

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-159/01 order sheet pg-1

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allowed Date-10/07/01

O.A/T.A No. 49/2001.....

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

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 49/2001

K. Misra. Jans. Applicant.

versus

Union of India & Ors Respondents.

For the Applicant(s) P. K. Kalita
M. Katak

For the Respondents.

NOTES OF THE REGISTRAR

DATE

ORDER

This application is in form 7.2.01

but not in the form of a

Petition is

MAILED

for Rs.

IPO/B

Dated 24/1/2001

50421919

24/1/2001

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24/1/2001

Present: Hon'ble Mr. Justice D.N.

Choudhury, Vice-Chairman and Hon'ble

Mr. K.K. Sharma, Administrative Member.

Heard Mr. M. Kalita learned counsel

for the applicant and also learned

counsel for the respondents.

Application is admitted. Issue

notice on the respondents. Call for

records. Returnable by 4 weeks. List

on 7.3.01 for orders.

Member

Vice-Chairman

7.3.01

List on 6.4.01 to enable

respondents to file written statement.

10.0.01

Vice-Chairman

6.4.01

List on 4.5.01 to enable the

respondents to file written statement.

Vice-Chairman

Service report order

still awaited. 1m

By

5.3.01

No. written statement

has been filed. 1m

By

4.4.01

No. u/s has been filed.

By

3.5.01

4.5.2001

Mr. A. DEB Roy, Sr. C.G.S.C. prays for four weeks time to file written statement. Prayer allowed.

List on 5.6.2001 for orders.

Member

Vice-Chairman

bb

9.5.2001

5.6.01.

Written statement has already been filed. The applicant may file rejoinder, if any, within two weeks from today.

List on 22.6.2001 for order.

Member

Vice-Chairman

bb

Mr/S has been submitted by the respondent

No. 1, 2 and 3

has been filed

on 22.6.01

for the purpose of

being taken

into consideration

for the purpose of

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Case has been called. Nobody has appeared for applicant. Mr.A.Deb Roy learned Sr.C.G.S.C. for the respondents is present, who has filed written statement on 5-6-2001. The applicant was allowed two weeks time to file rejoinder but the same has not been filed.

The application is accordingly dismissed for default, and for want of prosecution.

Member

Vice-Chairman

bb

3/7/01

Copy of the order been sent to the for taking the to the L/Adv. the parties.

10.7.01

In view of the order passed in M.P.159/2001 the dismissal order dated 22.6.2001 is set aside and the O.A is restored to file.

List on 24.8.2001 for hearing. The applicant may file rejoinder, if any within two weeks from today.

Member

Vice-Chairman

pg

24.8.2001

There is no Division bench today. The case is adjourned to 13/9/2001

Order dtd 10/7/01 Communicated to the Anties Counsel ridd

No

dtd

12/7/01

No Rejoinder has been filed.

By 12.9.01

Notes of the Registry

Date

Order of the Tribunal

13.9.01

Judgment delivered in open Court.

Kept in separate sheets. Application is disposed of. No costs.

21.9.2001

Copy of the Judgment
has been sent to the
Office for issuing the
~~Order~~ further before
for issuing the same
to the applicant and
as well as to the R.C.H.S.C.
for the Resps.
all

1m

10/11/01
Member

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 49 of 2001

13.9.01

Date of Decision.....

L.K.Misra & Others.

-----Petitioner(S)

Mr.P.Kalita, Mr.M.Kataki

-----Advocate for the
Petitioner(s)

-Versus-

Union of India & Ors.

-----Respondent(s)

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

-----Advocate for the
Respondent(s)

THE HON'BLE MR.D.N.CHOUDHURY, 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.49 of 2001.

Date of Order: This the 13.9.2001

HON'BLE MR.JUSTICE D.N.CHOUDHURY, VICE-CHAIRMAN
HON'BLE MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

1. Sri Lava Kumar Misra
Son of Sri Ramshrigner Misra,
Qtr.No.T/II-32, Papu Mills,
P.O. & P.S. Naharlagum,
Dist. Papumpare,
Arunachal Pradesh
2. Sri Sanatan Das
Son of Durga Das
Telecom Office Complex
P.O. & P.S. Bomdilla,
Dist. West Kameng,
Arunachal Pradesh
3. Smti Sreekala M.
Wife of Sri N. Sudarsanann
Qtr.No.T/II-93, C-Sector,
P.O. & P.S. Naharlagum,
Dist-Papumpare,
Arunachal Pradesh.

By Advocate Mr.P.Kalita, Mr.M.Kataki

-Vs-

1. Union of India,
Represented by the Secretary,
Department of Telecommunication,
Govt. of India, New Delhi
2. Bharat Sangsar Nigam Ltd.
(A Govt. of India Enterprises)
Represented by the Chief General Manager,
Department of Telecommunication, North
Eastern Circle(Telecom)
Shillong-1, Meghalaya.
3. The General Manager,
Department of Telecommunications
P.O. & P.S. Itanagar,
District-Paumpare, Arunachal Pradesh.

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

O R D E R.

D.N.CHOUDHURY, V.C. (J):

The issue involved in this Petition pertains to promotion to the higher Cadre. By the posting order dated 9.2.99 the three applicants were promoted to the cadre of

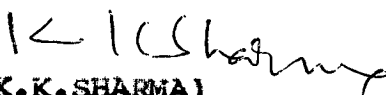
contd/-

Sr.TOA(T) and Sr.TOA(TG) with effect from 2.6.97. The applicants claim as per Policy Guidelines they were also entitled for promotion with effect from 1.1.94, in the light of the order issued to Shri Krishna Sahan(T), Smti N.M.Saikia(T) and Miss Yabom Kolom by an order No. 139/95-96/II and order No.139/95-96/8 dated 28.7.95. The applicant contended that the aforementioned three persons were given the promotion with effect from 1.1.94 whereas the applicants have been given the same benefits with effect from 2.6.97. Mr.P.Kalita learned counsel appearing on behalf of the applicants stated and contended that the three applicants were similarly situated with the aforementioned persons and they also performed the duties in the restructured cadre like that aforementioned Officer in the new technology area. The applicants had no control in the matter of training, and they lawfully carried out the orders and attended the training as and when they were detailed for.

Upon hearing the learned counsel for the parties and on the basis of materials on records we direct the respondents to decide the matter by passing a reasoned order. The applicants have already submitted several representations which have not been disposed of. We order the applicant to file a fresh representation individually to the Chief General Manager, Telecom, within a month from to-day narrating the all grievances, if such representation is filed, the respondent shall consider the same and pass a reasoned order thereon as expeditiously possible at any rate within two months from the date of receipt of the representations. The respondent shall consider the representations and pass a reasoned order accordingly and communicate the same to the applicant.

contd/-

Application is disposed of to the extent indicated.
There shall however, no order as to costs.


(K.K. SHARMA)
ADMINISTRATIVE MEMBER


(D.N. CHOUDHURY)
VICE-CHAIRMAN

LM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::: GUWAHATI BENCH.

An application under section 19
of the Administrative Tribunal Act.

Filed by:
Mitrabaran Kataria
Advocate
01.02.2001

O.A. 49 of 2001.

Sri. Lava Kumar Misra & Ors.

.. Applicant.

- Versus -

Union of India & Ors.

.. Respondents.

I N D E X

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02.	p/2	Letter by AGM(Admn) to TDM & STT, Itanagar, regard- ing Retention of Sr.TOA(T) and Sr.TOA(TG) posts. dtd.8.12.98 .	14
03.	p/3.	Letter from Asstt. Engineer(Admn) to Principal (TTC, Shillong regarding Training in the Cadre of Sr.TOA(Telegraph) dtd.27.6.95.	15

Contd...

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<u>Srl.No.</u>	<u>Annexure.</u>	<u>Particulars.</u>	<u>Page No.</u>
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05.	p/5.	Letter from Asstt. Engineer(Admn) to Principal,CTTC regarding training- dtd.2.5.97.	17
06.	p/6.	Letter from Sub-Divisional Engineer(A) regarding promotional posting- dtd.9.2.99.	18
07.	p/7.	Letter from Telcom Dist. Manager,giving promotional effect w.e.f. 1.1.94 to Sri.Krishna Sahani(T) and Smti.N.M.Saikia(T) Miss.Yaban Kalim- dtd.28.7.95.	19-20
08.	p/8.	Letter Representations of petitioner No.1.- dtd.11.8.97, 20.10.97. 19.5.2000, 29.8.2000.	21-34
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L.K. Mishra

Mitabaran Katak
Signature of the Advocate.
 01.02.2001

1. Particulars of the Applicant : Sri.Lava Kumar Misra
son of Sri.Ramshrigner
Misra, Present Address :-
Qtr.No.T/II-32, Papu Mills,
P.O.& P.S. Naharlagum,
District-Papumpare,
Arunachal Pradesh.

Telegraphist

Tele.

1.1.94 ReSteno

- 2) Sri.Sanatan Das
son of Durga Das
Telecom Office Complex
P.O.& P.S. Bondilla,
District-West Kameng,
Arunachal Pradesh.
- 3) Smti. Sreekala M.
Wife of Sri.N.Sudarsanan
Qtr. No.T/II-93, C-Sector,
P.O.&P.S.Naharlagun,
Dist-Papumpare,
Arunachal Pradesh.

2. Particulars of the Respondents:- 1) Union of India

Represented by the Secretary,
Department of Telecommuni-
cation. Govt. of India,
New Delhi.

2) Bharat Sangsar Nigam Ltd.
(A Govt. of India Enterprises)
Represented by the Chief
General Manager, Department
of Telecommunication, North
Eastern Circle(Telecom)
Shillong-1, Meghalaya.

Contd....

L-K-Mishra

: 3) The General Manager,
Department of Telecommunications
P.O. & P.S. Itanagar,
District- Paumpare, Arunachal Pradesh.

3. Particulars of the:
- a) The application is filed to set Order against which the aside the effect of the pro-application is made. motions from 02/06/97. issued vide Order No.E-139/98-99/24 dated.9/2/99 by the Sub-Divisional Engineer(A),O/O, the TDM/ Itanagar(Annexure-p/6) for an on behalf of Respondent No.3.
 - b) To give effect of the promotion to the petitioners from 01.01.1994.
 - c) And to pass any other Order or Orders as the Tribunal think it proper on the facts and circumstances of the case.

4. Jurisdiction of the : The petitioners declare that Tribunal. the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

5. Limitation : The petitioners further declare that the present application is within the limitation prescribe in section 21 of the Administrative Tribunal Act.1985.

Contd....

L.K. Mishra

6. Facts of the case :

That the petitioner before Your Honours are the citizens of India by birth. The petitioner No.1, is a permanent resident of village, Post Office- Reolt, District-Deoria, Uttar Pradesh. The petitioner No.2 is a permanent resident of village Kokila, Post Office- Gohpur, District- Sonitpur, Assam, and the petitioner No.3, is a permanent resident of village- Kandalloor, Post office- Kandalloor, District- Alloppy, Kerala and as such all the petitioners are entitled to all the rights and privileges as guranted under the Constitution of India and the laws framed thereunder for the time of force.

That the petitioner No.1 joined to the service of Telecom Department under the Respondents on 01-11-1989 as Telegraphist.

That the petitioner after joining the respective places and during course of transfer and posting finally at present is serving at Telegraph office, Naharlagun under the jurisdiction of the respondent No.3.

That the petitioners, are rendering their services and responsibilities to the best of their sincerity, dedication and honesty since their joining in service without there being any blemish.

That the petitioners state that the respective posts of Telegraphist and Telegraph Assistant have been restructured by the concerned authority (Respondents) with effect from 01-01-1994 as Senior Telecom Operating Assistant (Telegraph) and Senior Telecom Operating Assistant (Telegraph General) giving pay benefit at

the

L. K. Mishra

the scale of Rs.4000-100-6,000/- per month against the existing pay scale of Rs.3200-85-4900/- per month.

That the petitioner state that regarding such officiating promotion in the said restructured cadres of Sr.TOA(T) AND Sr.TOA(TG), the order/circular was published in the office Journal " TELE LABOUR" of the Telecom Department on November'95 issue at page - 245.

The relevant copy of the page No.245 of the said journal "TELE LABOUR" of Nov'95 issue in annexed herewith and marked as ANNEXURE - p/1.

That the petitioners state that, the ANNEXURE-p/1 which was issued vide No.JON(DC)/9-12 dtd.21.11.95 to Adv. HRD, it is specifically stated as follows :

" Vide para '2 of DOT Memo No.27-2/94 TE.II (IV) dtd.31-8-94 the orders state that the posts in the restructured cadres may be filled up by posting the empanelled officials in the select panel on officiating ~~in the~~ basts pending formal appointment of these officials to these post after their selection and training subject to the condition that these officials actually work in the new technology areas and perform the duties of restructured posts. These orders will come into force with effect from 01-01-1994.."

Contd....

L-K. Mishra

That petitioner state that for there being restructured of the posts of Telegraphist and Telegraph Assistant to that Sr.TOA(T) and Sr.TOA(TG) the Respondent No.3 issued a Notification vide No.TIC/E-6/RETENTION/35 Dtd.8-12-1998 showing in detail the existence of the restructured posts of Sr.TOA(T) and Sr.TOA(TG) within his jurisdiction which comprises the States of Shillong, Agartalla, Imphal, Kohima, Itanagar, and Aizawl. As per said Circular Dtd.8.12.98, it appears that there were 2(two) posts of Sr.TOA(TG) and 4(four) posts of Sr. TOA(T) lying vacant at DTO, Itanagar. Be it mentioned here that it is apparent from the aforesaid circular that one post of Sr.TOA(TG) and one post of Sr.TOA(T) were sanctioned vide No.ST/TFC/TOA/90-91 Dtd.29-10-91 having retention from 1-3-92 to 28-2-99. And one post of Sr.TOA(TG) and three post of Sr.TOA(T) were sanctioned vide No.ST/TFC/TOA/90-91 Dtd.12.10.93 having retention from 1-3-94 to 28-2-99. Therefore, on the basis of above vacancies, in total two posts of Sr.TOA(TG) and four posts of Sr.TOA(T) lying vacant in the office of DTO, Itanagar.

A copy of the said circular No.TFC/E-6/RETENTION/35, Dtd.8.12.98 annexed herewith and marked as ANNEXURE- p/2.

That the petitioners state that to hold the said restructured post of Sr.TOA(T) by the petitioner and the ~~respondent~~ Assistant Engineer (Admn) for the and on behalf of the respondent No.3 nominated the petitioner alongwith two ~~other~~ separate others for the purpose of training course for Sr.TOA(T) commencing from 3.7.95 for a period of 4(four) at CTTC, Shillong, However, the petitioner who was on Earned Leave during that relevant period remained at dark with regard to the proposed training, nor the respondent No.3 took any pain in performing his legal duty to inform the petitioner as to such training. In result, the petitioner for an attributed act of negligence of respondent

L.K. Mishra

of respondent No.3 failed to do the training which was scheduled from 3-7-95.

Annexed herewith a copy of the letter No.H-139/95-96/Pt-II/3 Dtd.27/6/95 marked as ANNEXURE- p/3.

That the petitioners state that the Assistant Engineer (Admn) for and on behalf of respondent No.3 nominated the petitioner for the training course of Sr.TOA(T) commencing from 23-9.95 for 2(two) weeks at Shillong and in this regard, informed accordingly vide Memo No.E-139/96-97/76 Dtd.19.9.96. The petitioner performed the training accordingly. The petitioner further submits that on being again nominated for second phase of training to the above said cadre course vide Memo No.E-139/97-98/89 Dtd.2.5.97 for a period of 2(two) weeks at Shillong, the petitioner again performed respective training. The petitioners further submit that a second phase training, immediately after their 1st phase training held in Sept'96 was held at Shillong in December, 1996, in which the petitioners were supposed to be sent to undergo the training. But, neither the petitioners were intimated about that training nor sent for the same by the respondent No.3. Hence, the petitioners had to wait for about 6(six) months more for their IIInd phase training.

Annexed herewith a copy of the Memo Nos of Dtd.19.9.96 and 2.5.97 and marked as ANNEXURE-p/4 & p/5.

Contd....

L.K.Mishra

That the petitioners state that after completion of the two phase of training in the month of September 96 and May 97, the respondent No. 3 vide order No. E-139/98-99/24 Dtd. 9.2.99, promoted the petitioners to their respective restructured cadres with effect from 2.6.97. The petitioner No.s 1 & 3^{sen} posted at DTO, Itanagar, and the petitioner No. 2 at DTO, Bomdilla.

Annexed herewith the copy of the order No. E-139/98-99/24 Dtd. 9.2.99 and marked as ANNEXURE-p/6.

That there is no other alternative and equally efficacious remedy available to the petitioners and the remedy as prayed for, if granted shall be just, adequate and proper.

7. Details of the remedies exhausted :

The petitioners had earlier filed a Writ Application being W.P.(C) 130 AP/2000 before the Hon'ble High Court. The Hon'ble High Court directed to file the application before this Hon'ble Tribunal by Order dated. 5.12.2000.

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

No application is pending any other court or before this Tribunal.

Contd...

L. K. Mishra

9. Relief Sought :

- a) To set aside the Order dated.9/2/99 issued by the Sub-Divisional Engineer(A) O/O the TLM, Itanagar, allowing posting order on promotion to the cadre of Sr.TOA(T) and Sr.TOA(TG) w.e.f. 2.6.97. (Annexure-p/6).
- b) To give effect of the promotion of the petitioners from 1.1.94.
- c) Cost of the proceeding.

The relief sought for by the petitioners on the following amongst other.

G R O U N D S

- I. For that the respondent No.3 promoted the petitioners to the cadre of Sr.TOA(TC&T) (Annexure-p/6) in pursuance of the letter dated.TFC/E-6/Retention/35 dated.8.12.98. w.e.f. only 2/6/97. The said letter is issued by ignoring the letter Annexure-p/1 and p/2 and as such the same is liable to be set aside.
- II. For that Annexure-p/1 which specifically stated that officiating pay w.e.f.1.1.94 which stated that the restructured cadre may be filled by posting the empanelled officials in the select pool on officiating basis pending formal appointment after their selection and training. The respondents arbitrarily and by discriminating the petitioners to give fair justice and equal opportunities issued Annexure- p/6.

L.K. Mishra

Contd....

III. For that while the petitioners were holding the then post of Telegraphist and Telegraph Assistant which were restructured as Sr.TOA(T) and Sr.TOA(TG). There were sanction and retention of 2(two) Nos.of Sr.TOA(TG) posts and 4(four) Nos. of Sr.TOA(T) posts in the office of DTO, Itanagar, lying vacant since 29.10.91 and 12.10.93. No further sanctions were accorded during the subsequent period. In view ^{of such a position, the petitioners were} arbitrarily deprived of the promotions w.e.f. 1.1.94.

IV. For that the petitioners although promoted w.e.f. 2.6.97 but they were not given promotion w.e.f. 1.1.94. Two other persons namely Sri. K.Sahani, and Smti. N.N.Saikia who completed their training in July, 1995 in the restructured cadre of Sr.TOA(T) and Miss. Yabon Kalon who completed her training in June, 1995 in the restructured cadre of Sr.TOA(TG) were given promotional pay benefit w.e.f. 1.1.94. The respondents adopted discriminating standard in giving promotional pay.

V. For that the respondents adopted double standard in giving equal justice and protection of pay in the promotion.

VI. For that the petitioners submitted several representations to consider their case of giving promotion to them w.e.f. 1.1.94, but the respondent No.3, inspite of receiving such representation, with motive did not consider the case of the petitioners and deprived the petitioners from their promotional and legitimate benefits.

Contd...

L.K. Mishra

¶ 10 ¶

VII. For that the petitioners demanded justice, which was denied to them. The Order dated.9.2.99 giving discriminatory order of promotional effect is liable to be set aside.

10. Particulars of postal Order :

P.O. No. SG 421919

Date 24.01.2001

Issuing post office Guwahati H.O.

payable at G.P.O. Guwahati

11. List of Enclosures :

An index showing particulars of documents enclosed.

12. That all the three petitioners are of the same department and their interest are same. All the three petitioners filed this common application as their interest are common and the relief sought for by them are same against the respondents. The petitioners may be allowed to joint together in the application to sought relief against the respondents.

Verification....

L.K. Mishra

11

V E R I F I C A T I O N

I, Shri Lava Kumar Mishra, son of Shri Ramshrigner Mishra, aged about 34 years, resident of Qtr. No. T/II-32, Papu Mills, P.O. & P.S. Naharlagun in the District of Papum-pare, Arunachal Pradesh, do hereby declare that :

1. That I am the petitioner No. 1 of this case and I have been authorised by the petitioners No. 2 and 3 to sign this verification.
2. That I am working as T.O.A.(T) at Department of Telecommunication at Itanagar, Arunachal Pradesh.
3. That the contents in the paras of this application are true to my knowledge and I sign this verification today the 15th day of February, 2001 at Guwahati.

L.K. Mishra

S I G N A T U R E.

Letters to DOT

Early Settlement of Pending Issues
NITE letter No TE-37/10 dt 20.11.95 to Chairman

Early next year, the country will get busy with the forthcoming elections and therefore most of the issues which are pending decision will remain unsettled. Even after the elections, the change in the Government/Ministry will create further suspense.

In the DOT where extraordinary changes are on the anvil, this suspense will be counter productive as dissatisfaction will cause avoidable resistance or even agitation to suit the requirements of various political parties.

In the agreement reached with the Federations for ending the strike it was provided that all such issues if they remain unsettled after 90 days will be placed before the MOS(C). We are not aware of any action having been taken in this regard or even if a list of such issues has been drawn up. As the Minister was indisposed, we did not press the issue.

I therefore suggest that the pending issues may be sorted out and settled by the Advisor(HRD). In the first instance and placed before you by the end of the second week of December for your decision.

We shall feel thankful if the need is done expeditiously.

JTO Creation of additional posts for PI, RSA etc.

NITE No TE-253 of 20.11.95 to Adv(HRD).
Ref: DOT Memo. No 14-6/91 TE.II(PI.) dated 30.6.1992

The above orders for creation of posts by abolishing/transferring posts of TOs or Linemen etc. are neither fair nor capable of being implemented.

Under the DOT scheme of restructuring of cadres, surplus staff, particularly TOs are not to be retrenched and the posts will get abolished through natural wastage, i.e., death, retirement etc. Moreover, by adjusting the surplus staff against posts of JTC, JAO, difficulty will arise in conversion of posts for restructuring cadres.

In the case of JTO cadre, there is no ban on

recruitment. Therefore, there should be no difficulty in filling up outside quota of posts. Moreover, a sizeable number of PIs, RSAs etc. have qualified in the screening test for JTOs. We have proposed these posts be upgraded to the cadre of JTO on the basis of some conversion ratio which in any case is applied while adjusting posts of TOs.

We have also suggested that the cadre of PIRSA is phasing out and therefore the posts vacated by these incumbents on appointment as JTC be abolished and the work entrusted to JTOs as has been agreed to after the Agarwal Committee.

The duties of PIRSA are to be performed by TTA where extra posts can be filled from among the Technicians in the first instance and thereafter from among TOs etc.

In the case of AO, AAO, JAO, at present the posts are filled up exclusively from among the serving staff and therefore instead of abolishing the posts, restructuring can be implemented expeditiously.

Kindly therefore revise the order accordingly.

Advance Increment to OTBP/BCR
JCM(DC)/9-15 dt 20.11.95 to Adv(HRD)

Under DOT Memo. No 19-4/93 TE.II dated 12.10.93, orders were issued on the above subject. It was stated that:

"In the OTBP/BCR officials who opt for the restructuring may be granted an advance increment on their formal appointment/joining the new post in the restructured cadres after completing the formalities such as passing the prescribed examination, undergoing training etc. as prescribed in the Recruitment Rules."

Doubt has arisen as to whether this is advance increment which will be absorbed at the time of the next increment or it is extra increment which will be merged with pay.

Kindly clarify the position at your earliest.

Pay fixation of Sr.TOA, PI etc.

No. TE-5/28 dt 21/11/95 to MOS(C)

On the above issue I am to invite your kind attention to the Govt. decision under Fr 22(c).

"For the purpose of initial fixation of pay, compensation of posts should be determined purely by the scale pay attached to them and should have no relation to the

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M. Karaki

Advocate

01-02-2001

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duties. The comparison need not be mathematically close. If the difference between minimum and maximum of the two scales is within 20% of the lower figure, the grades may be treated as corresponding. For example, the scale of Rs. 100-10-200 would be treated as corresponding to Rs. 80-8-220. Borderline cases may be decided by the Accountant General without the approval of the Ministry of Finance. Any doubtful case should be referred to that Ministry for ruling.

In comparing the scales stress is laid more on the minimum than on the maximum.

(G.I., M.F., MF No.F. 15(2) Est.II/49, dated 22.2.49)

(2) A post on a higher time-scale should ordinarily be deemed to involve assumption of duties and responsibilities of greater importance, and a declaration by Government to that effect should not be called for by Audit, unless there is some doubt as to the relative degree of responsibilities attaching to the two posts.

(A.G.'s decision No.(2) below F.N. 22)

FR 22 (a) (ii) governs appointment to a new post not involving higher responsibility or greater importance. It reads as under:

FR 22(a) (ii)- Appointment to a new post not involving higher responsibilities.

If the substantive appointment (whether made before, on or after 1.4.61) to the new post does not involve higher duties or greater responsibilities than those attaching to the old post, the initial substantive pay should be fixed:

(a) at the stage in the new time-scale, if there is one equal to his substantive pay in respect of the old post; or

(b) if there is no such stage in the new time-scale equal to his substantive pay at the stage in the new time-scale.

The pay fixation formula offered by the DOT is not covered by any FR. Even this can't be done under FR 27.

I am therefore to request you kindly to agree to fix the pay of these officials under FR 22(c).

Officiating pay w.e.f 1.1.94

No.JCM(DC)/9-12 dt 21.11.95 to Adv HRD

Vide para 2 of DOT Memo No.27-2/94 TE.II(IV) dated 31.8.1994, the orders state that the posts in the restructured cadres may be filled up by posting the empanelled officials in the select panel on officiating basis pending formal appointment of these officials to these post after their selection and training, subject to the

condition that these officials actually work in the new technology areas and perform the duties of restructured posts. These orders will come into force with effect from 1.1.1994.....

Kindly clarify whether those orders also apply to OTBP/BCR officials who were granted one advance increment under DOT Memo No.19-4/93-TE.II dated 12.10.1993.

Kindly also clarify whether OTBP officials who have worked on computers will be entitled to one increments with effect from 1.5.1993.

In this connection I am to invite your kind attention to DOT Memo No.27-2/94-TE.II (Pl.) dated 9.3.1993 under para 3(b) of which officiating arrangement can be made from amongst all the empanelled officials in the select panel.

Kindly issue necessary clarifications on all the issue mentioned above.

BCR for restructured cadres
JCM (DC)/20-16 dt 21.11.95 to Adv (II)(D)

In para 2 of DOT Memo No.27-4/87-TEL-II (Pl.) dated 22.10.1993 on the above subject, it has been stated that:

"It has been decided to allow BCR to the basic grade to the Group 'C' and 'D' officials including PIS/RSAs etc. who have moved to the restructured cadres and opted for OTBP of the basic grade."

You are aware that senior PIs/RSAs etc. got SG/OTBP in these cadres as option in basic cadres was not available or could not be granted even after 16.10.1990.

Kindly clarify that these officials can get BCR in the basic cadre after completing 26 years of total service or they are debarred from the benefit.

Creation of Posts
No.JCM (DC)22-1 dt 21.11.95 to M(S)

We have not been able to resolve the problem of upgradation of posts in Sr. TO/TTA cadres due to DOT's insistence that officials in OTBP/BCR will not only share the posts but being senior will also take away most of the posts.

In this connection, I am enclosing a copy of orders issued by the Department of Posts for payment of 2 extra increments to all officials who

GOVERNMENT OF INDIA - 14-
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER, N.E. CIRCLE, SHILLONG 793001.

To THE SECRETARY/RETENTION/AS.

Dated at Shillong, the 8th Dec. 1998.

To,

The TDM
The SFC, Shillong

Annexure-8/2

Subj:- Retention of Sr. TOA(T) and Sr. TOA(TG) Posts in the CTOs/DIOs

Sanction of the Chief General Manager Telecom North Eastern Circle, Shillong is hereby conveyed for the retention of 34 posts of Sr. TOA(TG) and 35 posts of Sr. TOA(T) in the CTOs/DIOs as indicated below:-

	Sr. TOA(TG)	Sr. TOA(T)
1. CTO SHILLONG	1	
2. CTO AGARTALA	1	2
3. DIO IMPHAL	2	-
4. DIO KOHIMA	3	-
5. DIO ITANAGAR	1	1
6. DIO AIZAWL	-	-
TOTAL	8	3

Sanction vide NO. ST/TEC/TOA/90-91 dated 29.10.91, Retention from 1.3.92 to 28.2.99.

	Sr. TOA(TG)	Sr. TOA(T)
1. CTO SHILLONG	-	-
2. CTO AGARTALA	5	7
3. DIO IMPHAL	-	2
4. DIO KOHIMA	1	2
5. DIO ITANAGAR	1	3
6. DIO AIZAWL	1	1
TOTAL	8	15

Sanction vide No. ST/TEC/TOA/90-91 dated 12-10-93, Retention from 1.3.94 to 28.2.99.

	Sr. TOA(TG)	Sr. TOA(T)
1. CTO SHILLONG	10	7
2. CTO AGARTALA	5	1
3. DIO IMPHAL	3	2
4. DIO KOHIMA	-	5
5. DIO ITANAGAR	-	NIL
6. DIO AIZAWL	-	2
TOTAL	18	17

Sanction vide No. ST/TEC/TOA/93-94 dated 12.4.96, Retention from 1.2.97 to 28.2.99.

The expenditure is debitable to the relevant Head of Accounts and will be met from the grant of current financial year.

(GHC/CHY/H)

Asst General Manager (Admin)

O/O the Chief General Manager, N.E. Telecom
Circle, Shillong - 793001.

Notified to be true copy

M. Katakhi

Advocate

01.02.2000

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// Copy //

Annexure 1/3

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM DISTRICT MANAGER : ARUNACHAL PRADESH
ITANAGAR.

To

The Principal,
CTTC, Shillong,
(Nongthmai).

No. E-139/95-96/Pt-II/3

Dated at Itanagar, the 27-5-1995.

Sub :- Training in the Cadre of Sr. TOA (Telegraph)

Ref :- CGMT/101 letter No. Rectt-193/Sr.TOA/Trg./85, dtd 26-6-95.

With reference to the above cited letter, the Training course for Sr. TOA (Telegraph) commencing from 3rd July, 1995 for the period of 4 weeks at CTTC/Shillong. In this connection the following officials are hereby nominated for the above Training.

- Mrs. M.N.Saikia (T)
2. Shri Krishna Sahani "
3. Shri L.K.Wishra "

Sd/-

Asstt. Engineer (Admn)
O/o the TDM/AP/ITN.

Copy forwarded to :-

1. The A.D.T (E), O/o the COMT/Shillong for favour of information please.
2. The A.O.(Cash), O/o the TDM/ITN for information.
3. The STT/Naharlagun for information and necessary action.
- 4.-6 The Officials concerned : They may keep ready for the above and apply for TA/DA if required. There is no Hostel accommodation at Shillong for that purpose.

7. O/C

8. Spare.

Certified to be true copy

M. Katakhi

Advocate

01.02.2001

Sd/-

Asstt. Engineer (Admn)
O/o the TDM/AP/ITN.

- 16 - Annexure P/2
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM DISTRICT ENGINEER, JALPAIGURI
JALPAIGURI

NO:E-139/96-97/76, Dated at Itanagar, the 19-9-96

Sub:- 2(Two) weeks Induction Training to the Clerks of Sr.TOA in Computer by Private Party (NIIT)/Shillong:

Ref:- COMT/N.E.Circle, Shillong Letter No:Rectt-193/Sr.TOA/Trg/361 dtd 18-9-96:

With reference to the above cited letter, the training course for Sr.TOA commencing from 23-9-96 for 2(two) weeks at M/s N.I.I.T, Dhankheti, Shillong.

In this connection the following Officials are hereby nominated for the above training course. After completion of the two weeks computer training the Officials will report back to their respective unit/Office and they may be asked to keep themselves in readiness for the next phase of training as per programme.

- ✓ 1. Sri L.K.Mishra, TOA(T), DTO/NLS,
2. Sri Sanaton Das, TOA(T), DTO/BDL,
3. Mrs Freekala N., TOA(TG)/DTO/NLS:

Asstt. Engineer (Admn)
O/O the DM/JP/ITN:

Copy forwarded to:-

1. The ADT(L), O/O the COMT/Shillong,
2. The M/S N.I.I.T, Planning section, O/O the COMT, Bawri Hension, Dhankheti, Shillong:
3. The Principal, CITC/Shillong,
4. The DEP/ITN/BDL,
5. The Sr.A.O(Cash), O/O the DM/ITN
6. The JTT, Naharlagun for information and necessary action and release the Officials in due time.
7. The Officials concerned: They may apply for TA/DA if required.
8. O/C.
9. Spare.

19/9/96
Asstt. Engineer (Admn)
O/O the DM/JP/Itanagar:

Certified to be true copy

M. Katakhi

Advocate

01.02.2001

-17-

Annexure- P/5

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM DISTRICT MANAGER, ARUNACHAL PRADESH ITANAGAR:

To
The Principal,
CTTC, Caroline,
Shillong-793011:

NO: E-139/97-98/89,

Dated at Itanagar, the 2-5-97

Subj:- 2(Two) weeks Induction Training for Phase II to the Cadre of
Sr.TOA(T),(TG) and (G) commencing from 19-5-97 at CTTC Shillong:

Ref:- CGMT/Shillong letter No: Rectt-193/Sr.TOA/Trg/Pt-I dtd 1-5-97

With reference to the above cited letter, the 2nd Phase Training
to the cadre of Sr.TOA(T)(TG)(P) and (G) will commence from 19-5-97
at CTTC/Shillong.

In this connection the following Officials those who have already
completed the Phase-I training vide NIIT Training Centre/SH.letter
No: NIIT/TC/SH/7 dtd 4-10-96 are hereby nominated for the said training
from this SLA.

- 1- Shri L.K.Mishra, TOA(T), DPO, MIG:
- 2- Shri Sanatan Das, TOA(T) "
3. Mrs Sreekala, TOA(TG) "

Asstt. Engineer (Adm)
O/O the TDM/DP/Itanagar:

Copy forwarded to:-

- 1) The A.D.T(E), O/O the CGMT/Shillong,
- 2) The A.C.(C), for information and p/a:
O/O the TDM/ITN:
- 3) The STT/Baharlagun, He is requested to release the Officials
in due time. & Officials should join the said Trg on 19-5-97
positively at CTTC/SH.
- 4) Officials concerned; They may keep ready for the above training
and may apply for TA/DA if required.
- 5) O/C.

Certified to be true copy

Dr. Katabi
Advocate

01.02.2001

Asstt. Engineer (Adm)
O/O the TDM/DP/Itanagar:

28

18

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM DISTRICT MANAGER, ARUNACHAL PRADESH,
ITANAGAR-791111.

Annexure P/6

NO.E-139/98-99/24

Dated at Itanagar the 8-2-99.

Subj:- Promoted Posting order of Sr.TOA(T) and Sr.TOA(TG).

In pursuance of the COMT/NE.Circle, Shillong letter No. TFC/E-6/Retention/35 date 8-12-98. The Telecom District Manager is pleased to issue the following posting order on promotion to the cadre of Sr.TOA(T) and Sr.TOA(TG) w.e.f. 2-6-97 in the interest of service.

SL.NO	Name of Dign.	Place of posting	Remarks.
1.	Shri L.K.Mishra, TOA(T)	DTO/NLG	Under STT/NLG.
2.	Shri S.Das TOA(T)	DTO/BDL	Under STT/NLG.
3.	Mrs Sreekala M, TOA(TG)	SDO/BNLG	Under SDIT/NLG.

1.1.94

sd
Sub-Divisional Eng.(A)
O/O the TDM/Itanagar.

Copy to:-

1. The DGM(A), O/O the COMT/NE.Circle, Shillong.
2. The CAO, O/O the TDM/Itanagar.
3. The AO(C), O/O the TDM/Itanagar.
4. The DE(A), O/O the TDM/Itanagar.
5. The STT/NLG/SDOT/NLG.
6. The Officer Concerned.
7. P/F.
8. O/C.

Certified to be true copy

M. Karahi

Advocate

01.02.2001

sd
9.2.99
Sub-Divisional Eng.(A)
O/O the TDM/Itanagar.

// copy //

- 19 -

Annexure - P/3
(Series)

Memo No. 139/95-96/11

Dated at Itanagar, the

On successful completion of Training as Sr.TOA(Telegraph) at CTTC/N.E. Circle, Shillong vide Principal, CTTC/DN. Letter No. E-14/TTC/Sr.TOA/95/164 dated 10th July, 1995, the following Sr. TOA (Telegraph) Trainees temporarily promoted to the cadre of Sr. TOA (Telegraph) w.e.f. from 1-1-94 in the scale of pay of Rs. 1320-30-1560-EB-40-2040/- pm.

1. Shri Krishna Sahani (T)
2. Smt. N.M.Saikia (T)

They are hereby posted as Sr. TOA(Telegraph) in their old unit at O/o STT/Naharlagun w.e.f. 31-7-1995. Duties will include that of Sr. TOA(Telegraph) in addition to their existing duties.

Sd/-

Telecom Dist. Manager,
Arunachal Pradesh/IT.

Copy forwarded to :-

- 1.-2. The Sr. PA to GOMT/GMD, Shillong C.O.
3. The D.G.M.(A), O/o the GOMT/Shillong.
4. The STT/Naharlagun.
5. The AO (cash), O/o the TTA/ITA.
6. Officials concerned.
7. P/F -do-
8. O/C

Sd/-

Asstt. Engineer (Admn)
O/o the TDM/AP/ Itanagar.

Certified to be true copy

M. Katakia
Advocate
01-02-2001

-20-

P/7 (Series)

OFFICE OF THE DIRECTOR, CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

MEMO DATED 28-7-95

Dated at Washington, D.C. 28-7-95

On successful completion of training as Sr. TCA (TS) at
OTC/1, F. Circle, Milling via Principal, OTC/1, letter No.
E-24/OTC/95/Sr. TCA/123 and 30th June/95, the following Sr. TCA (TS)
Drainee is hereby promoted to the Grade of Sr. TCA (TS) w.e.f.
1-7-94 in the scale of pay of \$ 1320-10-1365-13-10-2040/-P.M.

Miss Yahan Koley, is hereby posted as Sr. TCA (TS) in her old
unit at O/O OTT/Yahan;gun w.e.f. 2-7-95. Details will include that
of Sr. TCA (TS) in addition to her existing duties.

31-
Telecom Dist. Manager,
Amritsar District/OTC/1

Copy Forwarded to:-

- 1-21 to Sr. DA at OTC/1, F. Circle, Milling;
- 2) The DCMA, O/O and OTC/1, Milling;
- 3) The OTT/1, Milling;
- 4) The DC (Cash), O/O and OTT/1, Milling;
- 5) Official Concerns;
- 6) P/P;
- 7) O/C.

28-7-95
Telecom Dist. Manager,
Amritsar District/OTC/1

To

The Telecom District Manager,
I T A N A G A R,
Arunachal Pradesh-791111.

(Through Proper Channel)

Sub:- Prayer for the post of Sr. TOA (T).

Sir,

With due veneration, I beg to lay before you the following few lines for favour of your sympathetic consideration and needful action please.

That Sir, after successful completion of my Sr. TOA (T) training (both first and second phase) I have joined my duty on 2/6/97. But no promotion order has so far been issued in my favour, though the promotion is already due from 1/1/94.

There fore I would earnestly request your benevolent honour to be kind enough to consider my prayer for issue of my promotion order as early as possible.

Thanking you Sir,

Yours faithfully,

(Sd/-)
TOA.(T) DTS.NLG.
NAHARLAGUN.

Certified to be true copy

M. Katakhi
Advocate
01-02-2001

To

- 22 -

P/c (series)

The Telecom District Manager,
Arunachal Pradesh,
ITANAGAR.

(Through proper channel)

Dated, the 20th Oct '97.

Sub :- Prayer for not releasing of my revised scale of pay
and my promotion as Sr. TOA(TP) which is already due
issue of promotion order req.

Sir,

With due veneration, I beg to lay before you the following few lines for favour of your kind consideration.

Sir, My promotion to the post of Sr. TOA(TP) is already due and I expect to get it prior to fixation of my pay in revised scale.

Sir, Inspite of my constant pursuance, my promotion order is yet to be issued. If I do not get the order within 2/3 days my pay may be fixed in my present scale as per the revised pay, that may be a problem when again a fixation need to be done after my promotion which is long due.

Therefore, I would request your benevolent honour to be kind enough to consider my prayer by issuing my promotion order early or at least allow me to draw my pay & allowances in the present scale (pre-revised) without any fixation in the revised scale till my promotion order is issued in order to avoid any technical complication.

Thanking you, Sir.

Yours faithfully,

(Sd/ L.K. Mishra, TE)
D.T.O. NIT

Copy to:-

The S.T. Nahanagan

D.T.O.

for information and to be placed in file

(L.K. Mishra)
T.D.(T)

To

- 28 -

P/8 (series)

The General Manager (Telecom)
Arunachal Pradesh,
Itanagar.

(Through proper channel)

**Sub :- ANOMALY IN TRAINING, PROMOTION, PAY & ALLOWANCES
GRIEVANCES OF.**

Sir,

In inviting a reference of the subject enumerated above, I have the honour to state that :-

(i) I was empanelled for Training at CTTC Shillong in the year 1995 alongwith Mrs. N.M.Saikia and Mr. Krishna Sahani vide A.E.(Admn) order No. E-139/95-96/pt-II/3 dated 27-06-'95. But at that time I was on leave and could not attend the said Training as the department did not inform me of the Training. On rejoining my duty from leave I came to know of the matter and accordingly I represented against it as it would directly affect my future and carrier.

(ii) Consequently the other two persons i.e., Mrs. N.M.Saikia and Mr. Krishna Sahani who underwent the said Training in 1995 got promoted to STOA(T) with retrospective effect i.e. from 01-01-1994 with attendant financial benefits vide TDM letter No. E-139/95-96/11 dated illegible. (Photo copy attached).

(iii) I was sent for the said Training in 1996 vide the AE (Admn) order No. E-139/96-97/76 dated 19-09-1996 for 2 (two) weeks. (1st phase) and again in 1997 for 2 (two) weeks (2nd phase) vide the AE (Admn) order No. E-139/97-98/89 dated 02-05-1997.

Thus it may be observed that my training and consequent promotion to STOA (T) was stretched and delayed for 2 years i.e., 1996 and 1997 while my co-empanelled colleagues in 1995 got the opportunity of completion of the Training and promotion at the first phase/chance (i.e., 4 weeks and that too with retrospective effect, i.e., 01-01-1994 in pursuance of the DOT memo No. 27-2/94 TE 11(IV) dated 31-08-1994 whereas I have been promoted w.e. from the date of completion of training only vide SDE (A) order No. E-139/98-99/24 dated 09-02-1999. inspite of the fact that the posts of STOA(T) were lying vacant since 1993 and made to suffer huge financial loss.

(iv) I have submitted several representation in this regard on dated 11-08-1997, 20-10-1997 and 26-05-1999 but no action has been taken so far which is very unfortunate.

- 24 -

(v) There is the provision of officiating promotion also for which I had applied on 22-08-1995 for kind consideration before the training which unfortunately went unheeded and thus again made to suffer great financial loss.

(vi) Under the above mentioned circumstances I am bearing a tremendous feeling of deprivation and discrimination by the department being mated out to me and as such pray and request that I may also be promoted with retrospective effect from 01-01-1994 as in the case of Mrs. N.M. Saikia and Mr. Krishna Sahani in pursuance to the DOT memo No. 27/2/94 TE II (IV) dated 31-08-1994 and post being lying vacant and thus remedy and alleviate my grievances.

Praying once again for kind and sympathetic consideration please.

Thanking you Sir,

Yours faithfully,

L.K. Mishra
(L.K. Mishra) TOA (T)
D.T.O., Itanagar.

Enclo :-

1. Photostat copies of all Orders mentioned above (6 Nos).

Copy to :-

1. The Circle Secretary, T-III, N.F.T.E.
2. All Divisional Secretaries/President, T-III, N.F.T.E.

- 25 -

P/O (series) 5

To

The General Manager (Telecom)
Arunachal Pradesh,
Itanagar.

Dated, the 29th August, 2000.

Sub :- ANOMALLY IN TRAINING, PROMOTION, PAY & ALLOWANCES
GRIEVANCES OF

Sir,

In inviting a reference of the subject ~~enumerated~~ enumerated above, I have the honour to state that :-

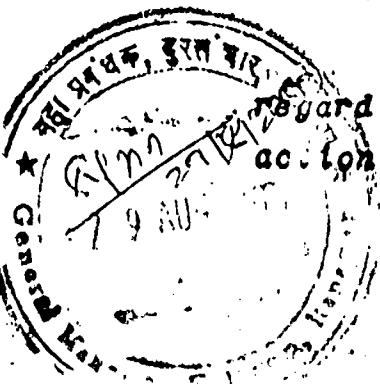
(i) I was empanelled for training at CTTC Shillong in the year 1995 alongwith Mrs. N.M. Saikia and Mr. Krishna Sahani vide A.E. (Admn) order No. E-139/95-96/pt-II/3 dated 27-06-'95. But at that time I was on leave and could not attend the said Training as the department did not inform me of the Training. On re-joining my duty from leave I came to know of the matter and accordingly I represented against it as it would directly affect my future and carrier.

(ii), Consequently the other two persons ie, Mrs. N.M. Saikia and Mr. Krishna Sahani who underwent the said Training in 1995 got promoted to STOA(T) with retrospective effect ie, from 01-01-1994 with attendant financial benefits vide TDM letter No. E-139/95-96/11 dated illegible.

(iii) I was sent for the said Training in 1996 vide the AE(Admn) order No. E-139/96-97/76 dated 19-09-1996 for 2 (two) weeks. (1st phase) and again in 1997 for 2 (two) weeks (2nd phase) vide the AE (Admn) order No. E-139/97-98/89 dated 02-05-1997.

Thus it may be observed that my training and consequent promotion to STOA(T) was stretched and delayed for 2 years ie, 1996 and 1997 while my co-empanelled colleagues in 1995 got the opportunity of completion of the Training and promotion at the first phase/chance (ie, 4 weeks and that too with retrospective effect ie, 01-01-1994 in pursuance of the DOT memo No. 27-2/94 TE 11 (IV) dated 31-08-1994 whereas I have been promoted ~~as~~ from the date of completion of training only ~~as~~ vide SDE (A) order No. E-139/98-99/24 dated 09-02-1999, inspite of the fact that the posts of STOA(T) were lying vacant since 1993 and made to suffer huge financial loss.

(iv) I have submitted several representations in this regard on dated 11-08-1997, 20-10-1997 and 26-05-1999 but no action has been taken so far which is very unfortunate.



(v) There is the provision of officiating promotion also for which I had applied on 22-08-1995 for kind consideration before the training which unfortunately went unheeded and thus again made to suffer great financial loss.

(vi) Under the above mentioned circumstances I am bearing a tremendous feeling of deprivation and discrimination by the department being meted out to me and as such pray and request that I may also be promoted with retrospective effect from 01-01-1994 as in the case of Mrs. N.M. Saikia and Mr. Krishna Sahani in pursuance to the DOT memo No. 27/2/94 T&E II (IV) dated 31-08-1994 and post being lying vacant and thus remedy and alleviate my grievances.

Praying once again for kind and sympathetic consideration please.

Thanking you Sir,

Yours faithfully,

L.K.
(L.K. Mishra) TOA (T)
D.T.O. Itanagar.

Copy to :-

The Divisional Secretary, G.M. (N.F.T.D.) with a request to settle the case as early as possible.

The Telecom District Manager,
1st Floor,
ARUNACHAL PRADESH.

(Through proper channel)

Sub : - Prayer for promotion to the post of Sr. TOA(TG)

Sir,

With due veneration, I beg to lay before you the following few lines for favour of your kind information and needful action please.

That sir, after my selection to the post of Telegraph Assistant, I was directed along with my colleague, Miss Yabom Kalom, T.A. vide STT Naharlagun's order No. STA-1/RECT/TA/89-90 dt. 08/11/89 to report to C.T.O., Shillong for training on 14/11/89 (copy of the order enclosed) and accordingly we had reported for training on same day i.e. 14/11/89 at 1000 hrs. After successful completion of our training, myself and my colleague, Miss Yabom Kalom joined duty on same day i.e. 15/01/90 (F/N) in the establishment of S.T.T., Naharlagun. Since then my joining as Telegraph Assistant, I have been performing my duties with entire satisfaction of my superiors.

That sir, recently, my colleague, Miss Yabom Kalom has been promoted to the post of Sr. TOA(TG) with one year retrospective benefit, whereas myself is deprived of the promotion though there was vacancy available to consider my case and still there is vacancy in the establishment of S.T.T., Naharlagun, as reliably learnt. Thus I am demoralised and am feeling disappointment. In this connection, a copy of the representation submitted earlier is also enclosed for favour of kind perusal.

Under the circumstances above, I would implore your honour to be kind enough to consider my prayer favourably by promoting me as Sr. TOA(TG) at an early date so that I will not be put to any more financial loss, that, even without of my fault. Sir, indeed, if immediately there is any difficulty in giving me promotion, I may be, at least, allowed to vacate as Sr. TOA(TG), for which I shall be remain ever grateful to you, Sir.

Thanking you, Sir.

Dated, the 27th Oct 95.

Yours faithfully,

(Sd/-) SREKALA, M.
Telegraph Assistant,
C.T.O., S.T.T., D.T.O.,
NAGALAND.

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1/6 (Sena)

Dated, Naharlagun, the 26th Dec '96.

The Superintendent (Telegraph Traffic),
D.T.O., Itanagar,
NAHARLAGUN.

Sub :- Non-incidentation about 2nd phase STOA Training at
Shillong - Promotion to the post of STOA req.

Sir,

Most humbly and respectfully, I beg to lay before
you the following my grievances for favour of early redressal,
please.

That sir, I had undergone the first phase of training
for STOA at Shillong in the month of Sept/October '96 and I was
eagerly waiting for my 2nd phase training.

That sir, two days back I got information from reliable
source that the last batch of 2nd phase training for STOA has
already started from 16th of this month at Shillong, but no
information about the training was conveyed to me either from
TDM's office or from your end enabling me to attend the
training. I think, I am the only T.A. left out and deprived
of the opportunity to attend the above training from the N.E.
Circle.

That sir, if I could have been informed about the
2nd phase training, I could have also attended the same. Now
the question is, when will I get my promotion, which is
already overdue, whereas my colleague who got promotion for
STOA about one and half years back. Therefore, my promotion
cannot be kept pending any more and I should get my promotion
as STOA without further delay.

That sir, it is worthwhile to mention here that
in some Division: the Telegraph Assistants and other category
of staff, who even did not attend any training, got their
promotion as STOA etc. with all monetary benefits including
arrears. Sir, in our TDM's office too, some staff who got
officiating benefit, even without attending any training,
whereas I am the only staff left out and deprived of all
these benefits. It is also I reliably learnt that in some
divisions like Agartala, Dimapur etc. where training was
locally conducted and concerned staffs were given promotion
with all monetary benefits.

I am, therefore, to request your benevolent honour
to be kind enough to look into the matter personally and
take up my case at the appropriate level so that I should also
get my promotion with all monetary benefits including arrears
while the current batch of trainees are promoted to the post
of STOA.

An early action in this regard is highly solicited.

Yours faithfully,

Sree Kalyan

(Mrs. SREEKALYA M)
Telegraph Assistant,
Office of the STT,
NAHARLAGUN

Recd on
30/12/96
[Signature]

To

Dated, the 12th Feb 99

39

The Telecom District Manager,
Arunachal Pradesh,
ITANAGAR

(Through proper channel)

Sub : 6

Prayer for stepping up of my basic pay with all
benefits w.e.f. 01.01.94 and maintaining pay
parity reg.

Sir

Most humbly and respectfully, I beg to lay before
you the following grievances for favour of your kind personal
and early needful action, please.

1. That sir, myself and my colleague, Miss Y. Kalom,
TOA(TG), now STOA(TG), have joined the Zervice in the
DTO office, Naharlagun on same day i.e. on 16.2.90 (P41)
after successful completion of 3 months' initial training
at Shillong. A copy of the training completion order is
enclosed. Miss Y. Kalom is still working in DTO's office,
but I was posted to SBO's office, Naharlagun in October, 1992
and still I have been working there.

2. That sir, My colleague, Miss Y. Kalom was sent
for STOA(TG) training at Shillong in the year 1993, whereas
I was not allowed to undergo the same, though there has been
2 (two) sanctioned post of Sr. TOA(TG) since 1993, and the
reason behind for not sending me together might have been the
office work should not have been suffered, for which, sir,
why I should be punished for no fault of mine. Accordingly,
she had completed one month's training at a stretch and after
joining she has got all the benefits w.e.f. 1.1.94. A copy
of her promotion order is enclosed for kind reference. Thus,
3 (three) increments she advanced than me in promotional post
i.e. (STOA(TG)), whereas I have become 3 years junior to her
without promotion.

3. In this context, it may also be brought to your kind
notice that sir, in your good office some staff who even junior
to me, were given officiating benefits even without attending
any training and subsequently after their training they had
even got promotion with all benefits w.e.f. 1.1.1994, whereas
in spite of my repeated requests, my case was not considered for
officiating in the promotional post till I undergo the training.
Copies of the representation submitted in this regard are
enclosed.

4. That sir, After a quite long time, I was also sent
for training for STOA(TG) in September, 1996, at Shillong for the
Ist phase (for 15 days), whereas Miss Y. Kalom could undergo
the same at a stretch i.e. one month at a time. Accordingly,
I have completed my Ist phase training and was eagerly awaited
for IIInd phase training. But, unfortunately, the intimation
for my IIInd phase training, which held at Shillong w.e.f. 16/12/98,
was not conveyed to me from your good office, and hence, I could
not attend the same. A copy of the representation submitted
in this regard is also enclosed for kind reference. However,
I was sent at last for the training after elapsing a 5 months
time i.e. in the month of May, 1997 instead of 16/12/1996.
Even after successful completion of the IIInd phase training,
the luck did not favour me because on the chance of staff in the
Establishment Branch of your esteemed office and A.E. (Admin.),
my promotion order could not be issued for one reason or other.

5. That sir, With heavy heart, I am to say that now, after waiting eagerly for quite a long time, I received promotion order (copy enclosed), but I found it a defective one, as because, in this order I am brought back to 3 years junior to my colleague, Miss Y. Kelom putting me into heavy loss of service benefit for no fault of mine.

Under these circumstances, I would implore your benevolent honour to be gracious enough to kindly consider my prayer by stepping up of my basic pay at par with my colleague, Miss Y. Kelom, who joined service with me on same day, with all service benefits w.e.f. 1.1.94 without any further delay in order to maintain the pay parity and also to avoid any future complication in my service records.

For the act of your kindness, I shall remain ever grateful to you, Sir.

Yours faithfully,

Sd/- R. K. 17

17/2/93

(Sd/- SREEKALA. B.)

STOA (TG)

SDOT's Office,
Naharlagun.

Encl: As stated above.

Reminder No.2

To,

The General Manager Telecom,
Arunachal Pradesh,
Itanagar.

(Through proper channel)

Dated the 21st June '99.

Sub:- Prayer for reviewing of my promotion order-maintaining
of pay parity etc. req

Ref:- (1) My representation dtd. 10.02.99
(2) My representation dtd. 31.05.99

Sir,

With due humility, I beg to state that inspite of my repeated requests through the above referred representations (copy enclosed), it seems, nothing has been done so far for settling of my promotion case by fixing up of my pay, and giving me service benefit w.e.f. 01.01.1994 in order to maintain pay parity at par with the scale of pay of my colleague Mrs. Y.Kalom, STOA(TG), who joined in service in DTO, Naharlagun along with me on same day same time i.e. on 15.02.1990 (P/W).

Sir, after completing one month's training in the year 1995, as a formality, Mrs. Y.Kalom, T/A has immediately been given promotion as STOA(TG) along with two Telegraphists with retrospective effect of benefit w.e.f. 01.01.1994, whereas I was allowed to go for the same training only in the year 1996, though there have been two sanctioned posts of STOA(TG) since 1993. But Sir, now I have been given promotion only w.e.f. 02.06.97 (the date from which I completed my IInd phase training instead of 01.01.1994 for no fault of mine putting me into heavy loss of monetary benefit.

Sir, even after elapsing two years from the date of completion of my training, I have not been given with the promotional benefit, whereas whoever attended such promotional training from your esteemed office and DTO, Naharlagun, they all were given all benefits w.e.f. 01.01.1994 ignoring their different date of attending the training, immediately after completion of their training. But Sir, I am still getting only the pay of Telegraph Assistant.

In view of above, I would once again request your benevolent honour to be gracious enough to consider my prayer by issuing a revised promotion order effecting my promotional benefit w.e.f. 01.01.1994 in order to maintain pay parity at par with the scale of pay of my colleague, Mrs. Y.Kalom, STOA(TG), DTO, Naharlagun as well as to avoid any complication in my service records.

Yours faithfully,

S. Sree Kala (P)
21/6/99
(Mrs. Sree Kala, M)
STOA(TG),
SDOT's Office, Naharlagun.

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P/g (series)

The General Manager (Telecom),
Govt. of India,
Arunachal Pradesh,
ITANAGAR.

(Through proper channel)

Dated, the 13 June, 2000.

Sub - "Anomaly in Training, Promotion and disparity in
Scale of Pay etc. - redressal of grievances req."

Sir,

Most humbly and respectfully, I beg to lay before
you the following grievances for favour of early redressal
please.

That sir, I have been submitting a number of
representations, (copies of which are enclosed), since last
5 (five) years for redressal of my grievances viz. order for
officiating promotion, non-intimation of IInd phase training,
granting of promotional benefit w.e.f. 1.1.1994, maintaining
of pay parity by stepping-up of my scale of pay etc. But,
fortunately, no favourable action has so far been taken
by the Deptt. Even though the copies of my representations
depict the injustice, discrimination and disparity meted out
to me in details, I felt it is imperative to bring to your
kind notice some important points as summary for immediate
settlement of my promotion case.

That sir, myself and my colleague, Mrs. Y. Kalom
now Sr. TOA (TO), had joined in service on same day same
time i.e. on 15-11-1989 (F/N). But, Mrs. Y. Kalom was only
sent for one months promotional training at CTC, Shillong
in the year, 1995 though there have been 2(Two) sanctioned
posts of Sr. TOA (TO) since 1-3-1992 / 1-3-1994., and sub-
sequently she has been promoted as STOA (TO) with retrosp-
ective promotional benefit affecting from 1-1-1994 vide
Order No.E-139/95-96/B Dtd. 28/7/95 (copy enclosed).

That sir, when Mrs. Y. Kalom was promoted to
the post of Sr. TOA (TO), I had submitted representations
(Copy enclosed) for my officiating promotion as there has
been provision under DOT Memo No.27-2/94 TE-II (IV) Dtd.
21-8-1994 which state that " the post in the restructured
units may be filled up by posting the empanelled officials
in the select panel on officiating to these posts after
their selection and training, subject to the condition that
these officials actually work in the new technology areas and
perform the duties of restructured posts. These orders will
come into force w.e.f. 1-1-1994 ". (A copy of extract of
that order from TEF is enclosed). But, I am very sad
to say that my representation was not considered, whereas, I
understand, in TEF's office (now GTF's Office) some Staff
Officers were given officiating promotion on the strength of-

Contd. ...2/- (P.T.O)

that orders. And also there have been orders vide No. 249-5/96-SIG Dtd. 24/7/97 and No. BTH/Sr-TOA Reatt/RM Dtd. 20-8-97 from Ministry of Communication, New Delhi and COMT, Shillong respectively for ad-hoc promotion in the restructured cadre and its date of extension upto 30-9-97 (copies enclosed).

That sir, I was sent for the said training in Sept. 1996 for 1st phase (for two weeks) and again in May, 1997 for IIInd phase (for two weeks). In between these two phases of training one IInd phase of training held in Dec, 1996 was not intimated to me and hence I had to miss it and result in which I had to wait for another 6 (six) months i.e. upto May, 1997. Thus, my training and subsequent promotion to Sr. TOA (TG) stretched and delayed for 2 (two) years, whereas my colleagues in 1995 got the opportunity to complete the trg. at a stretch (for 4 weeks together) and consequent promotion with retrospective effect of benefit w.e.f. 01-1-1994. But unfortunately, even after elapsing two years from the date of completion of my trg., I received my promotion order in Feb, 1999, which was a shocking and defective one, as vide that order, I would have been brought back to 3 1/2 years junior to my colleague putting me into heavy financial loss/loss of service benefits.

That sir, within that two years period of time, the Deptt. granted me incentive amounting to Rs. 500/- and intimated on me to accept and accordingly I accepted the same. But, actually the question of granting incentive to an incumbent like me arises only when there is no sanctioned post of Sr. TOA (TG) to appoint such incumbent on promotion. But, in my case, the post of Sr. TOA (TG) has been lying vacant since 1991/94 (A copy of post sanction/retention order issued from COMT's office is enclosed) so, instead of granting me incentive, the Deptt. could have promoted me with retrospective effect of benefit w.e.f. 1-1-1994. However, I am ready to refund the same at appropriate time. Thus, lot of injustice/discrimination and disparities have been meted out to me, by which lot of mental tension and worries were inflicted to me for no fault of mine which not only demoralised me a lot but also put me into heavy financial losses and service benefit.

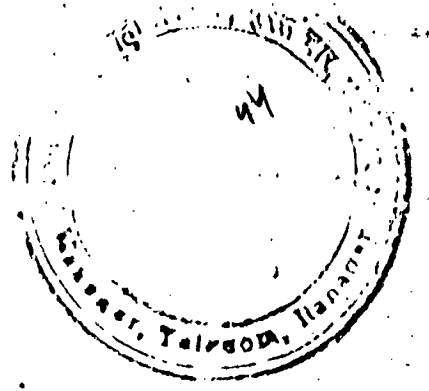
In the light of above facts, I fervently request your benevolent honour to be kind enough to look into my aforementioned grievances seriously and may kindly take suitable action so that redressal of my grievances are done without any further delay.

Thanking you sir,

Yours faithfully,

(Mrs. SREEKALA . M.)
Sr. TOA (TG)
PIO, Naharlagun.

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To

The General Manager (Telecom)
Arunachal Pradesh,
Itanagar.

Through proper channel)

Dated, the 7th September, 2000.

Sub :- ANCEALY IN PROMOTION, TRAINING, PAY AND
ALLOWANCES/ GRIEVANCES OF

Ref :- My applications dated 11-08-1997, 20-10-1997
26-05-1999, 19-05-2000 and 29-08-2000.

Sir,

With references to above mentioned applications regarding the subject mentioned above, I have the honour to inform you that I am not in a position to bear such a heavy loss further and hence request you once more to look into the matter sympathetically and settle my case as early as possible.

If no fruitful action taken regarding of my pay etc from 01-01-1994 as applied earlier within one week I shall be compelled to approach the Hon'ble Court for Justice.

Yours faithfully,

8/9/2000

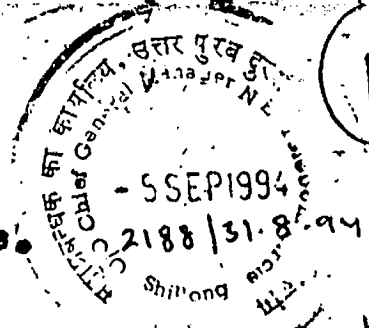
(L.K. Mishra)
TOA (T)
DTO, Itanagar.

Advance Copy

Personal Copy

4/9/2000
DECLINED
THE CHIEF MANAGER

-4-
Annexure - R
Government of India.
Ministry of Communications.
Department of Telecommunications.
Sanchar Bhavan, New Delhi-1.



No.27-2/94-TE-II(IV)

Dated 3-8-94.

To

All Heads of Telecom. Circles.
All other Heads of Metro Districts.
All Other Heads of Administrative offices in DOT.

Subj:- Creation of posts the restructured cadres-
Officiating pay.

Sir,

Attention is invited to this Office letter NO, 27-4/92-TE-II dated 16.10.90 regarding introduction of the new restructured cadres in the Department of Telecom. Instructions have already been issued with regard to creation of posts in these cadres. Representations have been received from the staff unions that as sufficient number of officials are not available for posts in the restructured cadres, the existing basic cadre officials performing the duties of the restructured cadres may be granted officiating promotion subject to the condition that they actually work in new technology areas.

2. The case has been examined, and I am directed to intimate that the posts in the restructured cadres may be filled up by posting the empanelled officials in the select panel on officiating basis pending formal appointment of these officials to these posts after their selection and training, subject to the condition that these officials actually work in the new technology areas and perform the duties of restructured posts. These orders will come into force with effect from 1.1.1994. These orders are not applicable to those officials who have already availed of the officiating arrangement permitted vide this office letter No.15-22/92-TE-II dated 14.10.93.

3. This issues with the concurrence of Finance vide their L.O. NO. 2477/F-I/94. dated 5-8-94.

Yours faithfully,

(BUDH PRAKASH)
Assistant Director General (TE)

contd.-

Copy to:-

1. Chairman, Telecom. Commission, New Delhi.
2. All Members/Advisers, Telecom. Commission, New Delhi.
3. D.Ds. G(E), (PE/S), (S), (N), (TS) D.O.T., New Delhi.
4. Additional Secretary (I), D.O.T. New Delhi.
5. All recognised Federations/Unions/Associations,
6. Directors (TE)/ST-I/ST-II/SN/FA-I, D.O.T. New Delhi.
7. ADSG (TE)/STC/STN/FA-I, Deptt. of Telecom, New Delhi.
8. Secretary & Members, Staff Side, DC, JCN,
9. C/L Section for Hindi version.

Babu Ram
(BABU RAM) 31/8/81
Section Officer (TE-II)

03781-2624

13131804

5-
Annexure - R2
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM DISTRICT MANAGER : ARUNACHAL PRADESH
ITANAGAR.

To

The Principal,
CTTC, Shillong,
(Nongthmai).

No. E-139/95-96/Pt-II/3

Dated at Itanagar, the 27-6-1995.

Sub :- Training in the Cadre of Sr. TOA (Telegraph)

Ref :- CGMT/101 letter No. Rectt-193/Sr.TOA/Trg./85, dtd 26-6-95.

With reference to the above cited letter, the Training course for Sr. TOA (Telegraph) commencing from 3rd July, 1995 for the period of 4 weeks at CTTC/Shillong. In this connection the following officials are hereby nominated for the above Training.

Mrs. M.N. Saikia (T)

2. Shri Krishna Sahani "
3. Shri L.K. Mishra "

Sd/-

Asstt. Engineer (Admn)
O/o the TDM/AP/ITN.

Copy forwarded to :-

1. The A.D.T (E), O/o the COMT/Shillong for favour of information please.
2. The A.O.(Cash), O/o the TDM/ITN for information.
3. The STT/Naharlagun for information and necessary action.
- 4.-6 The Officials concerned : They may keep ready for the above and apply for TA/DA if required. There is no Hostel accommodation at Shillong for that purpose.

B. O/C

8. Spare.

DK

Sd/-

Asstt. Engineer (Admn)
O/o the TDM/AP/ITN.