

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

(1) MP 124/98 under page 162 INDEX  
22.6.98

(2) MP 207/98 under page 162

✓  
O.A/T.A No. 131/96.....  
R.A/C.P No.....  
E.P/M.A No.....

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SECTION OFFICER (Judl.)

29.11.98

DA No. 131/96  
MP No. (DA)  
RA No. (DA)  
CP No. (DA)

Smt. Shipra Chandury APPLICANT(S)  
VERSUS

Union of India & Ors. RESPONDENT(S)

Mr. B.C. Das, N.K. Das. Advocate for the applicant.

Mr. S. Ali, Sr. C.G.S.C. Advocate for the Respondents.

Office Notes Court's Orders

This application is in  
to be and within time  
C. P. of Rs. 50/-  
deposited vide  
IPO No. 346200  
Dated 7/6/96

7.8.96

Mr B.C.Das for the applicant

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

Heard Mr Das for admission.  
Application is admitted. Issue  
notice on the respondents by  
registered post.

List for written statement  
and further orders on 16.9.96

Respondents are directed  
to disturb the service of the  
applicant until further orders.

17.9.96

Notice is served to the  
concerned parties  
vide D.No. 31/96  
17.9.96.

16-9-96

None for the respondents. Written  
statement has not been submitted.

16-9-96

List for written statement and  
further order on 4-10-96.

1m

Member

1) Service reports are still awaited.  
2) W/ statement has not been filed.

4.10.96

Mr. S.Ali, Sr. C.G.S.C. seeks  
time to file the written statement.

List for written statement and  
further order on 15.11.1996.

24.10.96

Notice duly served  
responds No. 1, 2.

Member

W/ statement has not been  
filed  
still

trd

16/10

15.11.96

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

List on 6.12.96 for written statement and further orders.

*ba*  
Member

pg

*15/11*

6.12.96

Mr. S. Ali, Sr. C.G.S.C. for the respondents has submitted written statement today. Let copy of the same be served on the counsel of the applicant. Case ready for hearing.

List for hearing on 31.12.96.

*ba*  
Member

trd

*12/12*

*12-12-96*

*2) 8 filed by in R. no. 1, 2 & 3.*

24.4.97

On the prayer of Mr M.Chanda, learned counsel for the applicant the case is adjourned to 29.5.97.

Member

Vice-Chairman

*28.5.97*

pg

*1) Pages 12 and 13 not legible,*

24.4.97

Let the case be listed for hearing on 29.5.97.

*2) No rejoinder has been filed.*

*ba*  
Member

*ba*  
Vice-Chairman

*3) Memo of appearance not yet filed.*

*25/4*

*28/5*

*1) Notice duly served on O.P. Nos. 1 & 2.*

*2) w/statment - has not been filed.*

*5/12*

O.A - 131/96 (4)

1-4-98

Case is ready for hearing.

The case is ready  
for hearing as  
Regard Service & Wks.

List for hearing on 6-7-98.

Member

Vice-Chairman

lm

2/8  
2/9

6.7.98

W/S and Affidavit- has  
been filed.

7/8

Mr A.K. Choudhury, learned Addl.  
C.G.S.C. has made a mention that Mr  
S. Ali, learned Sr. C.G.S.C., who is in  
charge of this case, is indisposed and  
therefore unable to attend court today.  
Accordingly the case is adjourned till  
18.8.98.

Member

Vice-Chairman

nkm

NS  
8/7

18.8.98

W/S and an affidavit-  
has been filed.

11/8

On the prayer of Mr. S. Ali,  
learned Sr. C.G.S.C. this case is  
adjourned till 1.9.98.

List on 1.9.98.

Member

Vice-Chairman

trd

NS  
19/8

1-9-98

On the prayer of counsel for the  
parties case is adjourned till 3-9-98  
for hearing.

List on 3-9-98, for hearing.

Member

Vice-Chairman

lm

NS  
2/9

W/S and Affidavit- has  
been filed.

19

3.9.98

There is no decision  
Bench. Adjourn to 21-9-98.

By order.

(3)

O.A. 131 /96

3

22x5.

19.5.97

List for hearing before the Kohima circuit Bench of this Tribunal during the next sitting of this Bench at Kohima.

3.6.97

1) No rejoinder has been filed.

tr  
3/6

Member

Vice-Chairman

pg

30/5

9.6.97

There is no representation on behalf of the (Kohima) applicant. Mr. S.Ali, Sr. C.G.S.C. is present.

The case is dismissed for default.

3.7.97

Copy of the order has been sent to the D/Sec. for issuing the same to the L/Hon. of the parties.

Member

Vice-Chairman

trd

28.7.97

In view of the order passed in Misc. Petition No.207/97 the original application is restored to file and is fixed for hearing on 21.8.97.

Member

Vice-Chairman

28-7-97  
Affidavit filed on behalf of the applicant.

nkm

30/7

21.8.97

Mr. S. Ali, Sr. C.G.S.C. is in town. Adjourned to 10.11.97.

7-11-97

① Written statement has been filed.

② No memo of appearance has been filed.

10.11.97

Adjourned to 9.1.98.

the case is ready for hearing as regards

9.1.98

There is no representation. List on 1.4.98.

5  
O-A-131/96

Notes of the Registry	Date	Order of the Tribunal
<p>Abdourit &amp; W/S by S. Ali</p> <p>16/10</p> <p>21/9</p> <p>20.10.98</p> <p>As per order of 20.10.98, no records have been produced by Mr. S. Ali, Sr. C.G.S.C. Therefore, the case has been placed before the Hon'ble Court for the necessary order.</p> <p>21/12/98</p>	<p>21.9.98</p> <p>20.10.98</p> <p>21.12.98</p> <p>8.12.98</p>	<p>Division Bench is not available. List on 20.10.98 for hearing.</p> <p>Member</p> <p>Heard both counsel for the parties. Hearing concluded. Judgement reserved. Mr. Ali, learned Sr. C.G.S.C. is directed to produce the relevant records and the judgement will be delivered only on receipt of the necessary records.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Present : Hon'ble Justice Shri D.N. Baruah Vice-Chairman and Hon'ble Sri G.L. Sanglyine, Administrative Member.</p> <p>Records have not yet been produced. The matter has already been heard but for want of records judgment could not be pronounced. Mr S. Ali, learned Sr. C.G. is unable to produce the records. List on 8.12.98 for production of records.</p> <p>Member</p> <p>Vice-Chairman</p> <p>Mr. A.K. Choudhury, learned Addl. C.G.S.C. prays for adjournment on behalf of Mr. S. Ali, learned Sr. C.G.S.C. who met an accident. Prayer allowed. Mr. B.K. Sharma has no objection. List it on 29.12.98.</p> <p>Member</p> <p>Vice-Chairman</p>

28-12-98

Abdourit & Writen  
statement by S. Ali.

28/12/98



No records have been filed.

29/12/98

29/12/98 trd

6

Notes of the Registry	Date	Order of the Tribunal
<p><u>12-1-99</u></p> <p>Written statement &amp; Affidavit has been filed.</p> <p>21/1/99</p>	<p>29.12.98</p> <p>nkm</p> <p>24/30/12/98</p>	<p>Records have not been produced. The respondents are directed to produce the records within two weeks from today. Fix it on 13.1.1999 for production of records.</p> <p>Member</p> <p>Vice-Chairman</p>
<p><u>18-1-99</u></p> <p>Written Statement and Affidavit has been filed.</p> <p>21/1/99</p>	<p>13.1.99</p> <p>nkm</p>	<p>The respondents have produced the records. Let this case be listed for orders on 19.1.99.</p> <p>Member</p> <p>Vice-Chairman</p>
	<p>20.1.99</p> <p>nkm</p>	<p>Records have been produced. Mr A. Deb Roy, learned Sr. C.G.S.C. prays for a short adjournment as he has taken over the charge of this case only recently and he has yet to get some papers. Accordingly the case is adjourned till 27.1.99.</p> <p>Member</p> <p>Vice-Chairman</p>
	<p>27.1.99</p> <p>Pg</p> <p>28/1/99</p> <p>8-2-99</p>	<p>Records have been produced. After submission of the records it appears to us that further hearing is necessary. However, the counsel for the applicant is not present today.</p> <p>List on 8.2.99 for hearing.</p> <p>Member</p> <p>Vice-Chairman.</p> <p>Foram</p> <p>By and for.</p>

Notes of the Registry	Date	Order of the Tribunal
<p>23.2.99</p> <p>Copies of the Judgment have been sent to the D/Sec. in issuing the same to the parties through Regd. Mail afo.</p> <p>lll</p> <p>Issued vide despatch No. 663 to 667 dt. 25.2.99.</p> <p>an:</p> <p>30.3.99</p>	<p>9.2.99</p> <p>pg</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> <div style="display: flex; justify-content: space-between; align-items: flex-end; margin-top: 20px;"> <div data-bbox="739 605 900 723" style="text-align: center;">   Member </div> <div data-bbox="1247 579 1509 723" style="text-align: center;">   Vice-Chairman </div> </div>



Notes of the Registry	Date	Order of the Tribunal
∞		

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH. 9

Original Applications No. 130 of 1996 and  
131 of 1996.

Date of Order : This the 9th Day of February, 1999.

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

Shri G.L.Sanglyine, Administrative Member.

Smt Achuu (O.A.No.130/96)

Smt Shipra Chakraborty (O.A.No.131/96) . Applicants

By Advocate Shri B.C.Das.

- Versus -

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

2. Director of Census Operation,  
Nagaland,  
Kohima.

3. Registrar General of India,  
2/A Mansingh Road,  
New Delhi-110011.

. . . Respondents.

By Advocate Shri A.Deb Roy, Sr.C.G.S.C.

O R D E R

BARUAH J.(V.C)

Both the original applications involve common questions of law and similar facts. Both the applicants were appointed Lower Division Clerk in the office of the Director of Census Operations, Nagaland in temporary capacity on ad hoc basis in the scale of pay of Rs.260-400/- per month for some specific period. After the expiry of the period of ad hoc appointments it was extended from time to time upto 31.8.1988. However even after that period they continued to work on ad hoc basis and they were also given the benefit of increment. They had been working since 1980/81 with a small break in the year 1983 but they are still working on ad hoc basis. Hence the present application,

*Sh*

2. In due course the respondents have entered appearance and filed written statement. Their contention is that the appointments were made without following the procedure prescribed and therefore they could not be regularised.

3. We have heard Mr B.C.Das, learned counsel appearing on behalf of the applicants and Mr A.Deb Roy, learned Sr. C.G.S.C for the respondents. Mr Das submits before us that the action of the authorities were unfair and unreasonable and therefore a direction should be given to regularise the applicants in their posts. Mr Deb Roy on the other hand submits that the appointments were not in accordance with the procedure prescribed as the applicants were not sponsored by the Employment Exchange and on that ground the Staff Selection Commission also rejected their candidature for appearing in the qualifying examination. Mr Deb Roy however has not been able to show any rule/guideline requiring sponsorship of the applicants by the Employment Exchange for appearing in the Staff Selection Commission Examination. On the rival contentions of the parties, it is now to be seen whether the applicants are entitled to any direction. In this connection the learned counsel for the applicant has drawn our attention to a decision of the Hon'ble Gauhati High Court in Ch. Manihar Singh & others vs. The Chief Engineer, Irrigation and Flood Control Department, Government of Manipur, Imphal and others reported in (1994) 1 G.L.R 471. It was held in that judgment that it is a settled law that the government must behave like a model employer. The Government is not expected to exploit the employees and do not act unfairly or unreasonably. In State of Haryana and others vs. Piara Singh and others reported in AIR 1992 S.C 2130 the apex Court observed in para 10 of the judgment that creation and abolition of a post is the prerogative



of the Executive. It is the Executive again that lays down the conditions of service subject, of course, to a law made by the appropriate legislature. This power to prescribe the conditions of service can be exercised either by making Rules under the proviso to Art. 309 of the Constitution or (in the absence of such Rules) by issuing Rules/instructions in exercise of its executive power. The court comes into the picture only to ensure observance of fundamental rights, statutory provisions, Rules and other instructions, if any, governing the conditions of service. The main concern of the court in such matters is to ensure the Rule of law and to see that the executive acts fairly and gives a fair deal to its employees consistent with the requirements of Articles 14 and 16. It also means that the State should not exploit its employees nor should it seek to take advantage of the helplessness and misery of either the unemployed persons or the employees, as the case may be. The State must be a model employer. It is for this reason, it is held that equal pay must be given for equal work, which is indeed one of the directive principles of the Constitution. For that very reason a person should not be kept in a temporary or ad hoc status for long. Where a temporary or ad hoc appointment is continued for long the court presumes that there is need and warrant for a regular post and accordingly directs regularisation. The apex Court further observed that while all the situations in which the court may act to ensure fairness cannot be detailed here, it is sufficient to indicate that the guiding principles are the ones stated above. The contention of Mr Deb Roy is that the present applicants were not sponsored by the Employment Exchange. It is true that if there is any provision that the candidates should be sponsored by the Employment Exchange, that should

*B*

be followed because appointing a person duly sponsored by the Employment Exchange will atleast diminish the chance of arbitrary appointment. But in the present case there is nothing on record to show that the authority did make any attempt for giving an opportunity to the applicants to be sponsored. The applicants were working in the department for a long time but no attempt was made to enable them to be sponsored by the Employment Exchange. The materials available before us do not show any such attempt. In view of the above we have no hesitation to come to the conclusion that the present applicants who have been working for more than a decade on ad hoc basis ~~deserve regularisation~~ subject however that they are qualified. Therefore, we dispose of these applications with direction to respondents to consider regularisation of the applicants in the light of the decision of the apex Court given in the State of Haryana & Ors. vs. Piara Singh & Ors. This must be done as early as possible at any rate within a period of 3 months from the date of receipt of this order.

Applications are disposed of. No order as to costs.

Sd/- VICE-CHAIRMAN

Sd/- MEMBER (ADMN)

OA No. 131/96

Smti. Shipra Chaudhury, now Chakraborty ,  
W/o. N. Chakraborty, of Kohima, Nagaland .

... Applicant

- Union - Vs - represented by*
1. Government of India, New Delhi
  2. Director of Census Operation,  
Nagaland, Kohima .
  3. Registrar General ,India ,  
2/A Mansingh Road, New Delhi- 110011.

... Respondents.

I N D E X

Sl. No.	Description of documents relief upon .	Page No.
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- |    |   |         |
|----|---|---------|
| 1. | Application   | 1 — 8   |
| 2. | Xerox copy of the order of appointment dated 26.9.80 .                                    | 9       |
| 3. | Xerox copy of the order dated 21.7.92 allowing the last increment falling due on 1.7.92 . | 10      |
| 4. | Xerox copy of the representation dated 7.10.93 .  | 11      |
| 5. | Xerox copy of the representation dated 23.11.95 .   | 12 — 14 |

For the use of Tribunal office.

Signature of the appellant.

Date of filing .

26.7.96.

Smt. Shipra Chakraborty

Signature for Registrar.

Received Copy.

Lab. Sec. ESSC  
22/7/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

OA No. 131/96

Smti. Shipra Chaudhury,  
now Chakraborty,  
W/O. Shri P. Chakraborty,  
of Kohima Nagaland.

..... Applicant.

- Versus -

1. Union of India represented by  
the Secretary Ministry of Home Affairs,  
New Delhi - )
2. Director of Census operation,  
Nagaland, Kohima.
3. Registrar General, India,  
2/A Mansingh Road,  
New Delhi - ~~110 001~~ 110 011.

..... Respondents.

Details of application :

1. Particulars of the order against which the  
application is ~~an~~ made :-

For non-regularisation of an ad-hoc appointment  
and for not allowing to cross the "E.B.

2. Jurisdiction of the Tribunal :

The applicant declares that the subject matter  
of the action against which he wants redressal is within  
the jurisdiction of the Tribunal.

- 2 -

## 3. Limitation :

The applicant further declares that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act, 1985.

## 4. Facts of the case :

I. That on 26-9-80, the applicant was appointed to the post of L.D.C. by the respondent No.2 in temporary capacity on ad-hoc basis in the scale of pay of Rs.260-400/- p.m. The appointment was made for a period of one month at the 1st instance vide the order of appointment No.R-11011/21/80-TAB Dated 26-9-80.

Smt. Shifra Chakravorty.

A Xerox copy of the order of appointment dated 26-9-80 is annexed hereto and marked as Annexure- I.

II. That thereafter the ad-hoc appointment was extended from time to time and the applicant was regularly drawing her pay along with annual increments.

III. That ~~in~~ the mean time, the applicant was appearing in the examination held by the Selection Board. The applicant, however, could not come out successful in the said examination.

~~IV.~~

IV. That the extension of the ad-hoc appointment has not been made w.e.f. 31-8-88. She has, however, been allowed to draw her last annual increment

contd.... 3



falling due on 1-7-92 by order No.A-11011/82-ADM-Pt.II dated 21-7-92.

A Xerox copy of the order dated 21-7-92 is annexed hereto and marked as Annexure- II.

V. That on 1-7-93, the applicant had now crossed the E.B. No. order has been passed to do so.

VI. That under the circumstances, the applicant has been discharging her duties quite faithfully and to the satisfaction of the authority concerned upto date only with the hope that her ad-hoc appointment will be regularised by exempting from appearing in the S.B. examination and she would be allowed all service benefits which she is entitled to.

VII. That till to date the applicant has put in about more than 15 years' service without any break.

VIII. That on 7-10-93, the applicant submitted a representation praying for regularisation of her ad-hoc appointment by exempting from appearing in the S.B. examination.

IX. That since the applicant did not receive any reply to the said representation, the applicant, on 23-11-95 again submitted another representation

contd... 4

Smt. Shifra Chakravorty

praying for regularisation of her ad-hoc appointment by exempting from appearing in the S.B. examination and for allowing her all service benefits which she is entitled to.

A xerox copy of each of the said representations dated 7-10-93 and 23-11-95 is annexed hereto and collectively marked as Annexure- III.

X. That the applicant has not received any reply to the said representations till to date.

XI. That the applicant is now over-aged and as such she is not in a position to obtain any Govt. job any where.

5. Grounds for relief with legal provisions :

a) For that the applicant having rendered about more than 15 years of continuous service, the requirement, if any of passing the examination held by the S.B. is liable to be waived and her ad-hoc appointment regularised with all service benefits.

b) For that in absence of any precondition in the order of appointment for regularisation of the applicant's service, the regularisation of her service now cannot be withheld.

contd..... 5

sent s/w for chakravorty

c) For that the applicant having been allowed to draw her pay and allowances including annual increments for the last 15 years or so regularly, her increments cannot be withheld now without any reason.

d) For that the applicant having been allowed to draw her annual increments regularly upto 1-7-92, her crossing the E.B. cannot be withheld now without any blamish in her service career or any reason whatsoever.

e) For that the applicant having been retained in service continuously for about 15 years, she can neither be deprived of her service benefits nor can she be asked to have the job without any reason.

f) For that in any view of the matter this is a fit case where this Hon'ble Tribunal may be pleased to pass an order directing the respondents to regularise the ad-hoc appointment of the applicant with all service benefits including the annual increments due and crossing of the E.B.

6. Details of the remedies exhausted :

The applicant declares that he has availed of all the remedies available to him under the relevant service rules etc.

contd... 6

101  
Smt. Shikha Chakravorty

7-10-93 - The applicant submitted representation but to no effect.

23-11-95 - The applicant again submitted representation; he has however, not revived any reply thereto as yet.

7. Matters not previously filed or pending with any other court :

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Reliefs sought :

In view of the facts stated in para 4 above, the applicant prays for the following reliefs :-

I. Regularisation of the ad-hoc appointment made by the order of appointment dated 26-9-80 by exempting from appearing in the examination held by S.B.

A handwritten signature, possibly 'V. M. / 1996', is written over a circular official stamp. The stamp contains text that is mostly illegible but appears to include 'Tribunal' and 'Bengaluru'.

II. Any other service benefit or benefits which the applicant is entitled to.

contd.... 7

20  
Smt. Shikha Chakravorty.

9. Interim order, if any prayed for ; pending final disposal of this application, the applicant should not be disturbed in her service.

10. Particulars of Bank Draft/Postal order filed in respect of the application fee : Cross Postal order No.B.09346260 dated 7-6-96 to pay at Guwahati Post Office.

11. List of enclosures :

1. Xerox copy of the order of appointment dated 26-9-80.
2. Exrox copy of the order dated 21-7-92 allowing the last increment falling due on 1-7-92.
3. Xerox copy of the representation dated 7-10-93.
4. Xerox copy of the representation dated 23-11-95.

12. Laws to be relied upon :

VERIFICATION

I, Smti. Shipra Chaudhury, now Chakraborty, W/O. Shri P. Chakraborty, aged about 40 years, working as L.D.C. in the office of the Directorate of Census operation, Nagaland, resident of Village Nagaland, Kohima, do hereby verify that the contents of paras 1 to 11 are true to my knowledge and that I have not suppressed any material fact.

Date : 19.7.96

Place : Guwahati

Smt. Shipra Chakraborty  
Signature of the applicant.

VAKALATNAMA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

OA No. 131/96

Shrimati Sipra Chaudhury now Chakravorty.....Appellant

Versus

Union of India and others ..... Respondent

On behalf of Shrimati Sipra Chaudhury Now Chakravorty

Know all men by these presents that the above-named applicant do hereby nominate, constitute and appoint Shri Bhagaban Chandra Das and Nirod Kumar Das, Advocates to be my lawful Advocates to appear and act for me in matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition, etc. for me and on my behalf and I agree to ratify and confirm all acts so done by the said Advocates as mine to all intents and purposes. In case of nonpayment of the stipulated fees in full no Advocate will be bound to appear or act on my behalf.

In witness whereof I hereto set my hand  
on this 19 day of July 1996.

Received from the executant, satisfied and  
accepted.

*M Das*  
Advocate.

*And accepted*  
*Bolles*  
*Advocate.*  
*20.7.96*

*Sent to Sri Sipra Chakravorty*

MS. A. 9. 2  
MS. A. 9. 2  
22/7/96

भारत सरकार  
GOVERNMENT OF INDIA

गृह मंत्रालय  
MINISTRY OF HOME AFFAIRS  
कार्यालय निदेशक, जनगणना परिचालन, नागालैण्ड  
OFFICE OF THE DIRECTOR OF CENSUS OPERATIONS,  
NAGALAND.

(निर्गत, कोहिमा)

Dated, Kohima 21st July '92

ORDER.

The following staff members of the Dte. of Census Operations, Nagaland, Kohima are hereby granted their annual increment with effect from the date shown inst each of them.

SL. NO.	Name & Designation	Present basic pay	Increment due	Rate of Increment date	Raising his pay	Remarks
1	2	3	4	5	6	7
1.	Shri Linus Angani Assistant	Rs.1680/-	1.7.92	Rs.40/-	Rs.1720/-	
✓ 2.	Smt. Shipra Chakravarty, L.D.C.-	Rs.1130/-	1.7.92	Rs.20/-	Rs.1150/-	
3.	Smt. Achit-0. L.D.C.	Rs.1130/-	1.7.92	Rs.20/-	Rs.1150/-	

P. C. Baruah  
21.7.92

( P.C. BARUAH )  
Asstt. Director of Census  
Operations, Nagaland,  
Kohima.

NO.A-11011/25/82-ADM.(pt.II). Dated Kohima, the 21st July, 1992.  
Copy to :-

1. Accountant (2 copies)- for necessary action.

✓ 2. All Concerned staff.

P. C. Baruah  
21.7.92

( P.C. BARUAH )  
Asstt. Director of Census  
Operations, Nagaland,  
Kohima.

21/7/92



To

The Registrar General, India  
Office of the Registrar General, India,  
2/A, Mansingh Road,  
NEW DELHI - 110011.

(Through the proper channel)

SUBJECT: REGULARISATION FOR AD-HOC SERVICE

Sir, Sir,

I have the honour to lay the following few lines for favour of your kind decision.

That Sir, I have been serving in this office since September, 1980 as an ad-hoc L.D.C. I have submitted several representations to the office for regularisation of my service but till now no favourable response has been received from any quarter. Now I have been asked to appear in the Special S.S.C. Examination to be held at Guwahati during the month of December, 1993. After serving 13 years at one place, even though on ad-hoc basis, it is very difficult to take such a risk since of passing out in any examination depends partly on one's luck.

I, therefore, would like to request you kindly to take up the matter with the appropriate authority, so, that my case is considered for regularisation without appearing in any qualifying examination.

Dated Kohima the  
17th October, 1993.

Yours faithfully,

(SHEPRA CHAKRABARTY)  
L.D.C.

DIRECTORATE OF CENSUS OPERATIONS,  
MAGLANKHOLIMA.

*Handwritten signature and date:*  
22/10/93

The Hon. Mr. Justice  
Indira Gandhi  
New Delhi

( Through )

Dated the 1st Nov. 1980

Sub: P.T.O. for administration of ad-hoc  
appointment

Sir,

Most respectfully I beg to lay before you the  
following for kind consideration  
and sympathetic order :-

1. That Sir G. S. S. S., the Director of Census  
operation, Madras was pleased to appoint me as  
L.O.O. vide order of appointment No-E-1/011/21/80-PAD of  
the same date in the scale of pay of Rs. 260-420.00 P.M.  
At the first instance, the appointment was valid only  
for a period of one month from the date of joining  
and the same was made on ad-hoc basis in temporary  
capacity.

2. That thereafter, the appointment was extended  
from time to time and I was allowed to draw the  
annual increments without any break.

3. That in the mean time, I appeared in the  
examination held by the selection board but to no  
effect yet, I have been continuing my service till now  
to the satisfaction of the authority concerned.

Contd..8

13

4. That under the above circumstances, neither the extension of my service has been made w.o.p. 21-8-68 nor has it been regularised. I have still been working up to date and regularly drawing my salaries. I have allowed to cross the 1st annual increment falling due on 1.7.92 by order No. 11011/15/68-ADP-Pt. II dated 21.7.92.

5. That on 1.7.93, I had to cross the E.R. However, no order has yet been passed allowing me to cross the E.R.

6. That on 7.10.93, I submitted a representation praying for regularising the appointment by exempting from passing the S.B. examination. In spite of repeated reminders, I have not received any reply to the said representation.

7. That as my all luck would have it, I am now overaged and am not in a position to obtain any Govt. job any more.

8. That I have already put in more than 15 years continuous service in your office with the only hope that my appointment will be regularised by exempting from S.B. examination and I shall be given all service benefits. It may not be out of place to mention here that I have been allowed G.P.F. benefit in the mean time.

Contd...3

14.  
3.  
That I beg to state that an appointment to any service cannot be given on ad-hoc basis for such a long period ; and unless my appointment is regularised, I shall suffer irreparable loss and shall be put to great hardship and inconveniences .

In the above premises , I pray that your Honour may be pleased to consider this representation and on consideration thereof be pleased to regularise my appointment to the post of L.D.C. by exempting from S.D. examination and allow me all other benefits including the benefit of increasing the S.D. to which I am entitled .

And I , as in fact bound , shall ever pray .

Yours faithfully ,

Sd/

( SHIPRA CHAUDHURY )

Encls :  
2/11/98

2/11/98  
2/11/98

O.A.No.131/96

Smt. Shipra Choudhury

-Vs-

Union of India

And

In the matter of ; -Written statements submitted by the  
Respondents No.1,2 & 3.

Written statement.

The humble Respondents submit their written statement as follows:-

1. Fact with regard to statements made in para 1,2 and 3 of the applicant, the Respondents have no comments.
2. Fact with regard to statements made in 4 (I) of the application the Respondents have no comments. The Respondents further beg to state that the appointment was made simply on the basis of applications directly collected from Applicant without following the procedures prescribed for regular appointment. Neither the Employment Exchange sponsored her name, nor the vacancy was notified in any local news papers. In fact, the appointment was made due to urgency, and it was purely on ad-hoc basis which is liable to be terminated at any time without assigning any reason thereof.
3. Fact with regard to statements made in para 4 (II) of the application, the Respondents beg to state that it is not true that the Applicant was regularly drawing her pay from the date of her initial appointment. There was a break in service and annual increments were not allowed regularly. The last break in service was on 7.7.1983.

A photo copy of the relevant page of service book is enclosed as Annexure-1.

4. Fact with regard to statements made in para 4 III of the application the Respondents beg to state that the Applicant could not come out successful is not true. Because the candidature of

Filed in Court  
on 6-12-96  
Honourable  
Court Master  
6/12

Central Administrative Tribunal  
Guwahati Bench  
980  
12 DEC 1996  
Guwahati Bench

(15)

Filed by: 29  
Shankar  
(MD. SHAUKAT 5/12/96)  
Central Govt Secy to Govt  
Central Administrative Tribunal  
Guwahati Bench, Assam

the Applicant in qualifying exam was rejected by the Staff Selection Commission on the ground that the Applicant's name was ✓ not sponsored by the Employment Exchange.

A photo copy of the letter from Staff Selection Commission is enclosed as Annexure.II.

5.Fact with regard to statements made in paragraph 4(IV) of the application the Respondents beg to state that the Respondents have no comments. But further beg to state that not issuing extension order does not mean that her appointment is made for indefinite period.

6.Fact with regard to statements made in para 4 (V) of the application, the Respondents beg to state that she being not a regular employee but on ad-hoc one, is not entitled to cross E.B.

7.Fact with regard statements made in para 4(VI) of the application, the Respondents beg to state that it is a fact that she has discharging her duties quite faithfully. But there is no such provision to exempt her from appearing in qualifying exam. Sincerity and faithfulness are fundamental requirement that every govt.servant should possess them irrespective of the nature of their appointment.

8. Fact with regard to statements made in para 4(VII) of the application the Respondents beg to state that the same is not ✓ correct and hence denied, she has put about 13 years of service with effect from 7.7.1983.

9.Fact with regard to statements made in para 4 (VIII), the Respondents beg to state that it is a fact that the Applicant submitted representation for regularisation of her ad-hoc service.

But exempting the Applicant from appearing in the qualifying exam is not within the powers of Respondents.

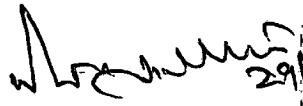
10. Fact with regard to statements made in para 4 (IX) of the application the Respondents beg to state that, as she is an ad-hoc employee and not entitled for regularisation, her representation was not considered.
11. Fact with regard to statements made in para 4 (X) of the application, as she is not entitled for regularisation so no reply was given to her.
12. Fact with regard statements made in para 4 (XI) of the application the Respondents are not responsible she being over aged. Further, the Respondents never objected her for searching a new job any where.
13. With regard to statements made in para 5 of the application regarding grounds for relief with legal provision the Respondent beg to state that none of the grounds is maintainable in law as well as in facts and as such the application is liable to be dismissed.
14. That with regard to statement made in paragraph 6 of the application the Respondents beg to state that they have no comments.
15. With regard to statements made in paragraph 7 of the application the Respondents beg to state that they have no comments.
16. With regard to statements made in para 8 of the application regarding relief sought for, the Respondents beg to state that the Applicant is not entitled to any of the relief sought for. And as such the application is liable to be dismissed.

17 32

17. That with regard to statements made in para 9 of the application regarding interim order the Respondents beg to state that in view of the facts and circumstances narrated above the interim order is liable to be vacated.
18. That with regard to statements made in para 10, 11 and 12 of the application the Respondents have no comments.
19. The Respondents statement that the application is devoid of merit and as such the application is liable to be dismissed.

VERIFICATION.

I, S.S. Hiremath Head of the office of the Directorate of Census Operations, Nagaland, Kohima do solemnly declare that the statements made above in the written statements are true to my knowledge, belief and information, and I signed the verification on this day 29th November, 1996 at Kohima.

  
29/11/96  
Declarant.

Asst. Director of Census  
Operation, Nagaland,  
Kohima.



66  
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2

Building on the top  
 of the annual increment  
 on 26-9-80 to 6-7-83 as  
 a break during that  
 increment since has  
 -83 after the last  
 on 7-7-83. So the  
 increment will fall

2.11.83  
 of the annual increment  
 on 7-7-83 to 6-7-83 as  
 a break during that  
 increment since has  
 -83 after the last  
 on 7-7-83. So the  
 increment will fall



तार पता : एटासलकाम, नई दिल्ली  
Telegraphic Address . STASELCOM. NEW DELHI

By Regd. Post

सं० 23/1/93-EHQ/4210017-18/Vol.I  
No.

भारत सरकार

कर्मचारी चयन आयोग

कार्मिक तथा प्रशिक्षण विभाग

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

ब्लॉक सं० 12

केन्द्रीय कार्यालय परिसर, लोधी रोड

To

Shri Emony Peseyie,  
O/of the Director of Census Operations,  
Nagaland, KOHIMA - 797001.

GOVERNMENT OF INDIA  
STAFF SELECTION COMMISSION  
DEPARTMENT OF PERSONNEL & TRAINING  
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
& PENSIONS  
BLOCK No. 12  
KENDRIYA KARYALAY PARISAR  
LODI ROAD

नई दिल्ली dated 4th September, 95  
New Delhi-110003

Subject: Special Qualifying Examination, 1993 for regularisation  
of services of Ad-hoc L.D.Cs held on 26-12-93.

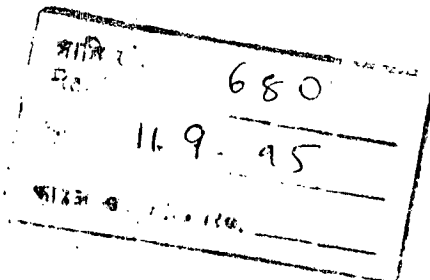
.....

Sir,

I am directed to refer to your letter No.A-11088/8/  
88-Adm-268,387 dated 1-6-95 and 27-7-95 on the subject  
cited above and to say that both candidate of your office  
namely Smt. Achuu Angami, Roll No.4210017 and Smt. Shipra  
Chakravarty Roll No.4210018 did not fulfill the eligibility  
condition of the said examination laid down in the D.P.& T.  
OM No.28036/10/92-Estt(D) dated 2-8-1993 viz para 2(IV)  
which states that the candidate must have been recruited through  
Employment Exchange. As per your office letter No.A-11018/8/  
88-Adm-336 dated 21st March, 94 these candidates do not fulfil  
the condition of having been recruited through Employment  
Exchange. Thus the candidature of the said candidates has  
been rejected by the Commission for non fulfillment of the  
eligibility conditions of the Special Qualifying Examination, 93.

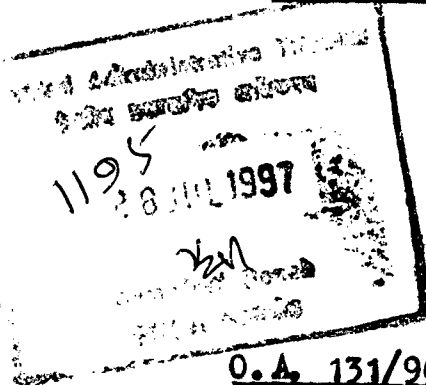
Yours faithfully,

(RAM LAKHAN)  
Section Officer



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH,

GUWAHATI



21  
Smt. Shipra Chakraborty  
H. N. Das  
For 15 Appellate 28/7/97

Smti. Shipra Chakraborty ... Applicant

- Vs -

The Union of India and others .

... Respondents .

( Affidavit on behalf of the applicant abovenamed)

I, Smti. Shipra chakraborty , wife of Shri P, Chakraborty  
aged about 35 years , resident of Kohima, Nagaland do  
hereby solemnly affirm and state as follows :-

1. That I am the applicant in the above case and I am  
acquainted with the facts and circumstances thereof .
2. That I, on 7.7.97, submitted an application praying  
for restoration of the case to file and deciding on merit  
by setting aside the order of dismissal dated 9.6.97  
passed in the above case by this Hon'ble Tribunal sitting  
in circuit in Kohima Bench. It was stated in the said  
application that when the case was posted for hearing  
on 29.5.97 before this Hon'ble Tribunal in Guwahati Bench  
the same was transferred to Kohima Bench by fixing  
9.6.97. On 31.5.97 , I received a telephonic message from  
my Advocate Shri N.K. Das of Guwahati to the said effect

Recd com  
C. S. C. S. C.  
28/7/97

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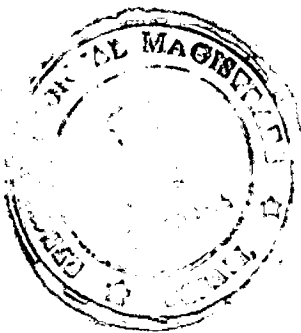
My advocate also informed me that he would not be in a position to attend the Kohima Bench and I should engage another Counsel at Kohima to conduct ~~my case~~ ~~in~~ my case . I was further stated in the said application that inspite of my best efforts , I could not engage another Advocate at Kohima and my case was dismissed for default by order dated 9.6.97 .

3. That never before I appeared in any Court of law and as such , I did not know that I could appear in person also in absence of my Advocate . I also did not know that I could have submitted an application praying for adjournment.

4. That , the case has been dismissed for default for my bonafide mistake and I shall suffer irreparable loss and shall be put to great hardship and inconvenience if the case is not restored to file by setting aside the order of dismissal dated 9.6.97 .

5. That , I state that a bonafide mistake which is not unreasonable is a sufficient cause to order restoration .

6.7 That I state that my learned Advocate from Guwahati also did not instruct me in detail that I could either appear before the Hon'ble Tribunal at Kohima in person or that I could submit an application praying for adjournment as he was under



: 3:

impression that I would be in a position to engage another Advocate of Kohima to conduct my case on 9.6.97 .

7. That the statements made in paragraphs 1 to 4 of this affidavit are true to my knowledge and the statements made in paragraph 6 are true to my information derived from my Advocate of Guwahati which I believe to be true and the rests are submissions before the Hon'ble Tribunal .

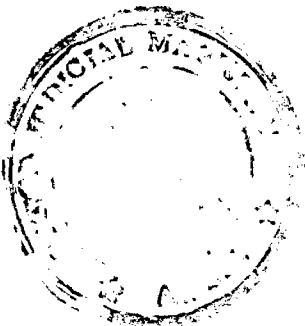
Smt. Shipra Chakravorty.

DEPONENT

Solemnly affirmed and declared before me by the above deponent who is identified by by Shri N.K. Das , Advocate , Guwahati on this the 25th day of July, 1997 .

Identified by me :

Nirod Kumar Das  
Advocate .



(01) 25.7.97.  
Magistrate :: Guwahati .  
Special District Magistrate.  
Guwahati, Assam.