

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH:GUWAHATI.5

ORIGINAL APPLICATION NO. 427/2000

... Sri. R.K. Dey. Applicant.

VERSUS

Union of India & Ors. Respondents.

For the Applicant(s) Mr. B.R. Dey,
" K. K. Nandy,
" T. Roy.
" B. Santram.

For the Respondents. C.S.C.

NOTES OF THE REGISTRAR	DATE	ORDER
Case No. 427/2000 is in form		
for filing in the office		
and vide C.R.		
for filing in the office		
IPO/12 No 22/10/2000	13.12.00	Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
Dated 4.12.2000		Hon'ble Mr. M.P. Singh, Member(A).

Dy. Registrar

Admit. Issue notice. Call for the records. Returnable on 22.1.2001.

List on 22.1.2001 for further orders.

Member(A)

Vice-Chairman

Steps & Envelopes

one file, Rs. 5/- also

deposit in excess deposit

100/-
7-12-005000/-
S.D. 22/12/2000

Notice prepared and sent to
S/S. for carrying the Despatch book
No. 1 to 6 by Regd A.D. vide
3214 to 3219 dt/d 29/12/2000

14/12/2000

Await Service Report.

22.1.01 List on 5.2.01 for orders.

I.C.Usha

Member

Vice-Chairman

1m

31.1.01 (Shillong) List on 13.3.01 to enable the respondents to file written statement.

I.C.Usha

Member

Vice-Chairman

19-1-2001

Service of Notice is
set complete.

100

13.3.01

Written statement has been filed by the respondents. The applicant may file rejoinder if any within two weeks from to-day.

List on 28.3.01 for orders.

Notice also filed on
R No. 6 & R No. 1 received by
hand.
23/3/01

ICUShan
Member

Vice-Chairman

12.2.2001

lm

W/S has been filed by the respondents
No. 1, 2, 3, 4 and 5.

28.3.01

Written statement has been filed.

List for hearing on 17.5.01.

ICUShan
Member

Vice-Chairman

lm

17.5.2001

Part heard. Adjourned till 13.6.01 for further hearing to enable Mr. A. Deb Roy, learned Sr. C.G.S.C. to obtain further instructions in the matter.

No. Rejoinder has been filed.

ICUShan
Member

Vice-Chairman

27.3.01

nkm

13.6.2001 Present: Hon'ble Mr Justice R.R.K. Trivedi, Vice-Chairman

Hon'ble Mr K.K. Sharma, Administrative Member

This case is part heard to the Bench of Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman and Hon'ble Mr K.K. Sharma, Administrative Member. Accordingly the case be listed before the concerned Bench on 9.7.01 for further hearing.

ICUShan
Member

Vice-Chairman

nkm

O.A.427/2000

Notes of the Registry	Date	Order of the Tribunal
<p><u>8/8/2001</u></p> <p>Copy of the Judge has been sent to the D/sec for issuing the same to the applicant as well as to the L.C.G.S.C for the Respon</p> <p>HS</p>	<p><u>16.7.2001</u></p> <p>bb</p>	<p>Hearing concluded. Judgment pronounced in open court, kept in sepa- rate sheets.</p> <p>The application is dismissed in terms of the order. No order as to costs.</p> <p><i>K.L.Shastry</i> Member</p> <p><i>L</i> Vice-Chairman</p>

Notes of the Registry

Date

Order of the Tribunal

60

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 427..... of 2000

DATE OF DECISION. 16.7.2001..

Sri Ramendra Kumar Deb

PETITIONER(S)

Mr. B. R. Dey

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

The Chief General Manager, B. S. N. L.
N. E. Telecom Circle & Others.

RESPONDENT(S)

Mr. A. Dab Roy, Learned Sr. C. S. S. C.
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ADVOCATE FOR THE
RESPONDENT(S)

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

O.A. No.
THE HON'BLE MR. K. K. SHARMA, ADMINISTRATIVE MEMBER.

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ? PETITIONER(S)
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ? ADVOCATE FOR THE
RESPONDENT(S)
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.

U. K. Bhattacharya RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE O.A. No. of

THE HON'BLE

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ? PETITIONER(S)
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ? ADVOCATE FOR THE
RESPONDENT(S)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.427 of 2000.

Date of Order : This is the 16th Day of July, 2001.

HON'BLE MR. JUSTICE D. N. CHOWDHURY, VICE CHAIRMAN.

HON'BLE MR. K. K. SHARMA, ADMINISTRATIVE MEMBER.

Sri Ramendra Kumar Deb,
son of late Rajendra Kumar Deb,
Sr.Section Supervisor (Plg),
Office of the Chief General Manager,
N.E.Telcom Circle, B.S.N.L.
Shillong - 793 001.

... Applicant.

By Advocate Mr.B.R.Dey, ..

- Vs -

1. The Chief General Manager, B.S.N.L.
N.E.Telcom Circle
Shillong, P.O. Shillong - 793 001
Meghalaya.
2. The Chairman-Cum-Managing Director, B.S.N.L.
Department of Telecom, 20, Ashoka Road,
New Delhi, Sanchar Bhawan,
New Delhi - 110 001.
3. Bharat Sanchar Nigam Ltd.
Ministry of Communication
Government of India (B.S.N.L.)
Sanchar Bhawan, New Delhi,
20, Ashoka Road,
New Delhi - 110 001.
4. The Secretary,
Ministry of Communication
Department of Telecom
Government of India
New Delhi - 110 001.
5. The Assistant Director
Telecom (H.R.D.), B.S.N.L.
Office of the Chief General Manager,
N.E.Telcom Circle
Shillong - 793 001.
6. Sri Sital Chandra Das,
Office Superintendent
Office of the Chief General Manager,
Tele-Communication, B.S.N.L.
N.E.Circle, Shillong
P.O. Shillong - 793 001
Meghalaya

... Respondents.

By Mr.A.Deb Roy, Sr.C.G.S.C.

O R D E R

K.K.SHARMA (ADMN.MEMBER): By this application under

11/11/2001

Contd.. 2

Section 19 of the Administrative Tribunal Act, 1985 the applicant has challenged the order dated 20-7-2000 (Annexure-I) rejecting the applicant's representation dated 16-2-2000 for promotion to Grade-IV against 10% post under B.C.R. Scheme.

2. The applicant joined as Lower Division Clerk in the Office of the Post Master General, Shillong on 4.1.1965. He was promoted to the post of Upper Division Clerk on 1.7.1974. With effect from 1.9.1974 the North East P & T Circle was bifurcated into North East Postal and North East Telecom Circles. The employees were given option and the applicant opted for the Telecom Circles. The applicant was promoted to Lower Selection Grade (L.S.G.) on 5.9.99 and as BCR (Biennial Cadre Review) on 27.2.93. The Respondent No.6, a reserved category candidate, had joined as Peon on 1.7.1964 and officiated as L.D.C. with effect from 8.4.1971. The Respondent No.6 was promoted to Lower Selection Grade from 6.6.1989. The Department of Telecommunication by letter dated 13.12.1995 (placed as Annexure-V to the O.A.) had reviewed the procedure for promotion to the Grade-IV of TOA (Scale of Rs.2000-3200/-). The applicant claims that the applicant is entitled to promotion to Grade IV of Telecom Operation Asstt. (TOA) with effect from 29.4.1993 which is the date on which the Respondent No.6 was promoted to Grade-IV. The claim is made on the basis that Respondent No.6 was junior to the applicant. The comparative chart given by the applicant and Respondent No.6 is as under :-

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(C L Whary)

Name	Date of Birth	L.D.C.	U.D.C.	T.O.A. Grade-I	Grade-II	Grade-III	Grade-IV
R.K.Deb	1.9.1943	4.1.1965	2.7.1974 (Officia- ting) 22.2.1975 (Regular)	9.9.1992	9.9.1992	27.2.1993	
S.C.Das	7.2.1945	8.4.1971	1.3.1982	9.9.1992 (Roster)	9.9.1992 (Roster)	9.9.1992	29.4.1993

3. The applicant relies on letter dated 8.9.1999 of the DoT (placed as Annexure-VII in the O.A.) stating that all ineligible officials promoted to the Grade-IV by application of reservation of Roster may be reverted and all eligible officials be placed in Grade-IV and their pay may be fixed notionally. The applicant made representations dated 16.2.2000, 19.7.2000 and 4.9.2000. As already mentioned that the applicant vide letter dated 20.7.2000, was informed that his claim was rejected. The contents of the letter dated 20.7.2000 are reproduced below :-

"With reference to your above cited representation, I have been directed to inform you that as per DOT/ND letter no.22-6/94 TE.II dt.17-05-96, basic grade in respect of LDC/UDC in Circle Office who have opted for TOA cadre in accordance with the scheme of introducing TOA pattern is TOA the seniority in the TOA cadre is to be followed for promotion to Ge-IV.

Therefore, your representation could not be considered."

4. The applicant claims that on the basis of the decision of Hon'ble Supreme Court dated 10-10-1996 in case no.JT1995(7) SC 231- Union of India - vs- Virpal Singh Chauhan etc. the general candidates regain their seniority/ even though they were promoted later than officials of reserved category who got promoted earlier on account of reservation. It is submitted that though the applicant was senior to the respondent no.6 even in the Grade of L.D.C., U.D.C, he has

LC (Whee)

Contd.. 4

not been promoted to Grade-IV. The respondent no.6 has been promoted to Grade-IV with effect from 29.4.1993. It is also stated that even in Telecom Operation Assistant (T.O.A.) Grade-I the applicant as well as respondent no.6 were promoted to this Grade ^{-I} on 9-9-1992 and in respect of both age and seniority in the cadre of L.D.C., the applicant was senior to respondent no.6 in T.O.A. Grade-I on account of his joining as L.D.C. before respondent no.6. It is stated that the applicant fulfils all the conditions prescribed for promotion to Grade-IV against 10% post in the B.C.R. Scheme. The respondent no.6 had been promoted to Grade-IV even though he has not completed 26 years of service. The applicant has relied on the Minutes of the 26th Meeting of the Regional Joint Consultative Machinery of the North East Telecom Circle held on 20.12.1999 wherein the following Minutes were recorded as under :-

"Promotion of Sr.Officials to Grade-IV at par with Juniors:

As per departmental guidelines, promotion to the cadre to Grade-IV in the pay scale of Rs.6500-200-10500 should be done basing on the seniority in the basic cadre and without any reservation for SC/STs.

At CTO Shillong, one junior official has been promoted to the cadre of Grade-IV without taking into consideration of the above factors. It is, therefore, urged that senior officials should be promoted accordingly from the same by creating the required numbers of supernumerary posts in order to end the discrimination at an early date.

The above 'deviation' from the DoT guidelines has been noted by the administration and the GMT Shillong shall be asked to look into the matter and rectify the same in case of any act of commission or omission."

The applicant has ~~also~~ referred to the Supreme Court Judgments i) Union of India & Others - Vs - Virpal Singh Chauhan & Others (1995) 6 SCC 684, (ii) Ajit Singh Januja & Others - Vs - State of Punjab & Others (1996) 33 ATC 239 and (iii) M.G. Badappanavar & Others - Vs - State of Karnataka & Others (2001) SCC(L&S) 489 for the submission that the applicant ~~is~~ is senior to the

(C.U.Shaw)

Contd. 5

respondent No.5.

5. The respondents have filed written statement. It is stated therein that procedure for promotion to Grade-IV of T.O.A. under the B.C.R. scheme would be TOA and not the date of joining as L.D.C.. The applicant was promoted to the TOA only in the year of 1992. As per the seniority list issued on 22.2.1993 on the conversion of L.D.C./U.D.C. to the T.O.A. cadre the name of respondent no.5 appeared at sl. no.1 and the name of the applicant appeared at sl. no.6. Thus respondent no.6 was senior to the applicant in the cadre of T.O.A. and on the basis of his seniority he got promotion to Grade-IV on 29.4.1993. Entry in the T.O.A. is guiding factor for promotion to Grade-IV.

6. We have given our anxious considerations^u to the submissions made by the parties and have gone through the materials filed by the parties. It is not disputed that the applicant was senior to respondent no.6 in the cadre of L.D.C. However, on conversion of L.D.C./U.D.C. to T.O.A. the applicant was placed at sl.no.6 while respondent no.6 was at sl.no.1. The seniority list that was issued on 22-2-1993, has not been challenged by the applicant. Thus the seniority list still holds good. The respondent no.5 on account of the benefit of his reservation, got the Lower Selection Grade with effect from 6.6.1989, while the applicant got the Lower Selection Grade on 24.6.1992. Even in the Gradation List of Lower Selection Grade respondent no.6 was at sl.no.1 while the applicant was at sl.no.6. The respondent no.6 thus became senior to the

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LC (UShay)

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applicant in the Lower Selection Grade on account of higher seniority. The promotion to Grade IV of TOA, as per the circular dated 13.12.95 is made from TOA Grade III, on the basis of the seniority in the basic grade. The relevant portion of the circular is as under : -

"Review of the existing procedure of promotion to Grade-IV (now designated as Chief Section Supervisor) under the BCR Scheme has been under consideration in view of the judgement of Principal Bench, New Delhi upheld by the Supreme Court. It has now been decided in supersession of earlier instructions that promotion to the said Grade-IV may be given from amongst officials in Grade-III on the basis of their seniority in the basic Grade. The promotions would be subject to fitness determined by the DPC as usual."

This position was reiterated in the circular dated 17.5.96 (Annexure VI to the O.A.) which is reproduced as under : -

<u>"S.No.</u>	<u>Point for clarification</u>	<u>Clarification by DOT</u>
2.	What would be the basic grade in respect of the LDC/UDC in Circular offices who have opted for TOA cadre in accordance with the scheme of introducing TOA pattern in these offices.	The basic grade in these cases would be the TOA. The seniority in the cadre of TOA may be followed for promotion to Gr. IV. In fact the BCR scheme does not apply to LDCs/UDCs who opted out in TOA's cadre. In case there is any doubt regarding fixation of seniority of LDCs/UDCs the matter may be separately referred to the Personnel Branch (STN) of the Directorate."

The circular dated 8.9.99 (Annexure VIII of the O.A.) clarified the position that those who were ineligible for promotion (viz. who were promoted to Grade-IV under BCR scheme) were to be reverted and promotions to Grade-IV of TOA were to be made from Grade-III of TOA, on the basis of seniority in TOA. The applicant was not the seniormost in TOA Grade-I.

LC Usha

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As the promotion to the Grade-IV is based on seniority in the Basic Grade of the T.O.A. cadre and as respondent no.6 was senior in the T.O.A. cadre as per seniority list dated 22-2-1993, he got promotion on account of his seniority.

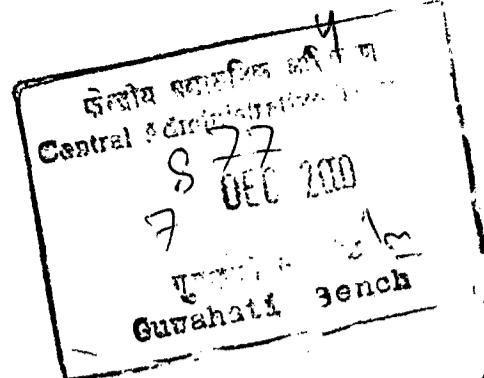
7. The action of the respondents in promoting the respondent no.6 in his turn cannot be faulted. There is no doubt when the applicant gets promotion to Grade-IV in his own turn, he will rank senior to the respondent no.6 as per the ratio of the judgments cited above, on account of his being senior to the respondent no.6 in the cadre of LDC. As the respondents have followed the guidelines issued for promotion to the Grade-IV, the applicant is not entitled to any relief in this Original Application.

Accordingly, the application is dismissed.

There shall, however, be no order as to costs.

K.K.Sharma
(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOUDHURY)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 427 of 2000

Sri Ramendra Kumar Deb

..Applicant

-Vs-

The Chief General Manager, N.E. Telecom
Circle B.S.N.L. Shillong and others.

..Respondents.

- I N D E X -

<u>Sl. No.</u>	<u>Description of documents</u>	<u>Page Nos.</u>
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Filed by-

Lopam Roy
Advocate.

Ramendra Kumar Deb
Ramendra Kumar Das
...Applicant

through
Japen Roy Advok
6/14/2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:GUWAHATI BENCH,
G U W A H A T I

427

Orginal Application No. 427 of 2000

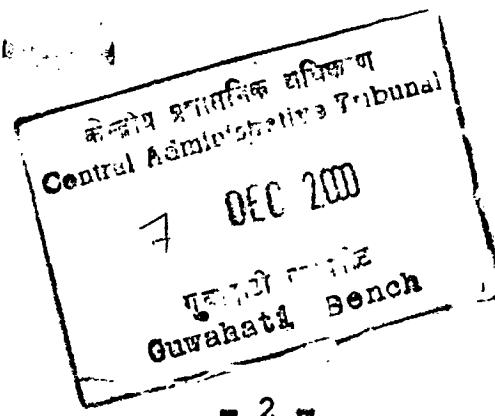
Sri Ramendra Kumar Deb,
son of late Rajendra Kumar Deb,
Sr. Section Supervisor(Plg),
Office of the Chief General Manager,
N.E.Telem Circle, B.S.N.L.
Shillong 793 001

...Applicant.

-Versus-

1. The Chief General Manager, B.S.N.L.,
Sri
N.E. Telecom Circle,
Shillong, P.O. Shillong 793 001,
Meghalaya.
2. The Chairman-Cum-Managing Director, B.S.N.L. Department of Telecom, 20, Ashoka Road, New Delhi, Canchar Bhawan, New-Delhi-110 001.
3. Bharat Sancharnigam Ltd.
Ministry of Communication
Government of India (B.S.N.L.) Sanchar Bhawan, New Delhi, 20 Ashoka Road, New-Delhi-110 001.
4. The Secretary, M/o Communication
Department of Telecom
Govt. of India
New-Delhi 110 001.
5. The Assistant Director,
Telecom (H.R.D.) B.S.N.L.
Office of the Chief General Manager, N.E. Telecom Circle, Shillong 793 001.
6. Sri Sital Chandra Das,
Office Superintendent
Office of the Chief General Manager,
Tele Communication, B.S.N.L.
N.E. Circle, Shillong
P.O. Shillong 793 001,
Meghalaya

...Respondents.



1. Details of Application :

Particulars of the order against which the application is made :

The application is made against Office Order No. STB/BCR/CO/92 dated 20.7.2000 passed by the Assistant Director, Telecom (HRD), Office of the Chief ~~Engine~~ General Manager, N. E. Telecom Circle, Shillong where by representation dated 16.2.2000 for Promotion to Grade-IV against 10% in the B.C.R. Scheme was rejected.

(Copy of the said order dated 20.7.2000 is annexed hereto and marked as Annexure-I)

2. Jurisdiction of the Tribunal :

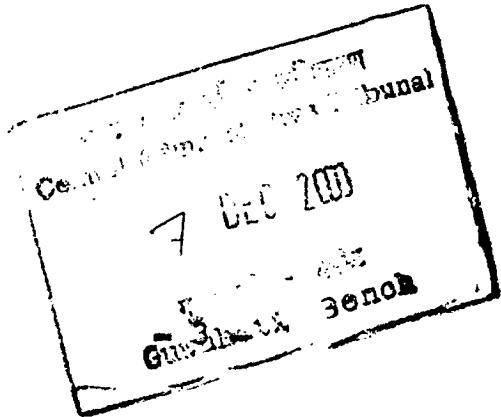
That the applicant declares that the subject matter of the order against which he wants redressal is within the Jurisdiction of this Tribunal.

3. Limitation :

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

4. Facts of the Case :

(a) That the applicant was appointed as Lower Division Clerk (L.D.C.) in the Office of the Postmaster General, Shillong on 4.1.65 by Memo No. STAFF A-133/LD/II dated 3.3.65 and was quasi permanent with effect from 4.1.68 and confirmed on 23.2.70 and was promoted to the Post of Upper Division Clerk (Officiating) on 1.7.74 vide Memo dated 1.7.74 and joined as Upper Division Clerk on 2.7.74.



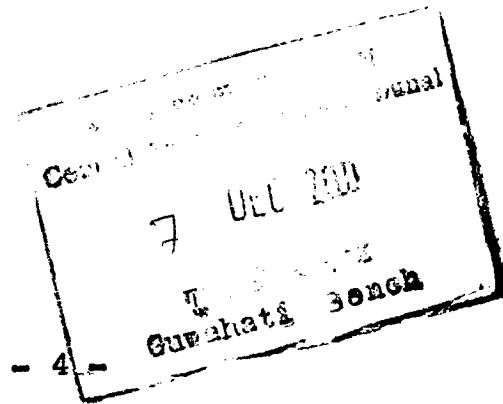
Bamunmukhi

(b) That the N. E. P & T Circle was bifurcated into the N. E. Postal and N. E. Telecom Circles and the resultant division of the erstwhile office of the P.M.G. into the Offices of the P.M.G., N. E. Circle and the G. M. Telecommunications, N. E. Circle which took effect on 1.9.74 and the Staff of the composite office of the P.M.G. as on 1.9.74 borne on such Cadre of establishment as are common between the two new offices and as have been in the service on 31.12.74 the last date for exercise of option were allocated between the two offices, having due regard to their Seniority and option if any and the applicant opted for N. E. Telecom Circle.

(c) That the applicant was promoted as Lower Selection Grade Grade-III (L.S.G.) on 5.9.89/and as B.C.R. (Biennial Cadre Review) on 27.2.93.

(d) That the applicant begs to state that as per gradation list of the PostMaster General (Assam Circle) (Corrected upto 1.7.71) the petitioner was appointed as L.D.C. on 4.1.65 and the respondent No. 6 was appointed as Peon on 1.7.1964 and was allowed to officiate as L.D.C. with effect from 8.4.71

Copies of the orders dated 3.3.65 and gradation list dated 1.7.71 (relevant portion) are annexed hereto and marked as Annexure-II and III respectively.



Benchmark

(e) That the respondent No. 6 Sri Sital Chandra Das was promoted as Lower Selection Grade from 6.6.1989 as he is a Scheduled Caste and the applicant was U.D.C. (I/D) and was confirmed on 1.3.1979 and the respondent No. 6 was confirmed on 1.3.1982 as per draft Gradation List dated 1.11.89.

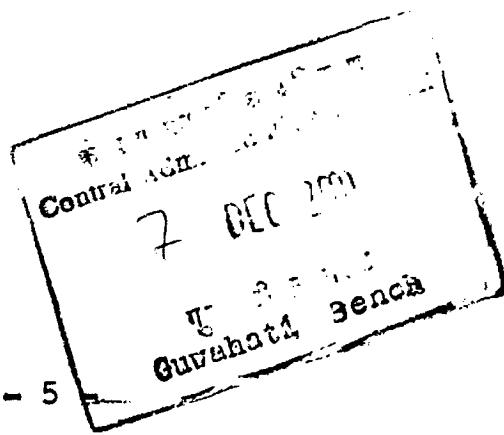
Copy of the relevant portion of draft gradation list dated 1.11.89 is annexed hereto and marked as Annexure-IV.

(f) That the Department of Telecommunication vide Letter No. 22-6/94-TE-II dated 13.12.95 has prescribed procedure for Promotion to Grade IV (Scale of Rs.2000-3200) against 10% Post to the B.C.R. Scheme and as per that Scheme who have completed 26 years of Service on the basis of their Seniority in the Basic Grade.

Copy of the said letter dated 13.12.95 is annexed hereto and marked as Annexure-V.

(g) That the applicant begs to state that as per Letter No. 22-6/94-TE-II dated 17.5.96 the basic grade of the T.O.A. (Telecom Operation Assistant) would be L.D.C. and, as such, the petitioner being the Senior most in the Cadre and have completed more than 26 years and he is entitled to promotion when his junior was given promotions i.e. on and from 29.4.93.

Copy of the said letter dated 17.5.96 is annexed hereto and marked as Annexure-VI.



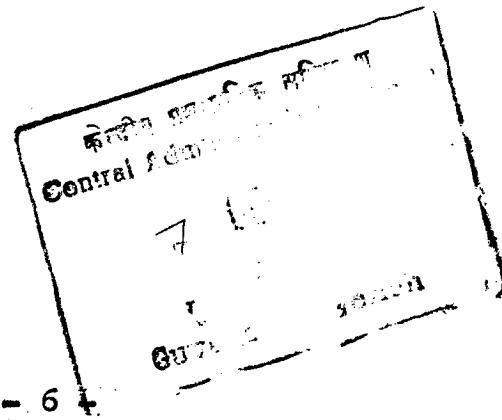
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(h) That your petitioner begs to state that the Department of Telecommunication vide letter No. 22-6/94-TE-II dated 8.9.99 made it clear that all ineligible officials promoted to Grade-IV by application of reservation of Roster may be reverted to with immediate effect and all ^{Official} eligible may be placed in Grade-IV and their pay may be fixed notionally.

Copy of the said letter dated 8.9.99 is annexed hereto and marked as Annexure-VII.

(g) That the applicant made representations to the Respondents representing his case of deprivation and discreditation of promotion (to his Junior Cadre) on 16.2.2000, 19.7.2000 and 4.9.2000.

The applicant got reply of his representation dated 16.2.2000, 20.7.2000 but his case for promotion to Gr. IV against 10% Post in B.C.R. Scheme has not been considered due to wrong interpretation of D.O.T./ ND Letter No. 22-6/94 TE dated 17.5.96. The authority have totally ignored the original Office Order No. 27-4/87-TE-II dated 9.9.1992 (vide Para 8 (c) and 8 (d)) and subsequent order No. 20011/1/96-Estt(D) dated 30.1.1997 issued by the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi, arising out the decision of the Hon'ble Supreme Court dated 10.10.96 in Case No. JT 1995(7) SC 231 (Union of India -Vs.- Virpal Singh Chauhan etc. in connection with the seniority of SC/ST Officers promoted earlier vis-a-vis general candidates



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28

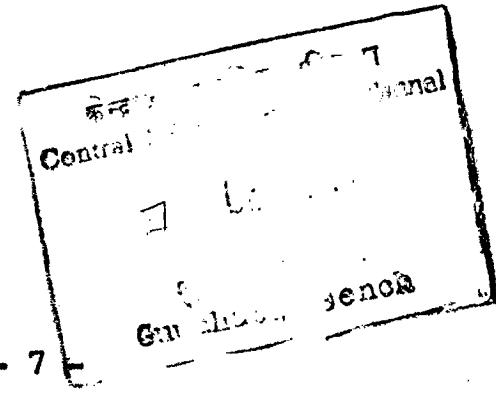
promoted later.

The Hon'ble Supreme Court held :-

" Even if a Scheduled Caste / Scheduled Tribe candidate is promoted earlier by virtue of rule of reservation / roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade, the general candidate regains his seniority over such earlier promoted Scheduled Caste / Scheduled Tribe candidate. The earlier promotion of the Scheduled Caste / Scheduled Tribe candidate in such a situation does not confer upon him seniority over the general candidate even though the general candidate is promoted later to that category (Further refer Case No. (1995) 6 SCC, Page 684).

Copies of the representations dated 16.2.2000 and 19.7.2000, Letter dated 9.9.92 and 30.1.97 are annexed hereto and marked as Annexures - VIII, IX, X and XI respectively.

(h) That the following comparison of promotion between the applicant and Sri Sital Chandra Das, to Gr-IV against 10% posts in the B.C.R. Scheme will transpire the flagrant discrimination of supercession of senior candidate by the Junier candidate by the authority.



Government of India

8A

The Applicant (R.K.Deb) B.A.
S.S.S. (Old) Sec.

S. C. Das, Non-Matric (S.C)
Office Superintendent

Date of Promotion	Date of Promotion
1. L.D.C. 4.1.1965 (Original Post)	7.4.71
2. U.D.C. 2.7.1974	1.3.1982
3. L.S.G. 5.9.1989	6.6.1989
4. B.C.R. 27.2.1993	Grade-III 9.9.92 Grade-IV 29.4.93

(ii) That the applicant by way of clarification sent letter dated 4.9.2000 and the Respondent sent the same for clarification on 28.9.2000 just to delay the legitimate claim of the petitioner.

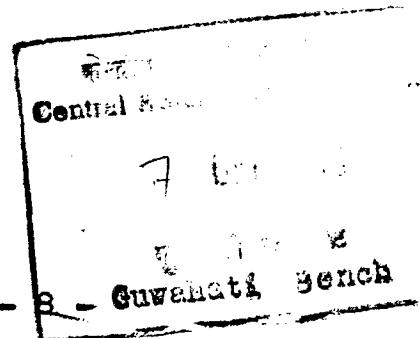
Copies of the said letters dated

24.9.2000 and 28.9.2000 are annexed hereto and marked as Annexures - XII and XIII respectively.

(j) That the applicant begs to state that the anomalies in the promotion of Senior Officials were discussed between the Department and the Staff members and it was decided to remedied the grievances as per meeting held on 20.12.99.

5. Grounds for relief with Legal Provisions :

(a) For that the applicant is the senior most employee amongst all the Gr. 'C' staff and completed 25 years of service and fulfills all the conditions prescribed in the procedure for the promotion to Gr.-IV against 10% Posts in the



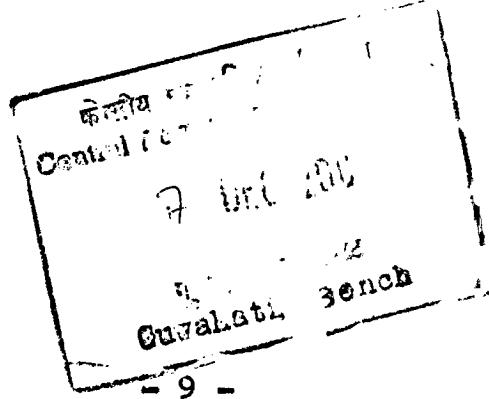
22
Guwahati

B.C.R. Scheme vide Office Order No. 22-6/94-TE-II dated 13.12.95 but the respondent No. 6 has been granted promotion to Gr-IV violating the judgement dated 7.7.92 of the Hon'ble C.A.T. directed that the promotion to 10% posts in the Scale of Rs.2000 - 3200 would have to be based on seniority in the basic cadre subject to fulfilment of other conditions of the B.C.R. viz. those who are regular employees as on 1.1.90 and had completed 26 years of service in the basic grade (including higher grade).

The D.O.T. filed an SLP against the said judgement and the Hon'ble Supreme Court vide their order dated 9.9.93 upheld the judgement of C.A.T., Principal Bench, New Delhi.

(b) For that the applicant claims in his several letters of representation claiming his case for promotion to Gr.-IV against 10% posts in the B.C.R. Scheme but the authorities have not considered his case even though there is a clear directives from Regional Joint Consultative Machinery - XXVI - Meeting held on 20.12.1999, reviewing the old items including promotion of Senior Officials to Gr.-IV. The above R.J.C.M. / C.O.T. / N.E. Telecom Circle deals with the promotion of Senior Officials to Grade-IV at at per with Tunioin para 10 / 12 - 99 in Page 10 of the Minutes :-

" As per departmental guidelines, promotion to the cadre of Grade-IV in the Pay Scale of Rs.6500-200-10,500 should be done basing on the Seniority in the basic cadre and without any reservation for S.C. / S.T.s.



Biju Bishnu

6. Details of the Remedies Exhausted :-

(a) The applicant declares that he made several representation dated 16.2.2000, 6/13. 3. 2000, 19.7.2000 and lastly on 4.9.2000.

While replying to his letter dated 16.2.2000 the Chief General Manager's Office Letter No. STB/BCR/CO/92 dated 20.7.2000 has only mentioned that basic cadre should be T.O.A. for determining the eligibility for promotion to Grade-IV without considering further instructions as regards regularisation of the inadmissible cases were asked for under the same order which seems to have not been reviewed.

(b) The applicant pointed out in his latest representation dated 4.9.2000 the following facts which have never been examined inspite of his repeated representations.

1. The initial gradation list is wrong because ignoring the following guidelines.

(a) The gradation list, Seniority should be determined as follows :-

i) In cadres to which recruitment is made through examination.

(b) If the examination is competitive, Seniority is fixed according to order of merit.

(c) If the examination is qualifying, Seniority is determined according to the position in the waiting list.

Banks and Co.

ii) In cadre to which recruitment is made by promotion .

- (a) If it is on the basis of pure selection, Seniority should be fixed according to the order of preference.
- (b) If it is on the basis of Seniority subject to rejection or unfit, Seniority is fixed according to the position of official in the cadre from which promoted.

The date of appointment as L.D.C. of the applicant is 4.1.1965 through examination as an outside candidate whereas, the respondent No. 6 from the Cadre of Group 'D' and was appointed as L.D.C. on 7.4.1971. The gradation list, position should therefore show applicant's name above the Respondent No 6 which has been ignored at all times.

As already near about 8 (Eight) months from the day the applicant submitted his prayer but no suitable reply has been given excepting a letter dated 20.7.2000 which shows that the concerned authority did not go in depth of the mistake committed in every stage.

It may be pointed out further that similar irregularities have been set right by G.M.T.D. / Shillong and C.T.O./Shillong on the basis of a Settlement reached in R.J.C.M. (Annexure -).

The reply to my letter dated 4.9.2000 and 29.9.2000 to the Chief General Manager, by name has been made only on 28.9.2000 with a simply one line reply that " matter has been referred to the Directorate for clarification for which reply is awaited ".

Banning Model

7. Matters not previously filed or pending with any other Court

The applicant further declares that he has not filed any other application before any authority except those mentioned in this application.

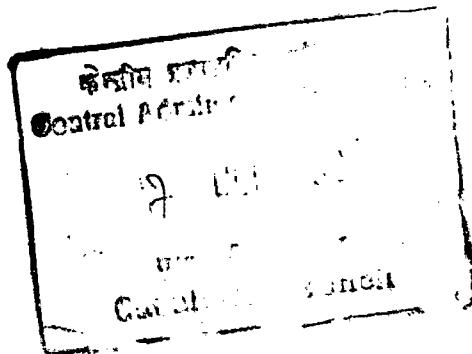
8. Relief Sought

The applicant prays that -

1. The gradation list need to be corrected.
2. Grade-IV promotion should have been made strictly on the basis of Seniority without applying Roster position.
3. Promotion to Grade-IV has not been made deserving minimum requirement of condition of 26 years service counting from L.D.C. Cadre. Here in this case also roster position should not be maintained since the applicant has fulfilled the required criteria, his case for Grade-IV - 10% may kindly be considered reviewing the entire case history, and the applicant be promoted when his Junior, Respondent No. 6 has been promoted.

9. Interim Order prayed for :-

The applicant prays that as per decision of the Hon'ble Supreme Court Order dated 9.9.93 in SLP filed by D.O.T. against the order dated 7.7.92 of the Hon'ble C.A.T. / New Delhi with a direction that the promotion to 10% posts in ~~xxxx~~ the Scale of 2000 - 3200 would have to be based on Seniority in the basic Cadre subject to fulfilment of other



- 12 -

Ramankurkash 24

conditions of B.C.R. viz. those who are regular employee as on 1-1-90 and had completed 26 years of Service in the basic grade (including higher grade) . This decision has duly been issued to all Heads of Telecom Circle vide their Letter No. 22-6/94-TE-II dated 13.12.95.

In view of the above decision the applicant may be allowed promotion to Grade-IV as prayed for on the basis of seniority with retrospective effect.

10. The Application is filed through Advocate.

11. Particulars of I.P.O.

NO. 66 721075 dtd. 4.12.2007
on G.P.O. Gauhati

12. List of Enclosures

As stated in the Index.

Verification ...

केन्द्रीय न्यायिक नियम
Central Administrative Tribunal

7 DEC 2000
मा. नं. 12345
कानूनी दस्तावेज़

- 13 -

VERIFICATION

I, Ramendra Kumar Deb, Son of Late Rajendra Kumar Deb, aged about 57 years, working as Sr. Section Supervisor (plg.) in O/O the Chief General Manager, N. E. Telecom Circle, BSNL, Shillong, resident of P.A.T. Colony, Oakland P.O. Shillong, Meghalaya, do hereby verify that the contents of Paragraphs 1 to 12 are true to my knowledge and those made in the rest of Paragraphs 13 to 22 are my humble submissions before this Hon'ble Tribunal and that I have not suppressed any material fact.

Ramendra Deb

Date 6th Dec. 2K

Signature of the Applicant

Place Guwahati

Annexure I

14/23

Annexure - I

(A)



DEPARTMENT OF TELECOMMUNICATIONS
Office of the Chief General Manager, N.E. Telecom Circle,
Shillong-793 001

NoSTB/BCR/CO/92

Dated at Shillong, the 20th July, 2000

To

Sri R.k. Deb
SSS (plg) Sec
C.O.Shillong.

Sub:- Promotion to Gr-IV against 10% posts in the BCR scheme.

Ref:- Your representation dated 16-02-2000.

With reference to your above cited representation, I have been directed to inform you that as per DOT/ND letter no.22-6/94/TE.II dt 17-06-96, basic grade in respect of LDC/UDC in Circle Office who have opted for TOA cadre in accordance with the scheme of introducing TOA pattern is TOA. the seniority in the TOA cadre is to be followed for promotion to Gr-IV.

Therefore, your representation could not be considered.

(S. PATGIRI)

Asstt Director Telecom (HRD)
O/O the Chief General Manager N.E
Telecom Circle, Shillong.

21-7-2000
D
21-7-2000
Certified the
true copy
(B. P. DAS)
Advocates
6/12/2000

Annexure - II

- 15 -

INDIAN POSTS AND TELEGRAPH DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL: ASSAM CIRCLE: SHILLONG.

MEMO NO. STAFF A-133/LD/III. Dated Shillong, the 3-3-65.

The following ~~outsiders~~ candidates having qualified in the test held on 31.2.64 for appointment to the cadre of lower Division Clerks in the office of the Postmaster General, Shillong are hereby appointed temporarily as such in this office in the Scale of pay of Rs.110-3-131-4-165 E175-5-180 plus usual allowances from the date noted against each.

2. They are given to understand that their appointment is purely temporary and liable to be terminated on a month's notice from either side.

3. Their seniority in the gradation list will be determined according to the latest orders on the subject.

4. They will be required to undergo the prescribed training.

5. They will be required to pass a test in the regional language within a period of two years of their appointment.

6. Quasi permanency or confirmation of three officials at serials 1, 2 & 5 will depend on their passing a test in type writing at the prescribed speed.

Names of the Officials.

Date of Appointment.

1. Sri Willford M. Lyngdoh	23.12.1964.
2. Sri Chitta Raju Das	31.12.1964
3. Sri Rabindra Nath Sen.	22.12.1964
4. Sri Gour Gopal Sinha	2.1.1965.
5. Sri San Ireston Pariat.	26.12.1964
6. Sri Ramendra Kumar Deb.	4.1.1965.

SD/-
Director of Postal Services,
Assam Circle, Shillong.

Copy to:-

1. The A&P Section, Circle Office, Shillong. Health Certificates is used by the C.S. ~~are~~ enclosed for onward transmission of the same to the Audit.
2. To 7 officials concerned.
3. P/Fides of the officials concerned.
4. The Office Superintendent.
5. The Post Section, C.O. Shillong.
6. The Budget Section, C.O. Shillong.
7. The Director of Audit & Accounts, P&T, Calcutta.

18 to 23. Spare copies.

27/10/2010
A.D.T. (CPD/L)
Mr. S. M. Deka
OICGM TELECOM
3. P. T. A. C. S.
N.E. CIRCLE, SHILLONG

M. Chakraborty
for Postmaster General,
Assam Circle, Shillong.

certified to be true copy
Depn Rep. Advocate
6/12/2010

FOR OFFICIAL USE ONLY.

-16-

J. Acct
A.D. 13

Gradation List

of

The Office of the Postmaster General,

Assam Circle : including

The Returned Letter

Office and Telecomm-
munication Accounts.

~~Corrected upto 1-7-71~~

Issued under the authority of the Postmaster General
Assam Circle, Shillong.

N.B. Nothing in the publication is to be taken as conveying
any sanction or authority or may be held to supersede
any standing rule or any order of the Government.

00

12/10/2015

Sr. No.	Name & Qualification	State	Date of Birth	Date of Entry	Present Designation	Pay drawn	Date of Last increment	Remarks		
								Office	Office	Office
1. 0	2	3	4	5	6	7	8	9	10	
1. 0	2	3	4	5	6	7	8	9	10	

OFFICE STAFF :- PERMANENT - I Scale of pay - Rs. 250-20-450-25-475/-

1. Sri R.N. Sanyal (A.P.)
Sri B.P. Roy Choudhury
M.A (Com)

0/C 30-10-13 10-6-33 13-1-70 Office Supdt. Rs. 475/-

SENIOR ACCOUNTANT - PERMANENT - I Scale :- Rs. 270-15-435-EB-20-575

1. VACANT (1-3-65)
Sri D.P. Bhattacharjee

Offg. w.e.f.
1-8-70

JUNIOR ACCOUNTANT - PERMANENT - I Scale - Rs. 180-10-190-EB-15-330-EB-15-440/-

1. Vacant (1-6-67)
Sri J. Dasgupta

Offg. 10-6-70

Sorting Asst. Supdt. Permit. - I Scale - Rs. 335-15-425

Offg. w.c.f.
15-2-71

1. Vacant
Sri R.C. Sen

Head Asst. (Engg.) Permit. - I Scale - Rs. 335-15-425

Offg. 10-6-70

1. Vacant (2-4-66)
Sri D.K. Shome

Offg. 2-4-66
Rs. 410 3-12-70

1. Vacant
Sri K.S. Dey Purkashtha

Asst. Supdt. - Permit. - I Scale - Rs. 335-15-425
Tempy - I

Offg. 2-4-66
Rs. 410 3-12-70

1. Vacant
Sri B.C. Bhattacharjee

Asst. Supdt. (Complaints) Pmt. - I Scale - Rs. 335-15-425

Offg. Sr. - 2

certified to be
true copy, Jyoti M. Ray
Advocate, 6/12/2002

1 2

2. Sri E.M. Marwein

2. Sri R.C. Nath

1. Vacant

2. Vacant

3. Vacant

-13-

1	2	3	4	5	6	7	8	9	10
59	2-3-69	L.D.C.	Rs.123/-	13-11-79					
6-50	6-3-69	"	Rs.123/-	14-11-79					

L.D. (Clerks) Temporary -

Sri Rabindra Nath Sen ✓ O/C 1-3-42 22-12-64 Offg.LDC Rs.123/- 23-12-79

Sri Govt Gopal Singh O/C 1-1-43 2-1-65 Offg. Steno - - wcf 30-6-65 Offg. as Stonographer

Sri Ramendra Kr.Deb B.A. O/C 1-9-43 4-1-65 ✓ 23-2-70 Offg.LDC Rs.123/- 5-1-71

Sri Gilbert Roy S/T 19-12-33 26-10-51 20-8-70 " Rs.125/- 16-1-71

Sri Jnari Smitirenu Shome O/C 27-2-44 7-12-66 18-9-70 " Rs.122/- 8-12-70

Sri Nripendra Kr.Deb O/C 14-3-43 11-1-62 18-9-70 " Rs.125/- 16-1-71

Sri Bidhan Kr.Chanda ✓ O/C 1-3-43 16-12-66 18-9-70 " Rs.122/- 17-12-70

Sri Russel Blah S/T 11-9-23 11-3-52 18-9-70 L.D.C. Rs.125/- 16-1-71

Sri Delhigradec Nongpluh S/T 1-3-43 14-11-66 " Rs.122/- 15-11-70

Sri D.Baino S/T 31-12-42 28-10-61 18-9-70 " Rs.122/- 16-1-70

Sri Upendra Nath Das S/C 1-1-36 11-10-55 Offg.U.D.C. - Transferred under Rule 33

Offg.U.D.C. 27-12-69

---14

1995-58-31
2001-66-31
3-9-0

1993-1-9-43
2001-58-31
2-9-01
31-8-2001

- 19 -

		1	2	3	4	5	6	7	8	9	10	11
12.	Sri Santabaha			17-11-69	18-9-70	Offg. LDC	Rs.122/-		2-5-71			
13.	Sri J.G.Chata			3-2-12-67	18-9-70							On deputation to IFS
14.	Sri Kedarnath Singh	O/C	2-5-37	15-1-60	18-9-70	"		Rs.122/-	2-5-71			
15.	Sri Meghbahadur Thapa	O/C	1-4-40	30-12-59	18-8-70	"		Rs.122/-	2-5-71			
16.	Sri A. Shabong	S/T	1-1-45	11-1-63	"			Rs.119/-	12-1-71			
17.	Sri G. Swell Pala	S/T	24-9-32	22-9-54	"			Rs.122/-	2-5-71			
18.	Sri Dibakar Dutta B.Sc(Hon)	O/C	1-7-47	16-12-	"			Rs.119/-	17-12-70	Resigned wef 12-7-71		
19.	Sri A.R.Willson	S/T	1-3-43	2-12-67	"			"				Deputed to APS
20.	Km. Lalneipui	S/T	17-12-49	8-10-63	"			Rs.116/-	14-10-70			
21.	Sri Anil Chandra Nath	S/C	1-1-50	19-1-63	"			Rs.116/-	19-1-63			
22.	Sri Sital Ch.Das *	S/C	7-2-45	1-7-64	"			Rs.110/-				(P) Offg. wcf 8-4-71
23.	Km. Bonita Flint Khongwir	S/T	15-9-51	10-11-70	"			Rs.110/-				
24.	Km. Mallika Roy Choudhury	O/C	1-3-51	10-11-70	"			Rs.110/-				
25.	Km. Debotoch Chakravarty	O/C	6-12-51	10-11-70	"			Rs.110/-				
26.	Km. Jagamaya Dasgupta	O/C	19-4-50	11-11-70	"			Rs.110/-				
27.	Sri Sarat Ch.Bania *	S/C	2-9-44	12-11-70	"			Rs.110/-				
28.	Sri Mihir Kanti Bhattacharjee	O/C	26-1-49	12-11-70	"			Rs.110/-				
29.	Km. Anita Deb	O/C	2-3-51	9-4-71	"			Rs.110/-				
30.	Sri Umapada Das	O/C	1-11-44	9-4-71	"			Rs.110/-				

Certified
true copy
6/1/2023

1/1/1989 - IV - 20-
4

DEPARTMENT OF POST & COMMUNICATION
LETTER OF THE CHIEF GENERAL MANAGER N.E. TELECOM CIRCLE, SHILLONG I-1.

No. STB-1/GL/CO

Dated at Shillong the 1st January 89.

To,

- 1) All Group Officers C.O. Shillong.
- 2) The Section Supervisors Staff/Asstt/Recrt/CR/ A&P / Plg C.O. Shillong.
- 3) O.S. C.O. Shillong.

Sub:- Draft Gradation List of Non Gazetted Staff of C.O. Shillong as on 1-11-89.

Two copies of draft gradation list are sent herewith for circulation amongst the staff. One copy of the same may kindly be returned to this section after obtaining signature of the concerned staff as a token of their having seen it. Objections, if any received should invariably be sent to the staff section within one month from the date of issue of this letter. After expiry of one month objection, if any received shall not be entertained.

Sd -

(B. Chakraborty)

Asstt. Director Telecom (PM)
for Chief General Manager N.E. Telecom
Circle, Shillong-1.

Copy to:-

- 1) Sr. PA to CGMT/GM(D) C.O. Shillong.
- 2) PA to AGM(A)/AGM(P)/VO/AAO C.O. Shillong.
- 3) O.S. C.O. Shillong (to display in the GL in the Notice Board).
- 4) Circle Secy AITAOEU Cl-III D IV N.E. Circle, SH.
- 5) Office Copy.
- 6) Spares.

B. Chakraborty
for Chief General Manager N.E.
Telecom Circle, Shillong.

certified to be true
copy
from Regd. Advocate
6/12/89

-24-

OFFICE OF THE CHIEF GENERAL MANAGER N.E. TELECOM CIRCLE, SHILLONG-1. A DRAFT GRADATION LIST OF NON-GAZETED
OF NE TELECOM CIRCLE OFFICE AS ON 1-11-89.

Sl. No.	Name & Iesignation qualification	Community	Date of Birth	Date of regular entry the deptt.	Date of regular appointment in the present cadre.	Date of confirmation	Cadre in which confirmed	Present designation	Pay now drawn	Date of next increment	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

Office Supt, post - 1

Pay scale Rs. 1600-50-2300-EB-60-2660/-

1. Smti H.B Das, Matric	C.C.	23-11-31	26-6-50	6-6-89	1-3-67	UDC	2100/-	Offg. as O.S.
<u>LSG Sanctioned posts - 5</u> Pay scale Rs. 1400/-40-1800-EB-2300/-								
1. Smti Haimabati Das, Matric.	C.C.	23-11-31	26-6-50	6-6-89	1-3-67	UDC	2100/-	Offg. as O.S.
2. Sri. Madhab Ch. Barua, Matric	C.C.	1-11-33	6-8-54	6-6-89	1-6-67	UDC	2000/-	1-5-90
3. Sri Kaserdra Kr. Kar, BA	C.C.	1-8-34	12-11-58	6-6-89	1-3-71	UDC	1800/-	1-12-89

LSG (N/F) Posts -2- scale of pay Rs. 1400-40-1800-E3-50-2300/-

1. Sri Sital Ch. Das, Non-Matric	C.C.	7-2-45	1-7-64	6-6-89	1-3-82	UDC	1520/-	1-6-90	LSG (N/F) offg. as S.S.
----------------------------------	------	--------	--------	--------	--------	-----	--------	--------	-------------------------

certified to be true copy by Advocate H/12/2003

CONT'D...
CONTD.....

1	2	3	4	5	6	7	8	9	10	11	12
UDC 32 Posts pay scale of Rs. 1200-30-1560-E3-40-2040/-											
1.	Shri S.P.Biswas	O.C.	1-3-32	1-7-51	11-1-65	5-3-69	UDC		2000/-	1-6-90	Offg. LSG
2.	Shri H.G. Lyngdoh.	S.T.	1-3-32	22-10-51	1-3-71	1-3-71	UDC		1850/-	1-1-90	Offg. LSG
3.	Shri Debabrata Kar, BA	O.C.	1-1-39	5-6-56	1-4-67	1-1-73	UDC		1760/-		Offg. LSG
4.	Shri Kandrapa Kakati	O.C.	1-3-35	7-1-55	7-4-67	1-9-73	UDC (ID)		1840/-	1-1-90	-do-
5.	Shri Krishna Karta Kakati, Matric	O.C.	1-3-37	10-12-50	2-5-68	1-3-77	UDC		1680/-	1-4-90	Working as Cashier.
6.	Shri Ramendra Kr, Deb, BA	O.C.	1-9-43	4-1-65	2-7-74	1-3-75	UDC (ID)		1560/-	1-7-90	
7.	Shri Gilbert Roy	S.T.	10-12-32	26-10-51	26-10-78	1-7-80	UDC (ID)		1530/-	1-2-90	
8.	Shri Syrpailin Schliya BA	S.T.	1-4-52	29-1-73	2-2-78	1-3-82	UDC		1440/-	1-2-90	
9.	Mrs.N.Dutta Purkayastha, PU(Arts)	O.C.	2-3-52	24-4-71	5-3-80	1-3-82	UDC		1410/-	1-11-89	
10.	Shri Megh Bhakduri Thapa, Non-Matric	O.C.	1-4-40	30-12-59	5-3-80	1-3-83	UDC		1500/-	1-6-90	
11.	Shri Mohamaya Choudhury, BA	O.C.	13-2-56	1-11-76	30-6-81	1-3-83	UDC		1380/-	1-6-90	

Centrally
Treated
Syrpailin
Roy BA
Shri Deb
Bhakduri
Thapa
Non-Matric

Government of India
Ministry of Communications
Department of Telecom.
Sanchar Bhawan, New Delhi-1.

No. 22-6/94-TE-II

18 DEC 1995

262 13/12/95

To

Dated, 13-12-95.

All Heads of Telecom. Circles,
Metro Districts, Ntce. Regions,
Project Circles and all other
Heads of Administrative Units.

Sub:- Procedure for promotion to Gr.IV (scale of Rs.2000-3200)
against 10% posts in the BCR Scheme.

Your kind reference is invited to the instructions contained in this office letters No.27-4/87-16-II dated 7.1.94 and 10.2.94 and letter No.27-4/84-16-II dated 30-8-94 which stipulate promotions to Gr.IV in the scale of Rs.2000-3200 (against 10% posts in the BCR), as per the seniority position in Grade-III. The said procedure had been challenged by certain officials before the CAT Principal Bench, New Delhi by filling OA No.1455/91.

The Hon'ble CAT vide its judgement dated 7.7.92 directed that the promotions to 10% posts in the scale of Rs.2000-3200 would have to be based on seniority in the basic cadre subject to fulfillment of other conditions of the BCR viz. those who are regular employees as on 1.1.90 and had completed 20 years of service in the basic grade (including higher grades). The L.O.T filed an O.P. against the said judgement and the Hon'ble Supreme Court vide their order dated 9.9.93 upheld the judgement of CAT Principal Bench, New Delhi. Similar applications had also been filed before other C.T. Benches in the country and in those cases as well, the judgements in line with the judgement of Principal Bench, New Delhi had been given.

Review of the existing procedure of promotion to Grade-IV (now designated as Chief Section Supervisor) under the BCR Scheme has been under consideration in view of the judgement of Principal Bench, New Delhi upheld by the Supreme Court. It has now been decided in supersession of earlier instructions that promotion to the said Grade-IV may be given from amongst officials in Grade-III on the basis of their seniority in the basic Grade. The promotions would be subject to fitness determined by the DPC as usual.

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Certified to be true
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S. K. K. - Advocate
61/12/1995/21-

Under
belonging

-2-

The cases of promotion to the said Grade-IV in the scale of Rs. 2000-3200 against 10% posts under the BCR scheme may be reviewed and the same may be regulated accordingly restricting the number of officials thus promoted strictly to 10% of the posts placed in Grade-III (scale of Rs. 1500-2660) as provided in the BCR Scheme.

(R.S. VERMA)
Director(TE)

Copy to:-

1. P.S. to Chairman, Telecom. Commission, New Delhi.
2. All Members/Advisor, Telecom. Commission, New Delhi.
3. Additional Secretary(I), D.O.T. New Delhi.
4. DDG(SSTT)/DDG(Pers.)/DDG(TS)/DDG(SR)/DDG(NM), DCTN Delhi.
5. Dir(TE)/Dir(ST-I)/Dir(ST-II)/Dir(SR)/Dir(FA-I)/Dir(TSP), DCT New Delhi.
6. ADG(NCG)/ADG(SGT)/(TE)/STN/P.en.y(FA-I) DCT, New Delhi.
7. Bureaut/FA-I/TE-I/TE-II/SIC, I, II, III, NM, SII, I, II/ Sections DCT New Delhi.
8. All recognised Federations/Unions/Associations.
9. Secty. Staff Departmental Council(JCM).
10. All Members, Staff Departmental Council(JCM).
11. Q.L. Section for Hindi Version.
12. Spare copies-50.

i.e.R
(T.R. GANG) 13-1-55
Section Officer(TE-II)

1996
25
22
Government of India
Ministry of Communications
Department of Telecommunication
Sanchar Bhawan, 20, Ashoka Road
New Delhi-110001.

No.22-6/94-TE-II

Dated: 17.05.1996.

To

All Heads of Telecom Circles.

Metro Districts, Maintenance Regions,
Projects' Circles and all other
Administrative Offices.

Sub: Procedure for promotion to Grade IV (scale of
Rs.2000-3200) against 10% posts in the BCR Scheme.

Kindly refer to this office letter of even number
dated 13.12.1995 on the above noted subject vide which
the revised procedure for promotion to Grade IV (new
designated as Chief Section Supervisor in the scale of
Rs.2000-3200) under the BCR Scheme has been laid down in
pursuance of the judgement of CAT, Principal Bench, New
Delhi and upheld by the Supreme Court in OA No.1455/91.
Some of the circles have raised certain points for clari-
fication. The same are clarified as under:

<u>S.No.</u>	<u>Point for clarification</u>	<u>Clarification by DOT</u>
--------------	--------------------------------	-----------------------------

1. What would be the date of effect for implementation of the order contained in letter No.22-6/94-TE-II dated 13.12.1995 laying down the revised procedure. All the promotions made since the inception of scheme are to be reviewed & regulated in terms of the order dated 13.12.95 and 10.5.96. Further promotion in any case have to be made strictly in accordance with the new procedure

2. What would be the basic grade in respect of the LDC/UDC in Circle offices who have opted for TOA cadre in accordance with the scheme of introducing TOA pattern in these offices. The basic grade in these cases would be the TOA. The seniority in the cadre of TOA may be followed for promotion to GR.IV. In fact the BCR scheme does not apply to LDCs/UDCs in TOA's cadre, the matter may be separately referred to the Personnel Branch (STN) of the Directorate.

TOA (TOA effective w.e.f. 9.9.92 vide STB/CON/TE dated 22.2.93)

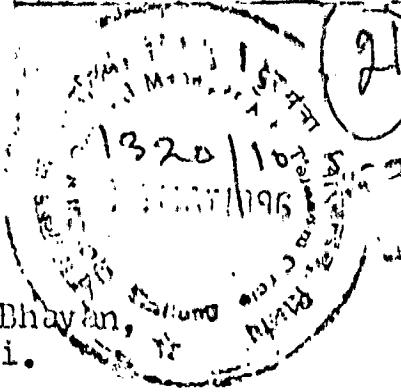
In case there is any doubt regarding fixation of seniority of LDCs/UDCs

STB/CON/TE/TCH dated 22.2.93
in convention for the post of S.K. DHAWAN
DIRECTOR (TE)

Certified to be true copy given by Advocate
6712/1996

726
No. 22-6/94-TE
GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOM

Sanchar Bhawan,
New Delhi.



Dated the 10.5.1996

To

All Heads of Telecom Circles/Metro Distt.,
All Heads of Mtce. Regions/Project Circles,
All Heads of other Admn. Units.

Sub.: Procedure for promotion to Grade IV in the scale of Rs.2000-3200 against 10% posts in the BCR Scheme

Ref.: This office letter No. 22-6/94-TE.II dated 13.12.95 and 17.1.96

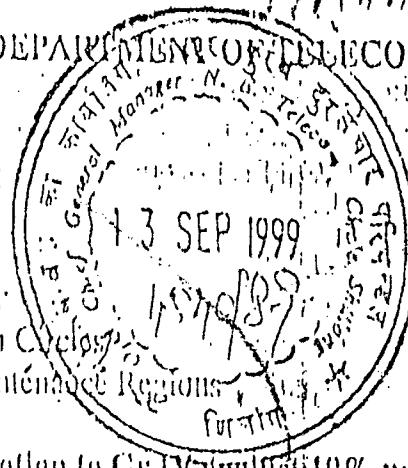
Sir,

Reference is invited to this office letter of even number dated 13.12.95 and clarifications issued vide letter of even number dated 17.1.96 on the above subject and in compliance to the judgement dated 7.7.92 delivered by Hon'ble C/T, Principal Bench, New Delhi in OA No. 1455/91 and upheld by the Hon'ble Supreme Court vide their order dated 9.9.93. 14/e

2. Consequent to the above order a demand was placed by the staff side in the JCM to prevent reversion of officials, already promoted in Grade IV (Rs.2000-3200) in the light of this office orders of even number dated 13.12.95. The demand of the staff side has been considered by the Telecom Commission and it has been decided that:-

- i) The officials already promoted in Gr. IV of Rs.2000-3200 should not be reverted and may be allowed to continue in Gr.IV.
- ii) Number of posts required in excess of 10% of BCR posts be created to the extent to avoid reversion of officials already promoted in Gr. IV posts.

.....2/-



No. 22-6/94-TB.II

Dated: 8.9.99

To

All Heads of Telecopi Circles,
Metro Districts/ Maintenance Regions

Sub: Procedure for promotion to Gr.IV (including 10% posts in BCR Scheme).

There has been number of instructions on promotion/ placement to Gr.IV (10% BCR) issued from time to time. It has been observed that some of the instructions have been interpreted contrary to its spirit in some of the circles. In view of this, the position on placement to Gr.IV in view of the existing Instructions on the subject is reiterated/clarified as under:

The Scheme of BCR and 10% BCR (Gr.IV) was introduced in the Department vide No. 27-4/87-TB.II dt: 16.10.90.

earlier being

The promotion to Gr.IV was done on the basis of seniority in BCR. The issued was challenged in the Court. In view of the Judgement of Principal Bench, New Delhi upheld by the Supreme Court, it was decided in pursuance of earlier instructions that promotion to Gr.IV may be given from amongst the officials in Gr.III on the basis of their seniority in the basic cadre. Accordingly, the Order No. 22-6/94-TB.II dt. 13.12.95 was issued. As per the Order, the promotion to the Gr.IV was to be reviewed and the same was to be regulated as per Court Judgement restricting the number of officials thus promoted strictly to 10% of the posts placed in Gr.III.

Consequent to the above Order dated 13.12.95, some of the officials already promoted in Gr.IV became ineligible and were facing reversion. It was decided by Order of even No. dated 13.2.97 that those promoted officials who will be rendered ineligible for promotion to Gr.IV in pursuance of the Order dated 13.12.95, may be protected from reversion by creating as many supernumerary posts as required from person to person basis. It is further clarified that these supernumerary posts were to be created only to avoid reversion of the officials promoted to Gr.IV by different method prior to 13.12.95.

Order 27-4/87-TB.II dated 22.10.93 allowed the officials in restructured cadre to opt for the BCR scale of the old cadre with the stipulation that they will not be entitled to Gr.IV of the old cadre. Subsequently, it was decided vide Order of even No. dated 16.6.97 that Gr.IV scale should be allowed to the staff working in the restructured cadre. The benefit will be given to the staff in the

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Advocate
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restructured cadre from the date their juniors in the old cadre have been given this benefit as per seniority in the basic grade of the old cadre. Order of even No. dated 2.9.98 allowed creation of supernumerary posts to accommodate the officials in Gr. IV in compliance of this office Order dated 16.6.97. It is further clarified that Gr. IV was to be given to the officials in the restructured cadre who were senior to the officials of old cadre placed in Gr. IV because of their seniority in basic cadre. Such comparison was not to be drawn by the Grd. IV officials of old cadre who were working against supernumerary posts created to avoid their reversion in pursuance of Order dated 13.12.95.

It was mentioned in Order No. 22-6/94-T.E.II dated 1.3.96 that the normal rules of reservation would apply to promotions in Gr. IV. The same was challenged in the Court. Hon'ble CAT Ahmedabad vide its Judgement dated 11.4.97 in OA No. 623/96, upheld by Hon'ble High Court, Gujarat, has passed an Order that Reservation Roster will not apply for placement from BCR (Gr. III) to 10% BCR (Gr. IV). The decision of the CAT alongwith copy of the Court Order was circulated vide this office letter of even No. dated 22.8.97. The same was reiterated vide this office letter of even No. dated 19.7.99 wherein it was emphasised to review DPCs in which reservation roster would have been applied for placement in Grd. IV.

2. In view of the above Orders regarding placement to Or. IV, the following steps may be taken:

(i) In pursuance of Order No. 27-4/87-T.E.II dated 16.6.97, the officials of restructured cadre wrongly promoted to Gr.IV by comparison with officials of old cadre placed in Gr. IV either against supernumerary posts created in pursuance of Order No. 22-6/94-T.E.II dt. 13.02.97 or through application of Reservation Roster as per Order No. 22-6/94-T.E.II dt. 1.3.96, may be reverted with immediate effect.

(ii) To comply with the Ahmedabad CAT Order circulated vide this office letter No. 22-6/94-T.E.II dt. 22.8.97, review DPC may be conducted. All ineligible officials promoted to Gr.IV by application of Reservation Roster as mentioned in this office Order of even No. dated 1.3.96 may be reverted with immediate effect. All eligible officials may be placed in Gr. IV and their pay may be fixed notional. However, no arrears will be payable to such officials approved by reviewed DPC.

(BAL KISHAN)
DIRECTOR (TELE)

Chung Goo 12

∴ $S_{\alpha} \cdot DDC(BW) / DDC(P \wedge P) / DDC(Perin.)$

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To

Miss D. Giri, ITS,
Dy. General Manager (A),
O/O The Chief General Manager,
N.E.Telcom Circle,
Shillong : 793 001

Annexure - VIII

Sub: Promotion to Gr-IV against 10% posts in the BCR Scheme.

Dated at Shillong, the 16-2-2K

Madam,

I most humbly solicit your kind order for implementation of DOT's Order regarding my *promotion to Gr-IV against 10% posts in the BCR scheme.*

DOT, New Delhi in his letter No. 22-6/94-TE-II dated 13-12-95 vide para-III has instructed which reads as follows:

"It has now been decided in suppression of earlier instruction that promotion to the said Grade-IV may be given from amongst official in Grade-III on the basis of their seniority in the basic Grade". The basic grade is clarified in Sl.2 of DOT's letter No. 22-6/94/TE-II dated 17-5-96.

Your kind attention is also invited to (1) para-2(ii) of DOT's No. 22-6/94-TE-II dt. 8.9.99 and (2) para-2 of DOT's letter No. 22-6/94/TE-II(Vol.III) dt. 30.12.99 on the above subject which are as follows :

(1) "To comply with the Ahmedabad CAT order circulated vide this office letter No. 22-6/94-TE-II dated 22.8.97, review DPC may be conducted. All ineligible officials promoted to Gr.IV by application of Reservation Roster as mentioned in this office order of even No. dated 1.3.96 may be reverted with immediate effect. All eligible officials may be placed in Gr-IV and their pay may be fixed notionally."

(2) "The matter has been considered and it has been decided that Gr-IV officials whose reversion were protected through creation of supernumerary posts vide letter dated 13-2-97 and also who were authorized ineligible for Grade-IV promotion in accordance with the procedure prescribed vide order dated 13-12-95 may be reverted immediately with pay protection under the provision of FR-31A".

I joined in this department on 4-1-1965 in the cadre of LDC and completed 26 years of service on 4-1-1991. I am the seniormost official amongst all the Gr-'C' staff of this office.

The promotion to the scale of Rs. 2000-3200/- against 10% posts in BCR scheme as has been given to the *ineligible officials may be regularized by reversion or otherwise with pay protection or so, and, my prayer may be considered as per the order in force giving retrospective effect.* (Refer para 2(iii) of DOT No. 22-6/94-TE-II dt 12-2-97.

Under the circumstances above, your kind direction to do away with the anomaly and proper promotion order on the basis of my prayer as above will be highly appreciated.

With kind regards,

Yours faithfully,

SDF

(R. K. Deb)

Sr. Section Supervisor (Plg)
O/O CGMT, N.E.Circle, Shillong-793001

Certified to be true copy
Rajan Deb, Advocate
6/12/2000

To,

Annexure - IX

- 30 -
(10) my

The Chief General Manager,
N.E.Telcom Circle, Shillong-1.

(For kind personal attention of CGM)

Sub:- Request for promotion to Grade IV reviewing the case of existing promotee.

Respected Sir,

With due respect of I like to bring to your kind notice that inspite of my representation dated 16.2.2000 and reminder thereon dated 6/13.3.2000 (copy enclosed) and repeated verbal reminders my claim for promotion to the 10% post in BCR scheme has not been given effect till date.

That Sir, presumably because of wrong interpretation of the spirit of the orders continuous anomaly took place as narrated below :-

- (i) That Sir, the date of appointment in the cadre of LDC of the undersigned in 4.1.1965 and that of Shri S.C. Das in 7.4.71 (who has been promoted to the Grade IV post with effect from 29.1.93) superseding my claim.
- (ii) That Sir, vide DOT letter No. 27-4/87-TE-II dated 9.9.92 it is clear that the total service in the cadre of LDC/UDC/TOA will be counted for the purpose of granting OTBP and promotion under BCR scheme as per existing rule, which has been ignored while granting Grade IV promotion to Shri S.C. Das depriving my claim though I am ~~block~~ senior to Shri Das vide para "r" of the above letter (copy enclosed).
- (iii) That Sir, as per the rule of reservation my junior got promotion earlier to me in Grade III the undersigned regained the original seniority in grade III on my regular promotion to grade III vis-a-vis to the cadre of TOA. Here in also the claim was not examined and injustice done to me at the time of grade IV promotion of Shri Das (supporting order No. 20011/1/96-Estt(D) dated 30/1/97 from Govt. of India, Ministry of Personnel and Public Grievance of Pension, Department of Personnel and Training is enclosed)

Contd-2/-

Enclosed
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To
We
Advocate
Rep
6/12/2000

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(iv) That Sir, Grade-III promotion to Shri Das was considered in accordance with roster point which should not have been done in accordance with DoT order No. 22-6/94-TE-II dated 8.9.99 (copy enclosed). The said order clearly say that roster point should not be applied in case of Grade III and IV promotion. In case any anomaly done in-eligible official should have been reverted and case regularised. Here also I have been deprived of the claim.

(v) That Sir, surprising to say that an official need to fulfill the following criteria to become eligible to Grade IV promotion.

(a) Must be regular and must complete 26 years counting from LDC the basic cadre. Sir, in his case, this condition was never fulfilled vide DoT/New Delhi letter No. 22-6/94-TE-II dated 13.12.95 (para ii) (copy enclosed).

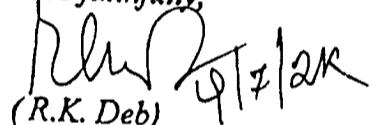
Under such a circumstances, I fervently request your good self to take up the issue on top priority and my promotion order be given with retrospective effect to avoid any further monetary loss for no fault of mine.

I hope Sir, being head of Circle, you will surely desire correct implementation of the order, for which act of kindness I shall remain grateful to you.

With best regards,

Dated at Shillong
the 19th July 2000.

Yours faithfully,


(R.K. Deb)

Sr. Section Supervisor (plg)
O/o the Chief General Manager
N.E.Telcom Circle, Shillong.

Copy to :

1.

The Chairman, Telecom Commission, Sanchar Bhawan, New Delhi-110001 for kind information and necessary action.

2.

Miss D.Giri, Dy. General Manager (Admn), o/o CGMT, N.E.Circle, Shillong for kind personal and favourable order.

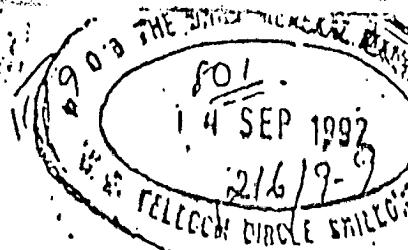
certified to be true
R. K. Deb
6/2/2000
D. Jyoti B. A. S. 2000
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(R.K. Deb)
Sr. Section Supervisor (plg)
O/o the Chief General Manager
N.E.Telcom Circle, Shillong.

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Annexure-X

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



No. 27-4/87-TE.11

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. The 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 along with 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.

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. 2000-3200

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-

*Certified to be true
Copy given by Adarsh
5/12/1992*

- 2 -

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 cadre 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 TOA's 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 ORDP 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. While 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 ORDP and promotion under JCR 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/JCR 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 officers 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 Office for sanction of future posts.

(n) GCS Gr. 'D' posts & already mentioned 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 cadre like 20% selection grade Dy. OS, CS 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 BGR scheme subject to fulfillment of conditions laid down there.

Copy to Admire
Full copy for 6/12/2000

(b) Scheme of Retirement, Retirement Fund etc., and
etc. (viii) Proposals to the present Incumbents of the
Society, in the scheme. These posts will be abolished on
being vacated by the present incumbents due to retirement,
resignations, death etc.

(u) Normal rules on re-organisation for SC/ST administration 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 in the time 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/F.I/92, dated 8-9-1992.

Yours faithfully,

(BUDH PRAKASH) 11/19
Asstt. Director General (TE) 1

Copy forwarded for necessary action to:

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

(Guru Nanak Devi Kula and District)
Section Officer (T.E.D.I)

No. 20011/1/96-Estt.(D)
 Government of India
 Ministry of Personnel, Public Grievance
 & Pensions,
 Department of Personnel & Training

New Delhi, the dated 30th Jan., '97

OFFICE MEMORANDUM

Subject : Seniority of SC/ST officers promoted earlier vis-a-vis general candidate promoted later.

According to the general principle 5(i) contained in MHA O.M. No. 9/11/55-RPS dated 22-12-1959 and Para 2,2 in DCPT OM No.22011/7/86-Estt. (D) dated 03-07-1986 read with DCPT OM No.20011/5/90-Estt.(D) dated 04-11-1992, (not enclosed) seniority of a person regularly appointed to a post according to rule would be determined by the order of merit indicated at the time of initial appointment and seniority of persons promoted to various grades shall be determined in the order of selection for such promotion. Thus, persons appointed through an earlier selection will always be senior to those promoted through subsequent selection.

2. The Supreme Court has in its judgement dated 10-10-25 in the case of Union of India Vs. Virpal Singh Chauhan etc. (J.T 1995(7) SC.251) held as follows :-

"Even if a Scheduled Caste/Scheduled Tribe candidate is promoted earlier by virtue of rule of reservation/roster than his senior general candidate and the senior general candidate is promoted later to the said higher grade, the general candidate regains his seniority over such earlier promoted Scheduled Caste/Scheduled Tribe candidate. The earlier promotion of the Scheduled Caste/Scheduled Tribe candidate in such a situation does not confer upon him seniority over the general candidate even though the general candidate is promoted later to that category.

3. Having regard to the above judgement of the Supreme Court it has been decided to modify the existing policy of fixing seniority on promotion on the lines mentioned in Para 2 above. Accordingly, it has been decided to add the following provisions to general principle 5(i) contained in MHA (now DCPT) O.M. 9/11/55-RPS dated 22-12-59 and para 2.2 of this department O.M. No.22011/7/86-Estt.(D) dated 03-07-1986 :-

Contd.....P/2...

Certified to be true copy
 5/PMR Ref: 6/1/2000
 Associate
 6/1/2000

3X 5
" Provided that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior general/OBC candidate who is promoted later to the said immediate higher post/grade the general/OBC candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/grade."

These orders shall take effect from the date of issue of this Office Memorandum.

Sd/-
(K.K. Jha)
Director(E)

C.No.I(40)1/ET-1/37/

dated :-

Copy forwarded for information and circulation to all the officers/staff under their charges to :-

1. The Additional Commissioner(Tech.), Hqrs. Office, Shillong.
2. The Deputy Commissioner(Customs Rev.), NER, Shillong.
3. The Assistant Commissioner(A.E.)/(Audit)/(Tech.), Hqrs. Office, Shillong.
4. The Assistant Commissioner, Customs Divn./Central Excise Divn. (All).
5. P.A. to Commissioner of Central Excise, Shillong/Ex. P.A. to Commissioner of Customs Rev., NER, Shillong.
6. All Branches/Offices of Hqrs. Office, Shillong.

0
K.K. JHA
ASSISTANT DIRECTOR(HQRS.)
GENERAL & CENTRAL EXCISE DEPARTMENT

To,

Shri. M.C. Joshi,
Chief General Manager,
N.E. Telecom Circle, Shillong -793001.

Annexures - XII

(3)

Sub:- Request for promotion to Grade IV 10 % reviewing the case of existing promotee.

Respected Sir,

With due apology I like to bring to your kind attention that I personally met the then Chief General Manager, Shri J.K. Chhabra twice on 21.07.2000 and 02.08.2000.

I take this opportunity to bring the fact to your kind notice seeking suitable justice for which I shall remain ever grateful.

That Sir, while replying to my letter Dt. 16.02.2000, your office vide letter No. STB/BCR/CO/92 Dt. 20.07.2000 has only mentioned that the basic cadre should be TOA for determining the eligibility for promotion to Grade IV. Will you please agree that further instructions as regards regularisation of the inadmissible cases were asked for under the same order which seems to have not been reviewed. Had this been done, the root mistake could have been detected without waiting me to point out the same.

Under the above circumstances, I feel it is essential to disclose the facts which has never been examined inspite of my repeated representations.

(1) The initial gradation list is wrong because ignoring the following guidelines.

(a) The gradation list, seniority should be determined as follows:-

(i) In cadres to which recruitment is made through examination.

(a) If the examination is competitive, seniority should be fixed according to order of merit.

(b) If the examination is qualifying, seniority is determined according to the position in the waiting list.

(ii) In cadre to which recruitment is made by promotion.

(a) If it is on the basis of pure selection, seniority should be fixed according to the order of preference.

*Certified to be true
Copy given for Advocate*

PTO - 2

11/6)

(b) If it is on the basis of seniority subject to rejection or unfit, seniority is fixed according to the position of official in the cadre from which promoted.

The date of appointment ^{as per TOA} of the undersigned is 04.01.1965 through examination as an outside candidate whereas Shri S.C.Das from the cadre of Group "D" and appointed as LDC on 07.04.1971. The gradation list position should therefore show my name above him which has been ignored at all the times.

I like to write here that gradation list position is never determined on the basis of promotional Roster position (Reference. Rule 32 E Manual Volume IV).

Now Sir, I come back to my claim for Grade III & IV promotion with reference to the basic TOA pattern cadre for which you may kindly go through my latest representation Dt. 19.07.2000 copies of all the relevant rulings were enclosed with application Dt. 19.07.2000 are again enclosed for favour of your kind ready reference with a request to get the same re-examined and following irregularities set right.

- (1) The gradation list need to be corrected.
- (2) Grade IV promotion should have been made strictly on the basis of seniority without applying Roster position which has already been mentioned in my application referred to above.
- (3) Promotion to Grade IV has not been made observing minimum requirement of condition of 26 years service counting from LDC cadre. Here in this case also roster position should not be maintained since the undersigned has fulfilled the required criteria, my case for Grade IV 10 % may kindly be considered reviewing the entire case history.

That Sir, already near about 8 (eight) months from the day I submitted my prayer but no suitable reply has been given excepting a letter Dt. 20.07.2000 ^{mentioned above} which shows that the concerned authority did not go in depth of the mistake committed in every stage.

Sir, it will not be out of place to mention that similar irregularities have been set right by GMTD, Shillong and CTO, Shillong (Copies enclosed) on the basis of a settlement reached in RJCM (Copy enclosed) and benefit extended to the claimants.

Enc - A/A

With regards.

Yours faithfully,

sdf

(R.K.DEB)

Sr. Section Supervisor (Plg)
O/O the Chief General Manager.
N.E.Telcom Circle, Shillong-1

*certified to be true copy
Rajen Ray. Advocate
6/12/2000*



DEPARTMENT OF TELECOMMUNICATIONS
Office of the Chief General Manager, N.E. Telecom Circle,
Shillong-793 001

STB/BCR/CO/92

Dated at Shillong, the 28th Sept.2000.

To

✓ Shri R.K.Deb
Sr. Section Supervisor (Plg.)
O/O the Chief General Manager
N.E.Telcom Circle, Shillong.

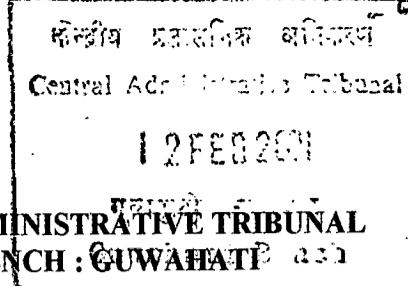
3/✓ Ref:- Your representation dated 4-9-00.

With reference to the above cited reference ,matter has been referred to the Directorate for
clarification for which reply is awaited.

(S.Paigiri)

Asstt.Director Telecom(HRD)
O/O The Chief General Manager
N.E.Telcom Circle, Shillong-793001.

certified to be true copy
S. P. Paigiri 6/1/2001
Open Log. Adiante



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATE

OA.NO 427/2000

Shri Ramendra Kumar Deb Applicant

Vs.

CGMT BSNL N.E.Telcom Shillong & Others Respondents

(Written statements of the respondents No 1,2,3,4 and 5 are as follows):

1. The copy of OA.No 427/2000 herein after referred to as application have been served on the respondents after going through the said application have understood the contents thereof.
2. The statement made in the application save and except those which are specifically admitted and denied by the respondents.
3. That with regard to the statement made in paragraph 1 of the application the answering respondents beg to state that as per procedure of promotion to Grade IV (now designated as Chief Section Supervising) under BCR scheme would be determined on the basis of their seniority in the basic grade. As per DoT's instruction vide letter No 27-4/87-TE.11 dated 9.9.92 the basic grade would be TOA in respect of the LDC/UDC in the Circle offices who has opted for TOA cadre in accordance with the scheme of introducing TOA pattern. In fact BCR Scheme does not apply to LDC/UDCs who opted out in TOA's cadre. Accordingly it was decided to convert the existing LDC/UDC cadre in Circle office/Metro District etc to TOA cadre as given below.

Sl.No	Designation	Stage of entry	Pay scale
1.	TOA (General) I	Basic Cadre	Rs.975-1660
2.	TOA (General) II	OTBP 1/Section Supervisor	Rs.1440-2300
3.	TOA (General) II	BCR scale/Sr Section Supervisor	Rs.1600-2660
4.	TOA (General) III	10% posts of BCR posts	Rs.2000-3200

The cadre of LDC/UDC will henceforth abolish with the introduction of the conversion scheme from LDC/UDC cadre to the TOA cadre. Therefore there will be no recruitment to the cadre of LDC/UDC departmentally or from outside. However those who may not

File No
CJ 6/2/01
(A. DEBROW)
Sr. C. C. S. C.
C. A. T. Garhhati Branch

opt for conversion will retain their present scales of pay till their promotion/retirement/resignation etc. Hence the claim of the applicant is not correct and is liable to be dismissed.

(DOT's letter No 27-4/87-TE.11 dated 9.9.92 is annexed here as Annexure-R1.)

4. That with regard to the statement made in paragraph 2 and 3 of the application the respondents have nothing to comment.
5. That with regard to the statement made in paragraph 4(a) and 4(b) of the application the respondents have nothing to comment.
6. That with regard to the statement made in paragraph 4(c) of the application the respondents beg to state that the applicant was promoted as Lower Selection Grade (non functional) in the pay scale of 1400-2300 in 1992 vide CGMT letter No STB/LSG/SEL dated 24.6.92 and Grade III BCR on 27.2.1993. The claim of the applicant is not correct in respect of LSG promotion.
(CGMT letter No STB/LSG/SEL dated 24.6.92 is annexed here as Annexure R2).
7. That with regard to the statement made in paragraph 4(d) of the application the respondents have nothing to comment.
8. That with regard to the statement made in paragraph 4(e) of the application the respondents have nothing to comment.
9. That with regard to the statement made in paragraph 4(f) of the application the respondents beg to state that promotion to TOA grade IV is done as per orders and instruction issued by DOT vide No 22-6/94-TE.11 dated 13.12.95, 17.5.96 and 8.9.99. According to this orders the promotion to the grade IV may be given from amongst officials in Grade III (BCR) on the basis of their seniority in basic grade. The promotion would be subjected to fitness determined by DPC. In the cases of LDC/UDC of circle office who have opted for TOA cadre in accordance with the Scheme of TOA pattern, the basic cadre would be TOA. The seniority in the cadre of TOA may be followed for promotion to Grade IV vide DOT letter No 22-6/94-TE.11 dated 9.7.99 and 19.7.99. DOT conveyed a procedure for promotion to Grade IV against 10% posts in BCR Scheme in which it has been stated that reservation roster will not apply for placement for BCR to Grade IV. It is also stated that it is not in the spirit of the existing order to compare OC officials with SC/ST official promoted by application of reservation rosters for placement in Grade IV. Applications of reservation roster is applicable to DOT staff for promotion up to Grade III.

(Annexure annexed as R3, R4, R5, R6)

10. That with regard to the statement made in paragraph 4(g) of the application the respondents beg to state that vide letter No 22-6/94-TE.11 dated 17.5.96 it has been clarified that the basic grade would be TOA in respect of LDC/UDC who have opted for TOA cadre. It is to mention here that the applicant is a staff of Circle office in LDC/UDC pattern prior to his conversion to TOA pattern. His position is fixed in TOA pattern at the time of conversion as per DOT

instruction vide No 27-4/87-TE -11 dated 9.9.92 para 8(s). On conversion to TOA the position of the applicant serial No 6..... (Annexure R4 and R1).

The statement of the applicant in this paragraph is not correct and tried to mislead this Hon'ble Tribunal.

11. That with regard to the statement made in paragraph 4(h) of the application the respondents beg to state that the senior most amongst the TOA Grade- I(Basic grade) officials have been promoted from Grade-III to Grade-IV. In this case the applicant is not the senior most official in the basic grade i.e. TOA-I. Hence question of reverting of anyone does not arise.

12. That with regard to the statement made in paragraph 4(h) and 4(i) (Page No.5) of the application the respondents beg to state that the representations of the applicant has been examined based on the prevailing instructions of DOT in the promotion of TOA cadre against 10% Grade IV in the BCR scheme. As per DOT letter No. 22-6/94-TE.11 dated 17.5.96 it was clarified that the basic grade of the LDC/UDC in the circle office who have opted to TOA cadre in accordance with conversion scheme would be TOA. The seniority in the cadre is to be followed for promotion to Grade IV. In this case the applicant has opted for TOA pattern and the basic grade after conversion is TOA. Hence the representation of the applicant was not considered with the prevailing rules.

That the applicant has also referred DoT No 27-4/87-TE 11 dated 9.9.1992 para 8(c) and 8(d). These sub-para are under the main para "PAY FIXATION". 8(c) and 8(d) speaks about eligibility conditions of LDC/UDC on their conversion to TOA pattern for one time bound promotion (OTBP) scheme and for Biniel Cadre Review (BCR) scheme which are applicable to the cadre of TOA.

That the order No 20011/1/96-ESTT (D) dated 30.1.1997 issued from Ministry of Personnel, public grievance and pensions, the respondents beg to state that the order is effective from 30.1.97. It has no relevancy with the case.

(Annexed here as Annexure R7)

13. That with regard to the statement made in paragraph 4(h) (Page No 6) of the application the respondents beg to state that the comparison of promotion between the applicant and Shri S.C.Das shown by the applicant in this paragraph is misleading. As per Establishment record the particulars are as follows :

	<i>The applicant</i>	<i>(Shri R.K.Deb)</i>	<i>Shri Sital Chand Das</i>
1.	Date of entry - in the cadre of LDC	4.1.65 ✓	8.4.71
2.	UDC	22.2.75 ✓	1.3.82
3.	LSG	24.6.92 ✓	6.6.89

Left side is for

4. OS 22.6.92
(1600-2660)

Converted from LDC/UDC pattern to TOA pattern

5.	TOA Grade I	9.9.92	✓	9.9.92	✓
6.	TOA Grade II	9.9.92		9.9.92	
7.	TOA Grade III	27.2.93		9.9.92	
8.	TOA Grade IV			29.4.93	

The applicant is junior to Shri S.C.Das at the time of conversion of LDC/UDC pattern to TOA pattern. The seniority in TOA Grade I has to be followed for the purpose of regulating promotion to Grade IV. The applicant has shown the records of LDC/UDC cadre but as soon as the applicant opted for conversion of clerical staff in circle office from LDC/UDC pattern to TOA pattern, the basic cadre of the applicant will be TOA (G) Grade I. The seniority will be fixed on the day when the officials were converted to TOA. As per seniority list, the applicant's name figure at Sl No 6 and Shri S.C.Das figured at Sl No 1.

14. That with regard to the statement made in paragraph 4 (i) (Page No 7) of the application the respondents beg to state that the application has been examined and reply has been given in reasonable time.

15. That with regard to the statement made in paragraph 4(j) (Page No 7) of the application the respondents have nothing to comment.

16. That with regard to the statement made in paragraph 5(a) of the application the respondents beg to state that there are four officials who are senior to the applicant, and his claim to be senior most is not correct. In fact the BCR scheme does not apply to LDCs/UDCs who opted out in TOAs cadre. The basic grade in respect of the LDC/UDC in circle offices who opted for TOA cadre in accordance with the scheme of introducing TOA pattern the basic grade in these cases would be TOA. The points raised by the applicant is not in the case after introducing TOA pattern scheme. That respondents No.6 as per seniority list in TOA cadre is senior to the applicant. In the list of TOA the applicant's name is in Sl No 6. If the promotion of the respondent No.6 was wrongly given then the official who are senior to the applicant could raise the point of promotion. Hence the ground shown by the applicant is not correct and is liable to be dismissed.

(Annexed here as Annexure R8)

17. That with regard to the statement made in paragraph 5(b) of the application the respondents beg to state that the representation of the applicant claiming his case of promotion was considered and rejected on the ground that the claim is not correct as per

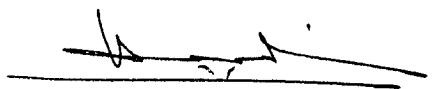
the directive of DOT. The respondent No.6 got promotion on the basis of the seniority in the basic grade that is TOA. So the claims of the applicant was rejected.

18. That with regard to the statement made in paragraph 6(a) of the application the respondents beg to state that the reply was given to the representation of the applicant with due consideration based on instructions of the Directorate.
19. That with regard to the statement made in paragraph 6(b) of the application the respondents beg to state that the points raised by the applicant in this paragraph is not correct. His case was considered as per the guidelines of conversion scheme and OTBP/BCR scheme and was regretted.. In the case of GMTD Shillong, the ineligible staff has been reverted and eligible one who are senior most in basic grade (TOA Grade I) have been promoted as per instructions of Directorate.
20. That with regard to the statement made in paragraph 7 of the application the respondents have nothing to comment.
21. That with regard to the statement made in paragraph 8(1) to 8(3) of the application regarding relief sought for, the applicant is not at all entitled to any of the relief sought for and as such the application is liable to be dismissed with cost.
22. That with regard to the statement made in paragraph 9 of the application regarding interim order prayed for the respondents beg to state that as per DoT letter No. 22-6/94 – TE.11 dated 13.12.95 the applicant is not entitled to get this benefit. Respondent No. 6 got promotion as per seniority in the basic cadre i.e. TOA.
23. That with regard to the statement made in paragraph 10,11,12 of the application the respondents have nothing to comment..
24. That the respondents beg to state that the applicant is not entitled to any of the relief sought for as the applicant is junior to the respondents No.6 as per the scheme (conversion of clerical staff in the administrative offices from LDC/UDC pattern to TOA pattern) and as such the application is liable to be dismissed with cost.
25. That the respondent submit that in fact there is no merit in this case and as such the application is liable to be dismissed with cost.

46

VERIFICATION

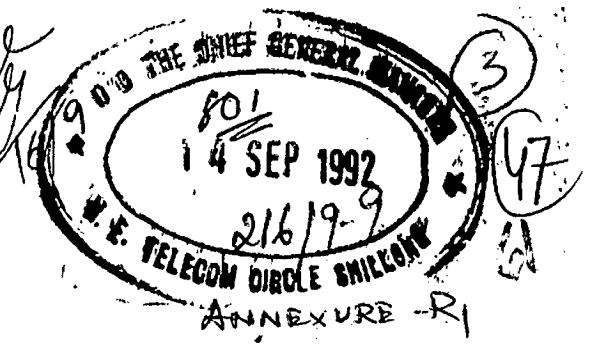
I, Shri C.Murmu, Vigilance Officer, o/o the Chief General Manager, North Eastern Telecom Circle, Shillong – 793 001 as authorized do hereby solemnly declare that the statements made above in the Petition are true to my knowledge, belief and information and I sign the verification on this19th..... day ofJAN..... 2001.



DECLARANT

691
Chaudhury

1 FAX
COP 1/2



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. 2000-3200

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 above.

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 DDsG, 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 Kulampallil)
Section Officer (TE.II)

ANNEXURE - R₂

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER, TELECOM. N.E. CIRCLE,
SHILLONG - 793001.

Memo. No. STB/LSG/SEL.

Dated at Shillong, the 24/6/92

As per recommendation of the D.P.C., the Chief General Manager, N.E. Telecom Circle, Shillong is pleased to Promote the following Officials in the Cadre of L.S. Supervisor (non-functional) in the scale of Rs.1400-40-1800-EB-50-2300/-on regular basis with effect from the date they actually assume charge.

1. Sri Ramendra Kumar Deb.
2. Sri Sarat Chandra Bania.

Names have been arranged above in order of their seniority.

The Officials will ordinarily continue to work as U.D.Clerks but may be required to discharge supervisory duties as and when they are called for such duties.

They are given to understand that they are liable for transfer to anywhere in N.E. Telecom Circle and elsewhere at the time of National Emergency.

Necessary charge report may be sent to all concerned.

(M. Aquil)

Assistant General Manager (A)
For Chief General Manager Telecom
N.E. Circle, Shillong-793001.

Copy to :-

1. A.O. (A&P)/AAO (A&P)/Bill Clerk (A&P).
2. The Office Supdt. Circle Office, Shillong. He is directed to make necessary arrangement.
3. A.G.M.T. (A)/A.G.M.T. (P)/V.O./C.A.O./C.A.O. (SBP).
4. All Group Officers in Circle Office, Shillong.
5. The Accounts Officer (TA).
6. Sr. P.A. to CGMT/G.M.T., Shillong.
7. Personal files of the Officials concerned.
8. All S.S. in Circle Office, Shillong.
9. The D.G.M. (A), Shillong.

For Chief General Manager
Telecom, N.E. Circle, Shillong.

881
MC
Government of India
Ministry of Communications
Department of Telecom.
Sanchar Bhavan, New Delhi-1.

ANNEXURE B3

262/13.12.95

No.22-6/94-TE-II

Dated, 13-12-95.

To

All Heads of Telecom. Circles,
Metro Districts, Mtrc.Regions,
Project Circles and all other
Heads of Administrative Units.

Sub:- Procedure for promotion to Gr.IV (scale of Rs.2000-3200)
against 10% posts in the BCR Scheme,

Your kind reference is invited to the instructions contained in this office letters No.27-4/87-TE-II dated 7.1.94 and 13.2.94 and letter No.27-11/94-TE-II dated 30.8.94 which stipulate promotions to Gr.IV in the scale of Rs.2000-3200 (against 10% posts in the BCR), as per the seniority position in Grade-III. The said procedure had been challenged by certain officials before the CAT Principal Bench New Delhi by filling OA No.1455/91.

The Hon'ble CAT vide its judgement dated 7.7.92 directed that the promotions to 10% posts in the scale of Rs.2000-3200 would have to be based on seniority in the basic cadre subject to fulfillment of other conditions of the BCR viz. those who are regular employees as on 1.1.90 and had completed 26 years of service in the basic grade (including higher grades). The DGT filed an SIF against the said judgement and the Hon'ble Supreme Court vide their order dated 9.9.93 upheld the judgement of CAT Principal Bench, New Delhi. Similar applications had also been filed before other C.T Benches in the country and in those cases as well, the judgements in line with the judgement of Principal Bench, New Delhi had been given.

Review of the existing procedure of promotion to Grade-IV (now designated as Chief Section Supervisor) under the BCR Scheme has been under consideration in view of the judgement of Principal Bench, New Delhi upheld by the Supreme Court. It has now been decided in supersession of earlier instructions that promotion to the said Grade-IV may be given from amongst officials in Grade-III on the basis of their seniority in the basic Grade. The promotions would be subject to fitness determined by the DPC as usual.

....2/-

21/12

The cases of promotion to the said Grade-IV in the scale of Rs. 2000-3200 against 10% posts under the ECR scheme may be reviewed and the same may be regulated accordingly restricting the number of officials thus promoted strictly to 10% of the posts placed in Grade-III (scale of Rs. 1500-2660) as provided in the BCR Scheme.

B.S. Verma
(B.S. VERMA)
Director (TE)

Copy to:-

1. P.S. to Chairman, Telecom. Commission, New Delhi.
2. All Members/Advisor, Telecom. Commission, New Delhi.
3. Additional Secretary(I), D.O.T. New Delhi.
4. DDG(ESTT)/DDG(Pers.)/DGO (TS)/DDG(SA)/DDG(NM), DOTNDelhi.
5. Dir(TE)/Dir(ST-I)/ST-II/Dir(SR)/Dir(FA-I)/Dir(TSP), DOT, New Delhi.
6. ADD(NC)/ADD(SGT)/(TE)/STN/Pen. (FA-I) DOT, New Delhi.
7. Budget/FA-I/TE-I/TE-II/SIG-I, II, III, NM, SR, I, II/Sections DOT New Delhi.
8. All recognised Federation/Unions/Associations.
9. Secty. Staff Departmental Council(JCM).
10. All Members, Staff Departmental Council(JCM).
11. O.L. Section for Hindi Version.
12. Spare copies-50.

T.R. Gang
(T.R. GANG) 13-11-85
Section Officer (TE-II)

MC
182

25 copy

-10-

5
24 MAY 1996
1375/17-S-26
ANSWER R4
22

Government of India
Ministry of Communications
Department of Telecommunication
Sanchar Bhawan, 20, Ashoka Road
New Delhi-110001.

No.22-6/94-TE-II.

Dated: 17.05.1996.

To

All Heads of Telecom Circles, Metro Districts, Maintenance Regions, Projects Circles and all other Administrative Offices.

Sub: Procedure for promotion to Grade IV (scale of Rs.2000-3200) against 10% posts in the BCR Scheme.

Kindly refer to this office letter of even number dated 13.12.1995 on the above noted subject vide which the revised procedure for promotion to Grade IV (new designated as Chief Section Supervisor in the scale of Rs.2000-3200) under the BCR Scheme has been laid down in pursuance of the judgement of CAT, Principal Bench, New Delhi and upheld by the Supreme Court in OA No.1455/91. Some of the circles have raised certain points for clarification. The same are clarified as under:

S.No. Point for clarification Clarification by DOT

1. What would be the date of effect for implementation of the order contained in letter No.22-6/94-TE-II dated 13.12.1995 laying down the revised procedure. All the promotions made since the inception of scheme are to be reviewed & regulated in terms of the order dated 13.12.95 and 10.5.96. Further promotion in any case have to be made strictly in accordance with the new procedure
2. What would be the basic grade in respect of the LDC/ UDC in Circle offices who have opted for TOA cadre in accordance with the scheme of introducing TOA pattern in these offices. The basic grade in these cases would be the TOA. The seniority in the cadre of TOA may be followed for promotion to GR.IV. In fact the BCR scheme does not apply to LDCs/ UDCs in TOA's cadre, the matter may be separately referred to the Personnel Branch (STN) of the Directorate.

Who opted out.

In case there is any doubt regarding fixation of seniority of LDCs/UDCs

S.K. Dhawan
(S.K. DHAWAN)
DIRECTOR (TE)

Copy to:

1. P.S. to Chairman (TC), New Delhi.
2. All Members/Advisers, (TC), New Delhi.
3. DDGs Estt./Pers. | TS/SR and NM, DOT, New Delhi.
4. Additional Secretary (I), DOT, New Delhi.
5. Directors TE/ST-I/SR/FA-I/TPS, DOT, New Delhi.
6. ADs G NCG/SGT/TE/STN/Pension/FA-I DOT, New Delhi.
7. Budget/FA-I/TE-I/TE-II/STG-I/II/III, NCG,
 STN-I/II Sections of DOT New Delhi.
8. All recognised Federations/Unions/Associations.
9. Secretary Staff Deptt. Council (JCM).
10. All Members, Staff, Deptt. Council (JCM)
11. O.L. Section for Hindi version.
12. Spare copies 50.

11-37457

S.K. Dhawan
(S.K. DHAWAN.)
DIRECTOR (TE)

—V.L.—

52

ANNEXURE - R₅

No. 22-6/94-TE,II

To

All Heads of Telecom Circles Metro Districts/ Maintenance Regions

Sub: Procedure for promotion to Gr.IV against 10% posts in BCR Scheme.

There has been number of instructions on promotion/ placement to Gr. IV (10% BCR) issued from time to time. It has been observed that some of the instructions have been interpreted contrary to its spirit in some of the circles. In view of this, the position on placement to Gr. IV in view of the existing instructions on the subject is reiterated/clarified as under:

- The Scheme of BCR and 10% BCR (Gr. IV) was introduced in the Department vide No. 27-4/87-TE.II dt. 16.10.90.

1. The promotion to Gr. IV was done on the basis of seniority in BCR. The issue was challenged in the Court. In view of the Judgement of Principal Bench, New Delhi upheld by the Supreme Court, it was decided in supersession of earlier instructions that promotion to Gr. IV may be given from amongst officials in Gr. III on the basis of their seniority in the basic cadre. Accordingly, the Order No. 22-6/94-TE.II dt. 13.12.95 was issued. As per the Order, the promotion to the Gr. IV was to be reviewed and the same was to be regulated as per Court Judgement restricting the number of officials thus promoted strictly to 10% of the posts placed in Gr. III.

Consequent to the above Order dated 13.12.95, some of the officials already promoted in Gr. IV became ineligible and were facing reversion. It was decided by Order of even No. dated 13.2.97 that those promoted officials who will be rendered ineligible for promotion to Gr. IV in pursuance of the Order dated 13.12.95 may be protected from reversion by creating as many supernumerary posts as required from person to person basis. It is further clarified that these supernumerary posts were to be created only to avoid reversion of the officials promoted to Gr. IV by different method prior to 13.12.95.

- Order 27-4/87-TE.II dated 22.10.93 allowed the officials in restructured cadre to opt for the BCR scale of the old cadre with the stipulation that they will not be entitled to Gr. IV of the old cadre. Subsequently, it was decided vide Order of even No. dated 16.6.97 that Gr. IV scale should be allowed to the staff working in the restructured cadre. This benefit will be given to the staff in the

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E/F B/F

34

93/c
ct EST/BE-515/PLG/PC-I

restructured cadre from the date their juniors in the old cadre have been given this benefit as per seniority in the basic grade of the old cadre. Order of even No. dated 2.9.98 allowed creation of supernumerary posts to accommodate the officials in Gr. IV in compliance of this office Order dated 16.6.97. It is further clarified that Gr. IV was to be given to the officials in the restructured cadre who were senior to the officials of old cadre placed in Gr. IV because of their seniority in basic cadre. Such comparison was not to be drawn by the Grd. IV officials of old cadre who were working against supernumerary posts created to avoid their reversion in pursuance of Order dated 13.12.95.

18/c
10/c
17/c

It was mentioned in Order No. 22-6/94-TE.II dated 1.3.96 that the normal rules of reservation would apply to promotions in Gr. IV. The same was challenged in the Court. Hon'ble CAT Ahmedabad vide its Judgement dated 11.4.97 in OA No. 623/96, upheld by Hon'ble High Court, Gujarat, has passed an Order that Reservation Roster will not apply for placement from BCR (Gr. III) to 10% BCR (Gr. IV). The decision of the CAT alongwith copy of the Court Order was circulated vide this office letter of even No. dated 22.8.97. The same was reiterated vide this office letter of even No. dated 19.7.99 wherein it was emphasised to review DPCs in which reservation roaster would have been applied for placement in Grd. IV.

2. In view of the above Orders regarding placement to Gr. IV, the following steps may be taken:

5/c
ct EST/BE-515/PLG/PC-I
36/c
14/c

- (i) In pursuance of Order No. 27-4/87-TE.II dated 16.6.97, the officials of restructured cadre wrongly promoted to Gr.IV by comparison with officials of old cadre placed in Gr. IV either against supernumerary posts created in pursuance of Order No. 22-6/94-TE.II dt. 13.02.97 or through application of Reservation Roster as per Order No. 22-6/94-TE.II dt. 1.3.96, may be reverted with immediate effect.
- (ii) To comply with the Ahmedabad CAT Order circulated vide this office letter No. 22-6/94-TE.II dt. 22.8.97, review DPC may be conducted. All ineligible officials promoted to Gr.IV by application of Reservation Roster as mentioned in this office Order of even No. dated 1.3.96 may be reverted with immediate effect. All eligible officials may be placed in Gr. IV and their pay may be fixed notionally. However, no arrears will be payable to such officials approved by reviewed DPC.


(BAL KISHAN)
DIRECTOR (TE)

No. EST/BE-504/PLG/PC-I Dated at Shillong the 24-9-99.

Copy forwarded for information and necessary action to:-

1. GMTD/SII/ACT/DMP/IP/ITN/AZ
2. The S.E. Telecom(Civil)/Shillong/Silchar
3. The E.E. Telecom(Civil) Division/SII/DMP/SC/ITN
4. The E.E. Telecom(Elect) Division/Shillong
5. The Sr. Architect/DoT/ Shillong
6. The D.E. CTSD/N.E. Telecom Circle, Guwahati
7. Sr.AO(A&P)/Sr.AO(TA)/AO(TR)/AO(ICO) C.O. Shillong
8. All Recognised Service Unions
9. EST/BE-515/PLG/PC-I


Asstt Director Telecom(Estt)
O/o. the Chief General Manager,
N.E. Telecom Circle, Shillong-793001

DEPARTMENT OF TELECOM

NO. 22-6/94-TE.11

Dated: 09.07.99.

To

All Heads of Telecom Circle/ Metro Districts/
Maintenance Regions

Sub: Procedure for promotion to Gr.IV against 10% posts in BCR Scheme.

Hon'ble CAT Ahmedabad vide its Judgement dated 11.4.97, which was upheld by Hon'ble High Court, Gujrat, has passed an Order that reservation roster will not apply for placement from BCR to Gr.IV. The same has been conveyed vide this office letter of even No. dated 28.8.97 and 11.1.99. To comply with Court Order, review DPC may be conducted and placement done as per Court Order. No arrears will be payable to officials approved by review DPC.

2. It has come to the notice of this office that some OC officials have been given placement in Gr.IV by comparing them with SC/ST officials promoted by application of reservation roster. I am directed to say that such comparison is not in spirit of the existing Order and officers wrongly placed in Gr.IV through such comparison may be reverted with immediate effect.

K.S.
(KISHAN SINGH)

ADG (TE)

No. EST/BE- 504/120/ P.S.L Dated at Shillong, the 12-8-99.

Copy forwarded for information and necessary action to:-

1. GMTD/SI/ACT/DMP/IP/ITN/AZ
2. The S.E. Telecom(Civil)/Shillong/Silchar
3. The E.E. Telecom(Civil) Division/SI/DMP/SC/ITN
4. The E.E. Telecom(Elect) Division/Shillong
5. The Sr. Architect/DoT/Basvri Mansion/Shillong
6. The D.E.CTS/ N.E. Telecom Circle, Guwahati
7. Sr.AO(A&P)/Sr.AO(TA)/AO(TR)/AO(ICO) C.O. Shillong
8. All Recognised Service Unions

Janu l
Asstt Director Telecom(Estt)
O/o. the Chief General Manager,
N.E. Telecom Circle, Shillong-793001

Consolidated Orders on Seniority

Government of India, Department of Personnel and Training,
Office Memorandum No. 22011/7/86-Estt. (D), dated the 3rd July, 1986

Instructions issued from time to time laying down the principles for determining seniority of persons appointed to services and posts under the Central Government have been consolidated in this Office Memorandum. The original communications consolidated here are reproduced (items I to VII) at the end of this OM.

Seniority of Direct Recruits and Promotees

2.1 The relative seniority of all direct recruits is determined by the order of merit in which they are selected for such appointment on the recommendations of the UPSC or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection.

2.2 Where promotions are made on the basis of selection by a DPC, the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority, subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered unfit for promotion and is superseded by a junior, such persons shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him.

1["Provided that if a candidate belonging to the Scheduled Caste or the Scheduled Tribe is promoted to an immediate higher post/grade against a reserved vacancy earlier than his senior General/OBC candidate who is promoted later to the said immediate higher post/grade, the General/OBC candidate will regain his seniority over such earlier promoted candidate of the Scheduled Caste and the Scheduled Tribe in the immediate higher post/grade."]

2.3 Where persons recruited or promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority 2[would be determined by the order of merit indicated at the time of initial appointment and not according to the date of confirmation].

1. Added *vide* G.I., Dept. of Per. & Trg., O.M. No. 20011/1/96-Estt. (D), dated the 30th January, 1997 and takes effect from 30th January, 1997.

2. Modified *vide* G.I., Dept. of Per. & Trg., O.M. No. 20011/5/90-Estt. (D), dated the 4th November, 1992.

APN BVRB - R7

Department of
Office of the Chief Ge
32, S. S. Circle, Shillong-793001

Siens
N.E. Telecom

Memo No: STB/Convtn/TOA Dated at Shillong, the 22-02-1993

In pursuance of DOT New Delhi letter No. 27-4/87-TE, II dated 9-9-92 and in accordance with the options exercised by the cadre of the following 08/LSG(NF)/88/LDC/UDC in Circle Office, Shillong are converted to TOA cadre with effect from the date shown against them:

S1 No.	Name of the officials	Date of conversion
1.	Sri Sital Chandra Das, O.S.	09-09-92
2.	Sri Debabrata Kar, S.S.	01-04-93
3.	Sri Kandarpa Kakoti, S.S.	09-09-92
4.	Sri S. Sohliya, S.S.	02-01-93
5.	Sri Krishna Kakoti, S.S.	01-04-93
6.	Sri Ramendra Kr. Deb, S.S.	09-09-92
7.	Sri Sarat Ch. Bania, LSG(NP)	09-09-92
8.	Smt Nila Butta Purkayastha, UPC	09-09-92
9.	Sri Meg Bahadur Thapa, UDC	09-09-92
10.	Smt Mahamaya Cheudhury, UPC	01-11-92
11.	Smt Mallika Chatterjee, UDC	09-09-92
12.	Sri B. Roy Choudhury, UDC	01-06-93
13.	Sri Saurindra Kr Das, UPC	09-09-92
14.	Smt H.K. Lyngdoh, UDC	09-09-92
15.	Smt Ramapada Dey, UDC	09-09-92
16.	Sri Ajit Kr. Deb, UDC	09-09-92
17.	Smt Balyn Chyne, UDC	01-04-93
18.	Smt F. Nengrum, UDC	09-09-92
19.	Sri Malay Bhattacharjee, UDC	01-06-93
20.	Smt. Sukla Ghosh, UDC	01-01-93
21.	Sri B. Lahakar, UDC	09-09-92
22.	Sri Abhijit Chakraborty, UDC	01-12-92
23.	Smt A. Nengkyrih, UDC	09-09-92
24.	Sri R.B. Das-I, UDC	01-01-93
25.	Sri D.N. Singh, UDC	01-01-93
26.	Sri H.R. Lyngdoh, UDC	01-02-93
27.	Smt S. Kharbuddesh, UDC	09-09-92
28.	Smt D. Kharbuli, LDC	09-09-92
29.	Sri M.K. Baidya, LDC	01-04-93
30.	Sri P.K. Chakraborty, LEC	01-02-93
31.	Smt Chelris Schlenai, LDC	02-02-93
32.	Sri J. Symlich, LDC	09-09-92
33.	Smt B. Sadee, LDC	01-02-93
34.	Sri B.K. Marwein, LDC	01-01-93
35.	Smt S. Nandy, LDC	01-02-93

= 56 =

Office of the Manager, Telecom Circle, Shillong - 793001
Page - 2

36. Smt. Indrani Roy, LDC	01-02-93	09-09-92
37. Sri Bijit Das, LDC	01-03-93	
38. Sri B.K. Ghosh, LDC	01-03-93	
39. Sri J.N. Singh, LDC	01-12-92	
40. Sri R.B. Das-II, LDC	01-12-92	
41. Sri Akbar Syiemlkeh, LDC	01-12-92	
42. Sri Lal Deo Singh, LDC	09-09-92	
43. Sri Ranjit Ch. Dey, LDC	09-09-92	
44. Sri Lee Mawlong, LDC	09-09-92	
45. Sri P. Ranee, LDC	09-09-92	
46. Sri Ram Ekbal Roy, Hindi Typist	09-09-92	

All the terms and conditions laid down in DOT's
above letter will apply to them.

Sri P. Ranee, LDC who has opted to remain in
Sri Anup Kr. Kar, LDC will retain his present post and the post will
remain vacant till the incumbent till the post is
vacated due to retirement, resignation etc.

13. Smt. R. K. Kar, LDC
14. Smt. H. L. Dey, LDC
15. Smt. R. Ranee, LDC
16. Sri K. K. Kar, LDC

17. Smt. P. Ranee, LDC

18. Copy to:-

1. D.G. Telecom(TE-II), Department of Telecom,
New Delhi-110 001
2. A.O(A&P) C.C. Shillong for making necessary
entry in the Service Book and fixation of pay
etc.
3. A.O(TA) C.O. Shillong for information
4. Sr. P.A. to CGMT/GMT C.O. Shillong
5. All Group Officers in C.O. Shillong
6. C.A.O. Shillong C.O.
7. O.S./S.S. of all Sections in C.O. Shillong
8. The Circle, Secretary, AITACEU Cl-III & IV,
N.E. Telecom Circle, Shillong-793001

R. K. Kar 2/10/97
(A.B. Bhattacharjee)
Asstt General Manager (Admn)
for Chief General Manager, N.E.
Telecom Circle, Shillong-793001

R. K. Kar 2/10/97
for Chief General Manager, N.E.
Telecom Circle, Shillong-793001

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

Corporate Office: SANCHAR BHAWAN

20, Ashok Road, New Delhi-110001

(PERS.-III Section)

No. 203-32/99-PERS.-III

Dated: 12/1/2001

To

All Chief General Managers, BSNL/Metro Districts BSNL,
Maintenance Regions/Project Circles,
All Heads of Administrative Offices.

Sub: Fixing of seniority in respect of TOA(G) working in
Circles and Area offices - clarification regarding.

SIR

In partial modification of this office letter of even
No. dated 16.5.2000 on the subject noted above and to
clarify that as per the Supreme Court Judgement dated
27.7.1992, promotions under CTBP/BCR would be based on the
seniority in the basic grade i.e. TOA Gr.-I as already
clarified by TE-III Section vide their letter No. 27-4/87-
TE-11 dated 16.10.1990 and 13.12.1995.

2. It is further clarified that the earlier instructions
issued vide letter of even No. dated 16.5.2000 should not
be taken as a change in the guidelines issued vide letter
No. 22-6/94-TE-II dated 17.5.1996 for promotion to Gr.-IV.

Yours faithfully

20/1

(RAJENDER PRASAD)

ASSTT. DIRECTOR GENERAL (PERS.-III)

TEL : 3310401/3032223

12/1/2001

=58= *Regd* *JK*

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT
MEGHALAYA SSA
SHILLONG

No: E-66/Gr-IV/ Reversion/CTO/22

Dated at Shillong, the 1st June 2000

In pursuance of DoT order No: 22-6/94/TE-II (Vol.III) dated 30-12-99 forwarded vide CGMT Shillong's No: EST/BE-504/ Rlg/Pt-I dated 27-1-2000, Sri J.S.Thymthai who is ineligible for Grade IV promotion in accordance with the procedure prescribed vide DoT order No: 22-6/94-TE II dated 13-12-95 is hereby reverted to Grade III cadre of TOA (TL) with effect from the date of issue of this order.

On reversion to Grade III post, the pay of Sri J.S.Thymthai will be protected under the provision of FR 31 and the additional pay may be treated as personal pay, which should be, adjusted in future increments.

S.S. Sundaram
(S.S.Sundaram)
General Manager Telecom District
Meghalaya Shillong.

Copy to:

1. The CGMT North East Telecom Circle, Shillong for information.
2. The Sr. AO (A&P) O/o GMTD Shillong.
3. The STT CTO Shillong.
4. Sri J.S. Thymthai O/o STT CTO Shillong.
5. Secretary LJCM Staff side O/o SDE Trunk Shillong.
6. Secretary NFTC Class III, Shillong. *% SDE Trunks*
7. Secretary FNTC Class III, Shillong.

S.S. Sundaram
(S.S.Sundaram)
General Manager Telecom District
Meghalaya Shillong.

592 Regd

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT
MEGHALAYA SSA
SHILLONG

No: E-45/10% BCR/Gr-IV/ Reversion/1

Dated at Shillong, the 1st June 2000

In pursuance of DoT order No: 22-6/94/TE-II (Vol III) dated 30-12-99 forwarded vide CGMT Shillong's No: EST/BE-504/ Rlg/Pt-I dated 27-1-2000, Sri J.C.Roy who is ineligible for Grade IV promotion in accordance with the procedure prescribed vide DoT order No: 22-6/94-TE II dated 13-12-95 is hereby reverted to Grade III cadre of TOA (General) with effect from the date of issue of this order.

On reversion to Grade III post, the pay of Sri J.C.Roy will be protected under the provision of FR 31 and the additional pay may be treated as personal pay, which should be, adjusted in future increments.

(S.S.Sundaram)
General Manager Telecom District
Meghalaya Shillong.

Copy to:

1. The CGMT North East Telecom Circle, Shillong for information.
2. The Sr. AO (A&P) O/o CGMT Shillong.
3. The AGM (A) O/o CGMT Shillong
4. SS Staff Section O/o GMTD Shillong.
5. Sri J.C.Roy O/o CGMT Shillong.
6. E-8/ T&P File
7. Secretary LJCM Staff side O/o SDE Trunk Shillong.
8. Secretary NFTE Class III, Shillong. *of SDE Trunks Shillong*
9. Secretary FNTO Class III, Shillong.

85
(S.S.Sundaram)
General Manager Telecom District
Meghalaya Shillong.



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29

26-RJCM

DEPARTMENT OF TELECOMMUNICATIONS NORTH EAST TELECOM CIRCLE

Regional Joint Consultative Machinery XXVI - MEETING

Date: December 20, 1999.

Place: Shillong

MINUTES

A. REVIEW OF OLD ITEMS:

The 26th Meeting of the Regional JCM of the NorthEast Telecom Circle was held on the 20th December, 1999 at Shillong under the chairmanship of Shri S.A. Vishwanathan, CGMT, NE Telecom Circle. The following members, officials and others attended the Council meeting.

Official-side Members:

1. Shri D.R. Nongrum, GM(Fin)
2. Shri M. Bhargava, SE(Civil), SH,
3. Shri G.N. Chyne AGM (Admn),

Others:

Shri S.S. Sundaram, GMT-Shillong
Shri A.K. Mitra, SE(Civil) Silchar,
Shri J.B. Singh, EE(Civil), Silchar,
Shri S. Bhattacherjee, ADT (Bldg).
Shri S. Patgiri, ADT (Estt)

Staff-side Members:

1. Shri Prabir Dutta, Leader, (Staff-side),
2. Shri Narayan Chakraborty, Secy. (Staff-side),
3. Shri Gopal Das, Shillong,
4. Shri M. Kulla Singh, Manipur,
5. Shri G. Dovery, Shillong,
6. Shri M. Buddhi Singh, Dimapur,
7. Shri S.S.T. Gashnga, Shillong,
8. Shri S. Lyngdoh, Shillong.

Others:

Shri B. Lahkar, Circle Secretary
Shri Swapan Chakraborty, CS-AITEU-III (Namboodiri)
Shri K R Sharma, CS. NUTEE-IV
Shri S.K. Goswami, DS- AITEU-IV
Shri DB. Dutta, CS-ATTEU-III..

The Chairman, Shri S.A. Vishwanathan, CGMT Shillong expressed satisfaction over the progresses made in the year 1999 and hoped that the new millennium shall usher with further progresses of implementing the schemes in the Circle).

The staff side (through their leader) also reciprocated the welcome gesture of the Chairman and he also hoped for improvement of the services in the Circle. Again, he wanted that the updated SSA-wise List of Assets in the whole Circle as per format submitted by staff-side has not been supplied to Unions and requested that this be done at the earliest.

13/4/94

Encroachment Of Telecom (DTO) Land By A.P. Minister:

The entry into the DTO, Bomdila is being obstructed by an encroachment of the AP Minister. The Departmental land may be fenced by high boundary walls.

The four sides of the land have been fenced and construction of the 4-storey DTO building (G-DTO, 1-SDOT Office, and also the staff quarters of Ty-I (4 nos.), Ty-III and Ty-II (one no. each) for which the construction has started.

CLOSED.

Parade IV matter at Page 10, Item 10-12/99.

cables. A large number of the connections have been shifted and a large number of cables dismantled. The rest of the job shall be progressively completed. GMTD-Aizawl will be asked to sent progress report in this matter.

CLOSED

8/12-99

Construction of IB-cum- Holiday Home at Moreh:

It is urged that IB-cum-n Holiday Home at Moreh in Manipur should be constructed at the vacant land at Moreh Telephone Exchange/ Satellite Complex at the earliest.

This is very essential to accommodate the frequently visiting touring staff and visiting Telecom staff for their safety ensuring availability of accommodation easily.

Space at the said locations is very limited. Now, only 3 (three) Ty-II + 3 (three Ty-III) quarters have been estimated and awaiting sanction. Even then, the matter shall be examined on completion of the new construction works in at the side and if the Ty-II quarters can be converted into the IB/Holiday Home. Also, it will be examined if the existing quarters can be converted into Ty-I quarters.

GMTD-IP
SE(C)SC

9/12-99

Posting of JTOs (ASTTs) in SFMSS-32 Systems:

As per DoT, ND letter no 19-2/96/TE-II dated 27-297, 6 (six) posts of JTO (ASTTs) are required to be posted in the SFMSS-32 line system for operation and maintenance.

As no JTO is available under the STT, Shillong, two Sr. TMs are posted to man the said system without any monetary benefit. But in our neighbouring Circle, Assam, such officials posted against these posts are upgraded to Grade- IV officials in the scale of Rs.6500-200-10500.

It is urged that both the officials posted against the posts of JTO (ASTTs) at Shillong should also be upgraded to Gr-IV posts early.

Upgradation to Grade - IV post is against 10% of the officials who got BCR., the granting of the Officiating Scale of Pay shall be examined, if Rules permit.

10/12-99

GMTD-SH
ADT(T)
ADT(HIRD)

Promotion of Sr. Officials to Grade - IV at par with Juniors:

As per departmental guidelines, promotion to the cadre of Grade-IV in the pay scale of Rs.6500-200-10500 should be done basing on the seniority in the basic cadre and without any reservation for SC/STs.

At CTO Shillong, one junior official has been promoted to the cadre of Grade-IV without taking into consideration of the above factors. It is, therefore, urged that senior officials should be promoted accordingly from the same by creating the required numbers of superannuary posts in order to end the discrimination at an early date.

The above 'deviation' from the DoT guidelines has been noted by the administration and the GMT Shillong shall be asked to look into the matter and rectify the same in case of any act of commission or omission.

11/12-99

DFA
ACAO-BGT

Inordinate Delay in Sanctioning of HBA, Scooter, Cycle and WC Advances:

It is observed that staff applied for the above advances are always delayed for months together, sometimes, even years. It is urged that the same may be sanctioned in time to avoid the harassment to staff.

HBA is sanctioned in NET Circle on priority and every year, additional funds are asked for and disbursed. Allotment of fund in respect of Scooter, Cycle and WC advances is very much less from Directorate. Efforts are regularly made for additional fund for Scooter Advance. Staff-side also requested for supplying to them the SSA-wise Waiting List of Advance applicants.

12/12-99

GMTD-SH
ADT(Est)

Grant of Temporary Status to Casual Labour pending post 1985 and TDM, Shillong letter no. E-38/Ty. Status/ Confirmation/21 dated 30.9.93 in response to Circle Office letter no. STB-27/ Labour/ TE-Corr. dated 26.8.93.

It is observed that both the offices are violation from their own office orders and thus harassing the poor labourers for years together. It is urged to settle the case as early as possible.

This matter is not within the purview of the Regional Council to decide upon.

CLOSED

Solving the basic problem

17/12/99 Upgradation of Agartala Exchange.

= 62 =

GMTD-AGT
SE(C)-SC
ADT(B)

Agartala Telephone Exchange having one IB with a capacity of only 3 (three) seats. Recently one IB has been provided at Sanchar Nilay/AD Nagar, but no Care-taker has so far been posted. It is therefore suggested for upgradation of the existing IB at Agartala Exchange and arrangement for Caretaker in Sanchar Nilay IB. It is further requested for construction of Transit IB and Transit Quarters at Agartala.

There is no space for additional set of accommodation at Agartala Exchange. For IB at AD Nagar, the GMTD Agartala is arranging for posting of a Care-taker and also to examine the other proposal. It was also proposed to make physical verification at the time of next RJCM meeting scheduled to be held next at Agartala.

18/12/99 Introduction of Modern Tools for Outdoor Network - Allotment of Pagers to Field/
Linestaff in NET Circle:

DoT, ND in its letter no. 2-05/98 PHA dt. 4-2-99 has decided to provide pagers to field/line staff in NorthEast Telecom Circle alongwith other 5 Circles. The field CGMs are authorized to provide pagers on the scale of 50 (fifty) pagers per area GM(T) in the concerned Telecom/ Telephone Circles. It is therefore requested to implement the said scheme in this Circle for improvement in rectification of faults.

It is not possible to implement the said Scheme since there is no pager service in the Circle. The possibility of Cellular Phone shall be examined.

The next meeting shall be held at Agartala in the month of April next year.



(G.N.CHYNE)

AGM(A)

SECRETARY, RJCM

N.E. Telecom Circle

O/O CGM Telecom, Shillong.

No. TWF/RJCM-MEETING-26/99. Dated Shillong, the 25 ~~4~~ January 2000.

Copy to :

1. All the Regional JCM Members, for information and necessary action.
2. All GMTDs in NET Circle/ DE-CTSD (NET), Guwahati;
3. The Supdt. Engineer, Telecom Civil Circle, Shillong/Silchar;
4. The Dy. GM (Planning)/DFA, CO-Shillong;
5. The ADT(B)/ADT(HRD)/ADT(Op)/ADT(CP)/ADT(Genl)-CO, Shillong; } }

The concerned authorities marked against each item are requested to kindly send in their comments/compliance to this office for perusal of the CGMT at least before the end of February 2000.

(S.PATGIRI)
Asst. Director Telecom (Estt),
O/o CGMT, Shillong.
Phone: 222440. Fax-227202.