

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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disposed date-13/13/03

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E.P/M.A No. 19/03

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SECTION OFFICER (Judl.)

( See Rule 42 )

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

# ORDER SHEET

APPLICATION NO. 324 OF 2001

APPLICANT (S) Kali pada Roy

RESPONDENT (S) H. G. J. 90m

ADVOCATE FOR APPLICANT(S) M. Chanda, Mrs. N. D. Goswami,  
ADVOCATE FOR RESPONDENT(S) G. N. Chakraborty, H. Dutta  
C S C.

ADVOCATE FOR RESPONDENT(S) G. N. CH  
CASS

Notes of the Registry	dated	Order of the Tribunal
<p>is in form  of the Tribunal  returnable by 28.8.01  for the Tribunal  deposited vide  IPO/2001/79548679  Dated 18.8.2001  By Registrar</p> <p>vice prepared and sent to  for issuing the respondent  to 8 by Regd A/D.  D/No 3296 W 3303  30/8/07</p> <p>President No 8 Notice unserved  to incomplete address.</p> <p>Written statement  been filed.  20.12.01</p>	<p>28.8.01</p> <p>mb</p> <p>15  29/8/01</p> <p>3.10.01</p> <p>bb</p> <p>16.11.01</p> <p>mb</p>	<p>Heard learned counsel for the  applicant.  The application is admitted.  Call for the records. Returnable  by 4 weeks.  List on 3/10/01 for further  order.</p> <p>Vice-Chairman</p> <p>List the matter on 16.11.2001  for further orders.</p> <p>Vice-Chairman</p> <p>List on 21/12/01 to enable the  respondents to file written statement.</p> <p>Member</p> <p>Vice-Chairman</p>

21.12.01

List on 24.1.2002 to enable the respondents to file written statement.

No written statement has been filed.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

*[Signature]*  
23.1.02.

mb

24.1.02

List on 22.2.2002 to enable the respondents to file written statement.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

mb

No. wts has been filed

22.2.02

No written statement so far is filed by the respondents. List again on 19.3.2002 to enable the respondents to file written statement.

*[Signature]*  
21.2.02

No. wts has been filed

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

mb

*[Signature]*  
18.3.02.

19.3.02

Written statement has been filed on behalf of Respondent Nos. 1 to 5. Service of notices on Respondent Nos. 6 and 7 are accepted. The Respondent Nos. 6 and 7 may file written statement, if any, within four weeks from today. The applicant is directed to take steps of service of notice within three weeks from today.

18.3.2002  
Wts submitted by the Respt. Nos. 1, 2, 3, 4 and 5.

List on 24.4.2002 for order.

3 Nos. Stch. of Service of notice received.

*[Signature]*  
Vice-Chairman

*[Signature]*  
22/3/02 mb 24.4.02

Written statement has been filed. The case may now be listed for hearing. The applicant may file rejoinder, if any, within two weeks from today. List the matter for hearing on 20/5/2002.

No. rejoinder has been filed.

*[Signature]*  
20.5.02.

*[Signature]*  
Vice-Chairman

mb

Notes of the Registry	Date	Order of the Tribunal
	20.5.2002	List again on 26.6.2002 so that Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents may obtain necessary instruction on the matter including the record.
<p><u>24.6.2002</u></p> <p>Submission of documents in support of the contentions made by the applicant.</p> <p><u>Am</u></p>	pg	<p>K.C. Sharma Member</p> <p><u>h</u> Vice-Chairman</p>
	26.6.2002	At the instance of Mr.M.Chanda, learned counsel for the applicant the case is adjourned and listed for hearing on 7.8.2002.
	bb	<p><u>h</u> Member</p> <p><u>h</u> Vice-Chairman</p>
<p>Judgment dtd 7/8/02 communicated to the parties counsel and the applicant</p> <p><u>h</u></p>	7.8.2002	<p>Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.</p> <p>The application is allowed in terms of the order. No order as to costs.</p>
	pg	<p>K.C. Sharma Member</p> <p><u>h</u> Vice-Chairman</p>

Notes of the Registry

Date

Order of the Tribunal

012 324/01

Central Assam District Court  
No. 103 of 2003  
Civil Appeal  
13.6.08

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,  
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from

Civil Rule

wpl(1) No. 7128 of 2003

Appellant

Petitioner

Union of India & ors.

Versus

Shri Kali pada Roy

Respondent

Opposite Party

Appellant

For

Petitioner

Mr. A. Thakar, Add. CGSC

Mr. J. Saikia, Advocate

Respondent

For

Opposite Party

Mr. M. Chanda

Mr. S. Choudhury

Mr. S. K. Ghosh & Mr. S. Mah.

12/6/08  
Sc(J)

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
Mr. Sarma pi. m. file. 13.6.08			

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

W.P. (C) No. 7128 of 2003

BEFORE

HON'BLE THE CHIEF JUSTICE MR. B.S. REDDY  
THE HON'BLE MR. JUSTICE P.G. AGARWAL

ORDER

14.12.2005

B.S. Reddy, C.J.-

Heard Mr. H. Rahman, learned Assistant Solicitor General appearing on behalf of the Union of India.

The Union of India aggrieved by the Order dated 7.8.2002 passed by the Central Administrative Tribunal in O.A. No. 324/ 01 has filed the present writ petition invoking our extraordinary jurisdiction under Article 226 of the Constitution of India to quash the impugned order passed by the Central Administrative Tribunal.

The impugned order of the Tribunal merely directed the appellant to take up the matter afresh and consider the case of the respondent applicant for giving promotion to Electrician HS-II with retrospective effect from the date of promotion of respondent Nos. 6, 7 and 8 with all consequential benefits.

According to the petitioner the above order was passed on verbal basis keeping in view that if the respondent applicant comes within the zone of consideration, he can be promoted to the post of Electrician HS-II. The Tribunal also reiterated its earlier view in the matter and accordingly directed the appellant to consider the case of the respondent applicant afresh in accordance with law. There is no direction as such issued by the Tribunal directing the appellant herein to promote the respondent applicant. The direction is to consider the case of the respondent applicant in accordance with law. If the respondent applicant comes within the zone of consideration and attains finality in getting promotion, the view taken by the Tribunal remains unchallenged. However, it is not open to the

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

appellant herein to reopen that issue in the present proceeding. Hence, the order passed by the Central Administrative Tribunal, in our considered view, is not vitiated in any manner and at any rate it does not suffer from any error apparent on the face of the record requiring this court's interference under its Certiorari writ jurisdiction.

The writ petition is accordingly dismissed.

14/- F.O. Agarwal,  
JUDGE.

14/- S.B. Reddy,  
CHIEF JUSTICE.

Memo No. HC.NX1.

8060-64

/A.N. Dtd.

31.5.06

Copy forwarded for information and necessary action to:-

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Defence, New Delhi.
2. The Engineer-in-Chief, Army Head Quarters, New Delhi.
3. The Garrison Engineer, Range Pahal, 868, E N S, C/o 99 APO.
4. Sri Kalipada Roy Son of Sri Kailash Ch. Roy, Electrician (Sr), C/o GA, 868, E N S, C/o 99 APO.
5. The Central Administrative Tribunal Bhubaneswar Bench, Cuttack.

By order

Deputy Registrar (ISB)  
Cuttack High Court, Cuttack.

Chait  
17/05/06



CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A./R.A.No.....324.....of 2001.

DATE OF DECISION....7-8-2002.....

Sri Kalipada Roy ..... APPLICANT(S)

Sri M.Chanda ..... ADVOCATE FOR THE APPLICANT(S)

-VERSUS-

Union of India & Ors. .... RESPONDENT(S)


Sri B.C.Pathak, Addl.C.G.S.C. .... ADVOCATE FOR THE  
RESPONDENT(S)

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

THE HON'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. 324 of 2001.

Date of Order : This the 7th Day of August, 2002.

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

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

Shri Kalipada Roy,  
S/o Shri Kokil Chandra Roy,  
Designation Electrician (SK)  
C/o G.E., 868 EWS,  
C/o 99 APO

...Applicant

By Advocate Shri M.Chanda.

- Versus -

1. The Union of India,  
through the Secretary,  
Ministry of Defence,  
New Delhi.
2. The Engineer in Chief,  
Army Headquarters,.  
New Delhi.
3. The Chief Engineer,  
Eastern Command,  
Fort William,  
Calcutta-21.
4. The Garrison Engineer,  
Ranga Pahar, 868 EWS,  
Nagaland, C/o 99 APO.
5. Works Engineer,  
Headquarters, 137,  
C/o 99 APO.
6. MES/238104,  
Shri C.M.Mallik.
7. MES/243604,  
Shri Ramakanta Paul.
8. MES/238304,  
Shri Raindra Nath.

...Respondents

By Advocate Shri B.C.Pathak, Addl.C.G.S.C.

O R D E R

CHOWDHURY J(V.C)

This application under Section 19 has arisen and is directed against the action of the respondents in not considering the case of the applicant for promotion to the Grade of Electrician Highly Skilled Grade II in the following circumstances.

2. The applicant was first appointed as Switch Board Attendant (SBA for short) on 3.6.68 through Employment Exchange under Garrison Engineer, MES under Ministry of Defence. He was thereafter promoted as Electrician on 31.7.82 and serving as such till the date of filing of this application. The applicant is a Matriculate and also a ITI diploma holder in electrical trade. The next higher grade of promotion is Highly Skilled Grade-II Electrician. The criteria for promotion from Electrician to the grade of HS Grade-II Electrician is three years service in the grade of Electrician. The applicant completed 3 years of service in 1985 and also possessed the requisite qualifications. According to applicant the respondents 6 to 8 who are junior to him in service as Lineman were promoted to HS Grade-II in 1986 even without holding the trade test. The respondents 6, 7 and 8 were initially appointed as Lineman on 1.8.72, 3.4.82 and 1.8.72 respectively whereas the applicant was appointed as SBA on 3.6.68 much ahead of the three respondents in point of time. The applicant moved the authority for considering his case for promotion in right perspective,

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failing to get appropriate remedy he moved this Tribunal by way of filing an application which was registered and numbered as O.A.19/95. The Tribunal by judgment and order dated 24.11.1998 directed the respondents to reconsider the claim of the applicant for promotion to the post of Electrician HS Grade-II under the one time relaxation scheme and also directed to hold a Review Departmental Promotion Committee to consider promotion of the applicant as in 1986. Pursuant thereto a Review DPC was held and the respondents by the impugned communication dated 10.12.1999 informed the applicant that there was no supersession and his case could not be considered for promotion. Hence this application assailing the legitimacy of the action of the respondents.

3. The respondents submitted its written statement denying and disputing the claim of the applicant. In the written statement the respondents stated that one time relaxation for promotion of Electrician(SK) to Electrician HS-II was done vide a letter dated 6.6.86. In the written statement the respondents categorically stated that they received the copy under CE Eastern Command, Calcuta letter No.131500/2A/760/Engrs/EIC II dated 24.6.1986. The category of Electrician (SK) and Lineman was clubbed together for promotion to Electrician HS-II. Considering the above policy of

Government common seniority of Electrician (SK) and Lineman was taken and the senior most individuals, who were within the purview of 20% strength, was not considered for promotion by the DPC conducted during 1986. It was also stated that the persons whose names were mentioned in the application were junior to him were promoted as they were covered under separate promotion order for SBA's without any representation at that time. It was also stated that as per the judgment of the Tribunal a Review DPC was held, the applicant could not be promoted since he was not under the purview of seniority of 20% strength as per one time relaxation offered by the Government. The materials on record clearly indicated that the respondents 6, 7 and 8 were junior to applicant when their cases were taken for consideration to Electrician HS-II. The Tribunal in its earlier judgment referred this aspect of the matter at para 5 of the judgment and recorded that three respondents were junior to the applicant in the respective cadre equivalent to the Grade of SBA. He was omitted from consideration in 1986 under the one time relaxation of promotion from skilled grade to Electrician Highly Skilled Grade II while the three respondents mentioned above were promoted. The respondents attributed this omission to the applicant. The Tribunal expressed its distress at the stand taken by the respondents and observed that there was no

justification to ignore the applicant for promotion when he was within the eligible zone of consideration. In the circumstances the Tribunal directed to hold a Review DPC. The review DPC was held and this time also the respondents overlooked to consider his case in proper perspective. The respondents in its communication dated 10.12.99 also mentioned that DPC was conducted as per the provisions of E-in-C's Branch, Army Headquarters letter No.90270/89/TGS/El(III) dated 6.6.86 in which Electrician (SK) of the seniority upto April 1982 were promoted as per the availability of vacancies. The communication dated 6.6.86 related to fitment of industrial workers of MES in the pay scales recommended by the third pay commission and recommendations of the anomalies committee. In that communication the inter-se-seniority of Lineman and Electrician is mentioned at clause (b) at para 2 which are reproduced below :


"Inter-se seniority-Lineman, Electrician : The existing Electricians has been promoted from the post of Lineman/Wireman/SBA and were in higher pay scale from a much longer time than the existing Lineman. Therefore all of them are enbloc senior to the existing Lineman. 20% of the authorised strength which will be sanctioned as Highly Skilled Grade II, will be filled in order of seniority by Electricians. Since the existing Lineman are junior to Electricians, they will not be eligible for promotion to HS Gde


II till such time all the existing Electricians are promoted to Electrician HS-II."

On perusal of the same it appears that the very document itself indicated for considering the case of promotion to the Electrician HS-II in order of seniority. Since the existing Lineman were junior to Electrician they would not be eligible for promotion to HS Grade-II. Admittedly the applicant was promoted to Electrician on 31.7.1982. The applicant was holding the post of Electrician and he was first to be promoted as Electrician HS-II and only thereafter the Lineman and junior electrician were to be considered. The Tribunal by its order directed the authority to consider the case of the applicant for promotion by holding a review DPC to the Grade of Electrician HS-II under the one time relaxation scheme under which the respondents 6, 7 and 8 were promoted. Therefore the question of assessment of merit was also not relevant as was mentioned in the communication dated 10.12.99. As mentioned earlier the applicant was promoted as Electrician on 31.7.82 and prior to it he was holding the post of SBA which was equivalent to Lineman, Wireman etc. The respondents 6, 7 and 8 were junior to the applicant even in the rank of SBA/Lineman. In O.A.19/95 the Tribunal adjudicated the issue. The respondents were only to issue promotion order with retrospective effect which they failed

to do. The impugned action of the respondents communicated vide letter No.1015/KPR/184/E1 Con dated 10.12.1999 therefore cannot be sustained and accordingly the same is set aside and the respondents are directed to take up the matter afresh and consider the case of the applicant for giving promotion to Electrician HS-II with restospective effect from the date of promotion of respondents No.6, 7 and 8 with all consequential benefits.

The application is allowed to the extent indicated. There shall, however, be no order as to costs.

  
( K.K.SHARMA )  
ADMINISTRATIVE MEMBER

  
( D.N.CHOWDHURY )  
VICE CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case : O.A. No. 324/2001

Shri Kalipada Roy : Applicant

-Versus -

Union of India & Others : Respondents.

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Filed by

Date

Advocate

*Kalipada Roy.*

Filed by the applicant  
Through advocate Sri  
G. N. Chakraborty on 16-8-2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

(An Application under Section 19 of the Central Administrative Tribunals Act,  
1985)

O.A. No. 324/2001

BETWEEN

Shri Kalipada Roy,

S/o Shri Kokil Chandra Roy,

Designation : Electrician (SK),

C/o. G.E., 868 EWS,

C/o. 99 APO.

.....Applicant

-AND-

1. The Union of India,  
Through the Secretary,  
Ministry of Defence,  
New Delhi.
2. The Engineer in Chief,  
Army Headquarters,  
New Delhi.
3. The Chief Engineer,  
Eastern Command,  
Fort William,  
Calcutta-21

Kalipada Roy

4. The Garrison Engineer,  
Ranga Pahar, 868 EWS,  
Nagaland,  
C/o. 99 APO.
5. Works Engineer,  
Headquarters, 137,  
C/o. 99 APO.
6. MES/238104,  
Shri C. M. Mallik,  
Electrician H.S.II,  
AGE(1) LEIMAKHONG,  
C/o. 57 MTN Div.,  
C/o. 99 APO.
7. MES/243604,  
Shri Ramakanta Paul,  
Electrician H.S.II,  
AGE(1) LEIMAKHONG,  
C/o. 57 MTN Div.,  
C/o. 99 APO.
8. MES/238304,  
Shri Raindra Nath,  
Electrician H.S.II,  
AGE E/M,  
C/o. 154 GH,  
C/o. 99 APO.

1.8.44  
Applicant was 1968.

Line man

1.7.1949

1.8.72

Line man

3.4.82 Line man

1.8.72 Line man

Kalipada Roy.

.....Respondents.

DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made.

This application is made praying for promotion of the applicant to the post of Highly Skilled Electrician Grade-II with retrospective effect, that is from date of promotion of his juniors and also praying for all consequential service benefits thereof which he was denied by the respondents vide the impugned letter No.1015/KPR/184/E1 Con dated 10.12.1999 defying the judgment and order passed by this Hon'ble Tribunal on 24.11.1998 in O.A. No.19/95.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the case.

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicant was initially appointed as Switch Board Attendant (SBA) on 03.06.1968 through Employment Exchange under Garrison Engineer, in the Department of Military Engineering Service (MES) under Ministry of Defence. The applicant was thereafter promoted as Electrician

*Kalipada Roy.*

on 31.07.1982 vide letter No. GE 869 PTO No. 32/15/82 and Headquarters 137 Works Engineer's letter No. /401/1/1154/EI dated 07.07.1982. The applicant has been presently serving as Electrician under Garrison Engineer (GE) 868 WS C/o. 99 APO.

4.3 That the applicant belongs to the Schedule Caste Community. He is a matriculate and also a ITI diploma holder in Electrical Trade.

4.4 That as per rule, the next higher grade is the High Skilled Grade-II Electrician and the criteria for promotion from Electrician to the grade of High Skill Grade II Electrician is three years service in the grade of electrician. The applicant in the instant case, by virtue of completing the aforesaid period of three years in 1985, was due for promotion to the grade of High Skilled Grade-II Electrician in 1985.

4.5 That surprisingly, although the applicant had attained eligibility for promotion to the grade of High Skilled (H.S.) Grade-II and that he possessed requisite qualification i.e. matriculate and ITI passed certificate in Electrical Trade, his case was not considered for promotion in the recruitment year 1986 whereas 3 (three) of his junior colleagues (respondent No.6 to 8) who were serving as Line men were promoted to the post of H.S. Grade-II in the year 1986 even without holding any Trade Test. The respondent No.6, 7 and 8 were initially appointed on 01.08.1972, 03.04.1982 and 01.08.1972 respectively whereas your applicant was initially appointed on 03.06.1968 as SBA, i.e. much earlier than the aforesaid three respondents in point of time and as such your applicant is senior to all the three respondents aforesaid.

Kalipada Roy

4.6 That being aggrieved at this deprival of his legitimate promotion to the post of H.S. Grade-II Electrician, your applicant approached the appropriate authorities time and again and submitted several representations but all futile. The respondents resorted to some irrational pleas and deprived the applicant of his legitimate promotion in an arbitrary manner while the persons junior to the applicant were promoted violating all principles of law and justice.

4.7 That finding no other alternative, your applicant approached this Hon'ble Tribunal for protection of his rights and interests and this Hon'ble Tribunal after hearing the contesting parties and examining the merit of the case thoroughly, was pleased to pass its Judgment and order on 24.11.1998 in O.A. No.19/95 and the relevant portion of the judgment is quoted below :-

".....In the facts and circumstances we are of the view that the respondents had arbitrarily rejected the prayer of the applicant and we set aside the rejection. Accordingly, we hereby direct the respondents to consider the claim of the applicant to the promotion to the grade of Electrician Highly Skilled Grade-II under the aforesaid one time relaxation scheme. For this purpose, the respondents shall hold a Review Departmental Promotion Committee to consider promotion of the applicant to the grade of Electrician Highly Skilled Grade-II as in 1986. The respondents shall communicate a speaking order to the applicant as a result thereof within 90 (ninety) days from the date of receipt of this order.

Kalipada Roy.

2. The application is disposed of as indicated above. No costs."

(Copy of judgment and order dated 24.11.1998 in O.A. No.19/95 is annexed hereto as Annexure-I).

From the above judgment, it was clear that the rejection of Promotion of the applicant being illegal, was set aside and the respondents were directed to give promotion to the applicant to the grade of H.S. Electrician Grade-II w.e.f. 1986, thereby leaving no choice for the respondents but to implement the promotion.

- 4.8 That subsequent to the aforesaid judgment and order dated 24.11.1998, and despite long persuasion by your applicant, the order dated 24.11.1998 was not complied with by the respondents for a long time who eventually communicated to the applicant vide one impugned letter No.1015/KPR/184/E1 Con. dated 10.12.1999 that a Review DPC was convened to consider his name for promotion but his case could not be considered, allegedly on a vague plea of seniority, in a capricious manner.

(Copy of letter dated 10.12.1999 is annexed hereto as Annexure-II)

- 4.9 That consequent upon such vindictive and prejudicial gesture on the part of the respondents and non-compliance of the order dated 24.11.1998, the applicant filed a contempt petition No.41/99 in OA No.19/95 before this Hon'ble Tribunal and the Hon'ble Tribunal vide its judgment and order dated 22.03.2001 in CP No.41/99 in OA No.19/95 was pleased to drop the contempt proceeding leaving it open to the applicant to take appropriate steps as per law for assailing the order dated 10.12.1999.

Kalipade Roy

(Copy of judgment and order dated 22.03.2001 passed in CP No.41/99 in OA No.19/95 is annexed hereto as Annexure-III).

- 4.10 That your applicant begs to state that the pleas stated by the respondents in their impugned letter dated 10.12.1999 for rejection of promotion of the applicant are new discoveries of the respondents who did not plead/submit the same at the time of hearing of the O.A. No.19/95. During that hearing, the eligibility of the applicant for promotion was examined at length and his eligibility including the seniority etc. was not disputed/controverted by the respondents at any point of time and it was established and accepted by the Hon'ble Tribunal in a conclusive manner that the applicant was senior and was eligible for promotion to the post of H.S. Electrician Grade-II. It was therefore beyond the scope of the Review DPC to declare the applicant ineligible for promotion, particularly when it was neither a test nor an interview and it was incumbent upon the Review DPC to promote the applicant to the post of H.S. Electrician Grade-II in terms of the judgment and order dated 24.11.1998 in order to correct the mischieves done by them earlier.
- 4.11 That your applicant begs to state that the respondents by rejecting the promotion of the applicant defying all canons of law even by disregarding the valued judgment and order dated 24.11.1998 of the Hon'ble Tribunal, did, not only cause injury to the applicant in his instant promotion to the post of H.S. Electrician Grade-II but affected his subsequent future promotions as well since his juniors who have been promoted illegally superseding the applicant will continue to supersede the applicant in subsequent promotions also unless the applicant is promoted with

Kalipada Ray



retrospective effect as H.S. Electrician Grade-II to set the position right and the benefits restored to the applicant as ordered by this Hon'ble Tribunal.

4.12 That finding no other alternative, the applicant is approaching this Hon'ble Tribunal for protection of his legitimate rights and praying for direction upon the respondents for promotion of the applicant to the post of H.S. Electrician Grade-II with all consequential benefits with effect from the date on which his juniors (respondent No.6 to 8) were promoted to the said post.

4.13 That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that the case of the applicant was not considered along with respondent No.6 to 8 for promotion to the grade of H.S. Electrician grade-II although the applicant was eligible and having requisite qualification and experience and even senior to the respondent No.6 to 8 in respect of initial appointment vis-a-vis length of service.

5.2 For that the applicant was deprived of the principle of equality as compared to the respondent No.6 to 8 in case of promotion which was a violation of Article 14 and 16 enshrined in our constitution.

5.3 For that the applicant has been deprived of further promotional avenue and other service benefits including financial loss due to non-consideration of his promotion to the cadre of H.S. Electrician Grade-II.

5.4 For that the merit of the instant case was examined by this Hon'ble Tribunal in O.A. No.19/95 decided on 24.11.1998 and it was held that the deprivation of promotion of the applicant was illegal and arbitrary and directed

*Kalipada Ray*

the respondents to promote the applicant through a review DPC as in 1986.

5.5 For that the grounds now taken by the respondents for rejection of promotion of the applicant i.e. seniority and eligibility were not pleaded by the respondents during the hearing of O.A. No.19/95 on 24.11.1998 and as such there can not be any sustainable reason for the respondents to defy the legitimate promotion of the applicant.

5.6 For that the applicant is a victim of hostile discrimination and has been striving for justice.

6. Details of remedies exhausted.

That the applicant states that he has no other alternative and other efficacious remedy than to file this application. In spite of his best efforts as described in Para 4, the applicant could not get justice and he has been deprived of his legitimate rights.

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

The applicant further declares that save and except filing an application before this Hon'ble Tribunal in OA No.19/95, disposed on 24.11.1998, he had not previously filed any application, Writ Petition or Suit regarding the matter in respect of which this application has been made, before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or Suit is pending before any of them.

Kalipada Roy

8. Reliefs sought for :

Under the facts and circumstances stated above, the applicant humbly prays that your Lordships be pleased to grant the following reliefs.

- 8.1 That the respondents be directed to promote the applicant to the post of H.S. Electrician Grade II immediately with retrospective effect from the date of promotion of the respondent Nos.6 to 8 in the grade of H.S. Electrician Grade-II with all consequential service benefits including monetary benefits.
- 8.2 That the impugned letter No.1015/KPR/184/E1 Con. dated 10.12.1999 issued by the respondent No.5 be set aside and quashed.
- 8.3 That the respondents be directed to declare the applicant to be senior to the respondent No.6 to 8 in the grade of H.S. Electrician Grade-II for all purposes including for the purpose of next promotion.
- 8.4 Costs of the application.
- 8.5 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.
9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief :-

  - 9.1 That the respondents be directed to consider the promotion of the applicant during the pendency of this application.
  - 9.2 That the respondents be directed not to consider any further promotion to respondent No.6 to 8 till final disposal of this application.
10. This application is filed through Advocate.

Kalipada Roy

11. Particulars of the I.P.O.

- i) I.P.O. No : 76 54 86 97  
ii) Date of issue : 16.8.2001  
iii) Issued from : G.P.O., Guwahati.  
iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the index.

Kalipada Ray

**VERIFICATION**

I, Shri Kalipada Roy, S/o Shri Kokil Chandra Roy, Designation :  
Electrician (SK), C/o. G.E., 868 EWS, C/o. 99 APO, do hereby verify that the  
statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and  
those made in Paragraph 5 are true to my legal advice and I have not  
suppressed any material fact.

And I sign this the ....16th....day of ....Aug...., 2001.

*Kalipada Roy.*

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No.19/95

Date of Order : This the 24<sup>th</sup> Day of November 1998.

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

HON'BLE SHRI G. L. SANGLYINE, ADMINISTRATIVE MEMBER

Shri Kalipada Roy  
S/o. Sri Kokil Chandra Roy  
Designation : Electrician (SK),  
C/o. G.E., 868 EWS,  
C/o. 99 APO.

.....Applicant

By Advocate Mr. B. K. Sharma, Mr. S. Sarma

-Vs-

1. The Union of India,  
Through the Secretary,  
Ministry of Defence,  
New Delhi.
2. The Engineer in Chief,  
Army Headquarters,  
New Delhi.
3. The Chief Engineer,  
Eastern Command,  
Fort William,  
Calcutta-21
4. The Garrison Engineer,  
Ranga Pahar,  
Nagaland,  
C/o. 99 APO.
5. MES/238104,  
Shri C. M. Mallik,  
Electrician H.S.II,  
AGE(1) LEIMAKHONG,  
C/o. 57 MTN Div.,  
C/o. 99 APO.

*Attested  
Juni  
Advocate*

*Kalipada Roy*

6. MES/243604,  
Shri Ramakanta Paul,  
Electrician H.S.II,  
AGE(1) LEIMAKHONG,  
C/o. 57 MTN Div.,  
C/o. 99 APO.

7. MES/238304,  
Shri Raindra Nath,  
Electrician H.S.II,  
AGE E/M,  
C/o. 154 GH,  
C/o. 99 APO.

.....Respondents.

By Advocate Mr. S. Ali, Sr.C.G.S.C.

### ORDER

G. L. SANGLYINE, MEMBER(A) :

The reliefs sought for in this Original Application are :-

- "1. That the respondents be directed to promote the applicant to the post of H.S. Grade II immediately with retrospective effect from the date of promotion of the respondent Nos.5 to 7 in the grade of H.S. II with all consequential service benefits.
2. That the applicant to be declared senior to the respondent Nos.5 to 7 in the grade of H.S.II for all purposes including for the purpose of next promotion.
3. That the applicant to be paid all monetary benefits in the grade of H.S.II from the date of promotion of his juniors that is respondent nos.5 to 7 and also other service benefits."

*Attested  
by  
Advocate*

3.6.68 Switch Bd Attendant  
15  
1982 Electrician (SK)

2. The applicant is working as an Electrician (skilled) under the respondents. He was initially appointed as Switch Board Attendant on 3-6-1968. He was promoted as electrician (SK) on 31-7-1982. The next promotion is to the Grade of Electrician, Highly Skilled, Grade II. He was due for this promotion in the year 1985 as per rules. According to him he was not however considered for the promotion when his juniors, namely; respondent Nos. 5 to 7 who were working as Line Man were promoted as Electrician H.S. Grade II in the year 1986 without any trade test. Consequently, he prayed before the respondents for his promotion but was not given a reply till the letter No.105/31/EI dated 16-11-1993 was issued by the Assistant Garrison Engineer communicating the letter No.131500/2/2401/Engrs.EIC(2) dated 4-10-1993 which is as below :-

"1. Ref your letter No.70203/2/3269/EIC(2) dated 29<sup>th</sup> January 1993.

2. Though the individual is having the ITI Certificate, promotion as asked for from Electrician HS II to HS I can not be implemented in the case of promotion. It is only applicable for direct recruits (the semi-skilled for 3 years) and after completion of 3 years service he will automatically get skilled grade.

3. [ In this case the individual have to pass the trade test for promotion to elect H.S.II and take action accordingly. ]

4. Obtaining sanction for promotion of CEA is not considered necessary.

5. Enclosures received under your above noted letter are returned herewith."

DR

pass Trade Test

Attested  
Advocate



3. The contention of the applicant is that the aforesaid decision of the respondents is without any application of mind to the facts of the case of the applicant. He also contended that by the promotion given to Respondent No.5 to 7 to the grade of H.S. Grade II Electrician by ignoring him he has suffered discriminatory treatment in the hands of the respondents.

20/

4. According to the respondents in the absence of recruitment rules a policy decision was taken to grant a one time relaxation for promotion of Electrician (skilled) to the grade of Electrician Highly Skilled Grade II to fill 20% of the vacancies as on 15-10-1984 on seniority basis without qualifying the Trade Test. For this purpose the cadres of Electrician (skilled) and Linemen (skilled) were clubbed together in a common cadre and the senior most of the employees were promoted against the vacancies in 1986. All the vacancies falling under the 20% were filled up. The applicant, according to them, had as evident from the Annexures to the Original Application belatedly pointed out the fact that he was not promoted to Electrician Highly skilled Grade II only since 11-9-1990, that is after four years from the promotions of the respondents No.5, 6 and 7. However, his prayer has been sympathetically considered but it was not found possible to accommodate him in the promotional grade of Electrician Highly skilled Grade II. They further contend that there is no irregularity in promoting respondent No.5, 6 and 7 to the grade of Electrician Highly Skilled without their passing the Trade Test as they were promoted under the scheme of one time relaxation for promotion of Switch Board Attendant (Selection Grade) to Electrician Highly Skilled Grade II at the time of structural changes to which promotion the applicant had not raised objection at the relevant time.

5. The applicant was appointed as Switch Board Operator (SBA for short) on 3-1-1968. Respondent No.5, 6 and 7 were appointed on 1-8-1972, 3-4-1982 and

Attested  
by  
Advocate

RS are Jr

CH

17

A

1-8-1972 respectively in their cadres according to the applicant. These dates have not been disputed by the respondents in their written statement. Thus we agree with the contention of the applicant that the three respondents were junior to the applicant in their respective cadres equivalent to the grade of SBA. The applicant was however omitted from consideration for promotion in 1986 under the one time relaxation of promotion from skilled grade to Electrician Highly Skilled Grade II while the three respondents mentioned above were promoted. The respondents attributed this omission to the applicant. We are astonished at the stance taken by the respondents that they were not aware that the applicant was one of their employees who was within the eligible zone for consideration for the aforesaid promotion and, further that they should feel that it is rightful for them to await the employee concerned to remind them of the facts. We have perused the Annexure D to this Original Application in which a copy of HQ CEEC Calcutta Engr. BR letter No.131500/2/2401/Engrs.EIC(2) dated 4-10-1993 is reproduced. The contents of this letter have been reproduced by us hereinabove. We are inclined to agree with the contention of the applicant that the rejection of his prayer as disclosed in the letter is without application of mind to the facts of the case of the applicant. We have also perused Annexure B to the O.A. in which the applicant has stated that he had been agitating his case since 19-6-1987. The applicant has further submitted a rejoinder to the written statement to this effect which was received by the respondents on 18-11-1997. This has not been controverted by the respondents till conclusion of the hearing. In the facts and the circumstances we are of the view that the respondents had arbitrarily rejected the prayer of the applicant and we set aside the rejection. Accordingly, we hereby direct the respondents to consider the claim of the applicant to the promotion to

Attested  
Advocate

the Grade of Electrician Highly Skilled Grade II under the aforesaid on time relaxation scheme.

For this purpose, the respondents shall hold a Review Departmental Promotion Committee to consider promotion of the applicant to the grade of Electrician Highly Skilled Grade II as in 1986. The respondents shall communicate a speaking order to the applicant as a result thereof within 90(ninety) days from the date of receipt of this order.

6 The application is disposed of as indicated above. No costs.

CHAIRMAN

(ADMN)

Sd/- VICE

Sd/- MEMBER

Attested  
Jain  
Advocate

## Annexure-II

Garrison Engineer  
868 Engr Wks Sec  
C/o 99 APO

1014/24/KPR/244/E1

13 Dec 99

MES-238367  
Shri Kalipada Roy,  
Elect (SK)

CONDUCT OF REVIEW DPC : CAT GUWAHATI  
ORDER DATED 24 NOV 98 IN OA NO 19/95  
FILED BY SHRI KP ROY, ELECT (SK)

1. Refer further to this office letter No.1014/24/KPR/221/E1 dated 12 Jun 99.
2. In continuation of our above quoted letter, original copy of HQ 137 Works Engineers, C/O 99 APO letter No.1015/KPR/184/E1 Con dated 10 Dec 99 is enclosed herewith for your information please.
3. Please acknowledge receipt.

Sd/- Illegible  
(Ashok Kumar)  
Major  
Garrison Engineer

Enclosure : (One sheet)

Copy to :-

HQ Chief Engineer  
Eastern Command  
Fort William

For info wrt HQ 137 Wks Engrs

letter No.1015/KPR/185/E1  
Calcutta - 21  
HQ Chief Engineer  
Shillong Zone  
SE Falls  
Shillong - 11

Con Dated 10 Dec 99.

HQ 137 Wks Engrs  
C/o 99 APO

For info please.

*Alleged  
Jain  
Advocate*

## Continuation of Annexure-II

Garrison Engineer  
137 Works  
Engineers  
C/o 99 APO

10 Dec 99

1015//KPR/184/E1 Con  
MES-238367 Shri  
KP Roy, Elect (SK)  
(Through GE 868 EWS)

CONDUCT OF REVIEW DPC : CAT GUWAHATI  
ORDER DATED 24 NOV 98 IN OA NO 19/95  
FILED BY SHRI KP ROY, ELECT (SK)

1. Reference this HQ speaking order No.1015//KPR/147/E1 Con dated 08 Jun 99.

2. A review DPC was convened to consider your name for promotion to the post of electrician Highly Skilled Gde-II as per the terms enumerated in para 1 (a) to (c) of this HQ letter referred to in para 1 above. ✓

3. It is clarified that you were promoted to Elect (SK) wef 31 Jul 82. During 1986 the DPC was conducted as per the provisions of E-in-C's Branch, Army HQ letter No.90270/89/TGS/E1(III) dated 06 Jun 86 in which Elect (SK) of the seniority upto Apr 82 were promoted as per the availability of vacancies. (You could not be promoted because you did not come up to the merit being Junior.)

4. Your contention that you were not promoted to Elect HS-II ahead of three lineman is also not tenable because you were not on the list of SBA/Lineman/Wireman on the day DPC was conducted.

5. In view of the foregoing no injustice has been done to you. Review DPC is also of the opinion that no supersession has been done.

6. This is for your information please.

7. Please acknowledge.

Sd/-Illegible  
(PB Suri)  
Col

A) 31.7.82 A was promoted to Elect (SK)  
On the DPC A  
was not SBA/Lineman/  
Wireman

(B)

Alleged  
Law  
Advocate

HS 151  
HS II 281  
SL 631

Merit  
to

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

**ORDER SHEET**

Contempt APPLICATION No.41/99 OF 199  
OA 19/95

Applicant(s) Shri Kalipada Roy.

Respondent(s) Col. P. B. Suri

Advocate for Applicant(s) Mr M. Chanda, ~~MR~~ N. D. Goswami

Advocate for Respondent(s) Mr. A. Deb Roy,

Sr. C.G.S.C.

	22.3.01	<p>This is an application under Section 17 of the Administrative Tribunals Act for initiation of proceeding for contempt of Court for wilful and deliberate violation of the order of the Tribunal dated 24.11.1998 passed in O.A. No.19/95.</p> <p>The matter pertains to the legitimacy of the action of the respondents in not considering his case for promotion in the right perspective. The applicant by way of O.A. No.19/95 sought for direction to promote the applicant to the post of highly skilled grade II with retrospective effect from the date of promotion of his juniors with all consequential service benefits. The Tribunal considered his application and upon hearing the learned counsel for the parties and considering all the aspects of the matter ordered the respondents to consider the case of the applicant for promotion to the post of Electrician highly skilled grade II under the one time relaxation scheme. The respondents were</p>
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*Alleged  
Law  
Advocate*

accordingly ordered to hold Review DPC as on 1986. The Tribunal also specified the time schedule for completion of the aforesaid exercise. Finally the Respondents by order dated 10.12.99 communicated his decision as per the aforesaid order that a review DPC was convened to consider the case of the applicant for promotion to the Electrical Highly skilled grade II and according to the respondents he could not be promoted because he did not come up to the merit.

From the aforesaid facts it appears that a review DPC was held and considered his case and found him ineligible for promotion. Mr. M. Chanda learned counsel for the petitioner submitted that the respondents in willful defiance the order of the Tribunal by not passing the order in right perspective on the basis of the materials on records. The respondents were duty bound to hold that the applicant was eligible for promotion and accordingly in terms of the order dated 24.11.98 they ought to have passed the order for promotion of the applicant.

Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents on the other hand submitted that the respondents in terms of the order of the Tribunal held a Review DPC and found the applicant not eligible.

We have given our anxious consideration. The submission of Mr. Chanda may at best be erroneous which can be set at right in an appropriate proceeding. An erroneous view will however not make the respondents liable for contempt proceeding. The respondents in terms of the order passed in O.A.19/95 might have

*Attested  
Sd/-  
Advocate*

		<p>faltered in the decision making process. But then it can not be held that the Respondents disobeyed, not to speak of wilfully, the order of the Tribunal.</p>
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		<p>In these facts and circumstances we do not find any justification to continue with the proceeding, on the facts we drop the contempt proceeding leaving it open to the applicant to take appropriate steps as per law for assailing the order dated 10.12.99.</p>
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		<p>The contempt proceeding stands closed.</p>
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Sd/- VICE CHAIRMAN  
Sd/- MEMBER(Adm)

*Accepted  
Deputy  
Advocate*



## GUWAHATI BENCH ::: GUWAHATI

O.A.NO 324 OF 2001

Shri Kalipada Roy

-Vs-

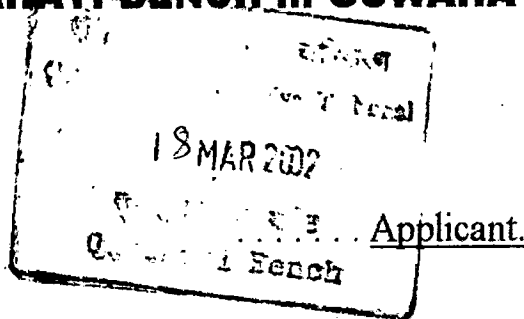
Union of India &amp; Ors

..... Respondents.

(Written Statements for and on behalf of the Respondent No 1, 2, 3, 4 and 5)

The Written Statements of the above noted respondents are as follows :-

1. That a copy of the O.A.No 324/2001 (referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar, common written statements are filed by all of them.
2. That the statements made in the application, which are not specifically admitted, are hereby denied by the respondents.
3. That with regard to the statements made in para 1 of the application, the answering respondents state that the application is barred by law of res-judicata. The entire matter was heard and finally decided and the competent authority also held the Review Departmental Promotion Committee (in short Review DPC) and the Review DPC also found the applicant ineligible for promotion to Electrician Highly Skilled Grade-II.
4. That with regard to the statements made in para 2,3, 4.1 and 4.2, the respondents have no comment to offer.
5. That with regard to the statements made in para 4.3, the respondents state that though the applicant belong to S/C Community, he was appointed initially under General quota.
6. That with regard to the statements made in para 4.4, being matter of rules, nothing is admitted beyond limits of such rules.
7. That with regard to the statements made in para 4.5, the respondents state that Engineer-in-Chief's Branch had given one time relaxation for the promotion of Electrician (SK) to Electrician HS-II on the basis of seniority of 20% strength of Elect (SK) vide their letter No 190270/89/TGS/EIC III dated 06 Jun 1986 (Copy received under CE Eastern Command, Calcutta letter No 131500/2A/760/Engrs/EIC II dated



Filed by  
 18/3/02  
 Addl. Secy

24 Jun 1986). The category of Elect (SK) and Lineman have been shown as clubbed cadre for the promotion to Elect HS-II. Considering the above policy of Government, while conducting DPC during 1986, common seniority of Elect (SK) and Lineman was taken and the senior most individuals, who were within the purview of 20% strength, he was not considered for promotion by the DPC conducted during 1986. The individuals, whose names were mentioned by the applicant in original application as juniors to him, have been promoted as they were covered under separate promotion order for SBA's without any representation at that time. ✓

8. That with regard to the statements made in para 4.6, the respondents state that the individual submitted applications to consider his case for promotion to Elect HS-II after a gap of 4/6 years. Though time barred, the appeals were considered sympathetically at appropriate departmental level and rejected since he did not come under the purview of one time relaxation for the promotion of Elect (SK) to Elect HS-II as per Govt policy. Hence the claim of the applicant that juniors to him were promoted violating all principles of Law and justice are denied.

9. That with regard to the statements made in para 4.7, the respondents state that in the judgement of OA No 19/95, the respondents were asked to hold a Review Departmental Promotion Committee (in short Review DPC) to consider promotion of the applicant to the grade of Electrician Highly Skilled Grade II (Elect HS-II) as in 1986. As per the judgement, a Review DPC was held and it was also of the view that the applicant could not be promoted since he was not under the purview of seniority of 20% strength, who were promoted during 1986 as per one time relaxation offered by the Govt.

10. That with regard to the statements made in para 4.8, the respondents state that as per the directions of the Hon'ble CAT Guwahati judgement in OA No 19/95 dated 24 Nov 1998, speaking order bearing letter No 1015/KPR/184/E1 Con dated 10 Dec 1999 was issued to the applicant, by Commander, HQ 137 Works Engineers, C/O 99 APO after conducting Review DPC.

11. That with regard to the statements made in para 4.9, the respondents state that the respondents acted bonafide as per law and also the directions of the Hon'ble Tribunal, hence there was no illegality done by the respondent in this case.

27

12. That with regard to the statements made in para 4.10, the respondents state that as per the directions of the Hon'ble CAT Guwahati, a Review DPC was held and the eligibility conditions as laid down during the initial DPC held during 1986 were taken into consideration. Considering all the relevant factors, Review DPC was of the view that the applicant could not be promoted since he was not coming under the purview of 20% strength, who were promoted during 1986 as per one time relaxation offered by the Govt.

13. That the answering respondents deny the correctness of the allegation in para 4.11 and state that the judgement of Hon'ble CAT Guwahati delivered on 24.11.1998 in OA No 19/95 was implemented in to-to. Since the applicant was not under the purview of 20% strength, who were promoted during 1986 as per one time relaxation offered by the Govt, the question of superseding, as claimed by the applicant, is denied.

14. That with regard to the statements made in para 4.12 and 4.13 of the application, the respondents state that since the judgement of Hon'ble CAT Guwahati in OA No 19/95 filed by the applicant for the same cause of present OA was implemented in to-to, hence the applicant can not come again and again with same cause of action against the same parties, the case having been decided and disposed of finally.

15. That under the facts and circumstances of the case and law, the grounds in para 5.1 to 5.6 shown by the applicant can not sustain in law and hence the application is liable to be dismissed as devoid of any merit.

16. That the respondents have no comments to para 6 and 7 of the application.


17. That with regard to the statements made in para 8.1 to 8.5, the respondents state that in view of the facts and circumstances of the case and the provisions of law, the applicant is not entitled to any relief as prayed for and the application is liable to be dismissed with cost.

In the premises aforesaid, it is, therefore, prayed that your Lordships would be pleased to hear the parties, pursue the records and after hearing the parties and pursuing the records shall further be please to dismiss the application with cost.

**VERIFICATION**

I, Shri Ashok Kumar, presently working as Major, Garrison Engineer, 868 Engineer Works Section, being competent and duly authorised to sign this verification, do hereby solemnly affirm and state that the statements made in para 1 to 17 are true to my knowledge and belief and those made in para        being matter of records, are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification in this 18<sup>th</sup> day of March, 2002 at Guwahati.

  
Ashok Kumar  
Major  
Garrison Engineer  
Deponent

24

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

In the matter of :

O.A. No. 324 of 2001

**Shri Kalipada Roy**

-vs-

Union of India & Ors.

-And-

In the matter of:

Submission of documents in support of  
the contentions made by the applicant  
in O.A. No. 324/2001.

The applicant above named most humbly and respectfully begs to state as under:

1. That the applicant being aggrieved at the nonconsideration of his promotion in terms of the judgment and order passed by this Hon'ble Tribunal on 24.11.98 in O.A. No. 19/95, filed the O.A. No. 324/2001 before this Hon'ble Tribunal praying for promotion of the applicant to the post of Highly skilled Electrician Grade - II with retrospective effect, that is from the date of promotion of his juniors and also praying for all consequential service benefits thereof which was denied by the respondents.

*Filed by the applicant  
through his b.o.  
Chakraborty Advocate  
on 24-6-2001*

2

2✓ That in support of the contentions made by the applicant in the said O.A. No. 324/2001 which is pending before this Hon'ble Tribunal for adjudication, the applicant begs to submit the following documents herewith which will be required for proper adjudication of the case;-

- (a) Letter No. 91026/EIC/88/D(W11) dated 24.6.87 issued by the Ministry of Defence, Govt. of India, New Delhi pertaining to Rationalisation of Trades of the Industrial cadre of the MES.
- (b) Letter No. 1455/DPC/9697/49/EIA dated 13.1.97 issued by the Commander Works Engineers, Shillong pertaining to promotion to the grade of Electrician (Highly Skilled Grade-II).
- (c) Order dated 31.10.2000 in M.P. No. 199/2000 in O.A. No. 371/99 passed by this Hon'ble Tribunal.

Copy of letter dated 24.6.87, letter dated 13.1.97 and order dated 31.10.2000 are annexed heretoas Annexure-IV, V and VI respectively.

3. That the submission of these documents are made bona fide and for the ends of justice.

VERIFICATION

I, Shri Kalipada Roy, S/o Shri Kokil Chandra Roy, working as Electrician (SK), C/o. G.E., 868 EWS, C/o. 99 APD, do hereby verify that the statements made in this application in paragraph 1 to 3 are true to my knowledge and I have not suppressed any material fact.

And I sign this the 26th day of June, 2001.

Kalipada Roy.

Annexure 2 IV  
116  
No. 91026/EIC/88/D(W-11)

No. Bldgs/ETG/OC/D(W-18)  
Government of India  
Ministry of Defence,  
New Delhi, the 24 June 1987.

Sir,

To  
The Chief of the Army Staff  
NEW Delhi

Subject :- RATIONALISATION OF TRADES OF THE INDUSTRIAL  
CADRE OF THE MES

Sir,

The President is pleased to sanction the redesignation and  
condification of the following categories of personnel in the  
MES in order to conform to the structure of the National Classification  
of Occupations :-

Sl No	Existing Designation	Revised NCO	Code No	Pay scale
1	2	3	4	5
1.	Charge Electrician	Senior Electrician (HS-2)	851.10	380-12-500- EB-15-560
2.	Charge Mechanic	Senior Mechanic (HS-I)	-	-de-
3.	Charge Mechanic Refrigeration	Senior Mechanic Refrigeration & Air Conditioning (HS-I)	845.70	-de-
4.	Driver Mechanical Equipment	Operator Earth Moving Machinery (SK)	974.10 974.15 974.20 979.10	260-6-290-EB: 6 326-8-366-EB-8 390-10-400.
5.	Armature Winder	Electrician (SK)	851.10	-dc-
6.	Electrician			
7.	Cabinet Maker	Carpenter (SK)	811.20	(811.20) -dc-
8.	Carpenter	Carpenter (SK)	811.20	-dc-
9.	Sawyer			
10.	Fitter Engine	Mechanic Petrol and Diesel Engine (SK)	845.10 845.13	-dc-
11.	Engine Artificer			
12.	Instrument Repairer	Mechanic precision Instrument	841.15 841.20 851.20	-dc-

Contd....2/- ....



1	2	3	4	5
13.	Refrigerator Mechanic	Mechanic Refrigerator	845.70	260-6-290-EB-6-326-8-366-EB-8-390-10-400
14.	Turner	Machinist (SK)	835.10	-do-
	Driver Engine Static, Driller	(a) Driver	961.20	
	Road Roller (IC) & Small plant Compressor, Dumpers, Dacauyle Engines, Concrete Mixers	Engine Static (SK)	961.25	
		(b) Driver Mobile Plant (SK) (c) Driver Concrete Mixer (SS)	974.45	-do-
			974.70	210-4-226-EB-4-250-EB-5-290.
16.	Driller well Boring	well Driller cum pile driver	717.10	260-6-290-EB-6-326-8-366-EB-8-390-10-400.
17.	Line Man	Electrician (SK)	855.10	-do-
18.	Switch Board Attendant	Electrician (SK)	857.10	-do-
19.	Wireman	Electrician (SK)	-	-do-
20.	Mason	Mason (SK)	951.20	
			951.40	
			951.90	-do-
			952.10	
			952.30	
			952.60	
			955.10	
21.	Packer Grade I	Packer Gde I	976.00	260-6-290-EB-6-326-8-366-EB-8-390-10-400.
22.	Packer Grade II	Packer GDE II		210-4-EB-4-250-EB-5-290.
23.	Pipe Fitter	Fitter Pipe	871.10	260-6-290-EB-6-326-8-366-EB-8-390-10-400.
24.	Plumber	-do-	871.20	-do-
25.	Cane Weaver	Cane man	942.30	210-4-226-EB-4-250-EB-5-290.
26.	Lift Attendant	Lift Operator	979.30	-do-
27.	Motor pump Attendant	Pump House Operator	961.70	260-6-290-EB-6-326-8-366-EB-8-390-10-400.
28.	Ballow Boy	Ballow Boy	-	210-4-226-EB-4-250-EB-5-290.
29.	Cable Jointer	Cable Jointer (HS-II)	857.30	330-8-370-10-400-EB-10-480

1	2	3	4	5
30.	Lift Mechanic	Lift Mechanic (SK)	-	260-6-290-EB-326-8-366-EB-8-390-10-400
31.	Pattern Maker	Carpenter (SK)	891.20	-do-
32.	Vehicle Mechanic	Vehicle Mechanic (SK)	843.20	-do-
33.	Welder	Welder (SK)	872.10 872.20	-do-
34.	Boiler Attendant	Boiler Attendant (SK)	962.20	-do-
35.	Blacksmith	Blacksmith (SK)	831.10	-do-
36.	Moulder	Moulder (SK)	725.10	-do-
37.	Painter	Painter (SK)	932.10 932.30	-do-
38.	Upholsterer	Upholsterer (SK)	796.10	-do-
39.	Operator Pneumatic Tools	Operator Pneumatic Tools (SK)	713.10 974.42	-do-
40.	Hammerman	Hammerman (SS)	831.40	(226) 210-4-4-666-EB-4-250-EB-5-290.
41.	Mate	Mate (SS)	-	-do-
42.	Valveman	Valveman (SS)	-	-do-
43.	Mazdoor	Mazdoor (USK)	999	196-3-220-EB-3-232

44. Sanction is also accorded for the modification in the existing trades as shown below :-

- The trade of Tailor will be abolished : existing incumbants will be re-designated as Upholsterers.
- The trades of Vcharpoy Stringer, Coal Trimmer and 'Fireman will be abolished: existing incumbants in the pay scale of Rs.210-290 will be redesignated as Mates. The existing Charpoy Stringers in the pay scale of Rs 196-232 will be redesignated as Mazdoors.

Contd....4/.....

- (c) Signwriter and Driver Compressor will also be abolished and existing incumbants re-designated as painter and Friver Engine Static respectively.
- (d) There will be no future recruitment of Glazier, and the category will be abolished when existing holders are washed out.
- 3. The relevent recruitment rules will be amended as necessary. Pending such amendment, recruitment as well as the channels of promotion and demotion will be on the basis of above modification as an interim measure.
- 4. The duties of the posts will be laid down by the Engineer-in-Chief.
- 5. This letter issues with the concurrence of the Ministry of Finance (Defence vide their u.o. No.1809/W-III of 1986).

Yours faithfully,  
Sd/  
(G.P. BAHUGUNA)  
Under Secretary to the Govt  
of India

ele : Mily 6040

Commander Works Engineers  
Spread Eagle Falls  
Shillong - 793 011

1455/DPC/96-97/49/E1A

13 Jan 97

GE Shillong  
GE (AF) Shillong

PROMOTION : INSTRUMENT REPAIRERS/MECHANICS  
PRECISION INSTRUMENT (RE-DESIGNATED AS  
ELECTRICIAN (SKILLED) TO THE GRADE OF  
ELECTRICIAN (HIGHLY SKILLED GRADE II)

1. Consequent to the recommendations of the Review Departmental Promotion Committee meeting held on 05 Nov 96 constituted as per E-in-C's Branch, AHQ, New Delhi order No 90270/89/E1C(3) dated 10 Feb 95, the following ex-MPIs (Re-designated as Electrician (SK) vide Government of India, Ministry of Defence addendum No 91026/E1C(3)/2395/D(W-II) dated 23 Jun 94) are approved for promotion to the grade of Electrician (HS-II) with notional seniority as shown against their names :-

(a)	(b) MES No, Name & Designation	(c) Promoted to	(d) Date of notional seniority without financial effect	(e) Formation where serving
1.	MES/223370 Shri Satya Gopal Bhattacharjee, Elect (SK)	Elect (HS-II)	15 Oct 34	GE Shillong
2.	MES/229141 Shri Rathindra Nath Brahmachari, Elect (SK)	Elect (HS-II)	11 Aug 35	GE (AF) Shillong

2. Before the above promotions are implemented, please ensure that these individuals are not involved in any disciplinary cases or Court of Inquiry, SPE cases and there is nothing against the individuals to warrant withholding of the above promotion.

Continued to page.....2 -

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-: 2 :-

3. The date from which the above individuals are brought in position against the promoted grade should be intimated to this HQ. Names of the individuals who could not be placed in position in the higher post stating reasons will be intimated to this HQ by 31 Jan 87 latest.

4. Necessary casualty to this effect should be published in the next issue of your PTO.

Please take immediate necessary action and accord DPC priority.

*Ashok Kumar*

(Ashok Kumar)  
Sd  
Commander Works Engineers

Copy to :-

- 1) HQ CE EC Calcutta
- 2) HQ CE Shillong Zone
- 3) HQ CE (AF) Shillong Zone
- 4) CWE (AF) Guwahati
- 5) LAO (Army) Shillong
- 6) LAO GE Shillong
- 7) LAO GE (AF) Shillong

KM/

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**In The Central Administrative Tribunal**  
GUWAHATI BENCH : GUWAHATI

SM

ORDER SHEET

Misc APPLICATION NO. 199/2000 OF 199  
37/99

Applicant(s) Union of India and ors.

Respondent(s) Sadya Gopal Bhattacharyya

Advocate for Applicant(s) Mr. B.C. Pathak  
Adv. B.C. Pathak

Advocate for Respondent(s) Mr. M. Chanda  
Adv. N.D. Goochani

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

Heard Mr M.Chanda, learned counsel  
for the opposite party/applicant. and  
Mr B.C.Pathak, learned counsel for the  
petitioner/respondents. Mr Pathak stated  
that he has been instructed by the  
respondents, Garrison Engineer, Air Force,  
Shillong that the order of this Tribunal  
is under process of implementation and  
the department has already taken steps.  
Aforesaid statement of Mr pathak is  
recorded and the Misc.Petition is dispo-  
sed of.

Sd/VICECHAIRMAN



Certified to be true Copy

प्रमाणित प्रतिलिपि

31/11/2000

Section Officer (J)

कायदा अधिकारी (न्यायिक शाखा)  
Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायाधीश  
Guwahati Bench, Guwahati-8  
गुवाहाटी न्यायाधीश, गुवाहाटी-8

Notice

Dated 21-06-2021

From:

Sri G. N. Chakravarty  
Advocate  
CAT, Guwahati

To

Sri A. Deb Roy  
Sr CBSE, CAT,  
Guwahati

Sir

Enclosed please find herewith  
a copy of submission of documents  
in support of the contentions made  
by the applicant in O.A. no 324/2021.  
Kindly acknowledge receipt  
of the same.

Thanking you.

Understand to  
deliver of copy to  
Sri A. Deb Roy  
Sr CBSE, CAT  
Sincerely yours  
G. N. Chakravarty  
Advocate

Sincerely yours  
G. N. Chakravarty  
Advocate