

0/100 3
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-271/01 order sheet pg-1 to 2

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disposed of date- 18/01/02

O.A/T.A No...4/11/2001

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R.A/C.P No.....

allowed date- 27/11/2001

E.P/M.A No...27/11/2001

1. Orders Sheet OA.....4/11/2001Pg.....1.....to.....2.....
2. Judgment/Order dtd. 18/01/02Pg.....No.....8.....to.....order dismissed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....4/11/2001Pg.....1.....to.....2.....
5. E.P/M.P.....4/11/2001Pg.....1.....to.....2.....
6. R.A/C.P/M.P.....4/11/2001Pg.....1.....to.....8.....
7. W.S. filed by the RespondentsPg.....1.....to.....4.....
8. RejoinderPg.....1.....to.....
9. ReplyPg.....1.....to.....
10. Any other PapersPg.....1.....to.....
11. Memo of AppearancePg.....1.....to.....
12. Additional AffidavitPg.....1.....to.....
13. Written ArgumentsPg.....1.....to.....
14. Amendment Reply by RespondentsPg.....1.....to.....
15. Amendment Reply filed by the ApplicantPg.....1.....to.....
16. Counter ReplyPg.....1.....to.....

SECTION OFFICER (Judl.)

FORM No.4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

APPLICATION NO.

411/2001

Applicant (s) Sri Ph. Sanatombi Sharma

Respondent(s) N.O.I. 900

Advocate for the Applicant: M. Birinal Sharma

Advocate for the Respondent: Addl. C.A. A.K. Chaudhury

Notes of the Registry	Date	Order of the Tribunal
This application is in form but not in time. Co-ordination Petition is filed pending vide M.P. No. C.R. for C.S. 301/2001 filed vide T.R.U.S.D. No. 76/88/147.	8.10.01	Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman. Hon'ble Mr. K.K. Sharma, Member(A).
Dated..... 5.10.2001 <i>Dy. Registrar</i> <i>BB 8/10/01</i>		Issue notice as to why the application shall not be admitted. Notice returnable by four weeks. List on 23.11.2001 for further orders.
<i>BB 8/10/01</i>		<i>ICL Sharma</i> Member
Notice received and sent to D/s for oral hearing respondent No 1 to 3 by Addl. C.A. 10/10/01	10.10.01	Admit. The respondents have filed written statement through Mr. A.K. Chaudhury, learned Addl. C.G.S.C. The applicant has also filed an additional affidavit alongwith some additional affidavit, which shall also be a part of the pleadings.
D/No 3898 W 3900 Dtd 11/10/01	23.11.01	Since the pleadings are complete list the matter for hearing on 18.1.2002
① Service report are still awaited.		Pendency of this O.A. shall not stand on the way of the respondents from issuing

BB
22.11.01

Contd

Contd.

23.11.01

✓
appointment letter.

ICC Sharma
Member

Vice-Chairman

bb

20.12.2001

List the case again on
24.12.2001 for order.

ICC Sharma
Member

Vice-Chairman

bb

24.12.01

List on 18.1.2002 for order.

ICC Sharma
Member

Vice-Chairman

mb

18.1.02

Heard Mr. M. Bimal Sharma, learned
counsel for the applicant and also
Mr. A.K. Choudhury, learned counsel for
the respondents.

It appears that the applicant has
already obtained the relief prayed for.
Accordingly, the application stands
dismissed as infructuous.

ICC Sharma

Member

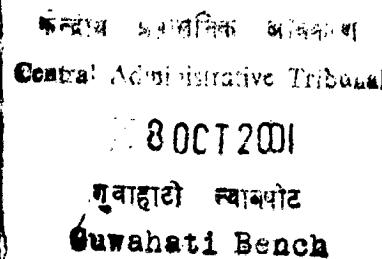
Vice-Chairman

mb

2.2.2002
Copy of the order
was sent to the
Office for 1800
the sum of 115
appalled by post
and handed over
the sum to the Add.
ESAC for 115 Rebsk

OK

Recd.
AK Choudhury
18/2/02



Presented on 8.10.01
by
[Signature]
Mr. Bimal Sharma
ADVOCATE

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI :

GUWAHATI CASE O.A. NO. 411 OF 2001

Shri Ph. Sanatomba Sharma Applicant

Vrs.

The Union of India and ors Respondents

I N D E X

Sl.No.	Description of document relied upon	Page No.
1.	Application	1 - 8
2.	Affidavit	9 - -
3.	Annexure A/2 (Posting order dt. 6-11-2000)	10 - -
4.	Annexure A/2 (First phase training order dt. 28-2-2000)	11 - 12
5.	Annexure A/3 (Release order dt. 21-7-2000)	13 - -
6.	Annexure A/4 (Directive dt. 3-7-01)	14 - -
7.	Annexure A/5 (Recruitment Rules)	15 & 23
8.	Annexure A/6 (Lawyer's notice dt. 9-8-01)	24 - 26

By

[Signature]
Advocate

Signature of the Petitioner

Ph. Sanatomba Sharma

Present on 8/10/01
by G. B. G.

(P. B. G. Sharma)
Attw.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI :

GUWAHATI CASE O.A. NO. OF 2001

IN THE MATTER OF -

Application under section 19 of the
Administrative Tribunal Act, 1985 read
with Rule 4 of the Central Administrative
(Procedure) Rule, 1987.

AND

IN THE MATTER OF -

SHRI Phurailatpam Snatomba Sharma,
Junior Telecom Officer (Lamphel),
Bharat Sanchar Nigam Ltd., Office of
the General Manager Telecom District,
Manipur, Imphal - 795 001.

..... APPLICANT
-Versus-

1. The Union of India, represented
by the Secretary, Ministry of
Communications, Govt. of India,
New Delhi - 110 001.
2. The Assistant Director General (Pers-IV),
Bharat Sanchar Nigam Limited,
Sanchar Bhawan, 20 Ashoka Road,
New Delhi - 110 001

.... 2. The Chief

-(2)-

3. The Chief General Manager, Telecom,
Bharat Sanchar Nigam Ltd.,
N.E. Circle - I, Shillong - 793 001

.... RESPONDENTS

In the matter of an application on behalf of the applicant for redressal of his grievance for not implementing the directives issued on 3-7-2001 under No.5-5/2001 Pers-IV by the Respondent No.2 (Annexure A/4).

Most respectfully Sheweth :

1. PARTICULARS OF THE APPLICANT :

(i) Name of the applicant : Ph. Sanatomba Sharma
(ii) Name of Father : late Ph. Birendrakeshore Sharma
(iii) Designation and particulars of office (name and station) in which employed : Junior Telecom Officer (Lamphel) Imphal, Deptt. of Telecommunication, Bharat Sanchar Nigam Ltd.
(iv) Office Address : Office of the J.T.O. (Lamphel) R.L.U., Lamphelpat, Imphal - 795 004
(v) Address for service : The above address described in Item No. 1(iv) OR Uriopok Thanthem Leikai, Imphal - 795 001.

2. PARTICULARS OF RESPONDENTS :

(a) The Union of India, represented by the Secretary, Ministry of Communications, Govt. of India, New Delhi - 110 001.
(b) The Assistant Director General (Pers-IV), Bharat Sanchar Nigam Ltd, Sanchar Bhawan, 20 Ashoka Road, New Delhi - 110 001.
... (c) The Chief



-:(3):-

(c) The Chief General Manager, Telecom,
Bharat Sanchar Nigam Ltd.,
N.E. Circle - I, Shillong - 793 001

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

The application is made for implementing the following order :

i) Order No. : No. 5-5/2001 Pers-IV

ii) Date : New Delhi, the 3/7/2001.

iii) Passed : Asstt. Director General (Pers)
(Respondent No. 2)

iv) Subject in brief : For issuance of appointment order/
letter for JTO from the date of
joining and pay including the
arrears.

4. That the applicant declares that the subject matter of the order against which he wants redressal for implementation is within the jurisdiction of the Tribunal.

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

6. FACTS OF THE CASE

The facts of the case are given below :

(1) That the applicant is a permanent resident of Uripok Ahanthem Leikai, Imphal, Imphal West District, Manipur and he has passed Bachelor of Science. The applicant was appointed as Technician at the Office of the TDM/Imphal in the year 1983 and from 1991 he was posted at Repeater Station Assistant at Telephone Bhawan, Imphal, Manipur and at present the applicant is posted as JTO (Lamphel) under General Manager Telecom District, Manipur, Imphal vide order No. STB-I/JTO Trg-Pstg/IV, dated at Shillong, the 6/11/2001

4

-:(4):-

of the Asstt. General Manager (A), 0/c the Chief General Manager, N.E. Telecom Circle, Shillong - 793 001, after completion of the ~~Nextphase~~ First and Second phase of training for JTO at SALT LAKE CTTC, CALCUTTA (Kolkata) West Bengal as before posting as JTO the applicant's service included in the category of Transmission Assistant.

Annexure A/1 is the copy of the order dt. 6-11-2000.

(2) That while he was posted at Repeater Station Area, he undergone Department Training Class of Junior Telecom as stated in para No. 6(20) above and the First phase commenced w.e.f. 3rd April, 2000 for four weeks as per order of the Asstt. General Manipur (Admn) vide his order No. Rectt-46/Trg/Pt-IV/78, dated at Shillong the 28th Feb., 2000.

Annexure A/2 is the copy of the order dt. 28-02-2000.

(3) That after completion of the said First phase training, the applicant was released by the Principal, Circle Telecom Training Centre, Cal -97 vide order No. CTTC/JTO(TX)/B-20/PH-1/2000-2001, dated at Calcutta, the 21st July, 2000 with directives that the trainee report back to JTO Ph-II training on 21-08-2000.

Annexure A/3 is the copy of the release order dt. 21-8-2000.

(4) That the applicant undergone four weeks field training in between First phase and Second phase training. The Second phase training started from 21-8-2000 and completed on 8-12-2000. After completion of the said training, the applicant as JTO (Lamphel) as per order at Annexure A/1.

(5) That

-:(5):-

(5) That as there was a case before the Supreme Court of India in between the direct recruitments of JTOS and promotion, the Respondent No.2 withheld any appointment of JT0 from the promotion and sending for training. However, the same was withdrawn after the final disposal of the case before the Apex Court which is also reported in (1999) 9 Supreme Court Cases 596 observing that the plea of direct recruits rejected that promotees has been unsuccessful in direct recruitment test and therefore cannot be given seniority over direct recruits. While withdrawing the said withheld, the Respondent No. 2 directed all the Chief General Managers Telecom, Bharat Sanchar Nigam Limited including the present Respondent No. 3 to sent for the training as also the process for appointment be started, vide Order No. 5-5/2001 Pers IV, dated, New Delhi 3/7/2001.

Annexure A/4 is the copy of the said directives dt. 3-7-2001.

(6.) That as per recruitment Rule for appointing JTOS known as Revised JT0 Recruitment (Amendment Rules) 1996, it is stipulated that 50% from direct recruitment and 50% from promotion. Out of the said 50% from promotion, again 15% from departmental competitive examination and 35% from promotion/transfer of Transmission Assistants/ Wireless Operators/Auto Exchange Assistants/Phone inspectors/Teleco. Technical Assistants. The Applicant is included in this 35% as he is Transmission Assistant.

Annexure A/5 is the copy of the recruitment rule.

...(7)

-:(6):-

(7) That inspite of the directives of the Respondent No. 2 in Annexure A/4, the Respondent No. 3 failed to issue appointment order appointing the applicant as JT0 though he has been posted as JT0 (Lamphel) as per Annexure A/1 and, as a result the applicant has not been receiving the pay of JT0 w.e.f. 2nd July, 2000 (the date on which the applicant has been entitled to as JT0). The applicant and other thirteen persons (13 persons) who got the same status who are working at different divisions under North East Circle under the command of Respondent No. 3 issued a Lawyer's Notice dated 09-08-2001 stating that the Respondent No. 3 has to issue the order and requesting to issue the order accordingly so that the applicant and other 13 persons who are working as JT0s as the same case of the applicant may get pay of JT0. But the Respondent No. 3 failed to issue the order till date.

Annexure A/6 is the copy of the notice dt. 09-08-2001.

(8) That being aggrieved by the act of the Respondent for not implementing the directives of the Respondent No. 2 as per Annexure A/4, the applicant begs to file this application under section 19 of the Administrative Tribunal Act, 1985 for redressal of his grievance.

(9) That the applicant declares that he has availed of all the remedies available to him under the relevant service rules.

The applicant declares that he has no other remedy except the one applied for herein.

.... 8. That the

-:(7):-

8. That the applicant further declares that 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 of law or any other authority or any other Bench of the Tribunal and nor any such application, Writ Petition or suit is pending before any of them, except the present one.)

9. That in view of the facts mentioned in para 6 above the applicant prays for following relief(s) :-

- (a) to admit the application;
- (b) to call for the records;
- (c) to issue notice on the respondents why appointment order shall not be issued as per directives of Annexure A/4;
- (d) upon hearing the parties to direct the Respondents to issue appointment order and pay including arrears; and
- (e) cost of the application or case.

10. That pending final decision of the application, the applicant seeks to issue of the following interim order to the extend that pay and arrears of the applicant from the date of joining as JTO or his entitlement as JTO be made for which he worked.

11. That the applicant is enclosing an Indian Postal Order of Rs. 50/- (Rupees fifty) only with this application

.... under Rule



-:(8):-

under Rule No. 7 of the Central Administrative Tribunal (Procedure) Rules, 1987, issued by the Post Office in favour of the Registrar/Deputy Registrar, Central Administrative Tribunal, Guwahati Bench, Guwahati payable at the Post Office at Guwahati.

Signature of the applicant
Ph. Sanatomba Sharma

VERIFICATION

I, Shri Phurailatpam Sanatomba Sharma, aged about 40 years, son of late Ph. Birendrakeshore Sharma, working as JTO (Lamphel) in the Office of the GMT/Manipur Division, do hereby verify that the contents of para No. 1 to 8 and 11 are true to my knowledge as well as from records and para No. 9 and 10 are believed to be true on legal advice and that I have not suppressed any material facts.

Dated, 5-10-2001

Place - Imphal

Drafted and settled by


Advocate

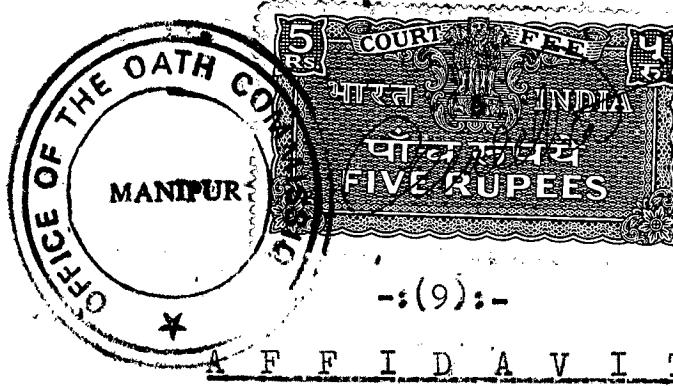
Signature of the applicant

Ph. Sanatomba Sharma

To

The Registrar,
Central Administrative Tribunal,
Guwahati Bench, Guwahati.





-:(9):-

A F F I D A V I T

I, Shri Phurailatpam Sanatomba Sharma, aged about 40 years, son of late Ph. Birendrakeshwar Sharma, occupation employee of Bharat Sanchar Nigam Ltd., Department of Telecommunication, resident of Uripok Ahanthem Leikai, P.S. Imphal, Imphal West District, Manipur, do hereby solemnly affirm and say as follows :

1. That I am the applicant in the accompanying petition and as such I am fully acquainted myself with the facts of the case. This is true to my knowledge.
2. That the statements in paragraph Nos. 1 to except the legal points of the accompanying petition are true to my knowledge and true to the records and the legal points are my humble submissions. The Annexures A/1 to A/ are from my personnel records and official records received in my official capacity and also from official records. This is true to my knowledge.

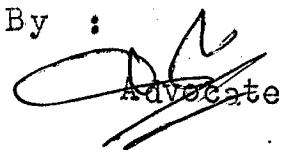
Verified that the contents of para No. 1 and 2 above are true to my knowledge and believe and humble submissions.

Imphal, the
5th October, 2001

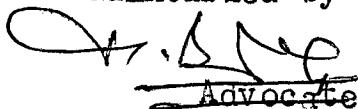
Signature of the deponent,

Ph. Sanatomba Sharma

By :


Advocate

Identified by :


Advocate

Solemnly affirm before me on...5.10.2001
at...11 Am....at the... premises
by the Deponent who I identified
by Mr. Birendrakeshwar Sharma
The Deponent seems to understand
the contents fully well on the
being read over and explained to him.


Oath Commissioner
5.10.2001
Manipur

FAX: 033 3345 1167

-10-

ANNEXURE A/1



G.N. CHYNE

DEPARTMENT OF TELECOM SHILLONG
 (A Govt. of India Enterprise)
Office of the Chief General Manager,
North East Circle, Shillong - 793001.

No. STB-LJTO Trg-Pstg/IV

Dated at Shillong the 6/11/2000.

On completion of the Jr. Telecom Officer Phase-II training, the following Jr. Telecom Officers may be relieved to join the following Units noted against their names: -

Sl No	Name of the trainees	Present unit of training	Posted as JTO under
1	N.R. SINGH	CTTC CALCUTTA	GMTD MANIPUR
2	N.R. SAHA	CTTC CALCUTTA	GMTD TRIPURA
3	B.B. PAUL	CTTC CALCUTTA	GMTD TRIPURA
4	S.R. DIGHAL	CTTC CALCUTTA	GMTD MIZORAM
5	SMT MOUSAMI GHOSH	CTTC CALCUTTA	GMTD MEGHALAYA
6	ASHOTOSH PANJA	CTTC CALCUTTA	GMTD MIZORAM
7	PH SONATOMBA SARMA	CTTC CALCUTTA	GMTD MANIPUR
8	BISWAJIT BAIDYA	CTTC CALCUTTA	GMTD MEGHALAYA
9	PRANOJYOTI SEN	CTTC CALCUTTA	GMTD ARUNACHAL PRADESH
10	SUBIR KR. ROY	CTTC CALCUTTA	GMTD ARUNACHAL PRADESH
11	GOPAL CH. DAS	CTTC CALCUTTA	GMTD NAGALAND
12	SMT RATNA MAZUMDAR	CTTC CALCUTTA	GMTD TRIPURA
13	ASHOK KANTI GUPTA	CTTC CALCUTTA	GMM ETR SHILLONG
14	PRADIP KR. DATTA	CTTC CALCUTTA	GMTD ARUNACHAL PRADESH



(G.N. Chyne)

Asstt General Manager (A)
 O/o. the Chief General Manager,
 N.E. Telecom Circle, Shillong-793 001

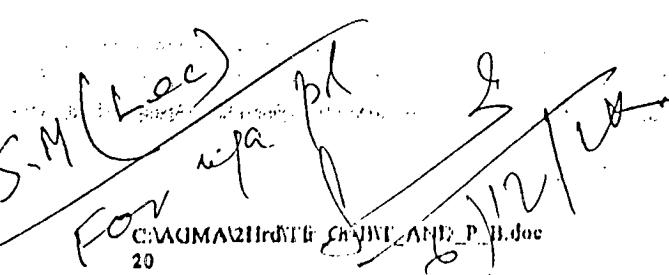
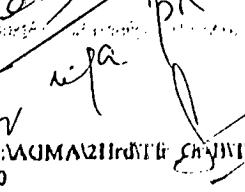
Copy to: -

1. GMTD/Imphal/Agartala/Shillong/Aizawl/Itanagar/Dimapur
2. The GMM ETR Shillong.
3. DGM(A)/DGM(P)/Dir(Instl) C.O. Shillong
4. Principal, CTTC, Calcutta
5. AD (Estt) C.O. Shillong
6. Officials concerned
7. Hindi Translator, C.O. Shillong.

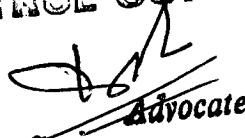


(G.N. Chyne)

Asstt General Manager (A)
 O/o. the Chief General Manager,
 N.E. Telecom Circle, Shillong-793 001

S.M. (Loc) 
 For 
 CHAUMA2HDTff CHYNT_ANB_P_H.doc
 20

TRUE COPY



Advocate

— 14 —

ANNEXURE A/2

15
78



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

Dated at Shillong, the 28.02.2000.

No. Recd-46/Trg/Pt-1V/76

To,

**The General Manager, Telecom District,
Shillong/Imphal/Agartala/Itanagar.**

Sub:- Training of candidates for appointment to the cadre of Junior Telecom Officer Departmental Cat-I,

A Training Class of Junior Telecom Officers departmental will commence at the SALT LAKE CTTC, CALCUTTA with effect from 3.4.2000. The following officials working under your unit may kindly be directed to report to the Principal Salt Lake CTTC, Calcutta, one day before the commencement date. Release of the officials may kindly be ensured well in time.

Request by the officials for change of training centre during training will not be entertained.

Necessary declaration from the candidates to the effect that they will not seek promotion in the normal line in the parent cadre or seek reversion in the event of their appointment as JTOs should be obtained in duplicate before actual release of the candidates and one copy forwarded to this office for record.

In the event of pending/contemplated disciplinary /vigilance cases in respect of the candidates the fact may be intimated to this office immediately and instruction sought for before actual release of them.

CATEGORY-I

SI	Name of the candidate	Cadre	Unit/SSA
1	Smt Mousumi Ghosh	Sr.TOA(TG)	Meghalaya
2	Sri Ph.Sanatomba Sharma	RSA	Manipur
3	Sri Bidhu Bhushan Paul	PI	Tripura
4	Sri S.R.Dighal	PI	Tripura
5	Sri P.P.Nag	RSA	Tripura
6	Sri Ashutosh Panja	PI	Tripura
7	Sri Birendra Sinha	RSA	Tripura
8.	Smt Ratna Majumdar	PI	Tripura
9	Sri Gopal Chandra Das	PI	Tripura
10	Sri Nirmalya Ratna Saha	RSA	Tripura

TRUE COPY

Advocate

12	Sri Subir Kumar Roy	RSA	Tripura
13	Sri Prantoyoti Sen	TL	Meghalaya
14	Sri Pradip Kumar Dutta	TO	AP



(G.N. Chyne)

Asstt. General Manager (Adm.)
O/o. the Chief General Manager,
N.E. Telecom Circle,
Shillong-793 001

Copy for information and necessary action to:-

1. The Chief General Manager, BRBRAITT, Jabalpur-482001. w.r.t his XXT/TM-27/Col/ Dated 16.02.2000.
2. Principal Salt Lake CTTC, Calcutta.
3. The ADT(HRD)Co, Shillong.
4. The officials concerned. *Sn. Ph. Sanatomba Sharma*
GMTC/Imphal.
5. Spare



(S. Lamech)

Asstt. Director Telecom (Estt)
O/o. the Chief General Manager,
N.E. Telecom Circle,
Shillong-793 001

TRUE COPY



Advocate

— 13 —

NO: CTTC/JTO(TX)/B-20/PH-1/2000-2001 Dated at Calcutta-97, the 21st July, 2000.

On successful completion of 16(Sixteen) weeks training from 03.04.2000 to 21.07.2000 in JTO Induction training Course Batch No-20/Ph-1, the following trainees are hereby released from this unit on the A/N of 21st July, 2000 and directed to report to the officers as noted against their names for four weeks field training, vide Order No. Recti-46/Trig/Pl-IV/97 dtd.29.06.2000 of CGM,N.E.T.Circle,Shillong & No.E-70/Pl.-III/2000-2001/06 dtd.13.07.2000 of GMT/Tripura SSA, Agartala.

Sl. no	Name of the Trainees	Circle/ Divn.	Where to report	Marks Obt. O/O 1400	Rank	Leave availed
1	Sri Naresh Kumar Singh	N.E	GMTC/Agartala	1300	1ST	NIL
2	Sri Nirmalya Kumar Ghosh	N.E	SDCE/CE/ under DE(GP), Agartala	1248	2ND	NIL
3	Sri Biddu Ebsean Paul	N.E	DE(E-10B) Agartala under GMTC/Agartala	1214	3RD	NIL
4	Sri Krishan Kumar Dabhol	N.E	DE(E-10B) Agartala under GMTC/Agartala	1189	4th	NIL
5	Smt. Monisha Ghosh	N.E	GMTC/Shillong	1136	5th	NIL
6	Sri Ashok Kumar Panja	N.E	SDCE/CE under DE(GP), Dibr	1134	6th	NIL
7	Sri Ph. Samonba Sharma	N.E	GMTC/Agartala	1131	7th	NIL
8	Sri Biswajit Baidya	N.E	GMTC/Shillong	1130	8th	NIL
9	Sri Pranoyoti Sen	N.E	GMTC/Shillong	1134	9th	NIL
10	Sri Sutir Kumar Roy	N.E	SDCE/CE under DE(GP), Dibr	1157	10th	NIL
11	Sri Gopal Chandra Das	N.E	SDCE/CE under DE(GP), Agartala	1129	11th	NIL
12	Smt. Kalna Majumdar	N.E	DE(E-10B) Agartala under GMTC/Agartala	1062	12th	NIL
13	Sri Ashok Kanti Gupta	N.E	SDCE/CE under DE(GP), Dibr	1175	13th	NIL
14	Sri Pradeep Kumar Pal	N.E	GMTC/Agartala	1136	14th	NIL

NOTE:- 1.) Sl. No. 13 & 14 passed in second attempt.

2.) The trainees should maintain a diary regarding the practical training and this is to be duly certified by the controlling officer under whom the practical training is taken. This Diary is to be submitted when the trainees report back to JTO Ph-II training on 21.08.2000.

Sd/-

(J.N.NANDI)

PRINCIPAL

Circle Telecom training Centre,Cal-97

Ph-334-3231, FAX: 334-5167.

Copy forwarded for information and necessary action to:-

- 1. The GMTC/97/TC, AI-1/AL, E.Circles. 2. The DE(GP), Dibr, C.G.D. 3. The DE(E-Programme)-KRAIT/JRP.
- 4. The GMTC/Shillong/Topali/Agartala/ Dibr. 5. The DE(GP), Dibr. 6. The DE(GP), Agartala.
- 7. DE(E-10B), Agartala. 8. The DE(GP), Dibr. 9. The GMTC/Agartala. 10. The GMTC/CE/14/97/KA
- 11. Trainer concerned. 12. Post-Office.

D.P. Mohitra

(D.P. MOHTRA) 21.7.2000

SDE(L) & BATCH-IN-CHARGE.

CTTC, CAL CUTTA-700097.

N.B.

- 1. The Mess run by the Trainees at their own cost and no subsidy is provided by the department.

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Advocate

ANNEXURE A/4



भारत संचार निगम लिमिटेड
(भारत सरकार की कंपनी)
Bharat Sanchar Nigam Limited
(A Govt. of India Enterprise)

No. 5-5/2001 Pers. IV

Dated: 3/7/2001

To

All Chief General Managers Telecom,
Bharat Sanchar Nigam Limited.

Sub: Issue of appointment orders to selective JTOs (against 35% and 15% quota).

Sir,

I am directed to invite a reference to this office letters of even No. dated 19.4.2001 and 2.5.2001 and letter No. 3-14/20001 Pers.IV dated 29.6.2001 on the subject noted above and to say that the matter has been examined in detail and it has been decided that the process of appointment of the candidates who were declared qualified against 35% and 15% quota but were not allowed for field training/phase-II training and their appointment letters were also withheld, may now be sent for the training as also the process of appointment started.

2. As regards fixation of seniority, the matter has been examined in consultation with the DoP&T and as per the Supreme Court guidelines in the case of Shri S.I. Rooplal & Others Versus Lt. Governor through Chief Secretary, Delhi, JT 1999(9) SC 597, the following guidelines will determine the issue of seniority:

The official who joined later than the persons already on deemed deputation w.e.f. 1.10.2000 shall rank junior and his seniority will be counted from the date of his 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 the date he has been holding the post on deputation OR the date from which he has been appointed on a regular basis to same or equivalent grade in his parent department, whichever is earlier.

3. It is requested that necessary action in this regard may kindly be taken and in case any clarification is required, the same may be sought from Pers. IV Section of the Corporate Office.

Yours faithfully

(Rajender Prasad)

Asstt. Director General (Pers. IV)

Ph. 3310401/30372223

TRUE COPY

Sanchar Bhawan, 20, Ashoka Road, New Delhi-110001

RECEIVED
11/1/96
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11/1/96
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01

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER H.E. TELCOM CIRCLE SHILLONG
793001

NO. Route-8/ME/RIC/52

Dated at Shillong the 21/1/96

TO

ANNEXURE A/5

The Telecom District Manager,
Shillong/Imphal/Agartala/Dimapur/Aizawl/Itanagar

Subject:- Revised JTO Recruitment (Appendant Rules) 1996.

Kindly find enclosed herewith a Copy of Ministry of
Communication notification New Delhi No.5-1/96 dated 8.2.96 on
the above cited subject for your information, guidance and necessary action.

Enclos:- As above.

4/1/96

(M. Pal)
Asstt. Director Telcom (Rmt)
For Chief General Manager H.E. Telcom
Circle Shillong.

Copy to:-

1. ADT (HRD) Co, Shillong.
2. ADT (Exams) Co, Shillong.
3. The Principal CRTC/Nongthymmai Shillong-14

For Chief General Manager H.E. Telcom
Circle Shillong.

11/1/96
P.

TRUE COPY


Advocate

-16-

53



No. 5-1746-NCG
Government of India
Ministry of Communications
Department of Telecommunications.

Sanchay Bhawan
20 Ashoka Road
New Delhi - 110001

Dated 8 - 2-1996

(To be published in Part II Section 3 Sub Section (i) of the
Gazette of India)

NOTIFICATION

G.O.M.R. In exercise of the powers conferred by
the proviso to article 309 of the Constitution and in super-
session of the Junior Telecom Officers Recruitment Rules 1990
and also the Department of Telecommunications, Assistant
Superintendent (Telegraph Traffic) Recruitment Rules 1992
except as respects things done or omitted to be done before
such supersession, the President hereby makes the following
rules regulating the method of recruitment to the post of
Junior Telecommunication Officers in the Department of Tele-
communications, namely : -

1. Short title and commencement

(1) These rules may be called the Junior Telecom
Officer Recruitment Rules, 1996.

(2) They shall come into force on the date of their
publication in the official Gazette.

2. Number of posts, classification and scale of pay

The number of the said post, its classification
and the scale of pay attached thereto shall be as specified
in Column 2 to 4 of the Schedule annexed thereto.

3. Method of recruitment, age limit, qualifications etc.

The method of recruitment, age limit, qualifica-
tions and other matters relating to the said post shall be as
specified in columns 5 to 14 of the said Schedule.

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Advocate

Disqualifications:- No person

(a) who has entered into or contracted a marriage with any person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said posts.

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, except any person from the application of these rules.

Bond and training

All candidates provisionally recruited against 50% quota of direct recruits shall execute a Bond in the format specified by the Department for a period of at least five years from the date of their appointment as Junior Telecom. Officer.

(2) The candidates selected both against the 50% indirect recruitment quota of vacancies and the 50% departmental promotion/transfer of vacancies shall, before their appointment as Junior Telecommunications Officers, have to successfully undergo prescribed training as per the training plan laid down and amended by the Department from time to time.

(3) During the period of training the direct recruits Junior Telecom. Officers will be entitled to a stipend and dearness allowance admissible thereon or such stipend and allowances as amended by the Department from time to time.

Service under Territorial Army/Signal Unit:-

All candidates (both direct and departmental) shall if so required, be liable to serve in the territorial army signal units for a period specified in the Territorial Army Act, 1948 (56 of 1948) and the rules made there under.

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7. Power to relax

Where the Central Government is of the opinion that, it is necessary or expedient so to do, it may by order and for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

8. Savings :-

Nothing in these rules shall affect reservations/relaxation of the limit and other concessions required to be granted for the Scheduled Castes, Scheduled Tribes, Pardavas and other social categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

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Advocate

SCHEDULE

(1)

(2)

(3)

Name of Post

No. of Posts

Classification

Junior Telecom. Officer

20,030 as on 31/3/94

General Central Services

(Subject to variation
dependent on work load)

Group "C"

Non-gazetted Non-Ministerial

Information Officer

1000 as on 31/3/94

General Central Services

Group "C" Non-gazetted Non-Ministerial

(4)

(5) (6)

(7)

Scale of pay (in rupees) Whether selection or
non-selection

Age for direct recruits

Rs. 1640-60-2600—
E.R.—73-2900.

As explained under
column (1) of the
schedule

Between 19 and 27 years
(Relaxable for eligible
departmental candidates
upto 40 years/45 years
in case of SC/ST officials
in accordance with the
instructions or orders
issued by the Central
Government.)

Note: The crucial date for determining the age limit or
service condition for both
departmental and direct
recruits, as the case may
be, shall be 1st July of
the year for which applica-
tions for recruitment
are called for.

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[Signature]
Advocate

whether benefit of
added years of
service is admissi-
ble under Rule 30
of CCS (Pension)
Rules, 1972.

Educational and
other qualifica-
tions required
for direct
recruitment

(8)

Not applicable.

Bachelor of Engineering/Bachelor of
Technology from a recognised
university in any of the
following disciplines
(i) Mechanical Engineering
(ii) Electrical Engineering
(iii) Telecom. Engineering
(iv) Electronics
(v) Radio Engineering
(vi) Computer Sciences

O R

Bachelor of Science or
Bachelor of Science (Hons)
with Physics and
Mathematics as main/
elective/subsidiary/optional additional
subjects.

Note 1. The applicants should be registered with the Employment Exchange
located in the Territorial jurisdiction of the recruitment unit.

Note 2. Educational and other qualifications are relaxable at the discretion
of the U.P.S.C./competent authority.

Note 3. Educational and other qualifications regarding experience etc. are relaxable
at the discretion of the U.P.S.C./competent authority.

Note 4. The existing holders of the post of Asstt. Supdt. Telegraph Traffic
may be treated at par with the cadre of Junior Telecom. Officer
as per these Recruitment Rules as one time measure.

TELEGRAMS
S/

~~Whether age and educational qualification prescribed for direct recruits will apply in case of promotees~~

Period of probation,
if any.

Method of recruitment
whether by direct
recruitment or by pro
or deputation/transfer
and percentage of vac
to be filled by variou
methods

157

(10)

1315

Not ^bapplicable

Two Years

i) 50% by direct recruitment through a competitive examination in accordance with the instructions issued by the Department in its behalf.

ii) 50% by promotion/transfer as indicated under column 12 of the schedule.

In case of recruitment by promotion/ deputation/transfer, grades from which promotion/deputation transfer to be made

144) 18-Nov-1961

(12)

(1) 50% by promotion/transfer of departmental candidates referred item (ii) column 11 will be regulated as under :-

i) 15% by promotion of departmental candidates through a competitive examination.

ii) 35% by promotion/transfer of Transmission Assistants/Wireless Operators/Auto Exchange Assistants/ Phone Inspectors/Teleco. Technical Assistants.

15% Promotion through competitive examination, the following group 'C' employees in the Department whose scale of pay is less than that of Junior Telecom Officers shall be eligible, if such employees are

(i) Shorone on the regular establishment and working in Telecom.Engine Branch of Department including those working in the office of Chief General Manager,Telecommunication Circles/Districts other

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SK
Advocate

(a) Transmission Assistants, Telephone Inspectors, Auto Exchange Assistants and Wireless Operators, and
 (b) Plumbers/Sanitary Inspectors/Conservancy Inspector
 (iii) in a Telecommunication Factory, other than those borne
 on industrial establishments.

(iii) borne, on the regular establishment and working as Accounts Clerks
 in the Accounts Wing under the Telecommunications circles.

(iv) borne, on the regular establishment and working as Works Clerks
 in Grade I and II, Work Assistants, Draftsmen, Junior Architects and
 Electricians in the Civil Wing under Telecom Circles.

Provided that

(a) they have passed High school/Matric examination
 or its equivalent and have completed five years regular service, or
 (b) they possess the qualifications prescribed in
 column 6 and have completed 3 years regular service

Provided further that they are not above the age of 40 years
 on the crucial date.

Transfer/promotion from amongst -

(a) the Phone Inspectors/Auto Exchange Assistants/Transmission
 Assistant/Wireless Operator who possess the qualification
 prescribed in column 8 and have completed 5 years regular
 service in the cadre of Phone Inspector/Auto Exchange
 Assistant/Transmission Assistant/Wireless Operator

(b) The Phone Inspectors/Auto Exchange Assistant/Wireless
 Operator/Transmission Assistant/Telecom. Technical
 Assistants who possess the high school/matriculation
 qualification and who have completed 6 years of regular
 service through a qualifying/screening test, unless he has
 already passed such test.

Note: The above qualifications are notional and
 they shall have to undergo a single medical test to ensure that
 they are physically fit and mentally alert to perform the
 duties expected of a Junior Telecom. Officer.

Explanation: Length of service in the cadre of Phone Inspector/Auto
 Exchange Assistant/Transmission Assistant/Wireless
 Operator will be the criteria for sending them for
 JTOs training.

TRUE COPY
 J. V. / Addressed

-23-

Note: No candidate other than those belonging to Scheduled Castes and Scheduled Tribes Communities shall be granted more than four chance to appear in the competitive examination. But those candidates who secure more than 70% marks in the 4th chance but are not selected for appointment as Junior Telecom. Officers may be allowed one more chance as a special case. The restriction in respect of number of chances is not applicable to members of Sch. Castes/Sch. Tribes communities.

28

If a Departmental Promotion Committee exists, what is its composition

Circumstances in which U.P.B.C. is to be consulted in making recruitment.

(13)

(14)

Group 'C' Departmental Promotion Committee (for considering confirmation of direct recruits) consisting of -

Not applicable.

1. An officer of Group 'A' in Junior Administrative Grade of Indian Telecom. Service....Chairman
2. Two officers of Group 'A' in the Senior Time scale of Telecom. Engineering Service....Members.

(J.P. SRIVASTAVA),
Assistant Director General (ITC),
Tele. No. 3032468/3716723.

The Manager,
Govt. of India Press,
Mayapuri Industrial Area,
New Delhi

TRUE COPY


Advocate

M. Bimal Sharma
B.A. (Hons.) LL.B., Advocate
Nagamapal, Singjubung Leirak
Imphal - 795 001

ANNEXURE A/6

R.F. No.

Date 09-08-2007

To,

1. The Assistant Director General (Pers-IV),
Bharat Sanchar Nigam Limited,
Sanchar Bhawan, 20 Ashoka Road, New Delhi -1.
2. The Chief General Manager,
Telecom, N.E. Circle Shillong 1.
3. The Chief General Manager,
Telecom, N.E -II. Circle Dimapur (OCB Exchange) 797 112.

Subject: Lawyers Notice.

TRUE COPY


Advocate

Dear sir,

Under Instruction of my clients who are at present working as Junior Telecom Officers (JTO's) at various places/areas/states in North East under your circle viz.

Sl.No.	Name of JTO's	Posted as JTO under
1	N.R.SINGH	GMTD MANIPUR
2	N.R.SAHIA	GMTD TRIPURA
3	B.B.PAUL	GMTD TRIPURA
4	S.R.DIGHAL	GMTD MIZORAM
5	SMT. MOUSAMI GHOSH	GMTD MEGHALAYA
6	ASHOTOSH PANJA	GMTD MIZORAM
7	PH.SANATOMBA SHARMA	GMTD MANIPUR
8	BISHWAJIT BAIDYA	GMTD MEGHALAYA

9	PRANOJYOTI SEN	GMTD ARUNACHAL PRADESH
10	SUBIR KR.ROY	GMTD ARUNACHAL PRADESH
11	GOPLA CH.DAS	GMTD NAGALAND
12	SMT. RATNA MAJUMDAR	GMTD TRIPURA
13	ASHOK KANTI GUPTA	GMM ETR SHILLONG
14	PRADIP KR.DATTA	GMTD ARUNACHAL PRADESH

I have to state that they had undergone Departmental Training Class of Junior Telecom Officers at the CTTC, Salt lake Calcutta(Kolkata) w.e.f. the 3rd April 2000 as per order of the Assistant General Manager(Admin), O/o The Chief General Manager, NE Telecom Circle Shillong -793001 vide order no. Rectt-46/Trg/Pt-IV/78, dated at Shillong, the 28th Feb 2000 and release order were issued after necessary formalities like conditions stipulated in the order or directions.

After completion of the First Phase training, my clients had undergone Second Phase(field) training and had already completed. The training commences from the 22nd July 2000 which is for a period of 4(four) weeks vide order No. Rectt-46/Trg/Pt-IV/97 dated at Shillong the 29th June 2000 of CGM, N.E.T.Circle, Shillong.

On completion of 16(sixteen) weeks training (First phase and Second phase) from the 21st Aug 2000 to the 8th Dec 2000 they had been posted as JTOs vide order No. STB-I/JTO Trg-Pstg/IV dated at Shillong the 6th Nov 2000 of CGM, N.E.T.Circle, Shillong.

Though they have joined as JTOs as per order, till date there is no appointment letter or order as JTOs and as a result my clients have not been receiving their pay w.e.f. the 22nd July 2000 (the date on which my clients had been entitled as JTOs.)

I am further instructed that at the relevant time the order was to be issued by the Chief General Manager, Shillong Circle but because of his delay of issuing such order he did not issue order and thereafter the power of issuing order were taken by the Directorate New Delhi. At present the power of issuing such order is again reverted to the CGM, Shillong Circle vide order No. 5-5/2001(Pers -IV) dated at New Delhi the 3rd July 2001. When my clients approach for issuing order there is a controversy whether such order should be issued by the CGMT, Shillong or Directorate New Delhi, and as a result the clients have not been receiving their monthly salary of JTO since the 22nd July 2000 though they were posted as JTOs because of absence of appointing or promotion order.

TRUE COPY


Advocate

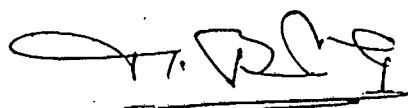
-26-

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Keeping hanging like in the present state may cause great hardship and contrary in the feature which shall affect my clients. In my conviction the CGMT, NE Circle Shillong should issue the order since the order was reverted as I stated above. I, therefore, give this to you that a suitable order may be issued in this respect for appointing or promoting as JTOs within 15 days from the receipt of this notice to you so that my clients should not face artificial problems otherwise my clients have no other remedy except to go to competent law court for their grievances and you will be responsible for any outcome.

Thanking you.

Sincerely yours,



(M. BIMOL SHARMA)

TRUE COPY



Advocate

- 27 -

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

IN THE O.A.No. 411 of 2001

Shri Ph.Sanatomba Sharma Applicant.

Vs.

Union of India & Others Respondents.

(Written statement filed by the Respondents a,b, and c).

The written statement of the respondents a,b,c as follows :

1. That the copies of the O.A.No. 411 of 2001 herein after referred to as application have been served on the respondents and the respondents after going through the said application have understood the contents therein.
2. That the statement made in the application save and except those which are specifically admitted and denied by the respondents.
3. That with regard to the statement made in paragraph 6(1) of the application the respondents have nothing to comment.
4. That with regard to the statement made in paragraph 6(2) of the application the respondents have nothing to comment.
5. That with regard to the statement made in paragraph 6(3) of the application the respondents have nothing to comment.
6. That with regard to the statement made in paragraph 6(4) of the application the respondents have nothing to comment..
7. That with regard to the statement made in paragraph 6(5) of the application the respondents beg to state that the letter mentioned in this paragraph (Annexure A/4) is related to the process of appointment and fixation of seniority only. Vide this letter mentioned in (Annexure A/4) CGMT's were requested to send the candidate who were declared qualified against 35% and 15% quota of the JTO qualifying/competitive quota of the examination for promotion to the cadre of JTO for the training as also the process of appointment. After re-classification of the post of JTO (GCS Group 'B' Gazetted) power has not been delegated to the CGMTs for issuing appointment letter. For JTO the appointing authority is the Adviser (HRD), DoT, New Delhi. After issuance of

*Filed by:
A.K. Banerjee
Addl. Commr.
23.11.01*

2.

posting order all the relevant documents related to the appointment has already been sent to the TCHQ for necessary action.

8. That with regard to the statement made in paragraph 6[6] of the application the respondents have nothing to comment.
9. That with regard to the statement made in paragraph 6[7] of the application the respondents beg to state that the allegation is not correct. After revised schedule of appointment authority/Disciplinary authority in respect of re-classified post of JTO (GCS Group 'B' Gazetted) the Advisor (HRD) Deptt of Telecom, Government of India, is the appointing authority. Shri Ph.Sanatomba Sharma was ordered vide letter No.STB-1/JTO/Trg/Pat I/N dated 6.11.2000 to join on completion of the Junior Telecom Officer Phase II Training and this was the process of appointment. Appointment letter is to be issued from Advisor (HRD) DoT, New Delhi. Hence the question of issuance of appointment letter by respondent No.3 i.e. CGMT, N.E.Circle does not arise.
10. That with regard to the statement made in paragraph 6(8) of the application the respondents beg to state that the statement is not correct. Directive of the respondents No 2 was that the process of appointment of the candidates who were declared qualified against 35% and 15% quota but were not allowed for field training/phase II training and whose appointment letters were also withheld, may now be sent for the training as also the process of appointment started.

As regards fixation of seniority, the matter has been examined in consultation with the DoP&T and as per the Supreme Court guidelines in the case of Shri S.I.Rooplal & Others Versus Lt.Governor through Chief Secretary, Delhi, JT 1999(9) SC 597, the following guidelines will determine the issue of fixation of seniority.

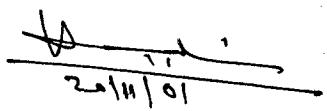
The official who joined later than the persons already on deemed deputation w.e.f. 1.10.2000 shall rank junior and his seniority will be counted from the date of his absorption. If he has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his parent 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 the date he has been holding the post on deputation OR the date from which he has been appointed on a regular basis to same or equivalent grade in his parent department, whichever is earlier.

It is requested that necessary action in this regard may kindly be taken and in case any clarification is required, the same may be sought from the Pers.IV section of the Corporate Office.

11. That with regard to the statement made in paragraph 6(9) of the application the respondents beg to state that active action is being taken to settle the grievances of the applicant.
12. That with regard to the statement made in paragraph 8 of the application the respondents have nothing to comment.
13. That with regard to the statement made in paragraph 9 (a) to (d) of the application regarding relief sought for the respondents beg to state that as his case is under active consideration hence the applicant is not at all entitled to relief sought for and as such the application is liable to be dismissed with cost.
14. That with regard to the statement made in paragraph 10 of the application the respondents beg to state that after re-classification of the post of JTO (GCS Group 'B' Gazetted) Power has not been delegated to the CGMTs for issuing appointment letter. For JTO the appointing authority is the Advisor (HRD) DOT, New Delhi. On appointment, the JTOs are entitled to get all the benefits.
15. That with regard to the statement made in paragraph 11 of the application the respondents have nothing to comment.
16. That the respondents beg to state that the applicant is not entitled to get the relief sought for immediately and as such application is liable to be dismissed.
17. That the respondents submit that by submitting the application to this Hon'ble Tribunal the applicant has violated the Departmental Conduct Rule and the applicant is liable to be punished for provoking the Department as well as the Hon'ble Tribunal.
18. That the respondents submit that under the above circumstances there is no merit in this case and as such the application is liable to be dismissed with cost.

VERIFICATION

I, C. MURMU, Vigilance Officer, of the CMT Shillong,
as authorized do hereby solemnly declare that the statements made above in the Petition
are true to my knowledge, belief and information and I sign the verification on this
.....20th..... day ofNov..... 2001.


20/11/01
DECLARANT