

GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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2
20/2/17
SECTION OFFICER (Judl.)

FORM NO. 4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::::: GUWAHATI

ORDER SHEET

APPLICATION NO ... 185 ... OF 2001.

Applicant (s) P.K. Acharjee

Respondent (s) V.O.I. Toms

Advocate for Applicants (s) J.L. Sarker, Mrs. S. Deka, A. Chakraborty

Advocate for Respondent (s) CGSC

Notes of the Registry	Date	Order of the Tribunal
Application is in form of a donation petition filed vide N.P. No. 100 C.F. for Reg. No. deposited vide IPO/B/ No. 6G 792252	24.5.01	On the prayer of Mr. M. Chanda on behalf of Mr. Mr. J.L. Sarker, learned counsel for the applicant, the case is adjourned to 28-5-2001 for admission.
Dated 23-4-2001 Dr. Registrar P.M.		I.C.Usha Member
	bb 4.9.01	The application is admitted. Call for the records. Pendency of this application shall not be bar to consider the case of the applicant. List on 8/10/01 for further order.
Notice prepared and sent to D/S for copy the Respondent No 1 to 3 by Regd. A.D. 6/9/01 vade D.No 3439 & 3441 dtd 15/9/01 1) Service report are still awaited.	bb 8.10.01	I.C.Usha Member List the case on 13.11.2001 after receipt of service report.
	bb 5/10.01	I.C.Usha Member Vice-Chairman

✓ 13.11.01

List the case again on 18.12.

2001 enabling the respondents to file written statement as prayed by Mr. A. Deb Roy, learned Sr. C. G. S. C.

✓ Usha
Member

Vice-Chairman

7.01.2002

N/S Ans been filed
by the respondents
at page- 39-72

NS
7/01/02

WLS has been filed.

✓
15.1.02

18.12.01

List on 16.1.02 to enable the respondents to file written statement.

✓ Usha
Member

Vice-Chairman

mb

16.1.02

Written statement has been filed.
The case may now be listed for hearing.
The applicant may file rejoinder, if any, within 2 weeks from today.

List on 21.2.2002 for hearing.

✓ Usha
Member

Vice-Chairman

mb

21.2.02

Mr. J. L. Sarkar, learned counsel for the applicant stated that he has just received the written statement and he wanted time to go through the same. Prayer is allowed. List on 4.3.2002 for hearing. The applicant may file rejoinder, if any, within ten days from today.

✓ Usha
Member

Vice-Chairman

mb

4.3.02

Prayer has been made by Mr. J. L. Sarkar, learned counsel for the applicant for adjournment of the case. The case is accordingly adjourned. List on 9.4.2002 for hearing.

✓ Usha
Member

Vice-Chairman

mb

9
O.A. No. 185/2001

Notes of the Registry	Date	Order of the Tribunal
<i>nd ay 24/4/02</i>	9.4.2002	Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is dismissed in terms of the order. No order as to costs.

C.U. Shrivastava
Member

L
Vice-Chairman

pg

Notes of the Registry	Date	Order of the Tribunal
Notes of the Registry	Date	Order of the Tribunal

Notes of the Redefeat Date Order of the Tripartite

Notes of the Redefeat Date Order of the Tripartite

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 185/2001.

Date of Decision. 9-4-2002.

— — — — — Sri Pijush Kanti Acharjee — — — — — Petitioner(S)

— — — — — Sri J.L. Sarkar — — — — — Advocate for the
Versus — — — — — Petitioner(s)

— — — — — Union of India & Ors. — — — — — Respondent()

— — — — — Sri A. Deb Roy, Sr. C.G.S.C. — — — — — Advocate for the
THE HON'BLE MR. JUSTICE D.N. CHOWDHURY, VICE CHAIRMAN.
THE H'N'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble : Vice-Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 185 of 2001.

Date of Order : This the 9th Day of April, 2002.

The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman.

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

Sri Pijush Kanti Acharjee
Working as H.S.G-II S.A.
under R.M.S. 'S' Division,
Tinsukia

... Applicant

By Advocate Sri J.L.Sarkar.

- Versus -

1. Union of India,
Through the Secretary,
Ministry of Communication,
Govt. of India, New Delhi.
2. The Chief Post Master General,
Assam Circle, Meghdut Bhawan,
Guwahati-1.
3. The Superintendent,
R.M.S. 'S' Division,
Silchar - 788001.

... Respondents.

By Advocate Sri A.Deb Roy, Sr.C.G.S.C.

O R D E R

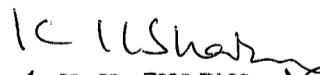
CHOWDHURY J. (V.C.)

The challenge pertains to the Divisional Gradation List corrected upto 1.7.83 in which the seniority of the applicant was shown as per the date of appointment in Sorting Assistant cadre i.e. date of joining of service on 1.6.67, whereas according to the applicant his seniority should have been shown in the LSG cadre as per his date of joining on 6.11.81. In ^{the} Divisional Gradation List corrected upto 1.2.2000 the applicant has been placed below the officials who have joined in the LSG post later than the applicant by wrongly showing the applicant's date of LSG as 12.1.82 instead of 6.11.81. The applicant

submitted his representation against the first Gradation List. By order dated 9.7.96 the representation of the applicant alongwith others were disposed of and the authority intimated that circle seniority list of LSG officials would be based on the date of promotion to the LSG Cadre. Date of promotion to LSG of the applicant was 12.1.82 whereas Sri B.R.Dhar joined LSG cadre on 11.1.82. The applicant submitted several representations and the same were considered and he was duly communicated vide letter No. B-26/1/91 dated 21.8.96 by the Superintendent, RMS, Silchar clarifying the position that Sri Biplab Kr. Roy was to take place in the draft Gradation list below the applicant. The inter-se-seniority among the persons were determined long back and therefore at this distance of time there is no scope to go into the inter-se-seniority in the absence of the concerned parties before us. It has been stated by Mr J.L.Sarkar, learned counsel for the applicant that the applicant has by the time promoted to the next higher post.

In the circumstances stated above we do not find any merit in the case. Accordingly the application stands dismissed.

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


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN

17 MAY 2001
গুৱাহাটী ব্যাবস্থা
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

Title of the case : O.A. No. : 185 /2001

Sri Pijush Kanti Acharjee : Applicant

----- versus -----

Union of India & ors. : Respondents

I N D E X

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Filed by

D. K. Acharjee
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH:
GUWAHATI

O. A. No. of 2001

BETWEEN

Sri Pijush Kanti Acharjee
Working as H. S. G.-II S. A.
Under R. M. S. 'S' Division
Tinsukia.

..... Applicant

- AND -

1. Union of India
Through the Secretary
Ministry of Communication
Govt. of India, New Delhi.
2. The Chief Post Master General
Assam Circle, Meghdut Bhawan
Guwahati - 1.
3. The Superintendent
R. M. S. 'S' Division
Silchar - 788001.

..... Respondents

Details of the Application :

1. Particulars of the order against which the application is made :

Pijush Kanti Acharjee
Filed by Mr. App. Lmt. of
Chittaranjan
Bhargav P. D. on 25/12/2001
12/12/2001

Piyush Kanti Majumdar

The application is made for making correction in the gradation list of R.M.S. 'S' Division with regards to the date of LSG of the applicant as per the date of joining in the post of LSG i.e. 6-11-81 and giving effect of seniority from that date (6-11-81) with all consequential service benefits.

2. Jurisdiction :

The Applicant declares that the subject matter of the application is within the jurisdiction of the Hon'ble Tribunal.

3. Limitation :

The applicant declares that the application is within the period of limitation under Section 21 of the Administrative Tribunal Act 1985.

4. Facts of the case :

- 4.1 That the applicant is a citizen of India and as such is entitled to the rights and privileges guaranteed by the constitution of India.
- 4.2 That the applicant joined service as Sorting Assistant w.e.f. 1-6-1967. In the year 1979 he appeared in the examination for promotion as L.S.G. Clerks (1/3rd quota) and was declared successful with four others, the result of which was intimated by the Memo No. staff/17/8/76 dated 30-10-1981 of post Master General

(for short PMG), Assam Meghalaya Circle, Shillong.

It is stated that the aforesaid examination is only a qualifying examination and successful candidates are considered for promotion against 1/3rd of the vacancies arising every year. The applicant had joined in Lower Selection Grade (for short LSG) cadre w.e.f. 6-11-81. This was a leave vacancy. It is also stated that the applicant is the senior most in the LSG cadre amongst the five successful officials of the aforesaid examination as per the date of joining in the cadre. At present the applicant is working as Higher Scale Grade - II (for short HSG-II) sorting Assistant (supervising post) under R.M.S. 'S' division at Tinsukia.

Copy of the Memo No. staff/17/8/76

dated 30-10-1981 is enclosed as

Annexure - A/1.

4.3 That in the first Divisional Gradation List (corrected upto 1-7-83) the seniority of the applicant was shown as per the date of appointment as sorting Assistant cadre i.e. date of joining of service (1-6-67) whereas the seniority of the applicant should have been shown in the LSG Cadre as per his date of joining i.e. 6-11-81. Again in the Divisional Gradation List (corrected upto 01-02-2000) the applicant has been placed below the officials who have joined in the LSG post ^{later} earlier than the applicant by wrongly showing the applicant's date of LSG as 12-01-82 instead of 6-11-81. It is mentioned

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Piyush Kant Acharya

that out of the five officials who qualified in the LSG Examination for the year 1979 the applicant had joined in the post of LSG earlier than the four others. The dates of joining in the LSG posts of the said four other officials are shown as below:

Sl. No.	Name of the official	Date of joining in LSG Cadre.
1.	Sri B. K. Roy	12-11-81
2.	Sri S. P. Dhar	11-01-82
3.	Sri M. L. Sarkar	12-01-82
4.	Sri B. Chakraborty	30-01-82

Copy of Divisional Gradation List corrected upto 1-7-83 and 1-2-2000 are enclosed as Annexure A/2 and A/3.

4.4. That the applicant had joined in the LSG post w.e.f. 6-11-81 against a leave vacancy and worked till 21-11-81 against the said vacant post. An order for payment of arrears for the aforesaid period was issued by the Superintendent, RMS 'S' Division Silchar by Memo No. B-539 dated 16-09-1985 wherein also it was mentioned that the aforesaid periods would be counted for increment towards fixation of his (applicants) pay in LSG Cadre. From 22-11-81 the applicant continued in LSG Cadre (1/3rd quota 20% non-allowance Post.)

Copy of the Memo dated 16-9-85 is enclosed as Annexure - A/4.

4.5 That instructions on Time Bound one promotion scheme and Biennial Grade Review Scheme are given in the

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Jyoti Kanta Debroy

Dte's letter No. 22-5/95-PE.I dated 08-02-1996 which was circulated by the chief post Master General, Assam Circle, Guwahati with his letter No. B-7/25/Biennial dated 8-3-96. The Dte's above letter dated 08-02-1996 mentions about the inter seniority of the officials in the lower grade which is to be kept intact for the purpose of eligibility for promotion to next higher grade. It is reiterated that the applicant is the senior most amongst the five officials who qualified in LSG examination for the year 1979 as per his (applicants) date of joining in the LSG post i.e. 6-11-81. It is also stated that the aforesaid LSG examination was only a qualifying examination and not a competitive one and hence seniority will not be maintained as per the merit list of the said examination.

Copy letter No. B-7/25/Biennial dated
8-3-96 is enclosed as Annexure - A/5.

4.6 That the applicant submitted representations number of times for fixation his seniority in HSG-II. The Superintendent RMS 'S' Division Silchar by his letter No. B-26/1/91 dated 7-3-96 rejected the prayer of the applicant on the ground of limitation of time although the applicant was representing his case of seniority time to time to the authorities since 1982. In the aforesaid letter it was stated, "However, it is possible that their seniority have been fixed on the general principle that in case of promotion through qualifying exam, seniority of an official will be with reference to his position in lower grade". Again the Superintendent

RMS 'S' division, Silchar while dealing with the another representation of the applicant stated in his letter No. B-26/1 dated 9-7-96 that the date of promotion of the applicant to the LSG post is 12-1-82 and asked the S.R.O. Tibsukia to furnish detail information in this regard. There after, the said Superintendent by his letter No. B-26/1/91 dated 21-8-96 rejected the prayer of the applicant with regards to the seniority in HSG-II cadre and stated that "since inter-se-seniority is not to be disturbed as per Dte. N.D. letter No. 6-19/82-SPB-II (PE) dated 06-06-90 the respective positions of the officials in the merit list circulated by the Co. Shillong letter No. Staff/17/8/76 dated 30-10-81 have to be maintained irrespective of their dates of joining in LSG Cadre".

As stated earlier that the examination for promotion as LSG was only a qualifying examination and as such maintaining seniority on the merit of the said examination is not proper and hence the respondents' reliance upon the said merit list for determining seniority of the applicant is whimsical and perverse.

Copy of the letter No. B-26/1/91 dated 7-3-96 is enclosed as Annexure A/6. Copy of the letter No. B-26/1 dated 9-7-96 is enclosed as Annexure - A/7.

Copy of the letter No. B-26/1/91 dated 21-8-96 is enclosed as Annexure - A/8.

4.7 That there after, the applicant submitted several representations for fixation his correct seniority i.e. with effect from 6-11-81. In his representation dated 23-6-98 he stated that the examination for promotion as LSG is a qualifying one and prayer to fix his seniority from the date of his joining in the post of LSG i.e. 6-11-81. In his another representation dated 8-12-98 he stated that the said examination was not a competitive examination as per the divisional office letter No. B-895 dated 4-2-83. He also wrote in his letter dated 27-2-99 that as per D.G.(P) letter No. G.I. Deptt. of Post & Trg. O.M. No. 2001/5/90 ESH(D) dated 4-11-92 his seniority should be fixed as per the date of joining in the LSG cadre. But most unfortunately the respondents have not yet replied to the applicant. However, the Superintendent RMS 'S' DN, Silchar by his letter No. B-539 dated 7-1-2000 has intimated that the present position of the applicant's case is yet to be known from the circle office.

Copy of the representations dated 23-6-98, 25-8-98, 08-12-98, 11-1-99, 27-2-99, 30-1-99, 13-12-99, 1-4-2000 4-11-2000 14-11-2000 and 2-3-2001 respectively are enclosed, as Annexures - A/9, A/10, A/11, A/12, A/13, A/14, A/15, A/16, A/17, A/18 and A/19 respectively.

Copy of letter No. B-539 dated
7-1-2000 is enclosed as Annexure-A/20.

8
Prakash Konar Chakraborty

4.8 That the applicant begs to state that the divisional gradation list (corrected upto 1-2-2000) contains mistake in the dates of joining as LSG. The applicant joined as LSG w.e.f. 6-11-81 but his date of LSG has been shown as 12-1-82. In the case of Sri Bijanender Chakraborty also (serial No. 2 of Part - IV) the date of LSG has been shown as 30-7-82 whereas Sri Chakraborty had joined in the post of LSG w.e.f. 30-1-82.

4.9 That the applicant begs to state that the date of joining was considered for determining the seniority even for the previous batch of the applicant. The instance of which is the case of Sri Ranajit Bhattacharjee SRO, Tinsukia, in whose case his junior colleague got the seniority above him by virtue of joining in the cadre earlier than him.

4.10 That the applicant jointed in the LSG cadre w.e.f. 6-11-81 and is the senior most among five qualified officials of 1979 batch examination. It was also stated in the D.P.T.'s office Memo No. 22011/7/86 ESH(D) dated 3-7-1986 that the seniorities for the cases on or before 3-7-1986 have to be determined as per joining into the cadre. But unfortunately the applicant has been deprived of his claim of seniority since long. The applicant has represented several times but no favourable decision has yet been communicated to him.

4.11 That the applicant begs to state that the Department was making schemes for promotional scope of the employees. As such two categories of LSG SA posts were available, one

with allowance post and the other non-allowance post called 20% LSG SA. The applicant was working in LSG SA with allowance post, and also passed the examination for the LSG 20% non-allowance post. It is stated that this examination is only qualifying examination and the merit in the examination has no role in the matter of seniority in the cadre for promotions.

4.12 That the department issued different circulars for promotions and seniority in the cadres. But while fixing the seniority the circulars have not been linked and as a result the correct fixation of seniority is pending and incorrect graduation lists are published. The applicant prays that the respondents should produce the relevant ^{documents} including Memo No. 2001/5/90Estt(D) dated 4-11-92, DPT's Office Memo No. 22011/7/86Est(D) dated 3-7-86 before this Hon'ble Tribunal.

4.13 This application has been made bonafide and for the cause of justice.

5. Grounds for reliefs with legal provisions :

5.1 For that the seniority of the applicant has been determined on the basis of merit list of LSG qualifying examination.

5.2 For that the respondents erred in not determining the seniority of the applicant on the basis of his late joining in the LSG cadre i.e. w.e.f. 6-11-81.

5.3 For that the respondents have decided the seniority of the applicant whimsically and in a perfunctory manner.

5.4 For that the respondents have acted in determining the seniority of the applicant in contrary to the instructions in Memo No. 2001/5/90ESW(D) dated 4-11-92.

5.5 For that the respondents have failed to fix seniority of the applicant in the LSG Cadre as per his date of joining in the LSG post (6-11-81) and to fix the seniority in the HSG-II cadre as per the Dte's letter No. 22-5/95-PE.I dated 8-2-96 taking his seniority position of the LSG Cadre.

5.6 For that the respondents have acted without following uniform policy and followed different procedures for the different years in the case of determining seniority of the officials.

5. Details of remedies exhausted.

The applicant has submitted representations without any result. There is no other remedy under any rule.

7. Matter not pending before any other court :

The applicant declares that he has not filed any other case in any tribunal, forum or court on the subject matter.

8. Reliefs sought for :

Under the circumstances explained above the applicant prays for the following reliefs :

8.4 To fix the seniority of the applicant in the post of LSG, w.e.f. 6-11-91 and to fix the seniority in the post of HSG-II taking his seniority position accordingly.

8.2 To give all the consequential benefits to the applicant in the LSG Cadre.

8.3 To make correction in the Divisional Gradation List (corrected upto 1-2-2000) with regards to the date of LSG of the applicant. The above reliefs are prayed for on the grounds stated in para 5 above.

9. Interim relief prayed for

The applicant prays that the pendency of this application should not be a bar for the respondents to promote the applicant to the higher posts of HSG-I.

10. This application has been filed through Advocate.

11. Particulars of postal Order :

i) IPO No. : 66 792257
ii) Date of issue : 23/4/2001
iii) Issued from : Gumnakali
iv) Payable at : Gumnakali

12. Particulars of Enclosures :

As stated in the index

Verification.....

2
Pijush Kanti Acharjee

VERIFICATION

I Pijush Kanti Acharjee, son of Late Manoranjan Acharjee, aged about 53 years, resident of Chaliha Nagar, Tinsukia - 25 do hereby verify that the statements made in Para 1, 4, 6 to 12 are true to my personal knowledge and those made in para 2, 3 and 5 are true to my legal advice and that I have not suppressed any material fact.

And I, sign this verification on this 24th day of April, 2001.

Guwahati

Pijush Kanti Acharjee
Signature

Q3
ADMIRE-A/1

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE POSTMASTER GENERAL A & M. CIRCLE, SHILLONG.

Ref. No. Staff/17/8476.

Dated Shillong the 30/10/81.

The officials listed below who qualified in the L.S.G. Examination
of the 1/3 quota vacancies for the year 1979 are hereby promoted to the
grade of Lower Selection G-grade in the Scale of Rs.425/- 15-360-EI-20-640
and allotted to the Divisions noted against each.

2. They will rank enblock junior to the officials promoted under this
office letter no. even dated 21 - 11 - 1980.

Name of the Officials

	Division	Community
1. Shri Bishnudu Chakraborty	RMS 'S' Dn.	O.C.
2. Shri Manik Lal Sarkar	-do-	-do-
3. Shri Santu Ranjan Dhar	-do-	-do-
4. Shri Biju Kanti Acharjee	-do-	-do-
5. Sri Biplob Kumar Roy	RMS 'C' D.	O.C.

3. The date of assumption of charge in L.S.G. in respect of the
above named officials should be reported to this office immediately
furnishing a copy of the charge Report.

The D.P.S. Assam Region, Guwahati, may also be informed the date
of assumption of such charge duly enclosed the copies of charge Report
furnished by the individuals.

(Otha)

Self-(L. DEWRI)
D. P. S. (HQ)
for Postmaster General,
Assam-Meghalaya Circle,
SHILLONG -793001.

Copy forwarded for information & necessary action to :-

- 1) The D.P.S. Assam Region, Guwahati.
- 2) The Sr. Supdt. of RMS 'G-H' Division, Guwahati.
- 3) The Supdt. RMS. 'S' Division, Silchar.
- 4) The HRC. RMS. Guwahati/Silchar.

5. F.F. of the official.

10-14) Officials concerned.

15) Spare.

(B. L. DEB)
for Postmaster General
Assam-Meghalaya Circle
SHILLONG -793001.

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GRADATION LIST OF TIME

DAVISION CORRECTED

UPTO 1785

1.8.82.

" Arisanta Dhar. Rath

1.2.82 2.12.51 2.10.59 Wk, SRO SCL 565

1.10.82.

" Nanda Lal Das SC

1.3.83 7.12.55 1.1.58 " Civl. 50

1.9.82.

" Satyendra Kr. Das. SC

1.6.84 21.12.55 1.10.60 " Offc. -de- 515 1.12.82

1.7.82.

" Bijendra Chatterby

1.5.46 2.7.65 1.7.67 " SRO Tsk 440 1.1.82

"

" Manik Lal Sarker

1.1.47 25.7.66 26.3.70 " " Ait 440 1.1.83

1.4.82.

" Pijush Kanti Acharjee

1.6.48 1.6.67 1.4.70 " Tsk 440 -de-

1.10.82.

" Santi Ranjan Dhar.

1.1.48 8.4.68 -de- " Imphal 440 -de-

1.11.82

-de-

-de-

1.6.82.

1.11.82.

-de-

-de-

-de-

1.2.82.

1.9.83.

contd. page 8

Wkgs-as Sac 9

GL-1

GRADATION LIST OF RMS 'S' DIVISION
CORRECTED UPTO 01/02/2000

PART-I

ASRM (Scale of pay Rs. 6,500-200-10,500/-)

Posts-2

S N o	Name of the official	Co mm unit	Date Of Birth	Date Of Entry In Dept.	Date Of entry In ASRM Cadre	Present designatio n & Office attached	Pay now drawn (Rs)	Date of increm -ent	Remarks
1	Sri.N.C.Paul	Gen	21/08/45	16/04/68	23/04/93	ASRM Silchar RMS	7700/-	1/04/99	
2	Sri.N.C.Bhowmik	Gen	15/01/54	25/08/73	26/04/97	ASRM Division	6900/-	1/04/99	

GL-4

PART-IVHSG-II Supervisor BCR (Scale of pay Rs. 5,000-150-8,000/-)Posts : 2 (Part)

S I N o	Name of the official	Com mu ni ty	Date Of Birth	Date Of Entry In Dept.	Date Of LSG	Date of HSG-II	Office to which attached	Pay now drawn	Date of increm ent
1	Sri.Bijan Ch. Bhattacharjee	Gen	01/05/41	12/01/61	15/11/79	01/10/91	HRO Silchar	7100/-	1/2/99
2	Sri.Bijanendu Chakrabarty	Gen	01/05/46	09/07/65	30/07/82	01/10/91	SRO Tinsukia	6800/-	1/5/99

12 Sri. Das
13 Sri. Biju
14 Sri. Achin
15 Sri. AIA
16 Cau Sri. Bhat
17 Sri. Srij
18 Sri. Billu
19 Sri. Ghu
20 Sri. Kuni
21 Sri. Ku
22 Sri. Ch
23 Sri. Ki
24 Sri. Cl
25 Sri. Si
26 Sri. C
27 Sri. S
28 Sri. C
29 Sri. C
30 Sri. C

GL-5

PART-V

HSG-II (Scale of pay Rs. 5,000-150-8,000/-)

Posts - 60

Name of the official	Co mm unit	Date Of Birth	Date Of Entry in Dept.	Date Of LSG	Date of HSG-II	Office to which attached	Pay now drawn	Date of inc rem en.
Sri. Manik Lal Sarkar	Gen	01/01/47	25/07/66	12/01/82	01/10/91	SRO Agartala	6800/-	1/05/99
Sri. Santi Ranjan Dhar	Gen	01/01/48	08/04/68	11/01/82	01/10/91	SRO Tinsukia	6800/-	1/05/99
Sri. Pijush Kanti Acharjee	Gen	01/06/48	01/06/67	12/01/82	01/10/91	SRO Tinsukia	6800/-	1/05/99
Sri. Arun Kumar Choudhury	Gen	02/07/40	30/01/61	30/11/83	01/10/91	SRO Agartala	7100/-	1/02/99 Kt+1
Sri. Jayanta Kr. Bhattacharjee	Gen	29/04/41	01/01/61	30/11/83	01/10/91	HRO Silchar	7100/-	1/02/99
Sri. Joy Kumar Das	SC	29/09/41	01/08/61	30/11/83	01/10/91	HRO Silchar	7100/-	1/11/99
Sri. Prabhat Bikram Das	SC	01/05/42	05/09/61	30/11/83	01/10/91	HRO Silchar	7100/-	1/11/99
Sri. Bipra Prasad Ghosh	Gen	01/09/40	20/10/62	30/11/83	01/10/91	HRO Silchar	7250/-	1/11/99
Sri. Ramendra Kumar Roy	Gen	01/03/43	20/10/62	30/11/83	01/10/91	SRO Tinsukia	6950/-	1/11/99
Sri. Dhirendra Kumar Biswas	SC	01/01/42	20/10/62	30/11/83	01/10/91	HRO Silchar	6950/-	1/11/99
Sri. Upendra Chandra Das	SC	01/06/42	27/10/62	30/11/83	01/10/91	HRO Silchar	6950/-	1/11/99
Sri. Pradip Kumar Roy	Gen	01/01/44	05/06/63	30/11/83	01/10/91	HRO Silchar	6950/-	1/11/99
Sri. Jahar Lal Chakrabarty	Gen	01/04/44	02/06/63	30/11/83	01/10/91	HRO Silchar	6950/-	1/11/99
Sri. Abinash Chandra Das	SC	01/05/42	02/06/63	30/11/83	01/10/91	TMO Baderpur	6950/-	1/11/99
Sri. Dipak Kr. Chakrabarty	Gen	01/03/42	25/02/64	30/11/83	01/10/91	HRO Silchar	6800/-	1/02/99
Sri. Niharendu Chakrabarty	Gen	01/02/46	22/07/64	30/11/83	01/10/91	HRO Silchar	6800/-	1/05/99
Sri. Ncruttam Chandra Roy	SC	01/08/41	22/07/64	30/11/83	01/10/91	HRO Silchar	6800/-	1/05/99
Smt. Nilima Chakrabarty	Gen	01/01/43	03/08/64	30/11/83	01/10/91	HRO Silchar	6800/-	1/05/99
Sri. Ananta Kr. Bhattacharjee	Gen	01/02/46	24/06/65	30/11/83	01/10/91	HRO Silchar	6800/-	1/06/99
Sri. Ananta Kumar Das	SC	01/08/42	18/06/61	30/11/83	01/07/92	HRO Silchar	6650/-	1/02/99

DEPARTMENT OF POSTS
Office of the Superintendent RMS 'S' Divn Silchar
Memo No. 539 Dated Silchar-1, the 16th Sept/85.

Shri Bijush Kanti Acharjee LSG (SA) SRO Tinsukia
is allowed to have officiated in the leave vacancy in
LSG cadre for the periods noted below and the same will
count for increment towards fixation of his pay in
LSG cadre.

- a) 17.11.79 to 15.12.79 in leave vacancy of Shri S. Kalita.
- b) 16.12.79 to 30.12.79 in leave vacancy of Shri S. Bhattacharjee.
- c) 7.9.80 to 13.10.80 said in leave vacancy of Shri B. K. Das.
- d) 6.11.81 to 21.11.81 in leave vacancy of Shri R. K. Sengupta.

(B. S. Roy)
Sd/- R. Bhattacharjee
Superintendent
RMS 'S' Div Silchar.

COPY to :

- 1) The HRO RMS 'S' Divn Silchar.
- 2) The D.A.(P) Calcutta.
- 3) Shri Acharjee SRO Tinsukia.

(B. S. Roy)
(R. Bhattacharjee)
Superintendent
RMS 'S' Divn Silchar.
....

Recd.
4/4/85 Phu. D.

No. B-7/25/Biennial. Dated at Silchar the 8th Mar'96.

Copy of CG letter No. Est/2-56/91 dated 20-02-96 addressed to Silchar Dte and others as furnished below :
32/1

Sub : Modification of TBOP/BCR Scheme : Instructions regarding.

Enclosed please find a copy of Dte's letter no. 22-5/95-PE.I dtd. 08-02-96 on the subject above for information and necessary action.

Sd/-

(B. S. Sadap)
A.P.M.G.(Est.)
For Chief Postmaster General
Assam Circle, Guwahati-781001.

Copy of the Dte's letter as above

Time Bound one promotion Scheme and Biennial Cadre Review Schemes were introduced vide this office letter No. 31-26/83-PE.I dtd. 11-12-83, No. 20-2/84-PE.I dt. 26-7-91, No. 32-1/89-PE.I dtd. 11-10-91 & No. 4-12/91-PE.I (Pt.) dtd 22-07-93 with a view to improve promotional prospects of employees of the Department of Post. As per these Schemes, officials who complete prescribed satisfactory length of service in the appropriate grades are placed in the next higher grade. Subsequently, it was noticed that some officials e.g. UDCs in the Circle and SBCO, LSC (both 1/3rd and 2/3rd), P.O. & R.M.S. Accountants, who were senior before implementations of the schemes were denied higher scales of pay admissible under the schemes while some Junior Officials became eligible for higher scale of pay by virtue of their length of service. Some of the affected officials filed applications before various benches of the Central Administrative Tribunals demanding higher scale of pay from the date their juniors were made eligible under these schemes.

2. The case has been examined in consultation with the Ministry of Finance, Department of Expenditure. It has now been decided that all the officials, such as, UDCs in the Circle Office and SBCO, LSC (both 1/3rd and 2/3rd), P.O. & RMS. Accountants, whose seniority was adversely affected by implementation of BCR Scheme placing their juniors in the next higher scale of pay will now be considered for next higher scale of pay from the date their immediate juniors became eligible for the next higher scale. This will, however, not be applicable to the officials who are senior to those officials, brought on transfer under Rule-38, P&T Vol. IV and are placed in the next higher scale of pay by virtue of length of service.

Contd...P/2..

117527RE. 8/5

- : (2) : -

3. The inter-seniority of the officials in the lower grade will be kept intact for the purpose of eligibility for promotion to next higher grade.
4. Heads of Circles are requested to settle all such pending cases/representations etc. according to the above guidelines within 60 days of issue of these orders.
5. A compliance report i.e. no. of officials benefitted (in detail) may be furnished to the Department after implementation of these instructions.
6. This issues in concurrence with the Ministry of Finance, Department of Expenditure vide their I.B. No. 5(37)E.III/94 dated 19-12-93 and Internal Finance Advice Section vide their Dy. No. 418/FA/96 dated 05-02-96.

94/

(Alek Saxena)
Asst. Director General (Asst.)

For Superintendent R.M.A.
S. Div. 1st. Silcher.

DEPARTMENT OF POST : INDIA
OFFICE OF THE SUPERINTENDENT RMS 'S' DIVISION, SILCHAR.

Memo No. B-26/1/91 Dated at Silchar the 7th Mar '96.

To, -

The SRC
TINSUKIA.

Sub : Seniority in HSG-II Case of Sri P.K.
Acharjee, HSG-II SA, SRO Tinsukia.

Ref : Your letter No. B-4, Dtd. 01-03-96.

With reference to your aforesaid letter, it is intimated that as per Gradation List corrected up to 01-07-83 position of Sri P. K. Acharjee was at SL 39 i.e. below Sri B. Chakraborty & Sri M.L. Sarkar, which was duly signed by Sri Acharjee on 07-05-84. Nothing adverse has been received from him within 1 year stipulated period from the date of issue of G.L. As such his apartent, position is being treated as time barred.

2. However, it is possible that their seniority have been fixed on the general principal that " in case of promotion through qualifying exam, seniority of an official will be with reference to his position in lower grade".

3. Official may please be intimated accordingly.


(J. K. BARBHULYA)
SUPERINTENDENT RMS 'S' DIV.
SILCHAR-788001.

DEPARTMENT OF POST : IN V.A.
OFFICE OF THE SUPERINTENDENT RMS 'S' DIVISION, SILCHAR.

ANNEXURE-~~1/2~~

No. B-26/1.

Dated at Silchar the 9th July '96.

To,

The S. R. O.
RMS Tinsukia

Sub : Draft Circle Gradation List.

. S.I. : Representations of the officials.

This is regarding some representation received from Sri Bijanendu Chakravarty, Pijush Kanti Acharjee and K. S. Ch. Mazumdar. Wherein it was pointed out that their seniority have been affected adversely in the draft Circle GL. In this connection S.O. Guwahati was addressed and CO. vide this ~~official~~ letter No. Staff/19-1/93 Corr GL, dated 03-07-96 clarified as under.

2. Case of Sri Pijush Kanti Acharjee - As per Dte. New Delhi letter No. 6-19/82-SPB-II (Pt) dated 06-06-90 the circle seniority list of LSC officials will be based on the date of promotion to the LSC Cadre. Date of promotion to LSC in respect of Sri P.K. Acharjee is 12-1-82 whereas Sri S. R. Dhar has joined LSC cadre on 11-1-82. As such how Sri P.K. Acharjee will be senior to Sri S.R. Dhar may be clarified alongwith detail information.

3. Case of Sri Bijanendu Chakravarty - As per report of S.S.R.M./Guwahati, the date of promotion to LSC cadre in respect of Sri Biplob Kr. Roy is 12-11-81. As such Sri Roy is senior to all official in the light of Dte. New Delhi letter cited above. The correct date of promotion to the LSC cadre in respect of Sri Bijanendu Chakravarty may be intimated.

4. Case of Sri K. C. Mazumdar - His seniority has been fixed as per Dte. Letter No. 06-19/82-SPB-II (Pt) dated 06-06-90 which says that Circle seniority of LSC cadre will be basis of seniority of HSC-II cadre. In case of same date of promotion to LSC cadre in respect of several officials, basis of seniority will be the total length of service in the T/S clarical cadre. If this is also same then the basis will be the date of birth.

Contd...P/2..

As such you are requested to inform the officials accordingly. Please obtain clarification from Sri Pijush Kanti Acharya as discussed in para-2 and intimate the correct date of promotion to the LSG. cadre in respect of Sri Bijanendu Chakraborty.

Superintendent
RMS 'S' Dn. Silchar-1.

Copy to : HRO/Silchar - He will please intimate the exact date of promotion to LSG cadre in respect of Sri Bijanendu Chakraborty under ref. to the service book and other relevant records by return post for information of CO.

Superintendent
RMS 'S' Dn. Silchar-1.

EX/108

DEPARTMENT OF POST : INDIA
OFFICE OF THE SUPERINTENDENT RMS 'S' DIVISION : SILCHAR-1.
*** *** ***

No. B-26/1/91.
Dated at Silchar the 21st Aug '96.

To,

The SMO
Tinsukia.



Sub : Seniority in HSG-II - Case of 1/3 rd LSG officials
of 1979 batch.

Ref : Your letter No. (i) No. 69 dtd. 13-7-96, (ii) B-4
dtd. 17-7-96 & (iii) B-4 dated 24-07-96. - - - - -

With reference to your aforesaid letter it is intimated that the CO. Guwahati vide its letter No. staff/19-1/93 Con. GL dated 19-08-96 clarified that since inter-se seniority is not to be disturbed as per Dte. N.D letter No. 6-19/82-SPB-II (Pt) dated 06-06-90 the respective position of the officials in the merit list circulated by the CO Shillong letter No. staff/17/8/96 dated 30-10-81 have to be maintained irrespective of their dates of joining in LSG cadre.

As such, Sri Biplab Kr. Roy, HSG-II, SA 'GH' Dn. will take place in the draft GL below Sri Pijush Kanti Acharjee, HSG-II SA. - - - - -

Concerned officials may please be informed accordingly.

(J. K. Barhuiya)
Superintendent RMS 'S' Dn.
Silchar-788001.

Copy to : SRO Agartala - for information and similar action.

(J. K. Barhuiya)
Superintendent RMS 'S' Dn.
Silchar-788001.

1/r.

To
Shri I. Dewri,
Chief EMG,
Assam Circle,
Meghdoct Bhavan,
Guwahati.

Sub: Fixation of seniority in LSS against
123rd LSS Merit List, 1981.

Ref: So let. No. 1100/1/93 dated 25-3-93.

Hon'ble Sir,

With due respect, I beg to submit this petition for the above subject with the following points for favour of your kind information and reconsideration of my case.

1. The seniority has been fixed as per merit list as told in Cos 1. It is agreed. But in my case the question of merit list does not arise at all as because it was a qualifying examination. The same was again reminded to all concerned vide DR(F) Letter No. 6/2/79-SI dated 31-10-81 as it was a qualifying examination.
2. Again, regarding fixation of seniority it was told vide re(^r) letter No. cited above and also several references by the DC(S) to all concerned on May 15 July 84 in reference to the above letter that an official while working in LSS posts up to 1981 against clear vacancy and at the same time securing pass in minimum the 1/20th 20% quota qualifying examination his seniority have to be determined from his actual date of his offtg position. In the above case my seniority should be fixed w.e.f. 6-11-81 as I will be the senior most among five officials.
3. I was working w.e.f. 6-11-81 as Supervisor from 20th LSS off. and my seniority should be regularised from 6-11-81 & Shri Acharyya join on 12-11-81, S.L. Baru (Tsk) on 11-1-82, M.L. Sarkar (Asstt) on 12-1-82 and B.Charaberty (Tsk) on 30-1-82 respectively.

With regards,

Yours faithfully,
(S.P. Acharyya)
(S.P. Acharyya)
L.S.I.I. SA
L.S.I.S.S. Division, Tsk.

Date: 23-6-93.

۴۹

the. Slipde
R.M.S. "8" on Kicker:

Sub: Fixation of serous by in LSG of ^{end}
1/3rd Quata and H.G.T. x A

Ref: 81100064646 B-539 4/17/78

Sir, I have the honor to inform you that I have not yet got any information regarding the above cited Benimty case.

As there is no other alternative
not only the say spare for me is
CAT for Proper CAT for Proper
decided to go —
judgement. this is for favour of your

judgement this is for favour of your
kind information.

Det
25.8.78.

your faithfully --

Pijush Kaku Acharya
21527-A

Ro. 51-21

To
Shri N.Bhattacharjee,
Superintendent,
R.M.S.'S' DV. Silcher

Sub :- Fixation of Seniority in L.S.G. 1/3rd
and H.S.G. II S.A.

Ref :- DVL. Office Letter No. B-539 dated 27-02-98

Sir,

Kindly refer my petition which was add to the Chief P.M.G., Assam Circleby name wherein the question arisen that whether the examination was competitive or qualifying or the C.O. Guwahati challenged it was competitive but I told in my every letter, it was qualifying. The examination was qualifying and it was not competitive as per DVL Office letter No. B-539 dated Silcher the 04-02-95.

Secondly, the Seniority have to be determined as per joining into the Cadre and even from offtg. periods if the result came out on offtg periods while an official holding the higher post and for which he sit in the examination before his offtg. periods. As per D.G.(P) letter as cited into the petition and also Maharashtra C.A.T. judgement my seniority have to be determined W.e.f. 06-11-31 as per Memo issued from your end i.e. No. B-539 dated 16-09-85 and I will be the Seniormost among five Officials as stated in last para.

Therefore, I pray and hope that you would kindly settle my case early.

With regards.

Yours faithfully

Date: 08-12-98

(P.K. Acharyee)
H.S.G. II SA
S.R.O. R.M.S., Tinsukia

To
The Chief PNG
Assam Circle,
Meghdoott Bhawan,
Guwahati-1.

Sub: Fixation of seniority in LSG against
3rd 20% Quota and HSG-II JA.

Hon'ble Sir,

Kindly refer my representation dt. 08.12.98 where in I prayed for fixation of my seniority, but due to very ill luck no fruitful action has yet been seen.

Today, I again like to clear and true to the ~~fact~~ facts of my letter dt. 08.12.98.

1. The 3rd LSG 20% Quota examination for the year 1979 was purely qualifying. As it was well known by Sri P. Nath AD (Staff) who is agreed with me.
2. To clear the facts kindly refer my representation dt. 08.1.83 addition to the SRM/Silchar & copy to- (1) PNG N.E. Circle, Shillong & (2) RDPS Assam Region Guwahati (copy enclosed) regarding transfer to SRO Imphal. The transfer order had been cancelled & junior-most has been posted to SRO Imphal (copy enclosed). Now, there should not be any doubt, as the examination was purely qualifying.
3. Regarding fixation of seniority in LSG as per joining into the cadre the order of G.I. Dept of per & trg O.E. No. 2001/5/90 Estt. (D) dt. 4.11.92 will be applicable in my case. My seniority will be determined as per joining into the cadre dt. 6.11.81 and I will be the seniormost among five qualified officers of 1979 batch. The Hon'ble Supreme Court & Maharashtra C.W.T clearly clarify that as per joining seniority will be determined. In para 47 L.I of Hon'ble Supreme Court on 2.5.1990 judgement that, "It has been decided that seniority of a person will be determined as per joining into the cadre."
4. In my earlier representation dt. 25.6.98 vide para 3 is correct which I prayed for fixation of my seniority as per joining into the cadre i.e. 06.11.81

Therefore, I pray and hope that your authority would kindly look into the matter and arrange to settle my seniority claim at an very early date & for which act of honour, I shall remain ever pray.

With regards,
Date : 11.1.99

Yours faithfully,

(J. K. AGARWAL)
L.I. 11.3A
SRO RDS 131 Im.
Tinukhuri-706 125

To
Shri A.N.D. Kachari
D.P.S. (HQ)
O/O the Chief P.M.C. Assam Circle
Meghdoott Bhawan,
Guwahati.

Sub: Fixation of seniority in LSC 1/3rd
qualifying examination quota & Hsg II S.A.

Hon'ble Sir,

With due respect I have the honour to submit before you the following facts for favour of your kind information and sympathetic consideration.

1. At the time of last meeting held with you on 25.5.93 with the Union representatives & PMG, there were two question arisen first, whether the examination was competitive or qualifying. I told you that it was purely qualifying. Now, in support of this the letter of SPM/Silchar is enclosed herewith (photo copy) Secondly, seniority will be determined as per joining into the cadre. At that time I was working against 20% Lsg & from there was also working against allowance post while result was announced. My seniority will be determined w.e.f. 6.11.81 as the results announced on 30.10.81. And I will be the seniormost among five officials who were declared passed.

2. As per joining seniority will be determined which may kindly be refer with D.G.(P) letter No.G.I. Dept of Post & trig O.M. No. 2001/3/90 Eatt(D) dt. 4.11.92 and in para 47(A) of Hon'ble Supreme Court judgement dt. 2.5.1990.

Therefore, I pray and hope that your honour would kindly look into the matter and arrange to settle the case at an very early date and for which act of honour's kindness I shall remain ever pray.

With regards.

Yours faithfully,

Pijush Kanti Achary

(P.K. ACHARJEE)
Hsg II SA
S.R.O. R.M.S. 'S' Dn.
Tinsukia-786125

Date : 27-02-99

To
The Chief PWD
Assam Circle,
Nehru Doot Bhawan,
Guwahati. -

Sub: Fixation of seniority in L.E.G. against
1/3rd 20% quota and hisg TT SA.

Hon'ble Sir,

Kindly refer my representation dtd. 11.1.99 where in all the related documents in support of my claim has been furnished, but I am very sorry to inform you that no fruitful action has yet been seen.

It is utter surprised that there are several references with documentary proves but no favourable decision has yet been taken by the circle office resulting I am depriving my claim since long.

Therefore, I again pray and hope that you would kindly look into the matter and settle my case at an very early date and oblige.

With regards.

Yours faithfully,

Date : 25.01.99

(P.K. ACHARJEE)
Hsg TT SA
SRO RNS 'S' Dn.
Tinsukia-786125

To

The Superintendent

R.M.S. 'S' DR BILCHAR

Re: R.M.S. 'S' DR BILCHAR

Sub: Fixation of seniority in LSS &

LSS-II SA

Sir, I beg to inform you that a lot of communication has been made regarding my seniority case but no fruitful results has yet been received from your end. As per your letter it was intimated that the case is still pending with circle office for decision.

Therefore, I hope that you would kindly intimate me & for present position of my case which I shall remain ever grateful.

Yours faithfully

Pijush Kanti Acharya

(P.K. Acharya)

LSS-II SA

S.R.O. R.M.S.

Gunsukhia

Copy to:

The Chief P.M.G (Staff)

Assam Rifles

for guidance & for information
of my case.

To

The Superintendent
RMS is, Dr. L. Ch.

Sub: Seniority
Ref: DVL office letter No B-26/1/91 of 30/3/2000

Sir, I beg to inform you that the
Divisional Graduation list which was
corrected upto 1/2/2000 is seen. It
appears that my name is shown at 123
in the list of its 9th semester. It is absolutely
wrong. A lot of reference has yet been
made to rectify my seniority but
unfortunately no fruitful action is seen.

Therefore, I pray & hope that
you would kindly look into the matter
and arrange to rectify my seniority
at an early date & oblige.

1/9/00

Yours faithfully
Pijush Kathadev
H.S.S.S.
S/o L. Ch.

To

Shri D. N. Sharma

Supdt

RMS 'S' on Sicker camp at Tinsukia

Ref: DVL office letter no B-539 dt. 7.1.2000

Sub: fixation of seniority in LS 1/3rd
Qualifying examination 1979 batch

HS 2 SA.

Sir, with due respect, I have the honour
to inform you that since 1982 a lot of
representation has been submitted for
fixation of my seniority. But due to my
very ill health I have not yet got any
favourable final decision either from your
end nor from the circle office. Perhaps
one fine morning I will be retire from
service and my case will also be
pending for decision with the circle
office.

Once again, I like to draw your
kind attention regarding my case that
as per DFT o/m No 22011/7/86 EST (1)
dt 3rd July 1986 I will be the
senior most among five officials of
1979 batch LS 1/3rd Qualifying exam.

So, I pray & hope that you
would kindly looking the matter and
settle my case at an very early date
& for which act of honour is kindness
I shall remain ever grateful.

You're faithfully

Date } 4/11/00 } P. Jyoti Kanti Acharya
} 21592161
Shri RMS Tinsukia

To the Chief P.M.L. Assam circle, Nalgobazar, Guwahati
(Through Paper Channel)

Sub:- Fixation of Seniority in LSC 1/3rd quota 20%
& LSC II SA.

Hon'ble Sir,
With due respect, I have the honour
to submit before you the following facts for
favour of your kind information & favourable
consideration.

That Sir, a lot of representations has been
submitted regarding my seniority case since 1982
& onwards. But I am sorry to inform you
that no decision has yet been taken from
your end till this day. LSC 1/3rd 20% quota

qualification was purely qualifying vide D.B.P
N.Delhi 10/6/26/73 SAB dt 6/8/71 ds 15-1-71 &
onwards. As per, SRM/Sc with no-B-26/
S 9-7-96 seniority will be maintained as
per joining into the cadre, the said reference
perhaps vide G-1 Estt (D) dt 4.11.92 & in
para 47(A) of Hon'ble Supreme Court Judgment
dt 2.5.90 state "It has been decided that
seniority of a person will be determined
as per joining into the cadre". I was ~~born~~
born was working/joined if 06.11.81 and
my seniority should maintained from that date
ie 06.11.81 and I will be the senior most
among five officials of 1979 batch of LSC 1/3rd
among five officials of 1979 batch of LSC 1/3rd
qualifying examination. There is no relation of
qualifying examination / complete for fixation of seniority
It will be maintained as per joining into
the cadre those who passed ~~and joined~~ on or
before 3rd July 1986 vide DPT O/m 170
22011/7/86 25/11/86 dt 3rd July 1986

That Sir, there is clear order to
rectify my seniority as per D.B.P letter no
cited above & I will be the senior most
among 5 (five) officials of 1979 batch exhort
That Sir, I am waiting anxiously for
kind decision in my favour as per order of

D.B.P letter cited above. I hope that you
therefore, I may be very sympathetic
honour with kindly consider my case very early & oblige
me to finalise my case at an very early date & oblige
you faithfully

Sd/- P.M.L.
Assam Region
Smt.

(P.K. Acharya)

To

Shri A.N.D. Kachari
Director Postal Service,
Assam Circle,
Meghdoott Bhavan,
Guwahati.

Date : 2/3/2001 40

Sub : Seniority case.

Hon'ble Sir,

In inviting a kind attention for the above subject matter and other performance for the interest of service and beg to submit before you the following facts for proper justice .

1. The seniority case is pending at your end till this day for which I could not get the opportunity and deprived from all benefits. As your honour gave me assurance to finalise my case as I prayed for after submit the require rules & copies as because these were not available with the circle office. This was discussed in your chamber after complete the union meeting with the former PMG Shri D.K. Budki on 25.5.98. And accordingly myself submitted all the documents on 27.02.99 with a high hope. But due to my very ill luck not a single reply has yet been received from your ends .

2. I have completed all the targeted works as per instruction from SRM/Silchar and previously from your & AD (mails) since B.G. line started and could able to complete all the task related with the Rly satisfactorily are the burning instances of my sincerity honesty and efficiency which cannot be ignored by hi Department .

3. The Rest house Guwahati at Tinsukia has been accommodated at F Stn. Tinsukia has been ~~was~~ previously be me as per direction from you and AD(mail) over phone and now also myself able to arranged one room with all facilities for rest house and T.M.O. in M.C.O. office after after restless fighting with the Rly . As a result the Department has gained to avoid extra expenditure from rented private house @ Rs. 2000/- and more per month .

4. On 31.5.99 while I was on duty with Tinsukia EMS/N as HSA at about 22.50 Hrs old bldg. of TMO H.P.O. caught fire from electrical fault . The O/C Tinsukia Police Station informed me over phone to attend immediately as there is no authority except one night guard. Myself reached to the spot at once and first arranged cordon to avoid entrance of outside public by the CRPs/ Police men and told the fire Brigade personal and O/C Police Station to broke the lock as because they failed to spray water inside the stock room. However after broken the lock saved the bldg and few old records destroyed. Myself entered into the room with tourch light and saved the matter was also reported into the D.R.

- 2 -

5. There are several burning instances regarding my sincerity and efficiency as an loyal worker during my past service life . But my eyes filled up with tears while I saw that those who are dishonest, in efficient, disloyal, they are getting all the benefits and there is no value of an loyal, honest and sincere worker in this Department .

Therefore, I hope that your honour would kindly look into the matter and do the needful. This is my last pray to your honour .

With regards.

Yours faithfully,

(P. K. ACHARJEE)
H. S. G. II SA.
S. R. O., R. M. S. 'S' DN.
Tinsukia.

फौर-7/Corr-7

~~10° + 120°~~

4. ANNEXURE-A/20

भारतीय डाक विभाग/Department of Posts, India

फायलिंग/Office of the

3-135 227-4
100000000
R.I. 1970-1980
73861

767 he SRO

Timsukie

No. B. 539. Dated at Sitka on the 7.1.2000.

Sub:- Fixation of Seniority in Lsg &
Hsg-i) SA case of Sri Piyush Kant
Acharia Hsg-i) SA S.R.O. Tinsukia

Ref: - R.O. Gray Letter no 5144/1/27-31
99 (RP) dated 5-1-2020.

The case of The official has already
been forwarded to Circle Office. As
the seniority is being fixed by
CD for Circle as a whole. Present
Position of the case ~~is~~ is
~~Set to be known by~~ ~~onwards~~ Circle Office.

Please inform the official
accordingly.

प्रभासम् सन्ति—MOIP (गु) Santi—

41

VAKALATNAMA
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Guwahati BENCH

NO.....185.....of 199-2001

Pijush Kanti Acharyee

Appellant
Petitioner

Versus

C. O. 9 of 005

Respondent
Opposite party

Know all men by these Presents that the above named

Pijush Kanti Acharyee

do hereby

nominate, constitute and appoint Shri *J. L. Sarkar, Mrs. S. Deka*

No. A. Chakraborty Advocate and such of the undermentioned Advocates as shall accept this Vakalatnama to be my/our true and lawful Advocates to appear and act for me/us in the matter noted above and in connection there with and for the purpose to do all acts what soever in that connection including depositing or drawing money, filing in or taking out papers, deeds of composition etc. For me/us and on my/our behalf and/we agree to ratify and confirm all acts so done by the said Advocates as mine/ours to all intents and purposes. In case of non payment of the stipulated fee in full no Advocate will be bound to appear or act on my/our behalf.

In witness where of I/we here unto set my/our hand this

22/02 day of *April* 199-2001

Advocates

N.M.Lahiri
Prasanta Kumar Barua
Bijoy Kumar Das
B.C.Das
B. Banerjee

J.L.Sarkar
Ashis Dasgupta
B.M.Buzar Baruah
Nisitendu Choudhury
Manik Chanda
Asit Sarkar
 Stuti Deka
S. Sarmah
N. D. Goswami
 A. Chakraborty

Received from the executant and accepted

And Accepted

Sarkar
Advocate

Chakraborty
Advocate



Notice

8

Date 17/5/2001

From
A. Chakrabarty
Advocate

To
S. C. S. C.

Sub: OA. No. 8/2001

Sri. P. S. Acharya

VS

CC. O. S & OOS

Dear Sir,

Please receive a copy of the OA of
the above case for your own use.

Yours sincerely

A. Chakrabarty
Advocate

Copy received
PC Ghosh

CGSC 17/5/01
(Advocate)

7 JAN 2002

गुवाहाटी न्यायपोषण

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

OA.NO. 185 OF 2001

Sri P.K.Acharjee

-Vs-

Union of India and Others.

IN THE MATTER OF :

Written statement submitted by the
respondents.

A brief history of the case is given below which
may be treated as part of the written statements.

This is regarding the CAT case filled by

Sri P.K.Acharjee vide OA No 185/2001

1. Shri P.K.Acharjee HSG-II SA SRO Tinsukia has
qualified in the LSG Exam. against 1/3rd quota vacancied
for the year 1997 and promoted to the Cadre of LSG in
the scale of Rs.425-15-560-EB-20-640 w.e.f. 12-1-1982
regular basis. The result of said exam. has been shown
as follows under PMG Assam Circle, Shillong memo
No- Staff/17/8/76 dtd. 30-10-81 (shown in the Index
at Sl. No. 3).

1. Shri Bijanendu Chakraborty - RMS +S, Dn.

2. " Manik Lal Sarkar -do-

3. " Santi Rn.Dhar. -do-

4. " Pijush Kanti Acharjee -do-

5. " Biplab Kumar Roy RMS +GH,Dn.

2. As per representation of Sri Acharjee, his position
in the above G.L. (HSG-II, SA) shown at Sl. 10 is not
correct and the same has been subsequently rectified by
C.O. Guwahati at Sl. 9 and the same of Shri Biplab Kr
Roy which was shown at 6 has been corrected and shown
against Sl. 10 and decision of CO Guwahati has been

communicated under letter No. Staff/19-1/93 corr GL dtd. 19-8-96 (Copy enclosed) and the official has been informed accordingly under this office letter No. B/26/1/91 dtd. 21-8-96 (Shown in the Index at Sl.25.

3. The main point is to be noted/ as demanded by Sri Acharjee is that according to him this is an qualifying exam. So ~~the~~ his position in LSG Cadre though 1/3rd quota exam.out of the five,successful candidates as above should be as follows :-

i) On the basis of the date of joining in LSG Cadre

Or

ii) On the basis of date of entry in the Deptt.in

PA Cadre. Or

iii) By counting his previous Offg. service in LSG Cadre.

But the Co Guwahati in his letter No. Staff/19-1/93 Corr. GL dtd 19-8-96 intimated that the respective positions of the officials in the Shillong letter No. Staff/17/8/76 dtd. 30/10/81 (shown in the index Sl.4) have to be maintained irrespective of their dates of joining in LSG Cadre.

The Para-wise written statements of the respondents are as follows :-

1. That with regard to the statement made in Para-1 of the OA, the respondent(s) beg to stat that Shri P.K. Acharjee, applicant was declared qualified in LSG Exam. against 1/3rd quota of the vacancies for the year 1979 vide erstwhile PMG, NE Circle, Shillong memo No. Staff/17/8/176 dtd 30/10/1981 cited as Annexure A/1 by the applicant in this O.A. consequently, the applicant joined in the Lower Section Grade (in short LSG) in the scale

of pay of Rs.425-15-560-EB-20-640 on 12.1.1982 on regular basis vide his service Book particulars (Annexure - I) annexed and also his position shown in Divisional Gradation List (in short GL.) Part-VXXXXXXX (Annexure -III). Thus, the contention of the applicant that his date of joining in the L.S.G. cadre was 6-11-81 is not based on fact. In fact, the applicant was given adhoc promotion for 16 days from 6-11-81 to 21.11.81 against leave vacancy vide SRM, RMS: S:Division, Silchar memo. No. B-7/LSG/IX dt.06.01.82 (Annexure -II) which was straightway terminated on 22.11.1981 and the applicant worked in non LSG cadre from 22.11.1981 till his joining on regular basis in LSG cadre w.e.f.12.1.82. Thus the plea of the applicant is not correct and thus not acceptable and the OA has no merit in the eyes of law.

2. That with regard to the statement made in Para-2 of the O.A. the Respondent(s) beg to offer no comment. These are matter of records.

3. That with regard to the statement made in Para-3 of the O.A. the Respondent(s) beg to offer no comment. These are matter of records.

4. That with regard to the statement made in Para-4.1 of the O.A., the Respondent(s) beg to offer No comment. These are matter of records.

5. That with regard to the statement made in Para-4.2 of the O.A. the respondent(s) beg to offer no comment to the extent that the applicant was declared qualified in the L.S.G. examination against 1/3rd quota of the vacancies of the year 1979. But the respondent(s) maintain that the marks he secured and graded his position at S.L. No.4 out of 5 successful candidates in the result sheet (Annexure-A/1 of the O.A.) in terms of provisions

- 4 -

laid down in Rule-32(E)(a)(ii) of P.&T Man Vol.IV (Annexure-AA) which was not challenged at any level. The Respondent(s) further state that date of commencement of BCR/HSG-II promotion has been introduced in the Department of posts since 1.10.1991 and thus the applicant along-with others found otherwise eligible promotion in the HSG-II/BCR cadre, he was given due promotion since 1.10.1991 keeping inter-se-seniority of all those 5 qualified officials in LSG examination against 1/3rd quota in terms of provisions given in item No-3 of Dte's letter No.22-5/95/PE-I dt.8.2.96 annexed in the O.A. as annexure - A/5. Thus question of granting date of joining as on 6-11-81 in the LSG cadre does not arise and therefore not applicable.

6. That with regards to the statement made in Paragraphs-4.3 of the O.A. the Respondent(s) beg to state that the applicant was ordered to officiate temporarily and purely on adhoc basis w.e.f.6.11.81 vide SRM, Silchar memo No.B-7/LSG/IX dt.6.1.82 for 16 days. Thus the plea of the applicant that he joined in LSG cadre on regular basis on 6.11.81 is not acceptable. Further, the candidates shown in Gradation List Part-I Marked as annexure - A/3 cited in this paragraph, has no relevancy with the case of the applicant. Because, the candidates shown in annexure-A/3 of the O.A. are belonging to the cadre of Asstt. Superintendent RMS, different channel of promotion/different cadre, de-linked with the applicants's service career and hence plea of the applicant are not acceptable.

7. That with regards to the statement made in paragraphs-4.4 of the O.A. the respondent(s) beg to state that the applicant was allowed to officiate temporarily and purely on adhoc basis in all the ~~particular~~ broken period against leave vacancies and not on regular basis. It is also not correct that the applicant was continuously worked in L.S.G. cadre from 22.11.81 that the claimed in this paragraph. As per Service Book (extract at Annexure-I) and other related records, the applicant worked in SA cadre after his reversion from LSG cadre from 22.11.81. Thus, plea of the applicant mentioned in this paragraph are not acceptable.

8. That with regards to the statement made in paragraph-4.5 of the O.A. the respondent(s) beg to maintain the same opinion what has been stated in reply to paragraph-4.2 of O.A. above. Hence, the contention of the applicant is denied.

9. That with regard to the statement made in paragraph-4.6 of the O.A. the respondent(s) beg to state that the applicant's position in the L.S.G. cadre had already been decided by the competent authority at highest level giving his position at 4 out of 5 based on his total marks he secured and graded him accordingly vide result declared in memo No-Staff/17/8/176 dtd. 30.10.81 (Annexure-VI). Thus, his seniority in the L.S.G. cadre will be based on the date of his actual joining in the L.S.G. cadre on regular basis i.e. on 12.1.82 as per G.L. and other allied related service records of the applicant in terms of Govt. of India and Department of Personnel and Training O.M.No.20011/5/90-Estt(D) dy.4.11.92 (Annexure-IV) read with further provisions laid down in O.M.No.22011/7/86-Estt(D) dtd. 3.7.1986 (Annexure -V) cited by the applicant in paragraphs-7&+10 of the O.A.. Further, the Respondent(s) state that the applicant has already attested/~~his~~ re-attested his position in Gradation

List corrected up to 1.7.83. But no objection was received within 1(one) year in terms of provisions laid down in Rule -32(D) of P&T Man. Vol. IV (Annexure-AA). The position was informed to all concerned (Annexure-VIII), (Annexure-IX) & (Annexure-X). Thus, contention of giving service seniority from 6.11.81 in L.S.G. cadre to the applicant is not acceptable and thus denied.

10. That with regards to the statement made in paragraph -4.7 of the O.A. the Respondent(s) beg to state that the applicant was allowed to officiate in the L.S.G. cadre w.e.f. 6.11.81 on adhoc basis vide ~~XXX~~ SRM's Memo No. B-7/LSG/IX dtd 6.1.82 (Annexure-II) and not on regular basis. Further, the Respondent(s) maintain that guidelines laid down in both the O.M. dtd 4.11.92 and 3.7.86 are applicable only when promotion has been given in a cadre on regular basis and not on adhoc basis. Hence pleas of the applicant stated in this paragraph are denied.

11. That with regard to the statement made in paragraph -4.8 of the O.A. the Respondent(s) beg to state that the actual date of joining of Shri B. Chakraborty in the L.S.G cadre was 30.01.1982. But inadvertently, it was typed/shown as 30.7.1982. Corrected G.L. up to 1.2.2001 has since been released by the Respondent(s) department. Thus, the contention of the applicant that he joined in L.S.G. cadre on 6.11.81 is not acceptable and thus denied.

12. That with regard to the statement made in paragraph -4.9 of the O.A. the Respondents beg to state that in the result sheet dt. 30.10.81 (Annexure-A/1 of the O.A.), it has been categorically stated in para-2 that the applicant and all other 4 candidates will be en block junior to the officials promoted on 21.11.80. Thus, date of joining of Shri R. Bhattacherjee, joined on regular basis in LSG cadre his seniority was not denied. Thus, plea of the applicant are not acceptable and thus denied.

13. That with regard to the statement made in para-4.10 of the O.A. the Respondent(s) beg to state ~~that~~ since the applicant joined on 6.11.81 on adhoc basis and not on regular basis, the provisions laid down in the O.M. dtd. 3-7-86 (Annexure-V) is not applicable in his case as discussed in reply to paragraph-4.6 of the O.A.. Thus, contention of the applicant is not acceptable and thus denied.

14. That with regard to the statement made in para-4.12 of the O.A. the Respondent(s) beg to state that in view of the fact stated in reply to paragraph-1 to 4.11 of the O.A. above, the contention of the applicant is misconceived of fact and also ill conceived of law and thus this O.A. is not based on fact and thus not acceptable. The contents of the application has no merit. It is liable to be dismissed.

15. That with regards to the statement made in para-4.11 of the O.A. the Respondent(s) beg to state that contents of this paragraph has no relevancy with the applicant's case. Hence these are denied.

16. That with regards to the statement made in para-4.13 of the O.A. the Respondent(s) beg to ~~st~~ maintain the same opinion what has been stated in reply to paragraph 4.12 of the O.A. As such, the Respondent(s) state that the O.A. has no merit in the eyes of law. It is liable to be dismissed.

17. That with regards to the statement made in para-5, 5.1, 5.2, 5.3 and paragraph 5.4 of the O.A. the Respondent beg to state that the applicant was given adhoc promotion for 16 days in LSG cadre against leave vacancy and that the adhoc arrangement was straightway terminated on 22.11.81. As such, provision of the O.M. dt. 4.11.92 cited in paragraph-5.4 was applicable to the applicant from the date of his regular absorption/promotion i.e, on

12.1.82 in the L.S.G. cadre based on G.L. of 2000 and service book particulars of the applicant discussed above in this written statement. As such, the applicant has no ground to approach the Hon'ble CAT for any relief.

18. That with regard to the statement made in para-5.5 of the O.A. the Respondent(s) beg to state that the Respondent(s) department already decided the seniority of the applicant at the time of declaration of the result of the L.S.G. examination against 1/3rd quota placing the applicant at serial - 4 out of 5 qualified candidates vide memo No. Staff/17/8/176 dt. 30.10.81 (Annexure-A/1) of the O.A. read with further provisions laid down in item-3 of the D.G. Posts, New Delhi letter No-22-5/95-PE-I dt. 8.2.96 (Annexure-A/5 of the O.A.). Since the applicant joined and worked in the L.S.G. cadre only on adhoc basis temporarily for 16 days against leave vacancy and since that adhoc arrangement was terminated on 22.11.81, the question of granting seniority to the applicant in the L.S.G. cadre w.e.f. 8.11.81 does not ~~xxx~~ arise and therefore, pleas of the applicant are not acceptable.

19. That with ~~the statement~~ regards to the statement made in paragraph 5.6 of the O.A. the Respondent(s) beg to state that the Respondent(s) followed the relevant rules while fixed the seniority of the applicant as stated in reply to paragraph-5.5 of the O.A. (Annexure-VII) Therefore, the O.A. has no ~~xxx~~ merit and it is liable to be dismissed.

20. That with regard to the statement made in para-6 of the O.A. the Respondent(s) beg to state that the applicant did not prefer any appeal/representation to the Director General, Department of Posts, New Delhi who is also ex-officio Chairman of the Department of Posts

in the Ministry of Communications representing the Union of India though he (applicant) made the Union of India as Respondent No-1 in this O.A. Thus contention of the applicant that he exhausted all remedies is not acceptable.

21. That with regards to the statement made in the paragraph - 7 of the O.A. the Respondent(s) beg to offer no comment. These are matter of records.
22. That with regard to the statements made in paragraph - 8 to 8.3 under caption "Relief Sought for" of the O.A. the Respondent(s) beg to state that in view of the fact and circumstances put before this Hon'ble Tribunal through this written statement in reply to paragraphs 1 to 7 of the OA, the applicant has no valid ground to approach the Hon'ble Tribunal for any relief and thus the O.A. should be dismissed at the admission stage.
23. That with regards to the statement made in paragraph - 9 of the O.A. the Respondent(s) maintain that the O.A. has no merit in the eyes of law in view of the statement made in reply to paragraphs 2 to 8.3 of the O.A.. The applicant is not entitled to get any interim relief and the O.A. should be dismissed.
24. That with regards to the statements made in paragraph - 10 to 12 of the O.A. the Respondent(s) beg to offer no comment. These are matter of records.

VERIFICATION

I Shri DWIPENDRA NATH SHARMA.

being authorised do hereby verify and declare that the statements made in this written statement are true to my knowledge, information and belief and I have not suppressed any material fact.

And I sign this ~~is~~ verification on this ~~th~~
day of December 2001 at Guwahati.

✓
Declarant.

32B] APPOINTMENTS AND PROMOTIONS—GENERAL RULES [Chap. I

he belongs should be fixed according to the date of his permanent appointment to that cadre. When this date happens to be the same in the case of two or more officials, seniority should be determined according to the following principles:—

(a) In cadres to which recruitment is made through an examination,

(i) If the examination is competitive, seniority should be fixed according to the order of merit in the examination. Where recruitment is made partly from departmental candidates and partly from outsiders, the former should always rank senior to the latter.

(ii) If the examination is qualifying, seniority should be fixed according to the position of the official on the waiting list.

(b) In cadres to which recruitment is made by promotion,

(i) If it is on the basis of pure selection seniority should be fixed according to the order of preference; and

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

hap. I

(Chap. I) APPOINTMENTS AND PROMOTIONS—GENERAL RULES [32B-32E]

and

in July of the year in which the Circle Gradation List is required to be published, a copy of the Circle Gradation List corrected upto the 1st July of that year in so far as the staff under his control are concerned to enable the latter to compile that list.

grade
post-
each

32-C. All gradation lists should be maintained in form App. 44. In each gradation list the names of the officials of each class should be entered separately, and in strict order of seniority, one or more pages being left blank after each class. Each list should be kept corrected up-to-date.

erin-
Mail

The list may be maintained in print or in manuscript at the discretion of the authority required to maintain it.

Note:— When there are two or more officials of the same name in a particular cadre, they should be distinguished by serial numbers placed against their names, these numbers being quoted whenever the names are recorded.

ch
by

32-D. Heads of offices will arrange to have all gradation lists received by them circulated among the staff in their offices concerned as soon as received, so as to enable the latter to see at once how they stand in the list. If there be any mistake in a gradation list, the official or officials affected should point them out to the authority concerned for rectification within one year of the date of issue of the gradation list, or else his petition will be treated as time-barred. If after the issue of a gradation list the seniority of an official is altered to his disadvantage, the authority ordering the alteration will communicate the fact to time. No appeal against such alternative will lie to a higher authority unless it is submitted within the usual time-limit of six months from the date of communication of the order appealed against. No such intimation of alteration of seniority will, however, be issued in the cases in which the seniority is altered in pursuance of a general order of the Director-General regulating the fixation of seniority of officials, e.g., when an official fails to pass the efficiency bar on the due date, or cannot be confirmed in his appointment on the due date, owing to inefficiency etc.

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1*Seniority*

✓ 32-E. Subject to any special rules prescribed for any particular service, the seniority of an official in the cadre to which

-14-

12

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12

GRADATION LIST OF THE
DIVISION CORRECTED
1970

13

51

6

1.8.82.	Mr. Krishna Ch. Mitra	
1.10.82.	" Nanda Lal Das	SC
1.9.82.	" Satyendra Kr. Das.	SC
1.7.82.	" Bijanendra Chakraborty	
"	" Manik Lal Sarkar	
1.9.82.	" Pijush Kanti Acharyan	
1.10.82.	" Santi Ranjan Dhar.	
1.11.82.		
-de-		
-de-		
1.6.83.		
1.11.82.		
-de-		
-de-		
-de-		
1.8.83.		
1.8.83.		

1.3.82	2.12.51	2.10.59	Wkt SRO SCL 580
1.3.83	7.12.55	1.1.53	" Divl. 580
1.6.81	21.12.55	1.10.60	-de- 515 1.12.82
1.5.86	9.7.65	1.7.67	" SRO Tsk 440 1.1.83
1.1.47	25.7.66	26.3.70	" " Agt 440 1.1.83
1.6.48	1.6.67	1.4.70	" Tsk 440 -de-
1.1.48	8.4.68	-de-	" Imphal 440 -de-

contd page 8

GRADATION LIST OF RMS 'S' DIVISION
CORRECTED UPTO 01/02/2000

PART-I

ASRM (Scale of pay Rs. 6,500-200-10,500/-)

Posts -- 2

S.	Name of the official	Co mm unit	Date Of Birth	Date Of Entry In Dept.	Date Of entry In ASRM Cadre	Present designation & Office attached	Pay now drawn (Rs)	Date of increment	Remarks
1	Sri.N.C.Paul	Gen	21/08/45	16/04/68	23/04/93	ASRM Silchar RMS	7700/-	1/04/99	
2	Sri.N.C.Bhowmik	Gen	15/01/54	25/06/73	26/04/97	ASRM Division	6900/-	1/04/99	

GL-4

HSG-II

PART-IVHSG-II Supervisor BCR (Scale of pay Rs. 5,000-150-8,000/-)Posts : 2 (Pmt)

S N o	Name of the official	Com- muni- ty	Date Of Birth	Date Of Entry In Dept.	Date Of LSG	Date of HSG-II	Office to which attached	Pay now drawn	Date of increm- ent
1	Sri.Bijan Ch. Bhattacharjee	Gen	01/05/41	12/01/61	15/11/79	01/10/91	HRO Silchar	7100/-	1/2/99
2	Sri.Bijanendu Chakrabarty	Gen	01/05/46	09/07/65	30/07/82	01/10/91	SRO Tinsukia	6800/-	1/5/99

1	Sri.M. Garker
2	Sri.S. Dhar
3	Sri.P. Aichu
4	Sri.A. Chou
5	Sri.J. Bhat
6	Sri.J. Das
7	Sri.J. Biki
8	Sri.J. Gha
9	Sri. Kui
10	Sri. Ku
11	Sri. Ch
12	Sri. Ki
13	Sri. Cl
14	Sri. C
15	Sri. C
16	Sri. C
17	Sri. C
18	Sri. C
19	Sri. C
20	Sri. C

PART-VHSG-II (Scale of pay Rs. 5,000-150-8,000/-)Posts - 60

Name of the official	Co mm unit	Date Of Birth	Date Of Entry in Dept.	Date Of LSG	Date of HSG-II	Office to which attached	Pay now drawn	Date of increment
Sri. Manik Lal Sarker	Gen	01/01/47	25/07/66	12/01/82	01/10/91	SRO Agartala	6800/-	1/1/99
Sri. Santi Ranjan Dher	Gen	01/01/48	08/04/68	11/01/82	01/10/91	SRO Tinsukia	6800/-	1/1/99
Sri. Pijush Kanti Acharyee	Gen	01/06/48	01/06/67	12/01/82	01/10/91	SRO Tinsukia	6800/-	1/1/99
Sri. Arun Kumar Choudhury	Gen	02/07/40	30/01/61	30/11/83	01/10/91	SRO Agartala	7100/-	1/1/99
Sri. Jayanta Kr. Bhattacharjee	Gen	29/04/41	01/01/61	30/11/83	01/10/91	HRO Silchar	7100/-	1/1/99
Sri. Joy Kumar Das	SC	29/09/41	01/08/61	30/11/83	01/10/91	HRO Silchar	7100/-	1/1/99
Sri. Prabhat Bikram Das	SC	01/05/42	05/09/61	30/11/83	01/10/91	HRO Silchar	7100/-	1/1/99
Sri. Bipra Prasad Ghosh	Gen	01/09/40	20/10/62	30/11/83	01/10/91	HRO Silchar	7250/-	1/1/99
Sri. Ramendra Kumar Roy	Gen	01/03/43	20/10/62	30/11/83	01/10/91	SRO Tinsukia	6950/-	1/1/99
Sri. Dhirendra Kumar Biswas	SC	01/01/42	20/10/62	30/11/83	01/10/91	HRO Silchar	6950/-	1/1/99
Sri. Upendra Chandra Das	SC	01/06/42	27/10/62	30/11/83	01/10/91	HRO Silchar	6950/-	1/1/99
Sri. Pradip Kumar Roy	Gen	01/01/43	05/06/63	30/11/83	01/10/91	HRO Silchar	6950/-	1/1/99
Sri. Jahar Lal Chakrabarty	Gen	01/04/44	02/06/63	30/11/83	01/10/91	HRO Silchar	6950/-	1/1/99
Sri. Abinash Chandra Das	SC	01/05/42	02/06/63	30/11/83	01/10/91	TMO Bederpur	6950/-	1/1/99
Sri. Dipak Kr. Chakrabarty	Gen	01/03/42	25/02/64	30/11/83	01/10/91	HRO Silchar	6800/-	1/0/99
Sri. Niharendu Chakrabarty	Gen	01/02/46	22/07/64	30/11/83	01/10/91	HRO Silchar	6800/-	1/0/99
Sri. Neruttam Chandra Roy	SC	01/08/41	22/07/64	30/11/83	01/10/91	HRO Silchar	6800/-	1/0/99
Smt. Nilima Chakrabarty	Gen	01/01/43	03/08/64	30/11/83	01/10/91	HRO Silchar	6800/-	1/0/99
Sri. Ananta Kr. Bhattacharjee	Gen	01/02/46	24/06/65	30/11/83	01/10/91	HRO Silchar	6800/-	1/0/99
Sri. Ananta Kumar Das	SC	01/08/42	18/06/61	30/11/83	01/07/92	HRO Silchar	6650/-	1/0/99
			01/03/66					

I

Order effective from 4th November, 1992

[Government of India, Department of Personnel and Training, Office Memorandum No. 20011/5/90-Estt. (D), dated the 4th November, 1992]

1. Seniority to be determined by the order of merit indicated at the time of initial appointment.— The seniority of Government servants is determined in accordance with the general principles of seniority contained in M.H.A., O.M. No. 9/11/55-RPS, dated the 22nd December, 1959 (See Section II). One of the basic principles enunciated in the said OM is that, seniority follows confirmation and consequently permanent officers in each grade shall rank senior to those who are officiating in that grade.

2. This principle has been coming under judicial scrutiny in a number of cases in the past; the last important judgment being the one delivered by the Supreme Court on 2-5-1990, in the case of Class II Direct Recruits Engineering Officers' Association v. State of Maharashtra. In Para. 47 (A) of the said judgment, the Supreme Court has held that once an incumbent is appointed to a post according to rule, his seniority has to be counted from the date of his appointment and not according to the date of his confirmation.

3. The general principle of seniority mentioned above has been examined in the light of the judicial pronouncement referred to above and it has been decided that seniority may be delinked from confirmation as per the directive of the Supreme Court in Para. 47 (A) of its judgment, dated 2-5-1990. Accordingly, in modification of the General Principle 3, proviso to General Principle 4 and proviso to General Principle 5 (i) contained in O.M. No. 9/11/55-RPS, dated the 22nd December, 1959 and Para. 2.3 of OM, dated the 3rd July, 1986, it has been decided that 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 not according to the date of confirmation.

4. These orders shall take effect from the date of issue of this Office Memorandum. Seniority already determined according to the existing principles on the date of issue of these orders will not be reopened even if in some cases seniority has already been challenged or is in dispute and it will continue to be determined on the basis of the principles already existing prior to the date of issue of these orders.

Annexure-V

II

3

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.

["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.

2.4.1 The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

2.4.2 If adequate number of direct recruits do not become available in any particular year, rotation of quotas for the purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees.

In other words, to the extent direct recruits are not available, the promotees will be bunched together at the bottom of the seniority list below the last position up to which it is possible to determine seniority, on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number according to the usual practice. Thereafter in that year while seniority will be determined between direct recruits and promotees, to the extent of the number of vacancies for direct recruits and promotees as determined according to the quota for *that year*, the additional direct recruits selected against the carried forward vacancies of the previous year would be placed *en bloc* below the last promotee (or direct recruit as the case may be), in the seniority list based on the rotation of vacancies for that year. The same principle holds good for determining seniority in the event of carry forward, if any, of direct recruitment or promotion quota vacancies (as the case may be) in the subsequent year.

Illustration.— Where the Recruitment Rules provide 50% of the vacancies of a grade to be filled by promotion and the remaining 50% by direct recruitment, and assuming there are ten vacancies in the grade arising in each of the years 1986 and 1987 and that two vacancies intended for direct recruitment remain unfilled during 1986 and they could be filled during 1987, the seniority position of the promotees and direct recruits of these two years will be as under—

1986	1987
1. P1	9. P1
2. D1	10. D1
3. P2	11. P2
4. D2	12. D2
5. P3	13. P3
6. D3	14. D3
7. P4	15. P4
8. P5	16. D4
	17. P5
	18. D5
	19. D6
	20. D7

2.4.3 In order to help the appointing authorities in determining the number of vacancies to be filled during a year under each of the methods of recruitment prescribed, a Vacancy Register giving a running account of the vacancies arising and being filled from year to year may be maintained in the pro forma enclosed.

2.4.4 With a view to curbing any tendency of under-reporting/suppressing the vacancies to be notified to the concerned authorities for direct recruitment, it is clarified that promotees will be treated as regular only to the extent to which direct recruitment vacancies are reported to the recruiting authorities on the basis of the quotas prescribed in the relevant Recruitment Rules. Excess promotees, if any, exceeding the share falling to the promotion quota based on the corresponding figure, notified for direct recruitment would be treated only as *ad hoc* promotees.

¹Seniority of Absorbees

3.1 The relative seniority of persons appointed by absorption to a Central service from the Subordinate Offices of the Central Government or other departments of the Central or a State Government shall be determined in accordance with the order of their selection for such absorption.

3.2 Where such absorbees are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such absorbees *vis-a-vis* direct recruits or promotees shall be determined according to the rotation of vacancies which shall be based on the quotas reserved for absorption, direct recruitment and promotion respectively in the Recruitment Rules. Where the vacancies in any quota or quotas are carried forward, the principles stated in Para. 2.4.2 will apply, *mutatis mutandis* in determining *inter se* seniority of the appointees.

3.3 Where a person is appointed by absorption in accordance with the provisions in the Recruitment Rules providing for such absorption in the event of non-availability of suitable candidate by direct recruitment or promotion, such absorbee shall be grouped with direct recruits or promotees, as the case may be. He shall be ranked below all direct recruits or promotees, as the case may be, selected on the same occasion.

3.4.1 In the case of a person who is initially taken on deputation and absorbed later (i.e., where the relevant Recruitment Rules provide for "deputation/absorption"), his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he will be given seniority from—

1. The terms "transfer on deputation" and "transfer" have been changed as "deputation" and "absorption" respectively, *vide* Para. (vi) of O.M. No. AB-14017/2/97-Estt. (RR), dated the 25th May, 1998.

— the date he has been holding the post on deputation.

(or)

— the date from which he has been appointed on a regular basis to the same or equivalent grade in his parent department, whichever is later.

3.4.2 The fixation of seniority of an absorbee in accordance with the above principle will not, however, affect any regular promotions to the next higher grade made prior to the date of such absorption. In other words, it will be operative only in filling up of vacancies in higher grade taking place after such absorption.

3.5 In cases in which absorbees are not strictly in public interest, the transferred officers will be placed below all officers appointed regularly to the grade on the date of absorption.

Seniority in Special Types of Cases

4.1 In the case of such ex-TB or ex-Pleurisy, ex-Leprosy patients, as have been declared non-infective and medically fit for Government service, on re-employment in the same posts from which they were discharged, the actual previous service rendered by them should be counted for seniority. The seniority of such persons re-employed in other posts will be fixed in consultation with the Department of Personnel and Training.

4.2.1 An order imposing the penalty of reduction to a lower service, grade or post or to a lower time-scale should invariably specify—

(i) the period of reduction, unless the clear intention is that the reduction should be permanent or for an indefinite period;

(ii) whether on such re-promotion, the Government servant will regain his original seniority in the higher service, grade or post or higher time-scale which had been assigned to him prior to the imposition of the penalty.

4.2.2 In cases where the reduction is for a specified period and is not to operate to postpone future increments, the seniority of the Government servant may, unless the terms of the order of punishment provide otherwise, be fixed in the higher service, grade or post or the higher time-scale at what it would have been but for his reduction.

4.2.3 Where the reduction is for a specified period and is to operate to postpone future increments, the seniority of the Government servant on re-promotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him in the higher service, grade or post or higher time-scale.

4.3.1 The surplus employees are not entitled for benefit of the past service rendered in the previous organization for the purpose of their seniority in the new organization. Such employees are to be treated as fresh entrants in the matter of their seniority, promotions, etc.

4.3.2 When two or more surplus employees of a particular grade in an office are selected on different dates for absorption in a grade in another office, their *inter se* seniority in the latter office will be same as in their previous office provided that—

- (i) no direct recruit has been selected for appointment to that grade in between these dates; and
- (ii) if there are no fixed quotas for direct recruitment and promotion to the grade in question in the new office and no promotee has been approved for appointment to that grade in between these dates.

4.3.3 When two or more surplus employees of a particular grade in an office are simultaneously selected for redeployment in another office in a grade, their *inter se* seniority in the particular grade, on redeployment in the latter office, would be the same as it was in their previous office.

4.3.4 The above orders would not be applicable in respect of personnel who are appointed on the recommendations of the UPSC to posts/services, recruitment to which is made through the Commission. Seniority of surplus officers appointed on the recommendations of the Commission will be decided on merits in consultation with the Commission.

Past Service does not count for seniority in respect of redeployed Surplus Staff.—As per provisions of Rule 9 of Re-deployment of Surplus Staff and consolidated orders on seniority issued in Para. 4.3.1 to 4.3.4 of O.M. No. 22011/7/88-Estt. (D), dated the 3rd July, 1986, the re-deployed surplus employees are not entitled for benefit of past service rendered in the previous organization for the purpose of their seniority in the new organization. Such employees are to be treated as fresh entrants in the matters of their seniority, promotions, etc.

Many applications have been filed in the Central Administrative Tribunal claiming the benefit of pre-redeployment service for determining seniority in the new cadre on the ground that the redeployment is treated as transfer in public interest.

The issue raised was the subject-matter of the case and came to be finally decided by the Supreme Court. The Hon'ble Supreme Court has categorically held that such service does not count for determining seniority of the redeployed official in the recipient organization.

[G.I., Dept. of Per. & Trg., O.M. No. 15/2/88-CS III, dated the 15th June, 1992.]

1. In spite of the aforesaid instructions, some ex-surplus employees of Rehabilitation and Reclamation Organization redeployed in All India Radio filed O.A. Nos. 160 of 1993 *B. Gopal Rao v. Union of India and Others*; No. 161 of 1993 *P.L. Rao v. Union of India and others* and No. 163 of 1993 *K. Savitri v. Union of India and others*, before CAT, Cuttack Bench, seeking relief for consideration of the past services rendered in earlier department before redeployment for the purpose of seniority and promotion in the recipient office. The Hon'ble Tribunal in its orders, dated 27-5-1994 held that the past

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services rendered in the parent organization would count for the purpose of seniority and promotion. Since the Review Applications were dismissed by the Tribunal, the Union of India and others filed the Civil Appeal Nos. 6201-06 of 1995, titled *Union of India and others v. K. Savitri and others* before the Hon'ble Supreme Court of India against the Orders of the CAT, Cuttack Bench. The Hon'ble Apex Court in its order, dated 4-3-1998 has set aside the impugned order of the CAT, Cuttack Bench and dismissed those OAs and held as under:

“... The service conditions of the redeployed employees under the Rules being governed by the provisions in the Rule as well as the instructions issued from the Government of India from time to time and in view of the clear unambiguous language in Para. 11.1 of the instructions referred to above the conclusion is irresistible that the past services of the redeployed staff cannot be counted for seniority in the new organization. The Tribunal, therefore, committed serious error in directing that the past services would be counted for the seniority of the employees in the All India Radio.”

2. Various Ministries/Departments/Administrative Offices wherever surplus staff has been redeployed through the Central (Surplus Staff) Cell of this Department and Group 'D' Surplus Staff Cell of DGE & T may please refer to and rely upon the aforesaid judgment, dated 4-3-1998 of the Supreme Court of India in countering such claims of seniority/promotions, whenever made by the redeployed surplus officials either through representations or through applications filed on which may be filed in CATs/Courts. A copy of the judgment is enclosed herewith for guidance. [*Not Printed.*]

3. All Ministries/Departments are also requested to circulate the aforesaid judgment to all Attached and Subordinate Offices under their control.

[G.I., Dept. of Per. & Trg., O.M. No. 15/3/98-CS. III, dated the 2nd December, 1998.]

[Pro forma referred to in Para. 2.4.3 of Consolidated Orders]

VACANCY REGISTER

1986 1987 1988, ETC.

1. Total number of vacancies arising during the year

2. BY DIRECT RECRUITMENT

(i) No. of vacancies to be filled—

(a) Vacancies of the year (as per quota prescribed)

(b) Vacancies of the previous year(s) brought forward

(c) Total

(ii) No. of vacancies actually filled ...

(iii) No. of vacancies carried forward ...

3. BY PROMOTION

- (i) No. of vacancies to be filled —
- (a) Vacancies of the year (as per quota prescribed) ...
- (b) Vacancies of previous year(s) brought forward ...
- (c) Total ...
- (ii) No. of vacancies actually filled ...
- (iii) No. of vacancies carried forward ...

NOTE 1. — The methods of recruitment mentioned above are only illustrative; those prescribed in the relevant Recruitment Rules will be reflected in this Register.

NOTE 2. — In the cadres in which the yearly vacancies are sufficient in number to be amendable for division as per the prescribed quotas, it is considered that maintenance of this Register alone will be adequate. In smaller cadres, however, where the number of vacancies arising is somewhat occasional and one or two in a year, the appointing authorities may have to maintain the recruitment roster, as at present, to be clear about the method under which a particular vacancy has to be filled.

I. General Principles for determination of Seniority in the Central Services

ANNEXURE TO GOVERNMENT OF INDIA, MINISTRY OF HOME AFFAIRS, O.M. No. 9-11/55, RPS, DATED THE 22ND DECEMBER, 1959

1. (i) These principles shall apply to the determination of seniority in Central Civil Services and Civil Posts except such services and posts for which separate principles have already been issued or may be issued hereafter by Government.

Ministries or Departments which have made separate rules or issued instructions on the basis of instructions contained in the Ministry of Home Affairs, O.M. No. 30/44/48-Appts., dated the 22nd June, 1949, are requested to consider modification of those rules or instructions on the basis of these general principles. However, whenever it is considered necessary to follow principles different from those laid down in this Memorandum, a specific reference would be made to the Ministry of Home Affairs who will consult the UPSC. As regards individual cases the Ministry of Home Affairs will decide the cases on which the advice of the Commission should be obtained.

(ii) Notwithstanding anything contained in these general principles, the seniority of persons belonging to the following categories will, on their appointment to a Central Civil Services or a Civil Post, continue to be determined by the instructions noted against each category:—

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(a) Ex-Government servants penalized for their patriotic activities. M.H.A, O.M. No. 6/4/52-S & NG, dated the 29th May, 1957.

(b) Central Government employees discharged on account of affliction with TB, Pleurisy or Leprosy. O.M. No. 37/1/52-DGS, dated the 20th July, 1954, as amended by O.M. No. 13/1/56-RPS, dated the 8th May, 1956. (Subsequently extended to ex-Pleurisy/Leprosy patients vide O.M. No. 13/4/56-RPS, dated the 29th September, 1956 and O.M. No. 13/4/57-RPS, dated the 14th July, 1958).

2. Subject to the provisions of Para. 3 below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these general principles shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall *en bloc* be senior to all others in that grade.

EXPLANATION.— For the purpose of these principles—

(a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these general principles; and

(b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these general principles, shall be considered to be permanent officers of the grade.

3. Subject to the provisions of Para. 4 below ¹ [and subject to the condition that seniority of persons would be determined by the order indicated at the time of initial appointment and not according to the date of confirmation], permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

4. Direct Recruits.— Notwithstanding the provisions of Para. 3 above, the relative seniority of all direct recruits shall be 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:

Provided that where persons recruited initially on temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority ¹ [would be determined by the order indicated at the time of initial appointment and not according to the date of confirmation].

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

would have been appointed to the service or post, as the case may be, on the date arrived at after giving credit for his approved military service as Emergency Commissioned Officer or Short Service Commissioned Officer, as the case may be, including the period of training, if any: 64 26

Provided that in the case of an officer who competes for the reserved vacancies under proviso to sub-clause (1) of Clause (a) of sub-rule (2) of Rule 5 of the Released Emergency Commissioned Officers and Short Service Commissioned Officers (Engineering and Medical Services) Reservation of Vacancies (No. II) Rules, 1971, seniority would be fixed as if he has been directly recruited to the service or post through open competition corresponding to the date and year in which he actually joined.

2. Seniority *inter se* of Released Emergency Commissioned Officers or Short Service Commissioned Officers who are appointed against technical vacancies reserved for them allotted to a particular year shall be determined according to the merit list prepared by the Commission on the basis of the results of their performance at the *viva voce* test or interview.

3. All candidates who are appointed against the reserved vacancies will rank below the successful candidates from open competition of the year to which they are allotted.

4. In cases where the released Emergency Commissioned Officers or Short Service Commissioned Officers recruited initially on a temporary basis and given the same year of allotment are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.

[G.I., Dept. of Per., Notfn. No. 9/14/71-Estt. (C), dated the 25th November, 1971.]

11. Seniority of meritorious sportsmen appointed in relaxation of Recruitment Rules.— Where sportsmen are recruited through the Employment Exchange or by direct advertisement and are considered along with other general category candidates, they may be assigned seniority in the order in which they are placed in the panel for selection.

Where recruitment to a post is through a selection made by the Staff Selection Commission, whether by a competitive examination or otherwise, the sportsmen recruited in the departments themselves should be placed *en bloc* junior to those who have already been recommended by the Service Selection Commission. The *inter se* seniority of sportsmen will be in the order of selection.

[G.I., Dept. of Per. & Trg., O.M. No. 14015/1/76-Estt. (D), dated the 4th August, 1980—Paragraph 4.]

12. General/OBC candidate regains his seniority on promotion over earlier promoted SC/ST candidate.— 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 DoP & T O.M. No. 22011/7/87-Estt. (D), dated 3-7-1986 read with

DoP & T.O.M. No. 20011/5/90-Estt. (D), dated 4-11-1992, (Orders I and II above) seniority of a person regularly appointed to a post according to rule should 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 *en bloc* be senior to those promoted through subsequent selection.

2. The Supreme Court has in its judgment, dated 10-10-1995, in the case of *Union of India v. Virpal Singh Chauhan, etc.* [JT 1995 (7) SC 231] 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 judgment 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 proviso to General Principle 5 (i) contained in MHA (now DoP & T), O.M. No. 9/11/55-RPS, dated 22-12-1959 and Para. 2.2 of this Department's O.M. No. 22011/7/86-Estt. (D) dated 3-7-1986:—

“ 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.”

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

[G.I., Dept. of Per. & Trg., O.M. No. 20011/1/96-Estt. (D), dated the 30th January, 1997.]

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ANNEXURE A)

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE POSTMASTER GENERAL A & M. CIRCLE, SHILLONG.

Ref. No. Staff/17/UM/81.

Dated Shillong the 30/10/81.

The officials listed below who qualified in the L.S.G. Examination
of 1979 quota vacancies for the year 1980 are hereby promoted to the
grade of Lower Selection C-grade in the Scale of Rs.425/- 15-560-RB-20-640
and allotted to the Divisions noted against each.

2. They will rank enblock junior to the officials promoted under this
officer letter no. even dated 21 - 11 - 1980.

Name of the Officials

1. Shri Bijenendu Chakraborty
2. Shri Monk Lal Sarker
3. Shri Canti Ranjan Dhar
4. Shri Pijush Kanti Acharjee
5. Sri Biplob Kumar Roy

Division

RMS 'S' Dn.

do

do

do

RMS 'CA'

Community

O.C.

do

do

do

do

3. The date of assumption of charge in L.S.G. in respect of the
above named officials should be reported to this office immediately
furnishing a copy of the charge Report.

The D.P.S. Assam Region, Guwahati, may also be informed the date
of assumption of such charge duly endorsed the copies of charge Report
furnished by the individuals.

10/ha

Self - (I. DEB)
P. P. S. (HQ)
for Postmaster General,
Assam - Meghalaya Circle,
S H I L L O N G - 793001.

Copy forwarded for information & necessary action to :-
1) The D.F.S. Assam Region, Guwahati.
2) The Sr. Supdt. of RMS 'G-H' Division, Guwahati.
3) The Supdt. RMS 'S' Division, Silchar.
4) The H.R.C. RMS. Guwahati/Silchar.
5-9) E.F. of the official.
10-14) Officials concerned.
15) Spare.

(B. L. DEB)
for Postmaster General
Assam - Meghalaya Circle
S H I L L O N G - 793001

DEPARTMENT OF POST, INDIA

OFFICE OF THE SUPERINTENDENT RMS 'S' DIVISION, SILCHAR.

No. B-7/25/Biennial.

Dated at Silchar the 8th Mar'96.

20-02-96 Copy of CC letter No. Bst/2-56/91 dated
addressed to Silchar Lit. and others as furnished
below : *3/24*

Sub : Modification of TBOP/BCR Schem : instructions
regarding.

Enclosed please find a copy of Dte's letter no.
22-5/95-PB.I dtd. 08-02-96 on the subject above for infor-
mation and necessary action.

Sd/-

(B. B. Sadap)
A.P.M.G.(Rst.)
For Chief Postmaster General
Assam Circle, Guwahati-781001.

Copy of the Dte's letter as above

Time Bound one promotion scheme a: i Biennial Cadre Review Schemes were introduced vide this office letter No. 31-26/834-PB.I dtd. 11-12-83, No. 20-2/86-PB.I dtd. 26-7-91, No. 22-1/89-PB.I dtd. 11-10-91 & No. 4-12/84-PB.I (Pt.) dtd 22-07-93 with a view to improve promotional prospects of employees of the Department of Post. As per these Schemes, officials who complete prescribed satisfactory length of service in the appropriate grade are placed in the next higher grade. Subsequently, it was noticed that some officials e.g. UDCs in the Circle and SBCO, LSC (both 1/3rd and 2/3rd), P.O. & R.M.S. Accountants, who were senior before implementations of the schemes were denied higher scales of pay admissible under the schemes while some Junior Officials became eligible for higher scale of pay by virtue of their length of service. Some of the affected officials filed applications before various benches of the Central Administrative Tribunals demanding higher scale of pay from the date their juniors were made eligible under these schemes.

2. The case has been examined in consultation with the Ministry of Finance, Department of Expenditure. It has now been decided that all the officials, such as, UDCs in the Circle Office and SBCO, LSC (both 1/3rd and 2/3rd), P.O. & RMS. Accountants, whose seniority was adversely affected by implementation of BCR Scheme placing their juniors in the next higher scale of pay will now be considered for next higher scale of pay from the date their immediate juniors became eligible for the next higher scale. This will, however, not be applicable to the officials who are senior to those officials, brought on transfer under Rule-38, F&T Vol. IV and are placed in the next higher scale of pay by virtue of length of service.

Contd...P/2..

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ANEXURE-A/5

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- : (2) : -

5. The inter-seniority of the officials in the lower grade will be kept intact for the purpose of eligibility for promotion to next higher grade.

4. Heads of Circles are requested to settle all such pending representations etc. according to the above guidelines within 60 days of issue of these orders.

5. A compliance report i.e. no. of officials benefitted (in detail) may be furnished to the Department after implementation of these instructions.

6. This issues in concurrence with the Ministry of Finance, Department of Expenditure vide their I.B. No. 5(37) C.III/94 dated 19-12-95 and Internal Finance Advice Section vide their Dy. No. 418/PA/95 dated 03-02-95.

Sd/-

(Alok Sarker)
Asstt. Director General (Ecc't.)

Copy to : All SHOs in RSS 'S' Division, Silchar.
Circulars - General.

For Superintendent HOS
'S' DAY 1/2000, Silchar.

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ANNEXURE A/1

DEPARTMENT OF POST : INDIA
OFFICE OF THE SUPERINTENDENT RMS 'S' DIVISION, SILCHAR.

Ref. No. B-26/1/91 Dated at Silchar the 7th March. 69-

To,

The SRO
TINSUKIA.

Sub : Seniority in HSG-II Case of Sri P.K.
Acharjee, HSG-II SA, SRO Tinsukia.

Re: Your letter No. B-4, Dtd. 01-03-86.

With reference to your aforesaid letter, it is intimated that as per Gradation List corrected up to 01-07-83 position of Sri P. K. Acharjee was at SL 39 i.e. below Sri B. Chakraborty & Sri M.L. Sarkar, which was duly signed by Sri Acharjee on 07-05-84. Nothing adverse has been received from him within 1 year stipulated period from the date of issue of G.L. As such his application position is being treated as time barred.

2. However, it is possible that their seniority have been fixed on the general principal that " in case of promotion through qualifying exam, seniority of an official will be with reference to his position in lower grade".

3. Official may please be intimated accordingly.


(J. K. BARBHUMIYA)
SUPERINTENDENT RMS 'S' DIV.
SILCHAR-788001.

DEPARTMENT OF POST : INDIA

OFFICE OF THE SUPERINTENDENT RMS 'S' DIVISION, SILCHAR.

ANNEXURE

No. B-26/1.

Dated at Silchar the 9th July '96.

To,

The S. R. O.
T/S. Tinsukia

Sub : Draft Circle Seniority List.

Re : Representations of the officials.

This is regarding some representation received from Sri Bijanendu Chakravarty, Pijush Kanti Acharjee and K. C. Ch. Mazumdar. Wherein it was pointed out that their seniority have been affected adversely in the draft circle GL. In this connection CO. Guwahati was addressed and CO. vide this ~~offic~~ letter No. Staff/19-1/93 Corr GL, dated 03-07-96 clarified as under.

2. Case of Sri Pijush Kanti Acharjee - As per Dte. New Delhi letter No. 6-19/82-SPR-II (Pt) dated 06-06-90 the circle seniority list of LSC officials will be based on the date of promotion to the LSC Cadre. Date of promotion to LSC in respect of Sri P.K. Acharjee is 12-1-82 whereas Sri S. R. Dhar has joined LSC cadre on 11-1-82. As such how Sri P.K. Acharjee will be senior to Sri S.R. Dhar may be clarified alongwith detail information.

3. Case of Sri Bijanendu Chakravarty - As per report of S.S.M./Guwahati, the date of promotion to LSC cadre in respect of Sri Biplob Kr. Roy is 12-11-81. As such Sri Roy is senior to all official in the light of Dte. New Delhi letter cited above. The correct date of promotion to the LSC cadre in respect of Sri Bijanendu Chakravarty may be intimated.

4. Case of Sri K. C. Mazumdar - His seniority has been fixed as per Dte. Letter No. 06-19/82-SPR-II (Pt) dated 06-06-90 which says that Circle seniority of LSC cadre will be basis of seniority of HSC-II cadre. In case of same date of promotion to LSC cadre in respect of several officials, basis of seniority will be the total length of service in the T/S clerical cadre. If this is also same then the basis will be the date of birth.

Contd... P/2..

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ANNEXURE-A/2

As such you are requested to inform the officials accordingly. Please obtain clarification from Sri Pijush Kanti Acharyee as discussed in para-2 and intimate the correct date of promotion to the LSG. cadre in respect of Sri Bijanendu Chakraborty. - 71 - 33

Superintendent
RMS 'S' Dn. Silchar-1.

Cop/ to : HRO/Silchar - Do will please intimate the exact date of promotion to LSG cadre in respect of Sri Bijanendu Chakraborty ~~under~~ ref. to the service book and other relevant records by return post for information of CO.

Superintendent
RMS 'S' Dn. Silchar-1.

DEPARTMENT OF POST : INDIA
OFFICE OF THE SUPERINTENDENT RMS 'S' DIVISION : SILCHAR-1.

No. B-26/1/91.
Dated at Silchar the 21st Aug '96.

To:

The SRO
Tinsukia.



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Sub : Seniority in HSC-II - Case of 1/3 rd LSG officials
of 1979 batch.

Ref : Your letter No. (i) No. 69 dt. 13-7-96, ii) B-4
dt. 17-7-96 & (iii) B-4 dated 24-8-96.

With reference to your aforesaid letter it is intimated that the CO. Guwahati vide its letter no. staff/19-1/93 Con. GL dated 19-08-96 clarified that since inter-se-seniority is not to be distributed as per Dte. N.D letter No. 6-19/82-SPB-II (Pt) dated 06-06-90 the respective position of the officials in the merit list circulated by the CO Shillong letter No. staff/17/8/76 dated 30-10-81 have to be maintained irrespective of their dates of joining in LSC cadre.

As such, Sri Biplob Kr. Roy, HSC-II, SA 'GHI' Dn. will take place in the draft GL below Sri Pijush Kanti Acharjee, HSC-II SA.

Concerned officials may please be informed accordingly.

(J. K. Barhuiya)
Superintendent RMS 'S' Dn.
Silchar-788001.

Copy to : SRO Agartala - for information and similar action.

(J. K. Barhuiya)
Superintendent RMS 'S' Dn.
Silchar-788001.

1/r.