

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 040/405/2014

Date of Order: This, the 30<sup>th</sup> day of October 2018

Present: Hon'ble Ms. Manjula Das, Judicial Member  
Hon'ble Mr. N.Neihzial, Administrative Member

Ashok Kumar Das  
Head Assistant  
H.Q. 25 Sector, Assam Rifles  
C/O: 99 APO; Pin – 932425

...Applicant

By Advocate: Mr. S. Deka.

-Versus-

1. The Union of India, represented by Secretary to the Government of India, Ministry of Home Affairs, North Block, New Delhi, Pin – 110001.
2. The Director General Assam Rifles Mahanidesalaya.  
(The Directorate General Assam Rifles)  
Shillong, Meghalaya, Pin – 793011.
3. The Deputy Inspector General Assam Rifles.  
25 Sector the Assam Rifles  
C/O: 99 APO; Pin – 932425.

Respondents

By Advocate: Ms. M.Bhattacharjee, Addl. CGSC

Heard on : 27.9.2018

Order on : 30.10.2018

O R D E R

Per Ms. Manjula Das, Judicial Member

The applicant has approached this Tribunal by filing this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

"8.(i) Quashed and set aside the impugned order No. Rec (Adm-IV)/ACR/2013/528, dated the 29<sup>th</sup> day of August, 2013;

(ii) Quash and set aside the impugned order No. REc (Adm-IV)/0113/AKDAs/2014/284, dated the 22<sup>nd</sup> May, 2014.

(iii) Direct the respondent authorities to review all the fixation of seniority/promotion of the applicant right from the date of appointment and to re-count/regularized he service rendered by the applicant in each civilian post as per provisions of the Assam Rifles Field Officers (Group 'C' Civilian Ministerial post) Recruitment Rules, 2001, and the Assam Rifles, Range Headquarters (Junior Accounts Officer) Recruitment Rules, 2002 for promotion of the applicant to the post of Head Assistant w.e.f. 1.3.2003, to the post of Sr. Accountant w.e.f. 1.3.06 and to the post of Junior Accounts Officer w.e.f. 1.3.08.

(iv) Direct the respondents to pay cost of the application to the applicant."

2. Brief facts narrated by the applicant are that on 19.06.2013 by a representation the applicant informed the Directorate General Assam Rifles, that as per Recruitment Rules, 2001, and letter No. REC (Adm - IV) Promotion/411, dated the 11<sup>th</sup> day of October, 2006 a vacancy created by wastage or promotion of a civilian clerk can only be filled up by promoting a civilian from the feeder cadre i.e. Head Assistant can only be promoted to Senior Accountant only against against a vacancy created due to wastage of Senior Accountant and likewise, and further informed that 28 post of Senior Accountant is still vacant and requested him to consider his case for promotion at the earliest. The Government of India created total 33 post of Senior Accountant in Assam Rifles in

the Recruitment Rules Afresh. In Assam Rifles the only following civilian employees is working as Senior Accountant and total 28 post of Senior Accountant is occupied by the combatant personnel.

- (1) Sri D. K. Barman
- (2) Sri Samir Chandra Kar
- (3) Sri Prasanta Mondal
- (4) Sri Basudev Mondal
- (5) Sri A. K. Das

3. Applicant stated that the Directorate General Assam Rifles by an impugned order No. Rec(Adm - IV)/ACR/2013/528, dated the 29<sup>th</sup> day of August, 2013, informed the applicant that no vacancy is available in the cadre to promote the unit civilian clerk since 2011 and his case will be considered on creation of vacancy in the feeder cadre. Assailing the validity and legality of aforesaid impugned order the applicant approached this Central Administrative Tribunal, Guwahati Bench by way of Original Application No. 040/00004 of 2014 and by an order dated 22<sup>nd</sup> day of January, 2014, this Tribunal disposed of the said Original Application directing the representation and to adjudicate the same within a period of three months from the date of receipt of this representation and counsel for the application on 18/02/2014 forwarded the said Original Application and the relevant papers to the respondents for their disposal.

4. Applicant further stated that by an impugned order No. Rec (Adm - IV)/013/AK Das/2014/284, dated the 22<sup>th</sup> day of May,

2014, the Director General Assam Rifles rejected the representation of the applicant showing some unsustainable ground both in law facts. According to the applicant, the impugned order No. Rec (Adm – IV/013/AK Das/284, dated the 22th day of May, 2014 is illegal, arbitrary, whimsical, malafide and injudicious and violative Article 14, 16 and 21 of the Constitution of India for the facts and circumstances mentioned in paragraph 4 of the Original Application and grounds taken in paragraph 5 of this Original Application and therefore impugned order issued by the Directorate General Assam Rifles is liable to set aside/quashed and the applicants deserves the direction as prayed for. Hence he makes a prayer vide this O.A. for setting aside the order dated 29.8.13 and 22.5.14 and further prayed for a direction to the respondent authorities to review all the fixation of seniority/promotion of the applicant right from date of appointment and to re-count/regularized his service rendered by the applicant in each civilian post as per provisions of the Assam Rifles Field Officer (Group 'C' Civilian Ministerial post) Recruitment Rules, 2001.

5. Mr.S.Deka, Id. Counsel appearing on behalf of the applicant submitted that applicant initiated was appointed as LDC w.e.f. 18.7.89. Thereafter he got promotion to the post of UDA w.e.f. 18.7.97 and thereafter again w.e.f. 17.3.07 the applicant was

promoted to the post of Head Assistant. According to Mr.Deka next promotional post is Sr. Accountant which is due to the applicant.

6. Mr.Deka further submitted that applicant has not been promoted to the post of Sr. Accountant in as much as stream of civilian side has been filled up by the counter combatant resulting deprivation of the applicant's promotional aspect for which applicant is infringed and challenged the orders dated 29.8.2013 as well as 22.5.2014 whereby the respondent authority has been filled up the post which are meant for the civilian stream. The action of the respondents is not sustainable under the law.

7. Mr.Bhattacharjee, Id. counsel appeared on behalf of the respondents and submitted that the applicant was appointed as LDA on 18.7.09, promoted to the post of UDA w.e.f. 1.3.98 as per his seniority. Further he was promoted to the post of Head Assistant w.e.f. 12.4.07 against the vacancy of Civilian Clerk as per provisions provided in the Recruitment Rules, 2001. It was further submitted by the Id. Counsel that seeking review and fixation of seniority and promotion after 25 years of service from the date of initial appointment is not sustainable because the said seniority and promotions in the past had been accepted by the applicant. Further the respondents in para 4 of the written statement has submitted that bringing up a claim to review of seniority after 25 years in itself raises question that the applicant has not approached this Tribunal

with clean hands. Otherwise he would have approached the authorities or this Tribunal at the right opportune time for review of seniority. By referring to para 9 of the written statement Id. Counsel submits that the post of LDA in civil stream in Assam Rifles was given equivalence to the Naik on the combatant side as is evident from the common seniority/gradation list of Naik (Clerks) and LDA and the previous authorization of the Assam Rifles wherein 19 posts of LDA or Naik (Clerk) are authorised on the Peace Establishment Table of Assam Rifles. A combined DPC used to be convened for promotion to Naik Clerk and LDA. Similarly the post of UDA on civil stream was equivalent to the post of Hav (Clerk) on combatant side. The same is also evident from the common gradation list and authorisation of UDA/Hav (Clerks) in the Peace Establishment Table. The pay scale on Central Police Organization patterns were made applicable to the combatant personnel of Assam Rifles w.e.f. 1.1.86 with the implementation of the 4<sup>th</sup> CPC without effecting any change in rank structure available in other Central Police organisations. As per recommendation of the 4<sup>th</sup> CPC the Hav/Clerk in Assam Rifles were placed in pay scale of Rs.975-1660/- whereas the equivalent posts of UDA in civil stream was placed in the pay scale of Rs.1200-2040/-. However, the category of the applicant (LDA) was offered opportunity to opt for combatised post of Hav (Clerk) which was a promotional post for Naik (Clerk) vide Ministry of Home Affairs letter

dated 19.9.89. But the petitioner did not opt for combatisation and thus elected to continue in his existing civilian stream.

8. In the written statement para 10 the respondents stated that the promotion to the next higher rank is not only subject to the completion of minimum residency service in existing grade but depends upon availability of a vacancy in the promotional rank. Hence the applicant was promoted to the post of UDA w.e.f. 1.3.98 in order of his seniority. It was clarified that the post of UDA (equivalent to Hav in combatant side) was a promotional post for an LDA (equivalent to Naik on combatant side) as per the then available rank structure in the Force. Therefore, on promotion to the post of UDA, his seniority was fixed with Hav (Clerks) in the common gradation list for Hav (Clerks) and UDAs. The post of existing Havildar (Clerks) was upgraded to the post of Warrant Officer (Clerk) in the pay scale of Rs.4000-6000 w.e.f. 10.10.97 and post of UDA/UDC was also treated equivalent to Warrant Officer (Clerk) in combatant stream. Hence the common seniority of UDA on civil side and Warrant Officer on combatant side continued till separate set of Recruitment Rules, 2001 for UDAs were framed. The said common seniority i.e. LDA and Havildar (Clerk) and UDA with Warrant Officer (Clerk) continued hitherto fore without any complaint from any quarters. The position and seniority of ranks, post rationalization of rank structure vide MHA OM dated 10.10.97 was clarified to the

Assam Rifles field units vide respondents letter dated 3.12.97 wherein it was clarified that the rank of Naik has been abolished and existing Naiks were ordered to be merged with the Havildars. Whereas the post of LDA which was in common seniority with the Havildar Clerk has already been combatised in the rank of Havildar vide MHA OM dated 9.9.89 and hence there is no impact on the common seniority being maintained for Naik Clerks with LDA will now switch over with the Havildar Clerks with LDA on merger of Naik with Havildar vide MHA OM dated 10.10.97. The applicant was promoted to the post of UDA w.e.f. 1.3.98 i.e. the date when a vacancy has occurred on that date and was not an imaginary date as averred. It was clarified by the respondents that the applicant cannot claim promotion merely on completion of residence service in a particular grade but has to wait for occurrence of a vacancy on promotion. Hence the applicant is deemed to mislead this Tribunal by citing that he is entitled to promotion on mere completion of residency service in lower grade. However, he was promoted to the post of UDA w.e.f. 1.3.98 and not on 1.3.92.

9. By referring to para 12 Id. Counsel submits that the Recruitment Rules were framed to regulate the conditions of service and mode of filling up the said posts. Para 4 of Recruitment Rules dated 6.9.01 specifically reads that "the incumbents of the posts of Group 'C' non combatised posts, who were appointed to the post



before commencement of these Rules shall be deemed to have been appointed under these Rules." It means that the posts were not freshly created by Recruitment Rules but were already in existence in the Force at the commencement of the Recruitment Rules. Therefore the applicant has been given promotion in order of seniority and has never been denied promotion on plea that the Force has been combatised. He further submitted that only direct recruitment in civilian post was stopped for combatisation was ordered of 19.9.89.

10. Heard Mr. S. Deka, learned counsel for the applicant and Ms. M. Bhattacharjee, learned Addl. CGSC for the respondents.

11. The applicant herein was initially appointed as Lower Division Assistant w.e.f. 18.7.89 vide order dated 23.6.89 in the scale of 950-20-1150-EB-25-1500 and posted at 13 Assam Rifles Naginimara, Nagaland i.e. in the field unit of Assam Rifles. According to the applicant, he became eligible for promotion to the post of Upper Division Assistant w.e.f. 01.03.1998 as per Recruitment Rules 2001 (8 years residential service in the grade of LDA). The applicant was promoted further to Head Assistant w.e.f. 12.02.07 against the vacancy of civilian clerk. Thereafter he was promoted as Sr. Accountant on 1.2.10.

The grievance arose to the applicant is that despite having the residential period of experience in the grade as per

Recruitment rules 2001 and the vacancy was available the applicant was not promoted. Rather promoted to the post of Head Assistant w.e.f. 1.1.06 instead of 1.3.03 and as Sr. Accountant w.e.f. 1.2.10 instead of 1.2.06. The applicant ought to be given the promotion to the post of Jr. Accounts Officer w.e.f. 1.3.08. The applicant made a representation before the authorities but the same was rejected.

Earlier the applicant approached before this Tribunal vide OA 4/2014 with a prayer to set aside the order dated 29.8.13 which is also impugned herein as Annexure XIII (Pg 61) to the present OA by which the respondents intimated the applicant that "At present there is no vacancy is available in the feeder cadre to promote the unit civilian clerk since 2011 and he will be considered on creation of vacancy in the feeder cadre. This Tribunal vide order dated 22.1.14 directed the respondent NO.2 to treat the said OA 4/14 as representation and shall adjudicate the same within a period of three months from the date of receipt of the said order and thereafter passed order by considering the case of the applicant for the post of Sr. Accountant in accordance with law. The respondent authorities vide their speaking order dated 22.5.14 (Annexure XVI) rejected the prayer made by the applicant with detailed grounds. Hence this OA is against the said speaking order dated 22.5.14 as well as the impugned order dated 29.8.13.

11. Thus the issue involved is as to whether the applicant is entitled for retrospective promotion and seniority as claimed as per provisions of Assam Rifles Field Officers (Group 'C' Ministerial Posts) Recruitment Rules, 2001 and the Assam Rifles Range Headquarters (Jr. Accounts Officer) Recruitment Rules, 2002, for promotion of the applicant to the post of Head Assistant w.e.f. 1.3.03 and to the post of Sr. Accountant w.e.f. 1.3.06 and to the post of Jr. Accounts Officer w.e.f. 1.3.08.

12. For deciding the matter in a logical way, we need to see the provisions of Assam Rifles Field Officers (Group 'C' Ministerial Posts) Recruitment Rules, 2001 where para provides as under :

“ the incumbents of post Group 'C' non-comba.....posts who were appointed to the posts before the commencement of these rules shall be deemed to have been appointed under this rule and the service rendered by them in the said post shall be taken into account for deciding their eligibility for promotion to the next higher grade.”

The promotional hierarchy as per the said rules is as hereunder:

Name of the post	Scale of pay
Sr. Accountant	Rs. 5000-150-8000
Head Assistant	Rs.4500-125-7000
Upper Division Assistant	Rs.4000-100-6000
Lower Division Assistant	Rs.3050-75-3950-80-4590

In 2002 the rule has been enunciated by the Ministry of Home Affairs which was called Assam Rifles Range Headquarters (Jr. Accounts Officer) Recruitment Rules, 2002 where the classification identified as General Civil Service Group 'B' (Gazetted Ministerial) in

the scale of pay of Rs. 5500-175-9000. Earlier to the above Assam Rifles Field Officers (Group 'C' Ministerial Posts) Recruitment Rules, 2001 there was a notification dated 19.9.89 issued by the Ministry of Home Affairs addressed to the Director General, Assam Rifles, Shillong - 11. The said order reads as follows :

“A.27011/44/99-FP.I  
Government of India  
Ministry of Home Affairs  
New Delhi-110001

19<sup>th</sup> Sep 1989

To  
The Director General  
Assam Rifles  
Shillong – 1.

Sub – Combatisation of Ministerial and other civilian post in the  
Assam Rifles HQrs (Headquarters and Units)

Sir,

1. I am directed to convey the sanction of the president to the combatisation by conversion of the civilian posts in Assam Rifles (Headquarters and Units) under the Assam Rifles Act 1941 and Assam Rifles Rules 1985 with immediate effect subject to the following terms and conditions:
  - (a) The equivalence of the ranks and pay scales for the combatised post shall be as indicated in the Annexure. This is in supersession of the existing orders regarding equivalence for ministerial posts.
  - (b) On combatisation, the incumbents of the posts who opt for such combatisation will be governed by the Assam Rifles Act, 1941 and Assam Rifles Rules 1985 as amended from time to time for all purposes and the posts concerned on the civil side shall be deemed to have been abolished.
  - (c) All future appointments/ recruitments against the vacancies in various categories of the posts combatised by this sanction shall be in the combatised ranks as per the Recruitment Rules.
2. The existing incumbents of the posts mentioned in Col.1 in Annexure will be given option to opt for combatisation within a period of 3 months from the date of issue of this sanction. Those who do not opt for combatisation will continue in the civilian posts until superannuation under the existing conditions of service which will be deemed to continue as personal to them.
3. The expenditure involved shall be met from within the budget grant of the Assam Rifles for the year 1989-90 and subsequent years.

4. This issues with the concurrence of the ministry of Finance, Department of Expenditure vide their UO NO. 5(33) E.III/89 dated 19.7.89 and the integrated Finance of this Ministry vide UO No. 2605/89-Fin.III(D-I) dated 1.9.89.

Yours faithfully  
Sd/-  
(KS Parthasarathy)  
Under Secretary to the  
Govt. of India."

Accordingly the statement indicating the existing posts in Assam Rifles Range Headquarters (Jr. Accounts Officer) Recruitment Rules, 2002 and the equivalent rank on combatisation was prepared as under :

STATEMENT INDICATING THE EXISTING POSTS IN ASSAM RIFLES  
HEADQUARTERS (HEADQUARTERS AND UNITS) AND THE EQUIVALENT RANK  
ON COMBATISATION

<u>DESIGNATION OF EXISTING POST</u> (Scale of Pay)			<u>EQUIVALENT RANK ON</u> <u>COMBATISATION</u> (Scale of Pay)	
1.	Account officer		Subedar Major (Account Officer)	
2.	Addl.Accts. Officer		Subedar Major (Account Officer)	
3.	Record Officer		-do- (Record Officer)	Rs.2000- 3200/-
4.	Hindi Officer	Rs.2000- 3500/-	-do- (Hindi Officer)	
5.	Civilian Gazetted Officer		-do- (CGO)	
6.	Dy.Asst.Director (Legal)		-do-(Legal)	
7.	Stenographer Gd.I	Rs.2000- 3200/-	Subedar Major (Steno)	RS.2000- 3200/-
8.	Jr.Accts. Officer		Subedar (Jr. Accts. Officer)	
9.	Superintendents	Rs.1640- 2900/-	Subedar (Supdt)	RS.1640- 2900/-
10.	Senior Accountants		Subedar (Accountant)	
11.	Head Assistant		Naib Subedar (Head Asst)	
12.	Assistant		Naib Subedar	

			(Asst)	
13.	Nazir		Naib Subedar (Nazir)	Rs.1400- 2300/-
14.	Overseer		Naib Subedar (Overseer)	
15.	Stenographer (Gd.II)	Rs.1400- 2300/-	Naib Subedar (Hindi Translator)	
16.	Hindi Translator (Gd.II)			

(Sd/-)

(KS Parthasarathy)

Under Secretary to the Govt. of India

17.	Lower Division Clerk		Havildar (Clerk)	
18.	Lower Division Asst.	Rs.950- 1500/-	Havildar (Clerk)	Rs.975-1600/-
19.	Typist		Havildar (Typist)	
20.	Record Keeper	Rs.950- 1400/-	Havildar (Record Keeper)	Rs.975-1660/-
21.	Peon		Follower	
22.	Messenger	Rs.750- 940/-	Follower	Rs.750-940/-
23	Drafty	Rs.775- 1025/-	Follower	Rs.775-1025/-

13. Accordingly the applicant has been granted promotions in the existing hierarchy and rank structure available in the civil stream as under :

S.No.	Post	Pay scale 4 <sup>th</sup> Central Pay Commission	Residency service in the rank below for promotion	Pay scale 5 <sup>th</sup> Central Pay Commission
(a)	LDA	950-20-1150-EB-25-1500	8 years	3050-4590
(b)	UDA	1200-30-1560-EB-40-2040	5 years	4000-6000
(c)	HA	1400-40-1800-EB-50-2300	3 years	4500-7000
(d)	SA	1600-50-2300-EB-60-2660	3 years	5000-8000
(e)	JAO	1640-60-2600-EB-75-2900	3 years	5500-9000
(f)	AO	2000-60-2300-EB-75-3200- 100-3500	3 years	6500-10500

The comparative chart between the pay scale of a civil ministerial staff vis-a-vis equivalent combatant ministerial staff are as follows :

Prior to 1.1.86

Ser No.	Post in Civil Stream	Equivalent combatant post
(a)	No post	Lnk (Writer) Rs.210-5-270
(b)	Lower Division Assistant Rs.260-6-290-EB-6-326-8-366- EB-8-390-10-400/-	Naik (Clerk) Rs.230-6-290-8-306/-
(c)	Upper Division Assistant Rs.330-10-380-EB-12-500-EB- 15-560/-	Havildar (Clerk) Rs.270-8-350/-
(d)	Head Assistant Rs.425-15-500-EB-15-560-20- 700/-	Naib Subedar (Clerk) Rs.385-15-475/-
(e)	Senior Accountant Rs.550-20-650-25-800/-	Subedar (Clerk) Rs.485-20-605/-
(f)	Junior Account Officer Rs.550-25-750-EB-30-900/-	No post of Subedar Major (Clerk) for Sub Maj (GD) Rs.650-25-750/-

As on 10.10.97

Ser No.	Post in Civil Stream	Equivalent combatant post
(a)	No post	Rfn (Writer) Rs.3050-75-3950-80-4590/-
(b)	Lower Division Assistant Rs.260-6-290-EB-6-326-8-366- EB-8-390-10-400/-	Naik (Clerk) Post abolished merged with Havildar (Clerk)
(c)	Upper Division Assistant Rs.330-10-380-EB-12-500-EB- 15-560/-	Havildar (Clerk) Rs.3200-85-4900/- Warrant Officer (Clerk) Rs.4000-100-6000/-
(d)	Head Assistant Rs.425-15-500-EB-15-560-20- 700/-	Naib Subedar (Clerk) Rs.5500-175-9000/-
(e)	Senior Accountant Rs.550-20-650-25-800/-	Subedar (Clerk) Rs.6500-200-10500 /-
(f)	Junior Account Officer Rs.550-25-750-EB-30-900/-	Subedar Major (Clerk) Rs.6500-200-10500/- + Special Pay Rs.200/-

14. It is further noted that vide Govt. of India OM dated 19.9.89 opportunity was given to the applicant as well as all civil ministerial staff of the Force to **opt** for combatisation vide Director General Assam Rifles letter dated 19.8.93. However, the applicant did not opt for combatisation. We further noted that the pay scales as shown in the above paragraphs are different in the case of combatisation than their civil counterparts, where comparatively better pay scales were extended to the combatants than their civil counter parts as per OM dated 10.10.97. Thereafter the civil ministerial staffs were again given opportunity to opt for combatisation vide OM dated 4.10.05. However, the applicant refused to opt for combatisation and elected to continue as civilian till superannuation.

15. It reveals from the speaking order that the applicant was on common seniority with Warrant Officer (Clerks) on combatised side, the post of Warrant Officer was abolished with the introduction Revised Peace Establishment in the year 2003. However, the equivalent post of UDA continued as personal to him and had no relevance for his further promotion as the same is now dependent on the availability of the vacancy in civilian cadre. Further it appears that the applicant was promoted to the Sr. Accountant w.e.f. 1.2.10 against vacancy created due to superannuation of Nataraj Bhattacharjee, Sr. Accountant in order of his seniority and as his



name is at Sl. No.1 of the seniority list, he would be promoted as and when a vacancy arises due to wastage of a civilian post.

The plea taken by the applicant that as per Recruitment Rules, 2001 a vacancy is created by wastage or promotion of a civilian clerk from the feeder cadre. i.e. Head Assistant can only be filled up by promoting a civilian officer from the feeder cadre i.e. Head Assistant can only be promoted to Sr. Accountant. But according to the applicant 50 posts of Head Assistant, 33 posts of Sr. Accountant and 7 posts of Jr. Accounts Officer were created by the Govt. of India afresh and though the applicant was eligible for promotion, he was not considered. However, no action was taken by the respondents to hold DPC on regular basis to consider the promotion of the applicant to the post of Head Assistant,. Senior Accountant and Junior Accounts Officer instead of that the respondents had illegally filled up the said post by promoting combatant personnel and had illegally promoted the applicant to the post of UDA and Head Assistant from an imaginary date grossly violating para 4 of Recruitment Rules, 2001.

In reply to such the respondents' categorical stand is that the number of posts which are reflected in the recruitment rules were existing posts subject to variation subsequently and cannot be deemed to have been freshly created or lying vacant on that date. Ld. Counsel for the applicant failed to submit any document/papers so as to substantiate the submission made as well as pleadings in

para 12 of the OA regarding creation of posts, by which plea the applicant herein prays for retrospective promotion from the date of 1.3.03 as Head Assistant, 1.3.06 as Sr. Accountant and 1.3.08 as Jr. Accounts Officer. ON the other hand the respondents denied the statement regarding the creation of vacancy. We further note that the arrangement of promotion to the next hierarchy is as per the Recruitment Rules for combatised civilian posts.

16. In the present case we have seen that as per the Govt. policy the rules has been amended for combatisation and accordingly Govt. offered all the employees of Assam Rifles to opt for combatisation. The rule further provides that those who do not opt for combatisation will continue in civilian post until superannuation under their condition of service vide OM dated 19.9.89.

The basic grievance of the applicant is that after attaining residency period and fulfilling the requisite criteria he ought to have been promoted to the post of Head Assistant on 1.3.03 instead of 1.1.06, SR. Accountant on 1.3.06 instead of 1.2.10 and in view of attaining eligibility he ought to have been got the benefit of promotion to the post of Jr. Accounts Officer w.e.f. 1.3.08.

17. Now the fact remains that in the relevant period there was no post available although the applicant claims that 50 posts of

Head Assistants, 33 posts of Sr. Accountant and 7 posts of Jr.Accounts Officer were created. He was promoted as and when the posts were available and he will also get the benefit of promotion to the post of Jr. Accounts Officer as and when the vacancy will occur.

18. Thus in view of the above circumstance and after taking into consideration the entire conspectus of the case we do not find any logic to interfere with the decision taken by the respondent authorities vide impugned rejection order dated 22.5.14. As such the OA is devoid of merit and the same is dismissed. No order s to costs.

(N. NEHSIAL)  
ADMINISTRATIVE MEMBER

(MANJULA DAS)  
JUDICIAL MEMBER

I.Nath.