

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-65/2001 order sheet pg-1

disposal Date-30/04/02

INDEX

O.A/T.A No. 82/2001

R.A/C.P No.

E.P/M.A No. 65/2001

1. Orders Sheet. OA-82/2001 Pg. 1 to 3
2. Judgment/Order dtd. 07/01/2002 Pg. 1 to 4 allowed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 82/2001 Pg. 1 to 33
5. E.P/M.P. 65/2001 Pg. 1 to 3
6. R.A/C.P. NIL Pg. to
7. W.S. submitted by the Respondents Pg. 1 to 8
8. Rejoinder.....NIL Pg. to
9. Reply.....NIL Pg. to
10. Any other Papers.....Pg. to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO.4
(See Rule 42)

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

Original ORDER SHEET APPLICATION NO 82 OF 2001

Applicant (s) Chandam Deb

Respondent(s) U.O.I Govt

Advocate for Applicant(s) Mr. A.K. Roy.
~~Mr. Chandra Mohan D. Gogoi~~

Advocate for Respondent(s) Case

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form of a writ of Habeas Corpus. It is filed vide No. 82 of 2001. Dated 27.2.2001.</p> <p>564220/2</p> <p>Dated 27.2.2001</p> <p>Dy. Registrar</p> <p>pg</p>	27.2.01	<p>List on 20.3.2001 for admission alongwith M.P.65/2001.</p> <p>111 Sharm Member</p> <p>Vice-Chairman</p>
<p>4 copies alongwith 4 envelopes retained</p> <p>28.3.2001</p> <p>Service of Notice issued to the respondents vide D.O.</p> <p>23/3/01</p>	20.3.01	<p>There is no representation. List for Admission on 27.3.01.</p> <p>111 Sharm Member</p> <p>Vice-Chairman</p>
	27.3.01	<p>Heard Mr I.Gogoi, learned counsel for the applicant. Application is admitted. Call for the records. List on 30.4.01 for written statement and further orders.</p> <p>111 Sharm Member</p> <p>Vice-Chairman</p>

pg

27/3/01

28-5-2001

No. W/s has ~~not~~
been filed

30.4.01

List on 29.5.01 to enable the respondents to file written statement.

K. C. Sharma
Member

[Signature]
Vice-Chairman

29.5.01

No written statement has so far been filed by the respondents.

List the matter on 28-6-2001 for orders.

No written statement has been filed.

[Signature]
Vice-Chairman

[Signature]
27.6.01

bb

28.6.01

Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents prays for and grants three weeks and no more time to file written statement. Applicant will have two weeks thereafter to file rejoinder.

List on 28-8-2001 for order.

K. C. Sharma
Member

[Signature]
Vice-Chairman

bb

28.8.01

Written statement has been filed. The applicant may file rejoinder, if any. List on 1/10/01 for hearing.

17.7.2001
W/s has been submitted by the respondents.

[Signature]
Vice-Chairman

mb

No rejoinder has been filed.

1.10. There is no division bench today. The case is adjourned to 22.11.2001.

[Signature]
27.8.01

~~22.11.2001~~ adjourned to 11.12.2001.

[Signature]
29.11.

No rejoinder has been filed.

29.11. The case is adjourned to

7.12.2002.

[Signature]
28.9.01

[Signature]

O.A. 82 of 2001

Notes of the Registry

Date

Order of the Tribunal

7.1.02

Judgment delivered in open Court.
Kept in separate sheets. Application is
allowed. No order as to costs.

Member

Vice-Chairman

lm

16.1.2007

Copy of the Judge
has been handed over to
the L/PDs for the parties
of

Review of order
dated 7/1/02 for
review

Adm
16/1/02

18/1/02

Notes of the Registry

Date _____

Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 82 of 2001

Date of Decision.....7-1-02

Shri Chandan Deb

-----Petitioner(S)

Mr.A.K.Roy, Mr.I.Gogoi

-----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.JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN

THE HON'BLE

MR.K.K.SHARMA, ADMINISTRATIVE MEMBER

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

Judgment delivered by Hon'ble : VICE-CHAIRMAN

K

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.82 of 2001

Date of Order: This the 7th Day of January, 2002

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

1. Shri Chandan Dev
Postal Assistant (LSG)
I.C.O(SB)/SBCO
O/O Chief Post Master General
N.E.Circle, Shillong Applicant

By Advocate Mr.A.K.Roy, Mr.I.Gogoi

-Vs-

1. Union of India represented by the Secretary,
Govt of India, New Delhi.
2. Director General,
Department of Post, Dack Bhawan
Sansad Marg, New Delhi-110001.
3. Asstt. Director General (SPN)
Department of Post, Dack Bhawan,
Sansad Marg, New Delhi-110001
4. Chief Post Master General,
N.E.Circle, Shillong. Respondents.

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

O R D E R.

CHOWDHURY J.(VC):

This is the second round of litigation pertaining to stepping up of pay with that of his junior. The case of the applicant for stepping up was duly examined by the Chief Postmaster General, N.E.Circle and in fact recommended for stepping up in the communication No.AP/AAO/II/FIXN/89-90 dated 7th August'95 and the full text of the communication is reproduced below:-

"Subject:- Stepping up of pay of Shri Chandan Deb, Postal Assistant ICO(SB), O/O the CPG, Shillong with his junior Smt. M.D.Tiewooh.
Ref: Directorates letter No.51-3/95-SPB-I dated 15.5.95.

Sir,

Shri Chandan Deb was recruited as LDC, SBCO vide C.O. Memo No.Staff/89/1/77 dated 24.7.77 and he joined as LDC on 12.12.77(A/N) after

C

completing prescribed training for one week Smt. M.D.Tiewsoh was recruited in the same cadre later in 1979 and she joined as LDC on 13.6.79 after completing prescribed training. Shri Deb was substantively appointed as LDC w.e.f. 27.3.83. So, Shri Deb was senior to Smt.Tiewsoh and accordingly Shri Deb's name appeared in Gradation list at Sl.No.8 while Smt. Tiewsoh's name appeared at Sl.No.11.

In the year 1986, Smt. Tiewsoh was working as LDC at Shillong while Shri Deb was working as LDC at Shillong while Shri Deb was working in two same cadre at Guwahati. In Feb'86 a long term vacancy occurred at Shillong in the cadre of UDC. As per rule 50 of P&T Manual Vol.IV when vacancy is for less than a month, adhoc arrangement may be restricted within the office/Station. Here since vacancy was for more than 4 months adhoc for adhoc arrangement should have been extended and senior most eligible official in LDC cadre in the Circle (Since SBCO staff belongs to circle cadre) should have been appointed to officiate. But this rule was not followed by the administration and adhoc arrangement was confined to the office and Smt. Tiewsoh a junior LDC was allowed to continue officiation in UDC cadre till her regular promotion in 1987. The circumstances under which this irregular arrangement was made is not known and nothing has been recorded in the file. The then officers who make the arrangement are also not available due to their retirement/transfer. Shri Deb of course, submitted a representation on 14.11.86 to O.O. pointing out this irregularity and seeking his claim as senior LDC for adhoc promotion to UDC cadre but no decision was taken immediately on his representation.

Both Shri Deb and Smt. Tiewsoh passed the UDC examination in 1987 and both were ordered to join in UDC cadre on regular basis and they joined in July'87. In UDC cadre also Smt. Tiewsoh was junior to Shri Deb. While fixing pay in higher post, Smt. Tiewsoh's pay was fixed at Rs. 1230/- on basis of pay being drawn by her in UDC cadre from Feb'86 with DNT on 1.2.88 while Shri Deb's pay was fixed at Rs. 1200/- on basis of his pay in LDC cadre with DNI on 1.7.88. Thus Shri Deb has been drawing less pay in UDC cadre and Smt. Tiewsoh has been drawing more pay due to her continued officiation in udc cadre prior to her regular promotion.

The case has been examined by the undersigned thoroughly with reference to the fact stated above and G.I.M.F. OS No.F2 (78)-E-III (A)/66 Dtd. 4.2.66 reproduced as G.O.I Order below FR 22 -0 and para 1 of Directorate's letter No. 4/7/92- Estt(Pay-1) dtd. 4.1.93 and found that if fulfil the conditions mentioned there in and merits for decision in favour of Shri Deb Since Shri Deb was senior Smt. Tiewsoh in both LDC and UDC cadre his pay cannot be less than his

contd/-

junior. Therefore Directorate may issue necessary order for stepping up of his pay to orate may issue necessary order for stepping up of his pay to Rs. 1250/- (equal Smt. Tiwsoh) in the scale of Rs. 1200-30-1560 EB 40-2040 with DNI on 1.2.88. The Chief P.M.G has also seen the case and recorded his denite recommendation in the file."

The Director of Postal Service headquarter in his communication dated 31st October'95 addressed to the Director General (PAP) Department of post also reiterated the same in the following manner :-

"Sir,

Information as desired under your above-noted letter are furnished below:-

(1) A copy of the representation of Shri Chandan Deb submitted on 14.11.86 is sent herewith.

(ii) Smti. Tiwsoh was appointed as UDC on adhoc basis on 18.2.86 and she continued to officiate as such till her regular promotion to UDC cadre in July'87 vide C.O. memo No. Staff/584/SBCO/UDC/III dated 3.7.87. She was never reverted from the post of UDC since 18.2.86.

(iii) The representation of Shri Chandan Deb dated 14.11.86 was received by C.O. on 21.11.86 and on examination it was found that the adhoc promotion of Smti Tiwsoh to UDC cadre was ordered by the A.O./ICO (SB) vide memo No. ICO(SB) 122-1/85 dated 21.2.86 giving effect of the order from 18.2.86. When his comments were called for the suggested on 30.1.87 to obtain willingness of more LDC's in the Circle. While the case was under process, the result of UDC examination was declared and both Shri Chandan Deb and Smti Tiwsoh were promoted to UDC cadre on regular basis vide memo No. Staff/584/SBCO/UDC/III dated 3.7.87. Both the then A.O./ICO(SB) and APMG(Staff) are no longer in service and as such their comments on the above mentioned irregularities could not be obtained. But it is a fact that Smti Tiwsoh being junior was allowed to officiate in UDC cadre irregularly causing this anomaly which resulted in drawing less pay by Shri Chandan Deb who is senior to Smti Tiwsoh. Therefore stepping up of his pay to the level of Smti Tiwsoh appears to be justified. "


In spite of discernible anomalies the Respondents by its

contd/-

10
communication dated 3rd December 97 turned down the same for no justifiable grounds. No good reasons are discernible as to why the pay of the applicant was not stepped up in terms of F.R. 22(I)(a)(I) which was earlier 22-C.

We have heard learned counsel for the parties at length. Considering the facts and circumstances of the case we do not find any justifiable ground for not stepping up the pay of the applicant with that of the pay of the junior. The order dated 3.12.97 is set aside and quashed. The Respondents are directed to pass an appropriate order for stepping up of pay of the applicant with effect from February 1986 to the level of Srimati M.D.Tiewsoh.

Application is allowed. There shall however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


D.N.CHOWDHURY)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Administrative
Tribunal Act 1985)

O.A. NO 82/2001

Shri Chandan DebAPPLICANT
- VS -

Union of India & Others RESPONDENTS

I N D E X

Sl NO.	Documents	Page
1.	Application	10
2.	Verification	11
3.	Annexure - A	12
4.	Annexure - B	13
5.	Annexure - C	14-15
6.	Annexure - D	16
7.	Annexure - E	17
8.	Annexure - F	18
9.	Annexure - G	19
10.	Annexure - H	20
11.	Annexure - I	21-22
12.	Annexure - J	23-24
13.	Annexure - K	25-26
14.	Annexure - L	27
15.	Annexure - M	28
16.	Annexure - N	29-30
17.	Annexure - O	31-32
18.	Annexure - P	33

For use in the office :

Date :

Signature .

W. S. Sanyal
16/2/01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Administrative Tribunal Act 1985)

- BETWEEN -

Shri Chandan Dev
Postal Assistant (LSG)
I.C.O (SB)/ SBCO
O/O Chief Post Master General
N.E.Circle , Shillong.

-.....APPLICANT

- AND -

1. Union of India ,represented by
The Secretary ,Govt. of India ,
Ministry of Communication,
New Delhi.
2. Director General ,
Department of post, Dack Bhawan,
Sansad Marg , New Delhi- 110 001
3. Asstt. Director General (SPN)
Department of post, Dack Bhawan,
Sansad Marg ,New Delhi- 110 001
4. Chief Post Master General,
N.E.Circle , Shillong.

.....RESPONDENTS

1. Particular of the order against which this application is made :

This application is made against the action of the respondents in not stepping up of his pay and also the letter dated 3.12.97 issued by the ~~Str.~~Asstt. Director General (E) which the applicant has ~~received~~ ~~on 27.11.2000~~ collected on 27.11.2000 (till now has not been served by the respondents).

2. Jurisdiction of the Tribunal :

That the applicant states that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal .

12
Filed by the applicant
Shri Chandan Dev
through -
Asstt. Kuman Ray
Advocate.

Chandandev

3. Limitation :

That the applicant also declares that this application is made within the time period as has been prescribed under section 21 of the Administrative Tribunal Act 1985.

4. Fact of the case :

a) That the applicant is a citizen of India and hence is entitled to all the rights, protection and privileges guaranteed by the Constitution of India.

b) That the applicant was recruited as LDC, SBCO vide C.O memo NO. Staff/89/1/77 dated 24.7.77 and he joined as LDC on 12.12.77 after completing prescribed training for one week. He was substantively appointed as LDC w.e.f. 17.3.83 and subsequently promoted to the post of UDC in the month of July 1987.

c) That in the month ~~Jan~~ February 1986 a long term vacancy occurred at Shillong in the cadre of UDC. During that period the applicant was working at Guwahati as LDC. In the said vacant post one Smt. M.D.Tiewsoh, who was working at Shillong was promoted on officiating basis and she was allowed to continue in the said post till her regular promotion to the post of UDC. Be it stated that said Smt. M.D. Tiewsoh was junior to the applicant in the LDC cadre. Shri joined in the LDC cadre on 13.6.79 and she was substantively appointed as LDC w.e.f. 27.3.83. In the gradation list of that period the name of the applicant was at Sl.NO.8 while the name of Smt. M.D.Tiewsoh was at Sl.NO.11. But without considering his seniority the authority promoted his junior to the post of UDC and allowed to continue till her regular ~~promotion~~ promotion.

Shri Sankar Das

The applicant came to know about the said anomaly in the month of November 1986 and immediately he submitted a representation dated 14.11.86 to the Post Master General which was duly forwarded by the Senior Postmaster .
~~Vide xxxxxx~~

One copy of the seniority list of the relevant period is annexed herewith as Annexure - A

One copy of the representation dated 14.11.86 is annexed herewith as Annexure - B

d) That in the year 1987 the applicant and his junior Smt. M.D.Tiewsoh passed the examination for regular promotion to the post of UDC and both of them joined the UDC cadre in the month of July 1987. As the time of fixing of pay, the applicant's pay was fixed at Rs 1200/ in the UDC cadre and that of Smt. M.D.Tiewsoh was fixed at Rs 1230/- . It is pertinent to mention that as Smt. Tiewsoh was continuing in the UDC cadre since Feb'86 she was drawing Rs 1200/- p.m. due to her officiating promotion and hence on regular promotion she got the benefit of one increment. It is also to be stated that at that time of promotion to the post of UDC, the pay of the applicant was Rs. 1130/- p.m. in the LDC cadre whereas that of Smt. Tiewsoh was at Rs 1110/- p-m. in the LDC cadre.

e) That against the aforesaid illegality , the applicant approached the Respondent NO.4 for a number of times and also submitted his representations in response of which he was always given assurance saying that the matter had been referred to the Respondent NO.2.

f) That on 3.8.93 , the applicant preferred his

Chandan Def

representation to the Respondent NO.2 through proper channel authority. and the same had been forwarded by the ~~Respondent NO.2~~ vide his letter dated 16.8.93 .In the said forwarding letter the Respondent had stated the whole fact requesting for early reply on the matter as the said authority had the power to take decision. After receiving the said forwarding letter the Asstt, Director General vide his letter dated 27.10.93 asked the Chief Post Master General to send the copy of the applicant's representation as the same was not reached and hence the Respondent NO.4 sent the copy of the same alongwith letter dated 16.11.93

Copies of representation dated 3.8.93, forwarding letter dated 16.8.93 letter dated 27.10.93 and letter dated 16.11.93 are annexed herewith as Annexures - C,D,, E and F respectively

g) That inspite of receiving the copy of the representation ,the Respondent NO. 2 was silet for long time , and hence the applicant preferred reminder dated 8.12.93 which was forwarded vide letter dated 31.12.93 ,reminder dated 29.3.94 which was forwarded vide letter dated 29.3.94 reminder dated 28.9.94 which was forwarded vide letter dated 28.9.94 and reminder dated 7.3.95 which was forwarded on the same day vide letter dated 7.3.95 by the Chief Post Master General .

Copies of forwarding letter dated 31.12.93, 29.3.94 , reminder dated 28.9.94 and reminder dated 7.3.95 are annexed herewith as Annexures - G,H,I,and J respectively.

h) The respondent NO. 4 vide his letter dated 7.8.95 againx proposed for stepping up of pay of the

Chander Des

applicant with his junior Smt. M.D.Tiewsoh . In the said letter he gave detail of the fact intimating to the Respondent NO.2 about the illegality of officiating promotion of the applicant's junior in the year 1986 due to which the discrepancy in the pay scale has been caused after the regular promotion in the UDC cadre . The said letter was sent in response to the Directorate's letter dated 15.5.95. After receiving the said letter dated 7.8.95, the Section Officer (PAP) , Department of Post , New Delhi wrote a letter dated 11.9.95 to the Chief Post-Master General requesting to supply the copy of the applicant's representation dated 14.11.86 and the date from which Smt. M.D.Tiewsoh officiating as UDC and worked in the post continuously . In the said letter it was also informed that the matter had been examined in consultation with integrated finance Advice.

Copies of letter dated 7.8.95 and 11.9.95 are annexed herewith as Annexures - K and L respectively.

i) That on receipt of the aforesaid letter dated 11.9.95 ,the Director of Postal Services (HQ) Shillong vide his letter dated 31.10.95 sent all the information alongwith the copy of the applicant's representation dated 14.11.86 to the Director General . In the said letter also it had been clearly mentioned that the Smt. M.D.Tiewsoh is junior to the applicant and hence stepping up of pay to the level of Smt. Tiewsoh would appear to be justified . In the said letter it was also been indicated that the officiating promotion of Smt. Tiewsoh was illegal as the post was occurred vacant for more than four month in the year 1986.

Chandra Def

One copy of the letter dated 31.10.95 is annexed herewith as Annexure - M

j) That as no reply has been made by the authority on the matter, the applicant preferred another representation dated 14.2.96 to the Director General (PAP) and the same has been duly forwarded by the Respondent NO.4

The copy of the representation dated 14.2.96 alongwith the forwarding letter dated 14.2.96 is annexed as Annexure - N .

k) That the applicant states that inspite of his repeated representations and reminder, no action has been taken by the respondents due to which the applicant gets less pay and hence in the year 1997 the pay of the applicant was fixed at Rs. 1560/- whereas ~~xxxxxxx~~ that of his junior was fixed at Rs1600/- . Be it stated here that being a senior person he should have been given the chance of officiating promotion in the month of February 1996, but that had not been done and hence this discrepancy in the pay scale has been caused . Be it also stated that at no point of time, the applicant ever forgo his promotion and hence he should not be deprived of his legitimate pay scale at par with his junior .

l) That being aggrieved, the applicant approached this Hon'ble Tribunal by filing the Original Application NO. 132 of 1998 and this Hon'ble Tribunal was pleased to dispose of the same by an order dated 1.7.98 directing the respondents to dispose of the representation of the applicant within a period of two months .

Copy of the order dated 1.7.98 is annexed as Annexure - O

Chander Def

m) That the applicant begs to state that inspite of the order of this Hon'ble Tribunal he did not received any response from the Respondents NO. 2 and 3 and he always persue the matter in the office ~~whether~~ whether any decision has received from the Delhi office and he became disheartened . All of a sudden on 27.11.2000 ,when he was dealing with a file in the office ,he came through one copy of the letter dated 3.12.97 issued by the Respondent NO. 3 to the Respondent NO. 4 and he came to know that the matter has been disposed of by the said authority much earlier before the filing of the earlier original application and also came to know that his claim has been rejected by the higher authority . Be it stated here that till date the Respondent NO. 4 has not officially informed about the said letter /decision to the applicant . The applicant himself collected one photo copy of the said letter .

Copy of the said letter dated 3.12.97 is annexed herewith as Annexure 3 P.

n) That the applicant states that the respondents have rejected the claim without appling their mind in the relevant Rule and Office Memorandum dated 4.11.93 and accordingly deprieved the applicant his due pay scale. Being aggrieved the applicant approache this Hon'ble Tribunal by filing this application .

5. Grounds for relief :-

i) For that applicant 's junior was given higher pay due to illegal officiating promotion and due to illegal continuation in the higher post .

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ii) For that in the year 1986 ,the post of UDC occurred vacant in which as per seniority position the applicant would have to be promoted but the respondents, without considering his seniority allowed his junior to officiate in the higher post till her regularisation in the said higher post.

iii) For that as the applicant never forgave his claim ,the respondents should have promoted him to the said vacant post on officiating capacity and would have allowed him till regularisation .

iv) For that the action of the respondents is a continuous wrong and refusal to stepup his pay is illegal and against the relevent rule and circulars.

v) For that it is admitted fact that the said junior person~~xx~~ was allowed to continue in the higher post on officiating basis wrongly without considering the seniority of the applicant and due to her continuation of officiating capacity ,the present discrepency has been occurred .

vi) For that the respondents have acted illegally in not communicating the letter dated 3.12.97 issued by the Asstt. Director General .

vii) For that the action of the respondents is violative of Article 14,16 of the Constituion of India and hence is not maintainable in the eye of law.

viii) For that action of the respondents is against the principle of natural justice and also all canons of law.

ix) For that at any rate the action of respondents is

Chandrasekhar

~~xxxxxxxxxx~~
not maintainable in the eye of law and hence is liable to be quashed.

6. Details of Remedies availed :

That the applicant declares that he has taken recourse to all the remedies available to him as stated in the fact of the case but failed to get justice and hence there is no other alternative remedy open to him then to approach this Hon'ble Tribunal.

7. Matters not previously filed or pending before any court :

That the applicant also declares that he has not previously filed any application , writ petition or suit , except the C. A NO. 132/98 , regarding the matter in respect of which this application is made, before any court authority or any other bench of this Tribunal nor any such application , writ petition or suit is pending before any of them .

8. Reliefs sought for :

Under the fact and circumstances stated above the applicant prays for the following reliefs :

- i) To quash and set aside the letter dated 3.12.97 (Annexure - P) .
- ii) To direct the respondents to pass necessary order stepping up the pay scale of the applicant and fix the same w.e.f. February 1986 at par with his junior 's pay .
- iii) To direct the respondents to extend all other benefits on the basis of stepping up of pay .

Charles Def

iv) Pass any other order /orders as Your Lordships may deem fit and proper.

v) Cost of litigation.

9. Interim reliefs prayed for :

Under the fact and circumstances stated above ,the applicant does not pray any interim relief.

10.

11. Particulars of I.P.O :

i) I.P.O. NO	: 5 G 422012
ii) Date of issued	: 5-2-2001
iii) payable at	: Guwahati

12. List of enclosures :

As stated in the index.

Chandrasekhar

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

I, Shri Chandan Deb ,son of Shri Paresh Ch. Deb, aged about 48 years ,working as Postal Assistant (LSG), I.C.O(SB) SBCO, in the office of the Chief Post Master General , Shillong do hereby verify that the statements made in paragraphs 1 to 12 of the application are true to my personal knowledge and the submissions made therein are believed to be true on legal advice. and I have not suppressed any material fact.

Place : Guwahati

Date : 10-2-2001

Chandan Deb

LOWER DIVISION CLERKS SBCO/ICO(SB)/CPU (part)

Scale of pay Rs.950-20-1150-EB-25-1500

No. of posts = 18

Sl. No.	Name	Whether SC/ST	Date of Birth.	Date of entry in the Deptt.	Date of substantive appointment.	Remarks
1.	Sri Hirendra Chandra Ghosh	OC	3-3-46	23-8-54	1-3-72	Officiating as UDC
2.	" Debendra Ch Roy	OC	2-7-49	8-7-70	1-3-72	officiating as UDC.
3.	" Radip Chakraborty	OC	4-3-51	6-5-73	1-3-74	-do-
4.	" Rathindra Lal Dey	OC	17-7-48	14-5-70	1-3-74	-do-
5.	Smt. Purabi Sikdar B.Sc.	OC	30-9-53	11-7-79	1-3-81	-do-
6.	Sri Haste Sin	ST	13-5-55	1-7-77	9-3-83	-do-
7.	" Debasish Bhowmik	OC	16-10-52	20-12-77	12-3-83	-do-
8.	" Chandan Deb	OC	21-5-53	13-12-77	17-3-83	officiating as a UDC on regular basis
9.	" L. Jungal Singh	OC	1-3-53	14-2-78	14-3-83	
10.	" W. Mangalena Singh BA.	OC	1-3-53	13-2-77	19-3-83	officiating as a UDC on adhoc basis.
11.	Smt. Maian Sha Dora Tiwisch	ST	31-3-59	13-7-79	27-3-83	offg. as UDC.
12.	Sri Soan N. Barlang	OC	23-2-60	15-7-79	28-3-83	-do-
13.	Smti Shijam Jiban Lata Devi	OC	1-1-53	16-8-81	1-9-87.	

34
16
38

Attested by

Advocate
12/2/01
Advocate.

To
The Postmaster General,
(Staff Grievance Cell)
H.E.Circle , Shillong -793001

Dated at Gauhati the 14th
November 1986.

(Through proper channel.)

Sub: Prayer for officiating in UDC cadre of ICO and
pairing organisation in temporary vacancy.

Respected Sir ,

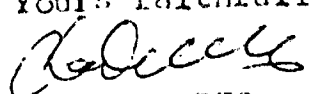
With due respect and humble submission-I
beg to lay before you the following few lines for favour
of your consideration.

I have come to know that , the vacant posts
of UDC in circle pairing and ICO(SB) are filled up on adhoc
promotion of junior LDCs without allowing chance to the senior
LDCs in the circle . In these vacancies the juniors are
officiating continuously for 10 months and no option was called
for from the senior LDCs . I am also senior to those LDCs now
officiating as UDC in circle pairing and ICO(SB).

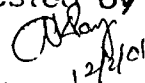
In view of this if I get promotion in future
to the cadre of UDC some anomaly regarding fixation of pay
may occur between my junior and me due to such adhoc promotion
of junior .

Therefore, I request your kindness to give me
a chance to officiate as UDC on adhoc basis in places where
a junior LDC was allowed to do so. This act of kindness will
save me from monetary loss both at present and in future.

With kin regards Sir,

Yours faithfully,

(CHANDAN DEB .)

LDC SBDO,
Gauhati H.P.O.

Attested by

Advocate.

-15- -14-

Annexure - B - C

To

The Director General,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi - 110 001.

(Through proper channel)

Dated Shillong, the 30th August '93.

Respected Sir,

Most respectfully and humbly I beg to apologise for encroachment in your valuable time and to lay down the following few lines for your information and necessary orders.

That Sir, I joined in the department as L.D.C., on the month of December, 1977 and have passed the U.D.C., Examination and joined in the post of U.D.C., in the month of July, 1987.

That Sir, two of my juniors viz., (1) Smti M.D. Tiwsoh and (2) Shri B. Deb, U.D.C. (SBC) now P.A., have joined in the posts of U.D.C., in the month of July, 1987 and Feb '89 respectively but are drawing pay more than me. The position shown in the enclosed Annexure-I. I have explained the position several times to the Circle Office, Shillong but no information has been received from them.

I, therefore, request to your honour to arrange to examine the case and issue necessary order for fixing my pay at the stage it should be and for which act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Chandan Deb
(Chandan Deb)
P.A., S.B.C.O., (COLSB)
Pairing Unit,
O/O the Chief P.M.G., N.E.
Circle, Shillong.

Attested by

A. Ray
22/01
Advocate.

Statement (ANNEXURE)

(F)

Self (Now-PA)
U.D.C./ICO(SB)
~~G.O. Shillong.~~
~~L.O. Shillong.~~

(Now-PA)
Smti M.D. Tiwsoh,
U.D.C., SBCO,
~~Tura H.O. Shillong G.P.O.~~

(Now-PA)
Shri B. Deb
U.D.C., SBCO
~~Tura H.O.~~
~~Shillong G.P.O.~~

Date of commencement
of service in the
Department as L.D.C.
(now P.A.)

Dec', 1977

June, 1979

Aug', 1982

Period of officiating
as U.D.C. (now P.A.)

-

Feb, 1986 to
July, 1987.
(against vacant
post)

Feb, 1986 to
July, 1987.
(against
vacant post)

Date of passing the
U.D.C. Promotion
exam.

June, 1987

June, 1987

Jan'y, 1989.

Date of getting
promotion.

July, 1987

July, 1987

Feb', 1989.

Pay at the time of
getting promotion
in the LDC cadre.

Rs. 1130/-

Rs. 1110/-

Rs. 1090/-

Pay fixed at the
UDC cadre at the
time of promotion.

Rs. 1200/-

Rs. 1230/-

Rs. 1260/-.

D.N.I.

Aug'

February

December

(*Present pay*)
Apr 1/93

Rs. 1360/-

Rs. 1420/-

Rs. 1390/-

Attested by

A. Roy
Advocate.

- 15 -

24/63

Annexure - ~~A~~
D

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL N.E. CIRCLE SHILLONG-1

The Director General,
Department of Posts. (PAP Sec)
Rak Bhavan, New Delhi-110 001.

No. AP/AAO/II/FIXN/89-90 Dated at Shillong the 16th Aug'93.

Sub:- Stepping up of Pay of Sri Chandan Deb, UDC now PA,
ICO (SB), O/O the Chief Postmaster General N.E.
Circle, Shillong with his ~~junior~~ junior Smt. M.D.
Tiewsoh.

Ref:- New Case.

A representation dtd. 3.8.93 received from Sri Chandan Deb, UDC, now PA, ICO(SB) of this office on the above subject is forwarded herewith for decision at your end as the case could not be settled at this end due to the reason that the junior Smt. M.D. Tiewsoh is drawing more pay due to fortuituous local officiating promotion as UDC on 18-2-86 prior to regular promotion.

The relative merite of Sri Chandan Deb, and Smt. M.D. Tiewsoh are given on the following points.

	<u>Chandan Deb</u>	<u>Smt. M.D. Tiewsoh</u>
1. Date of appointment is BDC cadre	13-12-77	13-6-79
2. Date of Promotion as UDC on regular basic.	20-7-87 (A/N)	3-7-87
3. Basic Pay in LDC Cadre at the time of promotion.	1130/-	1110/-
4. Pay at which fixed in promotion with D.N.I.	1200/- D.N.I. 1.7.88	1230/- D.N.I. 1.2.88
5. Gradation List No. as LDC as on 1.7.88	8	11

fixed
In this connection it is stated that both the Official were qualified in the UDC examination held in August'1986 and promoted as UDC Under PMG, Shillong No. Staff/584/UDC/III dtd. 3.7.87. The pay of Smt. M.D. Tiewsoh was at a higher stage due to the fortuituous Officiating promotion offered at local level and can't therefore be decided at our level.

The Service books of the Official will be forwarded as and when called for.

An early reply in the matter is requested.

Enclo:- As above.

16/8/93
(P. VAITHINATHAN)
CAO / IFA

For Chief P.M.G. Shillong.

Copy to:-

Shri Chandan Deb, P.A. ICO(SB) C.O. Shillong for
information w.r.t. application dtd. 3.8.93.

Attested by

Advocate
Advocate.

16/8/93
For Chief Postmaster-General
N.E. Circle. Shillong-793001

APC (116)
- 17 -
No.51-6/93-SPB-I
Government of India
Ministry of Communications
Department of Posts
Dak Bhavan, Sansad Marg,
New Delhi - 110 001.

Annexure - A E

Dated : 27 OCT 1993

To

The Chief Postmaster General,
N.E Circle,
S H I L L O N G-1.

Sub : Regarding stepping up of pay of Shri Chandran Deb,
PA ICO (SB) with his junior Smt. M.D. TIEWSON.

Sir,

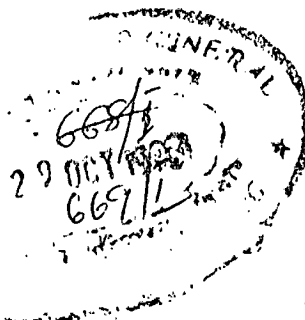
I am directed to refer to your office letter
No.AP/AAO/II/FIXN/89-90 dated 16-8-93 on the above
subject and to request you to furnish a copy of the
representation of the official as the same has not
been reached here.

Yours faithfully,

A.K. Kaushal
(A.K. KAUSHAL)
Asstt.Dir.General (SPN)

Accepted by

Advocate
12/10/93



17-18-
DEPARTMENT OF POSTS.

(68) 9
Annexure - ~~REF~~

OFFICE OF THE CHIEF POSTMASTER-GENERAL, N.E. CIRCLE, SHILLONG-793001.

To

The Director General,
Department of Posts. (PAP Section),
Dak Bhavan,
New-Delhi - 110001.

NO.AP/AAO/II/FIXN/89-90 Dated at Shillong the 16th Nov'93.

Subject:- Stepping up of pay of Sri.Chandan Deb,UDC now PA,
ICO(SB), O/O the Chief Postmaster General, N.E.
Circle, Shillong with his junior Smti. M.D.Tiewsoh.

Ref:- Your letter No.51-6/93-SPB-I dtd. 27-10-93.

Sir,

A copy of the representation from Shri.Chandan
Deb, PA/ICO(SB) O/O the Chief Postmaster General, N.E.Circle,
Shillong in respect of the subject cited above is sent here-
-with as desired.

Encls:- 2 (Two)

Yours faithfully,

(Dulal Sutradhar)
Asstt. Accounts Officer, (Bgt),
for Chief Postmaster General,
N.E.Circle, Shillong -793001.

074
Attested by

Advocate.

~~18~~ - 19 -

Annexure - ~~A~~ G

~~18~~ 90

DEPARTMENT OF POSTS.
OFFICE OF THE CHIEF POSTMASTER-GENERAL. N.E. CIRCLE, SHILLONG-793001.

NO. AP/AAO/II/FIXN/89-90

Dated at Shillong the 31st Dec'93.

To

The Director General,
Department of Posts, (PAP Section),
Dak-Bhavan,
NEW-DELHI -110001.

Subject:-

Stepping up of pay of Shri.Chandan Deb,UDC
now PA.ICO(SB) O/O the Chief P.M.G.,N.E.Circle,
Shillong with his junior Smti.M.D.Tiewsoh.

Ref:-

Your letter No.51-6/93-SPB-I dtd.27-10-93.

A reminder to representation received from
Shri.Chandan Deb,PA/ICO(SB),O/O the Chief P.M.G., N.E.Circle,
Shillong in respect of the subject cited above is forwarded
herewith for favour of disposal at your end. The original
representation was forwarded vide this office letter of even
number dtd. 16th Nov'93.

An early reply in the matter is requested.

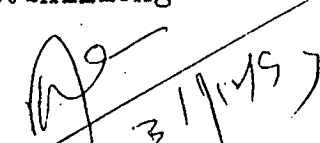
Enclo:- As above.


(P. VAITHINATHAN)
CAO/IFA

for Chief Postmaster-General,
N.E.Circle,Shillong-793001.

Copy to :-

Shri.Chandan Deb,PA/ICO(SB) C.O.Shillong for infor-
mation,


for Chief Postmaster-General,
N.E.Circle,Shillong-793001.

Attested by


Advocate.

Annexure - A ~~2~~ 31

H

DEPARTMENT OF POSTS.
OFFICE OF THE CHIEF POSTMASTER-GENERAL. N.E. CIRCLE. SHILLONG

NO. AP/AAO/II/FIXN/89-90

Dated at Shillong the 29th March '94.

To

The Director General,
Department of Posts, (PAP Section),
Dak-Bhavan,
Sansan Marg,
NEW-DELHI -110001.

Subject:-

Stepping up of pay of Shri.Chandan Deb, UDC
now PA,ICO(SB) O/O the Chief P.M.G., N.E.Cir-
cle, Shillong with his junior Smti. M.D.Tiew-
soh.

Ref:-

Your letter No.51-1/93-SPB-I dtd.27-10-93.

A reminder to representation received from
Shri.Chandan Deb, PA/ICO(SB),O/O the Chief P.M.G., N.E.Circle,
Shillong in respect of the subject cited above is forwarded ~~here~~
herewith for favour of disposal at your end. The original repre-
-sentation was forwarded vide this office letter of even No. dtd.
16th Nov'93.

An early reply in the matter is requested.

Enclo:- As above.

P. Vaithinathan

(P.VAITHINATHAN)
CAO/IFA

for Chief Postmaster-General,
N.E.Circle,Shillong-793001.

Copy to:-

Shri. Chandan Deb,PA/ICO(SB) C.O. Shillong for infor-
-mation.

AC

P. Vaithinathan

for Chief Postmaster-General,
N.E.Circle,Shillong-793001.

.....

Attested by

Advocate
12/3/01
Advocate.

- 27 -

Annexure - I

32/

DEPARTMENT OF POSTS.

OFFICE OF THE CHIEF POSTMASTER-GENERAL. N.E. CIRCLE. SHILLONG-793001
NO.AP/AAO/II/FIXN/89-90 DATED AT SHILLONG THE 28TH SEPT'94

To

The Asstt. Director General, (SPN)
O/O the Director General,
Department of Posts,
Dak-Bhavan, Sansad Marg,
New-Delhi-110001.

Subject:-

Stepping up of pay of Shri. Chandan Deb, UDC
now PA, ICO(SB) O/O the Chief P.M.G., N.E. Circle,
Shillong with his junior Smti. M.D. Tiwsoh.

Ref:-

Your letter No. 51-1/93-SPB-I dtd. 27-10-93.

A reminder to representation received from Shri.
Chandan Deb, PA/ICO(SB), O/O the Chief P.M.G., N.E. Circle, Shillong
in respect of the subject cited above is forwarded herewith for
favour of disposal at your end. The original representation was
forwarded vide this office letter of even No. dtd. 16th Nov'93.

An early reply in the matter is requested.

Encls:- As above.

(A. O. BISWAS)
CAO/IFA

for Chief Postmaster General,
N.E. Circle, Shillong-793001.

Copy to :-

Shri. Chandan Deb, PA/ICO(SB) C.O. Shillong for
information.

for Chief Postmaster General,
N.E. Circle, Shillong-793001.

Attested by

Advocate.

To

- 22 -

33

The Director General, (PAP Section),
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi-110001.

(Through proper channel)

Subject:- Stepping up of pay of Shri. Chandan Deb, UDC, now PA, 100(SB), O/O the Chief P.M.G., N.E. Circle, Shillong with his ~~jun~~ junior Smti. M.D. Tiwsoh.

Sir,

Kindly refer to my representation dtd. 3-8-93 on the above mentioned subject forwarded to Dte. under C.O. Shillong letter NO. AP/AAO/II/FLXN/89-90 dtd. 16-8-93 subsequently remanded on 8-12-93 and 29-3-94.

Sir, I joined the Department as LDC on 15-12-77 and Smti. M.D. Tiwsoh joined the same post on 13-6-79. Both of us got promotion to the cadre of UDC in July '87. The pay of mine and that of Smti. Tiwsoh in LDC cadre on 1-7-87 was Rs. 1130/= and 1110/= respectively in the scale on promotion as UDC should have been fixed at Rs. 1200/= in July '87 in the scale of 1200-30-1560 EB 40-2040. From Feb '86 two posts of UDCs were vacant at Shillong and against those posts Smti. M.D. Tiwsoh and Shri. B. Deb LDCs both junior to me were posted for officiation. In continuation to her officiation, Smti. Tiwsoh got regular promotion to UDC cadre along with me in July '87. By virtue of her officiating in higher cadre from Feb '86, she earned one increment in Feb '87 in higher cadre and her pay on regular promotion to UDC cadre was fixed at Rs. 1230/= in July '87. Even though I was senior to her in lower cadre, I was not given scope of officiation as because I was posted in another station where such scope was not there.

Sir, as per rule 50 of P & T Manual Vol-IV officiating arrangement may be restricted to the officials of the same station provided the duration of such arrangement is not more than 4 months. In this case the vacancy was regular in nature for circle cadre staff and reasonably a senior official should have been given chance to officiate against such vacancy. Incidentally I like to mention that I was posted outside Shillong and since 1985 I had been ~~posted~~ applying for my posting at Shillong. Had I been posted to Shillong at that time, I would have got chance to officiate against the vacancies where Smti. M.D. Tiwsoh and Shri. B. Deb (Junior to Smti. Tiwsoh even) were given scope to officiate. Neither I was transferred nor I was given scope to officiate as UDC from Feb '86 despite my representation dtd. 14-11-86 against irregular promotion of my junior. Which contributed to deprive me from the benefit of officiation and later in fixation in pay in higher cadre on regular promotion. On the other hand my junior was given the undue benefits resulting fixation of her pay at higher stage in UDC cadre.

In the circumstances, I beg to pay that your honour ~~would~~ would examine the case in correct perspective and favour me with necessary order of stepping up of my pay to that of my junior.

Attested by

Advocate.

Place:- Shillong

Date:- 28/9 Sept 94

Yours faithfully.

(Chandan Deb)

PA/100(SB), O/O the C.E.M.G.
N.E. Circle, Shillong-793001.

DEPARTMENT OF POST, INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E. CIRCLE, SHILLONG-1.

NO. AP/AAO/II/FIXN/89-90

Dated at Shillong the 7th March '95

To,

The Asstt. Director General (PAP Section),
O/O the Director General,
Department of Post,
Dak Bhavan, Sansad Marg,
New Delhi-110001.

Subject:- Stepping up of pay of Shri Chandan Deb, UDC
now PA, ICC(SB) O/O the Chief P.M.G., N.E. Circle,
Shillong with his junior Smti. M. D. Tiewsoh.

Ref :- Your letter No. 51-1/93-SPB-I dated 27.10.93

A reminder to representation received from Shri
Chandan Deb, PA/ICC(SB), O/O the Chief P.M.G., N.E. Circle, Shillong
in respect of the subject cited above is forwarded herewith for
favour of disposal at your end. The original representation was
forwarded vide this office letter of even No. dated 16th Nov'93.

An early reply in the matter is requested.

Encls :- As above.

(S.L. Batra)
CAO/IFA

For Chief Postmaster General,
N.E. Circle, Shillong-793001.

Copy to:-

1. Section Officer (PAP Section), O/O the Director
General, Department of Post, Dak Bhavan, Sansad Marg,
New Delhi-110001. (For kind attention to Mr Gupta).
2. Shri. Chandan Deb, PA/ICC(SB), C.O. Shillong for information.

For Chief Postmaster General,
N.E. Circle, Shillong-793001.

Attested by
Advocate.

To,

- 24 -

35

The Asstt. Director General(PAP Section),
O/O the Director General,
Department of Post,
Dak Bhavan, Sansad Marg,
New Delhi- 110001.

(Through Proper Channel)

Subject:- Stepping up of pay of Shri. Chandan Deb.UDC, now
PA/ICO(SB), O/O the Chief P.M.G., N.E. Circle, Shillong
with his junior Smti. M.D. Tiewsoh.

Sir,

Kindly refer to my representation dated 3.8.93 on
the above mentioned subject forwarded to Dte. under C.O. Shillong
letter No. AP/AAO/II/PLXN/89-90 dated 16.8.93 subsequently remind-
ed on 8.12.93, 29.3.94 and 28.9.94.

Sir, I joined the Department as LDC on 13.12.77
and Smti. M.D. Tiewsoh joined the same post on 13.6.79. Both of
us got promotion to the cadre of UDC in July '87. The pay of
mine and that of Smti. Tiewsoh in LDC cadre on 1.7.87 was Rs. 1130/-
and 1110/- respectively in the scale on promotion as UDC should
have been fixed at Rs. 1200/- in July '87 in the scale of 1200-30-
1560 EB 40-2040. From Feb '86 two posts of UDCs were vacant at
Shillong and against those posts Smti. M.D. Tiewsoh and Shri. B. Deb
LDCs both junior to me were posted for officiation. In continuation
to her officiation, Smti Tiewsoh got regular promotion to UDC
cadre along with me in July '87. By virtue of her officiating in
higher cadre from Feb '86, she earned one increment in Feb '87 in
higher cadre and her pay on regular promotion to UDC cadre was
fixed at Rs. 1230/- in July '87. Even though I was senior to her in
lower cadre, I was not given scope of officiation as because I
was posted in another station where such scope was not there.

Sir, as per rule 50 of P & T Manual Vol-IV officiating
arrangement may be restricted to the officials of the same station
provided the duration of such arrangement is not more than 4 months.
In this case the vacancy was regular in nature for circle cadre
staff and reasonably a senior official should have been given
chance to officiate against such vacancy. Incidentally I like to
mention that I was posted outside Shillong and since 1985 I had
been applying for my posting at Shillong. Had I been posted to
Shillong at that time, I would have got chance to officiate
against the vacancies where Smti. M.D. Tiewsoh and Shri. B. Deb (Junior
to Smti. Tiewsoh even) were given scope to officiate. Neither I
was transferred nor I was given scope to officiate as UDC from
Feb '86 despite my representation dated 14.11.86 against irregular
promotion of my junior. Which contributed to deprive me from the
benefit of officiation and later in fixation in pay in higher cadre
on regular promotion. On the other hand my junior was given the
undue benefits resulting fixation of her pay at higher stage in
UDC cadre.

In the circumstances, I beg to pay that your honour
would examine the case in correct perspective and favour me with
necessary order of stepping up of my pay to that of my junior.

Dated at Shillong

Yours faithfully,

the 7th March '95

Attested by

Advocate.

(Chandan Deb)

PA/ICO(SB), O/O the C.P.M.G.
N.E. Circle, Shillong-793001.

DEPARTMENT OF POST.

OFFICE OF THE CHIEF POSTMASTER GENERAL. N.E. CIRCLE. SHILLONG-793001

NO. AP/AA9/II/PLXN/89-90

Dated at Shillong the 7th Aug '95

To

The Director General (SPN)
O/O the Director General,
Department of Post,
Dak-Bhawan, Sansad Marg,
New Delhi-110001.

Subject:-

Stepping up of pay of Shri. Chandan Deb, Postal Assistant ICC(SB), O/O the C.P.M.G., Shillong with his junior Smt. M.D. Tiwsoh.

Ref:-
Sir,

Directorates letter No. 51-5/95-SPB-I dtd. 15-5-95.

Shri. Chandan Deb was recruited as LDC, SBCO vide C.O. memo No. Staff/83/1/77 dtd. 24-7-77 and he joined as LDC on 12-12-77 (A/N) after completing prescribed training for one week. Smt. M.D. Tiwsoh was recruited in the same cadre later in 1979 and she joined as LDC on 13-6-79 after completing prescribed training. Shri. Deb was substantively appointed as LDC with effect from 17-3-83 while Smt. Tiwsoh was Substantively appointed as LDC w.e.f. 27-3-83. So Shri. Deb was senior to Smt. Tiwsoh and accordingly Shri. Deb's name appeared in Gradation list at Sl.No.8 while Smt. Tiwsoh's name appeared at Sl.No.11.

In the year 1986, Smt. Tiwsoh was working as LDC at Shillong while Shri. Deb was working in the same cadre at Guwahati. In Feb '86 a long term vacancy occurred at Shillong in the cadre of UDC. As per rule 50 of P&T Manual Vol-IV when vacancy is for less than a month, adhoc arrangement may be restricted within the office/Station. Here since vacancy was for more than 4 months, scope for adhoc arrangement should have been extended and senior-most eligible official in LDC cadre in the Circle (Since SBCO staff belongs to Circle cadre) should have been appointed to officiate. But this rule was not followed by the administration and adhoc arrangement was confined to the office and Smt. Tiwsoh a junior LDC was allowed to continue officiation in UDC cadre till her regular promotion in 1987. The circumstances under which this irregular arrangement was made is not known and nothing has been recorded in the file. The then officer, who made the arrangement are also not available due to their retirement/transfer. Shri. Deb of course, submitted a representation on 14-11-86 to C.O. pointing out this irregularity and seeking his claim as senior LDC for adhoc promotion to UDC cadre but no decision was taken immediately on his representation.

Both Shri. Deb and Smt. Tiwsoh passed the UDC examination in 1987 and both were ordered to join in UDC cadre on regular basis and they joined in July '87. In UDC cadre also Smt. Tiwsoh was junior to Shri. Deb. While fixing pay in higher post, Smt. Tiwsoh's pay was fixed at Rs. 1230/= on basis of pay being drawn by her in UDC cadre from Feb '86 with DFI on 1-2-86 while Shri. Deb's pay was fixed at Rs. 1200/= on basis of

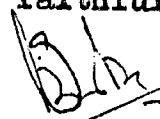
Attested by

Advocate.

his pay in LDC cadre with DNI on 1-7-88. Thus Shri. Deb has been drawing less pay in UDC cadre and Smt. Tiewsoh has been drawing more pay due to her continued officiation in UDC cadre ~~prior~~ prior to her regular promotion.

The case has been examined by the under signed thoroughly with reference to the fact stated above and G.I.M.F. OS. NO. P2(78)-E-III (A)/56 dtd. 4.2.66 reproduced as G.O.I. order below Pt 22-0 and para 1 of Directorate's letter No. 4/7/92-Estt. (pay-1) dtd. 4-11-93 and found that it fulfils the conditions mentioned therein and merits for decision in favour of Shri. Deb. Since Shri. Deb was senior to Smt. Tiewsoh in both LDC and UDC cadre his pay can not be less than his junior. Therefore Directorate may issue necessary order for stepping up of his pay to Rs. 1250/- (equals Smt. Tiewsoh) in the scale of Rs. 1200-30-1560 EB 40-2040 with DNI on 1-2-88. The Chief P.M.G. has also seen the case and recorded his definite recommendation in the file.

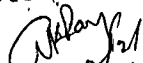
Yours faithfully,


(S.I. BATRA)
CAO/IFA

for Chief Postmaster General,
N.E. Circle, Shillong-793001

.....

Attested by


Advocate.

GOVERNMENT OF INDIA
DEPARTMENT OF POST
NEW DELHI

A 2 P. Sec.

(88)

No. 2-109/95-PAP

Dated

11/9/95.

To

The Chief Postmaster General,
N.E. Circle,
Shillong. 793 001.

Subject:- Stepping up of pay of Shri Chandran Deb Postal
Asstt. ICO (SB)

Sir,

I am directed to refer to your office letter No.
AP/AAO/II/FIXN/89-90 dated 7.8.95 on the subject cited
above and to state that the case has been examined in
consultation with Integrated finance Advice. Please
arrange to supply the following information for further
processing of the case:-

- (i) Copy of representation of the official submitted
on 14.11.86.
- (ii) The date from which Smt. Tiwsho officiated as UDC
and worked on the post continuously
- (iii) Remarks of the Circle Office, Why the proper action
could not be taken on the application of the official
and if in officiating period exceeded to four
months, why the arrangement made not discontinued
and ordered to officiate on the post a senior
most person.



Yours faithfully,

(Signature)

(C.S.PATWAL)
Section Officer (PAP)

Attested by
(Signature)
Advocate.

DEPARTMENT OF POST.
OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E. CIRCLE, SHILLONG-793001

NO.AP/AAO/II/FIXN/89-90

Dated at Shillong the 31st Oct'95.

To

The Director General (PAP),
Department of Post,
Dak-Bhawan, Sansad Marg,
NEW DELHI-110001

Subject:-

Stepping up of pay of Shri.Chandan Deb, Postal Asstt. ICO(SB), C.O.Shillong. ✓

Ref:-

Directorate's letter No.2-109/95-PAP dtd.11-9-95.

Sir,

Information as desired under your abovenoted letter are furnished below:-

- (i) A copy of the representation of Shri.Chandan Deb submitted on 14-11-86 is sent herewith.
- (ii) Smti. Tiwsoh was appointed as UDC on adhoc basis on 18-2-86 and she continued to officiate as such till her regular promotion to UDC cadre in July'87 vide C.O. memo No.Staff/584/SBCO/UDC/III dtd.3-7-87. She was never reverted from the post of UDC since 18-2-86.
- (iii) The representation of Shri.Chandan Deb dtd.14-11-86 was received by C.O. on 21-11-86 and on examination it was found that the adhoc promotion of Smti.Tiwsoh to UDC cadre was ordered by the A.O/ICO(SB) vide memo No.ICO(SB)/122-1/85 dtd.21-2-86 giving effect of the order from 18-2-86. When his comments were called for, he suggested on 30-1-87 to obtain willingness of more IDC's in the Circle. While the case was under process, the result of UDC examination was declared and both Shri.Chandan Deb and Smti.Tiwsoh were promoted to UDC cadre on regular basis vide memo No. Staff/584/SBCO/UDC/III dtd.3-7-87. Both the then A.O/ICO(SB) and APMG (Staff) are no longer in service and as such their comments on the above mentioned irregularities could not be obtained. But it is a fact that Smti.Tiwsoh being junior was allowed to officiate in UDC cadre irregularly causing this anomaly which resulted in drawing less pay by Shri.Chandan Deb who is senior to Smti.Tiwsoh. Therefore stepping up of his pay to the level of Smti.Tiwsoh appears to be justified. ✓

Encls:- 1 (one)

Yours faithfully,

(A. R. D. Kachari)

Director of Postal Services (HQ),
O/O the Chief Postmaster General,
N.E.Circle, Shillong-793001

Attested by

Advocate.

DEPARTMENT OF POST.
OFFICE OF THE CHIEF POSTMASTER GENERAL. N.E.CIRCLE. SHILLONG-793001

NO.AP/AAO/II/FIXN/89-90

Dated at Shillong the 14th Feb'96

To

The Director General, (PAP),
Department of Post,
Dak-Bhavan,
Sansad Marg,
NEW DELHI-110001.

Subject:-

Stepping up of pay of Shri.Chandan Deb, UDC now
PA,ICO(SB) O/O the Chief P.M.G., N.E.Circle, Shillong-
g with his junior Smti. M.D.Tiewsoh.

Ref:-

Directorate's letter No.2-109/95-PAP dtd.11-9-95.

Sir,

A reminder to representation received from Shri.
Chandan Deb, PA/ICO(SB), O/O the Chief P.M.G., N.E.Circle, Shillong
in respect of the subject cited above is forwarded herewith for
favour of disposal at your end. The information desired vide your
letter No. mentioned above was also forwarded vide this office
letter of even No. dtd. 31-10-95

An early reply in the matter is requested.

Enclo:- As above.

Yours faithfully,

SP

(M.S.MANDAL)
Chief Accounts Officer/IFA,
for Chief Postmaster General,
N.E.Circle, Shillong-793001

Copy to :-
mation.

✓ Shri. Chandan Deb, PA/ICO(SB), C.O. Shillong for infor-

RL NO - 3740
dt. 15-2-96

Annexed
15/2/96
for Chief Postmaster General,
N.E.Circle, Shillong-793001

Attested by
[Signature]
Advocate.

To

The Director General (PAP),
Department of Post,
Dak Bhawan,
Sansad Marg,
NEW DELHI - 110001

(Through proper channel)

Subject:- Stepping up of pay with my junior.

Respected Sir,

Kindly refer to my representation dtd. 3-8-93, 8-12-93, 29-3-94, 28-9-94, and 7-3-95 regarding stepping up of my pay with my junior Smti. M.D. Tiewsoh.

In this regard I have not received any communication from your good Office, I have already inform you about my date of appointment and the two officials of vis. Smti. M.D. Tiewsoh and Shri. B. Deb.

I therefore request you kindly to consider my case sympathetically and a favourable order may kindly be issued at an early date.

Thanking you Sir,

Yours faithfully,

Date:- 14-2-96.

Place:- Shillong.

Chanda Deb

(Chanda Deb) 14/2/96

PA/SBCO, ICO(SB) Section,
O/O the Chief Postmaster General,
N.E. Circle, Shillong-793001

Attested by

Advocate
Advocate.

FORM NO. 4

(See Rule 42)

ANNEXURE-042

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. CA. 132 OF 1998

Applicant(s) Shri S Chandan Deb

Respondent(s) Union of India

Advocate for Applicant(s) Mr. A.K. Roy
Mr. A.K. Sarma

Advocate for Respondent(s) Mr. C. S. Sarmah
Adl. C.G.S.C

Notes of the Registry

Date

Order of the Tribunal

1-7-98

(1) The applicant has filed this application seeking certain directions to the Respondents. Facts are :-


The applicant Shri Chandan Deb and one Smt. M.D. Tiewsoh were working as Lower Division Clerk in the office of the Post Master General, Shillong. The applicant joined in Lower Division Clerk Cadre on 24-7-77, whereas the said Smt. Tiewsoh joined in LDC cadre on 13-6-79. Therefore, admittedly Tiewsoh was junior. However, said Tiewsoh was promoted on adhoc basis on 27-3-83 to the post of Upper Division Clerk and thereafter she was discharging her duties as UDC. During that time the applicant remained in UDC cadre. There was regular selection in 1987 and the applicant and Smt. Tiewsoh both were selected and both of them joined as UDC in July, 1987. But at the time of

contd/-

Attested by

Advocate.



Notes of the Registry	Date	Order of the Tribunal
	1-7-98	<p>joining in the post the pay of Tiewagh was fixed at higher than that/the applicant, even though the applicant was senior.</p> <p>Being aggrieved the applicant submitted several representations. The said representations have not yet been disposed of. Situated thus the applicant has approached this Tribunal by filing this Original Application.</p> <p>We have heard Mr. A.K. Roy learned counsel appearing on behalf of the applicant and Mr. G. Sarma learned Addl. C.G.S.C. On hearing the counsel for the parties we feel it expedient to direct the respondents to dispose of the representation as early as possible at any rate within 2 months from the date of receipt of this order. If, the applicant is still aggrieved, he may approach this Tribunal, if so advised.</p> <p>Application is disposed of. No order as to costs.</p>

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADMIN)

Attested by

Advocate

TRUE COPY

प्रतिलिपि

Section Officer (A)

आनुमान अधिकाारी (अध्यक्ष) कासा
Central Administrative Tribunal
केन्द्रीय प्रशासकीय न्यायालय
Guwahati Bench, Guwahati-8
गुवाहाटी न्यायालय, गुवाहाटी-8

Attested

Shillong-793001
Shillong-793001

MINISTRY OF COMMUNICATIONS
DEPARTMENT OF POST
DAK BHAVAN, SAHIBAD MARG,
NEW DELHI 110001.

Byl. Sec.

ANNEXURE - R44

NO: - 2-109/95-NP

Dated: 12.97
8 DEC 1997

TO:

The Chief Postmaster General
N.E. Circle
SHILLONG-793001

SUB: - Stepping up of pay case of Shri Chandan Deb, P.A.
ICO(SB)C.O., Shillong.

Sir,

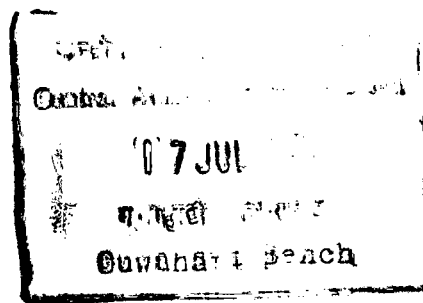
I am directed to refer to your office letter no. AP/AAO/11/Fixn./89-90 dated 31.10.95 on the subject cited above and state that the case has been examined in consultation with Integrated Finance Advice. It is observed that stepping up of pay of Shri Chandan Deb is not covered under G.O.I.-22 below FR-22 and DOPT O.M. NO. 4/7/92-Estt.(Pay) dt. 4.11.93 because of non fulfilling of condition laid thereunder. Please inform the official accordingly.

Yours faithfully,



(HARSHI DABRAL SHARMA)
ASSTT. DIRECTOR GENERAL, (E.).

Attested by
Advocate.



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

O.A. NO. 82 OF 2001

Shri Chandan Deb

-Vs-

Union of India & Ors.

- And -

In the matter of :

Written statement submitted by the
respondents


The respondents beg to submit a brief history
of the case which may be treated as a part of
the written statement.

(BRIEF HISTORY OF THE CASE)

Shri Chandan Deb, was recruited as LDC SBCO/ICO
vide Memo No. Staff/89/1/77 dated 24.7.77 and he joined as
LDC at Tinsukia HO on 12.12.77 (A/N) after competing pres-
cribed training for one week. Smti. M.D. Tiewsoh was
recruited in the same cadre later in 1979 and she joined
as LDC on 13.6.79 after completing the prescribed training
Shri Deb substantively appointed as LDC w.e.f. 17.3.83 and
Smti. Tiewsoh w.e.f. 27.3.83 vide C.O. Memo No. Staff/584/
LDC/Conf. dated 3.12.84, so, Shri Deb was senior to Smti.
Tiewsoh in LDC cadre by virtue of their recruitment/appointment.
In Gradation List also Shri Deb's name appears at Sl. 8 while
Smti. Tiewsoh's name appears at Sl. 11.

In the year 1986, Smti. Tiewsoh was working as LDC at Shillong while Shri Deb was working in the same cadre at Guwahati. The then AO/ICO promoted Smti Tiewsoh to officiate as UDC in Feb '86 against a vacant post at Shillong where she continued to officiate till her regular promotion to LDC cadre in July '87. Shri Deb on the other hand, though senior to her in LDC cadre, was working as LDC only. He then represented that when such a long term vacancy was available, he being senior, was not allowed to officiate whereas his junior was allowed by the administration in violation of the provision of rule 50 of P&T Man. Vol.IV.

Rule 50 enjoins that when vacancy is not more than one month duration, the arrangement may be confined to the officials at the station/office where vacancy occurs but when the vacancy is for more than one month but up to 4 months, arrangement may be confined to officials in the office, Sub-Division or Division where vacancy occurs. Since in the instant case the vacancy was for longer period the arrangement should have been extended to the officials in the circle as a whole (since SBCO staff are circle cadre staff). Circumstances under which the provision of the rule was not followed cannot be said at such a distant date. Moreover, the then officers who made the arrangement are not available due to their transfer/retirement. However, Shri Deb when came to know of it, he submitted a representation on 14.11.86 to C.O. pointing out this anomaly and seeking his claim as senior LDC for adhoc promotion to UDC cadre and vacancies were also available at that time. He was then ordered to officiate as UDC on promotion on 19.5.87.



Shri Deb and Smti. Tiewsoh appeared in the examination for promotion to UDC cadre and the result was out in the meantime and both of them joined as UDC on regular basis in July '87 and their pay in the higher post was fixed on the basis of pay drawn before such promotion. Shri Deb's pay was fixed at Rs. 1200/- with DNI 1.7.88 based on his pay in LDC cadre. But Smti. Tiewsoh's pay was already fixed in UDC cadre in Feb '86 which she continued till her regular promotion to UDC cadre and therefore, she continued to draw pay in UDC scale which made to fix her pay at Rs. 1200/- in July '87 with DNI on 1.2.88. Thus Shri Deb was drawing less pay in UDC cadre and Smt. Tiewsoh was drawing more pay due to her continued officiation in UDC cadre prior to her regular promotion. There was provision in G.O.I. order No. 8 below FR-22-C (G.I.M.F. OM No. F2(78)-E-III(A)/66 dated 4.2.66) and as per para 1 of Dte's letter No. 4/7/92-Estt (Page-I) dated 4.11.93 for removal of such anomaly by stepping up of pay of senior to the level of junior in the higher post subject to the following conditions.

- ✓ a. Both the junior and senior officials should belong to same cadre and identical post.
- ✓ b. Scales of pay of them lower and higher posts should be identical.

Here Shri Deb & Smti. Tiewsoh both were in same LDC cadre and promoted to the same UDC cadre. Thus it fulfils the condition at (a) above. Both the LDC and UDC posts carry the scale of pay which fulfils the condition at (b) above. In both cases FR-22-C was applied for fixed pay in UDC cadre. In the LDC cadre Shri Deb was drawing higher pay than

tahn Smti. Tiewsoh. It could be same but it cannot be lower than the junior official. But this anomaly happened due to allowing Smti. Tiewsoh a junior official to officiate on adhoc in UDC post depriving the claim of senior (Shri Deb). By virtue of his seniority, Shri Deb should have been given the adhoc promotion before Smti. Tiewsoh.

The case was referred in the Directorate by C.O., Shillong under No. AP/AAO/H/Fixn/89-90 dated 31.10.95 but the Postal Directorate rejected the claim of Shri Chandan Deb under No. 2-109/95-PAP dated 3.12.1997. It appears that Shri Deb was not conveyed the rejection of his claim by the Directorate though it was received by this office before filling O.A. No. 132 of 1998 by Shri Deb.

Being aggrieved, Shri Chandan Deb has approached the Hon'ble CAT, Guwahati and his application was admitted under no. 132 of 1998 and Hon'ble CAT Guwahati disposed the case by an order dated 1.7.98 directing the respondents to dispose the representation within two months.

However, Dte's letter No.2-109/95-PAP dated 3.12.97 rejecting his claim was noticed by him on 27.11.2000 while working with a file in the office. He obtained a photo copy of the same. Now, Shri Deb has again approached the Hon'ble CAT, Guwahati for redressal of his grievances and his application has been admitted under No. 82 of 2001.

PARAWISE COMMENTS.

1. That with regard to para 1, 2, 3, 4(a) and 4(b), the respondents beg to offer no comments.
2. That with regard to para 4.c, the respondents beg to state that admitted to the extent that a vacancy was occurred

and Smt. Tiewsoh was allowed to work in the vacancy on temporary measure and continued until she became regular in that cadre although she was junior to the applicant, which does not constitute any right for stepping up of pay of the senior official because adhoc promotion of the junior is basically a question of administrative exigency and difficulty that the administration may face if, even short term vacancies have to be filled up on the basis of Circle seniority by calling a person who is stationed in a different place in the region remote from the region where the vacancy arises and that too for a short duration. This is essentially a matter of administrative policy.

Further, it is clear that neither the seniority nor the regular promotion of the applicant was affected by this officiating local arrangement and as such the applicant who has not officiated in the higher post earlier, will not get the benefit of proviso to fundamental rule - 22.

3. That with regard to para 4.d, the respondents beg to state that admitted to the extent that on promotion to UDC cadre pay of the applicant was fixed at Rs. 1200/- while pay of Smt. Tiewsoh was fixed at Rs. 1230/-

Fixation of pay on promotion to a higher post is governed by F.R. 22 (I)(a)(I) which was formerly F.R. 22-C (Relevant portion is in annexure - A).

22 (1)(a)(I)

Therefore, for fixation of pay on promotion, the pay in the lower post must be increased by one increment in that pay scale and his pay should be fixed at the stage next above in the higher post of this notional pay arrived at in the lower post. According to the proviso of F.R.-22 (I)(a)(I)

Smt. Tiewsoh has officiated in the higher post on earlier occasion and her pay on promotion to the UDC cadre was fixed under F.R. 22(I)(a)(I) which should not be less than the pay she was drawing in higher post because of she last held that higher post and the period during which she drew higher pay in the last or any previous occasions shall count for increment in that pay thus, if the period exceeds twelve months the official is entitled one increment in the higher pay scale . Her initial pay, therefore, on her regular promotion has been fixed taking into account not merely her entitlement on the basis of her notional pay in the pay scale of the lower post but also taking into account the last pay drawn by her while she was officiating in the higher post. F.R. 26 also inter-alia provides counting of all periods of duty in a post towards increment in that post (Relevant position of F.R. -26(a) is annexed in Annexure -B) .

4. That with regard to para 4.e, the respondents beg to state that it is a fact that Shri Chandan Deb represented against the anomaly in fixation of his pay with reference to his junior Smt. M.D.Tiewsoh. The case was examined at this end and was forwarded to the Postal Directorate.

5. That with regard to para 4.f, the respondents beg to state that the matter of fact is admitted. The representation dated 3.8.93 from Shri Chandan Deb was forwarded to the Directorate by this office on 16.8.93. It appears from Directorate's letter dated 27.10.93 that the representation was not received by them. A copy of the representation was again forwarded by this office on 16.11.93.

6. That with regard to para 4.g to 4.j, the respondents beg to state that the paras are admitted.
7. That with regard to para 4.k, the respondents beg to state that it is a fact that the applicant submitted repeated representation and reminders for setting the anomalies right regarding his pay fixation with reference to his junior Smt. M.D. Tiewsoh, but as the case was to be decided by the Postal Directorate this office forwarded all these representations and reminders to Postal Directorate.
8. That with regard to para 4.l to 4.n, the respondents beg to offer no comments.
9. That with regard to para 5.i to para 5.ix, the respondents beg to state that the applicant is not entitled to any relief because higher pay of Smt. Tiewsoh was fixed in the higher post on regular promotion because of her officiating in that post, the applicant during the period of vacancy was working outside the station where the vacancy occurred and the vacancy was filled up by a junior due to administrative exigency which thus does not constitute any right for stepping up of pay of the senior. The increased pay drawn by a junior either due to ad hoc officiating/regular service rendered in the higher post for periods earlier than the senior, cannot, therefore be an anomaly in strict sense of term ; because pay does not depend on seniority ~~now~~ alone, nor seniority alone is a criterion for stepping up of pay.
10. That with regard to para 6, 7 , 8.i, 8.ii 8.v, the respondents beg to offer no comments.

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

I, Shri *Syotirmoy* Dutta S/o Late *J. M.*

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

And I sign this verification on this 29th day of *June*, 2001.

Syotirmoy
Declarant.