

30/600

7

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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E.P/M.A No...47/98.....

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Brief Facts of the case pg-1 to 4

SECTION OFFICER (Judl.)

OA No. 170 196

Sri B. K. Naha Applicant(s)

VS-

Union of Judges & ors. Respondent(s)

Mr. B. K. Sharma, A. Ahmed Advocates for the applicant(s)

Mr. A. K. Choudhury, ACCSC Advocates for the Respondent(s)

Office Notes | Date | Courts' Orders

This application is in form and within time C. F. of Rs. 50/- deposited vide TPO BB No. 3467 25 Dated 19.8.96

[Signature]
By Registrar. 21/8/96

Index sheet not in proper page/Annexures.

lm

2/8 Index sheet not in proper mentioned page/date/Annexures.

21/8/96

Defective not for admission.
21/8/96

9-10-96

Defective removed by the applicant's Advocate.

lm

~~Received by the Respondent's Advocate on 26/11/96~~
[Signature]
9/10/96

14-10-96 Learned counsel Mr. B. K. Sharma for the applicant. Learned Addl. C.G.S.C. Mr. A. K. Choudhury for the official respondents. None for the private respondent No. 4.

Heard Mr. B. K. Sharma for Admission. Perused the contents the application and relief sought. Application is admitted. Issue notice on the respondents by registered post. List for written statement on 26-11-96.

Heard Mr. B. K. Sharma for interim relief order. Promotion of respondent No. 4 shall be subject to the result of this Original Application.

[Signature]
Member

lm

21/10/96

26.11.96 None for the applicant. Mr. A. K. Choudhury, Addl. C.G.S.C. for the respondents.

Steps have not been taken. Applicant is directed to take steps immediately.

List for order on 18.12.1996.

[Signature]
Member

trd
26/11

of student - has not been W.D.

B
214

22.11.96

Service of Steps copy
not yet filed by
the Applicant Advocate.

B.

27.11.96

Respond Notice receipt ad
issued to the concerned
parties vide D. No.

Bosi,

Office Note	Date	Court order
<p>1) Notice Issued to the concerned parties vide D.No-3969 to 3971, Dt. 4.12.96</p> <p><u>24</u> 12.12</p> <p><u>10-1-97</u></p> <p>written statement has not been filed.</p> <p><u>24</u> 10.1</p>	<p>18.12.96</p> <p>trd M 18/12</p>	<p>None for the applicant.</p> <p>Mr. A.K.Choudhury, Addl. C.G.S.C. for the respondents.</p> <p>No written statement has been submitted.</p> <p>List for written statement and further order on 13.1.1997.</p> <p><i>[Signature]</i> Member</p>
<p>2) Memo of appearance in nat-bid by Mr. A.K. Choudhury. Addl. C.S.</p>	<p>15.1.97</p>	<p>None present. Written statement has not been submitted.</p> <p>List for written statement and further orders on 12.2.97.</p> <p><i>[Signature]</i> Member</p>
<p>2) Service Reports are still continued.</p> <p>3) W/statement has not been filed.</p>	<p>12.2.97</p> <p>trd M 15/1</p>	<p>It is reported that the steps have been taken. Registry to check, verify and proceed.</p> <p>List on 10.3.1997 for further orders.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>pe. comply order dated 12.2.97.</p> <p><u>6-3-97</u></p>	<p>10.3.97</p> <p>pg M 18/12</p>	<p>Let the case be listed on 22.4.1997 for hearing.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p>1) Notice issued vide Despatch NO: 3969 to 3972 dated 4.12.96.</p> <p>2) Acknowledgment card not yet received till to-day from the respondents.</p> <p>3) NO written statement has been submitted.</p> <p>4) Memo of appearance not yet filed.</p> <p><u>6/3</u></p>	<p>10.3.97</p> <p>trd M 11/3</p>	<p>Let the case be listed on 22.4.1997 for hearing.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

22.4.97

Let the Case be listed for hearing on 28.5.96

Notice issued on 4-12-96.

lm

lm
Member

SB
Vice-Chairman

Senior Reports are sh'n available

fr
25/11

No. w/s sh'n b'w
No appearance sh'n b'w

28.5.97

Mr A.K. Choudhury, learned Addl. C.G.S.C. prays for a short adjournment to receive further instructions. The learned counsel for the applicant has no objection. Prayer allowed.

List the case for hearing on 25.6.97.

lm
Member

SB
Vice-Chairman

Senior Reports are sh'n available

nkm

No. w/s sh'n b'w

25-6-97

In view of the order passed in M.P.No.189/97 the written statement is accepted. Learned counsel for the parties submit that the case is otherwise ready for hearing.

Let this case be listed for hearing on 13-8-97.

lm
Member

SB
Vice-Chairman

24-6-97

Memo of appearance filed by Mr. A.K. Choudhury, Addl. C.G.S.C.

Written statements filed in behalf of the respondents No-1 to 4 with a prayer MP No-189/97.

13.8.97

Case to be listed at Okhla Bench is available.

By order

17.9.97

Case is ready for hearing. List for hearing on 2.1.1998.

lm
Member

SB
Vice-Chairman

The case is ready for hearing.

w/s sh'n b'w
10/8/97
1/1/98

pg
19/9

2-1-98

There is no representation on behalf of the applicant. Case is dismissed for default.

[Signature]
Member

[Signature]
Vice-Chairman

please comply.

*nd
6/1/98.*

*lm
NS
6/1/98*

20.1.98

Copy of the order 27.2.98 has been sent to the D/Sec. for issuing the same to the L/Adm. of the parties.

In view of the order passed in Misc. Petition No.15/98 the original application is restored to file. List it for hearing on 15.6.98.

[Signature]
Member

[Signature]
Vice-Chairman

6/2/11

nkm

*NS
2/3*

- 1) W/S has been filed.*
 - 2) Memo of appearance filed by Mr. A.K. Choudhury.*
- Addl. C.G.S.C.*

15.6.98. There was a reference. Adjourned to 28.7.98.

By order

*2/8
12/6*

28.7.98

On the prayer of Mr A.K. Choudhury, learned Addl. C.G.S.C., the case is adjourned till 30.7.98.

[Signature]
Member

[Signature]
Vice-Chairman

nkm

30.7.98

On the prayer of Mr A.K. Choudhury, learned Addl. C.G.S.C., the case is adjourned till 4.8.98.

[Signature]
Member

[Signature]
Vice-Chairman

nkm

*NS
3/8*

W/S has been filed.

4.8.98 Adjourned to 7-8-98.

17

By order

*2/8
6/1/98*

7.8.98

Mr A.K. Choudhury, learned Addl. C.G.S.C. is unable to attend court today due to his indisposition. Mr S. Ali, learned Sr. C.G.S.C., prays for a short adjournment on his behalf. Mr B.K. Sharma, learned counsel for the applicant has no objection. List it on 14.8.98.

W/s has been filed
on R. Nos. 1-4.

13/8


Member


Vice-Chairman

nkm

MS
10/8

W/s has been filed.

14.8.98 There is no division bench.
Adjourn to 28.8.98.

By order.

27/8

1) Brief facts of case
has been filed.

28.8.98 Left over. Adjourn to 10.9.98.
By order.

2) W/s has been filed.


21/9

10.9.98

Heard both the counsel for the parties. Hearing concluded. Judgement reserved.


Member


Vice-Chairman

The case records have been handed to me to-day only.  trd
27/11/99

26.2.99

Judgment and order pronounced in open Court, kept in separate sheets. Application is dismissed. No order as to costs.

24.3.99


Member


Vice-Chairman

Copies of the judgment pg have been sent to the D/Sec. for issuing the same to the parties.

Issued vide D. No. 1142 to 1146
Dtd. 1.4.99.



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

O.A.No. 170/ of 1996

DATE OF DECISION..... 26-2-1999.

Shri Bipul Ranjan Nath

(PETITIONER(S))

Mr.B.K.Sharma, Mr.S.Sharma

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors

RESPONDENT(S)

Mr.A.K.Choudhury, Addl.C.G.S.C.

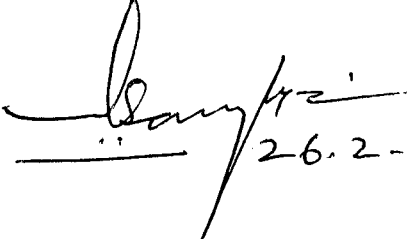
ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE MR.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 ADMINISTRATIVE MEMBER.


26.2-99

a

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 170 of 1996

Date of Order: This the 26th Day of February, 1999

HON'BLE MR. JUSTICE D.N. BARUAH, VICE-CHAIRMAN
HON'BLE MR. G.L. SANGLYINE, ADMINISTRATIVE MEMBER

Shri Bipul Ranjan Nath
Stenographer Grade I
Attached to H.Q. Inspector General
Assam Rifles (North)
C/O 99 A.P.O. ... Applicant

By Advocate Mr. B.K. Sharma, Mr. S. Sarma

-Vs-

1. The Union of India
represented by Secretary (Home)
Ministry of Home Affairs,
Government of India,
New Delhi,
2. The Director General,
Assam Rifles, Shillong-793011
3. The Inspector General,
H.Q. Inspector General
Assam Rifles (North)
C/O 99 A.P.O.
4. Shri Subrata Das
Stenographer Grade I
C/O. Director General,
Assam Rifles,
Shillong-793011 Respondents.

By Advocate Mr. A.K. Choudhury, Addl. C.G.S.C.

O R D E R.

SANGLYINE, MEMBER (A):

The applicant is a Stenographer Grade I attached to Headquarters Inspector General of Assam Rifles (North) at the time of this O.A. was submitted.

2. On 27-10-1975 the Major DDA & DMC acting for Deputy Inspector General in Headquarters Mizoram Range, Assam Rifles appointed the applicant temporarily as Stenographer Grade III in an existing vacancy in the office of the Headquarters with effect

contd/-

from 3-10-1975 (FN). It has been stated in the appointment letter dated 27-10-75 however that formal letter of appointment will be issued by the Inspector General of Assam Rifles, Shillong. The applicant had joined the post on 3-10-1975, that is, before the date the appointment letter was issued by the Major. After that he appeared before the Selection Board and on 30-10-78 he was appointed by Lt.Col.AIGAR(AQ) acting for Inspector General of Assam Rifles, Shillong with effect from 8-12-1977(forenoon). This appointment was purely temporary. According to the applicant the Deputy Inspector General of Assam Rifles Mizoram Range took up the case for regularisation of the service of the applicant for the period from 3-10-1975 to 7-12-1977 so that this period should count for his seniority in his service. The Headquarters Inspector General of Assam Rifles Shillong rejected the proposal on 28-3-1979 on the ground that the service during the period was only on adhoc basis and it was not possible to absorb the applicant in the regular service without passing the required speed test. He also clarified that the applicant was absorbed in the regular post of Stenographer Grade III with effect from 8-12-77 only after he qualified the required speed test. Thereafter the applicant was promoted to Stenographer Grade-II with effect from 2-5-1980. On 10-7-1982 the Deputy Inspector General Assam Rifles, Mizoram Range revived the question of treating the period of service of applicant from 3-10-75 to 7-12-77 as regular service for the purpose of seniority and Pensionary benefit of the applicant. The Apex Headquarters at Shillong again rejected the proposal on 8-10-1982 stating that regarding seniority the period of service from 7-12-1977, being the date of his passing the speed test only can be counted for

contd/-

for seniority. However, the period from 3-10-75 to 7-12-77 will count towards pensionary benefits only. 10 posts of Stenographer of Assam Rifles in Grade II were upgraded to Stenographer Grade I on 27-12-1993. The applicant was promoted alongwith others to Grade I on 27-12-1993. He was however placed below respondent No.4, Shri Subrata Das, in the order dated 27-12-93. In the gradation list of Stenographer Grade I, Annexure VIII also the applicant was shown below the respondent No.4, who was appointed as Stenographer Grade III on 30-3-76. The applicant submitted representation against the placement and claimed that his seniority should count from the date of his first appointment, namely, 3-10-1975. On 24-5-96 the Inspector General Assam Rifles(North) forwarded the representation of the applicant and recommended his case. The Apex Headquarters rejected the prayer and the recommendation vide unclassified Message A-2968, Annexure 10 to the Original Application. Thereafter the applicant submitted this application in which he has made the following prayers :

- "(a) To set aside and quash the impugned orders dated 8-10-82(Annexure VI), dated 27-12-93 (Annexure VII) and Signal dated 24-6-96 (Annexure-X).
- (b) To direct the respondents to correct the gradation/seniority list showing the applicant as senior to Respondent No.4.
- (c) To grant all consequential benefits.
- (d) Any other relief or reliefs to which the applicant is legally entitled under the facts and circumstances of the case."

The respondents have submitted written statement and contested the Original Application.

3. The issue here is whether the aforesaid period of service of the applicant from 3-10-1975 to 7-12-1977

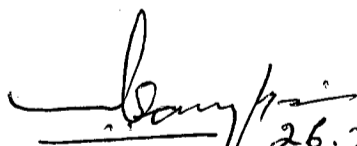
contd/-

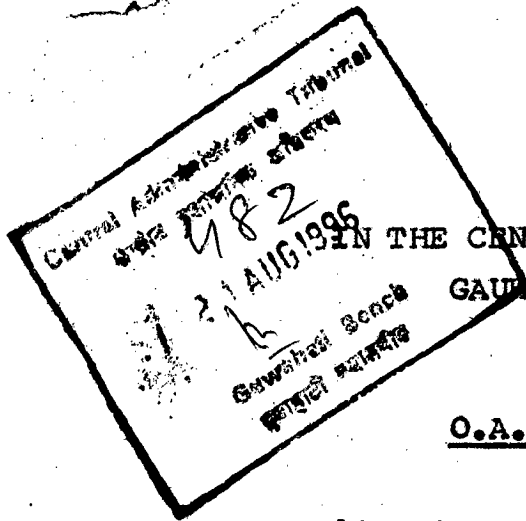
is countable towards his seniority in the Grade of Stenographer Grade III and higher grades thereafter. Before we proceed further we note further facts. It is noticed from the case records of the application that one Shri P.K.Kar the permanent Stenographer to the Deputy Inspector General of Assam Rifles, Mizoram Range remained absent from duty. The DIG selected the applicant through local Employment Exchange and appointed him after he had interviewed the applicant. He issued the letter dated 27-10-75, Annexure 1. From this letter it is clear that the competent authority to issue formal appointment letter in respect of the appointment of the applicant to the post of Stenographer Grade III in the office of the DIG was the IGAR (as he was then known), Shillong. The IGAR was requested to issue formal appointment letter by the DIG. However, no formal appointment letter covering the service of the applicant for the period from 3-10-75 to 7-10-77 ever came from him. In reply, the IGAR had on 17-11-75 intimated the DIG that the question of issuing formal appointment letter as requested did not arise as the appointment referred to was purely on temporary basis. He also directed that the individual, that is the applicant, may be asked to submit application for regular appointment so that he can be called for interview and test by the Selection Board in due course. In compliance thereto the applicant submitted an application dated 26-11-75 requesting IGAR to allow him to appear before the Selection Board for regular appointment. Consequently, he was allowed to appear in the test but he failed twice on 28-2-76 and 30-6-1976. However, he was successful on 28-9-1977. We have heard counsel of both sides. In

contd/-

In the light of the facts narrated hereinabove we are of the view that the appointment of the applicant vide Annexure I letter dated 27-10-1975 is not according to the rules and procedures relevant to recruitment to the post and it was made purely as a local arrangement on adhoc basis. It is a well settled position of law that such service will not count for the purpose of determination of the seniority of the holder of the post in the grade. In this connection, the decisions of the Hon'ble Supreme Court in Davinder Bhatia and others, Vs. Union of India and others and in P.K.Singh Vs. Bool Chand Chablani and others reported in (1998) 5 SCC 262 and (1998) 5 SCC 726 respectively may be referred to. In view of the above, we come to the conclusion that the service of the applicant as Stenographer Grade III from 3-10-1975 to 7-10-1977 rendered under the strength of the appointment letter dated 27-10-1975 is not countable for the purpose of determination of his seniority in the grade. As a result the applicant is not entitled to any of the reliefs he prays for as above. Accordingly application is hereby dismissed. No costs.


(D.N. BARUAH)
VICE-CHAIRMAN


(G.L. SANGLYINE) 26.2.99
ADMINISTRATIVE MEMBER



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH : GUWAHATI.

O.A. NO. 170 OF 1996.

Application under Section 19 of the Administrative
Tribunal Act, 1985.

Shri Bipul Ranjan Nath

... Applicant

-VERSUS-

Union of India & others

... Respondents

I N D E X

SL.NO.	DESCRIPTION OF DOCUMENTS RELIED ON	PAGE NO.
1.	Application	1 to 15
2.	Annexure - I Copy of Appointment letter dtd. 27.10.75	16
3.	Annexure -II Copy of order dtd. 30.10.78	17
4.	Annexure-III Copy of order dated 28.3.79	18
5.	Annexure- IV Copy of order dtd. 2.5.80	19
6.	Annexure- V Copy of letter dtd. 10.7.82	20
7.	Annexure- VI Copy of reply dtd. 8.10.82 (Impugned order)	21
8.	Annexure-VII Copy of order dtd. 27.12.93 (Impugned order)	22
9.	Annexure-VIII Copy of gradation list	23
10.	Annexure- IX Forwarding letter of IG AR (North) dtd. 24.5.96	24
11.	Annexure - X Copy of Signal dated 24.6.96 (Impugned order)	25

For use in Tribunal's office

Date of filing 21-8-96

Date of receipt by post By Hand

Registration No. 007 170/96

Bipul Ranjan Nath

Signature of the Applicant

Signature for
Registrar.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH : GUWAHATI

Filed by
(A. J. Nath)
20/8/96

O.A. NO. 170 OF 1996

Shri Bipul Ranjan Nath,
Son of Late Damodar Chandra Nath,
Resident of Satsanga Ashram Road,
Silchar, P.O. Silchar-788 007,
Cachar.

At present Stenographer Grade I
Attached to H.Q. Inspector General
Assam Rifles (North),
C/O 99 A.P.O.

--- APPLICANT

- VERSUS -

1. The Union of India
represented by Secretary (Home),
Ministry of Home Affairs,
Government of India,
New Delhi.
2. The Director General,
Assam Rifles, Shillong - 793 011.
3. The Inspector General,
H.Q. Inspector General
Assam Rifles (North),
C/O 99 A.P.O.

contd.....

4. Shri Subrata Das,
Stenographer Grade-I,
C/O Director General,
Assam Rifles,
Shillong - 793 011.

--- RESPONDENTS

1. PARTICULARS OF ORDERS AGAINST WHICH THE APPLICATION IS MADE :

- (i) Order No. A/V-R/2-70 dated 8th October, 1982 issued by Major, JAD(A) for Asstt. Director (Admn.)

(Annexure - VI)

- (ii) Order No. A/I-A/10-Vol IV dated Shillong, the 27th Dec '93 showing the Respondent No. 4 senior to the applicant in the order of promotion and connected seniority list thereof.

(Annexure- VII)

AND

- (iii) Order dated 24th June, 1996 passed by the Director General, Assam Rifles rejecting the representation of the applicant for seniority

(Annexure - X)

2. JURISDICTION OF THE TRIBUNAL :

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

contd.....

3. LIMITATION :

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

4. FACTS OF THE CASE :

(a) That the applicant begs to state that the applicant passed the Pre-University (Arts) examination in the year 1975 from the Gauhati University and simultaneously also obtained Diploma in Stenography Typewriting. Because of poor economic condition, the applicant could not prosecute his higher studies and got his name registered with the local Employment Exchange in order to get a job to earn livelihood for himself as well as his family members.

(b) The applicant further begs to state that in the year 1975 pursuant to a requisition from the Assam Rifles, for recruitment of Stenographer Grade-III, his name was forwarded by the Employment Exchange along with other candidates. He was then called for test and interview in which he accordingly appeared. After being interviewed by the duly constituted Selection Committee, he was selected for appointment as Grade-III Stenographer in an existing vacancy and accordingly he was appointed as Grade-III Stenographer in the scale of pay of Rs.330-10-380-EB-12-500-EB-15-560 P.M. plus other allowances as admissible vide appointment

order.....

order No. A/1-01/75/2246-47 dated 27th October, 1975. It was stated in the appointment letter that the formal letter will be issued by the Inspector General, Assam Rifles, Shillong and the appointment will be governed by all terms and conditions applicable to such categories in Assam Rifles. It may be pertinent to mention here that though the said appointment letter was a provisional one, it was issued on approval from the Head Quarters, Inspector General, Assam Rifles, Shillong.

A copy of the said appointment letter dated 27.10.75 is annexed hereto and marked as ANNEXURE -I.

(c) That the applicant begs to state that the applicant though joined in the post on 3.10.75 and had been continuously working with sincerity and to the satisfaction of all concerned, he was directed by the then Inspector General, Assam Rifles, Shillong to appear again before the Selection Board for regularisation of his services, though initially he was interviewed by the duly constituted Selection Committee. He again appeared before the Selection Board in compliance with the I.G. A.R.'s direction. But, curiously enough even after his appearance before the Selection Board, he was again shown to be appointed temporarily in the same scale of pay as Grade-III Stenographer vide order No. A/V-R/2-70/64 dated 30.10.78 purportedly with effect from 8.12.77 though
he.....

he had been continuously working in the same post since 3.10.75 and had been getting his annual increments regularly in each year.

A copy of the said order dated 30.10.78 is annexed hereto and marked as ANNEXURE -II.

(d) That the applicant begs to state that thereafter in the aforesaid circumstances the then Deputy Inspector General of Assam Rifles, Mizoram Range took up the case of the applicant with the Head Quarters, Inspector General of Assam Rifles, Shillong and referring to the aforesaid order of appointment dated 30.10.78 requested the Head Quarters, Inspector General of Assam Rifles, Shillong to review the aforesaid order of appointment and to regularise the service of the applicant from 3.10.75 so that he may not be deprived of the benefit of more than two years' seniority in service. But the respondent No. 2 denied to review the same on the ground that prior to the passing of required test, the said period cannot be allowed to be counted towards service seniority, but allowed the same to be counted towards pensionary benefit only.

A copy of the said order dated 28.3.79 is annexed hereto and marked as ANNEXURE -III.

(e) That the applicant begs to state that thereafter, the applicant was promoted to the post of Grade-II Stenographer along with two others including respondent

No. 4 in the scale of pay of Rs.425-15-500-EB-15-560-20-700/- per month with effect from 2.5.1980 vide D.G. A.R. order No. A/1-A/10/66 dated 2.5.80 wherein the name of the applicant was shown at Srl. No. 1 and respondent No. 4 at Srl. No. 3 from which it is apparent that the applicant had been treated as senior to respondent No. 4 for all purposes as the Respondent No. 4 joined in service on 30.3.76 and the applicant joined on 3.10.75.

A copy of the said order is annexed hereto as ANNEXURE -IV.

(f) That the applicant begs to state that thereafter the Dy. Comdt. DAA, QMG. also wrote to the Director General, Assam Rifles, Shillong vide his letter dated 10.7.82 stating the fact of applicant's appointment against an existing vacancy and continuity in service without any break since 3.10.75 and for the aforesaid reason his service is required to be regularised with effect from 3.10.75, but the same was also turned down by the Respondent No. 2 purportedly to favour Respondent No. 4.

A copy of the letter dated 10.7.82 and reply dated 8.10.82 are annexed hereto and marked as ANNEXURES -V & VI respectively.

10

(g) That the applicant respectfully begs to state that thereafter by order dated 27.12.93 under No. A/1-A/10-Vol IV issued by the Asstt. Director (A), Assam Rifles, the applicant along with others including Respondent No. 4 was promoted to the post of Grade-I Stenographer in the pay scale of Rs.1640-60-2600-EB-75-2900 per month plus other allowances, with effect from 9.12.93 in which the name of Respondent No. 4 appeared at Sl. No. (c) and the name of the applicant at Sl. No. (d) from which it appears that the applicant for the first time has been made junior to respondent No. 4.

A copy of the said order of promotion dated 27.12.93 is annexed hereto and marked as ANNEXURE -VII.

(h) That the applicant begs to state that thereafter though the applicant had been repeatedly submitting representation to the respondents for counting his services with effect from 3.10.75 towards seniority and other consequential service benefits, nothing had been heard from the respondents in this regard and to the knowledge of the applicant no seniority/gradation list whatsoever was ever published or circulated by the respondent authority and the applicant was waiting for the same to submit his objection to such list if so necessitated. But till before 15.4.96 no such seniority/gradation list provisional or otherwise was published/circulated or made.....

made available to the applicant. It is only on 15.4.96, the applicant happened to come across a gradation list of Stenographers Grade-I of Assam Rifles, though no such list was officially communicated to the applicant, wherein he found his name below respondent No. 4. But, in fact, the Respondent No. 4 is junior to him in all respects having joined in service after about 6 (six) months of the joining of the applicant in the same grade and pay.

A copy of the said gradation list is enclosed herewith and marked as ANNEXURE -VIII.

(i) That the applicant further begs to state that immediately thereafter, the applicant filed representation/objection which was duly recommended and forwarded by the Inspector General, Assam Rifles (North) stating that the grievance of the applicant is genuine and deserves favourable consideration. But the respondent No. 2 rejected the representation of the applicant vide his Signal dated 24th June, 1996 denying the lawful and bona fide claim of the applicant.

A copy of the forwarding letter of the I.G.A.R. (North) dated ~~24~~²⁶.5.96 and Signal dated 24.6.96 rejecting the appeal/representation of the applicant are annexed hereto and marked as ANNEXURES -IX and X respectively.

(j) That the applicant respectfully begs to state that a higher post of Private Secretary is likely to fall vacant soon and in such circumstances as and when such post of Private Secretary or other similar post falling vacant and if such post is filled up on the basis of the present seniority of the Stenographers Grade-I, the case of the applicant may not be considered for such promotion and in such event the applicant will suffer irreparable loss and injury. Hence, it is pre-eminently a fit case wherein this Hon'ble Tribunal would be pleased to pass an interim order protecting the rights of the applicant. The balance of convenience is also in favour of the applicant.

5. GROUND'S FOR RELIEF WITH LEGAL PROVISION :

- (I) FOR THAT the respondent authorities have committed grave error in law as well as in facts in passing of the impugned order and in not treating the continuous service of the applicant against regular vacancies towards seniority.
- (II) FOR THAT the respondent authorities have committed manifest error in law in denying the right of the applicant in service seniority in not counting the total length of continuous service of the applicant towards seniority from the date of his joining in service i.e. from 3.10.75.

(III) FOR THAT the respondent authorities have discriminated the petitioner in showing him junior to respondent No. 4 who, in fact, joined in service about 6 (six) months after joining of the applicant i.e. on 30.3.76, in violation of Articles 14 and 16 of the Constitution and, as such, the impugned orders are liable to be set aside and quashed.

(IV) FOR THAT the respondent authorities have committed grave error in law in not giving an opportunity to the applicant to file his objection by way of publishing a provisional seniority list before publishing the impugned seniority list and, as such, the impugned orders and seniority list are liable to be set aside.

(V) FOR THAT the impugned actions of the respondent authorities are arbitrary, unreasonable, unjust and unlawful which affect the rights of a Government servant without the authority of law and, therefore, the same are liable to be set aside and quashed.

(VI) FOR THAT the seniority of a Government servant is liable to be counted on the basis of total length of continuous service including temporary service, if any, in the absence of any specific rule.....

M

rule to the contrary and, therefore, the respondent authorities in not doing the same violated the established procedure of law and, hence, the impugned orders are liable to be set aside.

(VII) FOR THAT the respondent authorities have passed the impugned orders without applying its mind to the relevant facts and, as such, the same are vitiated by non-application of mind and are liable to be set aside.

(VIII) FOR THAT the impugned orders in fixing the seniority of the applicant is made mala fide in order to show favouratism to respondent No.4 and, as such, the same are liable to be set aside.

(IX) FOR THAT the initial appointment of the applicant being a regular one against an existing vacancy duly selected by a Selection Committee and with due approval of the respondent authority, respondent authorities are liable to be directed to count the entire service period of the applicant from the date of his joining on 3.10.75 towards fixation of his seniority and other consequential service benefits.

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- (X) FOR THAT the impugned signal dated 24.6.96 being non-speaking one, is not sustainable in the eye of law and liable to be set aside and quashed. A cherished right of seniority cannot be taken away or jeopardised in such a whimsical manner without any application of mind.
- (XI) FOR THAT in any view of the matter the impugned actions of the respondent authorities being arbitrary and illegal are liable to be set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED :

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

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.

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8. RELIEF SOUGHT :

In view of the facts mentioned in paragraph 4 above, the applicant prays for the following relief :

- (a) To set aside and quash the impugned orders dated 8.10.82 (Annexure-VI), dated 27.12.93 (Annexure-VII) and Signal dated 24.6.96 (Annexure-X).
- (b) To direct the respondents to correct the gradation/seniority list showing the applicant as senior to Respondent No. 4.
- (c) To grant all consequential benefits.
- (d) Any other relief or reliefs to which the applicant is legally entitled under the facts and circumstances of the case.

9. INTERIM ORDER, IF ANY, PRAYED FOR :

Pending the final decision of the application, the applicant seeks the following interim relief :

Pending disposal of the application an interim order may be passed directing the respondents not to give any promotion to Respondent No.4 without first considering the case of the applicant.

10. PARTICULARS OF BANK DRAFT/POSTAL ORDER FILED
IN RESPECT OF THE APPLICATION FEE :

Postal order No. B 09 346725
dated 19.8.96 for Rs. 50/- payable at Guwahati.

11. LIST OF ENCLOSURES :

As stated in the index.

Verification.....

VERIFICATION

I, Shri Bipul Ranjan Nath, Son of Late Damodar Chandra Nath, aged about 39 years, working as Stenographer Grade-I in the office of the H.Q. Inspector General of Assam Rifles, C/O 99 A.P.O., resident of Satsanga Ashram Road, Silchar, P.O. Silchar-788 007, do hereby verify that the contents of paragraphs 1 to 4 and to 6 to 11 are true to my personal knowledge and that of paragraphs 5 to X are believed to be true on legal advice and that I have not suppressed any material fact.

Date : 18.8.96

Place : Imphal

Bipul Ranjan Nath

Signature of the Applicant.

-16-

ANNEXURE - J

/COPY/

Headquarters
Mizoram Range Assam Rifles
C/o 99 APO.

M/1-01/75/2246-47

27 Oct '75

Shri Bipul Ranjan Nath
C/o Shri Damodar Chandra Nath
Asram Road
PO : SILCHAR - 4
Dist : Cachar

PROVISIONAL APPOINTMENT FOR THE POST OF
GRADE III STENOGRAPHER

1. You are hereby appointed temporarily as Stenographer Grade III in an existing vacancy of this Headquarters with effect from 03 October 1975 (FN) until further orders in the scale of pay of Rs.330-10-380-EB-12-500-EB-15-560/- P.M. plus other allowances as may be admissible from time to time.
2. The appointment is purely temporary and may be terminated on one month's notice from either side. You will be governed by all terms and conditions applicable to such categories in Assam Rifles.
3. ✓ Formal appointment letter will be issued by the Inspector General of Assam Rifles, Shillong.

Sd/= (Satyapal Singh)
Major
DAA & QMG
For Deputy Inspector General

Copy to :-

Headquarters:
Inspector General of Assam Rifles
Shillong - 793 011 (A Branch)

For information please
with reference to their
Signal No. A 3211 dated
21 Oct 75. Formal
appointment letter may
please be issued.

*attached
copy
Ady to call*

MUKHYALAYA MAHANIRIKSHAK ASSAM RIFLES
HEADQUARTERS INSPECTOR GENERAL OF ASSAM RIFLES : SHILLONG

* * *

ORDER

No. A/V-R/2-70/64

Dated Shillong, the 30 Oct 78

1. Sri Bipul Ranjan Nath son of Sri Damodar Chandra Nath, Asram Road, Silchar-4 is hereby temporarily appointed as Stenographer Grade-III in the scale of pay of Rs.330-10-380-EB-12-500-EB-15-500/= per month plus other allowances as admissible under the rules against an existing vacancy of HQ MIZORAM RANGE ASSAM RIFLES with effect from 08 Dec 77 (Forenoon).

2. The appointment is purely temporary and may be terminated with one month's notice from either side.

3. He is liable to serve anywhere in Assam, Meghalaya, Arunachal Pradesh, Manipal, Mizoram etc. wherever Assam Rifles units are located

Sd/- (D L-hiri)

Lt Col

AIGAR (AQ)

For Inspector General of Assam Rifles

Memo No A/V-R/2-70/64(a)

Dated Shillong, the 30 Oct 78

Copy to :-

1. The Additional Accountant General
(Central and Arunachal Pradesh)
Lachatelletes Building
Shillong - 793003
2. The Pay and Accounts Office, Assam Rifles
Kench's Trace Road
Bishnupur (Near Dev Kumar Memorial Hall)
Shillong - 793004
3. II. MIZORAM RANGE, Jorhat, Assam. - With ref
to their letter No. P.A./AIGAR/77/12, dated 12 Dec 77 and
14 Dec 77 and 14 Sep 78. Medical fitness certificate,
Police Certificates on character and antecedent reports are
attached herewith in crissis.

Sd/- (S C S. Gupta)

Lt Col

For Inspector General of Assam Rifles

- 18 -

ANNEXURE - IV

/COPY/

Tele : Civ 3856
Mil 213

Headquarters
Inspector General of Assam Rifles
Shillong - 793011

A/V-R/2-70/67

28 Mar 79

HQ Mizoram Range
Assam Rifles
C/o 99 APO

APPOINTMENT STENOGRAPHER

1. Reference your letter No.144/Est/A dated 04 Mar 79.
2. It is clarified that Shri Bipul Ranjan Nath, Steno Grade III of your HQ was on adhoc basis from 03 Oct 75 to 07 Dec 77.
3. Subsequently on passing the required speed test taken by the selected board on 08 Dec 77 Shri Bipul Ranjan Nath has been absorbed in a regular post of Steno Grade III with effect from 08 Dec 77.
4. In view of para 2 and 3 above, it is not possible to absorb him in the regular service from a date prior to his passing the required speed test taken by the duly constituted selected board.

*attached
An 7
Advocate*

Sd-- x-x-x-x-x-x-x-x-x

(A K Kar Purkayastha)

C G O

for Asst Inspector General of Assam Rifles (AQ)

* * *

BHARAT SARKAR :: GRIH MANTRALAYA
GOVERNMENT OF INDIA :: MINISTRY OF HOME AFFAIRS
MAHANDESHALAYA ASSAM RIFLES
DIRECTORATE GENERAL ASSAM RIFLES :: SHILLONG-11

ORDER

No.A/I-A/10/66

Dated Shillong, the 02 May 80

The undermentioned Stenographer Grade-III are hereby temporarily promoted to Stenographers Grade-II in the scale of pay of Rs.425-15-500-EB-15-560-20-700/= per month with effect from 02 May 80 subject to clearamnce by the Departmental Promotion Committee :-

- (i) Shri Bipul Ranjan Nath
Grade-III Stenographer
MR Range
- (ii) Shri Sukomal Chakraborty
Grade-III Stenographer
MP Range
- (iii) Shri Subrata Das
Grade-III Stenographer
DGAR

Handwritten notes:
 21/5/80
 (1/10/7)
 Adhikari

Sd/= x-x-x-x
 (Sushil Kumar)
 Lt Gen
 Director General Assam Rifles

Memo No.A/I-A/10/66(a)

Dated Shillong, the 05 May 80

Copy forwarded to :-

- 1. Pay and Accounts Office
Assam Rifles
Laitumkhrach
Shillong - 1
- 2. List 'A' (Less 17 AR)
- 3. Est Branch (Internal)
- 4. Office copy.

Sd/= x-x-x-x
 (S R Bhaattacharjee)
 CCO
 for Director General Assam Rifles

/COPY/

Headquarters
Mizoram Range Assam Rifles
C/o 99 APO

136/Est/A

10 Jul 82

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(A Branch)
Shillong - 793011

REGULARISATION OF SERVICE

1. Shri Bipul Ranjan Nath, Stenographer of this HQ was temporarily appointed as Stenographer Grade-III with effect from 03 Oct 75 against an existing vacancy vide this HQ letter No A/I-01/75/2246-47 dated 27 Oct 75, with copy to your HQ. Subsequently after passing in DPC he was further temporarily appointed as Stenographer Grade-III with effect from 08 Dec 77 without any break to his previous service of Stenographer Grade-III with effect from 03 Oct 75 to 07 Dec 77.

2. In view of above, his service as Stenographer Grade-III with effect from 03 Oct 75 to 07 Dec 77 is now required to be regularised and counted towards his present service for seniority-cum-pensionary benefit.

3. An early action is requested.

Sd/= x-x-x-x-x-x-x

(B S Jaikaria)
Dy Comdt
DAA & QMG
For Commander

* * *

*attached
Advocate*

Est Branch (Internal)

Sd/= x-x-x-x
(S K Bhaattacharya)
CGO

for Director General Assam Rifles

/COPY/

- 22 -

ANNEXURE-VII

MAHANIDESHALAYA ASSAM RIFLES
DIRECTORATE GENERAL ASSAM RIFLES : SHILLONG

O R D E R

A/I-A/10-Vol IV

Dated Shillong, the 27 Dec 93

1. Ministry of Home Affairs vide their letter No 27011/43/91-
FP I dated 19 Jul 93 have upgraded 10 posts of Stenographer of
Assam Rifles in the pay scale of Rs.1400-40-1600-50-2300-EB-60-2600/=
(Grade II) to Rs.1640-60-2600-EB-75-2900/= (Grade I) and 3 posts
of Stenographers in the pay scale of Rs.1200-30-1560-EB-40-2040/=
(Grade III) to Rs.1640-60-2600-EB-75-2900/= (Grade I).

2. In the light of Ministry's above letter, following
Stenographers Grade II/Nb Sub(PA) of Assam Rifles are hereby
temporarily promoted to Stenographer Grade I/Sub(PA) in the scale
of pay of Rs.1640-60-2600-EB-75-2900/= per month plus other
allowances as admissible under the rules with effect from the forenoon
of 09 Dec 93 :-

- (a) Shri J C Paul Choudhury, DGAR
- (b) Shri Mrinmoy Paul, HQ MP Range
- (c) Shri Subrata Das, DGAR
- (d) Shri Bipul Ranjan Nath, HQ IGAR (N) ✓
- (e) Shri Pranesh Chakravorty, HQ AC Range
- (f) Shri Bidyut Kumar Sarkar, DGAR
- (g) Shri Nirranjan Chakravorty, HQ 'A' Range
- (h) Shri PP Kurian, ARTC
- (j) Shri PM Balakrishnan, HQ NL Range (South)
- (k) JC-C/360680 Nb/Sub EI Baby, HQ IGAR(N)

Sd/= x x x x x x
(Rakesh Sharma)
Lt Col
Asst Director (A)
for Director General

Memo No A/1-A/10-Vol IV/A

Dated Shillong, the 28 Dec 93

Copy forwarded to :-

- 1. The Pay & Accounts Office
Assam Rifles
Manbha Villa, Laitumkhrach
Shillong - 793 003

P. T. O.

- 2. HQ Inspector General
Assam Rifles(North), C/O 99 APO
- 3. HQ Manipur Range
Assam Rifles, C/O 99 APO
- 4. HQ Arunachal Range
Assam Rifles, C/O 99 APO
- 5. HQ 'A' Range Assam Rifles
C/O 99 APO
- 6. HQ Nagaland Range (South)
Assam Rifles, C/O 99 APO
- 7. Assam Rifles Training Centre
Dimapur

Internal

- 8. EST Branch (Gen) - for information and necessary action.
- 9. EST Branch (Bill) - -do-
- 10. UPAO
- 11. GS Branch
- 12. PRO Cell
- 13. Dir (Adm)'s Office
- 14. Finance Branch
- 15. Personal File
- 16. Office copy.

*att. file
D. Doonai
C. G. O.*

Sd/= x x x x x x
(D Doonai)
C G O
Directorate General
Assam Rifles

* * *

ANNEXURE - VIII

23

GRADATION LIST

STENOGRAPHER GRADE - I

Pay Scale : Rs.1640-60-2600-ES-75-2900/=

Ser No	Name and educational qualification	Date of Birth	Date of appointment on various cadre	Date of confirmation	Whether SC/ST	Remarks
1.	Shri JC Paul Choudhury Appeared BA Steno - I	01 Mar 1942	<u>Steno - III</u> 03.10.64	<u>Steno - II</u> 26.05.70	Neither	
			<u>Steno - II</u> 12.02.76	<u>Steno - II</u> HQ MPR		
			<u>Steno - I</u> 09.12.93	01.11.80		
	Shri Mrinmoy Paul BA Part I Steno - I	01 Apr 1943	<u>Steno - III</u> 18.08.71	<u>Steno - II</u> HQ ACR	-do-	
			<u>Steno - II</u> 17.02.76	01.11.80		
			<u>Steno - I</u> 09.12.93			
2.	Shri Sobrata Das B.A. Steno - I	01 Feb 1954	<u>Steno - III</u> 27.03.76	<u>Steno - II</u> HQ DGAR	-do-	
			<u>Steno - II</u> 07.05.80	25.11.85		
			<u>Steno - I</u> 19.12.93			
4.	Shri Bipul Ranjan Nath Pre-University Steno - I	07 Jan 1957	<u>Steno - III</u> 08.12.77	<u>Steno - II</u> HQ DGAR	-do-	Temporary Steno wef 03.10.75. On deputation to NEC wef 01.01.85 to 08.05.88.
			<u>Steno - II</u> 02.05.80	25.05.85		


 (A)

Director

Headquarters
Inspector General
Assam Rifles (North)
C/o 99 APO

I.128/5852 /A

24 May 96

Mahanideshalaya Assam Rifles
Directorate General Assam Rifles
(A Branch)
Shillong - 793011

REPRESENTATION : SHRI B R NATH, STENO GRADE-I

1. Shri BR NATH, Steno Grade-I of this HQ has represented that his date of initial appointment (ie 03.10.75) has been wrongly reflected towards his seniority which requires reconciliation.
2. The representation duly recommended by the IGAR is encl for early disposal please.
3. Please ack receipt.



(RKS Suhag)
Maj
JAD (A)
For IGAR

Encl : Nine pages

attested
[Signature]
Advocate

24 Jun 96

ANNEXURE - X

37

ROUTINE

DTO 241300

ORL NO 245368

FROM DGAR

TO IGAR (N)

UNCLAS A 2968

5352 835

REPRESENTATION(.) YOUR ROMAN ONE PT 128//3558/A MAY 24 (.) & FIRSTLY (.)
 INDIVIDUAL PASSED SPEED TEST ON 08 DEC 77 WHICH WAS MANDATORY
 REQUIREMENT FOR SELECTION HENCE APPT LETTER THAT HE HAD APPEARED BEFORE DPT
 DPC TWICE BUT COULD NOT COME UP TO REQUIRED STANDARD (.) FORMER SERVICE
 FROM 03 OCT 75 TO 07 DEC 77 WAS PURELY ON TEMP BASIS AS PER ARRO 1/73
 (.) THIRDLY (.) REQUEST CONNECT THEN IGAR (N) A#3397 DTD 17 NOV 75
 COMMA A 3471 DTD JAN 77 AND A 5132 DTD 08 DEC 77 ON THE SUBJECT

FORMER

D/-

TOR 1542/24

CHECKED BY DCO/-----

(19) 26/12

Ats. lsh
Abropali

FIRST SIGHT DAK	
(1) BRANCH	
HQ IGAR (NORTH)	
IGAR	<i>[Signature]</i>
FD (Adm)	<i>[Signature]</i>
JAD (A)	<i>[Signature]</i>
DAAS	
JAD (L)	
Supdt.	<i>[Signature]</i>

1. Case of PA to IGAR
2. Show to PA to IGAR
3. Camp cde

[Signature]
25/6/96

[Signature]
25/6/96

25/6/96

attest
[Signature]
[Signature]

24 Jun 96

OUTLINE

DTO 241300

RL NO 245368

FROM DGAR

IGAR (N)

UNCLASS A 2968

PRESENTATION(.) YOUR ROMAN ONE PT 128//⁵³⁵²3558/A MAY 24 (.) R FIRSTLY(.)
 INDIVIDUAL PASSED SPEED TEST ON 08 DEC 77 WHICH WAS MANDATORY
 REQUIREMENT FOR SELECTION HENCE APPT LETTER THAT HE HAD APPEARED BEFORE DD
 TWICE BUT COULD NOT COME UP TO REQUIRED STANDARD(.) FORMER SERVICE
 M. 03 OCT 75 TO 07 DEC 77 WAS PURELY ON TEMP BASIS AS PER ARRO 1/73 FORMER
 THIRDLY (.) REQUEST CONNECT THEN IGAR (N) A 3397 DTD 17 NOV 75
 A 3471 DTD JAN 77 AND A 5132 DTD 08 DEC 77 ON THE SUBJECT

TOR 1542/24

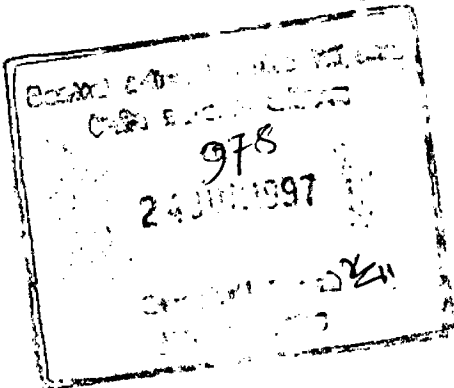
WORKED BY DCO/-----

412

R U R

Filed by
M. Chandra
24.6.97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH
GUWAHATI



In the matter of :-
O.A. No.170 of 1996
Shri Bipul Ranjan Nath ..Applicant
-Versus-
Union of India & others
...Respondents

Written statement for and on behalf of the
Respondents No.1,2,3, and 4.

I,Shri Anil Kr Thapa, Lt Col Asstt Director (D&V)
Directorate General Assam Rifles, Shillong, do hereby
solemnly affirm and say as follows :-

- 1) That I am the Asstt Director (D&V) Directorate General Assam Rifles, Shillong 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 is specifically admitted in this written statement the other contentions and statements made in the application may be deemed to have been denied. I am authorised to file this written statement on behalf of all the respondents.
- 2) That with reference to the statements made in paragraph 1 to 3 of the application, the respondents have no comments to offer these being matters of record.
- 3) That with reference to the statements made in paragraph 4(a) of the application, the respondents beg to say that the applicant be put to strictest proof thereof.
- 4) That with reference to the statements made in paragraph 4(b) of the application, the respondents beg to state that the applicant was appointed purely on temporary basis with a provision for termination of service on one months notice. His temporary appointment had been necessiated due to the illegal absence from

Handwritten notes:
24-6-97
Anil Kr Thapa
Director General Assam Rifles
Shillong

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duty of Shri P.K. Kar, the permanent steno to DIG, M.R. Range. It is admitted that the appointment letter had an endorsement to the effect that the formal appointment letter would be issued by the IGAR. However issuance of such formal letter was subject to fulfilling of all formalities and terms and conditions governing the appointment of Stenographer on permanent basis. It is pertinent to mention here that the title of the appointment letter (Annexure-I) clearly indicates that the appointment of applicant was "Provisional". It is denied that appointment letter had been issued after obtaining approval from HQ IGAR. It is also denied that the applicant was interviewed by a Selection Committee, instead he was interviewed by the DIG, M.R. Range, In this connection a copy of M.R. Range dated 7th Oct/75 is attached as Annexure-A.

5) That with ~~reference~~ regard the contentions made in paragraph 4(a)(c) of the application that the applicant worked with sincerity and to the satisfaction of all concerned, the applicant be put to strictest proof there of. On receipt of the provisional appointment letter (Annexure-I) IGAR informed M.R. Range vide their signal A 3347 dated 17th Nov/95 (Annexure-B) that the question of issuance of formal appointment letter did not arise. Further it has been suggested therein that individual be asked to submit application for regular appointment. An application dated 26th Nov/75 (Annexure-II) was submitted by the applicant in this regard for appearing in the test. It is denied that IGAR had directed the applicant to appear again before the selection Board and that the applicant had been interviewed initially by a selection committee. Instead the applicant was initially interviewed by the DIGAR, M.R. Range and he had himself applied for regular appointment and opportunity for appearing before the selection Board vide his application dated 26th Nov/75 addressed to HQ IGAR (Annexure-C). It is denied that the applicant appeared before the selection Board in compliance with the IGAR's directions to the extent that the applicant had himself applied for the said post. It is submitted that initially on 3-10-95, the applicant had been provisionally appointed subject to his passing of all requisite tests. Later on 8th Dec, 1977,

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49

the applicant was appointed temporarily after passing of above tests. As such it is denied that the applicant had been continuously working in the same post since 03-10-75.

In fact the applicant twice appeared in the tests on 28th Feb/76 and 30th June/76 wherein both the times he miserably failed, copies of result sheets are enclosed as Annexure-D and E respectively. It was only on 28th Sept/77 that the applicant appeared in the stenography test which he passed and on this basis he was regularly appointed and his seniority was reckoned from that date. As such the applicant can not claim seniority with effect from 3rd Oct/75 on the pretext that he was continuously working in the same post since then. A copy of D.O. letter No.A/V-R/2-70, dated 30th Jan/77 written by Lt. Col K.S. Mathur, AIGAR (A/Q) at HQ IGAR addressed to Brig Nahar Singh, DIGAR HQ M.R. Range is annexed as (Annexure-F).

6) That with reference to paragraph 4(d) of the application the respondents beg to state that no comments can be offered on the so called case alleged to have been taken up by M.R. Range with HQ IGAR for reviewing the order of appointment and for regularising the service of applicant w.e.f. 3rd Oct/75 in the absence of any specific and exact reference ~~to~~ of such, case. In any case, there is likelihood that the applicant who was performing the duties of steno to DIR i.e. the senior most officer of the Range would have arranged taking up of any ~~etc~~ such case using his position. The fact remains that in accordance with the rules, the applicant could be appointed on regular basis only after passing the requisite test, and not prior to that. The same had been adequately and correctly brought to the knowledge of the applicant vide Annexure-III of the application.

7) That with reference to the statements made in paragraph 4(e) of the application, this deponent begs to state that the contention of the applicant that his name appeared at Sl.No.1 in the promotion order No.A/1-A/10/66, dated 2nd May/80 Annexure-V of the application above, Shri Subrata Das and thereby

(4)

it appeared that he was senior to Respondent No.4 is denied. It is submitted that the subject promotion order has not been prepared as per the seniority. Shri Sukomal Chakraborty who i.e. date of regular appointment 14-5-76 has been shown at Srl No.2, whereas Shri Subrata Das whose date of regular appointment was 30-3-76 and who is senior to Srl. No.1 and 2 is listed at Srl.No.3. Subsequently the gradation list giving out correct seniority of the applicant was circulated to all concerned vide Directorate General Assam Rifles letter No.A/1-A/15-76/01, dated 9th March/94 (Annexed as Annexure-G). As per the instruction, objection if any was to be raised by 1st June, 1994, which the applicant failed to do so.

8) That with reference to paragraph 4(f) of the application it is admitted that letter dated 10-7-82 originated from HQ M.R. Range where the applicant himself was then posted. However, it is denied that by not acceding to the request of HQ M.R. Range, any favour has been shown to Respondent No.4. Having passed the requisite tests only on 7-12-77 the applicant can not claim seniority w.e.f. 3-10-75.

9) That with reference to the statements made in paragraph 4(g) of the application, the respondents beg to ~~state~~ submit that the plea of the applicant that for the first time he has been shown as Junior to respondent No.4 is strongly denied as this is evident from the gradation list 1994 of Stenographer published by the authority wherein the applicant has been reflected as Junior to respondent No.4. The averment therefore need to be discarded.

10) That with regards to the statements made in paragraph 4(h) of the application, it is denied that with regard to the representations of the applicant nothing had been heard from the respondents. It is also denied that no gradation list was over published and circulated prior to 15-4-96. Gradation list was also circulated in 1994 (Annexure-G). It is denied that Respondent No.4 is Junior to the applicant.

11) That with regards to the statements made in paragraph 4(i) of the application, it is denied that the rejection of the representation of the applicant amounts to denial of lawful and bonafide claim of the applicant. It is reiterated that the date

of seniority of the applicant is to be counted with effect from the date of passing of the requisite tests and the same has been done. The department can not grant him seniority without passing the requisite tests and against the interest of other stenographers who had passed the tests prior to the applicant.

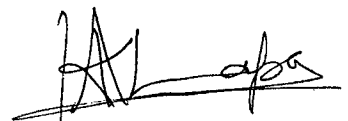
12) That with regards to the statements made in paragraph 4(j) of the application, it is denied that the post of Private Secretary is likely to fall vacant soon and as such the contention of the applicant is denied.

13) That with regards to the statements made in paragraph 5.1 to 5.11 of the application, the respondents beg to state that the grounds sought for as relief are baseless and has no legal force. No error in law whatsoever has been committed. The applicant was appointed provisionally on temporary basis subject to passing of stenography test and ultimately he was issued with formal appointment letter from the date of passing of the required test, therefore no injustice has been caused to the applicant and the application is liable to be dismissed.

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

I, Shri Anil Kr Thapa, Lt Col, Son of Shri Inder Singh Thapa aged 39 years working as Asstt Director in the Office of the Directorate General Assam Rifles, Shillong, resident of Shillong do hereby verify that the statements made in paragraphs 1, 2, 3, 11 & 12 are true to my knowledge, those made in para 4-10 being matters of record are true to my information derived therefrom and those made in the rest are humble submissions before the Hon'ble Tribunal and I have not suppressed any material facts.

I sign this verification on this the 29th day of May, 1997 at Shillong.



DEPONENT

6

33

Amal Kumar A

(114)

ARS-I (Large)

आसाम राईफल ब्रेतार/तार
ASSAM RIFLES W/T

संदेश प्रेषक
MESSAGE FORM

भणना पत्र क्रम संख्या
Register No.

संकेत तथा निर्देश
CALL AND
INSTRUCTIONS
mk Range

क्रम संख्या
SRL No.

प्रथमता
PRIORITY

प्रेषण निर्देश
TRANSMISSION INSTRUCTIONS

2/0/0014

ABOVE THIS LINE FOR SIGNALS USE ONLY

प्रेषक From (A)	उत्पादक ORIGINATOR	दिनांक - समय DATE - TIME OF ORIGIN
RR	[Redacted]	07/10/75
प्राप्तक For Action	सूचनाथ (W) For Information (INFO)	
[Redacted]	[Redacted]	1GAR

कार्यालय तिथि मोहर
-Office Date Stamp-

2/29/1

संदेश निर्देश-पूर्ण क्रमांक
-Message Instruction GR

50

उत्पादक अनुसंधानक
Originator's No.

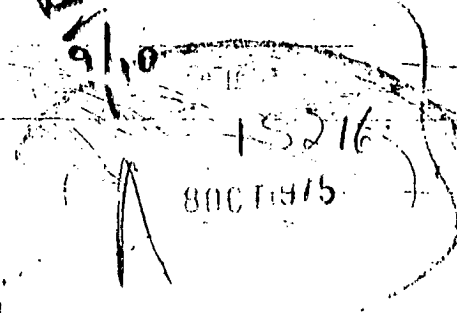
2191 0 2ppt Stenographer 0

ye no 2191-0-2ppt Stenographer 0
 Shree Bipul Ranjan was temporarily
 appted Steno to tiger Mr. B. R. [Redacted] of 3
 Oct 75 0 candidate selected through
 local Employment exchange and
 appted July 1975 via by tiger
 20 RAB (range) 0 request submitted whether
 he will be given pay scale
 for class 7th Stenographer
 services i.e. from 330/7-9330
 0 - to 560/- Scale or scale
 for typist from 260/- to 400/-
 0 Early resp. requested

On file

Attached
Addl. Secy
Addl. C/S

YEAR	
MO (A)	RI
SER (A)	2191-0-2ppt
SUB (A)	
SIGNED	ORIGINATOR
CGO	



उत्पत्ति काल T.O.O.
प्राप्ति काल T.H.F.

8 OCT 1975

9002

7

34

साक्षाम राईफल बेतारतार
ASAM RIFLES W/T

संदेश प्राप्त
MESSAGE FORM

ARS-I (Large)
गणना पत्र क्रम संख्या
Register No.

संकेत तथा निर्देश
CALL AND INSTRUCTIONS

क्रम संख्या
SRL. No.

प्रसिध्ता
PRIORITY

प्रेषण निर्देश
TRANSMISSION INSTRUCTIONS

B

ABOVE THIS LINE FOR SIGNALS USE ONLY

प्रेषक From (A)	उत्पादक ORIGINATOR	दिनांक-प्रस्थिति काल DATE-TIME OF ORIGIN
DEAR		
प्राप्तक	For action	Mizoram Range
	सूचनाार्थ (W) For Information (INFO)	

कार्यालय तिथि मुहर
OFFICE DATE STAMP

UNCLAS

संदेश निर्देश-पूर्ण क्रमांक
-Message Instruction--GR--

उत्पादक अनुक्रमांक
Originator's No. A 3397

46/c

Appt Stenographer (.) your A/1-01/75/2246-47

Oct 27 (.) appointment is purely on temporary basis
 as per ARRO 1/73 (.) hence question issuing formal
 appt letter as requested does not arise (.) ask
 individual to submit application for regular appt
 so that he can be called for interview and test by
 selection board in due course -

Handwritten signature

Attached & Att. Chennal & Ad. C. J. S. C.

CGO

Shri A K KAR FURKAYASTHA

17 Nov 75

उत्पादक के हस्ताक्षर
SIGNED BY ORIGINATOR

MGIPNLK--16/IGAR/74--29-6-74--12,500 Pads.

TCR 1345

उत्पत्ति काल T.O.O.
प्रति काल T.H.L.
17/11

8

35

Ammeria C

(91)

RDM : BIPUL RANJAN NATH.
Headquarters
Mizoram Range Assam Rifles
C/O. 99 APO

To

Mukhyalaya
Ma-hanirikshak

Headquarters
Inspector General of Assam Rifles
SHILLONG - 793011

(Through proper channel)

APPLICATION FOR REGULAR APPOINTMENT - STENOGRAPHER

Sir,

With due respect I beg to inform you that I have been appointed as a STENOGRAPHER purely on temporary basis in the existing vacancy of Headquarters Mizoram Range ASSAM Rifles vide their appointment letter No A/1-01/75/2246-47 dated 27 Oct 75.

As per Headquarters IGAR signal No A 3397 Nov 17, I have to appear before the Selection Board for regular appointment as such I request your honour, I may please be given an opportunity to appear before the Selection Board for regular appointment and for which out of your kindness I shall remain ever grateful to you and oblige.

*Attended
AK Choudhary
Addl C of SC*

Yours faithfully,

Bipul Ranjan Nath

(BIPUL RANJAN NATH)

Dated 26 Nov 75.

9
Annexure D-1

36
W

RESULT OF SPEED TEST IN SHORT HAND AND TYPING FOR SELECTION OF GRADE III STENOGRAPHERS IN ASSAM RIDLES, HELD ON 28 FEB 76, AT HQ IGAR VIDE HQ IGAR ORDER NO A/V-A/6-67/Part. II/198 DATED 28 Feb 76

Sl No :	Name	Speed of the candidates per minute	Short hand	Typing	Remarks
1	2	3	4	5	
1.	Shri SRIMANTA PURKAYASTHA	80 words with 11 mistakes	48 words		Recommended for selection.
2.	Shri SUBRATA DAS	80 words with 24 mistakes	38 words		- Ditto -
3.	Shri SUKOMAL CHAKRAVARTY	80 words with 40 mistakes	36 words		- Ditto -
4.	Shri V S SKARIAH	80 words with 40 mistakes	44 words		Overaged 1 yr 9 months. Recommended on condonation of overage.
5.	Shri BIPUL RANJAN NATH	80 words with 68 mistakes	33 words		Not recommended since mistake in short hand is more than 10%.
6.	Shri K K RAVI	80 words with 58 mistakes	40 words		- Ditto -
7.	Shri MILAN KANTI BARUA	80 words with 60 mistakes	40		- Ditto -
8.	Shri PRADIP KR RAY	Below standard			Not recommended
9.	Shri KANAI LAL NATH	- do -			- do -
10.	Shri SUJIT KR NAG	- do -			- do -
11.	Miss BITHIKA DEY	-do -			- do -
12.	Miss ^{Anjali Barmah} BHARATI DUTTA	- do -			- do -
13.	Miss BHARATI DUTTA	- do -			- do -
14.	Shri BIMAL KUMAR DEB	- do -			- do -

Contd --- (2)

10

11/11/1950 D-2

3709

:- (2) :-

1	2	3	4	5
15.	Shri SANJIT KUMAR BHATTACHARJEE	Below Standard	Not recommended	
16.	Shri CHITTA RAHJAN DEB	- Do -	- Do -	
17.	Md BADRUL ISLAM BARBUHUYA	- Do -	- Do -	
18.	Shri GOLAF CHANDRA HAZARTRA	- Do -	- Do -	
19.	Shri SAJAL KANTI RAY	- Do -	- Do -	
20.	Shri P C DAS	- Do -	- Do -	
21.	Shri GANESH CH DEY	- Do -	- Do -	
22.	Shri BISMADIP PAUL	- Do -	- Do -	

Presiding Officer : Lt Col (K S MATHUR)

Members :- 1)

Lt Col (SHISHUPAL RANPAL)

2)

Majoor (M V NATU)

3)

CGO (A. R. KAR PURKAYASTHA, EEN).

Attended
M.C. Dhandh
H. C. G. 50

118

ANNEXURE - 'E-1'

38

FOR
RESULTS OF SPEED TEST AND SHORT HAND AND TYPING
TYPING FOR SELECTION OF GRADE I LISTENOGRAPHERS
IN ASSAM RIFLES HEAD ON 30TH JUN 76 AT HQ IGAR
VIDE HQ IGAR ORDER NO A/V-A/6-67/PART II DATED
28 JUN 76

Sl No	Name	Speed of the candidates per minute		REMARKS
		Short hand	Typing	
1	Nk/Clk K SATHYAVRATHAN	80 words with 15 mistakes	23 words	Recommended for selection
2	Shri SANJIT KR. BHAITA CHARJEE	80 words with 56 mistakes	22 words	Mistake is more than 10% . Recommended only for filling up short term vacancies and not regular absorption.
3	Miss SEERA CHOUDHURY	80 words with 75 mistakes	25 words	-do-
4	Shri B R NYTH	80 words with 85 mistakes	38 words	-do-
5	Miss VASWATI BHATTACHARJEE	80 words with 86 mistakes	29 words	-do-
6	Miss ELPHIBIA MARY SOHPUN	Below standard		Not Recommended
7	Miss A. PATHAK	-do-		-do-
8	Shri SWAPAN KR DEB	-do-		-do-
9	Miss MAIAYA RANI KAR	-do-		-do-
10	Shri PASSANG YOLMOO	-do-		-do-
11	Shri R N ADHYAPAK	-do-		-do-
12	Shri A CH. RAKSHIT	-do-		-do-
13	Shri K K BHATTACHARJEE	-do-		-do-
14	Shri S R DEB ROY	-do-		-do-
15	Shri CALIX EDILBARTI LANONG	-do-		-do-
16	Miss FERRILYNE ROSELETT MONGRONG NENGHONG	-do-		-do-
17	Shri SUJIT KR. NAG	-do-		-do-

Contd....2..

RESULT OF SPEED TEST IN SHORT-HAND AND TYPING FOR SELECTION/
REGULARISATION OF APPOINTMENT OF GRADE III STENOGRAPHERS IN
ASSAM RIFLES HELD ON 28 SEPTEMBER 1977 AT HQ IGAR, SHILLONG-11

Ser No	Name	Speed of the candidates		Recommendation of the Board
		per minute	per minute	
		Short-hand	Typing	
1.	Shri Dipul Ranjan Nath	87½ words per minute	66 words per minute	Recommended.
2.	Shri Mathew P.M.	87½ words per minute.	55 words per minute	Recommended.

1. Presiding Officer :-

(KS Mathur)
Lt-Col
AIGAR(AQ)

2. Members

1. (MV Natu)
Major
SO2(A)

2. (R.K. Marak)
Dy Comdt

3. (AK Kar Purkayastha)
C.G.O.

*Attended
AK Choudhury
Asst CgSC*

14

ANNEXTURE - A

46

(58)

Lt Col KB Mathur,
AIGAR (A/O)

Tele : 3137 (Civ)
213 (Mil)

Annexure
F 54

(57)

A/V-R/2-70

30 Jan 77

58/c

Please refer to your DO letter No. 5822/EST/1 of 5th Jan '77 regarding permanent absorption of your Stenographer Shri Bipul Ranjan Nath.

Shri Nath appeared before the DPC twice in the past, but could not come upto the required standard. The service rules do not permit exemption from the passing of speed test by a stenographer before being absorbed in permanent cadre. I therefore request you to please advise Shri Nath to devote his time in increasing his proficiency in stenography so that he can qualify himself in the next test, which is likely to be held some time in the 1st half of 1977. Firm dates for the same will be intimated well in advance.

Wishu Kumar

Brig Nahar Singh (or offr offg)
DIGAR,
Headquarters
Mizeram Range Assam Rifles
C/o 99 Apo

Attended
The Chamber
Advtl C/S C

Standards over
to Lt Col ved Bhatnagar
on 31 Jan 77

15

42

Annexure 'G-1'

Tele No : PABX 230222/5550

REGISTERED
Mahapideshalaya Assam Rifles
Directorate General Assam Rifles
Shillong-793011

A/1-A/15-76/ 01

09 Mar 94

- List 'A'
- List 'B'
- List 'C'
- List 'E'
- List 'F'

ARGIS Dte
Estt Branch

GRADATION LIST IN RESPECT OF SAO/JAO/SUB(CLERK)/
SENIOR ACCOUNTANT/NB/SUB (CLERK)/HEAD ASSISTANT/
HAVILDAR CLERKS/UDAS AND STENOGRAPHERS GRADE I,
II, AND III

1. The gradation list showing the position as on 01 Mar 94 in respect of following staff of Assam Rifles Banges/Units are forwarded herewith :-

- a) SAO
- b) JAO
- c) Subedar Clerk/Senior Accountant
- d) Nb/Sub (Clerk)/ Head Assistant
- e) Havildar Clerks/UDA
- f) Stenographers Gde I, II, and III

2. The particulars incorporated against each individual in Gradation List have been verified and scrutinised from the available documents.

3. Number of rectification on seniority have been made in the present Gradation List. Any further observations may be forwarded in letter form and NOT by signal alongwith proper documents in support duly scrutinised/verified by Head of Office from service/FS documents of individual for examination and further action.

4. Observations, if any, should reach this Directorate by 01 Jun 94.

5. Please ack.

J. Sharma

(Rakesh Sharma)
Lt Col
Assistant Director (A)

Encl : As stated above

kc/-
08.3.94

*Attached
for
CJSC*

16 43

ANNEXURE G-2

GRADATION LIST

STENOGRAPHER PS TO DG

50

Ser No	Name and educational qualification	Date of birth	Date of appointment on various cadre	Date of confirmation	Whether SC/ST	Remarks
1	2	3	4	5	6	7
1.	Shri Parimal Kanti Chakraborty, BA (PS to DG)	01 May 42	Stenc - III 28.08.63	Stenc - II 16.09.70	Neither	3319 Retention in service beyond 60 yrs of age approved by Govt of West Bengal dt 26.12.76 at 90%.
			Stenc - II 16.09.70	Steno + I 19.11.79		
			Steno - I 05.07.76			

Attested
M.C. Chatterjee
Addl. Secy

Gradation List
Stenographer Grade - I

Gradation List
Stenographer Grade - I

Sr No	Name and educational qualification	Date of birth	Date of appt. on various cadre	Date of confirmation	Whether SC/ST	Remarks	Signature	Date of order
1	2	3	4	5	6	7	8	9
1.	Shri J C Paul ✓ Choudhury, BA Appeared BA (Pro) 1961 Steno - I	01 Mar 1942	Steno - III wef 06.10.64 Steno - II wef 12.2.76 Steno - I wef 09-12-93	Steno - II wef 26.5.70 Steno - II HQ MPR wef 01.1.80		3320 Retention upto 58 yrs of age approved vide A/L-1/9/pers/ dt 14 Dec 94		
2.	Shri Mrinmoy Paul ✓ BA Part I Steno - I	01 Apr 1943	Steno - III wef 18.8.74 Steno - II wef 17.2.76 Steno - I wef 09.12.93	Steno - II HQ ACR wef 1.1.80		3321 Retention upto 58 yrs of age approved vide A/L-1/9/pers/ dt 14 Dec 94		
3.	Shri Subrata Das ✓ BSC - Steno I	01 Feb 1954	Steno - III wef 30.3.75 Steno - II wef 02.5.80 Steno - I wef 09.12.93	Steno - II HQ DGAR wef 25.6.85		3322		
4.	Shri Bipul Ranjam Nath ✓ FUC - Steno I	07 Jan 1957	Steno - III wef 08.12.77 Steno - II wef 02.5.80 Steno - I wef 09.12.93	Steno - II HQ DGAR wef 25.6.85		3323 Temp steno wef 03.10.75 on deputation to NEC wef 01.1.86 to 08.5.88 wef 09.12.93		

Contd.....

1 2 3 4 5 6 7 8 9

5. Shri Pranesh Chakra ✓ 24 Feb 1954
-bortty, HSLC
Steno I *AR*

Typist wef Shri Steno - II
02-02-77 - HQ NLR(S) wef
Steno III wef 25-06-85
22-02-79
Steno II wef
06-07-84
Steno I wef
09-12-93

3324
Steno III
Steno II
Steno I

6. Shri Bidyot Kumar ✓ 12 Jul 1958
Sarkar, Steno I *DGAR*
PA - 23(5)

Steno III wef Steno III
15-05-80 Sarkar, HQ DGAR wef
Steno II wef 25-06-85
01-08-85 Steno II
Steno I HQ NLR(N) wef
09-12-93 21-09-88

3325
Steno III
Steno II
Steno I

7. Shri Niranjan ✓ 21 Jun 1947
Chakrabortty,
Matric Steno I *AR*

LDA wef 01-09-66 Steno III
Steno III wef HQ DGAR wef
01-10-81 25-06-85
Steno II wef
16-11-87
Steno I wef
09-12-93

3326
Identified on basis of...
Set 25 after approval with...
HLA, Dec-78 26/12/85 20/1/86

8. Shri PP Kurian, ✓ 11 Feb 1946
Matric Steno I *AR*

LDA wef 08-11-68 Steno III
Steno III wef HQ DGAR wef
15-10-82 25-06-85
Steno II wef
16-11-87
Steno I wef
09-12-93

3327
LDA
Steno III wef HQ DGAR wef
15-10-82 25-06-85
Steno II wef
16-11-87
Steno I wef
09-12-93

9. Shri PM Balakrishnan ✓ 03 Mar 1951
PU, Steno I *NLR(I)*

Rect wef 04-5-71 Steno III
Steno III wef HQ DGAR wef
15-10-82 21-09-88
Steno II wef
01-06-88
Steno I wef
09-12-93

3328
Rect
Steno III wef HQ DGAR wef
15-10-82 21-09-88
Steno II wef
01-06-88
Steno I wef
09-12-93
Contd.....3.....

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Graduation List
Stenographer Grade - II I

Srl No	Name and Edn qualification	Date of birth	Date of appt on various cadre	Date of confirmation	Whether SC/ST	Remarks
1.	Shri Prabodh Kumar Chakraborty HSLC, Steno - II	02 Jan 1957	Steno III wef 20-06-83 Steno II wef 22-04-91	Steno III wef HQ DGAR wef 21-09-88	Neither	3330 - Ser No. of to 03 upgraded to Steno grade I wef 28 Dec 93. vide A/I-A/10-101-10/ dated 11 Jul 95.
2.	Shri Mohan N. Steno - II	28 May 1959	Lnk/Wtr wef 15-05-81 Steno III wef 20-06-83 Steno II wef 09-12-93			3331
3.	Shri M Balachandran, SSBC Steno - II	29 Aug 1949	Lnk/Wtr wef 09-01-72 Steno III wef 01-08-83 Steno II wef 09-12-93			3332
4.	C/350494 sub/PA P K Vimalan B (Com) Steno - II	28 May 1951	Lnk/Wtr wef 13-10-71 Nk/Clk wef 17-06-83 Hav/PA wef 01-06-84 Nb/Sub/PA wef 09-12-93	22 May 1981		3333 - Promoted to Steno grade I wef 6.3.96 vide order no. A/I-A/10-val-10/ 213 dt 25 Mar 96

=====

Gradation List
Stenographer Grade - III

21

ANNEXURE - G - 7

Gradation List
Stenographer Grade - III

Srl No	Name and Edn qualification	Date of birth	Date of appt. on various cadre	Date of confirmation	Whether SC/ST	Remarks
1.	Shri Swapan Choudhury, PU Steno III HQ DGAR	03 Feb 1964	Steno III wef 18-06-86	Steno III HQ DGAR wef 21-09-88 <i>Steno III - 6-3-96</i>	Neither	3334 Promoted to the rank of Steno Gd II wef 06/3/96 (PN)
2.	C/360558 Hav/Steno Hom Nath Chhetri	01 Jun 1954	Rect/Wtr wef 06-07-67 Ink/Wtr wef 17-11-73 Nk/Clk wef 15-10-84 Hav/Steno wef 16-12-86	16-6-73		3335 Amtd issued vide Dte A 2940 dt 03 Dec 96 (P/ file).
2/3.	C/360347 Hav/Steno P I Jose, SSLC	15 Oct 1951	Lnk/Wtr wef 16-10-70 Nk/Clk wef 01-09-80 Hav/Steno wef 15-12-86 15-12-86			3336
4.	Shri Pulak Chakraborty, Steno III	03 Mar 1962	Steno III wef 31-12-86	Steno III HQ DGAR wef		3337
5.	C/360998 Hav/Steno Raveenran Nair, Steno III	31 Mar 1962	Rfn/ORL wef 24-06-81 Lnk/Wtr wef 26-03-84 Nk/Clk wef 18-02-88 Hav/Steno wef 27-11-88	Steno III wef 31 Mar 1982		3338
6.	Shri Dibyendu Chakraborty, HSLC Steno III	1 Sep 64	4-1-89 as Steno III	Steno III HQ DGAR wef 4-1-89		3793

3
2
2/3

Contd....2/-

1	2	3	4	5	6	7	8
✓ 6.	S/350428 CHM/Cip C G Rajagopalan Nair PU (Arts) Steno III	29 Nov 1949 DGAR DMS	Rfn/ORL wef 01-12-1966 Hav/Cip wef 23-07-71 Hav/Steno III wef 03-11-93		Neither	3559	Retention beyond 5570 9/10/1971 A/1-A/Review/1/6/9 9 Mar 92
✓ 7.	183886 Rfn Chand Ram Arya, Matric Steno III	5 Sep 1967 SI DMS	Rfn/GD wef 26-02-87 Hav/Steno III wef 03-11-93		s/c	3340	
8.	Dibyendu Chakraborty Steno III	1 Sep 57 DP to CSO	11-87 as above		X-2	3793	Working entry

D.A. NO. 170 of 1996

Bipul Ranjan Nath Vs. Union of India & Ors.

BRIEF FACTS OF THE CASE

1975 - Applicant's name was forwarded by the Employment Exchange alongwith other candidates pursuant to the requisition from Assam Rifles for recruitment of Stenographer Grade-III after being interviewed by the duly constituted selection committee. He was selected and was appointed in the pay scale of Rs. 330-560/- by an order dated 27.10.1975 (Annexure-I)

In the appointment letter, it was stated that formal letter will follow from the Inspector General, Assam Rifles, Shillong. Although the Annexure-1 appointment letter was stated to be provisional, it was issued on approval from the Headquarter, Inspector General, Assam Rifles, Shillong.

30.10.78 - The Applicant by Annexure-II order was again shown to be appointed in the post of Grade-III Stenographer purportedly with effect from 8.12.77 though he had been continuously working in the same post since 3.10.75 and had been getting his annual increment regularly.

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Filed by
BK Sharma
Adv. case

- 18.3.79 - The DIG, Assam Rifles took up the case of the Applicant with the Headquarters for a review of the order of appointment and to regularise the services of the Applicant with effect from 3.10.75. However, the request so made was rejected by Annexure-III dated 28.3.79.

- 2.5.80 - By Annexure-IV order, the Applicant alongwith two others were promoted as Stenographer Grade-III wherein the Applicant was shown at Sl. No.1 and the Respondent No. 4 at Sl. No. 3. The Respondent No. 4 had joined the service on 30.3.76 as against the Applicant's joining on 3.10.75.

- 10.7.82 - The Deputy Commandant wrote to the DG, Assam Rifles urged upon removal of disparity meted out to the Applicant and to regularise the service of the Applicant with effect from 3.10.75 but the same was turned down by the Second Respondent.

- 27.12.93 - By Annexure-7 order, the Applicant alongwith others including the Respondent No. 4 was promoted as Grade-I Stenographer with effect from 9.12.93 in which name of Respondent No. 4 appeared at Sl. No. (c) as against the Applicant's Sl. No. (d) thereby showing the Respondent No. 4 as senior to the Applicant.

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The Applicant being aggrieved submitted numerous representations but to no avail. However, he was not in a position to locate his seniority position as till 15.4.96 no seniority list either provisional or final was published.

15.4.96 - The Applicant could find a gradation list of Stenographer, Grade-II where he found his name below the Respondent No. 4 although the said Respondent is junior to him in all respects having joined in service after six months (Annexure-8).

The Applicant submitted representation/objection against the aforesaid seniority position which was duly recommended and forwarded by the Inspector General stating that the grievance of the Applicant is genuine and deserves favourable consideration. But the Respondent No. 2 rejected the representation by his signal dated 24.6.96 (Annexures-9 and 10 respectively). Now the next higher post of Private Secretary is to fall vacant and the Applicant's case may not be considered for such promotion in view of the lowering down his seniority and in that even, he would suffer irreparable loss and injury.

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SUBMISSIONS :

1. The Respondents acted illegally in not counting the total length of continuous service of the Applicant towards seniority from the date of joining the service with effect from 3.10.75. As against the joining of the Applicant in service on 3.10.95, the Respondent No. 4 joined on 30.9.75 i.e. about six months after the Applicant and thus he could not have been made senior to the Applicant.

2. The Respondents could not have issued the impugned order without assigning any reason thereof. Law is well settled that total length of continuous service is required to be counted towards seniority. Accordingly, the Applicant should rank senior to the Respondent No. 4.

3. The Applicant was appointed against an existing vacancy after due selection by a duly constituted selection committee and with the approval of the higher authority and thus he is entitled of his seniority with effect from 3.10.75. The impugned signal dated 24.6.96 being a non-speaking one, is not sustainable. A cherished right of seniority cannot be taken away or jeopardised in such a whimsical manner without any application of mind.
