of the I.P.S. (Appointment by Promotion) Regulation, 1955 and as such the above selection were done improperly being done

in violation.....

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in violation of the above regulation. The applicant therefore is entitled to be considered in those selection through a review and antedate his appointment in the year first he is found suitable from 1983 to 1991. The applicant deems it proper to mention here that in a case filed by Shri H.L.Dev, I.P.S. SP/A.C.B, Assam, in O.A. No. 83/94 before this Hon'ble Tribunal, the Hon'ble Court was pleased to hold that the applicant Shri Dev should be deemed to have been included in the select list of 1983 when his name was not included in that year because of some adverse remarks in his A.C.Rs. which were later on impugned. As S.L.P. was however taken before the Hon'ble Supreme Court against this decision of the Hon'ble Tribunal and the Hon'ble Supreme Court, by modifying the order passed by the Hon'ble Tribunal, directed the Govt. to reconsider the case of the applicant Shri Dev by convening a review selection Committee meeting for the year 1983 and in compliance with the above direction the U.P.S.C. conducted a review of the above selection and the Committee having found him suitable selected him and ultimately Govt. antedated his appointment from 1992 to 1984 in the Joint Cadre of Assam-Meghalaya vide Govt. of India's Notification No. HMA. 250/94/129 dated 29.5.96. The applicant therefore states that the Govt. has power to review the selection made during 1983 to 1991 and

he is.....

he is entitled for a similar direction from the Hon'ble Court.

The applicant further states that since the Govt. of India's letter dated 23.7.85 (Annexure - 'D') recognising M. S. C. as State Civil Service confused everybody and the Govt. of Meghalaya also gave out that such recognition is necessary in case of M. P. S. which is in peri-materia with the M. C. S. the applicant could not approach the Hon'ble Tribunal earlier and had to wait for a specific order from the Govt. of India.

A copy of the order dated 29.5.96 is annexed hereto as Annexure T-2 to this application.

6.40. That the applicant states that he has a right to be considered for promotion to I. P. S. in the 1983 to 1991 select list and because of the inaction on the part of the Govt. ~~there~~ those respondents were placed above the applicant in the seniority list resulting total miscarriage of justice. His right to career advancement is therefore put in jeopardy since with 1967 as his year of allotment, he can at best retire as Selection Grade I. P. S., while the Respondent N o. 6 to 18 would score a march over him and rise upto the rank of I. G. P. if not D. G. P. in the Assam-Meghalaya Joint Cadre.

6.41. That the applicant states that Rule 3 of the All India Services (Condition of Service - Residuary Mattered) Rules 1960 provides as follows :

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3. Power to relax rules and regulation in certain cases :- Where the Central Govt. is satisfied that the operation of -

- (i) any rule made or deemed to have been made under the All India Service Act, 1951 (61 of 1951), or
- (ii) any regulation made under any such rule, regulating the condition of service of persons appointed to an All India Service courses under hardship in any particular case, it may, by order, dispense with or relax the requirements of that rule or regulation, as the case may be, to such extent and subject to such exception and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

6.42. That when a question arose regarding the extent of the powers vested in the Govt. under rule 3 of the AIS (Condition of Service - Residuary Matters) Rules, 1960, to deal with the cases involving relaxation of rules and regulation, the Govt. of India vide M.H.A. letter No. 30/1/63-AIS (11) dated 1.1.66 have held that -

(a) undue.....

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- (a) undue hardship signifies unforeseen or unmerited hardship to an extent not contemplated when the rule was framed and does not cover any ordinary hardship or inconvenience which normally arises.
 - (b) the relaxation should enable the case to be dealt with in a just and equitable manner and not on grounds of compassion however justified ; and
 - (c) the benefit to be conferred in relaxation of any rule or rules must be of a nature already provided for in the rules; Govt. are not empowered by this rule to confer benefits which are not contemplated in the rules.

6.43. That the applicant states that the Govt. failed to consider his case for promotion even after the Govt. of India ~~clarification~~ clarified that no approval for recognition of MPS. as feeder service to IPS. was required (vide their ~~last~~ letter dated ^{23.2.90} 31.10.80 - Annexure - 'N') and as a result of this inaction on the part of the Govt. of Meghalaya, the Respondent No. 6 to 8 who are junior to the applicant got selected and by virtue of their earlier selection as such and consequent promotion pursuant to that, they got 1986 as their

year of.....

year of allotment under rule 3(ii) of the seniority rules 1988. The applicant would have got earlier than that had his case been considered in the time. Since his non selection for promotion to the I.P.S. as aforesaid is directly attributable to the Govt. and not the applicant it would have been fair and just on the part of the Govt. of India to act equitably and pass necessary orders that the promotion order which he got during 1992 (Annexure - B) should be deemed to have been made prior to 1989 to place his position above Respondent No. 6 to 17 in the inter-se seniority position to meet the ends of justice. The Govt. therefore in the alternative should convene a Selection Committee meeting of the select list prepared during 1983 to 1991 so as to place him above the private respondents in the seniority position or give more weightage by relaxing the appropriate rule for fixation of his year of allotment prior to those respondents.

6.44. That since Rule 3(11)(c) of the I.P.S. 'Regulation of Seniority Rules, 1988 provides that the weightage mentioned in sub-clause (6) of the said rule shall be calculated with effect from the year in which an officer is appointed to the service and since under the Regulation 9(1) of the I.P.S. (Appointment by Promotion) Regulation, 1955, an officer cannot be appointed to the service unless his name appeared in the select list for the time being

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in force, justice and equity demands that the requirement to remain in the 'select list for the time being in force' appearing in the said rule for promotion to IPS. should be dispensed with and/or relaxed retrospectively so that the applicant may be deemed to be promoted prior to 1990 select list for the ends of justice, equity and fair play to keep the name of the applicant above the Respondent No. 6 to 17 who are all juniors to the applicant, if a review of the earlier select list cannot be made.

Relevant provision under Rule 9 of the Indian Police Service (Appointment by Promotion) Regulation, 1955 is extracted below :

9. Appointments to the service from the select list.

(1) Appointment of members of the State Police Service to the service shall be made by the Central Government on the recommendations of the State Govt. in the order in which the names of members of the State Police Service appear in the select list for the time being in force.

6.45.....

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6.45. That the applicant therefore filed representation on 29.3.94 to the Govt. of Meghalaya through the Director General of Police, Meghalaya, to take up the matter with the Govt. of India to review the order of his year of allotment. The D.G.P. Meghalaya, vide his letter dated 19.5.94 by forwarding the said representation gave the details of the circumstances under which, the applicant's selection for promotion into the IPS. was considered better than A.P.S. officers Shri A.K.Nath and others to justify the hardship caused to M.P.S. officers as stated above.

Copies of the representation dated 29.3.94 along with the forwarding letter dated 19.5.94 are annexed as Annexures - 'U' and 'V' to this application.

6.46. That the Govt. of Meghalaya, thereafter, again requested the Govt. of India vide letter dated 15.7.94 to consider the cases favourably - but the said request was not considered till to-day.

A copy of the letter dated 15.7.94 is annexed as Annexure - "W" to this application.

6.47. That the applicant thereafter approached the Govt. of Meghalaya a number of times but the Govt. only gave out that his case has been taking up with the Govt.

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of India and in fact, the Govt. of Meghalaya vide its letter N o. HPL.16/90/Pt/42 dated 18.5.95 requested the Union Home Ministry to convey necessary orders to that effect. The applicant with the hope so given by the Govt. of Meghalaya did not approach the Hon'ble Tribunal so long.

A copy of the letter dated 18.5.95 is annexed as Annexure - 'X' to this application.

6.48. That the applicant states that even after the lapse of an year the Govt. of India did not pass any order with regard to his year of allotment, but in the meantime on 27-7-95 confirmed the applicant to the Cadre of I.P.S. allocating to the Cadre of Meghalaya.

A copy of the order dated is annexed as Annexure - 'Y' to this application.

7. G R O U N D S.

7.1. For that the Govt. acted illegally in not forwarding the name of the applicant before the Selection Committee of the Joint Cadre of Assam-Meghalaya during 1983 to 1991 particularly during 1989 when the Joint Cadre Authority itself approved M.P.S. as feeder service for promotion to I.P.S. (Annexure - H) and also during 1990

when the.....

when the Govt. of India had also clarified that no recognition by the Govt. of India is necessary (Annexure -'N') and as such promoting him in 1992 and consequently fixing his year of allotment in 1987 allowing his junior officers in State Police Service to supersede and/or go ahead of him in inter-se seniority position is a gross miscarriage of justice and as such the applicant is entitled legally to be promoted retrospectively to fix his year of allotment prior to Respondent No. 6 to 17.

7.2. For that the applicant being a victim of the administrative lapses resulting fixation of his year of allotment to IPS. later than his juniors and there being a power vested on the Govt. to relieve the applicant from the undue hardship caused to him because of the regour of a rule, by making appropriate relaxation thereto, fixation of his year of allotment in 1987 as against 1986 to his junior was unfair, unreasonable, irrational and against the principle of equity and justice and fair play in action.

7.3. For that the right to equal opportunity in public employment guaranteed under Article 16 of the Constitution of India also carries with it the right to one's career

advancement.....

advancement, and as such fixation of the year of allotment of the applicant later than his juniors for reasons directly attributable to them amounts to depriving him of the right guaranteed under Article 14 and 16 of the Constitution of India.

7.4. For that the facts and circumstances of the applicant's case being squarely covered by the provisions of Rule 3 of the All India Services (Conditions of Service - Residuary matters) Rules 1960 and the decision of the Govt. of India vide M.H.A. letter No. 30/1/63-AIS(11) dated 1.1.66 incorporated below that rule the Respondent Govt. should have acted fairly and granted the relief to the applicant to safeguard his chance of moving on the promotional ladder.

7.6. For that, the settled principle being that no rule or order which is meant to benefit employees should normally be construed in such a manner as to work hardship and injustice specially when its operation is automatic and if any injustice arises owing to a cause attributable to the Govt. itself, then the primary duty of the Govt. or other authority is to resolve it in such a manner that it may avoid any loss to one without giving undue

advantage.....

19/10/93

advantage to other. But contrary to above, the Govt. constructed the relevant rules and regulations in a manner prejudicial to the interest of the applicant and giving undue advantage to the members of the APS. who are all juniors to him. The order dated 10.8.93 fixing his seniority is therefore not tenable in law and is liable to be reviewed to give proper benefit to the applicant.

7.7. For that equity, justice and public interest demanded that the Govt. ought to have relieved the applicant from the frustration and disappointment emanating from an unforeseen and unpredictable situation beyond his control by relaxing application of Rule 9 retrospectively and/or any other rule which is causing undue hardship in his case since no rule can be construed to be so exhaustive so as to defeat the very object aimed at by the rule itself namely efficiency in public administration and to ensure that the rules for promotional channel has been provided, but the Govt. without application of its mind went strict into the rule causing inequity, injustice, disappointment, frustration and heart-burn of the applicant.

8. Details of the remedies exhausted.

The applicant declares that there is no remedy in the service rule and the Hon'ble Tribunal is the

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only remedy available to the applicant. However an application against the order dated 29.3.94 has been filed by the applicant, which has not been responded. The said representation was forwarded to the Govt. of India vide Govt. of Meghalaya's letter dated 5.7.94.

9. Matter not pending with any other Court.

The applicant declares that the instant matter is not been taken to any other court of law.

10. Relief sought.

1. To declare that the applicant is deemed to be selected in the select list prepared by the Selection Committee prior to 1990 so as to get his appropriate year of allotment and seniority prior to Respondent No. 6 to 17.

OR

A direction to the Respondent No.1 to 5 for review and consider the case of the applicant for inclusion of his name in the select lists prepared from 1983 to 1991 and fix appropriate year of allotment and seniority into the applicant's IPS Cadre.

OR.....

OR

to direct the Respondent No. 1 to 5
to relax or dispense with the appropriate
rule/regulation as may be required in
exercise of the power conferred on the
Central Govt. under Rule 3 of the All
India Service (Condition of Service -
Residuary Matter) Rules 1960 to fix the
applicant's appropriate year of allotment
and seniority prior to 1986.

-AND-

- 2x
2) To pass any other order/orders as to the
Hon'ble Tribunal may deem fit and proper.

11. Interim order if any prayed :

- i) If in the meantime the Respondent No. 6 to 10
are promoted to a higher rank, the promotion
shall be subject to the result of the original
application filed by the applicant.
- ii) Pendency of the application may not be a bar for
the Respondent No.1 to 5 to consider the prayers
he made in his application.

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12. Particulars of postal order in respect of the application fee.

Postal Order No. - 8-09-346039
Date - 17.6.96
Issued from - Uluhan PO
Payable at - A.P.O. Guwahati

13. List of Enclosure.

Documents No. ✓ to shown in Index.

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

I, Shri Skylance G. Momin, I.P.S., Superintendent of Police, West Garo Hills, Tura, do hereby solemnly affirm and verify that the contents of paragraphs (7.5, 6.17, 6.19, 6.40, 6.43, 7.1, 7.7, 8, 9, 10, 11) are true to my knowledge and those made in paragraphs 6.20 to 6.34, 6.46, 6.47, 6.48, 12 and 13 are true to my information derived from the record and the rest are my humble submission before this Hon 'ble Tribunal and I sign this Verification on the 15th day of June 1996, at Guwahati, Tura

Signature.

(SKYLANCE G. MOMIN)

40
ANNEXURE-A
135
16

GOVERNMENT OF MEGHALAYA
HOME DEPARTMENT
ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Shillong, the 16th December, 1975.

No.HPL-153/73/Pt.I/14-- In pursuance of the recommendation of the Meghalaya Public Service Commission, the following persons are appointed temporarily as Deputy Superintendents of Police in the scale of pay of Rs.500-35-745-EB-35-1025-ED-40-1225/- p.m. plus other allowances as admissible under the rules with effect from the date of taking over charge and until further orders and are posted to the Station noted against each:-

- | | <u>Place of posting</u> |
|--|-------------------------|
| 1. Shri Errol Christopher Majaw, - Office of the S.P., Garo Hills, Tura. | |
| 2. Shri Maitty Sword Syiem, - Office of the S.P., Jaintia Hills, Jowai. | |
| 3. Shri Skylance G. Momin, - Office of the S.P., Khasi Hills, Shillong. | |

V. Ramakrishnan
V. RAMAKRISHNAN

Secretary to the Government of Meghalaya,
Home Department.

Memo.No.HPL-153/73/Pt.I/14-A, Dated Shillong, the 16 th December, 1975.

Copy forwarded to :-

- 1) The Superintendent, Govt. Press, Meghalaya, Shillong for publication in the Meghalaya Gazette. He is requested to supply this Deptt. with 10(ten) spare copies of the Notification.
- 2) The Accountant General, Meghalaya, Addl.H.S.Building, Shillong-793001.
- 3) The Inspector General of Police, Meghalaya, Shillong for information and further necessary action. This has a reference to his U/O No.HH/XVIII-8/31, dated 5-9-75 and letter No.FM/XVIII-8/37, dated 22-10-75.
- 4) The Deputy Commissioner, Khasi Hills, Shillong/Jaintia Hills, Jowai/Garo Hills, Tura.
- 5) The Superintendents of Police, Khasi Hills, Shillong/Jaintia Hills, Jowai/Garo Hills, Tura.
- 6) The Deputy Commissioner(Supply), Khasi Hills, Shillong for favour of release of Shri Errol Christopher Majaw, Inspector of Supply.
- 7) The Director of Agriculture, Meghalaya, Shillong for favour of release of Shri Maitty Sword Syiem, Statistical Officer.
- 8) The District Family Planning Bureau Officer, Garo Hills, Tura for favour of release of Shri Skylance G.Momin, District Family Planning Information Officer.
- 9) The Secretary to the Governor of Meghalaya, Shillong.
- 10) The Private Secretary to the Chief Minister, Meghalaya, Shillong.
- 11) All Private Secretaries/Personal Asstts. to Ministers and Ministers of State.
- 12) The Private Secretary to the Chief Secretary to the Govt. of Meghalaya.
- 13) The Secretary to the Govt. of Meghalaya, Supply Deptt./Agriculture Deptt. and Health & F.P. Deptt. for information and necessary action.
- 14) Personal Files.
- 15) Shri Errol Christopher Majaw, Mission Compound, Mawkhar, P.O.Shillong-2, Khasi Hills District. for information and necessary action. They
- 16) Shri Maitty Sword Syiem, Riatsanthiah, Mawkhar, P.O.Shillong-1, Khasi Hills District. are requested to report
- 17) Shri Skylance G.Momin, District Family Planning Bureau, P.O.Tura, Garo Hills District. for duty immediately to the Suptds of Police of the Districts concerned.

By order etc.,

[Signature]
Under Secretary to the Government of Meghalaya,
Home (Police) Department.

Acw11xi175.

---x---

True copy
P. H. Ray
Advocate
18/12/75

6/2/1/85
16/8/85

V-14/1-85

Amss - 'B' 17C
51 162

- Copy -

GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPTT.

ORDERS BY THE GOVERNOR
NOTIFICATION

Dated Shillong, the 23rd July, 1985.

No.HPL.417/75/85- Shri S.G. Momin, MPS, Deputy Superintendent of Police (DSB), Tura who was also allowed to function as Sub-Divisional Police Officer, Ampati is promoted to the Senior Scale of the MPS and on promotion is transferred and posted as Additional Superintendent of Police, East Khasi Hills, Shillong against an existing vacancy.

B NONGKYNRIH,
UNDER SECRETARY TO THE GOVT. OF MEGHALAYA
HOME (POLICE) DEPARTMENT.

Memo No.HPL.417/75/85-A, Dated Shillong, the 23rd July, 1985.

Copy forwarded to:-

1. The Special Secretary to the Governor of Meghalaya, Shillong.
2. P.P.S. to Chief Minister, Meghalaya, Shillong.
3. P.S. to Minister, Home etc., Meghalaya, Shillong.
4. The Special Assistant to Chief Secretary, Meghalaya, Shillong.
5. The Inspector General of Police, Meghalaya, Shillong.
6. The Accountant General (Accounts/Audit), Meghalaya, Shillong.
7. The Deputy Commissioner, East Khasi Hills, Shillong.
8. The Deputy Commissioner, West Garo Hills, Tura.
9. All Superintendent-s of Police.
10. The Director of Printing & Stationery, Shillong for publication in the Gazette.
11. The Officer concerned.
12. Personal file/Guard file.

By order etc.,
Sd/-

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

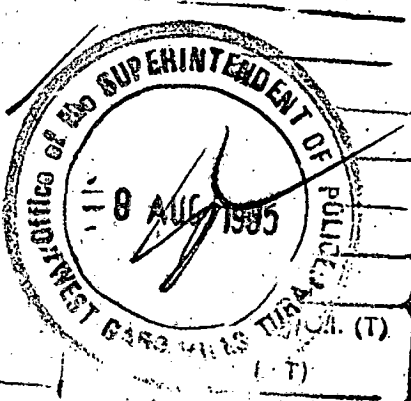
....

Memo No.FM/XXII-84/76/46-A Dated Shillong, the 26th July, 1985.

As directed, copy forwarded for information & necessary action to the:-

1. The Spl. Inspector General of Police, Meghalaya, Shillong.
2. The Dy. Inspector General of Police, SB/CID., Meghalaya, Shillong.
3. The Dy. Inspector General of Police (Re-orgn.), Meghalaya, Shillong.
4. The Dy. Inspector General of Police (Range/Trg), Meghalaya, Shillong.
5. The Superintendents of Police, East Khasi Hills, Shillong/West Khasi Hills, Nongstoin, Jaintia Hills, Jowai/East Garo Hills, Williamnagar, West Garo Hills, Tura.
6. The Commandants, 1st MLP Bn., Shillong/2nd MLP Bn., Tura.
7. The Principal, Police Training School, Shillong.
8. The Superintendent of Police (C), Meghalaya, Shillong.
9. Shri S.G. Momin, MPS, Dy. Superintendent of Police, DSB, Tura.

SP	
DY. SP	
DY.	
H.	
C.	
SC	
II.	
Inspector	
R. O. T	



Asstt. Inspector General of Police (A),
Meghalaya, Shillong.

Copy to - (1) RO(T) for DO.
(2) IB(T) for information
30/8/85
T.M. 007
A. A. M
Adm. 18/9/91

Amrour 2, 1995

- 42/160

D/O No. C 21/7 (Vet-217)/S.E.

3rd February '95.

My dear

Please accept my hearty congratulations for the award of Indian Police Medal for meritorious services on the occasion of Republic Day, 1995.

I hope & wish that you will earn more such laurels in future also.

Yours sincerely,

(D.N.S. SHRIVASTAVA)

Shri S.G. Momin, IPS,
Commandant,
2nd MLP Battalion,
Geeragre.

True copy,
P. H. Adv.
Advocal
18/4/95



SHRI M.I.S.IYER, IPS;

DIRECTOR GENERAL
AND
INSPECTOR GENERAL OF POLICE
MEGHALAYA, SHILLONG

D. O. No. 1/88/31

The 6/2/1988

My dear Sir

The visit of the Prime Minister on the 27th and 28th January '88, to Meghalaya on his electioneering tour and stay at Tura went off without any incident and the arrangements made for law and order and security were of very high order. At the end of the tour of Meghalaya, the Prime Minister had conveyed his appreciation for the very good work done by all Officers and men connected with law and order and security arrangements in Meghalaya to the Union Minister for Surface Transport. The Union Minister conveyed the appreciation of the Prime Minister to the Chief Secretary and to me personally, and I am very happy to convey these words of appreciation from the Prime Minister for the very good work done by the Officers and men deployed on duties during these days. I would like to add my own thanks and appreciation for the excellent way in which you had supervised arrangements and managed the men and materials during this occasion.

Please convey the appreciation of the Prime Minister, the Union Minister and myself to all subordinate officers and men who work under your command.

With very good wishes.

(M.I.S.IYER)

Shri S.G.Momin, MPS,
Superintendent of Police,
Jaintia Hills,
Jowai.

Dt.....

H. A.

Acctt.

H. m.

V. D. P.

R. S. L.

R. O.

M.T.O.

Q.M.

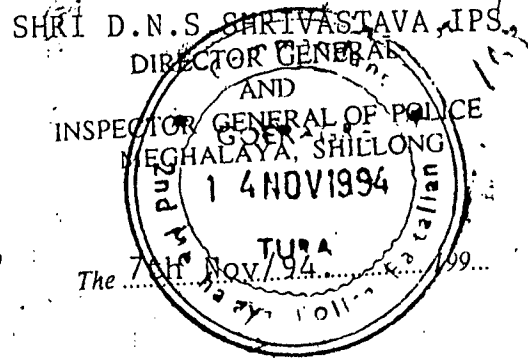
D.S.B.

S.O.

True copy

P. U. Agr
Advised
17/6/96

CONFIDENTIAL



D.O. No.

C 27/73/66-I/P2/188

My dear Momin

I take this opportunity of placing on record my deep appreciation for excellent work done by you in connection with apprehension of wanted activists of an underground outfit of Garo Hills Districts. Due to pressure mounted by Police under your leadership the entire outfit had no alternative but to surrender to the Police to face trials before the Courts of Law. The commendable commitment, devotion & dedication shown by you in discharge of your duty have been appreciated by the Government.

I hope you will continue to work in the same spirit in future too. A copy of it is being placed in your ACR Folder.

With good wishes,

Yours sincerely,


2.11.94

(D.N.S. SHRIVASTAVA)

✓
Shri S.G. Momin, IPS,
Commandant,
2nd MLP Battalion,
GOERAGRE.

P. U. Roy
Adm. Secy
18/6/96

45
ANNEXURE - D

ANNEXURE - I

No.14015/45/79-AIS (I)
Govt. of India, Ministry of Personnel & Training,
Adm. Reforms and Public Grievances and Pension
(Deptt. of Personnel & Training).

.... New Delhi, the 23rd July, 1985.

To The Chief Secretary to the Govt. of Meghalaya,
Shillong.

Sub : Meghalaya Civil Service-Approval as State Civil Service-
for purposes of I.A.S. (Recruitment) Rules, 1954 and I.A.S.
(Appointment by Promotion) Regulations, 1955.

Sir,

I am directed to say that the proposal of the Govt. of Meghalaya for recognition of the M.C.S. as a State Civil Service for the purposes of recruitment to the IAS in terms of the provisions of the IAS (Recruitment) Rules, 1954 and the IAS (Appointment by Promotion) Regulations, 1955 has been considered. The Joint Cadre Authority of the Assam and Meghalaya joint cadre of IAS had recommended approval of the M.C.S. as a State Civil Service. They had also proposed that the Governments of Assam and Meghalaya may jointly arrive at a decision on matters connected with the recognition of the M.C.S. The Govts of Assam and Meghalaya have, after consultations with each other and with the Govt. of India informed that the connected issues have been decided to be settled in the following manner.

1. All the A.C.S. officers serving in Meghalaya shall be absorbed in the Meghalaya Civil Service.
2. The promotion quota of the joint cadre will be apportioned between the two States in proportion to the senior duty posts in the respective Wings from time to time.
3. The future vacancies in promotion quota in each of the two wings will be filled by promotion from among the respective State Civil Service officers.
4. The five promotion vacancies due to the Meghalaya Wing, and currently utilised by the Govt. of Assam will be released by that Govt. at the rate of one per year, beginning from 1985.
5. If any promoted officer, as mutually agreed to between the two Governments, is to be transferred from Assam to Meghalaya during 1985-1989, such officer will be adjusted against the five promotion vacancies to be released in favour of Meghalaya.
6. If any officer promoted to the IAS from A.C.S. or from M.C.S., is transferred from Meghalaya to Assam or from Assam to Meghalaya, then Meghalaya or Assam will take in exchange another promoted officer from the other State or as mutually agreed to.
7. In course of next five years, commencing from 1985 if any non-State Civil Service officer of the Govt. of Meghalaya is appointed /against IAS in the Meghalaya Wing, the same would be adjusted/ the five promotion posts to be released in favour of Meghalaya Wing from 1985 onwards.

2. In view of the above, I am directed to convey the approval of the Govt. of India, under sub-clause (ii) of Clause (g) of Rule 2 of the IAS (Recruitment) Rules, 1954, read with sub-clause (2) of Clause (j) of sub-regulation (1) of Regulation 2 of the IAS (Appointment by Promotion) Regulations, 1955 to the Meghalaya State Civil Service as a "State Civil Service" for the purposes of recruitment to the Indian Administrative Service.

Yours faithfully,

Sd/-

(BABU JACOB)
Director.

P. G. B. B. Adm. (P. G. B. B.)

46

ANNEXURE-D

(165) 141

OFFICE OF THE INSPECTOR GENERAL OF POLICE, MEGHALAYA, SHILLONG.

Letter No. FM/XXVL-9/65

Shillong, the 6th

February 1986.

From

Shri S. Prasad, I.P.S.,
Assistant Inspector General of Police (Admn),
Meghalaya, Shillong.

To

The Special Secretary to the Govt. of Meghalaya,
Home (Police) Department, Shillong.

Subject:- M.P.S. AS FEEDER SERVICE FOR I.P.S.

Sir,

As directed, I am to state that as at present, only A.P.S. is recognised as feeder service for the purposes of I.P.S. (Appointment by promotion). Regulation 1955, After creation of the State of Meghalaya, Government have created M.P.S. with effect from the year 1976. The first batch of officers recruited under M.P.S. have already completed more than 8 years of service in the cadre. And hence, many of them may be eligible for inclusion in the Select List for I.P.S. However, this shall obviously require M.P.S. to be recognised as feeder service at par with A.P.S. for the purposes of above mentioned Regulation. Here, it may be pointed out that as at present we do not have any S.P.S. Officers from Meghalaya on the Select List. The vacancy caused due to retirement of Shri J.C. Mawrch, is also likely to be utilised by Assam Wing of the joint cadre for filling up the quota of S.P.S. Officers, unless steps are immediately taken to get M.P.S. recognised for the above purpose.

In the circumstances, it is requested that immediate steps may be taken to move Government of India for getting M.P.S. recognised as feeder service.

Yours faithfully,

Assistant Inspector General of Police (Admn),
Meghalaya, Shillong.

(C/L) [Signature]

(Copy to file No. FM/XIX-5/of 76 - M.P.S. Rules for record).

True copy
P.L. Pyp
Adm. Secy
C/L

47

ANNEXURE - E - (1) (68)

142

OFFICE OF THE DIRECTOR GENERAL OF POLICE, MEGHALAYA;
SHILLONG

NO. FM/XXVI-9/77/68,

Dated Shillong, the 14 June, 1986.

From:-

Shri H.S. Chittaranjan, IPS,
Inspector General of Police, (Admn.),
Meghalaya, Shillong.

TO:-

The Secretary,
Home (Police) Department,
Govt. of Meghalaya, Shillong.

Subject:- M.P.S. AS FEEDER SERVICE FOR I.P.S.

Reference:- This office letter No. FM/XXVI-9/65
dated 6th February, 1986.

Sir,

I am directed to invite your kind attention to the above cited reference and to request that immediate steps may be taken to move Government of India for getting M.P.S. recognised as Feeder Service to the I.P.S. It may be mentioned that as many as 5 (five) M.P.S. Officers have completed 8 (eight) years of service and it is time that some of them atleast get into the Selection List for the I.P.S.

Early action may kindly be taken
up in the matter.

Yours faithfully,

(H.S. Chittaranjan)
Inspector General of Police, (Admn.),
Meghalaya, Shillong.

True copy:
P. H. M.
Advocate
18/6/86

ANNEXURE-F
48
1867-93
2/9
CONFIDENTIAL
MOST IMMEDIATE
189
1947

GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT

NO.HFL.76/77/141,

Dated Shillong, the 27th August, 1987.

From :- Shri B.Nongkynrih,
Deputy Secretary to the Govt. of Meghalaya.

To :- The Director General & Inspector General of Police,
Meghalaya, Shillong.

Subject :- Recognition of Meghalaya Police Service as a feeder
service for promotion to the IIS.

Sir,

I am directed to send herewith a Note on Recognition
of MPS as a feeder service for promotion to the IIS and to request that
your views on portion marked 'X' thereof may please be furnished to
Govt. urgently.

Yours faithfully,

Deputy Secretary to the Govt. of Meghalaya,
Home (Police) Department

22
2/9
1867-93
2/9

True copy
R.A.M.
Admission
17/9/87

49

80-1
70/44

Recognition of Meghalaya Police Service as a feeder service for promotion to the IPS.

In the Joint IPS cadre of Assam-Meghalaya, there are 27 promotion posts against which State Police Service Officers are promoted under the IPS (Appointment by Promotion) Regulations, 1955. According to the cadre strength out of these 27 posts, 21 posts are meant for Assam wing and 6 posts for Meghalaya wing. However, upto now all the 27 posts are filled up by promotion of Assam Police Service Officers. It also appears that all these promotion posts are filled up at present i.e. utilised by the Govt. of Assam and only one promoted officer from Assam Police Service viz., Shri B.A. Khongman, IPS-SPS is serving under the Meghalaya wing. The above position is due to non-recognition of the Meghalaya Police Service as a feeder service for promotion to the IPS.

Since the constitution of the Meghalaya Police Service in 1976 this State Govt. have taken up the question of recognition of the Meghalaya Police Service with the Joint Cadre Authority from time to time but the question could not be settled upto now. The Joint Cadre Authority in its meeting held on 18.5.85 observed that since the recognition of the MCS is ^{not} at the final stage awaiting approval of the Govt. of India, it is felt that there would not be any difficulty to recognise the other services like M.F.S. or M.P.S. as feeder service to the respective All India Service. The Govt. of Meghalaya, however, will prepare a working paper for both the services for discussion.

The Govt. of Meghalaya recruited its first batch of officers in the M.P.S. in 1975 and as such by ^{now} these officers are eligible for consideration for promotion to the I.P.S. However, the M.P.S has not yet been recognised as feeder service for promotion to the IPS, it is not possible to take up their cases for promotion to the IPS and so long the Assam Police Service officers are enjoying the share of promotion vacancies meant for Meghalaya wing also.

....2/-

P. K. N. M.
Adv. Secy.
18/6/96

Since all the promotion vacancies meant for Assam wing and Meghalaya wing are filled up it is also not possible for Assam Govt. to transfer the share of promotion vacancies to Meghalaya wing at a time even if the Meghalaya Police Service is recognised as feeder service to the IPS immediately. In view of the position explained above and to facilitate the recognition of the Meghalaya Police Service as a feeder service for promotion to the Joint IPS of 5 (five) promotion vacancies now utilised by the Govt. of Assam, it is proposed as below for consideration of the Govt. of Assam.

1. The promotion quota of the Joint IPS cadre may be apportioned between Assam and Meghalaya in proportion to the senior duty posts in the respective wings (i.e. senior posts under State Govt. and Central Deputation Reserve) from time to time.

2. Future vacancies in the promotion quota in each of the two wings may be filled up by promotion from among the respective State Police Service officers.

3. Five (5) promotion vacancies due to Meghalaya wing and currently utilised by the Govt. of Assam may be released by the Govt. of Assam at the rate of one vacancy per year till such time that the five vacancies are fully recouped by Meghalaya wing, from the year of recognition of the MPS and subject to the condition that the vacancy caused under Assam wing against the promotion quota should be more than one i.e. if only one vacancy is caused in a particular year the Assam Govt. need not transfer the only vacancy to Meghalaya in that particular year.

4. If any promoted officer, as mutually agreed to between the two Govts. is to be transferred from Assam to Meghalaya before the completion of transfer of five promotion vacancies envisaged above, such officer will be adjusted against the five promotion vacancies to be released in favour of Meghalaya by Assam.

5. If any officer promoted to the IPS either from AFS or from MPS is transferred from Assam to Meghalaya or from Meghalaya to Assam, then the State from where the officer is transferred will take in exchange another promoted officer from the other State or as mutually agreed to.

.....

OFFICE OF THE DIRECTOR GENERAL & INSPECTOR GENERAL OF POLICE:
MEGHALAYA:SHILLONG.

Letter No. FM/XXVI-3/79/Vol.III/84, Dated Shillong, the 11 Sept.'87.

From : Shri W.R. Marbaniang, IPS,
Asstt. Inspector General of Police (Admn),
Meghalaya, Shillong.To : The Deputy Secretary
to the Government of Meghalaya,
Home (Police) Department, Shillong.Subject :- Recognition of Meghalaya Police Service as a
feeder service for promotion to the IPS.

Reference :- Govt. Letter No. HPL. 76/77/141, dt. 27.8.87.

Sir,

5/8/87

With reference to above, I am directed to inform you that the Director General of Police agrees with all the points in the portion marked 'X' except a little change at point No. 3 which should be incorporated as follows :-

3. 5 (five) promotion vacancies due to Meghalaya Wing and currently utilised by the Govt. of Assam may be released by the Govt. of Assam at the rate of one vacancy per year or more than one as may be agreed to by the Joint Cadre Authority till such time that the five vacancies are fully recouped by Meghalaya Wing from the year of recognition of the MPS and subject to the condition that the vacancy caused under Assam Wing against the promotion quota should be more than one, i.e. if only one vacancy is caused in a particular year the Assam Govt. need not transfer the only vacancy to Meghalaya in that particular year.

Yours faithfully,

Asstt. Inspector General of Police (Admn),
Meghalaya, Shillong.

11/8/87

c/s/c

p. H. R.
Advocate
18/6/87

EXTRACT OF MINUTE OF THE MEETING OF THE JOINT CADRE AUTHORITY HELD ON
20.4.89 IN THE OFFICE CHAMBER OF THE CHIEF SECRETARY AT SHILLONG.

Members present:

1. Shri A.P. Sarwan, I.A.S., Chief Secretary, Assam.
2. Shri V. Ramakrishnan, I.A.S., Chief Secretary, Meghalaya.

12. Recognition of MPS as a Feeder Service to IPS.

Joint Cadre Authority approved the proposal of recognition of Meghalaya Police Service as Feeder Service for appointment to the IPS by promotion.

Sd/- A.P. WARWAN,
Chief Secretary, Assam.

Sd/- V. RAMAKRISHNAN,
Chief Secretary, Meghalaya.

.....

P. G. D. N.
Adm. Secy.
18/6/96

ANNEXURE I 1/68

REGISTERED M/D

GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT

No. HPL-76/77/236

Dated Shillong, the 9th August, 1989

From: Shri W.M.S. Pariat, IAS,
Secretary to the Government of Meghalaya.

To: The Joint Secretary (Police),
Government of India, Ministry of Home Affairs,
New Delhi-110001.

Subject: Recognition of Meghalaya Police Service as a Feeder Service for
appointment to the Indian Police Service by promotion - proposal for-

Sir,

With reference to the subject mentioned above, I am directed to say that after the inception of the State of Meghalaya in 1972, the State Government was able to constitute its own State Police Service in 1975. Till then, the State have been utilising the services of the Assam Police Service Officers for the purpose of administration of law and order in the State. The State Police Service known as 'Meghalaya Police Service' was constituted in the later part of 1975 when the first batch of officers was recruited into this cadre through the State Public Service Commission. Recruitment to subsequent batches of the Meghalaya Police Service have thereafter been made from time to time.

The State Government in the later part of 1981 initiated the proposal through the Joint Cadre Authority for the recognition of the Meghalaya Police Service as a Feeder Service for appointment by promotion to the Indian Police Service. The case after having been duly processed and after proper examination was finally approved by in the meeting of the Joint Cadre Authority which met on 20.4.1989. The Government of Assam have also agreed to the said proposal.

According to the Indian Police Service (Fixation of Cadre Strength) Tenth Amendment Regulations, 1989, the posts to be filled up by promotion in respect of the Joint I.P.S Cadre of Assam-Meghalaya to the I.P.S as per Schedule at present is 34 which is in the ratio 26 : 8 for Assam and Meghalaya respectively.

The undermentioned documents relating to the case for recognition of the Meghalaya Police Service as Feeder Service for appointment to the Indian Police Service by promotion as provided under the I.P.S (Appointment by Promotion) Regulations, 1955 and I.P.S (Recruitment) Rules, 1954 as required are enclosed herewith.

1. Minutes of the Joint Cadre Authority, Assam-Meghalaya.
2. Conditions agreed to by both the Government of Assam and the Government of Meghalaya.
3. Meghalaya Police Service Rules, 1976.

P.K. - Mr.
Advocate
(176/90)

I would in the circumstances request the Ministry kindly to convey their approval on the proposal to recognise Meghalaya Police Service as a Feeder Service for promotion to the Indian Police Service with necessary orders at an early date.

Yours faithfully,

Secretary to the Government of Meghalaya,
Home Department

Memo No. HPL-76/77/236-A Dated Shillong, the 9th August, 1989

Copy forwarded to:-

1. The Director, Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training), New Delhi-110001.
2. The Secretary, Joint Cadre Authority, Assam-Meghalaya and Commissioner and Secretary to the Government of Assam, Department of Personnel (Personnel-A), Dispur, Guwahati-5.
3. The Under Secretary to the Government of Assam, Home (A) Department, Dispur, Guwahati-5.
4. Personnel & A.R(A) Department for information.

By order etc.,

Secretary to the Government of Meghalaya,
Home Department

ANNEXURE-K 149/123
56

MOST IMMEDIATE

GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT

000000

11/2/89
Pls send reply by 11/2/89
one copy to be a 0/1/89
11/2/89

NO.HPL.160/89/16, Dated Shillong, the 6th September, 1989.

From :- Shri H.P.O'Flynn,
Under Secretary to the Govt. of Meghalaya.

To :- ✓ The Director General & Inspector General of Police,
Meghalaya, Shillong.

Subject :- Selection Committee Meeting for selection of State
Police Service Officers for promotion to the IIS.

Reference :- Letter No.HPL.160/89/6 dated 15.7.89.

Sir,

In inviting a reference to the letter cited above,

I am directed to request that the information called for in it may
please be furnished to this Department immediately as the Govt. of India
has fixed a time-schedule that the information in this regard should
reach the UPSC latest by September, 1989. The Govt. of Assam have already
sent their proposal concerning the A.F.S. Officers to the U.F.S.C.

Yours faithfully,

[Signature]
Under Secretary to the Govt. of Meghalaya,
Home (Police) Department

000000

P.K. N. Adv.
18/9/89

57 ANNEXURE L 182411

Confidential.

OFFICE OF THE DIRECTOR GENERAL & INSPECTOR GENERAL OF POLICE:
MEGHALAYA, SHILLONG.

Letter No. FM/XXVI-9/124, Dated Shillong, the 27 September, '89.

From :- Shri Prem Singh, IPS,
Asstt. Inspector General of Police (A),
Meghalaya, Shillong.

To :- Shri H.P. O'Flynn,
Under Secretary to the Govt. of Meghalaya,
Home (Police) Department, Shillong.

Subject :- Selection Committee Meeting for selection
of State Police Service Officers for promo-
tion to the Indian Police Service.

Reference :- Govt. letter No. HPL.160/89/6, dt. 15.7.89.

Sir,

With reference to the above letter, I am directed to state that only 2 (two) directly recruited Meghalaya Police Service Officers of the 1975 batch are eligible for inclusion in the Select List for promotion to the Indian Police Service, namely (1) Shri M.S. Syiem, MPS, and (2) Shri S.G. Momin, MPS.

The required information/documents as per Annexure 'A' are furnished as follows:-

- (1) (a) Shri M.S. Syiem, MPS.
(b) Shri S.G. Momin, MPS.

(2) A.C.R's of the above named officers available in this office are enclosed herewith. A.C.R's for the following periods in respect of Shri Syiem could not be furnished as the same are yet to be initiated. The Reporting Officers have been requested to initiate and submit the same early. Same will be submitted to Govt. as soon as they are received.

Name of Officer :

Period:

- 1) Shri M.S. Syiem, MPS. - (1) 3.1.87 - 23.7.87, ✓
(2) 23.7.87 - 1.11.87. ✓

(3) The number of Senior Duty Posts borne on the Indian Police Service Cadre (Meghalaya Wing) of the Joint Cadre of Assam and Meghalaya is 17.

.....2/-

P. G. O.
Adm. Secy.
587/89

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(4) The number of existing vacancies in the promotion quota of the Indian Police Service (Meghalaya Wing) of the Joint Cadre of Assam & Meghalaya upto 30th November, 1990 is 8 which is the total number of posts to be filled by promotion and which are now being utilised by the Assam Wing of the Cadre due to non-recognition of the Meghalaya Police Service as a feeder service. Apart from these 8 posts, there are no other anticipated vacancies for the period in question. A separate note on this is enclosed herewith at Appendix 'A'.

(5) (a) Shri M.S. Syiem, MPS. Both belong to the
(b) Shri S.G. Momin, MPS. Scheduled Tribe.

(6) Certified that their integrity has not been questioned.

(7) To be furnished by Govt.

(8) Nil.

(9) Not applicable.

(10) This concerns Home (Police) Department.

Enclo:- 'As above'.

Yours faithfully,

Asstt. Inspector General of Police (A),
Meghalaya, Shillong.

APPENDIX - 'A'

59/51

Subject :- Transfer of promotion quota from Assam to Meghalaya.

In reply to Govt. letter No.HPL.76/77/141, dated 27.8.87, it was suggested to Govt. vide this office letter. No. FM/XXVI-3/79/Vol.III/84, dated 18.9.87 (copy enclosed for ready reference) as follows :-

5 promotion vacancies (now 8) due to the Meghalaya Wing and currently being utilised by Assam Government may be released by the Government of Assam at the rate of 1 vacancy per year or more than 1 vacancy as may be agreed to by Joint Cadre Authority till such time as all vacancies are recouped by Meghalaya Wing.

In view of this, it is suggested that the Government of Assam be moved for releasing 2 promotion vacancies i.e. one for the year 1988 - 89 and one for 1989 - 90.

P.A. Mr
Adwch
18/6/91

ANNEXURE - M (24) 152

IMMEDIATE

GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT

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NO.HPL.76/77/243,

Dated Shillong, the 31st October, 1989.

From :- Shri H.P.O'Flynn,
Under Secretary to the Govt. of Meghalaya.

To :- The Joint Secretary (Police),
Government of India,
Ministry of Home Affairs,
New Delhi - 110001.

Subject :- Recognition of the Meghalaya Police Service as a Feeder
Service for appointment to the IPS by promotion-
proposal for.

Reference:- Ministry's W.T. Message No.1-11013/10/89-IPS.I dated 25.10.89.

Sir,

In inviting a reference to the Ministry's W.T. Message
cited above, I am directed to furnish herewith a copy of the proposal sent
under letter No.HPL.76/77/236 dated 9.8.89 alongwith its enclosures for
favour of obtaining Ministry's approval on the proposal.

CB. 236-237
With enclosures.

Yours faithfully,

[Signature]

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department

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FA-24
Advised
17/11/89

ANNEXURE N

No. I-11013/10/89-IPS-1
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

New Delhi-110001, the 23rd Feb., 90

To

The Chief Secretary,
Government of Meghalaya,
Home (Police) Department,
Shillong

Subject : Recognition of the M.P.S. as a Feeder
Service for appointment to IPS by
promotion - Proposal for.

Sir,

I am directed to refer to your letter
No. HPLD/76877/243 dated 31st October, 1989 on the
subject mentioned above and to say that the feeder
service for Indian Police Service is defined in
the sub-rule 2(j)(ii) of I.P.S. (Appointment by
Promotion) Regulations, 1955 as the principal
service of the State. In case M.P.S. fulfils
these conditions, it automatically become the
feeder service. However, it is not clear under
what rule such a recognition has been sought for.

Yours faithfully,

(T.C. CHOWDHURY)
UNDER SECRETARY TO THE GOVT. OF INDIA.

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PCMY
Adwch
18/6/90

GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT

ANNEXURE-0

NOTIFICATION

No.NPL.76/77/248 - In exercise of the powers conferred under sub-clause (ii) of clause (g) of Rule 2 of the I.P.S.(Recruitment) Rules, 1954 read with sub-clause (ii) of clause (j) of sub-regulation (1) of Regulation 2 of the I.P.S.(Appointment by Promotion) Regulations, 1955, the Governor of Meghalaya is pleased to recognise the "Meghalaya Police Service" as a "State Police Service" for the purpose of recruitment to the Indian Police Service with the following terms and conditions:-

1. That the promotion quota of the Joint IPS Cadre shall be apportioned between Assam and Meghalaya in proportion to the Senior duty posts in the respective Wings (i.e. Senior posts under the State Government and Central Government Deputation Reserve) from time to time.
2. Future vacancies in the promotion quota in each of the two Wings shall be filled up by promotion from among the respective State Police Service Officers.
3. 7(seven) promotion vacancies due to Meghalaya Wing and currently utilized by Government of Assam shall be released by the Government of Assam at the rate of one vacancy per year beginning from 1990, till such time that the seven vacancies are fully recouped by Meghalaya Wing, with immediate effect subject to the condition that the vacancy caused under Assam Wing against promotion quota should be more than one.
4. If any promoted officer, as mutually agreed to between the two Governments is to be transferred from Assam to Meghalaya before the completion of 7(seven) promotion vacancies envisaged above, such officer will be adjusted against the 7(seven) promotion vacancies to be released in favour of Meghalaya by Assam.
5. If any officer promoted to the I.P.S either from A.P.S or M.P.S is transferred from Assam to Meghalaya or from Meghalaya to Assam, then the State from where the officer is transferred will take in exchange another promoted officer from the other State or as mutually agreed to.
6. A.P.S. Officers namely (1) Sri A.N. Sanarika and (2) Sri E.K. Chakraborty are absorbed in the M.P.S with effect from 6.3.90.

J.H. PHIRA

Special Secretary to the Govt. of Meghalaya,
Home (Police) Department

File No. 14
Advised -
187/1996

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... 2 ...
Memo No.HPL.76/77/248-A

Dated Shillong, the 5th April, 1990

Copy for information and necessary action to:-

1. The Special Commissioner & Secretary to the Government of Assam, Home (A) Department, Dispur with reference to letter No.HMA.51/88/20 dated 27.3.89. The revision of the earlier Notification is necessary in view of the subsequent revision of Cadre strength vide Notification No.11052/7/88-AIS(II) A dated 19.12.1988 which was discussed and approved in the Joint Cadre Authority meeting held on 20.4.89. The Govt. of Assam's Notification No.HMA.274/88/33 dated 4.4.90 may also please be referred to.
2. The Secretary, Joint Cadre Authority, Assam-Meghalaya, Dispur with reference to the approval of the Joint Cadre Authority to recognise the M.P.S as "State Police Service/Feeder Service" on 20.4.89 as required under Regulation 2(k) (ii) of I.P.S.(Appointment by Promotion) Regulations, 1955.
3. The Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi-110001. This has a reference to his letter No.1-11013/10/89-IPS-I dated 26.2.90.
4. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi-110011.
5. The Secretary, Meghalaya Public Service Commission, Shillong.
6. The Director General & Inspector General of Police, Meghalaya, Shillong.
7. Personnel & A.R(A) Department.

By order etc.,

Joint Secretary to the Govt. of Meghalaya,
Home (Police) Department

UNISERCOM

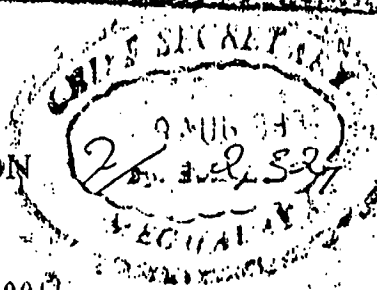
ANNEXURE - P

संघ लोक सेवा आयोग

धौलपुर हाउस
शाहजहाँ रोड

UNION PUBLIC SERVICE COMMISSION
(SANGH LOK SEVA AYOG)
DHOLPUR HOUSE, SHAHJAHAN ROAD

No. F.7/2(2)/89-AIS(M)



New Delhi-110011

August, 1990

The Secretary to the Govt. of India,
Ministry of Home Affairs,
NEW DELHI.

(Attention : Shri P.K. Jain, Under Secretary)

SUB :- Selection Committee Meeting for selection of State Police Service Officers of Meghalaya for promotion to IPS Cadre during 1990-91.

Sir,

I am directed to refer to Govt. of Meghalaya Notification No.HPL 76/77/248 dated 5th April, 1990 (copy endorsed to you) regarding recognition of "Meghalaya Police Service" as a "State Police Service" for the purpose of recruitment to the Indian Police Service and to enquire as to whether Cadre Strength between Assam-Meghalaya has been bifurcated and also whether a Selection Committee Meeting may be convened in respect of Meghalaya Wing.

Yours faithfully,

(I.P. Tuli)
Under Secretary
Union Public Service Commission
Tele.No. 381056.

No.F.7/2(2)/89-AIS(M), New Delhi, the 6th August, 1990

Copy forwarded to Chief Secretary to Government of Meghalaya, Shillong. In case the formulation for constitution of Meghalaya Wing of the Joint Indian Police Service Cadre are complete, a self-contained proposal for convening a meeting of the Selection Committee, alongwith requisite documents and upto date CRs may be made to the Commission.

(I.P. Tuli)
Under Secretary
Union Public Service Commission
Tele.No.381056.

2768
9/8

P. W. Advokat
18/8/90

ANNEXURE - Q

1 COPY

ANNEXURE - 1

152
12/11/90
65186

GOVERNMENT OF ASSAM
HOME(A) DEPARTMENT

NO.HMA.51/88/30

Dated Dispur, the 24th October, 1990

From: Shri G.C.Chutia,
Under Secretary to the Govt. of Assam.

To: The Secretary to the Govt. of Meghalaya,
Home(Police) Department, Shillong.

Sub: Selection Committee meeting for selection of SPS officers
for promotion to IPS.

Ref: Your letter NO.HPL.160/89/56 dt.23.8.90.

Sir,

I am directed to refer to your letter quoted above, and to
say that the vacancy of Sri P.Kar, IPS(SPS) ret'd, which was caused with
effect from 1.4.90 may be utilised by Meghalaya Wing.

Yours faithfully,

Sd/- G.C.Chutia

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

1 COPY

R. G. L. P.
Advocate,
(17/10/90)

GOVERNMENT OF ASSAM
HOME(A) DEPARTMENT

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ANNEXURE-III

187

**PARTICULARS OF STATE POLICE SERVICE OFFICERS ELIGIBLE FOR INCLUSION IN THE SELECT LIST
FOR PROMOTION TO INDIAN POLICE SERVICE FOR 1990**

Sl.No.	Name of the officers	Date of birth	Whether held substan- tive appointment in State Police Service as on 1.4.89	Date of continuous officiation as DSP or its equivalent post	Date of continuous officiation in IPS Cadre post	REMARKS
1	2	3	4	5	6	7
1.	Shri M.S.Sytem (STH)	1.5.1947	M.P.S. Senior Scale	3.1.76	Nil	Shri M.S.Sytem (STH)
2.	Shri S.G.Momin (STH)	1.3.1945	-do-	22.12.75	Nil	Shri S.G.Momin (STH)
3.	Shri T.Dkhar (STH)	1.7.1954	-do-	17.2.78	Nil	Shri T.Dkhar (STH)
4.	Shri L.B.Sangma (STH)	22.2.1954	-do-	1.2.78	Nil	Shri L.B.Sangma (STH)

ANNEXURE - R

67/58

138

MOST IMMEDIATE

No. I-14013/12/91-IPS-I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

.....

New Delhi, the 21-2-92

NOTIFICATION

In exercise of the powers conferred by sub-rule(1) of rule 9 of the Indian Police Service (Recruitment) Rules, 1954, read with sub-regulation (1) of regulation 9 of the Indian Police Service (Appointment by Promotion) Regulations, 1955, the President is pleased to appoint the following members of Meghalaya Police Service to the Indian Police Service on probation and to allocate them to the joint cadre of Assam-Meghalaya under sub-rule (1) of rule 5 of the Indian Police Service (Cadre) Rules, 1954. The appointments will take effect from the date of issue of this Notification.

Sl. No.	Name of the officer	Date of birth
1.	Shri M.S. Syiem	1.5.1947
2.	Shri S.G. Momin	1.3.1945
.....

B. S. Singh
21/2/92

(BJA SINGH)
OFFICER ON SPECIAL DUTY (POLICE)

--- 2/-

P. M. A. V.
Advocate
18/6/90

184
68
-2-

No. I-14013/12/91-IPS-I

Dated: 21-2 91

A copy each is forwarded to :-

1. The Chief Secretary to the Govt. of Meghalaya, Shillong w.r.t. their letter No. HPL.160/89/129 and 137 dated 26.8.91 and 1.10.91 (with two spare copies for onward transmission to the officer concerned.)
2. The Accountant General, Meghalaya, Shillong.
3. The Secretary, UPSC, New Delhi
4. The DG & IGP, Meghalaya, Shillong.

for S.I.C.
21/2/91

(BUA SINGH)

OFFICER ON SPECIAL DUTY (POLICE)

15 Spare copies for IPS-I Section

ANNEXURE-S

1/5/92
1/5/3/90/

(69)

MOST IMMEDIATE

NO.I-15016/17/92-IPS.I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantrelaya

New Delhi-15-10-92

To

The Chief Secretary to the
Government of Assam,
Home (A) Deptt.,
Dispur, Guwahati-6

Sub :

IPS (Regulation of seniority) Rules, 1988-Proposal
for determination of seniority of promoted IPS
Officers.

Sir,

I am directed to refer to the State Government's
letter No.HMA.694/82/Vol.II/496 dated 3rd Dec, 1992 on the
subject cited above and to say that the seniority of S/Sh.
N.C. Panging and seven others, as per IPS (Regulation of
Seniority) Rules, 1988 and on the basis of information furnished
by the State Government, shall be as follows in the Gradation
list of IPS Officers of Assam-Meghalaya Cadre.

S. Name of the No.officer(in the order of their place- ment in the Select list)	Date from which he is not below that of Dy.C.S. (Equivalent)	Date of appoint- ment to IPS	Compl- ted yrs.	Total weigh- age in vice terms rules 2(3)(ii) the rank of the Dy.C.S. IPS (Regu- lation of sen- iority) Rules, 1988	year of allot- ment.
--	---	---------------------------------------	--------------------	---	-------------------------------

1	2	3	4	5	6	7
S/Shri						
.N.C. Panging	9-9-68	6-12-77	22 yrs	7 years	1983	
.P. Deori	15-12-73	6-12-77	16 yrs	5 years	1985	
.B.N.Gohain	15-12-73	6-12-77	16 yrs	5 years	1985	
.A.K. Nath	1-2-76	6-12-77	14 yrs	4 years	1986	
.N.M. Dutta	1-2-76	1-3-81	15 yrs	5 years	1986	
.P.D. Goswami	1-2-76	1-3-81	15 yrs	5 years	1986	
.S.M. Rahman	21-9-84	26-12-81	27 yrs	2 years	1986	
.H.L. Deb	10-12-86	10-3-92	25 yrs	3 years	1986	

P.N. My
Advocate
18/10/90

2. The year of allotment of S/Shri S.M. Rahman and H.L. Deb promotee IPS Officers have been restricted to 1986 in terms of proviso to rule 3(3)(c) of IPS (Regulation of Seniority) Rules, 1988 as Shri P.D. Goswami IPS(SPS:86) who was senior to these officers in the Select list and was also appointed to the Indian Police Service prior to these officers has been assigned 1986 as the year of allotment in the Indian Police Service.

3. The above eight officers appointed to IPS by promotion will be placed below the Direct Recruits of that year of allotment in terms of Rule 4 of the IPS (Regulation of Seniority) Rules, 1988. Inter-se-seniority among them will be in order to which their names are arranged in paragraph (1) above. The name of Shri N.C. Parging shall however, appear below the name of Shri P.C. Yein IPS(SPS:93).

SM/- P.K. JAIN
UNDER SECRETARY TO THE GOVT. OF INDIA

NO.I-15016/17/92-IPS-I Dated 15-10-92

Copy forwarded for information of the necessary action:-

1. The Chief Secretary to the Govt. of Assam, Home (Police) Department, Dispur (with 10 spare copies). The concerned officers may please be informed accordingly.
2. The Accountant General, Assam, Dispur.
3. The Chief Secretary to the Govt. of Meghalaya, Shillong.
4. The Accountant General, Meghalaya, Shillong.

SM/- P.K. JAIN
UNDER SECRETARY TO THE GOVT. OF INDIA.

....

MOST IMMEDIATE

No.I.15016/37/92-IPS.I
 Government of India/Bharat Sarkar
 Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 10/8/93

To

The Under Secy. to the
 Government of Meghalaya,
 Home(Police)Deptt.,
 Shillong.

Sub: IPS(Regulation of Seniority) Rules, 1988-
 Determination of seniority of promotee IPS
 Officers.

Sir,

I am directed to refer to State Government's letter no.HI.16/90/Pt./13 dated 2nd June, 1993 on the subject cited above and to say that the seniority of S/Sh. M.S. Syiem and S.G. Momin, promotee IPS Officers shall be as follows in the graduation list of IPS Officers of Meghalaya Cadre.

2. The details of service in respect of the State Police Officers appointed to the Indian Police Service by promotion are as follows :-

S. No.	Name of the Officer(in the order of their placement in the Select List).	Date from which holding rank not below that of Dy.S.P.or equivalent	Date of appointment to I.P.S.	Completed years of service rendered in the rank not below that of Dy.S.P. or equivalent.	Total Weightage in years in terms of rule 3(3)(ii) of the IPS(Regulations of seniority Rules, 1988)	Year of allotment.
1	2	3	4	5	6	7

S/Shri						
1.	M.S. Syiem	3.1.76	21.2.92	16 yrs.	5	1987.
2.	S.G. Momin	22.12.75	21.2.92	16 yrs.	5	1987

3. The above mentioned IPS Officers appointed to IPS by promotion are placed below the junior-most Direct Recruit of 1987 year of allotment in terms of Rule 4 of the IPS(Regulation of Seniority) Rules, 1988. Inter-se seniority among them will be in order in which their names are arranged in paragraph 2 above.

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4. The concerned officers may kindly be informed accordingly.

Yours faithfully,

(P.S. PILLAI)
UNDER SECY. TO THE GOVT. OF INDIA

No.I.15016/37/92-IPS.I

dated, 10/8/93

Copy to :

1. The Chief Secretary to the Govt. of Meghalaya, Shillong (with 2 spare copies).
2. The Accountant General, Assam, Meghalaya, Shillong.
3. The Chief Secretary, Govt. of Assam, Dispur.

4. The concerned officers may kindly be informed accordingly.

(P.S. PILLAI)
UNDER SECY. TO THE GOVT. OF INDIA

For Internal distribution:-

Copy each to S.O.(IPS.II), D.O. (IPS.III&IV),
Dealing Handa Promotion/ACR Seats, IPS.I Section.
10 spare copies.

73 ANNEXURE - T(1)

ASSAM & MEGHALAYA

(161)

1993

Authorised Cadre Strength of the Indian Police Service (As on 1-1-1995)

Senior Posts

Under the State Govt.	Under the Central Govt.	Total	Deputation Reserve	Leave Reserve, Junior Reserve, Training Reserve	Direct Recruitment quota	Promotion quota	Total authorised strength	No. of officers in position as on 1-1-95			Total
								Direct Recruits		Promotees	
								No. in Junior Scale	No. in Senior Scale & above		
74	30	104	18	22	110	34	144	8	82	33	123

SL. No.	Name of the Officer/Source of recruitment, educational qualifications and Home State.	Year of allotment	Date of birth	Date of appointment to IPS	Present post held	Date of appointment to the present post	Pay/Special pay	Police Medals, if any	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

S/Shri						Rs.			
1.	K.P.S.Gill (RR) M.A.	1957	28-12-34	4-2-58	DGP Punjab Chandigarh	9-4-84	-	PM PPM	On dep. to Govt. of Punjab (Extension in service)
2.	H.S.Chitttranjan (RR) M.A.	1961	6-1-37	13-11-61	DGP, Assam	1-4-84	-	IPM PPM	{
3.	D.N.S.Srivastava (RR) B.A., LL.M., Uttar Pradesh	1964	26-8-39	30-7-64	DG & IG of Police Meghalaya	1-9-93	7700/-	IPM PPM	
4.	R.Des (RR) M.A.	1964	1-1-41	8-7-64	DGCG & CDHG, Assam	1-4-94	-	PM	
5.	M.M.Sagar (RR) M.A.	1964	24-10-40	19-7-64	Addl. DG (V&AC), Assam	26-9-94	-	PM	
6.	I.T.Lingkumar (RR) B.A (Hons) Nagaland	1964	6-8-41	18-7-64	Dir. Civil Defence & CGHG, Meghalaya, Shillong	9-7-93	7400/-	PM	In the rank of ADGP. Ex-cadre
7.	K.Hrishikeshan (EC/SSC) M.Sc.	1964	16-1-41	3-7-68	Dir. (S&V) ONGC Nazira	11-9-91	-	-	On dep. to GOI
8.	D.K.Das (RR) M.A.	1965	1-2-41	5-7-65	-	-	-	-	On study leave w.e.f. 20-8-79 & applied for voluntary retirement
9.	E.N.Rammohan (RR) M.Sc.	1966	20-11-40	26-7-65	-	-	-	PM PPM	On dep. to GOI

74

194/62

ASSAM & MEGHALAYA

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
							Rs.		
S/Shri									
10. P.K.Misra (RR) B.Sc(H), B.E. Dip.in Dev. Admn. (Birmingham)	1965	27-6-41	14-7-65					PM	On dep. to GOI w.e.f. 14-11-79
11. P.C.Sherma (RR) M.A.	1966	28-6-42	10-8-66						On dep. to GOI
12. P.V.Sumant (RR) B.Com.	1967	26-12-45	16-7-67	IGP (Border), Assam	5-12-94	-	PM PPM	-	
13. L.David (RR) M.A.	1967	19-3-44	20-7-67	IGP (Operation), Assam	5-12-94	-	PM	-	
14. G.N.Das (RR) M.A.	1967	18-4-38	18-7-67	IGP (OSD), Assam	1-7-92	-	-	-	
15. K.Lalchunga (RR) B.Sc.(Hons.)	1968	1-1-41	3-7-68	Advisor (S&V) ASEB Assam.	1-7-92	-	PMG	-	
16. H.K.Deka (RR) M.A.	1968	8-1-45	4-7-68	IGP (SB) Assam	11-12-90	-	PM PPM	-	
17. S.R.Mehra (RR) M.A.	1970	4-3-48	5-7-70	IGP, BI(EO), Assam	6-7-93	-	-	-	
18. D.N.Dutt (RR) M.A.	1971	2-12-46	10-7-71	IGP (TAP), Assam	5-12-94	-	PM	-	
19. G.M.Srivastava (RR) M.A.	1972	15-7-49	16-7-72	Dir. (S&V) Oil India Ltd., Deradun.	1-12-93	-	PM PMG	On dep. to GOI	
20. L.Sailo (RR) M.A. Mizoram	1972	1-3-47	17-7-72	IGP HQRs (CID), Meghalaya, Shillong	5-11-93	6300/-	IPM	-	
21. R.N.Mathur (RR) B.Sc.	1973	30-4-49	23-7-73	IGP (CID), Assam	11-3-94	-	PM	-	
22. Sharada Prasad (RR) M.Sc.	1973	12-9-60	15-9-73	-	-	-	-	On dep. to GOI	
23. B.K.Dey (RR) B.A.(H) Meghalaya	1973	17-3-51	12-7-73	IGP (OSD), Meghalaya, Shillong	5-11-93	6300/-	-	-	
24. S.K.Deb (SPS) B.A.(Hons.)	1973	1-5-39	7-11-78	IGP (Admn), Assam	4-9-93	-	PM	-	
25. Ranjit Biswas (SPS) B.A.	1973	21-11-37	7-11-78	Dir. Fire Service, Assam	23-1-91	-	-	-	
26. B.C.Kalita (SPS) M.A.	1973	6-6-40	7-11-78	DIG (SB), Assam	11-12-90	-	PM PPM	-	
27. M.Thengal (SPS) B.Sc.	1973	1-3-38	17-11-79	DIG (V&EO), Assam	12-9-94	-	PM	-	
28. Sankar Barua (RR) B.A.	1974	3-12-51	20-7-74	DIG (Admn.), Assam	12-9-94	-	-	-	
29. S.P.Ram (RR) M.Sc.	1974	15-3-49	10-11-74	-	-	-	-	On dep. to GOI	

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ASSAM & MEGHALAYA

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
S/Shri							Rs.		
30. K.C.Reddy (RR) M.Sc.	1974	6-12-48	21-7-74	-				IPM	On dep. to GOI
31. B.P.Rao (RR) M.Sc.	1974	10-6-49	14-7-74	-					On dep. to GOI
32. R.N.Saikia (SPS) M.A.	1974	1-4-38	3-4-80	DIG (B), Assam	2-3-91	-	-	-	-
33. M.Mohan Raj (RR) B.Sc.	1975	17-9-48	21-7-75	-					On dep. to GOI
34. W.R.Marbaniang (RR) B.A. Meghalaya	1975	29-8-51	30-7-75	DIG (Trg./AP), Meghalaya, Shillong	1-8-94	5700/-	PMG IPM	Ex-cadre	
35. J.R.Saigram (RR) M.Sc.	1975	6-10-50	10-11-75	-				PMG	On dep. to GOI
36. A.K.Sehu (RR) M.A.	1975	23-4-53	16-7-75	DIG (TAP/EB), Assam	19-7-94	-	-	-	-
37. K.Krishan (RR) B.Sc.(Hons)	1976	19-1-55	14-11-76	-					On dep. to GOI
38. Sibabrata Kakati (RR) M.Sc.	1976	1-2-55	14-11-76	-					On dep. to GOI
39. Subash Goswami (RR) M.Sc.	1977	6-12-54	11-11-77	DIG (AP), Assam	12-7-94	-	-	-	-
40. Anil Pradhan (RR) M.Sc. Meghalaya	1977	3-7-51	12-7-77	DIGP (SB), Meghalaya Shillong	15-6-92	5400/-	-	Ex-Cadre	
41. Prem Singh (RR) B.A. Himachal Pradesh	1977	1-4-55	2-12-78	DIGP (CID) Meghalaya, Shillong	17-8-92	5250/-	-	Ex-Cadre	
42. J.Choudhury (RR) M. A.	1978	6-5-55	18-11-78	-					On dep. to GOI
43. N.Ramachandran (RR) B.Sc.	1978	4-10-52	18-11-78	-				PMG	On dep. to GOI
44. B.Kezo (RR) M.A.	1978	20-9-54	14-11-78	DIGP (WR), Meghalaya, Shillong	2-6-94	5250/-	-	Ex-Cadre	
45. A.K.Mallik (RR) M.Sc.	1979	11-9-57	13-11-79	-					On dep. to GOI
46. D.K.Pathak (RR) M.A.	1979	1-3-56	13-11-79	DIG (ER), Assam	29-4-93	-	-	-	-
47. P.J.P.Hanuman (RR) B.Sc. Meghalaya	1979	8-12-54	13-7-79	DIGP (ER), Meghalaya, Shillong.	3-4-93	5250/-	-	-	-
48. A.K.Mathur (RR) B.Sc.	1980	29-4-54	15-9-80	-					On dep.to GOI
49. Rajendra Kumar (RR) B.A. LL.B.	1980	3-12-55	15-9-80	DIG (SR), Assam	14-5-93	-	-	-	-

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ASSAM & MEGHALAYA

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	S/Shri						Rs.		
50.	R.C.Tayal (RR) M.Sc.	1980	3-12-55	15-9-80					On dep. to GOI
51.	Kalyan Deshmukhya (SPS) B.Sc.	1980	1-3-39	5-10-83	DIG (CID), Assam	21-4-93		PM	
52.	Tara Pada Chakravarty (SPS) M.A.	1980	28-9-39	21-9-83	DIG (R) Assam	21-4-93		PM PPM	
53.	Ashim Kumar Roy (SPS) B.A.(Hons)	1980	1-1-46	25-9-84	DIGP (CWRI), Assam	3-5-93			
54.	B.A.Khongmen (SPS) B.A. Meghalaya	1980	1-7-37	24-8-84	DIGP (R&W) Megh., Shillong	1-6-93	5200/-		
55.	S.P.Kar (SPS) B.A.	1980	1-1-46	25-9-84	DIG (CID), Assam	22-6-94			
56.	Rajiv Mehta (RR) M.A. New Delhi	1981	25-8-56	11-1-82	SP East Khasi Hills, Shillong	31-5-94	4200/- 400/-		
57.	Gunotam Bhuyan (RR) M.Sc.	1981	1-1-53	11-1-82	DIG (Security), Assam	22-6-94			
58.	Ravi Solanki (RR) M.A.	1981	29-7-56	2-12-81					On dep. to GOI
59.	Bhabadhar Dutta (SPS) B.A.	1981	1-1-39	7-10-85	DIG (WRI), Assam	6-7-94			
60.	S.M.A.B.Khandekar (SPS) B.A.	1981	1-1-44	7-11-85	DIG (NH), Assam	20-6-94		PM	
61.	Khagen Sarmah (RR) M.A.	1982	1-12-55	3-1-83	Principal APTC Dergaon, Assam	1-1-92			
62.	Dilip Kr.Bora (RR) M.A.	1982	1-9-55	3-1-83					On dep. to GOI
63.	Watisangba Ao (RR) M.Sc.	1982	19-6-50	3-1-83	AIG (Trg.) Assam	30-6-94			
64.	M.N.Kakati (SPS) B.A.	1982	1-3-45	23-7-86	AIGP (Admn.) Assam	26-7-91		PM	
65.	B.B.Misra (RR) M.A.	1983	10-3-55	29-8-83					On dep. to GOI
66.	Rajendra Kr.Sharma (RR) M.Sc. New Delhi	1983	25-8-55	29-8-83	SP, West Garo Hills, Tura	9-4-93	3925/- 400/-		
67.	Jatin Mipun (RR)	1983	1-8-52	15-12-83	SRP Pandu, Assam	5-9-93			
68.	K.N.Sarma Baruah (SPS) M.Com.	1983	1-3-36	29-12-88	SP cum FSA, Assam	1-9-94		PM	
69.	S.N.Mazinder Baruah (SPS) M.A.	1983	1-3-37	7-8-89	Comdt.3rd APTF Bn., Assam	17-9-92		PM	

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ASSAM & MEGHALAYA

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
S/Shri							Rs.		
70.	A.K.Das (SPS) B.A.	1983	1-3-44	6-12-89	Comdt. PTC Dergaon, Assam	22-7-91			
71.	K.K.Nath (SPS) B.A.(Hons.)	1983	1-11-43	6-12-89	SP (Border), Assam	21-7-94			
72.	B.K.Borpujari (SPS) B.A.	1983	1-3-44	6-12-89	Comdt. 1st AP Bn. Assam	6-11-91			
73.	P.C.Yain (SPS) B.Com.	1983	1-3-41	7-12-89	Comdt. 2nd APTB Bn. Assam	21-1-93			
74.	N.C.Pangang (SPS) B.A.	1983	1-4-39	3-11-90	Comdt. 4th AP Bn. Assam	5-5-93			
75.	S.K.Jain (RR) M.Sc. M.Phil.	1984	5-10-56	19-12-84					On dep. to GOI
76.	Mukesh Sahay (RR) M.Sc.	1984	1-5-58	17-12-84	S P CBI, Delhi	19-7-94			On dep. to GOI
77.	Arvind Kumar (RR) M.Sc.	1984	30-9-59	4-1-85					On dep. to GOI
78.	Umesh Kumar (RR) B.Sc.	1984	4-12-56	4-1-85	SP (SB) Assam	6-7-94			
79.	Pradip Kumar (RR) M.Sc.	1984	12-6-57	4-1-85	SP Nagaon, Assam	16-2-94			
80.	Prit Pal Singh (RR) M.Sc.	1984	29-8-55	4-1-85					On dep. to GOI
81.	Y.C.Modi (RR) B.Com., LLB,	1984	8-5-61	12-7-85					On dep. to GOI
82.	R.M.Singh (RR) M.Sc.	1984	10-6-59	10-1-85	SP Sonitpur	29-6-94			
83.	P.S.Purohit (RR) M.Tech. Rajasthan	1985	28-7-58	6-1-86	SP Jantile Hills Jowai, Meghalaya	4-10-93	3700/- 400/-		
84.	R.Awasthi (RR) M.A.	1985	10-9-58	23-12-85	SP Golaghat	24-6-94			
85.	Ajit Prd. Raut (RR) M.Sc.	1985	10-10-58	6-1-86	Comdt. 12th AP Bn.	1-7-94			
86.	Kuladhar Saikia (RR) M.A.	1985	1-9-59	6-1-86	SP ACB, Assam				
87.	Pitambor Deuri (SPS) B.A (Hons.)	1985	1-4-42	13-11-90	AIG (R) Assam	9-8-91			
88.	B.N.Gohain (SPS) I.A.	1985	1-2-37	13-11-90	Comdt. 1st ASRF Bn.	17-7-91			
89.	Pallav Bhattacharjee (RR) M.Sc.	1986	17-1-69	8-9-86	S P Karimganj	17-11-92			
90.	S.B.Singh (RR) M.B.B.S	1986	24-4-58	25-8-86					On dep. to GOI

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ASSAM & MEGHALAYA

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
							Rs.		
	S/Shri								
91.	Anil Kr. Jha (RR) M.Sc.	1986	1-5-60	25-8-86	Comdt. 11th AP Bn.	27-4-94	-	-	-
92.	Jyotirmoy Chakravarty (RR) M.Sc.	1986	1-3-62	15-12-86	Comdt. 1st APTF Bn.	18-12-93	-	-	-
93.	Ram Prakash Agarwal (RR) B.É.(Mech).	1986	15-4-60	25-8-86	-	-	-	-	-
94.	R. Chandra Nathan (RR) B.A.	1986	13-12-61	15-12-86	-	-	-	-	On dep. to GOI
95.	A.K. Nath (SPS) B.A., LL.B.	1986	1-6-45	13-12-90	S P SB Assam	26-7-91	-	-	-
96.	N.M. Dutta (SPS) M.Sc.	1986	5-1-49	11-3-90	Dy. Director, Fire Services, Assam	1-7-94	-	-	-
97.	P.D. Goswami (SPS) B.A.	1986	1-9-51	11-3-91	S.P BII(EO), Assam	15-3-91	-	-	-
98.	Dr. H.L. Deb (SPS)	1986	13-1-42	16-3-92	SPV & ACB Assam	19-5-93	-	PM	-
99.	Ravi Kant Singh (RR) M.Sc.	1987	18-1-63	15-12-87	S.P Tinsukia Assam	3-12-93	-	-	-
100.	A.K. Sinha Kashyap (RR) M.A.	1987	16-1-62	1-7-87	SP Morigaon	11-12-93	-	-	-
101.	B. Lyngdoh Buam (RR) M.A., M.Phil. Meghalaya	1987	5-11-59	24-8-87	S.P Infiltration Meghalaya, Shillong	7-6-93	3000/- 400/-	-	Ex-Cadre
102.	M.S. Sylam (SPS) M.Sc. Meghalaya	1987	1-5-47	21-2-92	Asstt. IGP(A) Meghalaya, Shillong	17-7-92	4000/- 400/-	-	-
103.	S.G. Momin (SPS) B.A. Meghalaya	1987	1-3-45	21-2-92	Comndt. 2nd MLP Bn., Georagre, West Garo Hills	30-10-91	4000/- 400/-	-	-
104.	Bhaskar Jyoti Māhanta (RR) M.A.	1988	24-1-63	26-12-88	SP, NC Hills	30-4-94	-	-	-
105.	Binoy Kumar Mishra (RR) M.A.	1988	26-2-63	26-12-88	Comdt. 2nd AP Bn.	14-9-94	-	-	-
106.	M.R. Vijay Kumar (RR) M.A. Andhra Pradesh	1988	22-9-56	25-8-88	SP, West Khasi Hills, Nongstoin, Meghalaya	6-4-93	3200/- 400/-	-	-
107.	T. Dkhar (SPS) B.A. Meghalaya	1988	1-7-54	11-3-93	SSP(SB) Meghalaya, Shillong	6-10-93	3750/- 400/-	-	-
108.	Mukesh Agrawal (RR) MBA.	1989	6-2-63	21-8-89	SP, Kokrajhar	23-6-94	-	-	-

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ASSAM & MEGHALAYA

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
S/Shrl							Rs.		
109.	Kumar Vinoy Singh Deo (RR)	1989	5-8-63	26-12-89	SP, Bongaigaon	28-6-94	.	.	.
110.	Y.K.Gautam (RR) MBBS.	1990	30-9-61	27-12-90	.	.	.	.	On dep. to GOI
111.	Lungrinding (RR) B.A.(Hons), LL.B.	1990	8-11-60	27-12-90	Addl. SP, (HQ), Ghy. City	19-9-94	.	.	.
112.	G.P.Singh (RR) M.Sc.	1991	8-11-67	6-1-92	SDPO Rengia	9-11-93	.	.	.
113.	L.R.Bishnoi (RR) M.V.Sc.	1991	6-3-63	6-1-92	SDPO Udalguri	1-12-93	.	.	.
114.	K.P.Changkakati (SPS) M.A.	.	1-2-43	23-3-93	Comdt. APTC, Assam	10-9-93	.	.	.
115.	Harmeet Singh (RR) M.A.	1992	30-12-68	11-1-93	SDPO, Bokakhat	.	.	.	.
116.	Smt.Idashisha Nongrang (RR) B.A. (Hons.) Meghalaya	1992	30-10-65	1-6-93	Asstt. Co. 2nd MLP, Georahre, SDPO Dadengiri	5-12-94	2275/-	.	.
117.	Prakash Kr. Lohia (RR) M.Tech	1992	5-5-63	20-12-93	.	.	.	.	.
118.	Hari.Prasad Raju (RR) M.Sc (Tech.)	1993	1-1-63	20-12-93	.	.	.	.	.
119.	Mrs. Malini Krishnamurthy (RR) M.A.	1993	12-7-65	20-12-93	.	.	.	.	.
120.	Dr. Ram Prasad Meena (RR) M.B.B.S	1993	.	20-12-93	.	.	.	.	.
121.	U.C.Das (SPS) M.A.	.	1-4-41	25-1-94	SP SVC, Assam	5-4-91	.	.	.
122.	L.B.Sangma (SPS) B.A. Meghalaya	.	22-2-52	9-3-94	SP, East Garo Hills, Williamnagar	5-3-92	3875/- 400/-	.	.
123.	B.R.Rana (SPS) B.A. Meghalaya	.	13-2-59	30-12-94	AIG (FS/Traffic), Meghalaya, Shillong	21-6-93	3480/- 400/-	.	.

ANNEXURE - T (2) 16/4/96

GOVERNMENT OF ASSAM
HOME (A) DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 29th May, 1996.

NO. HMA. 250/94/129 : The following Notification No. 1-14013/34/95-IPS.I dated 9.5.96 issued by the Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi is republished. @ 392-399 c

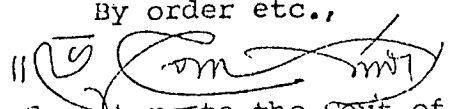
"Consequent to inclusion of his name in the Select List of 1983 by the review Selection Committee which met on 15.12.95 in pursuance of judgement dated 21.9.95 in OA No. 83/94 of Central Administrative Tribunal, Guwahati Bench and in exercise of the powers conferred by sub-rule (1) of rule 9 of the Indian Police Service (Recruitment) Rules, 1954, read with sub-regulation (1) of Regulation 9 of the Indian Police Service (Appointment by Promotion) Regulations, 1955, the President is pleased to antedate the appointment of Shri H.L. Deb to the Indian Police Service from 16.3.92 to 14.11.84 and to allocate him to the cadre of Assam Meghalaya under sub-rule (1) of rule 5 of the Indian Police Service (Cadre) Rules, 1954. This supersedes this Ministry's Notification No. I.14013/22/91-IPS.I dated 16.3.92."

Sd/- M.L. Miglani,
Under Secy. to the Govt. of India.

Sd/- B. Sarma,
Deputy Secretary to the Govt. of Assam,
Home (A) Department.

Memo.No.HMA. 250/94/129-A, Dated Dispur, the 29th May, 1996.
Copy to :-

1. The Accountant General, Assam etc., Shillong/Guwahati.
2. The Director General of Police, Assam, Ulubari, Guwahati-7.
3. The Under Secy. to the Govt. of India, Ministry of Home Affairs, New Delhi- 110 001.
4. The Registrar, Central Administrative Tribunal, Guwahati Bench, Guwahati-5.
5. The Under Secretary, Union Public Service Commission, Shahjahan Road, Dhalpur House, New Delhi- 110 011.
- ✓ 6. The Secy. to the Govt. of Meghalaya, Home (Police) Deptt., Shillong.
7. The Superintendent, Assam Govt. Press, Bamunimaidam, Guwahati- 21 for publication.
8. Shri H.L. Deb, IPS, Superintendent of Police, Vigilance & Anti-Corruption, Kharghuli, Guwahati-4.
9. Personal file of Shri

By order etc.,
 29/5/96
Deputy Secretary to the Govt. of Assam,
Home (A) Department.
...

SITAKAK

P. K. M. Adv. 16/4/96

OFFICE OF THE COMMANDANT
2ND MEGHALAYA POLICE BATTALION:::GOERAGRE:::WEST GARO HILLS #

Letter No.28N/PF/CO/94/580

Dated Goeragre, the 29th March, 1994.

From : Shri S.G. Momin, IPS
Commandant,
2nd MLP Battalion,
Goeragre.

To The Chief Secretary,
Govt. of Meghalaya,
Shillong.

Through the Proper Channel.

Subject : REPRESENTATION FOR REVIEW OF ALLOTMENT YEAR.

Sir,

I have the honour to represent herewith for favour of your kind perusal and to take up the matter with the Home Ministry & Personnel Department, Govt. of India for review of my allotment year from 1987 to 1985.

That Sir, I joined in the Police Service on 22.12.1975 as the first batch of Meghalaya Police Service on the basis of emergency recruitment for Meghalaya Civil Service/Meghalaya Police Service made through the Meghalaya Public Service Commission as per advertisement No.MPSC/18/2/73-74 dated 27.3.1974. The examination was conducted for the Meghalaya Civil Service & Meghalaya Police Service was the same. But while the Meghalaya Civil Service was duly recognised as Feeder Service to the Indian Administrative Service in the year 1985, the recognition of Meghalaya Police Service as Feeder Service to the Indian Police Service was recognised only on 5th April, 1990. As a result of the delay in recognition of the Meghalaya Police Service when I was nominated to the Indian Police Service I got the allotment year of 1987 only, whereas, according to Govt. of India's Letter No.I-15016/17/92/IPS-1 dated 15.10.92, the following Officers - Sarveshri A.K. Nath, N.M. Dutta & P.D. Goswami who joined in 1976 batch of the Assam Police Service were nominated to the Indian Police Service in the year 1990 & 1991. All three of them have been given the allotment year for 1986, whereas, I being the first batch of Meghalaya Police Service Officer from 1975 should

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I have got the allotment year of 1985 instead of 1987. Because of this delay for recognition to the Feeder Service, I have become somewhat a victim and also became Junior to my friends in Assam. My date of birth is 1-3-1945 and as such, retiring in the year 2003.

Every Officer is working hard with dedication expecting for attractive incentives or promotions whereas inspite of such works I will be retiring as Senior Superintendent of Police only because of the allotment year.

Therefore, Sir, I request you to kindly peruse the representation and take necessary action to review the allotment year as mentioned above.

Yours faithfully,

(S.O. MOHIN)
Commandant,
2nd Meghalaya Police Battalion,
Goeragra, West Garo Hills.
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DATE
REGISTRAR
GENERAL
ACCOUNTS
FORCE
SUPPLY
CONFIDENTIAL

P. A. Adv.
Adv.
18/6/96

OFFICE OF THE DIRECTOR GENERAL OF POLICE:MEGHALAYA:SHILLOG.

1. I am forwarding herewith the representations of Sarvashree M.S.Syiem, IPS, Assistant Inspector General of Police (A) and S.G.Momin, IPS, Commandant, 2nd MLP Battalion. The representation, I think, contain facts and need to be looked into seriously and with priority. From the records available, undue delay appeared to have been caused to place these two officers in the select list. This office had taken up with the Government of Meghalaya since 1986 for the recognition of the M.P.S. as a feeder service to the I.P.S. and also to place the above officers in the select list vide letters No.FM/XXVI-9/65 dated 6/2/86 and FM/XXVI-9/77/68 dated 4.4.86.

2. Government vide letter No.HPL.76/77/141 dated 27.8.87 conveyed the observation of the Joint Cadre Authority of the Assam Meghalaya Joint Cadre in its meeting held on 18/5/85 that "since the recognition of the M.C.S. is at the final stage awaiting the approval of the Government of India it is felt that there is no difficulty to recognise the other services like the M.F.S., M.P.S. as feeder services to the respective A.I.S. The Government of Meghalaya will therefore prepare a working paper for both the services for discussion". Even though the case of the M.C.S. was cleared and notified on 23rd July 1985 the case of the M.P.S. was not pursued. It was perhaps unfortunate that the matter was pursued only after the issue was raised in the floor of the Assembly by Shri H.D.R. Lyngdoh during the Autumn Session of the Meghalaya Legislative Assembly, 1988 conveyed vide Government letter No.HPL.264/88/3 dated 11.8.88. In reply to the Assembly Question, this Office informed the Government that since all the materials relating to the question are already with the Government, Government may, therefore, appropriately reply to the question.

The Joint Cadre Authority finally approved the M.P.S. as a feeder service to the I.P.S. on 20th April, 1989. Further to add to the already delayed process and to the heartburn and frustration of the officers, the notification of the recognition was published a year later, vide Government Notification No.HPL.76/77/248 dated 5.4.90. This I feel is a great injustice done to the Officers with no fault of theirs.

3. As a result of the said secretarial delay in the recognition of the M.P.S. as a feeder service to the I.P.S. the Government of Assam had utilised 7 (seven) promotion vacancies of Meghalaya as of the year 1990. In pursuance to Government notification No.HPL.76/77/248 dated 5.4.1990 the first vacancy was released by the Government of Assam in the year 1990 vide their letter No.HMA GI/88/30 dated 24.10.1990.

4. In pursuance to Government letter No.HPL.160/89/6 dated 15.7.89 a proposal for the inclusion in the select list of the two officers was sent by this office vide letter No.FM/XVI-9/124 dated 27.9.89. But though the recognition of the M.P.S. as a feeder service was published in April 1990 and the first vacancy released by Government of Assam in 1990, yet the selection of the two officers was delayed till 12th March, 1991.

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5. Further, on the matter of assigning the year of allotment in the I.P.S. in respect of the two officers, it was represented to the Government vide this office letter No.FM/XXVI-9/160 dated 31.12.92 where reference was also made as regards the Assam Police Officers of 1976 batch of the A.P.S. While one Assam Police Officer of the 1976 batch was duly appointed to the I.P.S. in 1990 and two in 1991, our two officers of the 1975 batch of M.P.S. were appointed to the I.P.S. in March 1992. As a result, the Assam Officers were assigned the year 1985 in the case of one Officer, Shri A.K. Nath, while the other two, Shri P.D. Goswami and N.M. Dutta, were assigned the year 1986 as the year of allotment in the I.P.S. Therefore it is surprising and unfortunate for the two Meghalaya Officers that the Home (Police) Department Meghalaya did not recommend their case as suggested by this Office vide letter stated above. The Government of India had, therefore, accepted proposal of the Government of Meghalaya and assigned the year 1987 as the year of allotment to the two Meghalaya Officers, as per the new rules of 1988. All this happened because of the undue delay in placing the two representationists in the select list.

6. Even the Police Officers of Sikkim & Nagaland were in much better position. They were straightaway assigned the year of allotment 5 years from the date of joining of Police in Nagaland and 2 years from the date of joining in Sikkim at the time of initial constitution of the I.P.S. Cadre in their respective States.

7. In this connection an extract from the judgement of Supreme Court delivered on 11/12/86 in the case of R.S. Das and others, vrs. Union of India is given below for perusal.

"As the Select List is to be prepared each year, the State Government should take action well in advance to avoid any delay. If undue delay is caused in preparation of Select List, it provides occasion for suspicion against the authorities and it is likely to generate frustration and heart burning among the members of the State Civil Service, which would obviously be detrimental to public administration".

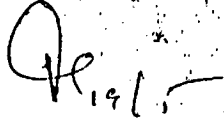
8. The above extract speaks for itself and calls for a review of the assignment of year of allotment to the representationists by the government.

9. As the officers of Assam Police Service of 1976 batch have been assigned 1985 & 1986 as year of their allotment in I.P.S. it will be in the fitness of things if the representationists who belong to the 1975 batch of M.P.S. are given 1984 as their year of allotment in the I.P.S.

10. The representationists joined M.P.S. in the year 1975 and have been assigned 1987 as the year of allotment to I.P.S., that is, 12 years after that recruitment in M.P.S. The A.P.S. Officers of 1976, appointed one year later than the representationists, have been assigned 1985 & 1986 as the year of their allotment in I.P.S. I am sure that if they go to tribunal/court, Government may not be in sound footing to counter their arguments for justice.

..P/3..

11. The representationists are first rate officers who are working with immense dedication and devotion in discharge of their duty and have proved their worth as excellent officers of the Department. I will be grateful if Government considers their representations right earnestly with sympathy at an early date.


(D.N.S. SHRIVASTAVA),
Director General

and
Inspector General of Police, Meghalaya,
SHILLONG

Shri K.K. Sinha, IAS, Chief Secretary, Meghalaya, Shillong.

U/O No. FM/XXVI-9/195 Dt. 19/5/94.

F. 11/15/94
GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT
...

(196)
ANNEXURE - W
15/1/95
206/86/195

NO. HPL. 16/90/Pt/35, Dated Shillong, the 15th July, 1994.

From: Shri Y. Lyngdoh,
Under Secretary to the Govt. of Meghalaya.

To: The Under Secretary to the Govt. of India,
Ministry of Home Affairs,
New Delhi-110001.

Subject: IPS (Regulation of Seniority) Rules, 1988 - Determination
of Seniority of promotee IPS Officers.

Reference: Ministry's letter No. L15016/37/92-IPS-I dated 10.8.93.

Sir,

In inviting a reference to the Ministry's letter cited above, I am directed to forward herewith the representations submitted by S/Shri M.S. Syiem, IPS (SPS-87) and S.G. Momin, IPS (SPS-87) and to state as follows:-

1. The Joint Cadre Authority of Assam-Meghalaya have approved the proposal of recognition of the Meghalaya Police Service as a feeder service for promotion to the I.P.S. in its meeting held on 20.4.89.

2. After receiving the approval of the Joint Cadre Authority, the State Government sought for the approval of the Ministry under State Government's letter No. HPL. 76/77/236 dated 9.8.89.

3. Home Ministry in their letter No. L-11013/10/89-IPS-I dated 26.2.90 have conveyed their decision on the matter.

4. The State Government could declare the M.P.S as a feeder service only on 5.4.1990, that is after the Selection Committee Meeting for preparation of the Select List 1990 was held.

5. The State Government in their letter No. HPL. 160/89/52 dated 19.7.90 have requested the U.P.S.C to consider as a Special Selection Committee Meeting for Meghalaya Wing and the UPSC in their letter No. F.7/2(2)/-89-AIS (M) dated 6.8.90 have requested the State Government to submit proposal for convening a meeting of the Selection Committee and accordingly the State Government have submitted the proposal to the Commission vide letter No. HPL. 160/89/55 dated 23.8.90. However, the Selection Committee Meeting could be held during 1990 and the Select List 1990 for Meghalaya Wing could not be prepared.

Under the circumstances indicated above, I am, therefore, to request the Ministry to kindly favourably consider the representations submitted by the officers and convey necessary orders at an early date.

Yours faithfully,

Sd/-

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

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A. K. S. S.
18/6/94

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Memo No. HPL. 16/90/Pt/35, Dated Shillong, the 15th July, 1994.

Copy forwarded to the Director General & Inspector General
of Police, Meghalaya, Shillong with reference to his letter U/O.No.FW/-
XXVI-9/195, dt.19.5.94.

By order etc.,


Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

...

86 ANNEXURE - X

GOVERNMENT OF MEGHALAYA
HOME (POLICE) DEPARTMENT

NO.HPL. 16/90/Pt/42

Dated Shillong, the 18th May, 1995.

(16)
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From :- Shri Y. Lyngdoh,
Under Secretary to the Govt. of Meghalaya.

To

The Under Secretary to the Govt. of India,
Ministry of Home Affairs,
New Delhi -110001.

Subject : IPS (REGULATION OF SENIORITY) RULES, 1988- DETERMINATION
OF SENIORITY OF PROMOTEE IPS OFFICERS.

Reference:- State Government's letters No.HPL.16/90/Pt/35
dated 15.7.94 and NO.HPL.16/90/Pt/37 dated 18.7.94.

Sir,

In inviting a reference to the State Government's letter
cited above, I am directed to request that Ministry may kindly
convey necessary orders early.

Yours faithfully,

et / -

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

....

Memo NO.HPL.16/90/Pt/42-A Dated Shillong, the May, 1995.

✓ Copy to Assistant Inspector General of Police(A) with reference
to letter No.FM/XXVI-9/94/8 dt.9.5.95.

By order etc.,

Under Secretary to the Govt. of Meghalaya,
Home (Police) Department.

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P. A. K. A. K.
Adm. Secy
18/5/95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

In the matter of :-

O.A.No.99 of 1996

Sylance G. Momin..... Applicant

Versus

Union of India & Ors. Respondent

Written Statement for and on behalf of
Respondent No.1:

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

1. That I am Under Secretary to the Govt.
of India, Ministry of Home Affairs, New Delhi and
am acquainted with the facts and circumstances of
the case. I have gone through a copy of the
application and have understood the contents
thereof. Save and except whatever specifically
admitted in this written statement the other
contentions and statements made in the
application may be deemed to have been denied. I
am competent and authorised to file this written
statement on behalf of Respondent No.1

2. That with reference to paragraphs 1 & 2
of the application, the answering respondent has
no comments.

3. That with reference to paragraph 3(i) of
the application, the answering respondent begs to
state that the impugned letter has been issued by

(मुकुन्द लाल मिगलानी)
(M. L. MIGLANI)
अवर सचिव
Under Secretary
गृह मंत्रालय
Ministry of Home Affairs

Filed by
A. H. Choudhury
30.9.96
Addl. Control Govt.
Standing Council

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Rules, 1954 and regulation 2(j)(ii) of the IAS (Appointment by Promotion) Regulations, 1955 provides as follows:-

"..... any service or services, approved for the purpose of the Recruitment rules by the Central Govt. in consultation with the State Government, a member of which normally holds, for purposes of revenue and general administration, charge of a subdivision of a district or a post of higher responsibility."

9. In terms of the aforesaid rule position, the Central Government approved the recognition of Meghalaya Civil Service as feeder service for the purpose of promotion to IAS. It is, however, stated that the applicant has raised the issue regarding notification issued by the Ministry of Personnel, Pension and Public Grievances, whereas he has not impleaded them as a respondent in the case. Therefore, the application deserves to be dismissed on count of non-rejoinder of necessary party.

10. That with regard to the statements made in paragraphs 6.10 and 6.11 of the application, the answering respondent begs to state that the contentions concerning Respondent No.1 made in these paras are denied.

11. That with reference to paragraph 6.12 of the application the answering respondent begs to state that appointments to IPS were made on

(मुकुंद लाल मिगलानी)
(M. L. MIGLANI)

अवर सचिव
Under Secretary

गृह विभाग
Ministry of Home Affairs

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the answering respondent strictly in accordance with the provisions of IPS (Regulation of Seniority) Rules, 1988.

4. That with reference to paragraph 3(ii) of the application, the answering respondent begs to state that the applicant's representation was carefully examined and thereafter rejected. The decision was conveyed to the State Govt. for being communicated to the applicant vide the answering respondent's letter dated 17-7-96.

5. That with reference to paragraph 4 of the application, the answering respondent has no comments.

6. That with reference to paragraph 5 of the application, the answering respondent begs to state that the cause of grievance first time accrued to the applicant in 1984, whereas he made his first representation in 1994 i.e. after a lapse of about 10 years. Therefore, the instant application deserves to be dismissed as barred by limitation alone.

7. That with reference to paragraphs 6.1 to 6.8 of the application, the answering respondent begs to state that the same are matter of record.

8. That with reference to paragraph 6.9 of the application, the answering respondent begs to state that rule 2(g)(ii) of the IAS(Recruitment)

(मुकुन्द लाल मिगलानी)
(M. L. MIGLANI)

उप सचिव
Under Secretary
गृह मंत्रालय
Ministry of Home Affairs

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specific recommendations of the Joint Cadre Authority in respect of Joint Assam-Meghalaya Cadre, as provided under regulation 9(1) of IPS (Appointment by promotion) Regulations, 1955.

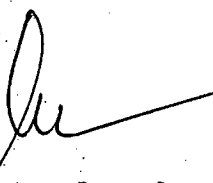
12. That with reference to paragraph 6.13 of the application, the answering respondent begs to state that this was the Rule position before amendment notified vide DOP & T Notification dated 7-11-1989.

13. That with reference to paragraph 6.14 to 6.17 of the application, the answering respondent have no comments.

14. That with reference to paragraph 6.18 to 6.31 and 6.33 of the application, the answering respondent begs to state that these relate to the State Government.

15. That with reference to paragraph 6.32 of the application the answering respondent begs to state that these relate to the State Government and UPSC. It is, however, stated that the Selection Committee Meeting is convened by UPSC on the basis of service record of eligible State Police Service Officers and other information furnished by State Govt. direct to the Commission.

16. That with reference to paragraph 6.34 of the application, the answering respondent begs to state that these relate to the State Govt. It


(मुकुंद लाल मिगलानी)
(M. L. MIGLANI)

अवर सचिव
Under Secretary
गृह मंत्रालय
Ministry of Home Affairs

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is, however, stated that as a separate Select List of each segment of joint cadres is prepared, no manner of continuity can be imputed between the Select List of Assam Segment and Meghalaya segment.

17. That with reference to paragraphs 6.35 to 6.37 of the application, the answering respondent begs to state that these are matters of record. However, the seniority in State Police Service that too in two different cadres has nothing to do with determination of seniority in IPS.

18. That with reference to paragraph 6.38 of the application, the answering respondent begs to state that there was no inaction or delay on the part of the Central Government. In terms of regulation 2(1)(j)(ii) of IPS (Appointment by Promotion) Regulations, 1955, the applicant has no right to claim appointment to IPS. It is the State Govt. which has to decide whether to induct SPS officers to IPS or not. The State Govt. vide their notification dated 5-4-90, recognised the Meghalaya Police Service as feeder service for the purposes of appointment to IPS. Meghalaya Police Service was not a feeder service prior to 5-4-90, therefore, the applicant has no vested right for consideration for promotion to IPS prior to that date. The seniority and year of allotments in the Indian Police Service of the applicant and respondent Nos. 6, 7 & 8 has correctly been fixed under rule 3(ii) of IPS (Regulation of Seniority)

(मुकुन्द लाल मिग्लानी)
(M. L. MIGLANI)

अधर सचिव
Under Secretary
गृह विभाग
Ministry of Home Affairs

gm

18/2/94

Rules, 1988. Meghalaya - Police Service was recognised as feeder service for the purposes of appointment to IPS from 5-4-90 i.e. much after the enactment of Seniority Rules, 1988, therefore the said rules has caused no hardship to the applicant. This case is not a fit case to invoke rule 3 of IAS (Condition of Service - Residuary Matters) Rules, 1960. Meghalaya Police Service was declared feeder service in April, 1990. No Selection Committee Meetings prior to 1990 can be convened.

19. That with reference to paragraph 6.39 of the application, the answering respondent begs to state that these relates to the State Government. Shri H.L. Deb's review was done in pursuant to directions of this Hon'ble C.A.T. The applicant's case is not identical to that of Shri Deb.

20. That with reference to paragraph 6.40 of the application, the answering respondent denies the contentions made in this para being hypothetical.

21. That with reference to paragraph 6.41 & 6.42 of the application, the answering espondent begs to state that the rule position quoted in this para is admitted. The Govt. of India decision No.1 below rule 3 of the AIS (Conditions of service - Residuary Matters) Rules, 1960 provides that:-

(मुकुंद लाल मिगलानी)
(M. L. MIGLANI)

उप सचिव
Under Secretary

Ministry of Home Affairs

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"A doubt was raised whether the power of relaxing rules was intended to be applicable to "Recruitment Rules" also.

22. The Government of India have held that the "Recruitment Rules" cannot be relaxed under rule 3 of AIS (Conditions of Service - Residuary Matters) Rules, 1960." In view of the above, it is not possible to invoke the power vested in the Govt. of India under rule 3 of the aforesaid Residuary Matters Rules to relax the relevant rules for initial induction of applicant to IPS.

23. That with reference to paragraph 6.43 of the application, the answering respondent begs to state that no manner of continuity can be imputed between service conditions of State Police Service of various segments of a joint cadre. Even two officers namely S/Shri A. Rajkumar and P.C. Neog, who joined as Dy.SP on 1-2-76 under Assam Government, have been appointed to IPS on 29-12-95 and assigned 1989 as year of allotment. The regulation 9(1) of the IPS (Appointment by Promotion) Regulations, 1955, quoted by applicant in para 6.45 stipulates that appointments to the service has to be made from the Select List for the time being in force and in the order in which names appear in such a Select List. A Select List comes into force only from the date on which it is approved by UPSC. The applicant was appointed to IPS on the basis of inclusion of his name in the Select List approved by UPSC on

(मुकुन्द लाल मिगलानी)
(M. L. MIGLANI)

अवर सचिव
Under Secretary
गृह मन्त्रालय
Ministry of Home Affairs

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15-7-91. Moreover, the IPS (Appointment by Promotion) Regulations do not provide for making appointments to the Service with retrospective effect. Therefore, the applicant has no vested right to be appointed in IPS prior to 21-2-92.

24. That with reference to paragraph 6.44 of the application, the answering respondent begs to state that as stated in para 6.42 and 6.43 above, it is reiterated that Residuary Matters Rules cannot be invoked for the purposes of initial recruitment to the Service.

25. That with reference to the paragraphs 6.45 to 6.48 of the application, the answering respondent begs to state that the applicant's representation was carefully examined and rejected on merits. The State Govt. was informed accordingly with a request to inform suitably to the concerned Officers.

26. That with references to the paragraphs 7.1 to 7.7 of the application, the answering respondent begs to state that in view of what is stated herein above, the issues raised in grounds pertaining to the answering respondent are not maintainable.

27. That with reference to paragraph 8 of the application, the answering respondent begs to state that the representations of the applicants were carefully examined. However, it was not found possible to accede to their requests. The

(मुकुल लाल मिगलानी)
(M. L. MIGLANI)

अवर सचिव
Under Secretary

गृह मंत्रालय
Ministry of Home Affairs


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decision taken by answering respondent was conveyed to State Govt. with a request to inform the concerned officers accordingly.

28. That with reference to paragraph 9 of the application, the answering respondent have no comments.

29. That with reference to paragraph 10 of the application, the answering respondent begs to state that in view of the submissions made in the foregoing paras, it is stated that the applicant is not entitled to get any of the relief(s) sought for by him and the application deserves to be dismissed being devoid of merit with costs.

30. That in view of the submissions made herein above, the petitioner is not entitled for any of the interim relief(s).

31. That with reference to paragraphs 12 to 13 of the application, the answering respondent have no comments.


(मुकुल लाल मिगलानी)
(M. L. MIGLANI)
अवर सचिव
Under Secretary
गृह मन्त्रालय
Ministry of Home Affairs

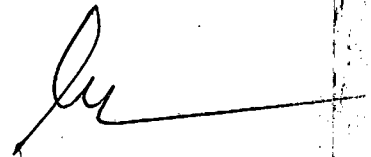
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VERIFICATION

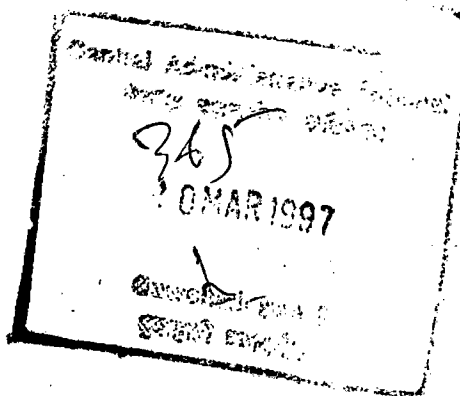
I, M.L. Miglani, Under Secretary to the Government of India, Ministry of Home Affairs, New Delhi, do hereby declare that the statements made in this written statement are true to my knowledge derived from the records of the case.

I sign this verification on this the 16th day of September, 1996 at New Delhi.



DEPONENT

(मुकुन्द लाल मिगलानी)
(M. L. MIGLANI)
अवर सचिव
Under Secretary
गृह मंत्रालय
Ministry of Home Affairs



Filed by

Respondent No. 219

Through

Smt. Binyan Rathi

Adv. Government Advocate

Meghalaya

20/3/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH : GAUHATI

IN THE MATTER OF :

O.A. 99/96

Sri Skylance G Momin, IPS.

.....Applicant.

- Vs -

Union of India & ors.

.....Respondents.

WRITTEN STATEMENT ON BEHALF OF RESPONDENT NO.5.

I, Yearlynneson Lyngdoh, S/o late T Laitflang, aged about 57 years, residing at present Shillong, do hereby solemnly affirm and say as follows :-

1. That I am the Deputy Secretary to the Govt. of Meghalaya, Home (Police) Department and as such I am acquainted with the facts and circumstances of the instant case.
2. That I have received a copy of the application in the instant O.A. 99/96 (hereinafter called application) and having perused the same I have understood the contents thereof.

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3. That I deny the statements ~~and~~ submissions made in various paragraphs of the application save and except those which may be specifically admitted herein in this affidavit.

4. That I submit that the application is liable to be dismissed as being barred by limitation.

5. That with regard to the statements made in paragraph 6.5, I state that the period of eligibility for promotion of State Police Service officers to the Senior scale of service is 7 years subject to be availability of vacancies and not as a matter of right.

6. That with regard to the statements made in paragraph 6.6. of the application I state the officer receiving President Medals or any other Medals has no right to claim for higher promotion/seniority. It is not relevant for the purpose of the instant case.

7. That I deny the statements made in paragraph 6.7 of the application I state that as per the cadre strength, promotion quota for both Assam and Meghalaya is 34 posts in which Meghalaya Wing is entitled to 8 promotion posts.

8. That with regard to the statements made in paragraph 6.8 of the application I state that Meghalaya

Contd.....3....

wing is entitled to 8 posts of promotion quota. However, the contention of applicant in this case is not relevant as officers of the Assam wing who are senior to the applicants were not in the select list of that particular year.

9. That with regard to the statements made in paragraph 6.9 of the application I state that the State Government had to move the Government of India for recognition of the MPS as a feeder service to the IPS.

10. That while denying the correctness of the statements made in paragraphs 6.11 and 6.12 of the application I state that official steps have been taken by the State Government on repeated occasions in respect of the matter and as such the allegation of the applicant is not sustainable, since all the vacancies were utilised by the Government of Assam with the knowledge of all concerned at that time, subsequently ~~these~~ feeder post ceased to be available to the Government of Assam and thereafter Government of Meghalaya in accordance with the Government of Assam and Government of Meghalaya agreement have systematically made use of the opportunities available to the MPS officers.

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12. That with regard to the statements made in paragraph 6.19 of the application I state that the said statements are not correct as alleged or other wise.

13. That I deny the statements made in paragraph 6.29 of the application and the said statements are not correct as alleged or otherwise.

14. That with regard to the statements made in paragraph 6.31 of the application I state that the promotion quota for both Assam and Meghalaya wing has been worked out and incorporated in the cadre schedule of the IPS which ~~was~~^{is} based on ^{the} number of senior duty posts ~~etc.~~ as prescribed in the cadre schedule.

15. That while denying the correctness of the statements made in paragraphs 6.34, 6.36, 6.44 and 6.45 of the application I state that formal communication from the Government of India on the matter was received by the State Government only 5.3.90.

16. That I deny the ground set forth in the application and state that the said grounds are not tenable nor are they borne out by the facts and circumstances of the instant case.

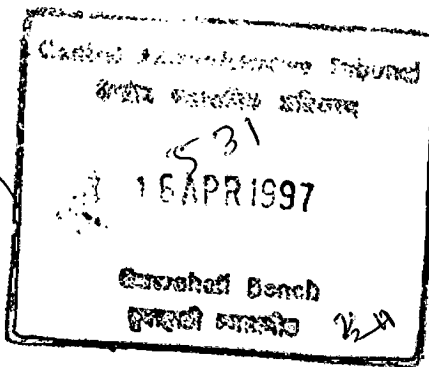
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V E R I F I C A T I O N

I, Yearlynneson Lyngdoh, son of
late T. Laitflang, aged about 57 years, residing
at present Shillong, by occupation the Deputy
Secretary to the Government of Meghalaya,
Home (Police) Department, do hereby verify that
the statements made in the Written Statement
are true to my knowledge and belief.

And I sign this Verification on
this the 20th day of March, 1997 at Guwahati.

Yearlynneson Lyngdoh



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Filed by Mr. Applicant,
Through P. K. Ray
Advocate
15.4.97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
AT GUWAHATI.

In the matter of -

O. A. 99/96.

Shri Skylance G. Momin, IPS.

..... Applicant.

-Versus-

Union of India & ors.

..... Respondents.

-And-

In the matter of -

Rejoinder to the Written Statement
filed by the Respondent No.1.

I, Sri Skylance G. Momin, IPS., the applicant in
O.A. No. 99 of 1996, do hereby solemnly affirm and
state as follows :-

1. That I have been served with a copy of the written
statement filed by the Respondent No.1 and I have gone
through the same and understood the contents thereof.
Save and except what is specifically admitted in this

rejoinder.....

Momin

rejoinder, other statements made in the written statements may be deemed to have been denied. Statements which are not borne on records are also denied.

2. That I have no comment with regard to the statements made in paragraphs 1, 2 and 5 of the written statement.

3. That with regard to the statements made in paragraph 3 of the written statement, I deny the same and reiterate that the impugned letter dated 10.8.93 fixing ^{my} his year of allotment in 1987 has been made by the Govt. of India in a most unjust, unfair and unreasonable manner.

4. That with regard to the statements made in paragraph 4 of the written statement, I deny that my representation was carefully examined and thereafter rejected. I state that the very fact that the Govt. of India took $2\frac{1}{2}$ years in disposing of the said representation and disposed of in a most cryptic and non-speaking manner shows the apathy and neglect towards me and I have even been denied to know the grounds on which ~~may~~ my representation is rejected.

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[Signature]

5. That with regard to the statements made in paragraph 6 of the written statement, I deny the statements made therein and state that there is no delay or laches on my part in approaching this Hon'ble Tribunal. The Govt. of Meghalaya, by taking up my case with the Govt. of India over the years held out hope that my case would be considered for promotion to the I.P.S. But when I found that the officers appointed later than me into the A.P.S. were promoted fixing their year of allotment above me, filed a representation before the Govt. of India, on 29.3.94 which having not been disposed of, approached the Hon'ble Tribunal with the instant O.A.^{and} it is only after the receipt of notice from this Hon'ble Tribunal the Govt. of India disposed of the said representation vide its letter dated 16.7.96 in a most cryptic and non-speaking manner. I deny that the application is barred by limitation.

6. That with regard to the statements made in paragraph 8 of the written statement, I deny the same and state that the rule 2(j) (iii) of the Indian Police Service (Appointment by promotion) Regulations, 1955 provides the meaning of State Police Service as -

"..... the principal police service of a State, a member of which normally holds charge of a

sub-division.....



sub-division of a district for purpose of police administration and includes any other duly constituted police service functioning in a State which is declared by the State Government to be equivalent".

I state that the above rules does not in any way require recognition of M.P.S. as feeder service for promotion to the I.P.S. Recognition of the Govt. of India may be required in respect of other equivalent service or service other than State Police Service or State Civil Service (M.P.S. or M.C.S. in the instant case). The Govt. of India vide their letter dated 23.2.90 (Annexure - 'N' to the application) confirmed that the recognition of the Govt. of India is not necessary ^{since} service the M.P.S. would automatically become a feeder service if it fulfils condition laid down in rule 2(j)(ii) of the I.P.S. (Appointment by Promotion) Regulation, 1955.

7. That with regard to the statements made in paragraph 9 of the written statement, I say that I approached this Hon'ble Tribunal making a grievance against non-consideration of my case for promotion to I.P.S. which was due to me since 1984 and/or non consideration of fixation of year of allotment prior to those officers ^{with me} and A.P.S. whose ^{cases}

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were considered and later promoted to the IPS. Hence, Ministry of Personnel, Pension and Public Grievance which issued letter dated 23.7.85 recognising M. C. S. as feeder service is not a necessary party for determination of the applicant's case in issue.

8. That with regard to the statements made in paragraphs 10, 11, 12 and 13 of the written statement I reiterate and reaffirm my statement made in paragraphs 6.10, 6.11, 6.12, 6.13 and 6.14 of the application.

9. That with regard to the statements made in paragraph 14, 15 of the written statement, I reiterate and reaffirm the statements made in paragraphs 6.19 to 6.31, 6.32 and 6.33 and, further state that both the Govt. of India and the Govt. of Meghalaya are jointly and severally responsible for my delayed promotion resulting loss of my seniority in the I.P.S. cadre. I state that the Govt. of India ignored to send the clarification with regard to the recognition of R.M.P.S. on feeder service in time and in fact it is for this lapse coupled with the lack of initiative on the part of the Govt. of Meghalaya, the vacancies ^{merit} for the Govt. of Meghalaya have been utilised by the Govt. of Assam without authority of law depriving me the due and legitimate claim for promotion to the I.P.S.

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[Signature]

10. That with regard to the statements made in paragraph 16 and 17 of the written statement have only held the delayed communication of the Govt. of India responsible for non-consideration of the applicant's case by the Selection Committee. The statements made in the aforesaid paragraphs of the written statement that a separate list of each segments of joint cadre is prepared and no manner of continuity can be imputed between the select list of Assam Segment and Meghalaya Segment and that the seniority list of State Police Service has nothing to do with determination of seniority in I.P.S. are wholly incorrect and hence denied. It is stated that the statements made therein have no basis and are contrary to the provision of Rule 5 of the Indian Police Service (Appointment by Promotion) Regulation, 1955.

11. That the statements made in paragraphs 18 and 23 of the written statement are denied I say that I had a right to be considered for appointment to the I.P.S. ^{from 1983} and that having not been considered, despite being eligible, I am entitled for a direction from the Hon'ble Tribunal either to reconvene the Selection Committee meeting to review the select lists prepared from 1983 to 1991 or to

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deem me to be selected in the select list prior to 1990 so as to get appropriate year of allotment and seniority prior to Respondent No. 6 to 17. It is further stated that since the recognition of M.P.S. as feeder service by even the State Govt. was not necessary, I had a right to be considered for appointment to the I.P.S. in terms of Rule 5 of the I.P.S. (Appointment by Promotion) Regulation - 1955. I reiterate and reaffirm that because of the hardship caused to me my case is a fit case where the power under Rule 3 of the A.I.R.S. (Condition of Service - Residuary matters) Rule 1960 ought to have been invoked. The statement that no Selection Committee meetings prior to 1990 can be convened is denied. This statement goes counter to Govt. of India's letter dated 23.2.90 (Annexure-'N' to the O.A.). The further statement of the Govt. of India that M.P.S. was not a feeder service prior to 5.4.90 is incongruous and inconsistent in view of the fact that the Govt. of India gave benefit of service rendered by me as State Power Service Officer while fixing my year of allotment under Rule 3(ii)(a) of the I.P.S. (Regulation of Seniority) Rules, 1988.

13. That with regard to the statements made in paragraphs 19, 20, 21 and 22 of the written statement, I deny the statements made therein. I reiterate and reaffirm my statements made in paragraphs 6.39, 6.40, 6.41 and 62 of the application and paragraph 10 of this rejoinder.

It is.....

Handwritten signature

It is further stated that appointment of Sri A. Rajkumar and Shri P.C. Neog in the I.P.S. on 21.12.95 and assigning 1989 as year of allotment does not disentitle me to claim my due consideration for appointment to the I.P.S. Delayed appointment of Shri A. Rajkumar and Shri P.C. Neog, to the IPS is a different case altogether. That apart both these officers joined in the A.P.S. during 1976 whereas I joined in the M.P.S. in 1975. There were many officers above them, in the A.P.S. also. It is stated that appointment of Shri H.L. Dev to the I.P.S. giving retrospective benefit shows that the Govt. have the power or for that matter the rule permits to appointment an officer to the I.P.S. with retrospective effect. I say that when explanation below second proviso to Rule 8(2)(ii) of I.P.S. (Apptt. by Promotion) Regulation, 1955 provides a bar for appointment of members of State Police Service to a post under the Govt. of other constituent State, the appointment of A.P.S. officers thus made, is contrary to rules and a fortuitous one in which I, as M.P.S. officer can lay a claim - now for my notional seniority by a legal fiction since I would have been appointed against the said post, if considered at that point of time. The Govt. of India failed to consider that even equity and justice demanded that Govt. should have considered this while fixing my year of allotment.

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14. That the statements made in paragraphs 24 and 26 of the written statements are emphatically denied. It is stated that the representation submitted by me was only disposed of after about two and a half years by a cryptic and non-speaking order. The order disclosed no ground or reason for its rejection at all.

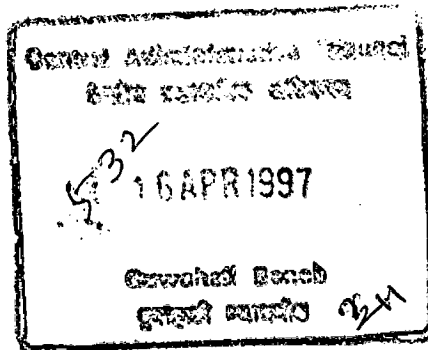
15. That with regard to the statements made in paragraphs 25, 27, 28 and 29, I state that I am entitled to the relief claimed in this Original application since I am denied appointment to the IPS. by promotion for reasons directly attributable to the Union of India and the Govt. of Meghalaya, and I cannot be made to suffer for any action or inaction on the part of the Govt.

VERIFICATION.

I, Shri Skylance G. Momin, IPS. the applicant in O.A. No. 99/96 do hereby verify and state that the statements made in this rejoinder are true to my knowledge and belief and I sign this Verification on this 12th day of April, 1997 at Guwahati.

Skylance G. Momin

[Signature]



Filed by the Applicant,
through P. K. Ray
Advocate
15.4.97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
AT GUWAHATI.

In the matter of -

O.A. No. 99/96.

Shri Skylance G. Momin, IPS.

..... Applicant.

-Versus-

Union of India & Ors.

..... Respondents.

-And-

In the matter of -

A rejoinder to the written statement
by the Respondent No. 5.

I, Shri Skylance G. Momin, IPS, the applicant in
O.A. No. 99/96, do hereby solemnly affirm and state as
follows :-

1. That I have been served with a copy of the written
statement filed by the Respondent No. 5 and I have gone
through the same and understood the contents thereof. Save
and except what is specifically admitted in this rejoinder,
other statements made in the written statement may be deemed
to have been denied. Statement which are not borne on
records are also denied.

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Signature

2. That with regard to the statements made in paragraphs 5, 6, 7 and 8 of the written statement, I say that I was eligible for consideration for appointment to the I.P.S. by promotion in 1983 and although there were vacancies in Meghalaya Segment of the Joint Cadre of I.P.S., my case was not considered. It may be stated that even as an M.P.S. Officer, the Govt. of Meghalaya, appointed me in the post earmarked for the Cadre Officer and therefore the Govt. was aware of the vacancy position.

3. That with regard to the statements made in paragraphs 9 and 10 of the written statement, I reiterate and say that recognition of M.P.S. as feeder service to the I.P.S. wither by the Govt. of India or by the State Govt. is not necessary since such recognition is automatic in terms of the provision of Rule 2(J) (ii) of the I.P.S.C. (Apptt. by Promotion) Regulation, 1955. The Govt. of Meghalaya misconceived the provision of law and by making unnecessary correspondence with the Govt. of India's who is the appointing authority, delayed my appointment to the I.P.S. The action of the Govt., therefore, suffers from an error of law apparent on the face of the record. The Govt. of Assam also misused the power in bad faith and utilised the posts meant, for Meghalaya Police Service Officer to accommodate their own officers depriving me from my legitimate right

for.....



for consideration of promotion to IPS. It is denied that the Govt. of Meghalaya have systematically made use of the opportunities available to the M.P.S. Officer. I say that if any post of Meghalaya segment of the Joint Cadre of I.P.S. is released by the Govt. of Assam subsequently that should have ~~an~~ a retrospective effect so that the M.P.S. ~~officer~~ who were deprived of due promotion can get the ~~retrospective~~ benefit of promotion.

4. That with regard to the statements made in paragraphs 11, 12, 13, 14 and 15 of the written statement, I reiterate and re-affirm the various statements made by me in paragraphs , 6.19, ~~6.20~~, 6.29, 6.31, 6.33, 6.36, 6.44, 6.45 and all the grounds of my original application and I further say that since recognition of M.P.S. as ^{future} further service is automatic, the notification issued by the Govt. of Meghalaya dated 5.4.90 (Annexure - 'O' to the O.A.) is redundant.

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

I, Shri Skylance G. Momin, IPS., the applicant of the instant O.A., do hereby verify that the statements made in various paragraphs of the rejoinder are true to my knowledge and belief and I sign the Verification on this 12th day of April, 1977 at Lumabhati.

Skylance G. Momin