

100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI, 5. (FORM NO. 4)
ORDER SHEET. (See Rule-42)

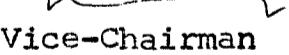
APPLICATION NO. 322/2000

Applicant(s) Hemanta Kr. Choudhury.

Respondents(s) Union of India and others.

Advocate for Applicant(s) Mr. S. Ali.
Ms. B. Seal.

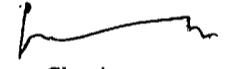
Advocate for Respondent(s) C. G. S.C.

Notes of the Registry	DATE	ORDER OF THE TRIBUNAL
	29.9.00	PRESENT : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman. Heard Mr S. Ali, learned counsel for the applicant. Issue notice to show cause as to why this application shall not be admitted. List on 7.11.2000 for order.
502755 Dated 28.9.2000		 Vice-Chairman
Pl. copy to order dated 29.9.2000	pg 31.10.2000	On the prayer of Mr. A. Deb Roy, Sr.C.G.S.C. four weeks time is allowed for filing of written statement. List on 5.12.00 for filing of written statement and further orders.
Steps are received but envelope are not Sealed by the applicant. Notice forwarded and sent to D18 for Inning the Respondent No 182 wile D1No 9273 dd 23/10/2000	1m 5.12.00	 Vice-Chairman The applicants who are working in the department of Telecommunication as Section Supervisor in the pre restructured staffing pattern of TOA (G)-SS-SSS- Chief Sr. Supervisor. By this application they have sought for an appropriate direction on the respondents for absorption in the restructured cadre of Senior Telecom Office Assistant(G) in short TOA(G) as introduced under order No. 27-4/87-TE-II (3) dated 16.10.1990.
① Service report are still awaited, ② No. wts has been bled.		Contd..

4.12.2000

5.12.00

It has been stated at the bar by Mr. B.C. Pathak, learned Addl. C.G.S.C. that the relief sought for in the application has already been granted departmentally. To that effect he has relied upon a communication sent by the Asstt. Director Telecom (Legal) under No. STES-21/285/2 dated 15.11.2000 whereby it was intimated that the department has considered the representation/request of the left out officials and it was decided to afford a fresh opportunity departmentally to exercise option for entry into the restructured cadre of Sr. TOA. To that effect orders also issued by the department on 4.10.2000 and 27.10.2000. By the said communication it was also intimated that applicants have exercised their option on 2.11.2000 for entry as Sr. TOA and the same was recorded for appropriate action in due time. A copy of the aforesaid communication is placed on record. In that view of the matter the application has become infructuous. Accordingly the application is dismissed as infructuous.


Vice-Chairman

trd

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3/12/2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GAUHATI BENCH
AT GUWAHATI

O.A. No. 322 /2000.

An application under section 19 of the
Central Administrative Tribunal Act, 1985.

--Between--

Shri Hemanta Kr. Choudhury & anr

.... Applicants.

Vrs.

The Union of India & Ors.

.... Respondents.

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Pages No.</u>
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Filed by:-
Bishwari Seal
28/9/2000.
Advocate. 7

5
Filed by the
Political Prisoner
Ple. General Secretary
28/9/2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ~~GUWAHATI~~ BENCH
AT GUWAHATI.

O.A. No. 322 of 2000.

An application under section 19 of the Central Administrative Tribunal Act, 1985.

Between

Shri Hemanta Kr. Choudhury & anr.

-VRS- Applicants.

The Union of India & Ors.

..... Respondents.

1. PARTICULARS OF THE APPLICANTS:-

1. Shri Hemanta Kumar Choudhury,
S/o Late Ramesh Ch. Choudhury,
Resident of Lachit Nagar,
Sani Ram Bora Road, Ulubari,
Guwahati-7.

2. Shri Ramapada Dey,
S/o Late Rashamay Dey,
Resident of Dispur, Guwahati-6,
Dist. Kamrup, Assam.

2. PARTICULARS OF THE RESPONDENTS:-

1. The Union of India, represented by the Secretary to the Govt. of India, Ministry of Communication, New Delhi.

2. The Chief General Manager, Telecom, Ulubari, Guwahati-7.

3. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS MADE:-

There is no order or orders against which this application has been made but for

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issuing appropriate direction to the respondents for absorption of the applicants in the restructured cadre of ~~TOA~~ Senior Telecom Office Assistant(G) in short TOA(G) as introduced under Order No.27-4/87-TE-II(3), dated 16.10.90.

DICTION:-

The applicants declare that the subject matter of this case is within the jurisdiction of the Hon'ble Central Administrative Tribunal, Guwahati.

5. LIMITATION :-

This application is made within the prescribed time under section 21 of the Central Administrative Tribunal Act, 1985.

6. FACTS OF THE CASE:-

6.1. That your applicants are Indian citizens and as such they are entitled to all the rights and privileges guaranteed under the Constitution of India. They were initially appointed as L.D.C./T.S. Clerk in the Telecommunication Department in 1977 and 1974.

6.2. That this application is not filed against any order of the respondent but for issuance of a direction to the respondents for absorption of the applicants in the restructured cadre of Senior Telecom Office Assistant (G) in short Sr.TOA(G) as introduced under Order No,27-4/87-TB-II(2) dated 16.10.90 as maneded from time to time.

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Annexure-1 is the photocopy of the order No.27-4/87-TE-II(3) dated 16.10.90.

6.3. That the applicants are presently working in the Department of Telecom more precisely in the office of Chief General Manager, Assam Telecom Circle as Section Supervisor on regular basis in the

pre restructured staffing pattern of TOA (G)-SS-SSS-Sr. Chief/Supervisor. They have the common grievance for their non-absorption in the restructured cadre of Sr.TOA (G) and make common prayer for their absorption in the corresponding grade of Sr. TOA(G) in terms of order No. dated . The applicants beg leave of the Hon'ble Administrative Tribunal to join in a single application in accordance with Rule 5 of the Central Administrative Tribunal (Procedure) Act.

6.4. That your applicants entered the Telecommunication department as LDC/T.S.Clerk, they also worked against UDC (ID) posts before being LDC/ TS Clerk. They put in their efficient and sincere devoted service and in due course they got their promotion to UDC in the scale of Rs.1200-2040/- by virtue of their better performance on the competitive Examination/relative seniority cum-fitness. They served as UDC for years in the office of the Chief General Manager, Telecommunication North East Assam Circle and also worked against UDC(ID) posts before being promoted to the grade of section supervisor in the scale of Rs.1400-2300/- (Pre-revised) on different dates before 9.9.92.

6.5. That the staffing pattern of the office of the Chief General Manager, Telecommunication where the applicants have been working as LDC/UDC/SS/Du.O.S./OS till 9.9.92. On the day, vide order No.27-4/87/TE-II dated 9.9.92 the staffing pattern of the Chief General Manager, Telecommunication office was changed to that of TOA(G)/SS/SSS/CSS. Consequent upon the change of staffing pattern as above the clerical and supervisory

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28 SEP 700
Central Govt. of India
staff of the Chief General Manager, Telecom (in short CGM) office including the applicants were converted to TOA(G)/SS after obtaining their so called option. The

staff of circle office was compelled to opt for the new pattern as their promotional avenues in the old patterns were blocked by abolishing the promotional sanctioned posts of Dy. OS, OS and group B. In the process all the UDCs in the scale of Rs.1200-2040/- including those holding UDC(ID) posts converted and absorbed as TOA(G) in the scale of Rs.975-1600/-. This amount to reversion/demotion to lower grade for no fault of their own. Their hard earned promotion from TOA/LDC to the cadre of UDC followed by long service in that cadre is brought to naught by in a hostile way.

Yours *Annexure-2 is the photo copy of the letter dated 9.9.92 issued by Govt. Director General (TD)*

6.6. That prior to the change of circle office staffing pattern from LDC/UDC/SS/Dy.OS to TOA(G), the Department of Telecom vide their order No.27-4/87-TE-II dated 16.10.90 at Annexure-1 introduced the cadre of SR. TOA as a replacement of the existing cadre of TOA for better and more efficient management of the work of the department. This is better known as "Restricting

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scheme" of the DEpartment of Telecom. According to the provision made in the scheme the existing posts in the pre-structured cadre of TOA would be converted to Sr. TOA and no new post of TOA should be created after the introduction of the scheme. It was clearly spelled out that in future only the posts in restructured cadre would be created. It has been the expressed and declared policy of the Department

प्रतिनिधि दलीय विभाग
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28 SEP 2001
मुख्य विधायक
Guwahati Bench

to bring its employees to the fold of the restructured cadre. It was also decided in absolute term that after the introduction of the restructured scheme there will be no internal or external recruitment in the pre-structured cadre except on compassionate ground.

6.7. That inspite of the above and in defiance to the declared objectives of the "Restructuring Scheme" the respondents compelled the applicants to switch over and be absorbed in the pre-structured cadre of TOA by creating posts through conversion of existing posts in the LDC/UDC pattern. The respondent created the required posts in TOA pattern by conversion of the existing UDC posts in 1:1 ratio. Be it mentioned here that the post of UDC and Sr. TOA are in the identical scale of Rs.4000-7000/- while the pay scale of TOA Rs.3200-6000/-. The applicants sought to have been absorbed in the cadre of Sr. TOA instead of TOA as all of them was either working as UDC as on 9.9.92 or have been promoted to SS by that after working as UDC for a long duration. The conversion of the applicants from LDC/UDC/SS pattern of Circle Office to TOA pattern of Engineering Division is both

Sharmila K.N. Choudhury

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irregular and irrational and detrimental to the interest of the department as well as the applicants. The transformation of the applicants to TOA pattern defeat the purpose and objective of the restricting scheme and runs contrary to the provision of the scheme. Since the restructured cadre of SR. TOA had been introduced as a replacement of TOA in 1990 and creation future recruitment of TOA was banned. The respondents ought to have absorbed the applicants in the restructured cadre of Sr. TOA in 1992 itself. After their irregular conversion to TOA pattern in 1992 as explained in the foregoing paragraphs, the DOT called upon the applicants to exercise option to move into the restructured cadre of Sr. TOA.

6.8. That the official placed in the TOA pattern have the promotional avenues to SS/Sr.CS/CSS. The first two promotion being on the basis of length of service and the last one being seniority cum fitness basis. The newly introduced restructured cadre Sr. TOA have only 2 trades. The entry grade i.e. grade-I carries the pay scale of Rs.1320-2040 (pre-revised). The grade II in the grade-II in the scale of Rs.1600-2660 is purely promotional grade for the grade-I official on completion of 16 years of service in Grade-I. There is no higher grade or direct promotional line in the cadre of Sr.TOA.

1) According to the rules existing in the relevant time the official in the pre-structured Cadre of TOA in the scale of Rs.975-1660 who move into Sr. TOA would have their pay fixed under FR 22(C) as the pay scale of Sr. TOA is higher than that of TOA. It amounts to promotion. The post of SS/Sr.SS are higher than the

7.

Sr. TOA and carries higher pay scale. And there can not be any earthly reason for transformation of these officials to Sr. TOA Grade-I. However the DOT was bent upon to convert the SS/Sr. SS also to Sr. TOA and made the following supplementary provision:-

(1) SS/Sr.SSS on conversion to Sr. TOA would retain their higher pay scale a personal to them.

(ii) The SS/Sr.SS would be granted one advanced increment in the existing pay scale.

(ii) TOA/SS/SSS who move to the Sr. TOA cadre would not be considered for

(iii) promotion to Chief Supervisor.

(IV) The duty of Sr. TOA does not include supervision.

It is amply clear that conversion of SS/SSS to Sr. TOA was a degradation forced upon them and the pay protection/grant of advanced increment on personal basis does not protect these officials from the stigma of the lowering of status grade. By such unholy conversion, these officials are also seized of their supervisory power and impede the prospect of promotion to CSS. The scheme was clearly anti employees in as much as it sought to degrade its employees and rob them of their promotional avenues.

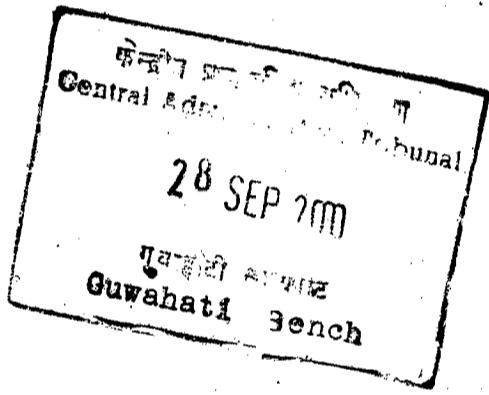
Hemanta K. Choudhury

6.9. That the department called upon its' employees under Order No.252-1/91-STN(Pt) dated 27.4.94 to exercise option for moving into the Restructured cadre of Sr. TOA if they were so willing with stipulation that option once exercised would be final.

Annexure-3 is the photocopy of the order No.252-1/91-STN(Pt) dt. 27.4.94.

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The applicants and other similarly situated officials opposed the move for its inherent contradictions as explained in a last para, and prefer to remain in their original cadre. They did not give option to save them from the humiliation of demotion/degradation. The respondents again called for option from the left out officials under their order No.7-43/97-NCG dated 11.11.97 and the applicant still remained unmoved as the injurious provisions of the scheme remain unchanged till date time.



Annexure-4 is the forwarding letter dated 3.12.97 issued by the Asstt. Director, Telecom (Staff) for CGMT.

Annexure-4(1) is the photocopy of the order No.7-43/97-NCG dated 11.11.97 issued by the Assitt Director General (STC).

6.10. That the respondents gradually realized the deficiency of the scheme and made efforts to cure the scheme and to make it more attractive and meaningful by issuance of suitable amendment/modification to the following effect:-

Hemanta Kr Chetry
(a) The officials transformed to restructured cadre of Sr. TOA from the pre restructured cadre of TOA/SS/SSS would be eligible for promotion to Chief Supervisor on the basis of their original seniority position in the pre Restructured cadre.

(b) Separate and higher pay scales have been introduced for TOA SS and SSS on their absorption

in Sr. TOA Cadre. According to the pay scales introduced vide order No.1-38/MPP-98 dated 20.4.99 the TOA/SS/Sr.SSS would be directly placed in the corresponding pay scale of Sr. TOA as below:-

Pre-restructured cadre scale	Pay scale on entry in the restructured cadre
1. TOA in the scale of Rs. 3200-6000/-.	Rs. 4000-7000/-
2. SS on the scale of Rs. 4500/-7000/-.	Rs. 5000-8000/-
3. SSS in the scale of Rs. 5000-8000	Rs. 5500-9000/-.

28 SEP 79
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Guwahati Bench
(c) The officials moving into Restructure cadre will not work under supervision of their junior officials who did not move to the restructure cadre. Such officials in the restructure cadre will report to the next higher official.

Annexure-5 is the photocopy of the order No.1-38/MPP-98 dated 20.4.99 issued by the Director (MPP).

6.11. That with the above amendment/ modification the restructured scheme of the DOT has assumed a new look free from the ailment it has been suffering from the beginning. The adverse condition which influenced the mind of the applicants against the scheme have been removed. The scheme as it stood at the relevant time when applicants were called upon to exercise option was completely different from the

This scheme is in way of non-option that time cannot remain

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scheme as it is shaped today. The opinion expressed by applicants against restructured scheme by way of non-option that time can not remain final in the face of the overwhelming modification/amendment that took place since then. Option is the preference of one thing over the other as it exist at the given time. The preference can remain valid till both the things remain unchanged. It cannot remain valid if either of the two things is subsequently amended/modified so as to change the whole complexion and equation. The application

कर्मचारी दल की ओर से
Central Government of India

28 SEP 7M

Guwahati Bench

offered to remain in the pre restructure cadre at the time of last optioning as the restructure scheme was inferior and detrimental to their interest. The respondents have also agreed to the faulty nature of the original scheme and found it prudent to cure the defects of the scheme by issuance of suitable amendments. IN the changed situation the applicants are entitled to exercise their fresh option.

Hemanta K. Baruah

6.12. That the applicants are law abiding sincere and devoted workers of the DOT and each of them have put in more than 20 years service to the utter satisfaction of the superior authority. Through successive promotion they are presenting works in supervisory cadre. They are willing to accommodate with the changed scenario of the Department and to keep the pace with the advancement of technology and working condition without sacrificing the self-esteem. They are as much prepared as other officials to join the mainstream of the Deptt. for betterment of the service. For that purpose if be necessary they are willing to undergo necessary in service training to improve their skill and efficiency.

The respondents cannot deny their entry in the restructured cadre on the ground that they did not opt for it when called upon do so in the face of overwhelming changes taking places after the last round of optioning in 1997.

6.13. That the respondents have made sweeping changes in the cadre structuring with sole objective of improving the skill and efficiency of its employees to keep pace with the changing technology and resultant job

requirement. They have introduced the new cadre of Sr.TOA as replacement of TOA. It is the responsibility of the respondents to carry the existing officials in the pre-restructured cadre to the newly introduced cadre by imparting need based training.

The applicants have already suffered the humiliation of degradation/demotion owing to the conversion to TOA pattern thrust upon them in 1992. It has been grossly irregular to convert the applicants to TOA in 1992 after the same had been replaced by Sr.TOA in 1990 and there was no provision of new entry in the TOA cadre. The applicants had earned their promotion to UDC and had served in that cadre including 10% identified posts. They fully deserved to be converted to Sr.TOA by virtue of their long past service in equivalent and higher grades. They cannot be subjected to further screening for entry in the restructured cadre of Sr.TOA as they have already proved their worthiness and eligibility for holding the equivalent and higher post.

The post of LDC/UDC & UDC I/D in the C.O. were first converted to TOA in 1992 and then most of the posts

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of TOA were converted to Sr. TOA. The conversion of the post of TOA to Sr. TOA is more artificial than practical and there is no identification of the corresponding posts. There is no distinction worth its name between a post of Sr. TOA and that of TOA (in the establishment of CGMT). So far as the work and job description of the post is concerned. In the matter of posting there is absolutely no difference between TOA and Sr. TOA as the official of one cadre is freely substituted by official of another cadre. The post held by Sr. TOA one day is occupied by TOA the other day and vice versa. There are also numerous instances of the officials belonging to TOA pattern continuing to work in the same table and posts after conversion to Sr. TOA. Cases are also not rare where a Sr. TOA is replaced by TOA for performance of the same job. It goes to show that for all practical purpose there is no difference between a Sr. TOA and TOA and both cadres are equally placed except for the pay. The job presently performed by the applicants are not inferior or dissimilar to the job being performed by their counterpart placed in the Sr. TOA pattern. There cannot be any earthly reason why the applicants be subjected to any further screening for entering in the restructured cadre of Sr. TOA.

Hemanta K. Chetry

6.14. That the respondent department for reason known to them has decided that official in OTBP/BCR scale of the pre restructured cadre on their absorption in the restructured cadre will not be counted towards the Sr. TOA posts. Orders to these effect was issued under OM No.15-6/96-TE-II dated 23.12.97. This being so, the applicant can be straight

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way absorbed in the restructured cadre. Non availability of vacancy cannot be a valid ground for denial of entry of the applicants in the restructured cadre.

Annexure-6 is the photocopy of the order No.15-6/96-TE-II dated 23.12.97 issued by the Section Officer-TE-II.

केन्द्रीय लोक सभा
Central Govt. of India
High Court of Assam
28 SEP 2000
Guwahati Bench

6.15. That the applicants have communicated their willingness to move into the restructure cadre to the Res.NO.(CGMT) vide their separate application dated 30.3.2000. The respondent No.2 has not taken any visible steps to absorb the applicants in the Sr.TOA cadre.

Annexure-7 and 7(1) are the photocopy of the representation dated 30.3.2000 submitted by the applicants.

6.16. That the applicants beg to state that the staffing pattern of circle office has been LDC/ UDC/SS/Dy. OS/OS in the pay scale of UDC Rs.1200-2040/- and pay scale of SS Rs.1400-2300/- respectively. Also 10% of UDC posts were identified as a distinct group for dealing with cases of complex and complicated nature which required thorough knowledge of rulings and special expertise. In lieu of separate higher pay scale, Special pay of Rs.70/- p.m. was attached to this posts. This staffing pattern were in force till 1992.

6.17. That the applicants beg to state that the divisional and sub-divisional offices in the telecom circle were manned by TOA and SS. In 1983, OTBP scheme was introduced under which the TOAs was granted higher scale of Rs.1400-2300 on completion of 16 years of service as TOA. Again in 1990, BCR scheme was introduced in the TOA was granted the scale of Rs.1600-2660. And 10% of the officials in that scale were placed in the purely supervisory grade of CSS in the scale of Rs.2000-3200/-.

केन्द्रीय न्यायालय
Central Adm. Tribunal

28 SEP 2000

गुवाहाटी बैच

6.18. That your applicants beg to state that the newly introduced cadre of Sr.TOA is the mainstream cadre of the Department for manning the administrative offices. The new cadre has replaced the old cadre of TOA and posts are found out through conversion of existing posts of the TOA. The job/duty of the Sr.TOA includes all the defined job of TOA. The conversion of posts and personal in the TOA cadre is wiped out. The respondents cannot impose any artificial bar on the applicants against moving to the three new cadre in defiance to the provision of the recruitment rules.

Hemanta Kr. Chongtham.

6.19. That the applicants beg to state that the Chief General Manager, Telecommunication, Ulubari, Guwahati-7 the Respondent No.2 vide his letter No. STES-1/122/Pt-I/83 dated 18.4.2000 requested Sri H.N. Singh, Assistant Director General (STC), Telecom Directorate, New Delhi to afford one more opportunity to the left out ~~ex~~ TOA for moving into the restructure cadre of Sr. T.O.A. He also requested to convey the decision to the office for disposal of representation filed by the willing employees.

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Annexure-8 is the photocopy of the letter No. STES-1/122/Pt-I/83 dated 18.4.2000 issued by the Dy. General Manager (A) for the Chief General Manager, Telecom, Guwahati.

6.20. That the Chief General Manager, Telecom Guwahati-7 the Respondent No.2 vide D.O. No. STES-1/122/Pt-I dated 25.5.2000 requested the Deputy Director General (Pers) Department of Telecom Services, Sanchar

केन्द्रीय टॉली Bhawan, New Delhi to afford one more chance to the Central Adm. non-optees to move into the restructured cadre

28 SEP 2000 favourably by giving them another chance.

मुख्यमंत्री का कार्यालय
Guwahati Bench

Annexure-8(1) is the photocopy of the letter dated 25.5.2000 issued by the Chief General Manager, Telecom, Guwahati.

6.21. That the Deputy General Manager (Admn) office of the Chief General Manager, Telecom, Assam Telecom Circle requested Shri B. Sharma, Deputy Director General (Pers) Department of Telecom Services Sanchar Bhawan, New Delhi to review the case affording a fresh opportunity of exercising option to the TOAs.

Hemanta K. Chetry

Annexure-8(2) is the photocopy of the said letter DO No. STES-1/122/Pt-1/92 dated 11.7.2000 issued by the Deputy Director General Manager (Admn).

7. GROUND FOR RELIEF WITH LEGAL PROVISION:-

7.1. For that for OTBP/BCR left out officials no new sanction posts are required in the Sr.TOA cadre as the existing post of SS/SSS will be converted to Sr.TOA. No financial benefit will accrue to these officials prior to their option ~~and~~ actual absorption.

7.2. For that the restriction has since been withdrawn and the Sr.TOA are also considered for promotion to Chief Supervisor under 10% promotional

Central Admin. Scheme of the basic cadre.

26 SEP 70

*High Court of Assam
Guwahati Bench*

7.3. For that there is no direct entry in the Sr.TOA cadre. The entry cadre still remains as TOA. The TOAs who entered the Department after the last round of optioning i.e. 11/97 will not be able to move to Sr.TOA unless at least one opportunity is afforded to them to move to restructured cadre. Similarly, the existing vacancy in the Sr. TOA cadre as also those arising in the future will remain unfilled if the official in the pre-restructured cadre are not allowed to switch over to Sr.TOA from time to time.

Hemanta K. Chetry
7.4. For that the process of induction in the Sr.TOA cadre is a continuous one and it should be open for the feeding cadre officials to get promotion to Sr.TOA as and when vacancy arises.

7.5. For that Sr.TOA of Recruitment Rules provides for departmental recruitment to the cadre of Sr.TOA. It is a promotional avenue for the TOAs. The promotional avenues provided in the Recruitment

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Rules cannot be sized. The administrative instruction cannot over rule the provision of Recruitment Rules.

7.6. For that the Chief General Manager, Telecommunication, Guwahati having requested the Director General, Telecom, New Delhi to afford a fresh opportunity not only to the applicants but also to the other left out officials, should be given a fresh opportunity to enter into the restructured cadre Sr. TOA.

7.7. For that at any rate the applicants are entitled to fresh option to enter into the restructured cadre of Sr. TOA as they are willing to do so.

8. DETAILS OF REMEDIES EXHAUSTED:-

The applicants approached the respondents on several occasions and verbally requested them to give fresh opportunity for option to enter into restructured cadre of Sr. TOA but no favourable order issued.

9. RELIEF SOUGHT FOR:-

In view of the facts and circumstances narrated above the applicants pray before this Hon'ble Tribunal for granting the following reliefs:-

- i) The applicants should be given fresh opportunity for option to enter into the restructured cadre of Sr. TOA.
- ii) Any other relief/reliefs entitled to the applicants maybe given.

10. DETAILS OF POSTAL ORDER:-

1. No. of I.P.O. :- 2 G 502953.
2. Value of I.P.O. - 50/- only.
3. Name of Post office - Guwahati Post Office
4. Issued in favour of:- Registrar, CAT, Guwahati.
5. Date of Issue:-

11. ENCLOSURE:- As per index.

VERIFICATION

I, Shri Hemanta Kumar Choudhury, Son of
 Late Ramesh Ch. Choudhury, aged about 45 years
 resident of Lachit Nagar, Sari Ram Bora Road, Ulubari,

केन्द्रीय न्यायालय
 Central Bench
 28 सप्टेम्बर
 Guwahati Bench

Guwahati-7 do hereby solemnly declare that the statements made in paragraphs 1 to 5, G, 13, G.1, G.2, G.3, G.5, G.6, G.7, G.8, G.9 to G.12, are true to my knowledge and those made in paragraphs G.1, G.2, G.3, G.5, G.6, G.7, G.8, G.9 to G.12, are true to my information and the rests are my humble submissions made before this Hon'ble Court. And I sign this verification on this the 28th day of September, 2000 at Guwahati.

Hemanta K. Choudhury
Declarant

No. 27-4/87-TE.II(3)

Dated, the 16th October, 1990

To

All Heads of Telecom. Circles/Metro Districts/
Maintenance Regions/Project Circles.
All Heads of other Administrative Offices in DOT.

Subject : Introduction of new operating cadres, 4 OCT 1990

Sir,

The proposal of introduction of new cadres for operating staff in Department of Telecom. in order to handle computerised jobs and new technologies has been under consideration. The Government have now decided to introduce the following new restructured cadres for operating staff in Department of Telecom :-

Sl. No.	Cadre	Pay scale (Basic)	Pay scale Grade II (applicable on first time-bound review for promotion after 16 years in Grade-I)
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1.	Senior Telecom. Operating Assistant.	Rs. 1320-30- 1560-EB-40- 2040.	Rs. 1600-30-2300- EB-60-2660.
2.	Senior Asstt. Supt. Telegraph Traffic.	Rs. 1610-60- 2400-EB-75- 2900.	—

2. The existing cadres of Telephone Operators, Telecom. Office Assistants, Telegraphists and Telegraph Assistants will be re-designated for sake of standardisation as Telecom Operating Assistants Grade I, II, III and IV maintaining the existing distinction of the four streams.

3. The norms for creation of posts in the new restructured cadres under the newly introduced grades are indicated below :-

Sl. No.	No. of posts created in the new cadre.	No. of posts corresponding surrendered in the existing cadre.
i)	Senior Telecom. Operating Assistant Grade I - 1 post.	Telecom. Operating Assistant Grade I - 2 posts.
ii)	Senior Assistant Supt. Telegraph Traffic - 7 posts.	Assistant Supt. Telegraph Traffic - 10 posts.

4. (a) Senior Telecom. Operating Assistants :

The new restructured cadres of Senior Telecom. Operating Assistants Grade I will have a minimum educational qualification of 10 + 2 standard. Besides,

Attested
by
Bashir Seh
Advocate.

these personnel will undergo training in the use of computer applications and operation of the computerized telephone enquiry, computerised trunk auto rate exchange/data processing etc. Creation of posts in the new cadre will be on the basis of job requirements. An up-gradation will be initiated in the existing employees keeping in view the need by imparting training for upgradation of their skills. The following arrangements will be made during transitional period and also as a long term measure:-

(a) Senior Assistant Grade I, Telegraph Traffic.

By selection from Telecom. Operating Assistants, Grade I, who possess 10+2 standard educational qualification through competitive examination.

Other Telecom. Operating Assistants in Grade I and Phone Mechanics through competitive examination.

(b) Senior Assistant Grade I, Telegraph Traffic.

Induction in the newly-created restructured cadre of Senior Audit, Supdt. of Telegraph Traffic will be 100% from the existing cadre of Assistant Grade I, Telegraph Traffic only. Mode of selection will be finalised and instructions communicated separately. Induction of personnel in the restructured cadre will be on the basis of justification of technology such as SFT, SPMS, TAK, electronic key-boards, on-scripualty, Bucosat, PA Service, Training Centers etc.

5. Candidates selected for newly created re-structured cadre will be given an intensive in-service training followed by post-training test before they are placed in these new cadre.

6. The officials, who are absorbed in the re-structured cadre will have the option to draw pay in the OTBP scale of the previous cadre, if it is advantageous to them. They will, however, continue to work again in the new re-structured cadre. This option would be only once within six months from the date of eligibility for OTBP in the previous (previous) cadre. Option once exercised will not be finalized.

7. Further instructions regarding recruitment rules and syllabus for training will be issued separately.

8. Original copies, kept by the Director of Finance, Adm. (vide circular D.O. No. 2678/90-F.A. dated 16-10-1990).

Yours faithfully,
General Manager
DIRECTOR (S) 16-10-90

Copy to the:

(i) All officers not below rank of MSG and above.
(ii) All recommended unions/associations/federations.
(iii) Secretary, Staff Side, Centralized J.C.M.
(iv) Guard File.

1. B. Bhattacharya
2. M. D. Chatterjee (T. II)

Government of India
Dept. of Telecom.
New Delhi - 110001

No. 27-4/87-TE.II

Dated : 9-9-1992

To

All Heads of Telecom. Circles,
All Heads of Metro Telephone Districts,
All Heads of Maintenance Regions,
All Heads of Project Circles,
All Heads of other Administrative Units
(including Heads of Civil/Electrical Circles).

Subject: Conversion of clerical staff in the administrative offices from LDC/UDC pattern to TOA pattern.

There has been a long pending demand from the staff unions for conversion of clerical staff on LDC/UDC pattern in administrative offices and metro districts to TOA pattern, as existing in the field offices. On the other hand, with the progressive increase in the introduction of electronic exchanges and scrapping of manual local exchanges as well as manual trunk exchanges, a large number of Telephone Operators have been rendered surplus. Further, with the large expansion of network in the years to come, telephone operators would continue to be rendered surplus in increasing numbers whereas the clerical staff required would need to be increased. Department has, therefore, been seized of problem of the utilisation of the surplus telephone operators in the TOA cadre, who have the same scales of pay, so as to bring alongwith other measures, the staff telephone ratio from 97 per thousand telephones at the end of seventh plan to 25 per thousand by the year 2000.

2. Accordingly, it has been decided to convert the existing LDC/UDC cadres in Circle Offices/Metro Districts etc. to TOA cadre as given below:-

Sl. No.	Designation	Stage of Entry	Pay Scale
1.	TOA (Gen.) Gr. I.	Basic Cadre	Rs. 975-1660
2.	TOA (Gen.) Gr. II	OTBP Pay Scale/ Section Supervisor	Rs. 1400-2300
3.	TOA (Gen.) Gr. III	BCR Scale/Sr. Section Supervisor	Rs. 1600-2660
4.	TOA (Gen.) Gr. IV	10% posts of BCR posts	Rs. 2000-3220

3. In future, the Telecom. Circle Offices/Metro Telephone Districts and other offices where LDC/UDC cadres presently exist, will have only TOAs in the grades indicated in para 2 above.

.../2-

Affixed
By Bashari Seel
Advocate

26 4. The cadre of LDC/UDC will henceforth be abolished with the introduction of the conversion scheme from LDC/UDC cadre to TOA cadre. Therefore, there will be no recruitment to the cadre of LDC/UDC departmentally or from outside. However those who may not opt for conversion will retain their present scales of pay till their promotion/retirement/ resignation etc.

5. The LDCs/UDCs will be given option either to remain in the LDC/UDC cadre or to switch over to the new cadres of TOA. The present incumbents will also be given the option to decide the date to switch over within a period of 3 months from the date of issue of these orders.

6. This conversion is to be ensured by corresponding matching saving and there should be no extra liabilities to the Government.

7. This scheme will not apply to the Telecom. Directorate, Telecom. Accounts Wing in the field units, Telecom. Factory side, Civil Circles except the LDC/UDC staff, who are on deputation from Telecom. Circles.

8. PAY FIXATION

(a) The pay of LDC/UDC, who opt for TOAs cadre and who have not completed 16 years combined service will be fixed under FR-22 (treating it as a placement in a post not involving higher responsibility).

(b) In respect of those LDC/UDC, who have completed 16 years of service as provided in OTBP orders of 1983 will be directly placed in the scale of Rs.1400-2300 after the selection process by a duly constituted DPC is completed. Their pay fixation will be done under FR-22 treating this promotion to the higher scale as involving assumption of higher responsibility.

(c) In respect of those officials who have completed 16 years of service and not been found fit for promotion by the DPC, their pay will be fixed as indicated in the para No. 8(a).

(d) The total service in the cadre of LDC/UDC/TOA will be counted for the purpose of granting of OTBP and promotion under BCR scheme as per the rules applicable to the cadre of TOA.

(e) Those LDCs/UDCs who opt to continue in the cadres of LDC/UDC will not be eligible for time bound promotion/BCR scheme. In their own channel of promotion also, they may not be able to get the promotion as the posts of Dy.OS, OS etc. will stand abolished on the present incumbents opting to the new scheme or otherwise vacating.

(f) Recruitment rules in the cadre of TOAs proposed to be introduced in the circle offices/metro districts/ other offices will be the same as those followed in SSA of the Department.

(g) The post of LDC will be converted to TOAs in the ratio of 10 : 9 and the UDC posts will be converted in the ratio of 1 : 1.

(h) The matching saving required for conversion will have to be provided by abolishing the existing post of LDCs or an equal number of UDCs/TOAs within the Circle Offices/Units. If the sufficient posts are not there to provide matching saving, the scheme may be introduced in a phased manner.

(i) LDCs/UDCs recruited by the Circles who are presently working in Telecom. Civil Circles will also be covered by this scheme. However, this scheme will not apply to other categories of Civil/Electrical Circle staff such as Work Asstt. etc.

(j) The Circle Office/Metro District offices will be treated as a separate unit for the purpose of recruitment and promotions etc. for a period of 5 years. However, the Circle Office staff will be merged with the staff of local SSA thereafter. Detailed instructions will be issued in due course.

(k) TOA(Genl.) Grade-I,II & III will be Telecom. Circle Office/Metro District cadre for the purpose of transfer and promotions etc. However, TOA(Genl.) Grade-IV will be a Circle cadre.

(l) TOA(Genl.) Grade-I,II,III & IV will be Gr.'C' posts.

(m) The norms applicable for TOA in Telecom. District will also be applicable to the TOAs of Telecom. Circle Office for sanction of future posts.

(n) GCS Gr. 'B' posts if already sanctioned for LDC/UDC etc. for improvement of their career prospects will be withdrawn after they are vacated by the present incumbents.

(o) Till such a time recruitment rules for TOA(Genl.) Grade-I,II,III & IV are modified to accommodate the scheme, the terms and conditions as applicable to TOA(Genl.) Grade-I,II,III & IV of SSA will be applicable.

(p) Instructions issued by the Department of Telecom. in respect of OTBP and BGR schemes including matching savings will be applicable to the cadre of TOA in Telecom. Circle Offices/Metro Districts etc.

(q) The 'special' pay drawn by the UDC posted against identified posts will not be counted for the purpose of pay fixation. In case there is a drop in emolument, it may be protected as per existing rules.

(r) The UDCs will rank emblock senior to all the LDCs. as on date, their inter-se-seniority will remain as it is. Detailed instructions regarding fixing seniority where both TOA and LDC/UDC pattern exist will be issued in due course.

(s) The officials working in the promotional cadres like 20% selection grade Dy.OS, OS etc. may also have the option to come to the new scheme. They will be fitted in the same stage in their scale. They will be considered for the further promotion under BCR scheme subject to fulfillment of conditions laid down there.

(t) (t) The post of LDCs/UDCs, selection grade Dy. OS and OS etc. will be personal to the present incumbents if they opt out of the scheme. These posts will be abolished on being vacated by the present incumbents due to retirement, resignations, death etc.

(u) Normal rules on reservation for SC/ST candidates will be applicable while implementing the scheme.

(v) No departmental examination for promotion to the LDC/UDC cadre will be held after 1992. If some examination has been announced for this purpose, the same will be cancelled.

9. These orders will take effect from the date of issue.

10. As the scheme is unique in itself, there may be a need to issue certain clarifications/modifications in respect of seniority, promotions etc. in future to accommodate certain situations, which may arise from time to time.

11. Detailed instructions regarding deployment of surplus Telephone Operators will be issued separately.

12. This issues with the concurrence of Telecom. Finance Advice vide their U.O. No. 2567/FA.I/92, dated 8-9-1992.

Yours faithfully,

(BUDH PRAKASH)

Asstt. Director General (TE)

Copy forwarded for necessary action to:

1. Chairman, Telecom. Commission, New Delhi.
2. All Members/Advisors, Telecom. Commission, New Delhi.
3. Additional Secretary(T), D.O.T., New Delhi.
4. All DDoS, D.O.T., New Delhi.
5. All recognised Federations/Unions/Associations.
6. Directors: (TE)/(ST.I)/(ST.II)/(STG.II)/(SGT)/(FA.I), D.O.T., New Delhi.
7. ADsG: (TE)/(NCG)/(STG.I)/(STG.II)/(SGT)/(FA.I), D.O.T., New Delhi.
8. Budget/FA.I/TE.I/TE.II/STG.I/STG.II/NCG/SGT Sections, D.O.T., New Delhi.
9. All Members, Staff side, Departmental Council (JCM).
11. Spare copies = 50.

(Gervasis Kulampalli)
Section Officer (TE.II)

Rif - 4 (VI) - 25

Annexure-3

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No. 252-1/91-STN(Pt)
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS

Dated 27th April 1994

To

All Heads of Telecom Circles/Distts.

All Heads of other administrative units

The Chief General Managers

M.T.N., Bombay/New Delhi

Sub:

Preparation of eligibility list and select panel
for the restructured cadres in group 'C'

Sir,

A series of instructions have been issued at various stages regarding selection of candidates in respect of restructured cadres from time to time. These decisions have been arrived at after discussions with Staff Federations. It has now been decided to impart training to the staff belonging to restructured cadres on priority basis. It has been decided that the procedures to be adopted, in respect of these cadres, may be consolidated at one place. Accordingly this letter is being issued.

2. PREPARATION OF ELIGIBILITY LIST

General guidelines in this connection have already been issued under this office OM No. 27-2/94-TE-II(I) dated 29.3.94 and OM No. 27-2/94-TE-II(II) dated 29-3-94 copies of which are placed as Annexure A and B. The general guidelines, therefrom, are being reproduced below in order to make an eligibility list and select panel of the candidates to be drafted for training against the posts of restructured cadres.

- (i) Options will be called for from the prospective officials seeking their absorption in restructured cadres.
- (ii) Identify, from these volunteers, the candidates who form part of the Walk-in Group.
- (iii) Qualifying Screening test will be conducted for the eligible volunteers who do not form part of the Walk-in Group.
- (iv) Eligibility list will be prepared for each SSA from Walk-in Group officials and the officials selected through qualifying screening test i.e.

Attested by
Bashir Seal
Advocate.

the officials who hold the requisite qualification prescribed and those who pass the qualifying examination. While preparing the eligibility list the officials of Walk-in Group and those who passed the qualifying examination will be merged based on their inter-se seniority in a particular grade. Those who are in the lower pay scale will be placed en bloc below those who are in the higher pay scale.

(v) Yearly select panel will be prepared from the eligibility list limited to the number of posts created in the SSA/Telegraph division.

(vi) The candidates are to be drafted for training against the restructured cadres as per the select panel made above.

3. Qualifications of candidates for selection to impart training against restructured cadre:

I. Phone Mechanic

(a) Qualification for Walk-in Group candidates:

- (i) All Linemen/Wiremen including OTEP & ECR (belonging to Telecom. Engineering Wing of the Department) who are Matriculates.
- (ii) Cable Splicers.

(b) Eligibility conditions for appearing in qualifying screening test:

- (i) Linemen/Wiremen including OTEP & ECR who are non-matriculate.
- (ii) Regular Mazdoors
- (iii) Casual Mazdoors with Temporary Status
- (iv) All Group 'D' staff of Telecom. Engg. Wing
- (v) All Group 'D' Casual Labour (Temporary status) working in sections other than Telecom. such as Telegraph Traffic, Telecom. Civil Wing, Accounts etc.

II

Telecom. Technical Assistant (TTA)

(a)

Qualifications for officials forming part of Walk-in Group.

- (i) All Group 'C' employees borne on regular establishment in Telecom. Engineering branch, of Department possessing minimum qualifications of 3 years Diploma in Electrical/ Mechanical/Radio/Telecom./Electronic Engg. awarded by any technical institute recognised by the Central/State Govt. after 10th standard
- (ii) Technicians who have 10+2 qualifications or equivalent qualifications or higher qualifications like B.Sc, M.Sc etc.
- (iii) Technicians holding 2 years ITI Diploma Certificate after Matriculation.

(b)

Eligibility conditions for officials appearing in qualifying screening test

All other technicians who do not hold above qualifications as given under (a) above.

Sr. Telecom. Operating Assistant Cadres (Sr TOA)

✓ III

Qualifications for Walk-in Group candidates

(a)

All Telecom. Operating Assistants including OTEP & BCR officials who possess 10+2 standard qualification or equivalent as indicated vide this office letter of even no. dated 8.10.93 and 23.2.94 (Annexure 'C' & 'D')

(b)

Eligibility condition for appearing in qualifying screening test

- (i) Telecom. Operating Asstt. including OTEP & BCR officials who do not possess 10+2 standard qualification or equivalent.

- (ii) Phone Mechanic with 5 years service (only for the cadre of Sr. Telecom. Operating Asstt. (Phones) and Sr Telecom. Operating Asstt (General)).

4. Seniority in the restructured cadres will be based on the post training marks.

Attested by
Babbari Sard
Advocate

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5. Recruitment Rules of the restructured cadres i.e. Sr. Telecom. Operating Asstt., Phone Mechanic, and Telecom. Technical Asstt. will be prepared/amended to incorporate criterian mentioned above.

6. These instructions will be applicable from the date of issue of this letter.

7. Selection/appointments already made in respect of Phone Mechanic/Telecom. Technical Asstt./Sr. TOA as per existing instructions/rules will stand and their seniority will not be altered consequent upon the issue of these instructions and subsequent revision of the Recruitment Rules.

8. Clarifications if any may be sought from following officers.

Name of Cadre

Clarification to be sought from.

Sr. TOA

ADG(STN) I/C of STN Sec.

Phone Mechanic &

ADD(STC) I/C of NBS Sec.

Telecom. Technical Asstt.

Yours faithfully,

S.K.Dhawan

(S.K.Dhawan)

Asstt. Director General (STN)

Copy to:

1. PPS to Chairman Telecom. Commission
2. PPS to Members (F)/(S)
3. PS to Advisor (HAD)/ADV(O)/JS(A&P) and Liaison Officer
4. DDG(E)/DDG(PEF)/DDG(BW)/DDG(Trg).
5. STN/Pension/STG-I/STG-II/STG-III/TE-I/TE-II Trg./DE/SCT/O&M/NCG sections of the Dte for information.
6. All Recognised Union/Associations
7. JCM Members, Staff side.
8. Guard File
9. ADG(STN)/ADG(Trg)/ADG(DE)/ADG(STC)/ADG(SCT)

S.K.Dhawan

(S.K.Dhawan)

Asstt. Director General (STN)

Annexure-A

Copy of letter No. 27-2/94-TE-II(II) Dated 29.3.94 addressed to All HOCs/Distts./other admin. offices.

Sub: Preparation of selection list panel for training for the restructured cadres

I am directed to refer to this office letter No. 27-4/87-TE-II dated the 16.10.90 regarding introduction of the new "restructured cadre" of "Telecom" Technical Assistant/Phone Mechanic and Sr. TOA in Department of Telecom. in order to meet the changing requirements of technology. Instructions have been issued from time to time with regard to the creation of posts in these cadres.

2. With a view to impart training to all officials in new technology and taking into consideration the difficulties faced by the employees in regard to the present method of selection of people for training, it has been decided that in each SSA/Telegraph Traffic Division, a select panel will be prepared by a two stage process, first an eligibility list will be prepared and then a select panel which will be prepared from the eligibility list each year. The eligibility list for restructured cadres will be prepared consisting of two streams viz. i) walk-in group consisting of those officials who hold either the requisite qualifications prescribed for training for the restructured cadres or who are exempted from the screening test and ii) the list of officials who qualify for entry into the restructured cadres after a screening test.

3. As per the above conditions, a walk-in list will be prepared. Then, a separate list of officials who qualify for the screening test will also be prepared. Both the lists will be merged and a common eligibility list arrived at, on the basis of inter-se seniority in their respective existing cadres under the extant rules, after calling for options of employees with regard to their willingness to move over to the restructured cadres. The eligibility list will not have any relation to the actual number of posts available in these cadres. Out of the eligibility list, select panel will be cast, the number of officials on the panel being limited to the posts available in the restructured cadres in a particular year which will be worked out based on existing instructions. Empanelled officials as per this scheme will be sent for training and absorbed in the new cadres after successful completion of the prescribed training.

4. Seniority of officials in the restructured cadres will depend upon the post training marks. Detailed instructions with regard to seniority will be issued separately.

By

- 30 -

5. It is requested that immediate action on the lines stated above may kindly be initiated and the eligibility list in respect of each SSA should be prepared by 1st July 1994. Action taken in the matter may also be intimated to this office.

Sd/-

(Rudh Prakash)
Asstt. Director General (TE)

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Annexure-B

Copy of letter No. 27-2/94-TE-II(I) Dated 29.3.94 addressed to All HODs/Distts./other admin. offices.

Sub: Introduction of new technical cadres in Group 'C' of the Department of Telecom.

I am directed to refer to this office letter No. 27-4/87-TE-II(2) dated 16.10.90 regarding introduction of new restructured cadres in Group 'C', wherein norms for creation of posts in the restructured cadres of Telecom. Technical Assistant(TTA), Phone Mechanic(PM), etc. were prescribed. It was prescribed therein that during the transitional period, officials who do not possess the requisite qualification will have to appear in a competitive examination for being absorbed into the restructured cadres.

2. There have been representation from the Staff Associations, etc. with regard to holding competitive examinations for entry into the restructured cadre of Telecom. Technical Assistant/Phone Mechanic stating that competitive examinations tests mainly academic skills and not the aptitude of the person to assimilate new technology. It was represented that the competitive exam is acting as a disincentive to the staff to move over to the restructured cadres.

3. The existing instructions on the subject have been reviewed and it is felt that the process of selection can be made simpler and effective if it is based on a test of the skills. In partial modification of this office letter referred to above, it has been decided that in future there will be a qualifying screening test instead of competitive examination.

4. It has also been decided that all Technicians who have 10+2 qualifications (or equivalent) or higher qualifications like B.Sc,M.Sc and technicians holding 2 years ITI Diploma/Certificate after Matric, may be exempted from the screening test in future, for entry into the training course for Telecom. Technical Assistant cadre.

5. All non-matric Regular, Casual(Temporary status) mazdoors may be allowed to appear in the screening test for Phone Mechanics in future. All Group 'D' staff and casual labour(Temporary status) working in sections other than telecom. such as telegraph traffic, Telecom. Civil Wing, Accounts, will also be allowed to appear in the screening test for Phone Mechanic.

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6. Selection/appointments already made in respect of P.M/T.T.A as per existing instructions/rules will stand and their seniority will not be altered consequent upon the issue of these orders and subsequent revision of the Recruitment Rules.

Sd/-

(Budh Prakash)
Asstt. Director General (TE-I)

Annexure-C

Copy of letter No. 252-1/91-STN dated 8.10.93

Sub: Departmental Qualifying Examination for recruitment of Sr TOA, Grade-I -clarification req.

In continuation of this Directorate's letter of even number dated the 7th October 93, regarding clarification to the recruitment rules of Sr TOA. It is further clarified that in accordance with Para 3(ii) of Department of Personnel & Training's OM No. 14021/7/75-Estt.(D) dated the 18th April, 1978 that Higher Secondary is equivalence, under the revised pattern of 10+2+3, to Higher Secondary Certificate in academic as well as vocational education(12 years) or equivalent.

Sd/-

(S.K.Dhawan)

Asstt. Director General (STN)

Copy of letter No. 251-1/91-STN Dated 23/2/1994

Sub: Exemption for 10+2 officials from Aptitude Test

This is in continuation to Telecom. Commission Head Quarters letter of even No. dated 14.10.1993, wherein officials with 10+2 qualification with science subjects were exempted from the Aptitude Test.

The issue regarding exemption from aptitude test of all officials with 10+2 or equivalent qualifications has been under consideration of Telecom. Commission Head Quarter and it has been decided that all officials with 10+2 qualification or equivalent qualification, are exempted from aptitude test while considering their recruitment to the cadre of Sr.T.O.A.

Above criteria will be incorporated in the Recruitment Rules of Sr T.O.A which are under consideration in consultation with Ministry of Law.

Sd/-
(A.K.Arora)
Director (ST-I)

Ref 4(VI)- para-II

Annexe-4

-35-

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DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER: :TELECOM.
ASSAM CIRCLE : GUWAHATI-781007.

NO. STES - 1/122/PT.I/21

Dated at Guwahati, the 03-12-97.

To

1. The General Manager Telephones, Ulubari, Guwahati.
- 2-6. The Telecom District Manager/ Dibrugarh/ Tezpur/ Silchar/ Jorhat/ Bongaigaon.
7. The Telecom District Engineer, Nagaon.
8. The A.G.M. (TT), Circle office, Guwahati.
9. The ADT(E&R), Circle office, Guwahati.

Sub:-

Exercise of fresh options for entry into the restructured cadres of TTA, SR.TOA and Phone Mechanics.

Please find herewith photocopy of the DOT, New Delhi letters No.7-43/97-NCG dated 11-11-97 and No.7-43/97-NCG dated 13-11-97 on the above mentioned subject.

You are requested to call fresh options from the eligible officials in the feeder cadres for entry into the restructured cadres. A time limit of 3 months from the date of issue of DOT letter may be given for receiving the options.

This is for your favour of information and necessary action please.

Enclosed: As above.

~~~~~

31

( B. C. PAL )

Asstt. Director Telecom(Staff)  
For Chief General Manager, Telecom.  
Assam Telecom Circle, Guwahati.

Copy for favour of information to :-

1. The Circle Secretary, E-III, P&T House, Panbazar, Guwahati.
2. The Circle Secretary, T-III, P&T House, Panbazar, Guwahati.
3. The Circle Secretary, NFTE(Admn), Circle office, Guwahati.
4. The Circle Secretary, FNTO(Admn), Circle office, Guwahati.
5. The ADT(E&R), CD/ GH.

After feed 69  
Pandit Shyam  
PA/Advocate

31

For Chief General Manager, Telecom.  
Assam Telecom Circle, Guwahati.

No. 7-43/97-N C G  
Government of India  
Ministry of Communications  
Department of Telecom.

Dated 14 Nov. 1997

To

All Heads of Telecom. Circles/Distt.

The Chief General Managers  
Mahanagar Telephone Nigam Ltd,  
Mumbai/New Delhi

Sub: Exercise of fresh options for entry into the  
restructured cadres of Telecom. Technical Asstt, Sr. TOA,  
and Phone Mechanics

Sir,

A kind reference is invited to this office letter of even no. 252-1/91-STN(Pt) dated 27/4/94 regarding calling of option and preparation of eligibility list for the restructured cadres. A number of references are being received from various field units/individuals requesting for allowing one more chance to opt for the restructured cadres who could not earlier exercise their option within stipulated time for one or other reason. The matter has been considered in detail and I am directed to convey the approval of Telecom. Commission as under:

A Fresh options will be called from the eligible officials in the feeder cadres for entry into the restructured cadres of Phone Mechanics, TTAs and Sr. TOAs. A time limit of 3 months from the date of issue of this letter may be given for receiving the options.

In respect of Phone Mechanics, while options can be called from the Group 'D' / Regular Mazdoor/Casual Mazdoors/TSMs also but they will be sent on training only after the qualified Linemen/Wiremen are appointed as Phone Mechanic.

All other terms and conditions circulated with this office letter no. 252-1/91-STN(Pt) dated 27/4/94 will remain the same.

Attested by  
Babuji Sod  
Advocate

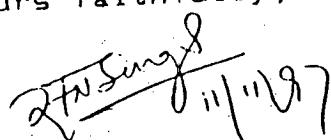
Circ(A)

16/11

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It may be ensured that these orders are given wide publicity so that all eligible officials, who wish to switch over to the restructured cadres, can exercise their options in stipulated time. Option once exercised will be treated as final. This will be the last opportunity for giving options for restructured cadres.

Yours faithfully,



(H.N. Singh)  
Asstt. Director General (STC)

Copy to:

1. PPS to Chairman Telecom. Commission
2. PPS to Member(S)/Advisor(HRD)
3. S,DDG(E)/DDG(Trg)/DDG(P)
4. ADG(STN)/ADG(TE)
5. Guard File
6. All recognised Unions/Federations.

(20M2)

No. 7-43/97-N C G  
Government of India  
Ministry of Communications  
Department of Telecommunications  
Sanchay Bhawan, 20 Ashoka Road,

New Delhi - 110001  
Dated 13th Nov. 1997

To

All Heads of Telecom. Circles/Distt.  
The Chief General Managers,  
Mahanagar Telephone Nigam Ltd,  
Mumbai/N Delhi

Sub:

Exercise of fresh options for entry into the  
restructured cadres. Addendum reg.

Sir,

In this department's letter of even number dated 11.11.97 on the above mentioned subject, the word 'Senior TOA' may be added in the subject of the letter and the subject may be read as "Exercise of fresh option for entry into the restructured cadres of Telecom. Technical Asstt., Senior TOA and Phone Mechanic".

Yours faithfully,

*(Signature)*  
13/11/97  
(H.N.Singh)  
Asstt. Director General (STC)

Copy to:

1. PPS to Chairman Telecom. Commission
2. PPS to Member(S)/Advisor(HRD)
3. DDG(E)/DDG(Trg)/DDG(P)
4. ADG(STN)/ADG(TE)
5. Guard file
6. All recognised Unions/Federations.

*After filed by  
Bablu Sekh  
Advocate*

Ref: 4(VIII) (b) Annexure-5  
-39-

No.1-38/MPP-98

GOVERNMENT OF INDIA

DEPARTMENT OF TELECOMMUNICATIONS  
(MPP CELL)

New Delhi, the 20th April, 1999

All Heads of Telecom Circles,

All Heads of Maintenance Regions,

All Heads of Project Circles,

All Heads of Metro Districts,

All Heads of other Administrative Units,

Sub: Pay scales of OTBP/BCR officials inducted into the restructured cadres of Phone Mechanic,

Telecom. Technical Assistants and Senior Telecom. Operating Assistants.

The issue of reviewing the existing restructuring scheme of Group 'C' cadre and placing the officials in the appropriate pay scales on their appointment in the Restructured cadre was under examination by the Department for quite sometime. The Staff Federations have also been raising the demand to place the officials who have completed a total service of 16/26 years (including that rendered in the pre-restructured cadre) in appropriate pay scales if they are absorbed in the restructured cadre.

2. The matter has been examined in detail and the following decisions have been taken:

(1) The officials who after getting qualified and trained enter the restructured cadre before completion of 16 years of service in the pre-restructured cadre shall be placed in the pay scales indicated below on completion of 16 years of total service including that rendered in the pre-restructured cadre provided that he/she has put in a minimum of 4 years of service (including officiating spell) in the restructured cadre:

Phone Mechanic Rs. 4000-100-6000

Sr.TOA & TIA Rs. 5000-150-8000

(2) The officials who after getting qualified and trained, enter the restructured cadre after appointment in the OTBP of the pre-restructured cadre shall be placed in the following pay scales:

Phone Mechanic Rs. 4000-100-6000

Sr.TOA & TIA Rs. 5000-150-8000

Marked by  
Parasnai Seal  
Parasnai Calc.

Similarly, the officials who after getting qualified and trained, enter the restructured cadre after appointment in the BCR of the pre-structured cadre, shall be placed in the following pay scales:

|                |                   |
|----------------|-------------------|
| Phone Mechanic | Rs. 4500-125-7000 |
| Sr.TOA & TTA   | Rs. 5500-115-9000 |

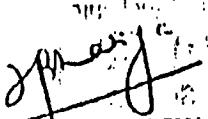
(3) The officials who after getting qualified and trained, enter the restructured cadre after appointment in the OTBP of the pre-structured cadre as well as the officials who enter the restructured cadre before completion of 16 years, i.e. as per para (1) above, on completion of 26 years of total service including that rendered in the pre-structured feeder cadre shall be placed in the following pay scales:

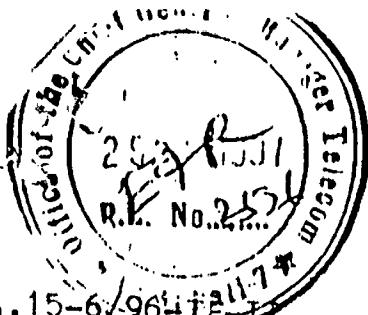
|                |                   |
|----------------|-------------------|
| Phone Mechanic | Rs. 4500-125-7000 |
| Sr.TOA & TTA   | Rs. 5500-115-9000 |

(4) The eligibility conditions for placement in the pay scales indicated at para (1), (2) and (3) above, shall not be applicable to those Phone Mechanics who are inducted from the cadres of Regular Mazdoor, Temporary Status Mazdoor and other Group 'D' cadre.

(5) b. Placement of officials in the higher pay scale as mentioned in para (1), (2) and (3) above, shall be with pay fixation under FR 22(I)(a)(2).

(6) The officials shall be placed in the respective pay scales in accordance with para (1), (2) and (3) above with effect from 1st December, 1998. This is being issued with the concurrence of Telecom Finance vide their Dy. No. 1092/FA.I/99 dated 20-04-1999.

  
**(MARWESH BHATTIYA)**  
**DIRECTOR(MPP)**



-41-

Government of India  
Department of Telecom.  
Sanchar Bhavan, New Delhi-1.

No. 15-6/96/TE/1

Dated, 23-12-97.

To

Telecom.

All Head of Circles.

All Heads of Telephone Distts./

All Other Administrative Units

Sub:- Posts of the staff in OTBP/BCR scales of the old cadres and working in Restructured Cadres.

.....

A reference is invited to this office letter No. 19-4/93-TE-II dated 20-5-93 under which the staff working in OTBP/BCR scale of the basic cadre were allowed to opt for the Restructured Cadres and they were given one advance increment for working in restructured cadres on completion of training.

2. The staff side of the Departmental JCM has been demanding for not counting the post of such staff who are drawing their salary in the OTBP/BCR scales (which are higher than the basic scale of Restructured Cadres) against the posts available in the Restructured Cadres. They have expressed the opinion that the advance increment given to them should be treated as an incentive for working in the restructured area.

3. The above demand of the Staff side has been considered by the Telecom. Commission and it has been decided that the staff drawing salary in the OTBP/BCR (including 10% BC) scales of the old cadre will not be counted against the posts of the restructured cadres even if they are working in the areas of restructured cadre subject to the following conditions:-

- (i) The above dispensation will be applicable only for such areas of the Restructured Cadres where norms have not been notified. This dispensation will be withdrawn as soon as the norms are prescribed based on the workload by the IWSU and the number of posts as per the norms are created by the field Units.
- (ii) All such staff even though they are drawing pay in the OTBP/BCR scale (who have been trained for the restructured areas will be deployed in the areas of advance technology and perform duties enjoined upon the Restructured Cadres.
- (iii) If in this process some posts fall vacant in the Restructured Cadres and there are no qualified candidates available from the basic cadre then officiating arrangements against such vacancies in the Restructured Cadres will be permissible in accordance with the orders on the subject. However, such untrained people will stand reverted as soon as qualified and trained candidates become available from the feeder cadres. Under no circumstances will be processed for filling by recruitment or for any other purpose as long as the required trained officials are available in the OTBP/BCR Grade-IV scales of the feeder cadres.

*Attested by  
Bashir Seh  
Advocate*

F.T.O.

The field units are requested to take immediate action in this regard and report if there are any difficulties in complying with these orders.

This is issued with Finance concurrence with their U.O. No. 3079-FA-I/97 dated 19-12-97.

(P.S.DHILLON)  
Director(TE)

**Copy to:-**

1. PPS to Chairman(TE).
2. All Members/Advisors, Telecom. Commission, New Delhi.
3. Additional, Secretary(T), DOT, New Delhi.
4. D.D.Gs(E)/Pers/Gr/NM, DOT, New Delhi.
5. All recognised Unions/Federations/Associations to DOT.
6. Directors(TE)/ST-I/ST-II/SIG//ST/F4-I, DOT New Delhi.
7. A.D.Gs (TE)/SIG/STN/STG-I/STG-II/GGT/F4-I, DOT New Delhi.
8. Budget/F4-I/TE-I/SIG-I/SIG-II/STN/NCM/SCT, Sections to DOT New Delhi.
9. Secretary Staff Departmental Council(JCM).
10. All Members Staff, Departmental Council(JCM).
11. Spare Copies(50).

(Section Officer-TE-II)

for

(ii)

(iii)

To

The Chief General Manager Telecom  
Assam Telecom Circle, Guwahati.

Sub:- Option for restructure cadre--reg.

Sir,

With due respect and humble submission I beg to lay before you the following few lines for favour of your kind necessary action.

That sir, I am working in the cadre of OTBP of basic cadre of TOA (G) of pre-structure scheme. Unfortunately, I did not exercise my option for switching over to restructure scheme of Sr. TOA (G) earlier. Now I observed that the scheme will be beneficial to me. So, I am willing to offer my option for the same.

Moreover I understood that, restructure scheme is a new Telecom policy to introduce computeration in the official jobs for which options were accepted from all the grades of the clerical cadre.

Under the circumstances I hope that, there will be no difficulty in accepting my option.

So, I request your kind honour to consider the matter sympathetically to condone the late submission and give me the opportunity to avail the facility of the scheme so that I may get some monetary benefit.

Thanking you

Yours faithfully

Dated at Guwahati  
the 30.03.2000

R  
R +  
(Ramapada Dey ) 30/03/2000  
SS(O)

e/o Chief G.M.T/Guwahati

Attested by  
Barhar S. Seal  
Advocate

To

The Chief General Manager Telecom  
Assam Telecom Circle, Guwahati.

48

Sub: Option for restructure cadre--reg.

Sir, With due respect and humble submission I beg to lay before you the following few lines for favour of your kind necessary action.

That sir, I am working in the cadre of OTBP of basic cadre of TOA (G) of pre-structure scheme. Unfortunately, I did not exercise my option for switching over to restructure scheme of Sr. TOA (G) earlier. Now I observed that the scheme will be beneficial to me. So, I am willing to offer my option for the same.

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Thanking you

Yours faithfully

Dated at Guwahati  
the 30.03.2000

Om Dhy SS (phones)  
(Hemanta Kr. Dhy)  
93 the 04/04/00

Altered by  
Barhore Seal  
Advocate

GOVT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM  
ASSAM CIRCLE ULUARI, GUWAHATI-781007.

NO. STES-1/122/Pt-1/83

Dated April 18, 2000

To

Shri H.N.Singh,  
Asstt. Director General (STC)  
Telecom Directorate  
New Delhi-110001.

Sub:- Exercise of fresh option for entry in the restructured Cadre of Sr. TOA.

The Second and last opportunity for exercising option for entry into the restructured Cadre of Sr. TOA was afforded in NOV'1997 and most of the left out TOAs opted to enter as Sr. TOA. However, a few TOAs including OTBP and BCR officials in the Pre restructure cadre did not exercise their option within the prescribed time limit for one reson or the other.

Some of the non-optee TOAs have made request for giving one more opportunity to exercise their option. One of the argument advanced by the officials is that separate higher Pay ~~seals~~ have been introduced for the OTBP/BCR officials working as Sr. TOA after the last round of option. The introduction of higher Pay scale for Sr. TOA have turned the restructured cadres more attractive and preferable than the Pre-restructured cadre of TOA. In the changed circumstances all the left out officials deserve another opportunity to move into Sr. TOA cadre.

In the face of the above situation you are requested to kindly examine the case afresh to explore the possibility of affording one more opportunity to the left out TOAs for moving into the restructured cadre of Sr. TOA. The decision arrived at may kindly be communicated to this office for disposal of the representations.

Attested by  
Parbati Seal  
Advocate

Shukla  
(M.Sukla)  
DY.General Manager (A)

Annexure - 8 (c)

9 86/c

कार्यालय मुख्य महाप्रबन्धक

Office of the Chief General Manager

आसम टेलिकॉम नेटवर्क

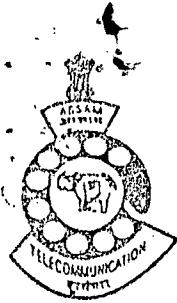
Assam Telecom Circle

Guwahati- 781007

PHONE : कार्यालय- 640040

RES : निवास- 541041

FAX NO : 540111



J. K. CHHABRA  
CHIEF GENERAL MANAGER, Telecommunications

D. O. No .....

Dated .....

D.O.No.STES-1/122/Pt.I

Dated 25<sup>th</sup> May, 2000.

Dear Sri Sharma,

Kindly refer to my office letter of even number dated 18.4.2000 and reply from your office vide letter No. 252-23/99-STN-I dated 27.4.2000 regarding affording another opportunity to the left out TOAs for moving into the restructured cadre of Sr.TOA.

As already informed earlier some of the non-optee TOAs have made a request for giving them one more opportunity to exercise their option to move into the restructured cadre of Sr.TOA. They did not exercise this option earlier as the same was not beneficial to them. Consequent upon the introduction of higher pay scales for the OTBP/BCR officials, these officials now wish to exercise their option to move into the restructured cadre. The matter has been taken up by their Union also with me.

Since the Department would like to have all the officials in the restructured cadre, I shall be grateful if you could consider the case of non-optees to move into the restructured cadre favourably by giving them another chance.

With Kind Regards,

Yours sincerely,

(J.K.Chhabra)

Sri B.Sharma,  
Dy. Director General (Pers)  
Dept. of Telecom Services,  
Sanchay Bhawan,  
New Delhi-110001.

Attested by  
Bashari Seal  
Advocate.

—.47—

Annexure-8(2)

OFFICE OF THE CHIEF GENERAL MANAGER TELECOM  
ASSAM TELECOM CIRCLE  
GUWAHATI-781007.

Shri Mahesh Shukla  
Dy. General Manager (Admn)

D.O. NO. STES-1/122/Pt-I/92  
Dated at Guwahati the 11-07-2000

Dear Shri Sharma,

The desirability of affording a fresh opportunity to the TOAs for induction into the restructured cadre of Sr.TOA has been engaging the attention for quite some-time. In this connection the correspondence resting with the Dte. Letter No. 252-23/99-STN-1 dated 13-06-2000 may kindly be referred to.

2.0 In a retrospect, if we look at the position which existed at the time when last optioning was held in Nov'1997 it reveals that there was no higher pay scale in Sr. ToA. Grade for OTBP/BCR officials. Also the officials who opted for Sr. TOA was not considered for promotion to Chief supervisor under 10% promotional Scheme. It was under that detrimental condition, the TOAs particularly the OTBP/BCR officials did not prefer to move to the restructured cadre. Subsequent to that separate higher pay scales have been introduced in the Sr. TOA cadre for OTBP and BCR officials. The OTBP/BCR officials who move to Sr. TOA have also been made eligible for 10% promotion. As a result of these changes the situation which existed at the time of last optioning has undergone a sea change. The equation has tilted heavily in favour of the restructured cadre. In the changed scenerio the officials who prefer to remain in the pre-restructured cadre in the last optioning deserve a fresh opportunity to exercise their option taking into consideration the changes effected in the intervening period.

3.0 The TOA still remains the entry cadre in the Deptt. And the posts in the Sr. TOA are to be filled from among the TOA. The provision of the Sr. TOA recruitment rules being so, there has to be a continuous out lets for the TOAs to move to Sr TOA, otherwise the posts in Sr. TOA will remain unfilled for want of eligible officials in the feeder cadre of TOA. Likewise the officials entering in the Deptt. as TOA will have their career prospect blocked as these officials will not be able to move to Sr. TOA. It is also a pertinent point that according to the new J.T.O. rules the Sr. TOA and not TOA can appear in the competitive examination. It shows that the TOA has to first move to SR.TOA to become eligible for appearing in the J.T.O. examination. From this view point, it will be fair to allow the officials in the pre-restructured cadre to exercise fresh option to make entry in the restructured cadre.

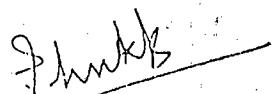
Attested by  
Barooree Seal  
Advocate

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In view of the situation explained in the fore-going paras, I am inclined to request you to review the case in totality and have the matter settled by affording a fresh opportunity of exercising option to the TOAs. Denial in my opinion may not be able to stand the scrutiny by law.

With regards

Yours Sincerely

  
(MAHESH SHUKLA)

To, Shri B. Sharma  
Dy. Director General (Pers)  
Dept of Telecom Services  
Sanchay Bhawan  
New Delhi-110001.