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B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

NO
Time Bound
Promotion

O.A. No. 245 of 1989
T.A. No.

DATE OF DECISION 18-1-1993.

Shri P. C. Raval Petitioner

Shri M.S. Trivedi Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.V. Krishnan Vice Chairman.

The Hon'ble Mr. B.S. Hegde) Member (a)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? ✓
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✓
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✓

Prabhakar Chhotalal Raval
 C. 13, P & T Colony,
 Vasana (
 Ahmedabad.

①
 Applicant.

Advocate Shri M.S. Trivedi

Versus

1. Union of India,
 Notice to be served through
 Director General of Posts & Telegraphs
 New Delhi 110001.

2. Chief General Manager
 Telecom (Gujarat Circle)
 Near A.I.R, Ashram Road,
 Ahmedabad 380 009.

3. Chief Superintendent of Telegraphic Traffic
 Central Telegraph Office, Bhadra,
 Ahmedabad 380 001.

Respondents.

Advocate Shri Akhil Kureshi

O R A L J U D G E M E N T

In

O.A. 245 of 1989

Date 18-1-1993

Per Hon'ble Shri N.V. Krishnan

Vice Chairman.

The applicant who is employed as a telegraphist under the respondent is aggrieved by the fact that the benefit of the time bound one promotion-TBOP for short allowed

by the departmental instruction dated 17th February 1983 of the first respondent, the Director General of Post and Telegraph (Annexure A-6) has not been given to him from 30-11-1983 i.e date on which the scheme was enforced, while a large number of his juniors have been given the benefit of such promotion. The applicant was ultimately given such promotion only with effect from 27-9-1985. He has, therefore, prayed for that the respondents be directed to promote him to the Grade 'Rs. 425/- to 640/- with effect from 30-11-1983 instead of 27-9-1985 and be given all consequential benefits.

2. It is stated that the applicant has a service of 27 years in the cadre of Telegraphists as on 30-11-1983. The annexure A-6 order, which is the result of an agreement between the official side and the staff side of the P&T Departmental Council of the J.C.M (Joint Council Meeting) was passed to ^{ameliorate} the conditions of the employees who were not getting any promotion. Government, therefore, decided that all persons who have completed 16 years of regular service in the cadres covered by the scheme, as on 30-11-1983, as well as those who will complete such service in future, will be entitled to get the benefit of the scheme and thus be placed on the next higher Grade in cadres which satisfy certain conditions. Admittedly the cadre of telegraphist is covered by the scheme and the upgraded scale is Rs. 425/- to 640/-. If the employees are found fit they will get the benefit of this higher pay scale on the completion of service of sixteen years. The applicant states that when the

Annexure A-6, circular came into force, the cases of number of his juniors were considered and they were given promotion to the upgraded post as LSG Telegraphists in the grade of Rs. 425/- 640/- On the other hand, the applicant was not only not given the TBOP but he was asked to revert from the post of Asst. Telegraph Master to the substantive post of telegraphist by the order dated 31-3-1984 (Annexure A-8) along with three others.

3. The applicant preferred an appeal on 14th April, 1984 to the second respondent (Annexure A-9) which still remains pending. It is stated in the application that since then, the applicant had sent several remainders (Annexure A-10 to A-13), the last being on 1-10-1988. The applicant did not receive any reply.

4. However, by Memo dated 9-12-1985 of the Senior Superintendent Telegraphic Traffic, the applicant was promoted along with three others under the TBOP from 27-9-1988. In this connection it is stated in para 12 of the application, that the applicant has been made junior to others by this order also. This is however not correct, because the applicant was promoted from 27-9-1985, which others were promoted from 18-11-1985.

5. The applicant also states that he has subsequently preferred a further appeal on 1st December 1986, (Annexure A-12) in which he complained that as a result of these irregularities he is drawing much less pay than his juniors. A last representation was made on 1-10-1988 (Annexure A-13) for clarification as to how he has been treated in this

manner. This representation is said to be pending.

6. It is in these circumstances that the applicant has prayed for a direction to the respondents to give him the time bound one promotion from 30-11-1983 to the scale of Rs. 425/- to 640/- instead of from 27-8-1985 and grant all consequential benefits.

7. The respondents have filed the reply denying that any relief is due to the applicant. It is stated that the TBOP scheme Annexure A-6, requires screening of the employees who are eligible for such promotion by a Departmental Promotion Committee, as mentioned in para 2 thereof. The case of the applicant was considered by the D.P.C on 2-3-1984 and 18-7-1984 and the D.P.C did not recommend him for promotion. Subsequently, the applicant was found fit for promotion by the D.P.C which met on ^{and} 25-9-1985, he was given promotion ~~from~~ that date.

8. The respondent also points out that it is incorrect to state that the applicant's record is clean in para 4 of the reply, particulars of the orders under which adverse remarks have been communicated to him, have been mentioned. In these circumstances, the respondents contend that the applicant has no case for getting the promotion from any earlier date.

9. When this case was taken up for final hearing today, neither the applicant nor his learned counsel was present. Shri Akil Kureishi for the respondents was present. He was heard. He took us through the averments made in this application.

10. We have perused the records and considered the arguments advanced by the learned Counsel for the respondent.

11. While the applicant has made a reference to the Annexure A-6 departmental instruction relating to the TBOP scheme, has studiously avoided any reference to the direction in para 2 of the circular that the promotion will be based on the assessment of fitness by the Departmental Promotion Committee. The relevant instruction is as follows:

"Thereafter, action will be initiated by the Heads of Circles to convene departmental promotion committee meetings to consider promotion of the officials in the operative cadres to the next higher scale of pay. The Departmental Promotion Committee which will be constituted in accordance with the existing instructions applicable to the different cadres will assess the fitness of the identified officials for promotion to the higher scale of pay".

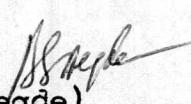
12. No averments have been made by the applicant in this regard even though this aspect has been high-lighted in the reply of the respondents. The applicant has not even filed the rejoinder affidavit, particularly to what has been said in para 4 of the respondents reply that on about a score of occasions from 28-5-1959 to 14-4-1983, adverse remarks have been communicated to him about his unsatisfactory work. Further, the applicant has not made any complaint or allegation against the DPC proceedings to which reference has been made in the respondents reply.

13. We also notice that the applicant has not taken, any effective and timely action when he was superseded for promotion

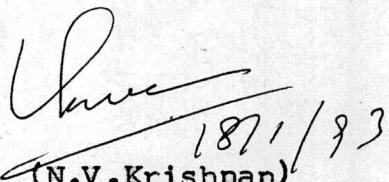
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both as on 31-11-1983 and 11-2-1984. The mere fact that he filed an appeal and followed it up by making representation will not extend the limitation and will not come to his aid in claiming that he has been vigilant in this matter. As a matter of fact this application should be held to be time barred but we do not wish to dismiss it on that ground alone. We also find that it is devoid of any merit.

14. For the foregoing reasons, we are satisfied that this application has no merit. Accordingly it is dismissed.


(B.S. Hegde)

Member (J)


(N.V. Krishnan)

Vice Chairman.

*AS.

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD.

Application No. GA/245/88 of 199

Transfer Application No. _____ Old Writ Pet. No. _____

C E R T I F I C A T E

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided).

Dated : 15/3/93

Counter-signed :

Section Officer/Court Officer

Malviya / 16.3.93

Sign. of the Dealing Assistant

H. C. Mehta

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BRANCH

INDEX SHEET

CAUSE, TITLE

0A | 245 | 88

UF 10

NAME OF THE PARTIES

Sh. P.C. Rawal

VERSUS

U. S. L. G. 988

PART A B & C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

INDEX SHEET

CAUSE TITLE

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NAMES OF THE PARTIES

VERSUS

PART A, B & C

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

Submitted;

C.A.T./Judicial Section.

Original Petition No.: 245 of 89.

Shri P. C. Rawal Petitioner(s).

Versus.

Petitioner(s).

Union of India C. A.

Respondent(s).

This application has been submitted to the Tribunal by Shri S H Ashani under Section 19 of The Administrative Tribunal Act, 1985. It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunals Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The application has been found in order and may be given to concerned for fixation of date.

The application is not been found in order for the same reasons indicated in the check list. The applicant may be advised to rectify the same within 21 days/Draft letter is placed below for signature.

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CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

APPLICANT(S) P.C. Raval

RESPONDENT(S) Union of India 20

Particulars to be examined

Endorsement as to
result of examination.

1. Is the application Competent?	Y
2. (a) Is the application in the prescribed form?	Y
(b) Is the application in paper book form?	Y
(c) Have prescribed number complete sets of the application been filed?	Y
3. Is the application in time? If not, by how many days is it beyond time? His sufficient cause for not making the application in time, stated?	Y - -
4. Has the documents of authorisation/ Vakalatnama been filed?	Y
5. Is the application accompanied by B.D./I.P.O. for Rs.50/-? Number of B.D./I.P.O. to be recorded.	22746610 S
6. Has the copy/copies of the order(s) against which the application is made, been filed?	Y (Anne. A1 P15)
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed? (b) Have the documents referred to in (a) above duly attested and numbered accordingly? (c) Are the documents referred to in (a) above neatly typed in double space?	Y Y Y
8. Has the index of documents been filed and has the paging been properly?	Y

Particulars to be examined.	Endorsement as to result of examination.
9. Have the chronological details of representations made and the outcome of such representation been indicated in the application?	Y
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal?	NO
11. Are the application/duplicate copy/spare copies signed?	Y
12. Are extra copies of the application with annexures filed. (a) Identical with the original. (b) Defective. (c) Wanting in Annexures No...../Page Nos.....?	Y
(d) Distinctly Typed?	
13. Have full size envelopes bearing full address of the Respondents been filed?	NO
14. Are the given addresses, the registered addresses?	Y
15. Do the names of the parties stated in the copies, tally with those indicated in the application?	Y
16. Are the translations certified to be true or supported by an affidavit affirming that they are true?	Y
17. Are the facts for the cases mentioned under item No.6 of the application. (a) Concise? (b) Under Distinct heads? (c) Numbered consecutively? (d) Typed in double space on one side of the paper?	Y
18. Have the particulars for interim order prayed for, stated with reasons?	Y

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IN HON'BLE THE CENTRAL ADMINISTRATION TRIBUNAL AT AHMEDABAD.

O. A. NO. 245/1 1989.

Between:

Prabhakar Chhotalal Rawal

V/s.

Union of India and others.

INDEX

Sr. No.	Particulars.	Page Nos.
-	Memo of petition.	1 to 14
A/1	Order No. ST/1-37/V/74 dated 30-12-88 communicated vide letter no. E-35/TB/II /III dated 6-1-1989.	15
A/2	Order No. ST/1-57/97 dt. 24-3-84 granting one time bound promotion to 186 telegraphists.	16-19
A/3	Order No. ST/1-37/III/88 dated 27-10-85 granting one time bound promotion to petitioner effective from 27-9-85.	20
A/4	C-2/ATM/Gen/I/5 dated 13-9-79 giving officiating promotion to petitioner as ATM.	21
A/5	Order No. E-2/ATM/Gen/105 dated 12-8-1981 promoting petitioner as ATM w.e.f. 1.8.81 on temporary	22

Sr. No. Particulars. Page Nos.

A/6 Scheme of granting ONE TIME BOUND
PROMOTION circulated vide letter No.
1-71/83 NCG dated 17-12-1983 issued
by Director General of Posts &
Telegraphs. 23-30

A/7. Communication No.15-18-TE II from D.G.
P & T dt.17.8.83 regarding merger of 31-
cadre of ATMs into LSG TMS as per DTO
recommendations.

A/8. Letter No.C2/ATM/Gen/1/192 dated
31-3-1984 reverting the petitioner to
substantive post of telegraphist. 32

A/9. Memo of appeal made by petitioner dated
14th April, 1984. 33-35

A/10 Reminder dated 10-1-1985 36-37

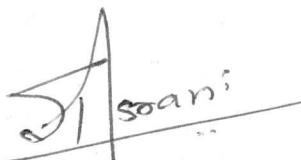
A/11 Reminder dated 2-9-1985. 38-39

A/12 Further appeal made by the petitioner
dated 1-12-1986. 40-43

A/13. Reminder and Appeal made by the
petitioner to respondents on 1-10-1988. 44-46

Ahmedabad:

29th March, 1989.


(S. H. ASRANI)
ADVOCATE.

(2)

IN HON'BLE THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH AT AHMEDABAD.

ORIGINAL APPLICATION NO. 245 /1989.

In the matter of Articles 14, 16
and 226 of Constitution of India,

AND IN the matter of One-time bound
Promotion in P & T Department of
Union of India ;

AND

In the matter between ..

I. Prabhakar Chhotalal Raval,
C. 13 P & T Colony,
Vasna (Ahmedabad)
Ahmedabad - 380 Petitioner.

V/s.

II. 1. Union of India,
Notice to be served through
Director General of Posts & Telegraphs
New Delhi-110 001.

2. Chief General Manager,
Telecom (Gujarat Circle),
Near A.I.R. Ashram Road,
Ahmedabad- 380 009.

3. Chief Superintendent of Telegraphic Traffic
Central Telegraph Office, Bhadra,
Ahmedabad-380 001. 2.

To,

HON'BLE THE VICE-CHAIRMAN AND
HON'BLE JUDICIAL MEMBER OF HON'BLE
CENTRAL ADMINISTRATIVE TRIBUNAL AT
AHMEDABAD.

HUMBLE PETITION OF THE PETITIONER
ABOVENAMED:

MOST RESPECTFULLY SHEWETH:

III. That the petitioner approaches Your Lordships beings aggrieved by Order in appeal No. ST/1-57/V/74 dated 30-12-1988 passed by Chief General Manager Telecom Gujarat Circle, Ahmedabad-380 009 communicated to petitioner vide letter No. E-35 /TB/II/111 dated 6-1-1989 addressed by Chief Superintendent of Central Telegraph Office Ahmedabad (Annexure 'A-1'). By that order the respondents have rejected the appeal of the petitioner for granting ONE TIME BOUND PROMOTION to petitioner w.e.f. 30.11.1983. The said promotion was granted to all who had completed 16 years of continuous service in one cadre as on that date. Petitioner had in fact completed 27 years of service in one cadre of Telegraphist as on 30-11-1983. Petitioner thereby also challenges order No. ST/1-57/97 dated 24-3-89

granting one time bound promotion to 186 persons with effect from 30-11-83, (Annexure A/2) in which though eligible petitioner's name was omitted and also order No. ST/1-57/111/88 dated 22/10/85 (Annexure A/3) granting promotion to petitioner w.e.f. 27.9.85 instead of 30-11-1983. Against the orders at Annexures A/2 and A/3 petitioner has appealed to respondents which is finally disposed off by respondents by order at Annexure A/1 which is a mechanical, non speaking order and is illegal, arbitrary and discriminatory. The petitioner further challenges the action of the respondents every month in denying the increased wages as drawn by his juniors w.e.f. 30-11-1983 onwards which will have permanent effect on his present wages, future wages future promotions as well as retirement benefits and pensions and the petitioner has a continuous cause of action.

IV. The applicant declares that the subject matter of the orders against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

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

VI. The Brief History of Applicant case is as under:-

1. That the applicant is citizen of India and is entitled to protection of his fundamental rights as guaranteed by constitution of India.
2. That the petitioner is a permanent employee of posts and telegraphs Department. Applicant was appointed as a telegraphist in Post & Telegraphs Department on 26-11-1956 at Ajmer in Rajasthan circle in the pay scale of Rs.60/-, 170/- which subsequently underwent changes from Rs.110/- to 140/- and from Rs.260/- to Rs.480/-. In 1962-63 applicant was transferred to Gujarat State and has been working continuously there. The applicant has put in a total of 33 years of sincere, honest and unblemished service in the department.
3. That the applicant reached a maximum pay scale of 480/- in grade of 260/-, 480/- in the year 1978, and stagnated at that stage. Looking to the length of applicant's service, applicant was locally trained as Assistant Telegraph Master (ATM) and was appointed in officiating capacity as ATM in pay scale of Rs.380/- - 12 - 500/- - EB-150/-560/- and after undergoing further training of two months in 1981 was appointed as temporary A.T.M. on ad-hoc bases w.e.f. 1-1-1981. The orders of the respondent giving officiating appointment to applicant and later on temporary appointment in existing vacancy w.e.f. 1.1.1981 is annexed herewith and marked annexures A/4 and A/5 respectively.

4. That there was an agreement between the respondent No.1 and Staff of Posts and Telegraphs department council which at their Joint Council Meeting introduced a scheme regarding ONE TIME BOUND PROMOTION to all the staff who had completed 16 years of continuous service in one cadre before 30.11.1983. The said scheme was accorded approval and was circulated vide letter No. 1-71/83 NCG dated 17-12-1983 issued by Director General of Posts and Telegraphs New Delhi respondent No.1. The details of the scheme as circulated by respondent no.1 are enclosed herewith and marked Annexure A/6.

5. In response to paragraph 2 and 3 of Director General Posts & Telegraphs New Delhi memo No.1-71/83 NCG dated 17-12-83 the Deputy General Manager, Gujarat Telecom Circle Ahmedabad vide his memo No. ST/1-57/95 dated 23-3-84 promoted as many as 186 Telegraphists in the cadre of LSG Telegraphists (Scale Rs.425/- 15/- - 560/- EB-20/- 640/- in the scheme of one time bound promotion (Annexure 'A/2').

6. The applicant was shocked and surprised that although he had completed 27 years service as telegraphist and qualified ATM at that time his name was omitted from the list of those selected. There was no show-cause-notice issued, or enquiry held against the petitioner nor was any minor or major penalty imposed against the petitioner. The petitioner was also not aware of any serious adverse entry in confidential reports even communicated to him.

(7) Most of the telegraphists promoted from 30-11-1983 were junior to the petitioner even persons just completed 16 years of service and persons who had not completed 16 years service in one cadre but broken cadres were promoted but petitioner who had completed 27 years continuous unblemished service in one cadre of telegraphist was ignored. This action of the respondents is a clear violation of Articles 14 and 16 of Constitution of India and the action of respondents in not including the name of petitioner in the list is vindictive, biased and deserves to be struck down as violative of fundamental rights and contrary to letter and spirit of the one time bound scheme.

(8) That respondent No.1 issued a memo no.15-18 /81-TS-II/dated 17-8-1983 addressed to all heads of Postal and Telecom circles etc. under this as per recommendations of Central Committee on Telecommunications cadre of ATMS was ~~was~~ merged with that of LSG TM'S AND ATMS were to be automatically upgraded to LSG AMS in grade of Rs.425/- 640/-. According the applicant was expecting that the applicant will be automatically upgraded and posted as LSG TM in scale of Rs.425/- 640/- which was same as one time bound promotion and thus there will be no difference. However to shock and surprise of the applicant the applicant was not upgraded and posted as LSG TM

70

in grade of 425/- - 640/- but on one hand he was denied the One time bound promotion in grade of Rs.425/- to 640/- and on the other hand as a double punishment on the ground that applicant was substantive holder of post of telegraphist on 12-8-83 and was temporary A.T.M. on ad-hoc bases, he was not promoted but reverted to his substantive post of telegraphist vide letter No. C-2/ATM/Gen/1/192 dated 31-3-1984. The true copy of the said letter is annexed herewith and marked Annexure A/8. Thus the petitioner was denied the benefits of one time promotion as given to others and his juniors vide annexure A/2 dt.26-3-84 and instead of his post being upgraded he was reverted as telegraphist vide letter dated 31-3-84, annexure 'A/8'.

9. That the petitioner immediately preferred an appeal to General Manager Telecom Ahmedabad respondent no.2 through respondent no.3 vide his memo of appeal dated 14th April, 1984 narrating all the facts. A true copy of the said memo of appeal is enclosed herewith and marked annexure A/9. However no reply to the said appeal was received.

10. That the applicant once again sent a reminder dated 10-1-1985 to respondent no.2 reminding him of the whole case. Copy of the said letter is annexed herewith and marked annexure A/10, however no reply was received to same.

11. That once again on 2-9-1985 the applicant reminded respondent no.2 of his appeal dated ~~xx~~ 14-4-1984 and his reminder dated 10-1-1985 vide his letter dated 2nd September, 1985. A copy of the said letter dated 2nd September 1985 is enclosed herewith and marked Annexure A/11.

12. That the applicant did not receive any reply to his appeal dated 14th April 1984 and reminders dated 10-1-1985 and 2-9-1985. However the petitioner received a memo letter No. E/35/TR/Gen. 1/ 8 dated 9-12-1985 that petitioner alongwith three others were promoted under Time Bound one promotion scheme with effect from 27-9-85 foremen. It is pertinent to note that the three others mentioned there were promoted from 18-11-1985 while applicant was promoted w.e.f. 27-9-1985 so as to purposely make applicant junirmost although applicant was senior to all. A copy of the letter dated 9-12-1985 is enclosed herewith and marked annexure A/12.

13. That the petitioner preferred a further appeal on 1st December 1986 to respondent no.2 through proper channel under the subject matter of supercession in time - Bound promotion. Petitioner reminded the respondent about his previous communications to which no reply was received. The petitioner specially pointed out that his juniors/x were fixed at Rs.1760/- with effect from 1-1-1986 on implementation

(6) (9)

of 4th Pay Commission report while he being much senior was fixed at basic salary of Rs. 1520/- i.e. apart from losses from Nov. 83 to 1-1-86 the petitioner was further incurring a loss of Rs. 240/- per month continuously. ~~The expat~~ The petitioner also requested that the petitioner may be given protection of basic pay as drawn by his juniors which is allowed under Govt. of India order No.4 below F.R(30) which is also called next below rule. Petitioner also appealed to respondent No.2 to fix the seniority of the petitioner as LSG telegraphist properly on bases of his seniority is original cadre of telegraphist giving one time bound promotion with effect from 30-11-1983 as he had already completed 16 years of service before 30-11-1983 (27 years to be exact) and not after 30-11-1983. A copy of letter dated 1st December 1986 addressed by petitioner to respondent no.2 is annexed herewith and marked annexure A/13. However no reply even to this letter was given.

14. That the petitioner finally once again appealed to respondent no.2 on 1-10-1988 pointing out and asking the respondent as to what was his offence for which he is sought to be so punished while all the juniors have been promoted from 23-11-1983 and he has purposely left out. In the said appeal memo the applicant pointed out that Shri B.M. Valand Telegraphs Assistant (Clerk)

10

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C. T.O. Ahmedabad though was punished by withholding of increments was given OTBP effect from 3.1.1984 vide respondent no. 2's ~~six~~ letter No. ST/L-5/LT/17 dated 19-10-84 while to the petitioner's case, the petitioner had a long service of 27 years on 23-11-1983 and no punishment under CCS and CCA rules whatsoever has imposed during the long career of last 27 years. A copy of the said appeal dated 1-10-1988 is enclosed herewith and marked annexure A/14.

15. That as already narrated in the paragraph III above, the petitioner has received a crypt five line reply from the respondents stating mechanically that the matter is carefully examined but it is regretted that the same cannot be acceded to. No reasons whatsoever have been assigned for the arbitrary, one sided action taken, by respondents while flouting their own policy of one time bound promotion. The policy ought to have been applied equally for all. However petitioner's case is the only case where such a gross injustice has been done to the petitioner and petitioner is not being informed even the reasons for the same. It is a glaring example of capacious naked managerial power of mighty state pitted against a poor employee. The action of the respondents is ex-facie illegal and cannot be sustained in eyes of law and such illegal and arbitrary action deserves to be struck down. The petitioner is undergoing

mental and financial loss which is irreparable.

The petitioner will continue suffering loss monetarily as well as his future promotions while his juniors have jumped over him already more than 200 persons have become senior to him in one stroke. The Hon'ble Supreme Court of India in the case of P & T schedule castes/Sch Tribes welfare Association (Regd) & Others V/s. Union of India reported in 1989 I LLJ at pg. 76 in ~~xxx~~ paragraph 3 of the said judgment the Hon'ble Court has mentioned that it was urged on behalf of the Government that the time bound one promotion scheme contained in letter dated 17th December was advantageous to all the employees since all of them will get automatically promoted to a higher cadre on completing 16 years service in cadre. (Emphasis supplied). It is therefore more pitiable that the Government against their own policy framed ~~xxx~~ with ~~of~~ consent of Federation of Employees of the Posts and Telegraphs Department has flouted and not following in petitioners case by utter discrimination.

16. That the petitioner appealed to the respondents immediately in 1984 April within 15 days of announcement of promotions in one time bound promotion scheme. However as no reply was received to appeal of petitioner, the applicant waited patiently for justice to be done to him. He reminded the department at regular intervals to do justice to him. Ultimately only by letter annexure A/1 dated

6-1 1989 the petitioner was informed that his appeal was rejected and while rejecting the appeal no reason whatsoever is given to the petitioner. A continuous ~~loss~~ loss every month is being caused to the petitioner amounting to over Rs.250/- per month in basic pay alone due to action of the respondent. Petitioner will also suffer an irreparable loss in fixation of his retirement benefits including pension etc. In the facts and circumstances of the case, the petitioner approaches the Hon'ble Tribunal for redressal of this grievance as no other remedy is now available to the petition.

VII. Relief Sought for:

(A) That Your Lordships be pleased to issue an appropriate writ, order or direction, directing the respondents to promote the petitioner to grade of Rs.425-15-560 EB-20-640 with effect from 30-11-1983 instead of 27-9-85 as done by them under one time Bound one promotion scheme.

(B) Your Lordships be further pleased to issue appropriate writ, order or direction directing the respondents to grant, all consequential benefits like seniority difference in pay and future fixation of pay and retirement benefits in accordance with promotion as if the petitioner

(8)
(B)

was promoted on 30-11-1983 (the day all his juniors were promoted)

(C) Such other relief that your Lordships may feel just in the interest of justice.

VIII Interim relief sought.

That pending admission and final hearing of the matter, Your Lordships be pleased to direct the respondents to refix the pay of petitioner prospectively on the bases as if the petitioner was promoted on 30-11-1983 and his future pay be protected in comparison to his original junior telegraphists. For past arrears, Your Lordships may decide after final hearing and disposal of the case.

IX. The applicant has no other efficacious expedious alternative remedy available except to approach the Hon'ble Tribunal the appeal made by the petitioner to the authorities is finally disposed off by rejecting it on 6-1-1989 annexed at annexure A/l. The petitioner has thus already availed of the alternative remedy but having failed in the same approaches this Hon'ble Tribunal.

X. The applicant declares that the matter regarding which this application has been made is not pending in any other Tribunal or Hon'ble the Supreme Court of India.

XI. The number of postal orders and date of their purchase :

1. Postal Order N. DD 746650
5

2. Date: 12-1-89

3. Issued by: Navrangpura Post office

XII. An index in duplicate containing the details of documents to be relied on is enclosed herewith.

Ahmedabad:

Dated: 29th March, 1989.

S. Asrani
Advocate
for Petitioners

Prabhakar Chhotalal Rawal
VERIFICATION.

I, Prabhakar Chhotalal Rawal do hereby solemnly verify and state that the contents from paragraphs I to xxxxxx XII hereinabove are true to my personal knowledge, information and belief and I believe the same to be true.

Ahmedabad:

Dated: 29th March, 1989.

P. C. Rawal ().

Filed by Mr. S. H. Asrani,
Learned Advocate for Petitioners
with second set & 3 copies
copies copy served/not served to
other side

ML
Dt. 5/4/89 Dy. Registrar C & F (O)
A'bad Bench

Copy of communication No. 5T/1-57/V/74 dated 30/12/1988 from the Chief General Manager Telecom., Gujarat Circle, Ahmedabad-380 009, addressed to the Senior Superintendent Telegraph Traffic, Ahmedabad-380 001.

Subject : O.T.B.P. Scheme Date of effect C/O ShrixxRx
Shri P.C. RAVAL T.M.(D) CTO AHMEDABAD.

Ref : No. E.35/TB/11/105 dated 17.11.88.

Apropos above, I am directed to state that the request of Shri P.C. RAVAL TM(OP) CTU AHMEDABAD has been examined carefully, but it is regretted that the same can not be acceded to. The ONE TIME BOUND PROMOTION given to the official w.e.f. 27/9/85 vide this office No. ST/1-57/III/88 dated 22/10/85 stands. The official please be intimated accordingly.

541-

(GIANCHAND)
ASST. GENERAL MANAGER (TRAFFIC)
U/D the Chief G.M. Telecom. Albad 380 009.

No. E. 35/TB/II/111

Dated at Ahmedabad the 6/1/1989.

Copy to :-

- 1) Shri P.C. Raval, T.M.(UP) G.T.U. Ahmedabad with reference to his application dated 1.10.1988.
- 2) P/F of official.
- 3) DC. (O)

For Chief Superintendent
Central Telegraph Office
Ahmedabad.

akd/

~~Tom Fop 1
S soars
Adv~~

16/A/2

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Office of the General Manager, Telecom
Gujarat Circle, Ahmedabad

Memo No. ST/1-57/97

Dated at Ahmedabad the 24-3-84.

(10)

On recommendation of the D.P.C., The Deputy General Manager, Telecom, Gujarat Circle, Ahmedabad, is pleased to promote the following Telegraphists to the grade of Rs 425/640 in accordance with memo No. 1-71/83-NCG Dated 17-12-83 from the D.G. P. & T. New Delhi under time bound one promotion scheme, against the posts upgraded vide this office memo No. ST/1-57/95 Dated 23-3-84.

The orders will take effect from 30-11-83

SL No.	Name of official	Desig- nation	Division in which working
1.	Shri B.S.Joshi	Telegraphist	Ahmedabad
2.	" G.O.Kothari	"	"
3.	" B.N.Mistri	"	"
4.	" D.I.TRIVEDI	"	"
5.	" P.R.Vyas	"	"
6.	" B.C.Patel (I)	"	"
7.	" H.J.Patel	"	"
8.	Smt I.A.Trivedi	"	"
9.	Shri P.R.Bhavsar	"	"
10.	" A.P.CHavan	"	"
11.	" B.K.Shah	"	"
12.	" P.F.Patel	"	"
13.	" A.D.Dixit	"	"
14.	" J.B.Solanki	"	"
15.	" C.C.Thakkar	"	"
16.	" A.K.Patel	"	"
17.	" V.V.Mehta	"	"
18.	" C.N.Shah	"	"
19.	" I.M.Shaikh	"	"
20.	" P.C.Kevat	"	"
21.	" V.H.Suthar (Jr)	"	"
22.	" J.B.Trivedi	"	"
23.	" G.M.Shaikh	"	"
24.	" N.R.Modi	"	"
25.	" H.B.Panchal	"	"
26.	" N.R.Pathan	"	"
27.	" M.T.Soni	"	"
28.	Smt N.A.Dave	"	"
29.	SHRI B.N.Patel	"	"
30.	Smt S.M.Patel	"	"
31.	Shri N.V.Yagnik	"	"
32.	" J.G.Patel	"	"
33.	" S.B.Mansuri	"	"
34.	" A.R.Pandya	"	"
35.	" B.M.Patel (Sr)	"	"
36.	" S.S.Malli	"	"
37.	" H.C.Bhatia	"	"
38.	" B.M.Modi	"	"
39.	" K.D.Barot	"	"
40.	" J.A.Patel (Sr)	"	"
41.	" P.D.Anand	"	"
42.	" P.N.Kulkarni	"	"
43.	" A.M.RISWADKAR	"	"
44.	" C.V.Wagh	"	"
45.	" K.C.Brahmbhatt	"	"

Contd on p.2....

Sl. No.	Name of the official	Designation	Division in which working
46.	Shri B.L.Madhwanji	Telegraphist	Ahmedabad
47.	" G.L.Verma	"	"
48.	" N.S.S. Rami	"	"
49.	" K.S.Mehta	"	"
50.	" S.H.Batliwala	"	"
51.	" N.B.Solanki	"	"
52.	" N.C.Kansara	"	"
53.	" A.F.Saiyed	"	"
54.	" P.M.Prajapati	"	"
55.	" S.I.Thakar	"	"
56.	" H.H.Shah	"	"
57.	" G.G.Shaikh	"	"
58.	" L.B.Sathwara	"	"
59.	" J.A.Patel (Jr)	"	"
60.	" P.M.Patel (I)	"	"
61.	" B.J.Vaidya	"	"
62.	" V.A.Katdare	"	"
63.	" B.B.Shah	"	"
64.	" J.M.Parekh	"	"
65.	" R.T.Shah	"	"
66.	" B.F.Waghela	"	"
67.	" A.S.Gurjar	"	"
68.	" R.S.Parmar	"	"
69.	" K.C.Parmar	"	"
70.	" R.A.Raval	"	"
71.	" C.J.Parmar	"	"
72.	" J.A.Shah	"	"
73.	" N.A.Patel	"	"
74.	" N.J.Parmar	"	"
75.	" R.A.Suthar	"	"
76.	" C.P.Desai	"	"
77.	" D.V.Gajjar	"	"
78.	" G.A.Prajapati	"	"
79.	" K.S.Patel	"	"
80.	" V.B.Soni	"	"
81.	" K.S.DABHI	"	"
82.	" G.D.Jadav	"	"
83.	" B.S.Parmar	"	"
84.	" J.I.Sathwara	"	"
85.	Smt S.A.Kansara	"	"
86.	" J.P.Patel	"	"
87.	" G.B.Chauhan	"	"
88.	" B.M.Patel (Jr)	"	"
89.	" A.A.Bedani	"	"
90.	" N.G.Patel	"	"
91.	" R.C.Sharma	"	"
92.	" M.M.Gandhi	"	"
93.	" P.S.Trivedi	"	"
94.	" V.S.Khristi	"	"
95.	" H.V.Pandya	"	Rajkot
96.	" P.K.Jivrajani	"	"
97.	" R.H.Zala	"	"
98.	Smt T.S.Sulochana	"	"
99.	Shri K.V.Parmar	"	"
100.	" S.M.Mohtra	"	"
101.	" V.R.Detharia	"	"
102.	" B.H.Parmar	"	"
103.	" B.K.Kapupara	"	"
104.	" G.V.Makwana	"	"
105.	" C.P.Lathigara	"	"

SL NO.	Name of the official	Designation	Division in which working
106.	Shri M.G.Dhebar	Telegraphist	Rajkot
107.	" M.R.Joshi	"	"
108.	" S.B.Thaker	"	"
109.	" J.B.Pandya	"	"
110.	" A.P.Limbad	"	"
111.	" S.G.Gangwani	"	"
112.	" M.A.Qureshi	"	"
113.	" G.M.Dave	Postal Signaller	"
114.	" M.S.Timania	"	"
115.	" M.A.Maradia	"	"
116.	" D.R.Upadhyaya	Telegraphist	Ahmedabad (N)
117.	" M.M.Maheria	"	"
118.	" S.M.Prajapati	"	"
119.	" B.K.Tekchandani	"	"
120.	" A.V.Trivedi	"	"
121.	" I.L.Sathwara	"	"
122.	" H.P.Diwan	"	"
123.	" I.A.Alad	"	"
124.	" K.M.Chudasama	"	"
125.	" H.H.Trivedi	"	"
126.	" P.B.Ramanuj	"	"
127.	" K.P.Dave	"	"
128.	" J.A.Salunke	"	Vadodara
129.	" M.D.Antani	"	"
130.	" S.G.Agashe	"	"
131.	" C.D.Mehta	"	"
132.	" V.P.Kasrekar	"	"
133.	" M.A.Shaikh	"	"
134.	" K.K.Parmar	"	"
135.	" N.I.Vyas	"	"
136.	" M.I.Vyas	"	"
137.	" K.D.Christi	"	"
138.	" N.I.Vohra	"	"
139.	" S.B.Pathak	"	"
140.	" M.G.Brahmankachchhi	"	"
141.	" H.J.Bhuva	"	"
142.	" T.S.Modi	"	"
143.	" Y.A.Patel	"	"
144.	Asst Shri A.K.Saiyed	"	"
*@£.	Shri J.M.Shah	"	"
146.	" R.C.Shah	"	"
147.	" U.I.Kotia	"	"
148.	" M.C.Rana	"	"
149.	" M.M.Ghadiali	"	"
150.	" B.D.Bhatt	"	"
151.	" S.M.Yardi	"	"
152.	" R.A.Engineer	"	"
153.	" M.M.Shaikh	"	"
154.	" J.H.Modi	"	"
155.	" J.H.Bedara	"	"
156.	" N.G.Gajjar	"	"
157.	" G.L.Patel	"	"
158.	" K.D.Lad	"	"
159.	" A.D.Desai	"	"
160.	" K.I.Matliwala	"	"

Contd on page 4.....

SL NO.	Name of the official	Designation	Division in which working
161.	Shri H.B.Patel	Telegraphist	Vadodara
162.	" A.B.Patel	"	"
163.	" H.P.Dhobi	"	"
164.	" G.R.Patel	"	"
165.	" R.M.Mistri	"	"
166.	" R.N.Gaiwala	"	"
167.	" D.G.Gajjar	"	"
168.	" S.S.Shinde	"	"
169.	" P.J.Tailor	"	"
170.	" F.H.Dordawala	"	"
171.	" B.G.Khatri	"	"
172.	" D.I.Chhipa	"	"
173.	" G.J.Suthar	"	"

The promotion of the telegraphists and postal signallers named below is on purely adhoc and provisional basis subject to the clarification from the D.G.P. & T. New Delhi in respect of counting the service as ATM as well as on postal side for the purpose of 16 years service under time bound one promotion scheme.

SL NO.	Name of the official	Designation	Division in which working
1.	Shri A.R.Pandya	ATM	Ahmedabad
2.	" B.M.Patel (SR)	"	"
3.	" S.S.Malli	"	"
4.	" R.T.Shah	"	"
5.	" B.S.Parmar	"	"
6.	" C.P.Lathigara	"	Rajkot
7.	" M.R.Joshi	"	"
8.	" M.G.Dhebar	"	"
9.	" J.A.Salunke	"	Vadodara
10.	" M.D.Antani	"	"
11.	" G.M.Dave	Postal Signaller	Rajkot
12.	" M.S.Timania	"	"
13.	" M.A.Maradia	"	"

Fixation of pay of the officials who were working as ATMs at the time of promotion will be governed by the existing instructions in force.

SD/-S.C.Kakar

Dy. General Manager, Telecom

Copy to :-

Ahmedabad.

1. The Director Telecom Ahmedabad/Vadodara/Rajkot
2. The Heads of T.T. Divisions in Gujarat Circle.
3. All Heads of CTO/DTOs in Gujarat Circle.
4. The A.G.M. (S. & A.) Circle Office, Ahmedabad.
5. The A.G.M. (T.T.) Circle Office Ahmedabad.
6. The accounts officer Telecom Accounts, Ahmedabad
7. File No. ST/2-3
8. File No. ST/13-GL
9. Office copy
10. Spare

(B.J.Mair) *copy*Asstt Director, Telecom, T.T.,
O/O The General Manager, Telecom,
Gujarat Circle, Ahmedabad.INTELLIGENCE BUREAU (GPO) SISOD NIVDIT
Dated: 10/10/1997

True Copy
5/10/97
Asstt Director

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS

Office of the Senior Superintendent
Telegraph Traffic, Ahmedabad Division
Ahmedabad - 380 001.

NO : E.35/TB/Gen1/M 8

dated at Ahmedabad the 5/12/1985.

In accordance with the General Manager Telecom., Gujarat Circle, Ahmedabad - 9 Memo No. ST/1-57/III/88, dated 22/10/1984, below mentioned Telegraphists are promoted to the grade of Rs. 425-15-56/-EB-20-640 with effect from the dates shown against each under Time Bound One Promotion scheme against the posts upgraded vide General Manager Telecom., Gujarat Circle, Ahmedabad Memo No. ST/1-57/III/86 dated 22/10/1985.

Sl. No.	Name of Telegraphist	Office at which working.	Date of promotion in higher grade.
1.	Shri P.C. Rawal	CTO Ahmedabad.	27/9/85 Forenoon.
2.	" B.R. Paddiya	-do-	18/11/85 Forenoon.
3.	Smt. K.D. Patel	-do-	18/11/85 Forenoon.
4.	Shri V.D. Patel	-do-	19/11/85 Forenoon.

R. M. Khan
Senior Superintendent (T.T.)
Ahmedabad D.N., Ahmedabad-1.

Copy to :

- 1) The General Manager Telecom., Gujarat Circle, Ahmedabad with reference to his above cited memos.
- 2) The Director Telecom., Ahmedabad-380001.
- 3) The Accounts Officer Telecom. Accounts, Shah Bldg., Ahmedabad-380009.
- 4) The Asstt. Chief Superintendent (Adm), (OP) & (IR) CTO Ahmedabad.
- 5) The L.S.G. Acctt. (I) C.T.O. Ahmedabad.
- 6) The L.S.G. Acctt. (II) C.T.O. Ahmedabad with 2 spare copies.
- 7) The Section Supervisor (OT Section) C.T.O. Ahmedabad.
- 8) Leave T.A. (TL) CTO Ahmedabad.
- 9) S/B entry TA/Pay fixn. TA CTO Ahmedabad.
- 10) Time keeper C.T.O. Ahmedabad.
- 11) PA to Chief Superintendent CTO Ahmedabad.
- 12) Store/Record T.A. C.T.O. Ahmedabad.
- 13) Officials concerned.
- 14) P/F of the officials.
- 15) Copy in E.35/TB/II file.

gxd//

INDIAN POSTS AND TELECOMMUNICATION

Office of the Chief Superintendent,
 Central Telegraph Office,
 Ahmedabad-380 001.

No. 2/ATM/Gen/1/5 dated at Ahmedabad the 13-9-1979.

Consequent upon posting on S/Shri M. M. Joshi, S.K. Joshi, E.M. Shaikh, J.B. Dave and P. D. Ekbote Asstt. Telegraph Masters as D.G. Telegraphist, i.e. Telegraph Master (N/F C.T.O. Ahmedabad w.e.f. 3-9-1979 forenoon vide G.M.T. Ahmedabad communication No. ST/2-3/VIII dated 24-8-1979 (Refere this office No. E-25/CL.111/55/L56 TM / 379 dated 7-9-79,) the following orders are passed with effect from the date shown against each:

1. S/Shri I. Patel, A.R. Pandya, S.M. Patel (Sr.), Telegraphist trained in Asstt. Telegraph Master locally are appointed as offcg. Asstt. Telegraph Master in the scale of Rs.380/560 with effect from 3.9.1979 forenoon vice S/Shri M. Joshi, S.A. Joshi and E.M. Shaikh posted as S.G. Telegraphist i.e. LSG TM(N/T) w.e.f. 3.9.1979 forenoon.
2. S/Shri A.D. Dixit and P.C. Raval Telegraphists G.T.O. Ahmedabad trained as Asstt. Telegraph Master locally are appointed as offg. Asstt. Telegraph Master in the scale of Rs.380/560 with effect from 9.9.1979 forenoon vice S/Shri P.D. Ekoote and J.B. Dave posted as S.G. Telegraphist i.e. LSG TM/N/T w.e.f. 3.9.79 forenoon.

S/Shri I.T.Patel, A.R.Pandya, B.M.Patel

(Sr) P.C. Raval and A.D.Dixit would clearly understand that their appointment as Asstt. Telegraph Master is purely ~~compulsory~~ temporary and on adhoc basis till such time the vacancies are filled up regularly C.O. and also they will have no claim for clear postings in these posts by ~~of~~ this appointment.

(I) Certified that the nature of ~~of~~ work of the vacant posts itself is such that it cannot be managed without full time substitutes and that S/Shri I.T.Patel, A.R.Pandya, B.M.Patel (Sr) P.C.Raval and A.D.Dixit are quite competent to work in vacant posts.

Sd/- Illegible.

For Chief Superintendent.

CTO Ahmedabad.

(O/6 signed by CS TCTO AM)

Copy to:-

1. The General Manager Telecommunication (T.T.Seen.) Gujarat Circle, Ahmedabad -380 030, for information and necessary action please.
2. The LSG Acctt. CTO Ahmedabad with 2 spare copies.
3. The Head Clerk D/D (O/T Seen.) CTO AM
4. Time-keeper CTD AM
5. ACS(I) CTO AM
6. Officials concerned.
7. Personal file of officials.
8. Leave clerk (I) CTO AM
9. ~~xxxxxxxxxxxxxx~~
E-2/ATM/Offg file. (10) O/C.

Sd/- Shri P.C.Raval.

INDIAN POSTS AND TELEGRAMS DEPARTMENT

Office of the Chief Superintendent,
Central Telegraph Office,
Ahmedabad-380 001.

No. E-2/ATM/Genl/105

dated at Ahmedabad the

12.8.1981.

In accordance with the General Manager, Telecommunications, Gujarat Circle, Ahmedabad, 380 0030 Memo No. ST/3-15/XI dated 30-7-81, the below listed telegraphists who were trained as Assistant Telegraph Master are promoted, passed and appointed as Asstt. Telegraph Master w.e.f. 1-8-1981, herein in the scale of Rs. 300-12-500-EB-15-560.

The promotion and appointment of the official is temporary and on adhoc basis.

Sr No.	Name of official	Design.	Office at which posted.	Particulars of posts in which posted.
1.	Shri C.C.Thakkar	TL	C.T.O. Ahmedabad	in the existing vacancy.
2.	" N.R. Modi	"	-Do-	-Do-
3.	" H.B.Panchal	"	-Do-	-Do-
4.	" N.R.Pathan	"	-Do-	-Do-
5.	" N.V.Yagnik	"	-Do-	-Do-
6.	" S.S.Malli	"	-Do-	-Do-
7.	" P.C.Raval	"	-Do-	-Do-
8.	" R.T.Shah	"	-Do-	in the post sanctioned of vide G.MT AM No: EST. ATM/1 dt. 2.7.81
9.	" G.S.Mehra	"	-Do-	-Do-
10.	" B.S.Parmar	"	-Do-	-Do-

Abhishek
Chief Superintendent,
C.T.O. Ahmedabad.

Copy to:-

- 1) The General Manager, Telecommunication (T.T. Section), Gujarat Circle, Ahmedabad-380 0030.
- 2) The Accounts Officer, Telecom. Accounts O/O the G.M.T. Gujarat Circle, Ahmedabad at Shah Bldg., University Road, Navrangpura, Ahmedabad-9.
- 3) The L.S.G. Acctt., C.T.O. Ahmedabad with 2 spare copies.
- 4) The Head Clerk D/D (O/T Section), C.T.O. Ahmedabad.
- 5) The G.P.F. Clerk. (6) D/A C/A Clerk. (7) C.C.C.I.S. Clerk. (8) Pension Clerk. (9) Time Keeper. (10) Leave Clerk (I). (11) A.C.S. (I) & (II).
- 12) Officials concerned. (13) Personal file of officials. (14) Stores/ Record Clerk. (15) E.2/ATM/Offceg file. (16) O/C.

755B/12.8/

**@*#*@#*#*#*

True Copy
S. Patel

23

AG
13

Copy of Commn. No. 1-71/83-NCG dated 17.12.1983 from office of the Director General of Posts and Telegraphs, New Delhi-110 001 addressed to All Heads of Telecom Circles and etc.

Sub: Agreement between Official Side and Staff side of P&T Departmental Council of the JCM regarding introduction of One time bound promotion scheme - instructions regarding its implementation.

Sir,

The issue of giving time bound promotion to regular employees in the operative cadres in the P&T Department has been under consideration of the Departmental Council (JCM). The Government have agreed to a time-bound one promotion scheme in the basic operative cadres in the P&T Department. An agreement on this scheme has been signed with the staff side in the P&T Departmental Council of JCM on 30.11.1983. A copy of the agreement with the staff side alongwith its enclosures is forwarded for information.

The following instructions are hereby issued in connection with implementation of the time-bound one-promotion scheme in the P&T Department.

1. The scheme will come into effect from 30.11.1983. All officials belonging to basic grades in Group 'C' and Group 'D' to which there is direct recruitment either from outside and/or by means of limited competitive examination from lower cadres, and who have completed 16 years of service in that grade will be placed in the next higher grade. The officials belonging to operative cadres listed in the annexe A (2) to the Agreement will be covered under the scheme, in the Telecom Wing.
2. The Heads of Circles/Districts/Divisional Engineers will take immediate action to identify officials who have completed 16 years of regular service in the cadres covered under the scheme as on 30.11.1983 as well as the officials who will complete 16 years of service from 1.12.1983 to 31.3.1984. Thereafter, action will be initiated by the Heads of Circles to convene departmental promotion committee meetings to consider promotion of the officials in the operative cadres to the next higher scale of pay. The Departmental Promotion Committee which will be constituted in accordance with the existing instructions applicable to the different cadres will assess the fitness of the identified officials for promotion to the higher scale of pay. The formalities in this regard should be completed within a period of 3 months. The promotions to the next higher scale of pay will be granted from the date following the date on which the identified officials complete 16 years of regular service. In case of officials who have completed 16 years service before 30.11.1983, the promotions to the next higher scale of pay will take effect from 30.11.1983.

3. Special efforts should be made at all levels to take quick and prompt action which should be monitored by the Heads of the Circles etc. so that the DPC formalities are completed and promotions orders issued latest by 29.2.1984.

4. With effect from 1.4.1984 onwards the Heads of Circles/Districts/Divisional Engineers will identify the officials belonging to the cadres covered under the scheme who will complete 16 years of service upto 31st March of the next year. The Departmental Promotion Committee meeting will be convened before 30.6.1984 to consider fitness of the officials completing 16 years of service in the grade within the year. The officials who complete 16 years of service on a date later than that of convening of the meeting of the DPC will be placed on the approved list and will be promoted to the next higher scale of pay immediately on completion of 16 years of service, subject to their being found fit by the DPC and subject to normal rules relating to promotion. In respect of the officials who complete 16 years of service between the period from 1st April to the date the meeting of the DPC is convened, they will be placed in the next higher scale of pay from the date following the date they complete 16 years of service subject to their being found fit by the DPC.

5. As soon as the departmental promotion committee finalise the lists of officials who are to be promoted to the next higher grade, the Head of the Circle will ensure that the basic grade posts are upgraded to the higher scale of pay by issue of a formal sanction, distributing the higher posts to different units so that such officials can be placed on the higher grades.

6. For promotion under the time bound one promotion scheme the normal orders relating to reservation for SC/ST communities will not apply unless any specific order in this regard is subsequently issued.

7. The pay of the officials on their being placed in the next higher scale of pay under the scheme will be fixed under FR.22-C.

8. Officials on promotion to the higher scale of pay on completion of 16 years of service will maintain their inter-seniority in the lower grade for purposes of promotion to supervisory posts justified on standards. This is to protect the interests of the senior officials who may not be eligible for promotion in a particular year for non-completion of 16 years of regular service, but the promoted on the basis of recommendations of a subsequent DPC. In case, however, an official who is considered unfit by a DPC (on completion of 16 years of service), he will lose seniority vis-a-vis the officials promoted to the higher scale of pay on the basis of recommendations of that DPC.

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9. In the operative cadres covered by the scheme; 5% reduction will be effected the sanctioned posts, by the Head of the Circle/District/Divisional Engineers. The reduction will be done in respect of the basic grade posts covered under the scheme e.g. Time Scale Office Assistants, Linemen, Group 'D' etc., on a divisional basis. In other words, the 5% cut will not be effected office-wise. The total number of posts in a Division will be taken into account and with immediate effect the total number of posts will be reduced by 5%. While calculating reduction, fraction of 0.5 and above will be rounded off to the next higher integer. The Divisional Engineers will ensure that that the reduction is suitably distributed among various offices in his divisions so that there will be no dislocation of service. The GMM, GM etc. will also exercise 5% cut in his jurisdiction. In the basic grades of their establishments in each territorial circle, irrespective of circle cadres like RSA/PI/AEA/WO etc. the reduction should be on a divisional basis and excesses in a division should be adjusted against vacancies of other Divisions. While making the reduction, GM Projects, GMMs and G.M. T&D Circle/G.M.Trq. Centres should see that the excess staff are adjusted suitably against vacancies under various offices in the respective territorial circles of their jurisdiction. Further excess staff if any should be made over to the territorial circle of recruitment for suitable action. It may be noted that as a result of this while there may not be any physical reduction of staff strength in smaller units, in bigger units the number of posts reduced may be more than 5%.

10. Similarly in respect of supervisory posts which are sanctioned on the basis of prescribed norms as well as promotional posts which are sanctioned outside the basic grades as per prescribed norms (i.e. supervisory LSG posts, Sub-Inspectors) the number of sanctioned posts will be reduced by 15% on divisional basis. The 15% cut would not be applicable to such grades like Selection Grade RSA, Selection Grade P.I., Selection Grade AEA, Selection Grade Wireless Operator, Selection Grade Cable Jointers, Higher Grade Wiremen and Higher Grade Technicians in whose case the higher grade posts are sanctioned by conversion of lower grade posts. However, 5% cut shall be applied in their case on the total operative strength including higher grade posts. While calculating reduction, fractions of 0.5 and above will be rounded off to the next higher integer. Here again the reduction should be suitably distributed among different offices. G.M. Projects, G.M. Ms and other G.Ms like G.M. T&D Circle, Offices. G.M. Trq. Centres etc. should make similar reductions in their establishments and see that excess staff are adjusted suitably against vacancies in the various units in the respective territorial circles in their jurisdiction. Excess staff after such adjustments may be made over to the recruiting circle for suitable action. The exercises referred to in this para and para 9 supra will be completed before 31.12.1983 and a certificate should be given by the Head of the Circle personally, addressed to the Deputy Director General (T) (by name) that this has been done.

11. As per the agreement with the staff side in the JCM, existing officials regularly appointed to any basic grade, will not be retrenched from service as a result of 5% cut in the basic posts mentioned in paragraph 9 supra. If there are not sufficient vacancies in a Division in order to cover 5% reduction in the basic grade posts by 31.12.1983, the posts may be continued to the extent necessary in order to keep the officials in service. As and when vacancies arise as a result of new creation, retirement etc. the extra posts retained should be adjusted.

12. The posts in operative and supervisory cadres will continue to be sanctioned on the basis of present norms until further orders. However, while taking up proposals for sanction of establishment in the different offices case will be taken to see that the reduction of posts ordered in the year 1983-84 is duly taken into account and the staff reduced in a particular office even beyond 5% is not created again in the next review of the establishment.

13. After introduction of the scheme, the posts justified on prescribed standards, both in the basic and the supervisory grades, may continue to be sanctioned on the basis of the existing norms. On 1st April of every year a 5% reduction in the basic grade posts and 15% in supervisory posts as described in paras 9 & 10 above will be effected in respect of the posts sanctioned during the previous financial year.

14. It is clarified that the 5% and 15% cut referred to in paras 9 and 10 above in respect of posts existing on 30.11.1983 will be effected immediately on receipt of this letter, in any case not later than 31.12.1983. On 1.4.1984 a similar reduction will be made in respect of posts sanctioned between 1.12.1983 and 31.3.1984. Thereafter the reduction will be effected on the 1st of April every year in respect of the additional posts sanctioned during the previous financial year.

In bigger offices where immediately on introduction of the scheme more than 5% of the sanctioned posts were reduced in order to maintain 5% cut on divisional basis, it has to be ensured that at the subsequent review of establishment of that office only extra posts justified on standards will be sanctioned and extra cut effected already in that office is not restored.

For example, in an office if there were 100 posts in basic grade on 30.11.1983 and 8 posts are reduced, in order to maintain 5% cut on divisional basis, 92 posts would be available with effect from 31.12.1983 latest. If subsequently a review of establishment of this office is done and the total number of posts justified comes to 103, then only 3 more posts will be sanctioned for the office making the total effective number of posts as 95.

15. With effect from the date of introduction of the scheme, the officials posted against regular supervisory posts sanctioned on standards will be entitled to draw special allowance as indicated in Annexe 'B' (2) to the Agreement.

Only officials who hold supervisory posts will be eligible to draw the special allowances and as such necessary adjustments based on seniority in posting will have to be made. Such of the senior officials are entitled to hold supervisory posts and have to move out for want of posts in the stations of their posting where they are working at present, may be allowed at their option to move out at the end of the current academic year. But they will be eligible to draw special allowance only when they actually work against the supervisory posts. Supervisory posts carrying special allowance which form Circle cadre will have to be filled on 'circle basis based on seniority.

16. The incumbents of posts in promotional cadres like Sub-Inspectors up to the extent of 10% of the total number of posts in the basic grade 5% cut from which promotion is made will be entitled to Rs. 25 per month as special allowance. In respect of cadres for which only selection grade exists like RSA, AEA, PI, Wireless Operator, Cable Jointers etc. 10% of the total number of posts in the basic cadre after 5% cut from which promotion is made will be entitled to a special allowance of Rs. 35/- or 25/- per month as the case may be. For this purpose, posts in the promotional grades upto a limit of 10% in the basic grades should be identified and officials holding these posts may be given special allowance. The posts may be filled up in the order seniority.

The incumbents of the posts of Jamadars upto the extent of 10% of the total number of posts in the basic grade of Group 'D' Test category (including those of Jamadars created by up-gradation of Group 'D' posts) after effecting the 5% cut, will be entitled to Rs. 15/- per month as Special Allowance. Such posts of Jamadar should be identified and the officials holding these posts may be given special allowance. The filling-up of these post may be done on seniority.

17. With effect from 30.11.1983, special pay sanctioned for basic grade posts as charge allowance will be withdrawn. However, special pay on grounds such as for acquiring additional qualifications, for special training and handling cash etc., will continue so long as these posts are held by officials in the basic grade unless a special pay is prescribed in the higher scale also.

18. Annexe-C (2) to the agreement gives particulars of the posts to which a special pay/charge allowance is sanctioned at present and will be withdrawn with effect from 30.11.1983.

19. For sanction of supervisory posts on standards in higher grades in further the posts justified as per existing standards in the lower grades before reduction will be taken into account.

20. The special allowance for supervisory posts mentioned in paras 15 and 16 above will not have the characteristics of special pay. The special allowance shall not count for any purpose other than pensionary benefits.

21. D.T.O. Accountants:

D.T.O. Accountants, who are in the time scale of pay plus special pay, are also entitled to promotion to the scale of Rs. 425-640 on completion of total 16 years of service in the clerical grade including the period they work as Accountants.

However, the officials belonging to D.T.O. Accountants cadre who have opted for the scale of pay Rs. 380-620, are not eligible for one promotion on completion of 16 years of service in that scale. They may be given an option to revert to the time scale of pay plus special pay retrospectively with effect from the date they chose the scale of pay Rs. 380-620. Their pay on reversion to the time scale of pay will be nationally fixed with reference to the pay in the time scale which they would have drawn plus special pay of Rs. 45/- . Then they would be eligible for being promoted to the scale of Rs. 425-640 on the basis of completion of 16 years of service in the time scale of pay. The special pay granted to them on national basis may be taken into account for fixation of their pay subject to the conditions laid down in Govt. of India Order No. 6 read with Annexure below FR 22 (Swamy's compilation of FR & SR). The excess pay and allowances which they might have drawn in the scale of pay of Rs. 380-620 after fixation of their pay in the time scale of national basis will not be recovered. The option should be exercised by all concerned within a period of 2 months from the date of issue of these orders and the option exercised once shall be final.

22(a) Since it has been decided to give one promotion to all officials who complete 16 years of service in particular basic grade, officials who have been transferred from one division to another under Rule 38 of P&T Manual Vol. IV in the same cadre, are eligible to count their entire period of service for promotion under the scheme. This will cover even officials who have been transferred from one circle to another in the same cadre. The question of extending the scheme to officials who have been transferred under Rule 38 from one cadre to another (e.g. From Telephone Operators to Time Scale Clerks) is separately under consideration.

22(b) In case of Telegraphists who were departmentally recruited from Telegraph Office Assistants their service as TOA would count in computing the limit of 16 years of service for this time-bound one promotion. However, their seniority in basic grade would remain unchanged.

III. The following further clarifications and instructions are also issued:-

- (i) In respect of the cadres which are covered under the scheme of time-bound one promotion, the orders issued vide I&T. Directorate No.31-19/74-T.E.1 dated 15.6.1974 and Ministry of Finance O.M. No.F.7 (21)-E.III(A)/74 dated 10.1.77 stand withdrawn after 30.11.1983.
- (ii) Promotion to the LSG 1/3rd on the basis of departmental examination will be abolished on introduction of the scheme. However, vacancies falling under LSG 1/3rd upto 31-12-83 will be filled in accordance with the instructions.
- (iii) The introduction of the scheme will not affect officials who have already been promoted on regular basis from the basic grades to the next higher grades before 30.11.1983 under existing rules. The officials who have already been promoted to the next higher scale of pay before 30.11.1983 will rank -block senior to the officials who are placed in the next higher scale in pursuance of the new scheme.
- (iv) The officials who complete 16 years of service and who are promoted to next higher scale of pay will continue to perform operative duties unless they are posted to regular supervisory posts to their turn.

The heads of Circles and Administration offices will be personally responsible to ensure implementation of the orders issued above. They will examine the enclosures to this letter including the Agreement and the instructions contained in the above paras very carefully and take all steps for its most expeditious implementation. They will also be responsible to monitor to the progress made in the Circle/Administrative unit under their jurisdiction regarding the implementation of the scheme. Their attention is specifically drawn to the instructions contained in para 10 regarding the certificate to be sent by them to the DDG(T) by name.

The Heads of Circles/Administrative Offices may make immediate steps to set up a cell within the existing strength to deal with the different matters relating to the scheme of time-bound one promotion in their offices.

The Heads of Circles and Administrative offices will please send a fortnightly progress report to the Directorate in the enclosed proforma regarding implementation of the scheme of time bound one promotion.

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- 8 -

In case of any doubt regarding implementation of the scheme, a reference may be made by the head of circles to the A.D.G. Telecom. (One promotion Cell), in the F&T Directorate, which has been specially constituted to deal with the matters arising out of the implementation of time bound one promotion scheme in the F&T Department.

Receipt of this letter may please be acknowledged to Shri P.S. Navin, A.D.G. (STN).

Sd/- (S. Krishnan)
Director (ST)

No. EST. 1-6/V Date at A'bad-9, the 28.12.1983.

Copy forwarded for information and necessary action to:-

1. The Director Telecommunications, Ahmedabad/Rajkot/Baroda.
2. All D.E. Telegraphs in Gujarat Circle.
3. All S.S.T.T./S.T.T. in Gujarat Circle.
4. Accounts Officer, Telecom. Accounts, Ahmedabad-380 009.
5. T.F.A. & C.A.O./D.O. (Pgt)/A.O. (TR)/A.D.T. (Staff) / (R&E) / (Traffic), Circle Office, Ahmedabad-380 009.
6. All Group Officers and Section Supervisors in C.O., Ahmedabad-9.
7. Sr. P.A. to G.M./P.A. to Dy.G.M. Circle Office, Ahmedabad-9.
8. Circle Secretary, A.T.A.O.E.U., O/o G.M. Telecom., Ahmedabad-9.
9. The S.S. A&P Section, Circle Office, Ahmedabad-9.
10. Circle Secretary, A.T.A.O.A., O/o G.M. Telecom. Ahmedabad-9.
11. R.A.O. Telecom. Accounts, Navrangpura, Ahmedabad-380 009.
12. All Recognised Unions/Associations, in Gujarat Circle.
13. O.S./Dy. O.S., Circle Office, Ahmedabad-380 009.
14. All C.T.Os./D.T.Os. in Gujarat Circle.
15. All S.E./Ex. Engineer, Civil Division, Ahmedabad.
16. Guard file.
17. A.E. Stores/A.E. Electrical/A.E.C.T.T.C., Ahmedabad.
18. Asstt. Director Telecom., (Staff), Circle Office, Ahmedabad-9. for N/A
19. Spare.

Byas.

For General Manager, Telecom.,
Gujarat Circle, Ahmedabad-380 009.

SP/27.12.1983.

~~True Copy~~
~~5/12/83~~
~~AK~~

(31) A/7
(19)

Copy of Comm No. 15-18/81-TE.II/From DG P&T New Delhi dated 17.8.83
Addressed to the All Heads of Postal and Telecom Circles etc.

Subject:- Merger of the cadre of ATMs into that of LSG TMs as per CTO recommendations.

Sir,

I am directed to say that in pursuance of the Report of Committee on Telecommunications the question of merger of the cadre of Asstt. Telegraphs Masters into that of LSG Telegraph Masters has been under consideration of this office for some time past.

2. The P&T Board is now pleased to decide that the cadre of ATMs, in the pay scale of Rs.380-560, may be merged and 85% of the existing sanctioned posts of ATMs may be upgraded to that of LSG Telegraph Masters in the pay scale of Rs.425-640. The Heads of Circles may sanction the requisite posts of LSG TMs, to the extent of 85% of the existing sanctioned strength of TMs under them and abolish the balance 15% posts of ATMs, by reverting, if necessary, the surplus ATMs as Telegraphists against existing/future vacancies of Telegraphists.

3. The promotion of ATMs to that of LSG TMs would be on the basis of existing rules. In the case of existing ATMs, who are eligible to be promoted as LSG TMs by virtue of their seniority as Telegraphists, their promotion as LSG TMs straight from the post of ATM would not involve assumption of duties or responsibilities of greater importance. Their pay would be fixed under FR 22(a) (ii) i.e. at the same stage as in the pay scale of Asstt. Telegraph Masters, if that stage is available otherwise, at the lower stage treating the difference as personal pay to be absorbed in future increments.

4. On upgradation of the eligible ATMs to the posts of LSG TMs the incumbents may be given an additional one month's training on Telegraph Traffic instruments as they had already received 2 months training as ATMs.

5. The present pay of such ATMs, who get reverted due to non-availability of LSG TM posts, may be protected by grant of personal pay to be absorbed against future increase in pay. On promotion the pay of such employees should be fixed under normal rules with reference to their pay as Telegraphists.

6. In future the posts of LSG TMs for looking after the work of ATMs may continue to be sanctioned by Heads of Circles till revised norms are evolved by IWSU/SIU, within their own powers, to the extent of 85% of number of posts/justified as per norms prescribed for ATMs vide this office letter No. 19-20/80-TE.II dated 4.10.80 such posts will over and above the 20% functional posts of LSG TMs which will be sanctioned by the Circle. In order to ensure that the 15% reduction is actually made effective while sanctioning the posts of LSG TMs in lieu of posts of ATMs annual review of all the CTOs/DTOs should first be completed and thereafter only additional posts of LSG TMs fund justified at 85% of the norms applicable to ATMs should be sanctioned on circle basis.

7. This issues with the concurrence of the P&T Finance vide their U.O.No.4672/FA-I/83 dated 1.8.83 as approved by N.O.F. (Dept. of Expeniture) U.O.No.F.1926/SE/82 dated 10.8.82.

Hindi version will follow.

Yours faithfully,

Sd/-

(S.W.Khan Khoje)
Asstt. Director General (TE)

No. EST-2/ TFC/RLG/VL/109 dated at AM, 26.8.83.

True *R.S. Advi*

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

32

A/8

20 A/8

Office of the Chief Superintendent
Central Telegraph Office,
Ahmedabad - 380 009.

No. : E.2/ATM/Genl/I/192

Dated at Ahmedabad the 31/3/1984.

In accordance with the General Manager Telecom., Gujarat Circle, Ahmedabad - 380 009 Memo No. ST/J-15/XII, dated 24/3/84 and 25/3/84, the following Telegraphists holding posts of Ass't. Telegraph Masters are hereby reverted to their substantive posts as Telegraphists at C.T.O. Ahmedabad with effect from afternoon of 31/3/84 under the proviso of D.G. P&T New Delhi Comm. No. 15-18/81-TE-I2, dated 17-8-1983.

320. 30. A.A.T.R.

Division where posted at.
working.

1.	Shri G. J. Mehta	AHMEDABAD	C.T.O. AHMEDABAD.
2.	Shri S. M. Patel	-do-	C.T.O. AHMEDABAD.
3.	Shri P. C. Patel	-do-	C.T.O. Ahmedabad.
4.	Shri D. V. Shah	G.M.M. BOMBAY (Chl. tester) AHMEDABAD)	C.T.O. AHMEDABAD.

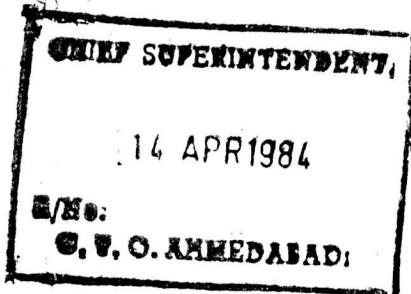
Under the provisions of the above said D.G. P&T New Delhi's Memo, the above officials, upon conversion as Telegraphists, will be protected by amount of personal pay to be deducted against future increase in pay.

W. B. L.
Chief Superintendent,
Central Telegraph Office,
Ahmedabad.

Copy for information and necessary action to :

- 1) The General Manager Telecom. (T.T. Section) Gujarat Circle, Ahmedabad-8.
- 2) The Director Telecom. Air India Building, Near Rupali Cinema, Ahmedabad - 380 001.
- 3) The Accounts Officer Telecom Accounts, B/o the G.M. Telecom. Ahmedabad-9.
- 4) The L.S.G. Ass't (I) C.T.O. Ahmedabad.
- 5) The L.S.G. Ass't (II) C.T.O. Ahmedabad with 2 spare copies.
- 6) The Section Supervisor (OT Section) C.T.O. Ahmedabad.
- 7) Pension Clerk C.T.O. Ahmedabad, 8) DA/CA Clerk CTO Ahmedabad.
- 8) C.G.E.I.S. Clerk, C.T.O. Ahmedabad, 10) Time keeper CTO Ahmedabad.
- 11) SC/RC, C.T.O. Ahmedabad, 12) C.G.E.I.S. Clerk, C.T.O. Ahmedabad.
- 12) The Ass't. Chief Superintendent (Adm), (OP) and (I/R) CTO Ahmedabad.
- 13) Leave clerk (TL), C.T.O. Ahmedabad, 14) Cashier C.T.O. Ahmedabad.
- 15) Official concerned, 16) P/f/s of the official concerned.
- 16) The D.E. Fault Control, Bombay.
- 17) The General Manager Maintenance, Bombay.
- 18) The A.E. F/C, . . . Ahmedabad.
- 19) DC.

True Copy
S. G. S. S. S.



From:

P.C. RAVAL C/S TL

C.T.O.

Ahmedabad.

Date: 14th April 1984

To

The General Manager,
Telecom, Ahmedabad.

Through Proper Channel

Respected Sir,

Sub:- Time bound Promotion to.

Ref:- Memo No. ST/1-57/97 of 24-3-84.

I, P. C. Raval, telegraphist at C.T.O. Ahmedabad now under reversion vide ST/3-15/xiii of 24-3-84 of your office beg to lay the following for your kind consideration.

I have been working in the Department from 26-11-1956 as a Telegraphist. Subsequently was trained as ATM and appointed as ATM in C.T.O. Ahmedabad from 9-9-79 vide office letter No. E-25/CL.III/SG/LSG-TM/370 dated 7-7-79.

Till now I have been discharging my duties as a ATM faithfully and with f devotion.

With your Order E.2/ATM/Genl/1/192 of 31-3-84 I have been reverted as a Telegraphist vide your orders of 24-3-84 under No. ST/1-57/97 I have been deprived of my Time Bound Promotion. Thus I have been put to a double loss in my services of nearly 27 years. Reversion from ATM's Post to Telegraphist can be

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- 2 -

pursued with the Directorate letter, yet the rejection for the time bound Promotion ~~sense~~ sets me to not only economic loss but to a Dejection in my faithfullness and in my deligence in the discharge of my service.

Firstly I may mention that time Bound Promotion has been achieved after our long struggle, deliberation and pursuasion with the Govt. Secondly that by virtue of its implication it would concur with the full acquiry of service seniority, experience and stability in the job handling. As though I have had achieved all this with the passage of my service years. I am made to remain without the due benefits. This being so, I appeal to you for a reconsideration and review of my case.

As far as my memory goes, I have not had any reprimand from the office in the last three four years, meaning that I was on the required norm for official standards. Without the Cognizance of my keeping to normal Iodes in office and job behaviour the withdrawal of my due economic advantages leads me to conclude that justice and fairness in services are undependable.

Rejection of normal and graded Promotion in Services at this time of my service, record places me to a loss not only presently but till the end of my services and consequently in my retired years.

I appeal to you, Sir, that due account of my otherwise Plain going performance be taken note of and my natural advantages restored to me. This one

act of a gracious consideration will enthuse me in my feelings, for the department and the administration. I do sincerely believe that in the whole time of my services, I have done nothing serious, notorious and unlawful to be placed to economic loss for the rest of my life.

The time bound Promotion certainly does not implicate such punishments as the list has been imposed on me. My placing in the list would have come much ahead and when juniors gain the advantages with lesser of the life spent in the department. I do asset for my due and I believe I am justified in my approach to you for a ~~new~~ revision in your decision and review of matters in the spirit as the Promotions now being accepted by the Government.

Let me hope therefore justice and fairness will prevail and I shall get my due placement.

Thanking you for all this and more.

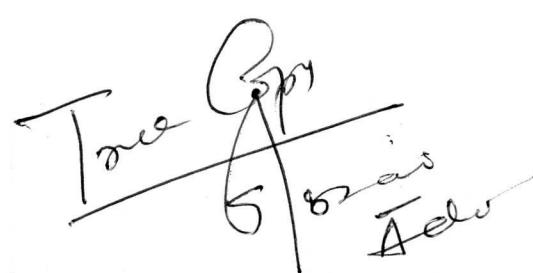
Yours faithfully,



(P. C. RAVAL)

C. S. T/L.

CTO : AHMEDABAD.


True Copy
S. S. Raval
A. D. S.

(36) A/10
(B)

From:

P. C. RAVAL C/S TL
C.T.O. Ahmedabad.

Date: 10-1-85

To

The General Manager,
Telecommunication,
Gujarat circle,
Ahmedabad.

Sub:- Lenient view towards Time Bound Promotion in
view of Latest instructions from D.G. P & T
New Delhi.

THROUGH PROPER CHANNEL

Respected Sir,

I, the undersigned P.C. Raval, Telegraphist C.T.O. Ahmedabad respectfully bring to your kind notice my humble Prayer and urge your Honour for a favour thereto.

I am in service since 26-11-1956 as a Telegraphist having put about 27 years of service. Subsequently was trained as Asst. Telegraphist Master and appointed as a ATM in CTO Ahmedabad from 9-9-79 vide Office letter No. E-25/CL.III/SG/LSG-TM/370 dated 7-7-79.

Till now I have been discharging my duties as faithfully and with devotion.

With the Government decision of Time Bound Promotion, I got eligible for it eventually. To my surprise dismay and ill-luck, I find myself being dropped off for two consecutive selections.

This has come as a severe setback to my faith and hope in my job. Had it been that on such a Trial course that I deserve the punishment, I firmly believe, I am not. Since even the worst cases have been settled and due given to them. Mine is the 'Sole and lonely' case not being looked with the required sympathy and generosity.

I do not enter in to the adequacy of the decisions. I have and I am yet praying you for a lenient view, whatever the obstacles in my Promotion. This being the only chance and rise to me in salary, I request that a due version be kept in view to atleast give me the only possible benefit of my Services totally to 27 years.

I have no point to contravene the decision of D.I.C., yet I do approach you, Sir, as the head of the circle to please look in to the case and truly keep up the spirit behind the latest instructions issued by D.G. P and T New Delhi towards Time Bound Promotion. They are there to releasse us of stagnations and some pecuniary help. As such, with a little lenient view all the averaging can benefit and I appeal that I like to reiterate on the sole one ground that I do not think I be kept in abeyance when much worse off cases have been favourably decided.

I hope my appeal to you Sir, as the head of the ~~ris~~ Circle will bring me a hope of some benefit of my long services in the department, which rallies with the notion of the Time Bound Promotion.

With my dues thanks and my hopes ~~are~~ to be fullfilled for a reconsideration I submit my application to you.

Thanking you,

Yours faithfully,

P.C. Raval

copy to:

(P.C. RAVAL)

- 1) Shri S.C. Kekkar, The Chairman, D.P.C. for information and favourable consideration.
- 2) The Circle Secretary, to do needful.
- 3) Shri Hersulker, the General Secy, A.I.T.T.E.U New Delhi.

*True Copy
G. P. Raval*

21/9/85
8/2/85
GPO Ahmedabad
Chief Superintendent
C.T.O. Ahmedabad-380001

From:

P.C. Raval, C/S TL
C.T.O. Ahmedabad.

Date: 2-9-1985

To

The General Manager,
Telecommunication,
Gujarat Circle,
Ahmedabad.

Subject:- Time Bound promotion as per latest
information from D.G.P and T New Delhi.

Through : Chief Superintendent,
C.T.O. Ahmedabad.

Respected Sir,

I the undersigned P.C. Raval, Telegraphist, C.T.O. Ahmedabad in connection of my previous appeals dated 14-4-1984 and 10-1-85 once again beg to submit the following for your honour's kind notice.

- 1) I have put in about twenty nine years service in the department having worked as a Telegraphist and as a Asst. Telegraph Master without any break or blemish.
- 2) Throughout my service I have discharged my duties faithfully and with devotion. I have never associated myself in any of the unpleasant activities.
- 3) I do not know what were the grounds for not considering me in the Time Bound promotion in the last two consecutive DPCs, when it is reflected that there is nothing repugnant against me in my service records which your honour is free to verify.
- 4) My humble submission is that, in view of my spotless service, I may be given fairest due rights

that should accrue to me by virtue of my having completed more than 29 years of service.

My prayer is that, as a devoted and dutiful servant of the department my right for selection may kindly be vouchsafed as per the Constitutional rules of the department.

Thanking you,

Yours faithfully,

Raval

(P.C.Raval)

copy to:

Advance copy direct to

Shri S.C.Kakkar, the Deputy General Manager and The Chairman, DPC for his kind consideration.

The Chief Superintendent, C.T.O., Ahmedabad.

True Copy
S. Raval
Adv.

From:

P. C. Raval
LSG, Telegraphist
CTO, Ahmedabad.

Dated: 1st Dec. 1986

To

Shri H. P. Wagle,
General Manager, Telecom
Gujarat Circle,
Ahmedabad. 380 009

(THROUGH PROPER CHANNEL)

Subject:- Supercession in Time-Bound Promotion.

Respected Sir,

I beg to submit that even after my putting up honest, sincere and unblemished services of over 27 years of service in the department, I was ignored for the time Bound promotion for over two years which has caused me huge monetary losses and immense mental strain. In this connection I had submitted representations to your honour through proper channel on 14.4.84, 10.1.85 and 2.9.85 but none of them have been replied. With a fervent hope that your honour will give me justice which is over-due, I am bringing this matter to your personal attention once again.

(1) A Brief history of my case is as under:-

- (i) I entered the department as a Telegraphist in the scale of Rs. 60/- to 170/- (which subsequently underwent changes from Rs. 110/- to Rs. 240/- and Rs. 260/- to Rs. 480/-) on 26.11.1956 in Rajasthan Circle.
- (ii) I was transferred under Rule 38 to Gujarat Circle in the year 1962-63.
- (iii) I ~~xx~~ was officiating as Assistant Telegraph Master in the Scale of Rs.380-12-500-EB-15-560

with effect from 9.9.79 and later on appointed on permanent basis from 1.1.81.

(iv) The posts of ATMs were abolished W.E.F. 1.4.1984 and I was reverted to my substantive post of Telegraphist (Scale Rs. 260-480). My Basic Pay was fixed as Rs. 480/- plus personal pay of Rs. 80/- (Reference Chief Supdt. C.T.O. Ahmedabad Memo No. E-2/ ATM / Genl / 1/192 dated 31.3.84 in pursuance of GM Telecom letter No. ST/3-15/xiii of 24.3.84 and 28.3.84).

(v) Only a few days earlier to this, the Circle office issued a memo vide No. ST/1-57/97 dated 24.3.84 giving promotion to as many as 186 Telegraphists in the Cadre of LSG Telegraphists (Scale Rs. 425-15-560- EB - 20- 640) in the Scheme of Time Bound Promotions.

I do not understand why my name was not considered for this promotion, though my placing in the above cited list would have come much ahead by virtue of my total services of more than 25 years as a Telegraphist and as a qualified ATM in the department.

In my humble opinion I should have got the promotion to the LSG Telegraphist alongwith others mentioned in the above memo W.E.F. 30.11.83. At this stage, my Basic pay would have been fixed at Rs. 580/-.

(vi) I was given promotion to the post of LSG Telegraphist only after about two years i.e. W.E.F. 27-9-85 (Reference SSTT Ahmedabad letter No. E-35/TB/Gen/8 of 9.12.85 in pursuance of GM Telecom letter No. ST/1-ST/iii/86 dated 22.10.85.

(vii) With effect from 1.1.86 New Pay Scale have come in to effect. To my shock, I find that as on the above date my basic pay has been fixed at Rs. 1520/- where as I should have earned a Basic pay of Rs. 1760/- which means a loss of Rs. 240/- per month. As the prices are ever spiralling, with a family of seven members, I have to remain in continuous monetary strains and pressure, which may adversely affect me both physically and mentally.

(2) To the best of my knowledge and belief there is nothing repugnant/against me in my service record. I have never been informed about the reasons why I was ignored for Time Bound Promotion W.E.F. 30.11.83. I was never punished under the Statutory Rules either for a minor or a major penalty and I have never received any intimation about any serious adverse entries in my Confidential Records. I believe that there is nothing in them to justify withholding of my promotion. I am really perplexed to understand why my name was ignored for promotion by two DPCS in succession.

(3) My humble submissions are as under:-

(i) With my unblemished record of service, I am eligible for Time Bound Promotion as a LSG Telegraphist with effect from 30.11.83 alongwith others. My case may kindly be reviewed to give this benefit.

(ii) As my case for promotion was not set aside for the reasons of unsatisfactory record of service, and many of my juniors are drawing a

higher basic pay than me, I may kindly be given protection of basic pay as drawn by my juniors which is allowed under Govt. of India Order No. 4 below F.R. 30 (which is called next below rule).

(iii) My seniority in the cadre of LSG Telegraphists may kindly be fixed properly on the basis of my seniority as Telegraphist, giving the date of my promotion as on 30.11.83.

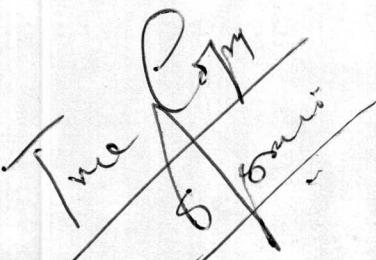
I once again request your honour to kindly go through my case and give me the justice which has been denied for long.

Ahmedabad.
1st Dec. 86

Yours faithfully,


(P.C.Raval)
LSG Telegraphist
CTO: Ahmedabad.

N.B. One advance copy posted direct for early necessary action.


True Copy
6/6/86
P.C. Raval

P. C. Rawal

Telegraph Master (O)

C. T.O. Ahmedabad.

Date: 1/10/1988.

To,

The General Manager,

Telecommunication,

Gujarat Circle,

Ahmedabad.

(Through proper channel).

Sub: One Time Bound promotion and its effect.

Respected Sir,

I, the undersigned beg to put few lines for your kind consideration and necessary action. I was appointed as Telegraphist on 26.11.1956.

I was appointed as Assistant Telegraph Master from 9.9.1979 vide this letter Number ST/2.3/-VIII dated 24.8.1979.

I was reverted to substantive post of Telegraphist w.e.f. 31.3.1984 under the provision of D.G. Set letter No. 19, 18/81. TE.II dated 17.8.1988 on the subject merger of the cadre of ATMS into that of TMS as per C.O.T. recommendations.

D.G. P&T had issued the orders of One Time Bound promotion for officials having minimum 16 years of service. The effect of promotion was declared 30.11.1983 with instructions from D.G. P & T, New Delhi that

punishment like CENSURE and Break in service should not come in way of Promotion of officials.

I was appointed as Telegraphist on 26.1.1956. On date of OTBP 30.11.1983 I had not more than 23 years of service without any punishment under C.C. S. and C.C.A. rules. Even though my name for OTBP in first list for which effect was from 30.11.1983 was not seen. And as such juniors to me became senior due to early OTB promotion.

On my representations to your honour dated 14.4.1984, 10.1.1985 and 2.9.1985 praying for OTBP, my orders of OTBP were released vide GMTS letter No. ST/1.57/III/86 dated 22.10.1985 in which date of effect is mentioned 27.9.1985 instead of original date of effect 30.11.1983.

On receipt of Orders of OTBP, I had represented vide my letter dated 1.12.1986 praying for OTBP of Telegraph Master (Operative) for me with effect from 30.11.1983 as per D.G.'s Order of OTBP for officials having minimum 16 years of service and I was full filling the conditions of OTBP on 30.11.1983.

(46) (29)

I would like to draw your kind notice that Shri B.M. Patel, Telegraph Assistant (clerk) C.T.O, Ahmedabad though had punishment of holding of increments was given CTBP effect from 3.1.1984 vide your letter No. ST / 1.5 / TT / 17 dated 10.10.1984 while in my case no punishment under CCS and CCA rule was imposed.

Hence I pray to consider my case sympathetically in the light of justice for date of effect of CTBP from 31.11.1983.

Thanking you Sir,

Yours faithfully,

C.K. Patel

(C.K. Patel.)

Copy to:

1. The General Manager,

Telecommunication Ahmedabad to

reduce delay in transit (Advance copy).

2. The Circle Secretary, N.U.T.T.E.III,

Ahmedabad.



13/12
30
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT

AHMEDABAD.

O.A. No. 245 of 1989.

Prabhakar Chhotalal Raval .. Applicant

Versus

Union of India & Ors. .. Respondents

REPLY on behalf of the respondents :

13/12
I, V. K. LAMBODARAN working
as CHIEF SUPERINTENDENT in the office of
CENTRAL TELEGRAPH OFFICE do state as under :

That I have read the copy of the application
and being conversent with the facts and circumstances
of the case and am authorised to file this reply
on behalf of the respondents in this matter. I
further say that I am filing this reply for the
purpose of opposing admission and do reserve my
further
rights of filing/reply/s if any need there be.

1. At the outset, I say that ⁹ deny ~~the~~ all the
averments made by the applicant in this application
except which are specifically admitted by me
hereinafter. I further say that the contents of
the application are misconceived by the applicant
and the same is not maintainable at law and deserves
to be dismissed.

2. With regard to para 3, 4 and 5, I say that the action of the respondents while dealing with the case of the applicant for promotion is in accordance with the rules and instructions issued by the Government of India and the same is fair and just and therefore the application being devoid of any merits deserves to be dismissed. I further say that the application is barred by the period of limitation and therefore the same is not maintainable and deserves to be dismissed. It is submitted that this Hon'ble Tribunal has no jurisdiction to adjudicate this application and therefore the application deserves to be dismissed.

3x It is submitted that somewhere in the year 1983, a scheme was introduced on the basis of an agreement which was arrived at by the official side and staff side of P & T Department ^{under} ~~and~~ candidates of JCM which is annexed as Annexure A-6 to the application and in accordance with the same it was laid down that the employees who are working as Telegraphist will be given a "One Time Bound Promotion" in the P & T Department. It is pertinent to be noted that all the concerned officials and staff members were agreed to the contents of this agreement and therefore, the

applicant being a party to that, has no right to contend any adverse~~g~~ claim and therefore the application deserves to be dismissed. As per para 2 of the scheme (Agreement), the Departmental Promotion Committee is to assess the fitness of the concerned official for promotion to the higher scale of pay under this scheme and if it recommends the case of the concerned official, then and then only the promotion of OTBPS is to be given. Accordingly, the case of the applicant was considered by the departmental promotion committee held on 2.3.1984 for promotion under the OTBP Scheme with effect from 30.11.1983 and the applicant was not found suitable for promotion to the cadre of selection grade Telegraphist under the aforesaid scheme. Thereafter, the subsequent D.P.C. held on 18.7.84 also did not recommend the applicant for promotion under the OTBP Scheme and the D.P.C. which met on 27.9.1985 found the applicant fit for promotion and the applicant was promoted under OTBP Scheme with effect from the date, hence the applicant has no right or claim for promotion under OTBP Scheme nor for any benefits under the same prior to 27.9.1985 as per the contents of the agreement agreed upon by the applicant himself.

3. With regard to para 6(1), I say that the applicant has merely enumerated the facts of the case and therefore I do not comment~~s~~ upon it.

4. With regard to para 6(2), I deny the contents thereof and I say that, it is not correct to say that the applicant has rendered unblemished service in the department as averred by him. I say that the applicant has been informed ^{on} several occasions regarding his unsatisfactory work during his service tenure which are recorded in the C.R.

File of the applicant and the dates are as follows:

28.5.1959, 14.4.1967, 18.4.1968, 12.4.1969,
11.4.1970, 3.7.1971, 21.5.1974, 25.5.1976,
4.4.1978, 15.5.1979, 10.5.1980, 4.6.1981,
11.5.1982 and 14.4.1983.

5. With regard to para 6(3), I say that the posting of the applicant as A.T.M. was purely on temporary and ad hoc basis which did not bestow upon the applicant any right or legitimate claim to avail of the same for the promotion in question. It is further submitted that as held by the several judgments of the Supreme Court as well as the Central Administrative Tribunals, a ~~sua~~ so called ad hoc promotion which was at ^a time given to the applicant cannot confer upon him any vested right to be availed at a subsequent stage.

Otherwise, the contention of the applicant has no bearing so far the issue ~~is~~ in this application is concerned.

6. With regard to para 6(4) and (5), I say that the applicant has merely enumerated the facts of the case and therefore I do not comment upon it.

7. With regard to para 6 (6) and (7), I say that the contents of these paragraphs are misguiding and mis-representing the actual facts of the case. I say that the applicant, ~~although~~ through ^{Career} out of his service ~~carrier~~ has been dealt with by the respondents in accordance~~w~~ with the rules and the applicant has been issued remarks suitable to the work rendered by the applicant and therefore the ~~exacted~~ statement of the applicant regarding unawareness of any of the remarks is nothing but a mis-statement made by the applicant to lead this Hon'ble Tribunal to his so called innocence which is not relevant with the issue ~~is~~ in question.

8. With regard to para 6(8), I say that I have already replied the contents of this paragraph in the foregoing lines.

9. With regard to paragraphs 6(9), (10) and (11), I say that the contents of these paragraphs are

mis-stated by the applicant for his own benefits and I clarify that the case of the applicant has been dealt with in accordance with the rules and contents of the agreement agreed upon by the applicant and the applicant has been given promotion to the post under the OTBP Scheme from the date he was found suitable.

I further say that the representation of the applicant was finally disposed of by the G.M.T. Ahmedabad which is annexed as Annexure A-1 to the application.

10. With regard to paragraphs 6(13), (14), (15) and (16), I say that the applicant was promoted with effect from 27.9.1985 under the OTBP aforesaid scheme and accordingly his seniority-pay refixation was done as per the orders passed by the competent authorities. Hence, the claim of the applicant regarding protection of the pay and seniority over the official promoted earlier under the OTBP Scheme is not tenable and deserves to be rejected.

In view of the foregoing paragraphs, the action of the respondents giving promotion to the applicant from the date he was found suitable is in accordance with the rules, provisions of law and contents of the agreement

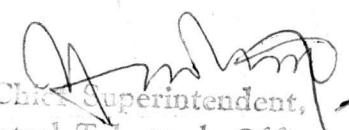
(23)

- 7 -

agreed upon between the concerned parties, as referred above and therefore, the application being devoid of any merits deserves to be rejected and no interim relief may be granted to the applicant.

Place : AHMEDABAD

Date : 17/11/1989.


Chief Superintendent,
Central Telegraph Office,
Ahmedabad-380001,
TF. 350740

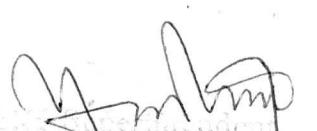
Verification

I, V. K. LAMBODARAN
~~son of~~

aged about 45 working as Chief Superintend-
ent in the office of C.T.O. Ahmedabad.
do state that what has been stated by me herein-
above is true to my knowledge and belief and
I believe the same to be true.

place : AHMEDABAD

Date : 17/11/1989.


Central Telegraph Office
Ahmedabad-380001,
Deponent,
TF. 350740

Reply/Rejoinder/written application
filed by Mr. B. R. Khandwala
learned advocate for Plaintiff
Respondent with second
Copy served/not served

Dt 27/11/89 Dy. Registrar C.A. 77/11/89
Ahmedabad