

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 15/2001

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 15/2001

Shri Narendra Kr. Singh Applicant.

VERSUS

Union of India & Ors Respondents.

For the Applicant(s) Mr. M. Chanda.

Mrs. N.D. Goswami

Mr. G. N. Chakrabarty.

For the Respondents. C.S.L.

NOTES OF THE REGISTRY

DATE

ORDER

This application is in form but not in time. Coadonation Petition is filed but filed vide M.R. No. C.R. for Rs. 5/- deposited vide IPO/BG No. 7.2.2.13
Dated.... 2.2.2001

My 10/01/01
Dy. Registrar

12.1.2001 Present : Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman and Hon'ble Mr. K.K. Sharma, Administrative Member.

Heard Mr. M. Chanda, learned counsel for the applicant.

Application is admitted. Call for the records. Issue usual notices.

Pendency of this application shall not be a bar for the respondents to consider the case of the applicant.

List on 13.2.01 for written statement and further orders.

13.2.01
1C (U) Sharma
Member (A)

Vice-Chairman

mk

13.2.01 List on 15.3.01 for orders.

15.3.01
1C (U) Sharma
Member

Vice-Chairman

15.3.01
1m

List on 12.4.01 to enable the respondents to file written statement.

15.3.01
1C (U) Sharma
Member

Vice-Chairman

1m

Notice prepared and sent to D/Sec for issuing the respondent No 1 to 7 by Regd A.D. vide S.I.N. 182 & 188 dt 17/1/01.

17/1/01.

① Service report are still awaiting.

② No written statement has been filed.

My
72-2-01

2
O.A. 15 of 2001

(1) Service report are still awaited.

(2) No. W/S has been filed.

By
TG.C.C

12.4.01 Four weeks time is allowed to enable the respondents to file written statement on the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. List on 11.5.2001 for written statement and further orders.

Vice-Chairman

11-4-01

No W/S has been filed.

trd

11.5.01

List on 11.6.01 to enable the respondents to file written statement.

U.C.Usha
Member

Vice-Chairman

No written statement has been filed.

11.6.01

Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents has submitted that inspite of several communications to the respondents to file written statement, they have not shown any interest. Hence the written statement could not be filed during the time allowed. In the circumstances, list this O.A. for hearing on 6-8-2001.

U.C.Usha
Member

Vice-Chairman

5.7.2001

bb

W/S has been submitted by the Respondents Nos. 1, 2, 3 and 4.

6.8.01 Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. The application is allowed to the extent indicated in the order. No order as to costs.

13.9.2001

Copy of the Judgment has been sent to the office for keeping the same to the Appellants as well as to the learned Counsel for the Respondents.

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. NO. 15 of 2001 . . . of

DATE OF DECISION 6.8.2001

Sri Narendra Kr. Singh. APPLECTANT(S)

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors. RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C. ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE

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 ?
5. Judgment delivered by Hon'ble Vice-Chairman.



**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 15 of 2001.

Date of decision : This the 6th day of August, 2001.

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

Sri Narendra Kr. Singh
Son of Late B.K.Singh
Senior Techicians
Passighat, All India Radio,
District- East Siang
Arunachal Pradesh

...Applicant

By Advocate Mr. M.Chanda.

-versus-

1. Union of India
Through the Secretary to the
Govrnment of India,
Ministry of Information and
Broadcasting,
All India Radio and Doordarshan,
New Delhi.
2. The Director General,
All India Radio,
New Delhi.
3. Director General
Doordarshan, Mandi House,
New Delhi.
4. Chief Engineer (EZ)
Prasar Bharati & Television
Borad Casting Corporation of India,
Akashvani Bhawan, Eden Garden,
Calcutta.
5. Shri Ram Naresh Singh
Engineering Assistant,
Prasar Bharati & Television
Doordarshan Kendra,
Patna
6. Shri Abdul Kayum Laskar
Engineering Assistant
Low Power Television Centre
Prasar Bharati & Television
Haflong, Assam.
7. Shri Binod Kumar Singh
Engineering Assistant,
All India Radio,
Doordarshan Kendra,
Low Power Television Centre,
Laktaisarai, District-Munger,
Bihar.

...Respondents

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

....Contd.

This application under section 19 of the Administrative Tribunals Act, 1985 has arisen and is directed against the order dated 18.4.2000 by which juniors of the applicant have been superseded in the matter of promotion from the post of Senior Technician to Engineering Assistant. The applicant at the relevant time was holding the post of Senior Technician to which was promoted on 5.3.1990. The name of the applicant was at serial no. 11 of the promotion order. The eligibility list of Senior Technician for promotion to the post of Engineering Assistant in the Eastern Zone on the basis of seniority cum fitness on 10% quota was published on 11.11.1999. In the said list the name of the applicant was at serial no. 10 and the name of the respondent nos. 5,6, and 7 were at serial nos. 11,12, and 13. Admittedly 10% promotion were made from the Senior Technicians to the grade of Engineering assistant on the basis of seniority cum fitness. As alluded that the respondent nos. 5,6,7 were junior to the applicant superseded him. Hence this application assailing the order of supersession dated 18.4.2000.

2. The respondents submitted its written statement and admitted that 10% of promotion are made on the basis of seniority cum fitness in the feeder cadre with five years of regular service. The respondents however stated that the applicant was not promoted since DPC did not recommend his case for promotion to the post of Engineering Assistant. As per the written statement the bench mark for promotion was ~~not~~ good. The case of the applicant was ignored because he was graded average. As per the written statement average ^{was} performance is not treated as adverse and therefore the same was not communicated to the applicant. The respondents

.....Contd.

X

also stated in the written statement that above average performance only entitled ^{to} an employee to recognition and reward of promotion. Since the said promotion is made on the basis of seniority cum fitness, persons cannot be overlooked from promotion unless he is found unfit. The merit comes into play in the matter of promotion when promotion is made on selection. In the instant case promotion is based on seniority cum fitness. Therefore senior person cannot be superseded, ^{unless he is found unfit}. In the instant case persons junior to the applicant have been promoted on the basis of their bench mark as good. The applicant could not have been superseded on the only ground of average grading.

3. For the aforementioned reasons the respondents are ordered to reconsider the case of the applicant for promotion to the post of Engineering Assistant against the 10% quota on seniority cum fitness basis.

4. In the light of the observations made above the respondents are directed to complete the aforementioned exercise within six weeks on receipt of a certified copy of this order.

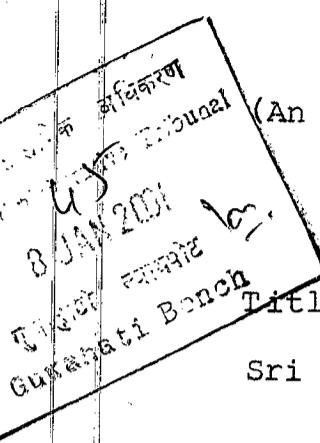
5. The application is allowed to the extent indicated above. There shall however no order as to costs.

(D.N.CHOWDHURY)
Vice-Chairman

trd

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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



Title of the Case : O.A. No. 15 /2000
Sri Narendra Kr. Singh : Applicant

-versus-

Union of India & Ors. : Respondents

I N D E X

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Filed by
N.D. Goswami
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

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

Original Application No. 15 /2008

BETWEEN
Shri Narendra Kr. Singh
Son of late B.K. Singh
Senior Technicians
Passigaht, All India Radio
Dist- East Siang
Arunachal Pradesh

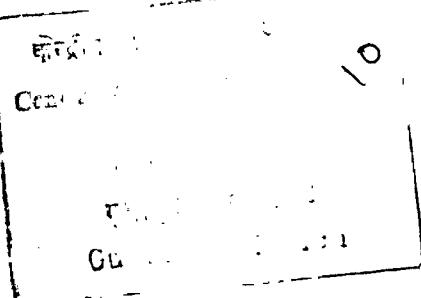
....Applicant

-AND-

1. Union of India
Through the Secretary to the
Government of India
Ministry of Information and
Broadcasting,
All India Radio and Doordarshan
New Delhi.
2. The Director General,
All India Radio,
New Delhi,
3. Director General,
Doordarshan, Mandi House,
New Delhi.
4. Chief Engineer (EZ)

Contd...

Narendra Kumar Singh



4. Chief Entineer (EZ),
Prasar Bharati & Television
Broad Casting Corporation Of India
Akashvani Bhavan, Eden Garde,
Calcutta

5. Shri Ram Naresh Singh
Engineering Assistant,
Prasar Bharati & Television
Doordarshan Kendra,
Patna

6. Shri Abdul Kayum Laskar
Engineering Assistant
Low Power Television Centre
Prasar Bharati & Television
Haflong, Assam

7. Shri Binod Kumar Singh
Engineering Assistant,
All India Radio,
Doordarshan Kendra,
Low Power Television Centre
Laktaisarai, Dist. Munger,
Bihar

DETAILS OF/E THE APPLICATION

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

This application is made for non-consideration of promotion to the post of Engineering Assistant and also against the impugned order of promotion issued

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Narendra Kumar Singh

under office order bearing letter No. 1(27)/99-5 dated 18.4.2000 whereby juniors of the applicant have been promoted to the post of Engineering Assistant and also praying for a direction to the respondents to promote the applicant to the post of ~~Senior~~ Engineering Assistant against 10% seniority cum fitness quota of Engineering Assistant with all consequential service benefits including seniority at least from the date of promotion of his juniors i.e. private respondents No. 5,6 and 7.

2. Jurisdiction of the Tribunal

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

3. Limitation :

The applicant further declares that the application is within the limitation prescribed under Section of the Administrative Tribunals Act, 1985.

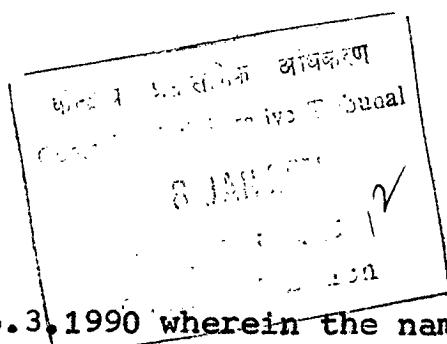
4. Facts of the Case.

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

4.2 That your applicant was initially appointed as Technician on 12.5.1986 under All India Radio, Bhagpur, Bihar. Thereafter he was promoted to the post of Senior Technician vide office order issued under

Contd...

Narendra Kumar Singh



letter No. 1(21)/90-5 dated 5.3.1990 wherein the name of the applicant at serial No. 11 in the promotion order but unfortunately the applicant could not join in the promotional post of Senior Technical as because at the relevant time ~~max~~ he was placed under suspension following an alleged implication in a criminal case. It is relevant to mention here that the criminal proceeding was instituted under Section 302/34 IPC alongwith other and the said case was registered as Session Trial Case No. 594/90 before the Additional Session Judge, Bhagalpur in connection with Bhagalpur G.R. case No. 2777/89. However the applicant was ultimately acquitted by the learned 3rd Additional Session Judge, Bhagalpur vide its judgement and order dated 18.7.91 *passe in* Session Trial Case No. 594/90 (G. R. Case No. 2777/89) State Vs. Basisthan Narayan Singh & Ors). However the applicant thereafter repeatedly approached before the authorities to promote him to the post of Senior Technicians in terms of the promotion order dated 5.3.90 referred to above. But the applicant was ultimately promoted to the post of Senior Technicians in the Eastern Region following the order of the Chief Engineer, (EZ) of All India Radio and Television, Calcutta vide his letter No. 1(21)/92-3 dated 29.1.93. In the said order it is stated that on the recommendation of the DPC the applicant alongwith others have been appointed on promotion as Senior Technician. The name of the applicant is figured at serial No.1 of the said promotion order. The applicant vide promotion order dated 29.1.93 posted at AIR, Pasighat. The applicant accordingly joined

Narendra Kumar Singh

at Passighat to the promotional post in the month of May 1993 and since then he is working in the said promotional post of Senior Technician in All India Radio, Passighat in the State of Arunachal Pradesh.

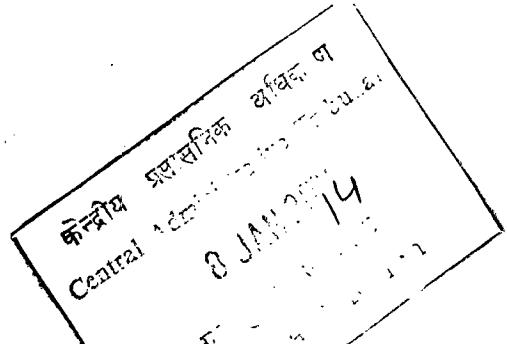
The applicant urged to produce the copy of the judgement and order dated 18.7.1991 passed in Session Trial case No. 594/90 (G.R. Case No. 2777/89) by the ~~Examiner~~ Learned 3rd Additional Judge at the time of hearing.

Copy of the promotion order dated 5.3.90 and
29.1.1993 are annexed hereto as Annexures-1 & 2
respectively.

4.3 That your applicant after his acquittal from the criminal proceedings instituted against him through G. R. case No. 2777/89, Session Trial Case No. 594/90 (State Vs. Basistha Narain Singh and Ors repeatedly approached the authorities for treating the period of suspension as on duty and also for grant of all consequential service benefits but being highly disappointed and dissatisfied with the inaction of the respondents the applicant in the compelling circumstances approached the Hon'ble Central Administrative Tribunal, Patna Bench, Patna through O.A. No. 615/93 (N.K. Singh Vs. Union of India & Ors.). In the said O.A. the applicant inter alia prayed for a direction upon the respondents to pay him full pay and allowances for the suspension period i.e. from 25.1.1989 to 24.6.1992 and treat these period as on duty for all other purposes of the service with all consequential service benefits. However the said OA was decided on 30.9.1994 with the following observations :

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Narendra Kumar Singh



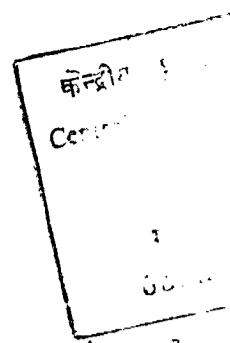
"24. The fact that the respondents have taken the view that only minor penalty of censure was deserved by the applicant on the charges arising from the incident, shows that had the applicant been not helplessly prosecuted in the criminal case ending in his acquittal, he would not have been put under suspension and there would have been no scope for disputing his entitlement to full salary and allowances throughout. The finding of the criminal court in relation to the applicant and the result of acquittal of the applicant clearly show that his prosecution was not justified and consequently the suspension of the applicant on account of his prosecution was of necessity a formal requirement of the rule in the background of the facts and circumstances of this case.

25. Having heard the learned counsel for the parties and having carefully considered the submissions of the learned counsel, the relevant rules and the material on record, I have come to the conclusion that this application must be allowed. The impugned memo dated 1.9.92 (Annexure A/7 to the application) being not in accordance with the law, is liable to be quashed and is hereby quashed. The respondents are directed to consider and decide the claim of the applicant to pay and allowances during the entire period of suspension on the basis of F.R. 54-B and to pass reasoned order within a period of three months from the date of receipt of a copy of this order.

26. There shall be no order as to costs."

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Narendra Kumar Singh



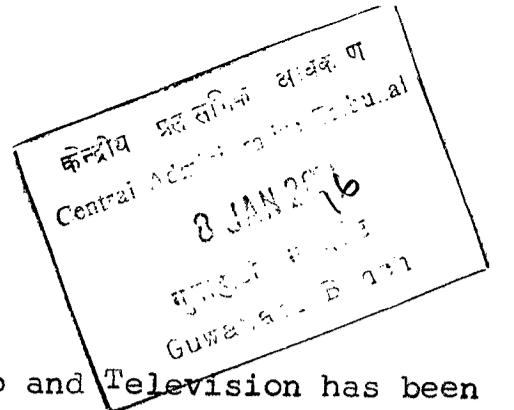
In view of the above judgement and order dated 30.9.1994 the applicant is entitled all consequential service benefits including the benefit of promotion to the cadre of Engineering Assistant with all consequential benefits.

A copy of the judgement and order dated 30.9.94 referred to above is annexed hereto as Annexure-3.

4.4 That the applicant begs to state that he has approached the authorities on several occasions for correct fixation of his seniority and also for grant of promotional benefit as he was excluded from the criminal charges levelled against him through G. R. case No. 2777/89 and G.R. case No. 594/90, but the authorities remained silent on the question of fixation of seniority and grant of promotional benefit which was denied to the applicant due to his implication in the criminal proceeding. However, although he has joined to the promotional post of Senior Technician in May 1993 following the promotion order dated 29.1.1993 but the fact remained that he was declared selected by the DPC for promotion to the post of Senior Technician vide order dated 5.3.90. But unfortunately at the relevant point of time he was placed under suspension as a result he could not avail the promotional benefit granted vide order dated 5.3.90, although subsequently he had approached before the authority for extension of the benefit of promotion to the post of Senior Technician which was granted to the applicant by order dated 5.3.1990. But no action was taken by the authority. Surprisingly vide memorandum issued under letter bearing No. 1(27)/94-S dated 12.1.95 whereby seniority list of Senior Technician in the

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Narendra Kumar Singh

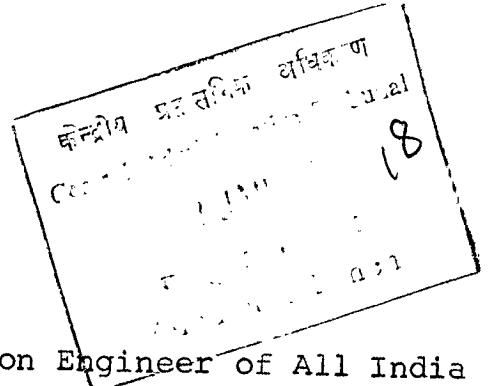


eastern zone of All India Radio and ~~Television~~ has been published as on 31.3.1994. In the said memorandum dated 12.1.1995 it was stated that if there is any discrepancies/error/ommission ~~dated xxxxxxxx1995~~ the same may be brought to the notice of the authorities not later than 31.1.1995 otherwise it would be presumed that the seniority as per attached list is correct. In this connection it is stated that the applicant has been wrongly placed in the said seniority list at serial No. 248 treating the date of joining to the post of Senior Technicion as on 30.5.1993. However the said memorandum dated 12.1.1995 in fact received by the headquarter office on 8.2.1995 and thereafter the same was brought to the notice to the technician working in subordinate office in the Deputy Director General of All India Radion and Television, Guwahati. The applicant immediately on receipt of the said impugned seniority list issued under memorandum dated 12.1.1995 submitted representation dated 24.2.1995 addressed to the Chief Engineer, Eastern Zone of All India Radio and television, Clacutta pointing out the discrepancies in the seniority list. It is stated by the applicant that he was promoted to the post of senior technicion vide order dated 5.3.1990 but at the relevant time he was placed under suspension with effect from 25.12.1989 following the detention in police custody for more than 48 hours and the said suspension order was subsequently revoked vide order dated 24.6.92 and the applicant was acquitted from the criminal charges by the learned Additional Session Judge, Bhagalpur. It is further stated in the said representation that he has also approached

Narendra Kumar Singh

the Hon'ble Patna Bench of the Central Administrative Tribunal praying interalia for treating the period of suspension as on duty and the said period was subsequently treated as on duty and the authorities paid full pay and allowances vide order dated 5.1.1995. It is relevant to mention here that while the promotion order was issued on 5.3.1990 he could not join to his promotional post as because he was placed under the suspension at the relevant time. However it is also stated that he was again promoted as senior technician vide order dated 29.1.1993 and joined at All India Radio, Passighat as Senior Technician on 30.5.1993 and also prayed for restoration of his seniority to the post of senior technician which he had lost during the period of suspension. He has categorically pointed that in the promotion order dated 5.3.1990 the applicant was ranked just above Shri Ram Naresh Singh, Senior Technician whereas in the seniority list dated 12.1.1995 said Shri Ram Naresh Singh is placed at serial No. 94 and the name of the applicant has been placed at serial No. 248. He has also stated that he is no way responsible for the circumstances which leads to his suspension and the same was later on revoked with full benefits treating the period of suspension as on duty. It is further ~~stated~~ requested that his original seniority may kindly be restored placing him above Shri Ram Naresh Singh, Senior Technician. The applicant again vide his representation dated 8.5.1995 addressed to the Chief Engineer, eastern zone, All India Radio and Television, Calcutta requested for restoration of his seniority with reference to the memorandum dated 12.1.1995. Similarly on 25.7.1995 he has

Narendra Kumar Singh



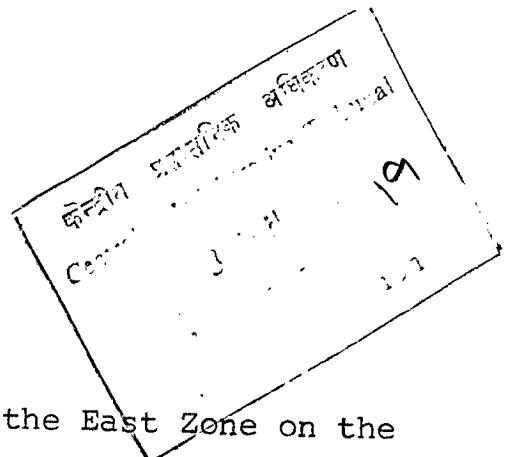
also ~~stated~~ requested the Station Engineer of All India Radio, Passighat for forwarding of his representation for restoration of seniority. The respondents after receipt of the representation from the applicant for restoration of his seniority considered the same and restored his seniority position as prayed by the applicant. It would be evident from the memorandum issued under letter No. 1(23)/95-S dated 23.6.95 whereby the applicant has been placed at serial No. 40 in the eligibility of list of Senior Technical for promotion to the post of Senior Technical Grade I as on 1.10.1994 in the east zone on the basis of the seniority cum fitness. The applicant is placed just above Shri Ram Naresh Singh as requested by him through representations referred to above.

Copy of the seniority list of Technician published as on 31.3.1994 through memorandum dated 12.1.1995 representations dated 24.2.1995, 8.5.95 and 25.7.95 and memorandum dated 23.6.95 are annexed as Annexures-4,5,6,7 and 8 respectively.

4.5 That it is stated that the applicant while working as Senior Technical in All India Radio, Passighat he is being harassed by the then Station Engineer, Shri N.Saha and the applicant submitted representation to the Chief Engineer of All India and Television through letter dated 24.10.1997 and 22.2.1998 but no action was taken on the basis of the said representations.

4.6 That your applicant begs to state that the Chief Engineer, Eastern Zone, All India Radio and Television, Calcutta issued another memorandum publishing the eligibility list of senior technician for promotion to the grade

Narendra Kumar Singh



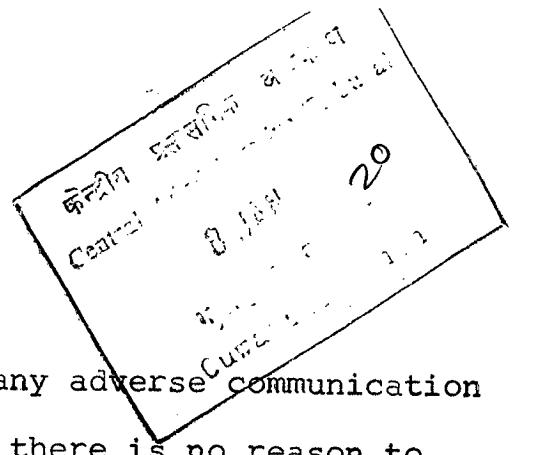
of Engineering Assistant in the East Zone on the basis of seniority cum fitness in 10% quota through letter bearing No. 1(27)/99-5 dated 11.11.99. In the said eligibility list the name of the applicant has been figured at serial No. 10 i.e. just above Ram Naresh Singh and Abdul Kayam Laskar and also Binod Kumar Singh. It is relevant to mention here that the respondents No. 5, 6, 7, have been placed at serial Nos. 11, 12, and 13 of the said eligibility list.

A copy of the Memorandum dated 11.11.99 is annexed as Annexure-9.

4.7 That most surprisingly spromotion order has been issued by the Chief Engineer, Eastern Zone, All India Radio and Doordarshan, Calcutta vide letter No. 1(27)/99-S dated ~~*****~~ 18.4.2000 whereby twenty Senior Technicians have been promoted to the post of Engineering Assistant including 12 juniors of the applicant i.e. from serial Nos. 9 to 20 who are juniors to the present applicant have been promoted by the impugned order of promotion dated 18.4.2000 but the name of the applicant has not been figured in the said promotion list for the reasons best known to the respondents.

It is stated that these promotions have been made on the basis of seniority cum fitness against 10% quota from senior technician to the grade of Engineering Assistant and the name of the applicant has been figured at serial No. 10 of the eligibility list published under memorandum dated 11.11.90. Therefore there is no reason to exclude the name of the applicant from the list of promotion order. It is categorically stated that how

Narendra Kumar Singh

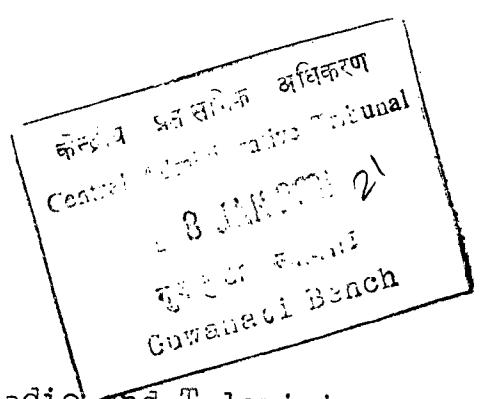


applicant has not received any adverse communication against his ACR. Therefore there is no reason to exclude the name of the applicant from the order of promotion to the post of Engineering Assistant. As such the Hon'ble Tribunal be pleased to direct the respondents to Review the case of the applicant for promotion to the post of Engineering Assistant and further be pleased to direct the respondents to promote the applicant to the said post at least from the date of promotion granted to the respondent Nos. 5,6 and 7. It is relevant to mention here that out of 12 juniors who were promoted to the post of Engineering Assistant vide impugned order dated 18.4.2000 only immediate three juniors namely respondent nos. 5.,6 and 7 have been impleaded as party respondents in this application and the same will safeguard the interest of the other juniors who have been promoted vide impugned order dated 18.4.2000.

A copy of the impugned promotion order dated 18.4.2000 is annexed as Annexure-10.

4.8 That your applicant immediately after receipt of the impugned order of promotion dated 18.4.2000 submitted representations dated 8.5.2000 and 23.6.2000 addressed to the Chief Engineer, Eastern Zone of All India Radio and Doordarshan, Calcutta praying inter alia to consider the case of his promotion to the post of Engineering Assistant and also categorically stated that his juniors have been promoted to the post of Engineering Assistant and requested for an early action to redressed his grievances. Similarly the recognised

Narendra Kumar Singh



Association of All India and Radio and Television Engineering employees also requested the Chief Engineer Eastern zone of All India Radio and Doordarshan vide their letter dated 20.5.2000 to make a review of the promotion on the ground that many of the juniors bye passed while the order of promotion has been issued for the post of Engineering Assistant. But unfortunately no action has been taken by the respondents on the basis of the representation submitted by the applicant as well as by the recognised Association of All India Radio and Television Engineering employees. In the compelling circumstances the applicant finding no other alternative approaching the Hon'ble Tribunal for redressal of his grievances.

Copy of the representation dated 8.5.2000,
23.6.2000 and letter dated 20.5.2000 are annexed
as Annexures 11,12 and 13 respectively.

4.9 That it is stated that the applicant is being discriminated subject to unfair treatment in the department particularly in the matter of promotion as such exclusion of the name of the applicant from the list of promotion is highly arbitrary, unfair and the same is violative of Articles 14 and 16 of the Constitution particularly when there is no adverse communication is made to the applicant even in the form of advise.

4.10 That it is stated that promotion is a valuable right in service career of an employee as such denial of the same is also amount to violation of doctrine of legitimate expectation. As such the Hon'ble Tribunal be pleased to direct the respondents to promote the applicant

Narendra Kumar Singh

to the post of Engineering Assistant with retrospective effect at least from the date of promotion of his juniors by holding review D.P.C.

4.10 That this application is made bona fide and for the cause of justice.

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

5.1 For that the applicant has been discriminated in the matter of promotion to the post of Engineering Assistant when large number of juniors including the respondent nos. 5,6, and 7 have been promoted to the post of Engineering Assistant vide impugned order dated 18.4.2000.

5.2 For that the ~~xxxxxx~~ the applicant has been discriminated in the matter of promotion to the post of Engineering Assistant while his juniors have ~~been~~ been considered for promotion but the name of the applicant has not been taken place without any reason and there is no adverse remark against the name of the applicant in his ACR.

5.3 For that the name of the applicant has been placed at serial No. 10 in the eligibility list of Senior Technician for promotion to the post of Engineering Assistant against the 10% quota vide order dated 11.11.1999 therefore exclusion of the name of the applicant from the order of promotion particularly when there is no adverse communication in the ACR, as such the denial of promotion to the applicant is violative of Article 14 and 16 of the Constitution.

Narendra Kumar Singh

5.4 For that the applicant submitted representations for redressal of his grievances before the competent authority but to no result.

6. Details of remedies exhausted.

That the applicant states that he has no other alternative and other efficacious remedy than to file this application. Representations through proper channel were submitted by the applicant but no action has yet been taken by the respondents.

7. Matter not previously filed or pending before any other court or Tribunal.

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any other Court or any other authority or any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

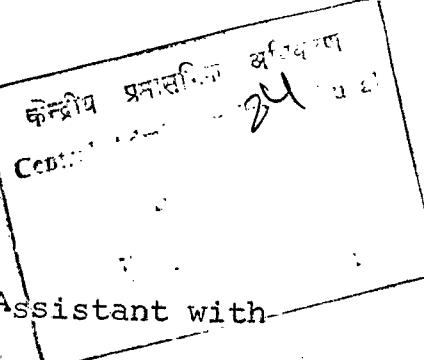
8. Reliefs sought for :

Under the facts and circumstances of the case the applicants prays that Your Lordships would be pleased to issue notice to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs :

8.1 That the respondent be directed to promoted the applicant by holding Review DPC

Contd..

Narendra Kumar Singh



to the post of Engineering Assistant with retrospective effect at least from the date of promotion of his juniors i.e. respondent nos. 5, 6 and 7 with all consequential service benefits including seniority and monetary benefits.

8.2 That the respondents be directed to include the name of the applicant in the impugned order of promotion dated 18.4.2000 by modifying the order in terms of prayer No.1.

8.3 Costs of the Application.

8.4 Any other relief/reliefs to which the applicants are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by this Hon'ble Tribunal.

9. Interim Reliefs prayed for :

9.1 Pending disposal of this application, an observation shall be made that pendency of the application shall not be a bar for the respondents to grant the benefit of promotion to the applicant by the respondents, nor so in view of the Section 19(4) of the Administrative Tribunals Act. The applicant further prays that the instant application be disposed of expeditiously.

10.

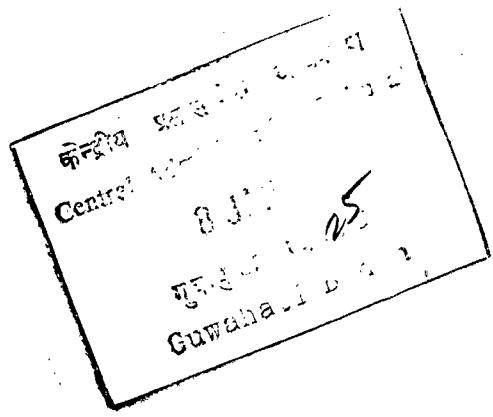
This application has been filed through Advocate.

11. Particulars of I.P.O.

i. I.P.O. No. : 66 771219
ii. Date of Issue : 22/12/2000
iii. Issued from : G.P.O., Guwahati.
iv. Payable at : G.P.O., Guwahati.

12. List of enclosures :
As stated in the Index.

Narendra Kumar Singh



VERIFICATION

I, Sri Narendra Kr. Singh, son of late B.K. Singh, aged about 49 years, working as Senior Technician, All India Radio, Passigaht, District, East Siang, Arunachal Pradesh, applicant in the instant Original Application do hereby verify and declare that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice which I believe to be true and I have not suppressed any material fact.

And I sign this verification on this the 22nd day of December 2000

Narendra Kumar Singh
Signature

Government of India
Office of the Chief Engineer (EZ)
All India Radio & Television
Calcutta

Aakashvani Bhavan,
Eden Gardens
Calcutta-700 001

Dated 5.3.90

No. 1 (21)/90-S

ORDER

Subject : Promotion of Technicians as Senior Technicians and transfer of Senior Technicians in the same capacity in the Eastern Region.

On the recommendation of the Departmental promotion committee, the following Technicians are allotted for appointment on promotion as Sr. Technicians at the station/office noted against each :-

| Sl.No. | Name of Technicians | Present posting | Posting as Sr. Technician | Remarks |
|--------|----------------------|--------------------|---------------------------|------------------------------|
| 1 | Shri Md. Ali Imman | LPTV, Darbhanga | CE (EZ) | |
| 2 | " Daresb Ch. Baishya | AIR, Guwahati | DDK, Kohima | |
| 3 | " Raj Kr. Thakur | LPTV, Jamshedpur | LPTV, Sitamari | |
| 4 | " Khagen Boro | LPTV, Tezpur | LPTV Tezpur | Against a vacant post. |
| 5 | " Aswini Sharma | AIR, Kohima | LPTV, Dhubri | -do- |
| 6 | " Monoranjan Das | LPTV, Dhanbad | LPTV Dhanbad | Vice Sri Sultan transferred. |
| 7 | " V. Vasurutwo | LPTV, Ukhru | AIR Shillong | |
| 8 | " S. Ganguly | CE (EZ), AIR, Cal. | CE (EZ), AIR, Cal. | |
| 9 | " Guljari Chowdhury | HPTV, Ranchi | LPTV, Sasaram | |
| 10 | " Khirod Kr. Behra | DDK, Cuttack | LPTV, Joda | Against a vacant post |
| 11 | " Nagendra Kr. Sinha | AIR, Bhagalpur | LPTV, Jamui | -do- |
| 12 | " Ram Naresh Singh | LPTC, Bettiah | LPTV, Gopalganj | -do- |
| 13 | " Abdul Kayal Laskar | DDK, Kohima | PPC, Kohima | |
| 14 | " Binod Kr. Singh | DDK, Patna | DDK, Cal. | |
| 15 | " Rajib Das | LPTV, Nazira | DDK, Ghy. | |

Contd...

Narendra Kumar Singh

| | | | | |
|----|----------------------|------------------------|-------------------|--|
| 16 | " Ram Prakasad Sarki | AIR, Kurseong | AIR Kurseong | Against a newly created post. |
| 17 | " Debanand Barman | AIR, Silchar | Chaibasa, AIR, | |
| 18 | " Fazlul Haque | LPTV, Shantiniketan | LPTV Shan- tan | Vice Shri M. S. Das trans- ferred. |
| 19 | " Dinesh Prasad | LPTV, Jam- shedpur | LPTV Ghatsila | Against a va- cant post. |
| 20 | " Pallab Sarkar | AIR, Siliguri | AIR, Kurseong | -do- |

2. The following Senior Technicians are transferred in the same capacity to the Station/Office noted against each with immediate effect.

| Sl.No. | Name of Sr.Techni- cian | Present posting | Transferred to | Remarks |
|--------|----------------------------|---------------------------------------|----------------------------|--|
| 1 | Shri Pradip Kn.Roy | O/o the CE (EZ), AIR & TV, Cal. | AIR Calcutta | Against a va- cant post. |
| 2 | " Abul Kalam | -do- | AIR Calcutta | -do- |
| 3 | " Tarak Mukherjee | -do- | AIR Calcutta | -do- |
| 4 | " M. S. Das | TVRC, Shan- tiniketan | DDK Agar- tala | Vice Sri Man- tu Das promo- ted. |
| 5 | " G. Marandi | DDK, Ranchi | LPTC, Dumka | |
| 6 | " Somnath Chatter- jee | O/o the CE9EZ) AIR & TV, Cal. | LPTV, Krishna- nagar | Against a va- cant post. |
| 7 | " Akhil Kr. Das | -do- | AIR Purnea | -do- |
| 8 | " R.N. Majhi | CBs, AIR, Cuttack | AIR Bari- pada | -do- |

3. The Senior Technicians mentioned in Para 2, will not be given TA/DA, joining time, etc. as their transfer are being made on their own request.

4. All the officials mentioned in para 1 will be on probation for a period of two years from the date of thier appointment as Senior Technicians.

5. The orders of appointment are to be issued by the respective Heads of Stations/Offices where the Technicians are allotted for promotion as Senior Technicians, under intimation to this office, subject to the condition that no disciplinary proceedings are either pending or contem-

Narendra Kumar Singh

plated against any of them and their probationary period is terminated.

6. The respective Heads of Stations/Offices where the Technicians concerned are working at present are required to intimate immediately to the concerned appointing authorities wherether any disciplinary action is pending or contemplated against them and whether probationary period of them is terminated.

7. In case of urgency the offer of appointment for the post of Sr. Technician may immediately be forwarded to his present employer, for handing over to him after ensuring that no disciplinary proceeding is either pending or contemplated against him and his probationary period is terminated.

8. The resultant vacancies of Technician may be filled up by direct recruitment after observing usual formalities.

9. The Confidential Reports of the Officials concerned should be sent immediately after their relief.

10. In case any technician refuses promotion disciplinary action may be taken against him in accordance with instruction contained in the Director General, All India Radio, New Delhi Memo No. 14/36/85-SII dated 26.2.86.

11. The date of joining and date of relief of above officials may please be intimated to this office.

Sd/- Illegible

(R.K.RAY)

DEPUTY DIRECTOR (ENGINEERING)
For Chief Engineer (EAST ZONE)

Copy to :

1. The Heads of Station/Offices of All India Radio, Calcutta, Purnia/Baripada/Shillong/Kurseong/ Chaibasa/Guwahati/ Kohima/Bhagalpur/Silchar/Siliguri.
2. The Heads of Doordarshan Kendras, Ranchi/Agartala/Kohima/ Calcutta/ Guwahati/Cuttack/Patna/Muzaffarpur.
3. The Station Engineers, Maintenance Centres, Doordarshan, Bardhaman/Jamshedpur/Tezpur/Purnea/Dimapur.
4. The Station Engineers, High Power Transmitters, Television, Ranchi/Agartala.
5. The Head of station, P.P.C., Kohima.
6. The Assistant Engineers, Lower Power Transmitters, Television, Shantiniketan/Dumka/Krishnagar/Sitamanti/Tezpur, Dhubri/Dhanbad/Sasaram/Joda/Jamui/Gopalganj/Ghatsila/ Darbhanga/ Jamshedpur/Ukhrul/Bettiah/Nazira.
7. The Administration Section (Sri A.K. Roy, CG-I/Accounts (Smt. Jaya Mistry, CG-II, Smt. Sharmila Kanjilal & A. Chakraborty, CG-II) Confidential Cell (S/ Shri S.K. Das CG-I and N.C. Mallick, CG-I) office of the Chief Engineer (East Zone), All India Radio & Television, Calcutta.

Contd..

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Copy also to :

1. The Director General, All India Radio, SI V Section, New Delhi.
2. The Director General, Doordarshan, SII Section, Mandi House, New Delhi.
3. The President, Association of Radio & Television Engineering Employees, Gole Market Post Office, Post Box No. 422, New Delhi.
4. Vice-President, Association of Radio & Television Engineering Employees, East Zone, Akashvani Bhavan, Calcutta.
5. The General Secretary, All India Radio, Technical Employees Association, Post Box No. 736, New Delhi-1.
6. The Zonal Secretary, All India Technical Employees Association, Golf Green, Doordarshan Bhavan, Calcutta 45.
7. Shri A.K.Haldar, PA to H.OO. O/o CE(EZ), AIR & TV, Calcutta.

Sd/- Illegible
for Chief Engineer (EZ)

Annexure-2

GOVERNMENT OF INDIA
OFFICE OF THE CHIEF ENGINEER (EAZT ZONE)
ALL INDIA RADIO & TELEVISION
CALCUTTA

Akashvani Bhavan,
Calcutta-700 001

No.1 (21)/92-S

Date : January 29, 1993

O R D E R

Subject : Promotion of Technicians as Senior Technicians
in the Eastern Region.

On the recommendation of the Departmental Promotion Committee, the following Technicians are allotted for appointment on promotion as Senior Technicians at the station/office noted against each.

| Sl. No. | Name of Technicians | Present posting | Posted on promotion | Remarks |
|------------|--|---|------------------------|---------|
| 1 | 2 | 3 | 4 | 5 |
| 1 | Shri Narendra Kr. Singh Narendra Kr. Singh | A.I.R. Bhagalpur | AIR Passighat | |
| 2 | Shri Md. Zamil Akhrar | AIR Bhagalpur | LPTV Koraput | |
| 3 | Shri S.N. Deori | LPTV Dibrugarh | AIR Passighat | |
| 4 | Shri Amit Bagal | CE, EZ, AIR & TV Calc. | LPTV, Jeypore | |
| 5 | Shri Sanu Varghase | AIR Gangtok | AI R Jeypore | |
| 6 | Shri Kalidas Mondal | CE (EZ) AIR & TV Calcutta | DDK Silchar | |
| 7 | Shri Prasanjit Chaki | CE (EZ) AIR & TV, Calcutta | DDK Itanagar | |
| 8 | Shri B.R.P. Sinha | LPTV KIR&x&XY Jamshedpur | LPTC Purulia | |
| 9 | Shri S.B. Sur | CE, EZ AIR & TV Calcutta. | DDK Itanagar | |

Contd...

3
Annexure-2 (Contd.)

| 1 | 2 | 3 | 4 | 5 |
|----|--------------------------|----------------------------------|-------------|------------------------|
| 10 | Shri G.C.Dey | CE (EZ) AIR & TV Calcutta | DDK | Itanagar |
| 11 | Shri Z.A.Gazi | CE (EZ), AIR & TV Calcutta | HPT, AIR | Chansurah |
| 12 | Shri R.S.Singh | LPTV Mungher | DDK | Tura |
| 13 | Shri S.G.Ghosh | CE (EZ) AIR & TV Calcutta | DDK | Shillong |
| 14 | Shri J.C.Naskar | CE (EZ) AIR & TV Calcutta | DDK | Kohima |
| 15 | Shri A.S.Naskar | CE (EZ) AIR & TV Calcutta | AIR | Kohima |
| 16 | Shri Rasamoy Purkait | CE (EZ) AIR & TV Calcutta | AIR | Kohima |
| 17 | Shri Arup Ch. Sinha | LPTV, Shanti- nekatan | DDK | Itanagar |
| 18 | Shri C.B. Tamang | LPTC Gangtok | AIR Tawang. | |
| 19 | Shri Saroj Rn. Das | AIR Siliguri | AIR | Imphal |
| 20 | Shri S.K.Ganguly | CE (EZ) AIR & TV Calcutta | AIR | Shillong |
| 21 | Shri Alokesh Sikdar | -do- | AIR | Shillong |
| 22 | Shri Madhab Kanti Das | -do- | LPTV | Dhenkanoi (Angul) |
| 23 | Shri Pinak Roy | -do- | DDK | Shillong |
| 24 | Shri K Unnikrishnan | AIR Tawang | LPTV | Berhampore (Orissa) |

Contd...

| 1 | 2 | 3 | 4 | 5 |
|----|--------------------------------|-----------------------------------|--------------------|---|
| 25 | Shri N.C.Aich | CE (EZ) AIR & TV Calcutta | DDK Shillong | |
| 26 | Shri Trinath Maher | AIR Sambalpur | LPT Bhadrak | |
| 27 | Shri K C Bhoi | AIR Sambalpur | LPT Puri | |
| 28 | Shri A.K. Guha | LPT Sambalpur | LPT Baliapal | |
| 29 | Shri Ujjal Kr. Saha | LPT Shantini- ketan | LPTV Contai | |
| 30 | Shri S. S. Singh | AIR, Imphal | AIR, Imphal | |
| 31 | Shri R.K.Verma | LPTV Bokaro | DDK Aizawl | |
| 32 | Shri Manab Pal | CE (EZ), AIR & TV, Calcutta | AIR Kohima | |
| 33 | Shri Somenath Mukhopadhyay | CE (EZ), AIR & TV, Calcutta | DDK Aizawl | |
| 34 | Shri Indrajit Bhattacharyya | CE (EZ) AIR & TV Calcutta | AIR Kohima | |
| 35 | Shri | LPTV, Tuensang | DDK Kohima | |
| 36 | Shri P. Kr. Saha | AIR Guwahati | AIR Guwahati | |
| 37 | Shri Arun Kumar | LPTV Bokaro | AIR Purnea | |
| 38 | Shri M Prasad | LPTV Rourkela | LPTV Jharsududa | |
| 39 | Shri S Das | LPTV Tuensang | DDK Silchar | |

Contd....

| 1 | 2 | 3 | 4 | 5 |
|-----|------------------------------|---------------------------------|---------------------|---|
| 40 | Sh. G.K.Kanji | CE (EZ) AIR & TV Calcutta | AIR Itanagar | |
| 41 | Sh. K.K.Sarkar | CE (EZ) AIR & TV Calcutta | AIR Baripada | |
| 42 | Sh. S.K. Mishra | LPTV Baripada | LPTV Bhanjanagar | |
| 43 | Sh. Kanak Ch. Kachari | LPTV Tezu | AIR Itanagar | |
| 44 | Sh. Pranjit Das | DDK Guwahati | AIR Guwahati | |
| 45. | Sh. Ranjit Kr. Das | DDK Guwahati | AI R Guwahati | |
| 46 | Shri U.P. Somasek- haram | LPTV Passighat | LPTV Passighat | |
| 47 | Shri Subhasis Biswas | CE (EZ) AIR & TV Calcutta | AIR Itanagar | |
| 48 | Shri B.C. Deka | DDK Guwahati | DDK Guwahati | |
| 49 | Sh Porag Ch. Tanti | LPTV Dibrugarh | DDK Dibrugarh | |
| 50 | Shri Ch - Nilamukta Singh | DDK Imphal | DDK Imphal | |
| 51 | Shri Ashok Kr. Gurung | LPTV Tezu | AIR Tezu | |
| 52 | Sh. Sukamal Dutta | CE (EZ), AIR & TV, Calcutta | AIR, Itanagar. | |
| 53 | Sh. S.R.Mazumdar | -do- | AIR, Haflong | |
| 54 | Sh. Pranjit Pathak | AIR Guwahati | AIR Guwahati | |

Contd...

| 1 | 2 | 3 | 4 | 5 |
|----|--------------------------|---------------------------------|---------------------------------|---|
| 55 | Shri Deepa Kr. Pathak | AIR Darbhanga | AIR Belonia | |
| 56 | Shri P.R. Some | CE (EZ) AIR & TV Calcutta | DDK Agartala | |
| 57 | Sh. Ashis Roy | LPTV Kokrajhar | AIR Nawgaon | |
| 58 | Shri S. Borgo- hain | AIR Dibrugarh | AIR Dibrugarh | |
| 59 | Sh. N.N. Mondal | CE (EZ) AIR & TV Calcutta | AIR Aizawl | |
| 60 | Sh M.K. Dutta | CE (EZ) AIR & TV Calcutta | MRRT, AIR Chinsurah | |
| 61 | Sh C.C. Chatterjee | CE (EZ) AIR & TV Calcutta | HPTV Burdwan | |
| 62 | Sh Tamal Kanti Ghosh | DDK Calcutta | DDK Tura | |
| 63 | Sh Salahuddin | AIR Jamshedpur | AIR Kohima | |
| 64 | Sh P.K. Guha Roy | CE (EZ) AIR & TV Calcutta | LPTV Jhargram | |
| 65 | Sh. Balmukund Prasad | DDK Patna | DDK Aizawl | |
| 66 | Sh. A. Takososang | LPTV Dimapur | LPTV Ukhrul | |
| 67 | Sh S.C. Ghosh | CE (EZ) AIR & TV Calcutta | LPTV Kharagpur | |
| 68 | Sh A.C. Bala | -do- | CE (EZ), AIR & TV, Calcutta. | |

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Annexure-2 (Contd.)

| 1 | 2 | 3 | 4 | 5 |
|----|-----------------------------|---------------------------------|----------------------------------|-------------|
| 69 | Sh. Tapan Das | CE (EZ) AIR & TV Calcutta | CE (EZ) AIR & TV Calcutta | |
| 70 | Sh. Jadugar Maya | AIR Heypore | DDK | Bhubaneswar |
| 71 | Sh. Monoranjan Thakuria | LPTV Jowai | AIR | Guwahati |
| 72 | Sh. Promod Ra. Verma | AIR Patna | AIR | Patna |
| 73 | Shri Bijoy Bhattacharyya | AIR Guwahati | AIR | Guwahati |
| 74 | Sh. Arjun Bhoi | AIR Sambalpur | AIR | Cuttack |
| 75 | Sh. Balen Ch. Das | CE (EZ) AIR & TV Calcutta | CE (EZ), AIR & TV Calcutta | |
| 76 | Shri Bagun Kudda | AIR Jamshedpur | AIR | Ranchi |
| 77 | Sh. A.S. Debnath | HPTV Agartala | HPTV | Agartala |
| 78 | Sh. Ashim Guha Roy | LPTV Dimapur | LPTV | Krishnagar |
| 79 | Sh. L.K. Reddy | LPTV Dimapur | DDK | Kohima |
| 80 | Sh. Ashok Mondal | HPTV Asansol | HPT, AIR | Chinsurah |
| 81 | Sh. Fabian Nongs- punt | AIR, Shillong | AIR | Shillong |
| 82 | Shri Narayan Pramanik | LPTV, Rourkella | LPTV | Purulia |

Contd...

| 1 | 2 | 3 | 4 | 5 |
|----|-----------------------------|--------------------|----------------------------------|---|
| 83 | Sh. Bir Bh. Singh | LPTV Sasaram | DDK Tura | |
| 84 | Sh. Rajeswar Prasad | LPTV Sasaram | LPTV Sasaram | |
| 85 | Sh. H. Singh | LPTV Siwan | DDK Aizawl | |
| 86 | Sh. Raj Kumar | LPTV Siwan | LPTV Joda | |
| 87 | Sh. Naushad Alam | LPTV Siwan | LPTV Siwan | |
| 88 | Sh. Jayanta Kr. Ramudamu | LPTV Kalimpong | LPTV Darjeeling | |
| 89 | Sh. Lakhichand Paswan | LPTV Forbesganj | DDK Kohima | |
| 90 | Sh. Promod Kr. Gupta | LPTV Gopalganj | DDK Ranchi Itanagar | |
| 91 | Sh. Jagdeo Ram | LPTV Gaya | DDK Ranchi | |
| 92 | Sh. Raghubir Thakur | AIR Darbhanga | AIR Kohima | |
| 93 | Sh. A.K. Paswan | LPTV Begusarai | LPT Anrangabad | |
| 94 | Sh. Diwakar Kr. | LPTV Gopalganj | HPTV Katihar | |
| 95 | Sh. Dashrath Sah | AIR Bhagalpur | AIR Itanagar | |
| 96 | Sh. Lenus Peter, Bara | AIR Calcutta | CE (EZ) AI R & TV Calcutta | |

ii. All the aforesaid officials will be on probation for a period of two years from the date of their appointment as Senior Technicians.

Contd...

Annexure-2

iii) The orders of appointment are to be issued by the respective Heads of Stations/Offices where the Technicians and allotted for promotion as Senior Technicians, under intimation to this office, subject to the condition that no disciplinary proceedings are either pending or contemplated against any of them, their probationary periods are terminated and they have fulfilled required conditions as per rule at the time of initial appointment as Technician.

iv) The respective Heads of Stations/Offices where the Technicians concerned are working at present are required to intimate immediately to the concerned appointing authorities whether any disciplinary proceedings are pending or contemplated against them, whether their probationary periods are terminated and whether they have fulfilled all required conditions of appointment as per rule at the time of initial appointment of Technician.

v) In case of urgency the offer of appointment for the post of Senior Technician may immediately be forwarded to his present employer, for handing over to him after ensuring that no disciplinary proceedings are either pending or contemplated against him, his probationary period is terminated and

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, PATNA BENCH, PATNA.

REGISTRATION NO. O.A. 615 of 1993.

Date of Order : 30.9.994

Narendra Kumar Singh - Applicant

-versus

Union of India & Ors. - Respondents

Counsel for the Applicant - Mr. S.K. Sharma
Mr. R. Sharma

Counsel for the Respondents - Mr. Lalit Kishore
Addl. Standing Counsel

Coram : Hon'ble Mr. Justice R.K. Sarma, Vice-Chairman.

O R D E R

By this application filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has sought for a direction to issue to the respondents to pay the applicant full pay and allowances for the suspension period from 25.1.1989 to 24.6.1992 and treat this period as duty for all other purposes of the service with all consequential benefits and has further sought quashing of the order dated 1.9.1992 passed by the Respondent No.2 (Annexure-A/7 to the application) whereby the applicant was informed that his subsistence allowance drawn during the suspension period will remain the same and no additional amount will be paid for the above period.

2. The facts giving rise to this application briefly stated are as follows :

While the applicant was working as Technician, All India Radio, Bhagalpur, he was taken in custody by

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Bhagalpur Police on 25.12.1989 in connection with the offence u/s read with 34 I.P.C. which was alleged to have been committed in the applicant's quarter where his brother and to relatives were found at the time of occurrence of the incident. At the time of the incident the applicant was absent from the place of occurrence as he was on duty in All India Radio Station at the material time. Three accused persons including the applicant were tried by the Additional Session Judge, Bhagalpur, who found the other two accused persons guilty and convicted them of the offence u/s 302 r/w 34 and sentenced them to imprisonment for life by judgement dated 18.7.1991 and order of sentence dated 19.7.1991 passed in Sessions Trial No. 594 of 1990.

3. As regards the applicant, the Additional Sessions Judge found that the applicant was not present at the place of occurrence alongwith their accused persons and held that he is being not found there and his presence in the Radio Station on duty in inconsistent with his guilt. Consequently, the applicant was not found guilty and was acquitted of the offence he was charged with.

4. The applicant was put under suspension by the Respondent No. 3 on 28.12.1989 w.e.f. 25.12.1989 on the basis of the applicant being kept in Police custody for a duration exceeding 48 hours. The applicant was enlarged on bail on 3.6.1990 and was finally acquitted of the charges by judgement dated 18.7.1991, passed by the Learned Additional Sessions Judge, Bhagalpur.

5. The applicant approached Respondent No.2, the

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1

Station Director, A.I.R., Bhagalpur on 1.8.1991 with a copy of the judgement of acquittal in his favour passed by the Court of Additional Sessions Judge, for allowing him to resume duty.

6. After elapse of ten months, the Respondent No.2 issued a memo dated 20.5.1992 asking explanation of the applicant for occurrence of 25.12.1989. The applicant submitted his explanation on 27.5.1992.

7. The Respondent No.2 passed an order (Annexure-A-5) on 24.6.1992 revoking the order of suspension passed on 28.12.1989 by the Respondent No.3. The applicant accordingly resumed duty w.e.f. 24.6.1992.

8. It has been stated in the order (Annexure A-5) that the suspension is being revoked pending further suitable departmental action as may be considered necessary and that the period of suspension will not be treated as duty and may be reviewed subsequently, if necessary.

9. On 1.9.1992 the Respondent No.2 issued the impugned memo (Annexure-A/7) to the application) informing the applicant that his subsistence allowance drawn during the suspension period will remain the same and no additional amount will be paid for the above period. This order appears to have been passed rather prematurely. There seems no occasion for passing such an order at that stage especially when a departmental action was proposed to be taken by the Disciplinary authority later and the question of consideration of treating the period of suspension as duty was to arise subsequently when the departmental action concluded resulting in a minor penalty of Censure only.

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10. The applicant submitted an appeal (Annexure-A/8) to Respondent No.1 against the order of the Respondent No.2 dated 1.9.1992 (Annexure-A/7) but the same does not appear to have been decided.

11. The Respondent No.2 being the disciplinary authority, drew proceedings against the applicant for minor penalty and issued charge-sheet (Annexure A/9 to the application) on 3.12.1992 under the C.C.S. (C.C.A.) Rules 1965 incorporating statement of Articles of charge on five counts which were already decided by the Learned Additional Sessions Judge who had acquitted the applicant.

12. The applicant submitted the reply to the Annexure-9 on 10.12.1992 (vide Annexures A/10) denying the charges and explaining the circumstances under which the applicant was drafted in the criminal case as co-accused.

13. On receipt of the reply of the applicant dated 10.12.1992 (Annexure A/10) the Respondent No. 2 having satisfied himself with the explanation of the applicant passed order on 14.12.1992 imposing a minor penalty of 'Censure' (vide Annexure A/11). The Respondent No. 2 in his order dated 14.12.1992 has stated that on careful consideration of the explanation he has come to the conclusion that the gravity of the charge is such is to warrant the imposition of a minor penalty of censure.

14. On 28.5. 1993 the applicant was promoted as Senior Technician on the recommendation of a duly constituted Departmental Promotion Committee and transferred on promotion to Passighat in Arunachal Pradesh as Senior Technician.

15. The grievance of the applicant is that the Respondent No.2 and Respondent No.1 have failed to pass specific orders under F.R. 54 B(1) regarding the pay and allowance to be paid to the applicant for the suspension period from 25.12.1989 to 24.6.1992 ending with re-instatement with minor penalty.

16. The relevant portion of F.R. 54-B, which in my opinion, should have engaged the attention of the authority competent to order reinstatement for deciding the amount of pay and allowances payable to the applicant for the period he remained under suspension, are extracted below :

(1) When a Government servant who has been suspended is reinstated (or would have been so reinstated but for his retirement (including premature retirement) while under suspension,) the authority competent to order reinstatement shall consider and make a specific order -

(a) regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with reinstatement or (the date of his retirement (including premature retirement), as the case may be; and

(b) Whether or not the said period shall be treated as a period spent on duty.

x x x x x x x x x

(3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unsatisfied, the Government servant shall, subject to the provisions of sub-rule (8) be paid the full pay and allowances to which he could have been entitled, had he not been suspended;

x x x x x x x x x

(4) In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In cases other than those falling under sub-rules (2) and (3) the Government servant shall subject to the provisions of sub-rules (8) and (9)

Contd...

be paid such (amount not being the whole of the pay and allowances) to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice.

(6) Where suspension is revoked pending finalisation of the disciplinary or the court proceedings, any order passed under sub-rule (1) before the conclusion shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.

X X X X X X X

(9) The amount determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under Rule 53."

Apparently, the authority competent to order revocation of suspension and re-instatement, has not applied its mind to the aforesaid provisions for deciding the question as to what amount is payable towards the pay and allowances to the applicant for the period he was under suspension.

17. Sub Rule 6 of F.R. 54-B provides that where suspension is revoked pending finalisation of the disciplinary or the court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government servant, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.

18. In the instant case by the order dated 24.6.1992 (Annexure-A/£) the respondent No.2 revoked the order of

Contd....

Annexure-3 (Contd.)

suspension passed on 28.12.1989 and directed that the suspension is being revoked pending further suitable departmental action as may be considered necessary and that the period of suspension will not be treated as duty and may be reviewed subsequently, if necessary. The disciplinary proceedings were drawn against the applicant by issuance of charge-sheet on 3.12.1992 (Annexure A/9) but the respondent No.2 did not await the conclusion of the disciplinary proceeding for passing an order under sub-rule 3 or sub rule 5 and instead passed the impugned order prematurely on 1.9.1992 (Annexure A/7) declaring that the subsistence allowance drawn by the applicant during the suspension period will remain the same and not additional amount will be paid for the above period. This order, besides being premature is also not a speaking order with reference to F.R. 54-B.

19. In this case because of detention of the applicant Under Police Custody for more than 48 hours the applicant was deemed to have been placed under suspension w.e.f. 25.12.89, the date of his arrest although the formal order of suspension was passed by respondent No.3 on 28.12.1989. The trial of the criminal case in which the applicant was co-accused lasted till 18.7.1991 when by the judgement of the court of Additional Sessions Judge, Bhagalpur, the applicant was acquitted. Respondent No.2 was made award of the acquittal of the applicant who approached Respondent No.2 with a copy of judgment on 1.1.1991 but the suspension of the applicant was continued for 10 months thereafter and it was only on 24.9.1992 that the order of suspension was revoked by respondent No.3 and the applicant accordingly

Contd...

resumed duty. The applicant was, however, informed that the suspension was being revoked pending further suitable departmental action as may be considered necessary and that the period of suspension would not be treated as duty and may be reviewed subsequently, if necessary.

20. It is apparent that the continued suspension of the applicant was on account of pendency of a criminal case till the judgement of acquittal in his favour was passed. It is also apparent that the continuance of suspension of the applicant even after the judgement of acquittal passed in his favour on 1.1.89 till its revocation on 24.6.1992 cannot be justified.

21. In the criminal case it has been found that the applicant was not present in his quarter at the time when the incident occurred there. The respondents have also taken the view that the applicant was on duty when the incident occurred, as is evident from Article II of the charges framed against the applicant and the proceeding which ended in minor penalty of censure. The applicant in the circumstances, appears to be a victim of the circumstances where he has been dragged in a criminal case.

22. The question which is to be considered by the Respondents is whether in the circumstances of the case the applicant could be deprived of his pay and allowances merely because he suffered prosecution unjustifiably. The respondents are vested with the discretion to take a reasonable view as to whether sub-rule 3 of F. R. 54-B

Contd....

should be applicable or its sub-rule 5, in the circumstances of the case.

23. The learned counsel for the applicant has referred to G.I. Dept. of Per. & Trg. O.M. No. 11012/15/85-Est. (A) dated the 3rd December, 1985 in support of his submission that the period of suspension should be treated as duty if minor penalty only is imposed as the case of the applicant who has been kept under suspension for a long period on the accusation of serious charge but has ultimately been awarded a minor penalty of censure. The concluding paragraph of the said O.M. which finds mention under F. R. 54-B at page 260 of Swamy's Compilation of FRSR (Twelfth Edition-1994) has been cited in the applicant's petition at para 4.25 and the same reads as under :

"Accordingly, where departmental proceedings against a suspended employee for the imposition of a major penalty finally end with the imposition of a major penalty finally end with the imposition of a minor penalty, the suspension can be said to be wholly ~~un~~justified in terms of F.R. 54-B and the employee concerned should, therefore, be paid full pay and allowances for the period of suspension by passing a suitable order under F.R. 54-B."

24. The fact that the respondents have taken the view that only minor penalty of censure was deserved by the applicant on the charges arising from the incident, shows that had the applicant been not helplessly prosecuted in the criminal case ending in his acquittal, he would not have been put under suspension and there would have been no scope for disputing his entitlement to full salary and allowances throughout. The finding of the criminal court in relation to the applicant and the result of acquittal of the applicant clearly show that

his prosecution was not justified and consequently the suspension of the applicant on account of his prosecution was of necessity a formal requirement of the rule in the background of the facts and circumstances of this case.

25. Having heard the learned counsel for the parties and having carefully considered the submissions of the learned counsel, the relevant rules and the material on record, I have come to the conclusion that this application must be allowed. The impugned memo dated 1.9.1992 (Annexure A/7) to the application) being not in accordance with the law, is liable to be quashed and is hereby quashed. The respondents are directed to consider and decide the claim of the applicant to pay and allowances during the entire period of suspension on the basis of F.R. 54-B and to pass reasoned order within a period of three months from the date of receipt of a copy of this order.

26. There shall be no order as to costs.

Sd-

(Justice R.K. Varma)
Vice-Chairman
Central Administrative Tribunal,
Patna Bench, Patna.

Annexure-4

GOVERNMENT OF INDIA
OFFICE OF THE CHIEF ENGINEER (EAZT ZONE)
ALL INDIA RADIO & TELEVISION
CALCUTTA

Akashvani Bhava, 4th Floor,
Calcutta-700001

Dated 12.1.1995

MEMORANDUM

Subject : Seniority List of Senior Techninician in the
Eastern Zone of All India Radio & Television.

A Seniority list of Senior Technicians in the
Eastern Zone as on 31.3.94 has been prepared and is
enclosed herewith.

It is requested that the list may be circularted
among all concerned officials at your office/station and
their dated signatures are contained in token of their
having seen the seniority list. Errors/omissions/discrepan-
cies, if any, noticed in the seniority list by the Station/
office and also those pointed out by the concerned officials
may please be brought to the notice of this o fice not
later than 31.1.95. Otherwise it will be presumed that
the seniority as per attached list is correct.

Receipt of this memorandum may please be acknowle-
dged.

Sd/-

(B.N.BANERJEE)
DEPUTY DIRECTOR ENGINEERING
FOR CHIEF ENGINEER (EAZT ZONE)

Copy to

1. All Heads of Station, A.I.R./HPTV/DDK/DDMC/LPTV.
2. Smt. Anindita Basu, CG-I, Administration Section,
O/o the CE(EZ), AIR & TV, Calcutta.

Copy also to

1. The Director General, All India Radio, S-IV Section,
Akashvani Bhavan, New Delhi-110001.
2. The Director General, Doordarshan, S-II Section,
Mandi House, Copernicus Marg, New Delhi-110001.
3. The President, Association of All India Radio,
Television Engineering Employees, Gole Market
Post Office, Post Box No. 422, New Delhi.
4. The Vice/President, Association of Radio & Televi-
sion Engineer Employees, Doordarshan Bhavan, Golf
Green, Calcutta-700045.

Contd...

5. The General Secretary, All India Radio & & ~~Television~~ Doordarshan ~~EMM~~, Technical Employees Association, Post Box No. 736, New Delhi-110001.
6. The Zonal Secretary, All India Radio & Doordarshan Technical Employees Association, Doordarshan Bhavan, Golf Green, Calcutta-700045.

Sd/- Illegible
FOR CHIEF ENGINEER (EAST ZONE)

SENIORITY LIST OF SENIOR TECHNICIANS
IN THE EASTERN REGION AS ON 31.3.94.

| Sl. No. | Name and Qualification | Date of birth | Date of entry into post held | Details of Government in AIR/DDK Service. | Whether permanent or Temporary. If pmt. the details thereof. | Whether S/C or S/T. | Whether posted as on 1.10.93. | Remark. |
|---------|--|---------------|------------------------------|--|--|---------------------|-------------------------------|-----------------|
| 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. | 9. |
| 1. | S/Shri Pradip Roy Chowdhury S.F./Mechanic(Ref. & Air- conditioning Trade). | 3.1.49 | 26.4.73 | Tech.26.4.73 Sr.Tech.1.9.77 EA- | Pmt. as Tech. w.e.f. - 20.10.76 against Patna Station | | | DDK Calcutta |
| 2. | Birendra Ch. Das H.S.L.C. | 31.12.55 | 30.9.81 (AM) | Tech.30.9.81(AN) Sr.Tech.22.7.85 EA-18.3.92 | Pmt. as Tech. w.e.f. 1.10.83 | S/C | | DDK Silchar |
| 3. | Ramayan Singh Matric/Electrical Fitter | 28.1.46 | 31.7.81 | Tech.31.7.81 Sr.Tech.9.11.85 EA- | Temporary | | | DDK Patna |
| 4. | Arun Kumar Paul SF/Wireman from National Council | 26.1.55 | 18.12.75 | Tech.18.12.75 Sr.Tech.3.9.86 EA- | Pmt. as Tech. w.e.f. 13.11.81 against AIR, Imphal. | | | DDK Calcutta |
| 5. | Iihir Kr. Mukherjee S.S./Elect.Trade | 12.3.56 | 19.7.77 | Tech.19.7.77 Sr.Tech.26.9.86 EA- | Temporary | | | DDK Calcutta |
| 6. | Sankar Kr. Senapati H.S./Electrician Trade | 5.7.55 | 22.3.78 | Tech.22.3.78 Sr.Tech.26.9.86 EA- | Temporary | | | DDK Calcutta |
| 7. | Gopal Prasad Sah I.A./Wireman Trade | 1.1.57 | 16.10.81 | Helper.16.10.81 Tech.11.10.82 Sr.Tech.30.4.87 EA- | Temporary | | | LPTV Godda |

Contd..... 2/-

| 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
|-----|---|----------|----------|---|--|------|---------------|
| 8. | Amiya Kr. Mondal Upto Class-XII/ Electrician Trade. | 17.3.55 | 4.5.76 | Helper-4.5.76 Tech.31.3.83 Sr.Tech.18.7.87 EA- | Temporary | S/C | PPC Aizawl |
| 9. | S.K. Kumar S.F./ITI | 29.3.45 | 10.5.83 | Tech-10.5.83 Sr.Tech.1.4.87 EA- | Temporary | LPTV | Bardhaman |
| 10. | Hani Kr. Thakuri S.F./Electrician | 21.9.58 | 16.7.83 | Tech.16.7.83 Sr.Tech.31.3.87 EA-11.1.93 | Confirmed as Sr.Tech. w.e.f. 30.3.89 | LPTV | Darjeeling |
| 11. | Lalpianthanga HSLC/Passed the prescribed trade test in the trade of Electrician. | 22.12.63 | 14.9.83 | Tech.14.9.83 Sr.Tech.9.6.87 EA-16.1.93 | Temporary | ST | AIR Aizawl |
| 12. | 12. B.K. Choudhury Matric/ITI(Wireman) | 5.2.60 | 25.11.83 | Tech-25.11.83 Sr.Tech-30.10.87 EA- | Temporary | AIR | Dibrugarh |
| 13. | Sk. Nayamatullah H.S.C./ITI | 21.10.53 | 7.9.76 | Helper-7.9.76 Tech-30.11.83 Sr.Tech-30.10.87 EA- | Fmt. as Helper w.e.f. 1.9.81 | HPTV | Bhawahipatna |
| 14. | Shyam Nandan Prasad Sinha Matric/ITI | 9.2.61 | 20.2.84 | Tech-20.2.84 Sr.Tech-12.7.88 EA- | Permanent | AIR | Ranchi |
| 15. | Rameswar Mondal Matric/ITI in the Trade of Electrician. | 6.1.62 | 21.2.84 | Tech-21.2.84 Sr.Tech-1.8.88 EA- | Temporary | AIR | Tezu |

Contd. 3/-

| 2. | 3. | 4. | 5. | 6. | 7. | 8. | 9. |
|---|----------|------------------|--|---------------------------------|-----|-------------------------------------|----|
| | | | | | | | |
| 2. | 3. | 4. | 5. | 6. | 7. | 8. | 9. |
| Tarun Kumar Das Madhyamik/Passed Electrician Trade from ITI/NCTVT | 7.5.61 | 30.10.85 | Tech.30.10.85 Sr.Tech.12.9.89 | Permanent | | CE(EZ)- Calcutta | |
| 73. Seo Sankar Ram Matriculate/ITI in Electrician. | 3.1.62 | 7.11.85 | Tech.7.11.85 Sr.Tech.8.9.89 | Temporary | S/C | LPTV Chaibasa | |
| 74. Basanta Kr. Kakati HSLC/Trade of Electrician | 1.7.64 | 28.11.85 (AN) | Tech.28.11.85 Sr.Tech.5.1.90 | Temporary | | DDK Guwahati | |
| 75. B.K. Neog HSLC/Electrician. | 11.10.51 | 19.8.74 | Helper-19.8.74 Tech.30.12.85 Sr.Tech.28.4.89 | Temporary | | LPTV Jorhat | |
| 76. Mobinuddin Matric/Inter/ITI(Refrigerator & Airconditioning) | 4.10.60 | 4.1.86 | Tech.4.1.86 Sr.Tech.31.8.89 | Temporary | | DDK Ranchi | |
| 77. Hamid Akhtar Matric/ISC, ITI Mechanic (Electrician/Gen. Electronics). | 3.12.64 | 6.1.86 | Tech.6.1.86 Sr.Tech.11.2.90 | Temporary | | DDK Muzaffarpur | |
| 78. Nagangkham Rakeswar Singh HSLC/Electrician. | 1.3.61 | 18.1.86 | Tech.18.1.86 Sr.Tech.28.8.89 | Pmt. as Tech. w.e.f. 10.1.88 | S/T | LPTV Tezu | |
| 79. Sunil Kumar Matriculate/ITI in Electrician. | 26.2.61 | 14.1.86 | Tech.14.1.86 Sr.Tech.1.9.89 | Temporary | | DDK Muzaffarpur | |
| 80. N.K. Sahoo HSC/Wirman from ITI | 19.4.62 | 23.4.83 | Helper-23.4.83 Tech.24.1.86 Sr.Tech.21.12.89 | Temporary | | LPTV Dhenkanal | |
| 81. Ashok Tamang Madhyamik/Electrician | 14.2.61 | 15.1.86 | Tech.15.1.86 Sr.Tech.30.9.89 | Temporary | | HPTV Kurseong | |
| 82. Nirmalendu Deb HSLC/Passed Madhyamik ITI in Electrician Trade | 9.1.62 | 24.1.86 | Tech.24.1.86 Sr.Tech.1.11.89 | Temporary | | AIR Kailasahar Contd.... 10/- | |

| 1. | 2. | 3. | 4. | 5. | 6. | 7. |
|-----|---|----------|---------|---|---------------------------------|---------------------------|
| 83. | K. Salu Solomon HSLC/Electrician, ITI | 22.6.61 | 25.1.86 | Tech.25.1.86 Sr.Tech.20.10.89 | Pmt. as Tech. w.e.f. 1.4.88 | S/T PPC, DDK Imphal |
| 84. | Surya Nath Pandey Matric/ITI(Electrician) | 13.12.61 | 11.2.86 | Tech.11.2.86 Sr.Tech.16.2.90 | Temporary | LPTV Deoghar |
| 85. | N.K. Samal HSC/Wireman Trade from ITI | 21.9.56 | 27.4.83 | Helper-27.4.83 Tech.24.2.86 Sr.Tech.3.10.89 | Temporary | LPTV Bhanjnagar |
| 86. | Nokhlal Prasad Matric/ITI in Electrician | 9.2.40 | 25.2.84 | Tech.25.2.84 Sr.Tech.17.11.89 | Pmt as Tech. | AIR Patna |
| 87. | Md. Ali Imman Matric/ITI(Electrician) | 29.2.60 | 6.8.84 | Helper-6.8.84 Tech.1.3.86 Sr.Tech.30.5.90 | Temporary | CE(EZ) Calcutta |
| 88. | Rajkumar Thakur Passed Secondary/ITI | 3.6.60 | 25.3.86 | Tech.25.3.86(AM) Sr.Tech.10.4.90 | Temporary | LPTV Sitamari |
| 89. | Aswini Sharma HSLC | 14.3.55 | 1.4.86 | Tech.1.4.86 Sr.Tech.17.5.90 | Temporary | LPTV Dhubri |
| 90. | Monoranjan Das Secondary Education/ ITI, Electrician. | 7.8.59 | 3.4.86 | Tech.3.4.86 Sr.Tech.21.4.90 | Pmt. as Tech. w.e.f. 1.4.88 | S/C LPTV Dhanbad |
| 91. | Varingam Vashurtwo HSLC/Electrician Trade. | 10.3.63 | 5.4.86 | Tech.5.4.86 Sr.Tech.11.7.90 | Temporary | S/T PPC Imphal |
| 92. | S. Ganguly Matric/Plumbing Trade Course. | 10.10.40 | 10.4.86 | Tech.10.4.86 Sr.Tech.24.4.90 | Permanent | CE(EZ) Calcutta |
| 93. | Gulzari Chowdhury Matric, Inter, B.A. ITI (Mechanic General Electronics). | 25.8.62 | 29.4.86 | Tech.29.4.86 Sr.Tech.5.7.90 | Pmt. as Tech. w.e.f. 28.4.88 | S/C DDK Patna |

Contd.... 11/-

| 2. | 3. | 4. | 5. | 6. | 7. | 8. | 9. | |
|------|---|----------|-----------------|---------------------------------------|-----------|-----|----|-----------------------|
| 94. | Ram Naresh Singh Matriculate/III in Electrical Trade. | 23.5.62 | 16.5.86 | Tech.16.5.86 Sr.Tech.1.5.90 | Temporary | | | LPTV Gopalganj |
| 95. | Abdul Kayam Laskar PU(Artis)/ITI | 20.12.65 | 1.7.86 | Tech.1.7.86 Sr.Tech.19.3.90 | Temporary | | | AIR Silchar |
| 96. | Binod Kumar Singh Matric/Radio & TV Mechanic Trained from ITI. | 25.2.63 | 5.7.86 | Tech.5.7.86 Sr.Tech.31.7.90 | Temporary | | | CBS,AIR Patna |
| 97. | Rajib Das HSLC/Passed 2 years Radio Servicing & TV Maintenance (Electronics) Course (Recognised by Govt. of Tamilnadu). | 30.1.62 | 15.7.86 | Tech.15.7.86 Sr.Tech.7.5.90 | Temporary | | | DDK Guwahati |
| 98. | Ram Prasad Sarki HS/Electrician from ITI | 5.5.63 | 23.7.86 (EN) | Tech.23.7.86(EN) Sr.Tech.28.3.90 | Permanent | S/C | | AIR Kurseong |
| 99. | Dabanand Barman HSLC/Passed trade test in the trade of Electrician. | 31.8.59 | 1.8.86 | Tech.1.8.86 Sr.Tech.31.8.90 | Permanent | S/T | | PPC Silchar |
| 100. | Fazlul Haque Madhyamik/ITI | 19.1.62 | 13.8.86 | Tech.13.8.86 Sr.Tech.2.4.90 | Temporary | | | LPTV Shantiniketan |
| 101. | Dinesh Prasad HSLC/ITI(Electrician) | 14.4.61 | 29.8.86 | Tech.29.8.86 Sr.Tech.27.3.90 | Temporary | | | LPTV Ghatsila |
| 102. | Pallab Sarkar Madhyamik/ITI Trade certificate. | 18.4.63 | 16.9.86 | Tech.16.9.86 Sr.Tech.8.5.90 | Permanent | | | AIR Siliguri |
| 103. | Pradip Kumar Mishra HS/Trade of Electrician | 1.2.59 | 1.4.85 | Tech.1.4.85 Sr.Tech.30.6.90 EA: | Temporary | | | PPC Guwahati |

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| 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
|------|--|----------|-----------------|---|---------------------------------|-----------|-----------------|
| 104. | Debasis Sinha B.Sc. ITI, Electn & AI Trade Test | 5.4.61 | 12.4.85 | Tech. 12.4.85 Sr. Tech. 31.5.90 | Temporary | DDK | |
| 105. | Sankar Prasad Dalai HSLC/Electrician from ITI | 2.2.58 | 1.7.85 | Tech. 1.7.85 Sr. Tech. 26.6.90 EA: | Temporary | S/C | HPTV Cuttack |
| 106. | Monoj Kr. Chakraborty HSLC/ITI(Wireman) | 17.8.56 | 11.4.85 | Tech. 11.4.85 Sr. Tech. 27.8.90 EA: | Permanent | DDK | |
| 107. | Amarendra Raj Kumar H.S.L.C. | 2.10.52 | 22.9.86 | Tech. 22.9.86 Sr. Tech. 1.6.90 | Pmt. as Tech. w.e.f. 22.9.88 | AIR | |
| 108. | Bimal Chandra Mallick HS/ITI Trade Certificate | 30.1.60 | 29.9.86 (AN) | Tech. 29.9.86(AN) Sr. Tech. 6.7.90 | Temporary | S/C | Kohima |
| 109. | Gopinath Majumdar Madhyamik/ITI Trade Certificate. | 19.1.62 | 29.9.86 | Tech. 29.9.86 Sr. Tech. 6.7.90 | Temporary | HPT, AIR | |
| 110. | Debasis Das B.Sc/ITI in the trade of Electrician/HGTVT/AITI. | 18.8.61 | 4.9.85 | Tech. 4.9.85 Sr. Tech. 31.10.90 | Pmt. as Tech. 4.7.87 | Chinsurah | |
| 111. | Smt. Ila Bardhan H.S/LEE. | 22.9.62 | 24.2.86 | Tech. 24.2.86 Sr. Tech. 24.10.90 | Permanent | AIR | |
| 112. | Debasis Dey HSLC/ITI/Trade Mech. | 17.9.62 | 9.4.85 | Tech. 9.4.85 Sr. Tech. 31.10.90 | Permanent | Calcutta | |
| 113. | Swapan Acharya SF/ITI/REF. MEC. | 28.12.61 | 6.10.86 | Tech. 6.10.86 Sr. Tech. 11.3.91 | Temporary | PPC | |
| 114. | Abani Kr. Gani SF/ITI(Elect). | 21.12.59 | 7.10.86 | Tech. 7.10.86 Sr. Tech. 27.2.91 | Temporary | CE(EZ) | |
| | | | | | | Calcutta | |
| | | | | | | HPT, AIR | |
| | | | | | | Chinsurah | |

Contd... 13/-

- 25 -

| 2. | 3. | 4. | 5. | 6. | 7. | 8. |
|------|---|---------|----------|-----------------------------------|--------------------------------------|----------------------------|
| 242. | Gopal Chandra Das Madhyamik/ITI. | 15.4.67 | 1.9.88 | Tech-1.9.88 Sr.Tech-31.5.92 | Temporary | AIR Siliguri |
| 243. | Miran Das Chettri SF/Electrician Fitter Signal Class II from Iran Army. | 15.7.45 | 31.7.87 | Tech-31.7.87 Sr.Tech-23.5.92 | Permanent | AIR Kurseong |
| 244. | Sripati Poychowdhury Madhyamik/ITI(Radio, TV Trade) | 6.5.64 | 26.5.87 | Tech-26.5.87 Sr.Tech-21.5.92 | Temporary | EPTV Agartala |
| 245. | Aloke Lashar Madhyamik/ITI in Radio TV | 20.8.64 | 14.10.86 | Tech-14.10.86 Sr.Tech-31.10.92 | Temporary | S/T EPTV Agartala |
| 246. | Smt. Kalpana Behara HSC/ITI(Radio, TV Tech.) | 16.9.62 | 22.1.87 | Tech-22.1.87 Sr.Tech-20.7.92 | Temporary | S/T DDK Cuttack |
| 247. | Harendra Lr. Singh Metric/ITI Electrician Trade. | 6.5.63 | 12.5.86 | Tech-12.5.86 Sr.Tech-30.5.93 | Temporary | AIR Pasighat |
| 248. | Md. Zamil Akhtar Metric | 1.10.66 | 7.10.88 | Tech-7.10.88 Sr.Tech-30.11.93 | Temporary | EPTV Hazaribagh |
| 249. | S.P. Deori HSLC, Electrician trade from ITI/ITP.in mechanish (h/f TV) | 1.11.63 | 27.10.88 | Tech-27.10.88 Sr.Tech-27.4.93 | Temporary | S/T AIR Pasighat |
| 250. | Sabu Varghese Pre-degree/Elect. Engg.KGCE. | 24.5.64 | 31.10.88 | Tech-31.10.88 Sr.Tech-14.5.93 | Temporary | AIR Jeypore |
| 251. | Kalidash Mondal Madhyamik/ITI | 22.2.63 | 16.11.88 | Tech-16.11.88 Sr.Tech- | Temporary | S/T AIR Bhawanipatna |
| 252. | Frosenjit Chakri Madhyamik/ITI | 18.4.67 | 16.11.88 | Tech-16.11.88 Sr.Tech- | Temporary | AIR Bhawanipatna |
| 253. | S. Sarker, Madhyamik/ Passed Electrician Trade from ITI | 10.1.61 | 28.5.87 | Tech-28.5.87 Sr.Tech-21.5.92 | Confirmed as Tech. w.e.f. 28.5.89 | S/T EPTV, Agartala. |

Contd..... 26/-

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| 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
|------|--|---------|----------|---|-----------------------|-----|----------------------|
| 254. | B.K.P. Sinha Matric/Provisional trade certificate from ITI | 9.10.53 | 7.9.74 | Helper-7.9.74 Tech-22.11.88 Sr.Tech-31.3.93 | Pmt. as Technician | | LPTV Purulia |
| 255. | G.C. Dey B.Com/ITI. | 2.1.63 | 6.12.88 | Tech-6.12.88 Sr.Tech- | Temporary | | CE(EZ) Calcutta |
| 256. | Z.A. Gazi Madhyamik/ITI. | 9.8.64 | 6.12.88 | Tech-6.12.88 Sr.Tech-30.6.93 | Temporary | | HPT,AIR Chinsurah |
| 257. | R.S. Singh Matriculate/ITI in Electrician. | 12.2.67 | 7.12.88 | Tech-7.12.88 Sr.Tech-23.9.93 | Temporary | | DDK Tura |
| 258. | S.C. Ghosh Madhyamik/ITI | 23.1.64 | 13.12.88 | Tech-13.12.88 Sr.Tech- | Temporary | | LPTV Ranaghat |
| 259. | J.C. Naskar Madhyamik/ITI. | 10.1.62 | 14.12.88 | Tech-14.12.88 Sr.Tech- | Temporary | S/C | CE(EZ) Calcutta |
| 260. | A.S. Naskar B.Com/ITI | 6.12.63 | 14.12.88 | Tech-14.12.88 Sr.Tech- | Temporary | S/C | CE(EZ) Calcutta |
| 261. | Basudev Puramait HS/ITI. | 20.6.63 | 15.12.88 | Tech-15.12.88 Sr.Tech- | Temporary | S/C | AIR Bhawanipatna |
| 262. | Arup Ch. Sinha Madhyamik/ITI | 1.7.64 | 19.12.88 | Tech-19.12.88 Sr.Tech- | Temporary | | LPTV Dumka |
| 263. | C.B. Tamang HS/ITI(Electrician) | 8.11.64 | 21.12.88 | Tech-21.12.88 Sr.Tech-28.2.94 | Temporary | | LPTV Gangtok |
| 264. | S.K. Ganguli Madhyamik/ITI | 8.7.66 | 29.12.88 | Tech-29.12.88 Sr.Tech- | Temporary | | AIR Guwahati |
| 265. | Alokesh Sikdar Madhyamik/ITI | 15.1.67 | 29.12.88 | Tech-29.12.88 Sr.Tech- | Temporary | | LPTV Jhargram |

Contd... 27

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50
Annexure-5

From

N.K. Singh
Senior Technician,
All India Radio
Passighat-791102

To

The Chief Engineer(EZ)
All India Radio & Television
Eden Gardens,
Calcutta-700 001

(Through Proper Channel)

Sub : Discrepancy in the Seniority List - representation
reg.

Ref : 1. Your Memorandum No. 1(27)/94-S dtd. 12.1.95.
2. Your Order No. 1(21)/90-S Dtd. 5.3.90
3. Order Revoking suspension No. BGP-15 (1)/89-90
dtd. 24.6.92.
4. CE, AI R & TV, Calcutta Order No. 1(21)/92-S
dt. 29.1.93.
5. SE, AIR Bhagalpur Order No. BGP-SD/AIR/95/411
dtd. 5.1.95.

Sir,

I am kindly be permitted to submit the following
for your kind consideration and favourable disposal.

I was working as a Technician in All India Radio,
Bhagalpur since 12.5.86. I was promoted to the post of
Senior Technician and posted at LPTV Jamui vide your Order
No. 1(21)/90-S dated 5.3.90, the reference of which is
cited at (2) above, Meanwhile I was suspended with effect
from 25.12.89 following detention in police custody for
more than 48 hours. The suspension was later revoked vide
SD, AIR, Bhagalpur Order No. BGP-15 (1)/89-90 dated 24.6.92,
the reference of which is cited at (3) above. In accordance
with the order of Additional Sessions Judge, Bhagalpur I
was absolved of all charges and was acquitted. Later in
allowing an application by me, CAT, Patna Bench has ordered
that the entire period of my suspension should be treated as
on duty and pay and allowances be paid in full for the
entire period. This was subsequently paid by SE, AIR
Bhagalpur vide his Order No. BGP-SD/AIR/95/411 dated 5.1.
95, the reference of which is cited at (5) above.

Contd....

As I was under suspension during the issued of promotion Order No. 1(21)/90-S dated 5.3.90, I could not join duty in the promoted post. I have rejoined duty as Technician at AIR, Bhagalpur on 25.6.1992 and was promoted as Senior Technician vide your Order No. 1(21)/92-S dtd. 29.1.1993. I joined All India Radio, Pasighat as Senior Technician on 30.5.1993.

As my suspension was later revoked and the entire period of suspension was treated as on duty and full pay and allowances was paid to me for the entire period of suspension, it is my prayer that the seniority which I lost during the period of suspension may also kindly be restored back to me. Had I not been placed under suspension, I would have joined as Senior Technician honouring your kind brder in 1990 itself and my seniority in the grade of Senior Technician would have been protected. Now that the CAT, Patna Has also ordered vide its judgement (the copy of which is enclosed) that all benefits had to be restored back to me, I believe that the seniority in the grade of Senior Technician is also to be restored to its original position as a matter of routine.

In the seniority list of Technician and also in the promotion list vide your Order No. 1(21)/90-S dtd.5.3.90 (copy enclosed for ready reference), I was ranked just above Sri Ram Naresh Singh, Sr. Technician, LPTV Gopalganj. In the seniority list of Senior Technician released recently vide CE, AIR & TV, Calcutta Memorandum No. 1(27)/94-S dtd. 12.1.95, the seniority number of Sri Ram Naresh Singh is 94 whereas my number is shown as 248.

As I was in no way responsible for the circumstances which led to my suspension and as the same was later revoked with full benefits treating the period of suspension as duty, it is requested that my original seniority may also kindly be restored and I may kindly be placed just above Sri Ram Naresh Singh, Senior Tefhnian, LPTV, Gopalganj.

Thanking you,

Enclo : As stated above.
Passighat
24.2.95.

Yours faithfully,
Sd/-
(N.K.SINGH)

Annexure-6

From

N.K.Singh
Senior Technician
All India Radio
Pasighat 791 102

To

The Chief Engineer (EZ)
All India Radio & Television
Eden Garden
Calcutta - 700 001

(Through Proper Channel)

Sub : Discrepancy in Seniority List.

Reminder to the earlier representation dated 24.2.95.

Ref : 1. Your Memorandum No. 1(27)/94-S dtd. 12.01.95.
2. Your Order No. 1(21)/90-S dtd. 5.3.90.
3. Order Revoking suspension No. BGP-15 (1)/89-90, dtd. 20.01.93.
4. CE, AIR & TV, Calcutta Order No. 1(21)/92-S dtd. 29.01.93.
5. SE, AIR, Bhagalpur Order No. BGP-SD/AIR/95/411, dtd. 5.01.95.
6. My earlier representation dtd. 24.2.95, Sl. No. 1732-PSG-1(4)/94-S, Cal-1, dtd. 02.03.95.

Sir,

With reference to the above subject I have represented for reconsideration of my seniority in the light of orders the reference of which were given from 1 to 5 and also in the light of the order of CAT, Patna. A copy of my earlier representation is enclosed for your ready reference.

It is once again requested that my representation may kindly be considered favourably and my original seniority may please be restored back to me.

Thanking you.

Pasighat :-
dt. 8.5.95

Yours faithfully,
Sd/- 8.5.95
(N.K. SINGH)

Annexure-7

To

The Station Engineer,
All India Radio
Pasighat

Sub : Representation to CE (EZ), AIR & TV, Calcutta
regarding discrepancy in seniority.

Ref : CE (EZ), AIR & TV, Calcutta memorandum No. 1(21)/
94-S dated 12.1.95.

Sir,

Please find attached herewith a representation
in duplicate with a list of enclosures (only one copy
of each enclosure). It is requested that this may
kindly be forwarded by registered post at an early date.

Thanking you,

Yours faithfully,

Pasighat

25.7.95

Sd/-

(N.K.SINGH)
Senior Technician
All India Radio, Pasighat

GOVERNMENT OF INDIA
OFFICE OF THE CHIEF ENGINEER (EAZT ZONE)
ALL INDIA RADIO AND TELEVISION
CALCUTTA

No. 1 (23)/95-S

Akashvani Bhavan, 4th Floor,
Calcutta-700001

Dated 23.6.95

M E M O R A N D U M

Sub : Preparation of panel of Senior Technicians Grade-II for promotion to the post of Senior Technician Grade - I in the Eastern Region.

A Departmental Promotion Committee will be convened shortly for drawing up of a panel of Senior Technicians Grade-II for promotion to the post of Senior Technician Grade - I in the Eastern Region.

It is, therefore, requested that particulars of the Senior Technicians Grade-II shown in the enclosed list may kindly be checked up carefully with reference to relevant records by the concerned stations and following two certificates furnished telegraphically supported by post copy or by speed post/Telex/Fax No. 248-6524/248-2710 so as to reach this office on or before 12.7.95 at the latest :

1. Whether any disciplinary proceedings are either pending or contemplated against any the Senior Technicians Grade-II shown in the list enclosed.
- ii. Whether their particulars shown in the enclosed list are correct.

The CRs for the period from 1.4.94 to 31.3.95 of the Senior Technicians Grade-II mentioned in the enclosed list may please be forwarded to this office in the revised form to reach this office latest by 12.7.95 if not sent already to this office.

Further, if the name(s) of any Senior Technician Grade-II, joined on or before 2.10.93, in any station/office, is found left out in the annexed list, the name(s) and particulars (*viz.* date of birth, qualification, date of joining as Technician and Senior Technician Grade-II, whether SC or ST etc.) of those Senior Technicians Grade-II, may be forwarded to this office in the aforesaid manner along with the two

Contd...

certificates asked for (Sl Nos. i & ii) so as to reach this office latest by 12.7.95.

The target date may be strictly adhered to.

Enclo : As above.
(11 Pages)

Sd/- Illegible
(S.C. RUDRA)
DEPUTY DIRECTOR ENGINEERING
FOR CHIEF ENGINEER (EAZT ZONE)

Eligibility list of Sr.Tech. for promotion to the post of Sr.Tech.Gr.II as on 1.10.84 in
the East Zone on the basis of seniority-sum-fitness.

| Name of the Sr.Tech. | Rank No. in the Draft Senio- rity list of the Sr.Tech. as on 31.3.94. | Date of birth | Whether SC/ST | Date of present appointment | Present posting | Remarks |
|-------------------------------------|---|---------------|---------------|---|--------------------|---------|
| 1. S/Shri Pradip Roy- Chowdhury. | 1 | 3.1.49 | - | Tech. 26.4.73 Sr. Tech. 1.9.77 | DDK Calcutta | |
| 2. Arun Kumar Paul | 4 | 26.1.55 | - | Tech. 18.12.75 Sr. Tech. 3.9.86 | DDK Calcutta | |
| 3. Mihir Kr. Mukherjee | 5 | 12.3.56 | - | Tech. 19.7.77 Sr. Tech. 26.9.86 | DDK Calcutta | |
| 4. Sankar Kr. Senapati | 6 | 5.7.55 | - | Tech. 22.3.78 Sr. Tech. 26.9.86 | DDK Calcutta | |
| 5. Amiya Kr. Mondal | 8 | 17.3.55 | S/C | Helper-4.5.76 Tech. 31.3.83 Sr. Tech. 18.7.87 | DDK, Calcutta | |
| 6. Dinesh Kumar | 16 | 5.1.59 | - | Tech. 27.2.84 Sr. Tech. 14.4.89 | LPTV Jamshedpur | |
| 7. Lalangstar War | 30 | 5.10.61 | S/T | Tech. 21.11.84 Sr. Tech. 18.2.89 | AIR Shillong | |
| 8. Ranajit Sarkar | 37 | 25.1.60 | - | Tech. 11.12.84 Sr. Tech. 24.11.88 | AIR Calcutta | |
| 9. Amit Kumar Nandy | 45 | 1.10.58 | - | Tech. 22.6.83 Sr. Tech. 30.10.89 | DDK Calcutta | |
| 10. P. Ingocha Singh | 47 | 1.3.61 | - | Tech. 20.12.84 Sr. Tech. 29.5.89 | LPTV Dimapur | |

| 1. | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|------------|----|----------|-----|--|---|---|
| 11. | Nowal | 48 | 1.3.58 | S/T | Tech.1.1.85 AIR Dibrugarh Sr.Tech.12.7.89 | | |
| 12. | Kumar Das | 49 | 4.7.61 | S/T | Tech.14.1.85 LPTV Sr.Tech.1.6.89 Maldah | | |
| 13. | Adul Hai | 51 | 13.3.60 | - | Tech.2.3.85 CBS,AIR Sr.Tech.15.8.89 Cuttack | | |
| 14. | Karan Ch | 55 | 14.12.56 | S/T | Tech.18.4.85 LPTV Sr.Tech.23.8.89 Keonjhar | | |
| 15. | Prasad | 69 | 1.1.61 | - | Tech.8.10.85 LPTV Sr.Tech.8.9.89 Munger | | |
| 16. | Deb Dey | 70 | 19.10.60 | - | Tech.25.10.85 HPT,AIR Sr.Tech.5.9.89 Chinsurah | | |
| 17. | Math Mait. | 71 | 17.8.63 | - | Tech.26.10.85 HPT,AIR Sr.Tech.1.10.89 Chinsurah | | |
| 18. | Kumar Das | 72 | 7.5.61 | - | Tech.30.10.85 CB(EM) Sr.Tech.12.9.89 Calcutta | | |
| 19. | Kumar Das | 73 | 3.1.62 | S/C | Tech.7.11.85 LPTV Sr.Tech.8.9.89 Chabua | | |
| 20. | K. Kr. Ka | 74 | 1.7.64 | - | Tech.6.11.85 CB Sr.Tech.5.11.80 Guahati | | |
| 21. | Deb | 75 | 11.10.54 | - | Technician 7.7.85 LPTV Tech.30.11.85 Jorhat Sr.Tech.28.11.89 | | |

| 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-----|--------------------------|----|-----|-----|-----|---|
| 22. | Mobinuddin | 76 | 9 | 0 | - | Tech.4.1.86 -Tech.17.8.89 DDK Ranchi |
| 23. | Hazid Akhter | 77 | 3 | 4 | - | Tech.6.1.86 DDK -Tech.21.2.90 Muzaffarpur |
| 24. | Nagankham Rajeswar Singh | 78 | 11 | S/T | - | Tech.16.1.86 LPTV Tezu -Tech.21.8.89 |
| 25. | Sunil Kumar | 79 | 26 | 1 | - | Tech.14.1.86 DDK Ranchi -Tech.1.9.89 |
| 26. | N. K. Sanco | 80 | 19 | 2 | - | 1per-23.1.83 LPTV Dhenkanal Tech.24.1.86 -Tech.21.12.89 |
| 27. | Ashok Tamang | 81 | 14 | 1 | - | Tech.15.1.86 HPTV Kurseong -Tech.30.9.89 |
| 28. | Mirmalendu Deb | 82 | 9.1 | - | - | Tech- 24.1.86 AIR,Kailashahar -Tech-1.11.89 |
| 29. | K. Salu Solomon | 83 | 22 | 1 | S/T | Tech-25.1.86 PPC,DDK,Imphal -Tech-20.10.89 |
| 30. | Surya Nath Pandey | 84 | 13 | 61 | - | Tech-11.2.86 LPTV,Deoghar -Tech-16.2.90 |
| 31. | N.K. Samal | 85 | 21 | 6 | - | 1per-27.4.83 DDK,Bhubaneswar Tech-24.2.86 -Tech-3.10.89 |
| 32. | Nokhlal Prasad | 86 | 9.2 | - | - | Tech-25.2.84 AIR,Patna -Tech-17.11.89 |
| 33. | Md. Ali Imman | 87 | 29 | 0 | - | 1per-6.8.84 AIR, Darbhanga Tech-1.3.86 -Tech-30.5.90 |

Contd... 4/-

| 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |
|-----|--------------------|-------|----------|-----|-------------------------------------|------------------|----|
| 34. | Rajkumar Thekur | 88 | 3.6.60 | - | Tech-25.3.86(AN) Sr.Tech-10.4.90 | LPTV, Sitamari | |
| 35. | Aswini Sharma | 89 | 14.3.55 | - | Tech-1.4.86 Sr.Tech-17.5.90 | LPTV, Dhubri | |
| 36. | Monoranjan Das | 90 | 7.8.59 | S/C | Tech-3.4.86 Sr.Tech-21.4.90 | LPTV, Dhanbad | |
| 37. | Vareingam Vashunwo | 91 | 10.3.63 | S/T | Tech-5.4.86 Sr.Tech-11.7.90 | PPC, Imphal | |
| 38. | S. Ganguly | 92 | 10.10.40 | - | Tech-10.4.86 Sr.Tech-24.4.90 | CE(EZ), Calcutta | |
| 39. | Gulzari Chowdhury | 93 | 25.8.62 | S/C | Tech-29.4.86 Sr.Tech-5.7.90 | DDK, Patna | |
| 40. | Narendra Kr. Singh | 93(A) | 6.9.63 | - | Tech-12.5.86 Sr.Tech-30.5.93 | AIR, Pasighat | |
| 41. | Ram Naresh Singh | 94 | 23.5.62 | - | Tech-16.5.86 Sr.Tech-1.5.90 | LPTV, Gopalganj | |
| 42. | Abdul Kayam Laskar | 95 | 20.12.65 | - | Tech-1.7.86 Sr.Tech-19.3.90 | AIR, Silchar | |
| 43. | Binod Kumar Singh | 96 | 25.2.63 | - | Tech-5.7.86 Sr.Tech-31.7.90 | CBS, AIR, Patna | |
| 44. | Rajib Das | 97 | 30.1.62 | - | Tech-15.7.86 Sr.Tech-7.5.90 | DDK, Guwahati | |
| 45. | Ram Prasad Sarki | 98 | 5.5.63 | S/C | Tech-23.7.86(AN) Sr.Tech-28.3.90 | AIR, Kurseong | |
| 46. | Dabanand Barman | 99 | 31.8.59 | S/T | Tech-1.8.86 Sr.Tech-31.8.90 | PPC, Silchar | |

Contd.... 5/-

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
OFFICE OF THE CHIEF ENGINEER (EAZT SONE)
ALL INDIA RADIO & TELEVISION

No. 1(27)/99-S

Aakashvani Bhavan,
4th Floor,
Calcutta-700001

Dated : 11.11.99

M E M O R A N D U M

Sub : Eligibility list of Senior Technician for promotion to the Grade of Engineering Assistant - calling certificates thereof.

The Deptt. Promotion Committee will be convened shortly to draw up a panel for promotion of Senior Technicians to the post of Engineering Assistants against 10% quota and accordingly a list of Senior Technician whose cases are likely to be considered by the DP C is enclosed.

It is requested that the relevant records in respect of Senior Technician concerned in the enclosed list may kindly be verified carefully and the following certificates may be furnished to this office latest by 10.12.99 by SPEED POST/TELEX/FAX.

1. (i) There is no vigilance case pending or contemplated against any of the Senior Technicians mentioned in the list ~~XXXXXX~~ enclosed.
- (ii) The Particulars as shown in the list have been checked and found to be in order.
- (iii) The probationary period in respect of Senior Technicians mentioned in the list enclosed have been terminated.

Further those Senior Technicians who have been allotted on promotion as EA by this office, the intimation of their joining, relieving dates have not been received so far which may kindly be forwarded to this office immediately. Moreover the incumbents who have not joined so far, a refusal in writing may be obtained immediately from the concerned incumbents and forwarded to this office for further necessary action.

2. The Station/Office should also submit a certificate to the effect that those Senior Technicians who have completed or will complete 5 years approved service as on 01.10.99 have not been left out from the enclosed list.

This may kindly be treated as Most Immediate.

Sd/- Illegible
(S.K.ARORA)

Deputy Director Engineering
for Chief Engineer (EZ)

Copy to :

1. All Engineering Heads of Offices/Stations of All India Radio and Doordarshan in the East Zone.
2. DDA/HC (MCD/HC (D)/ Sri Md. Hossain, UDC, O/o the CE (EZ), AIR & TV, Calcutta.
3. Sri K.N.Ghosh, UDC, J. Chakraborty, UDC, O/o CE (EZ), AIR & TV, Calcutta.
4. The Secretary, Association of Radio & Television Engineering Employees, Doordarshan Bhavan, Cal-95.
5. The Secretary, AIR & DDK Technical Employees Association, Doordarshan Bhavan, Calcutta-95.

Sd/- Illegible
11.11.99

For Chief Engineer (E.Z.)

Annexure-9 (Contd.)

ELIGIBILITY LIST OF SR. TECH. PROMOTION TO THE GRADE OF ENGINEERING ASSISTANT IN THE EAZT ZONE ON THE BASIS OF SENIORITY-CUM-FITNESS IN 10% QUOTA.

| Sl. No. | Name of the Senior Technician | Qualification | Rank No. in seniority list | Cate- gory | Date of appt. as sr. Technician | Present posting |
|---------|-------------------------------|------------------|----------------------------|------------|---------------------------------|-----------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | Sri S.Nath Pandey | Matric ITIET | 3 | UR | 16.2.90 | LPT, Deoghar |
| 2 | " N.K.Samal | HSC ITIWM | 4 | UR | 03.10.89 | DDK, Bhubaneswar. |
| 3 | " Md. Ali Imman | Matric ITIET | 5 | UR | 30.05.90 | AIR, Darbhan-ga |
| 4 | " Rajkumar Thakur | SF, ITI | 6 | UR | 10.04.90 | LPT, Sitamari |
| 5 | " Aswini Sharma | HELC | 7 | UR | 17.05.90 | LPT, Dhubri |
| 6 | " Monoranjan Das | SF, ITI ELEC. | 8 | SC | 21.04.90 | LPT, Dhanbad |
| 7 | " Vareingam Vashumwo | HSLC ET | 9 | ST | 11.07.90 | PPC, Imphal |
| 8 | " S.Ganguly | Matric PLUMB. TR | 10 | UR | 24.04.90 | CE(EZ) Calc. |
| 9 | " Gulzari Chowdhury | B.A., ITI | 11 | SC | 05.05.90 | DDK, Patna |
| 10 | " Narendra Kr.Singh | Matric ITIET | 12 | UR | 30.05.93 | AIR Pasighat |
| 11 | " Ram Naresh Singh | Matric ITIET | 13 | UR | 01.05.90 | DDK Muzaffarpur |
| 12 | " Abdul Kayam Laskar | PU (ARTS) ITI | 14 | UR | 31.07.90 | AIR, Silchar |
| 13 | " Binod Kr. Singh | Matric ITI | 15 | UR | 31.07.90 | AIR, CBS, Patna |
| 14 | " Rajib Das | HSLC R&T MAIN | 16 | UR | 07.05.90 | DDK, Guwahati |
| 15 | " Ram Prasad Sarki | HS ITLET | 17 | SC | 28.03.90 | AIR, Kurseong |
| 16 | " Dabanand Barman | HSLC EG | 18 | ST | 31.08.90 | PPC, Silchar |
| 17 | " Fazlul Haque | MP ITI | 19 | UR | 02.04.90 | LLPT, Shanti-niketan. |
| 18 | " Dinesh Prasad | HSLC ITIET | 20 | UR | 27.03.90 | LPT, Ghatsila |

Contd...

Annexure-9 (Contd.)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|----|--------------------------|-------------------|----|--------------|--------------------|---|
| 19 | " Pallab Sarkar | MP ITI | 29 | UR 08.05. | AIR, Siliguri | |
| 20 | " Debasis Sinha | BSC ITIET | 22 | UR 31.05.90 | DDK, Calc. | |
| 21 | " Amarendra Raj Kumar | HSLC | 23 | UR 01.06.90 | LPT, Phulbari | |
| 22 | " Bimal Ch. Mallick | HS, ITI | 24 | UR 06.07.90 | HPT, Chinsurah | |
| 23 | " Gopinath Majumdar | SF ITI | 25 | UR 06.07.90 | HPT, Chinsurah | |
| 24 | " Debasis Das | BSC ITI NCTVT/DEE | 26 | UR 331.10.90 | CE (EZ) Calc. | |
| 25 | " Smt. Ila Bardhan | HS LEE | 27 | UR 24.10.90 | CE (EZ), Calc. | |
| 26 | " Debasis Dey | HSLC ITI MECH | 28 | UR 31.10.90 | DDK, Silchar | |
| 27 | " Swapan Acharya | SF/ITI REF MECH. | 29 | UR 11.03.91 | CE (EZ) Calc. | |
| 28 | " Abani Kr. Gani | SF/ITIET | 30 | UR 27.02.91 | HPT, Chinsurah | |
| 29 | " Pradip Karmakar | HS/ITIET | 31 | UR 27.2.91 | CE (EZ) Calc. | |
| 30 | " S.K Pal | SF/ITIET | 32 | UR 27.02.91 | CE (EZ) Calc. | |
| 31 | " Haru Das | HS/ITI R & TV | 33 | UR 27.02.91 | CE (EZ) Calc. | |
| 32 | " Partha Sankar Banerjee | HS/ITI DIPET | 34 | UR 10.06.91 | HPT Chinsurah, | |
| 33 | " Abhoy Kr. Mondal | SF/ITI | 35 | UR 27.02.91 | DDK, Calcutta. | |
| 34 | " Tapas Kr. Sarkar | MP/ITI | 36 | UR 27.02.91 | CE (EZ) Calc. | |
| 35 | " P.K. Hembran | Matric ITI | 37 | ST 21.06.91 | AIR, Bhawani Patna | |
| 36 | " Partha Dey | HS/ITI | 38 | UR 22.03.91 | LPT, Kalimpong | |
| 37 | " Nani Gopal Borah | HSLC R&T (Mech.) | 39 | UR 04.02.91 | DDK, Dibrugarh | |
| 38 | " P.K. Dutta | HSLC MECH. (R&T) | 40 | UR 04.02.91 | DDK, Guwahati | |
| 39 | " P.K. Chakraborty | HSLC R&T (Mech.) | 41 | UR 14.02.91 | PPC, Guwahati. | |

Contd...

K2

Annexure-9 (Contd.)

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|----|-------------------------|-------------------|----|-------------|-----------------|---|
| 40 | " Homeswar Sarma | BA ITI | 42 | UR 15.02.91 | AIR, Guwahati | |
| 41 | " Martin Tirki | MP ITI | 43 | ST 06.05.91 | AIR, Ranchi | |
| 42 | " S.Ravidas | Matric ITIET | 44 | SC 16.02.91 | LPT, Bhagalpur. | |
| 43 | " W. Shullai | HSLC, ITI | 45 | ST 11.02.91 | DDK, Shillong | |
| 44 | " Bimal Ch.Das | HSLC ITIET | 46 | SC 04.03.91 | DDK, Tura | |
| 45 | " Rang Nath Singh | Matric ITIET | 47 | UR 06.05.91 | LPT, Begusarai | |
| 46 | " R.D.Sarma | HSLC MECH R & T | 48 | UR 02.03.91 | PPC, Guwahati | |
| 47 | " Aloke Kr. Dasgupta | Matric ITIET | 49 | UR 18.02.91 | HPT, Asansol | |
| 48 | " Dipankar Bajerjee | HS ITI | 50 | UR 01.04.91 | HPT, Chinsurah | |
| 49 | " Monoranjan Dey Sarmah | PU (SC) ITIET | 51 | UR 22.04.91 | HPT, Chinsurah | |
| 50 | Tapas Kr. Dey | HSLC ITIET | 52 | UR 02.04.91 | DDMC, Tezpur | |
| 51 | " G.Sharma | HSLC Mech R & T | 53 | UR 27.03.91 | DDK, Guwahati | |
| 52 | " Prasanta Kr.Borah | INTER. SC DIP T&R | 54 | UR 10.05.91 | HPT, Nazira | |
| 53 | " A Adani Mao | HSLC ITI | 55 | ST 13.02.91 | AIR, Kohima | |
| 54 | " Mrigen Kr. Das | Matric ITI R & TV | 56 | SC 02.05.91 | AIR, Jorhat | |
| 55 | " S.Saikia | HSLC ITIET | 57 | ST 11.02.91 | LPT, Golaghat | |
| 56 | " Binod Kumar Duarah | HSLC ITIET | 58 | UR 18.02.91 | PPC, Dibrugarh | |
| 57 | " Bhupen Gogoi | HSLC ITIET R & TV | 59 | UR 11.03.91 | AIR, Guwahati | |
| 58 | " Dadidhar Hazarika | HSLC ITI | 60 | ST 18.02.91 | PPC, Dibrugarh | |

Annexure-10

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)
ALL INDIA RADIO & DOORDARSHAN
CALCUTTA

Akashvani Bhavan,
Calcutta-700 001

No. 1 (27)/99-S

Date : 18.04.2000

O R D E R

Sub : Promotion of Sr. Technician as Engineering Assistant
in the Eastern Zone.

On recommendation of DPC, the following Sr. Technicians
are hereby allotted on promotion as Engineering Assistant at
Stations/Offices shown against their names. The promotion will
be effective from the date of their joining at the assigned
station.

| S.I. | Name of Sr. Tech No. | Present post- ing as Sr. Tech. | Posted on promotion as EA to | Rema- rks |
|------|-------------------------|--------------------------------------|---------------------------------|--------------|
|------|-------------------------|--------------------------------------|---------------------------------|--------------|

| | | | | |
|----|---------------------------------------|---|--|-------------------|
| 1 | Suryanath Pandey | LPT Deoghar | LPT Deoghar in DMC Dhanbad | |
| 2 | N.K. Samal | DDK, Bhubanes- war | DDK Bhubaneswar Post shifted from shi- llong. | |
| 3 | Ali Imman | AIR Darbhan- ga | LPT Darbhanga | Vacant |
| 4 | Raj Kumar Thakur | LPT Sitamari | LPT Bettia | -do- |
| 5 | Manoranjan Das | LPT Dhanbad | DDMC, Hazaribagh | -do- |
| 6 | Vareingam Vashumwo | DDK Imphal | LPT Ukhrul | -do- |
| 7 | S. Ganguly | CE(EZ) Calc | CE(EZ) Calc. | |
| 8 | Gulzari Chowdhury Naresh Kr. Singh | DDK, Patna | DDK, Patna | LPT Siwan post |
| 9 | Ram Naresh Singh | AIR CBS Patna DDK Muzaffarpur | DDK Patna | Asansol Post |
| 10 | Abdul Kayam Laskar | AIR Sikha | IPI Haflong | Vacant post |
| 11 | Binod Kr. Singh | AIR CBS Patna | IPI Lakhisaraj | -do- |
| 12 | Ram Prasad Sarki | AIR Kurseong | AIR Kurseong | -do- |
| 13 | Debanand Barman | DDK Silchar | Kailasahar DD II | -do- |

Contd...

*Alfred
D. Suri
A.D.*

| | | | |
|-----------------------|-------------------|--------------------------|--|
| 14 Fazlul Haque | IPI Santi-niketan | DDK Santi-niketan | Baliapal post |
| 15 Dinesh Prasad | IPI Ghatsila | DDK, Patna | Darjeeling post |
| 16 Pallab Sarkar | AIR, Siliguri | AIR, Siliguri | |
| 17 Debasis Sinha | DDK Calcutta | IPI Dimapur | Vacant post |
| 18 Amarendra Rajkumar | AIR Itanagar | AIR Tezpur | |
| 19 Debasis Das | CE (EZ) Calc. | CE (EZ) Calc. | |
| 20 Smt. Ila Bardhan | CE (EZ) Calc. | CE (EZ) Calc. | Kalimpong DDK Aantini-post ketan |

ii) The promotion orders will be handed over to the concerned official after ensuring that no the vigilance case is either pending or contemplated against him/them. Service Book may be sent to the concerned station after ensuring entries of probation termination, Confirmation etc.

(iii) ~~XXXXXX~~ The Sr. Technicians promoted as Engineering Assistant should exercise their option in regard to fixation of pay on promotion within one month from the date of promotion as per FR 22(1) (a) (I)

iv) It may be point out that in the event of the promotion not being accepted by any of the official he/she will be debarred for promotion for one year. If the reasons for declining promotion are not accepted by the competent authority, promotion may be enforced. If promotion is till declined action may be taken for refusal to obey the order.

v) The Confidential Reports of the officials concerned should be sent to this office immediately till the date of relief.

Sd/-
(N. SRINIVASAN)
DIRECTOR (ENGINEERING)
FOR CHIEF ENGINEER (E.Z.)

Copy to

Superintending Engineer/Station Engineer, All India Radio, Darbhanga, Silchar, Patna, Kurseong, Siliguri, Itanagar, Tezpur.

Superintending Engineer/ Station Engineer, Doordarshan Kendra, Bhubaneswar, Calcutta, Imphal, Patna, Muzaffarpur, Silchar, Santiniketan.

Station Engineer, DDMC, ~~XXXX~~ DDMC, Dhanbad, Motihari, Bardhaman, Jamsehdpur, Purnea, Hazaribagh, Imphal, Silchar, Bhagalpur, Baleswar, Gaya.

Contd...

15

1. The Director General, All India Radio, SI V(A) Section, Akashvani Bhavan, Parliament Street, New Delhi-110 011.
2. The Director General, All India Radio, M & C Section, Akashvani Bhavan, Parliament Streetn New Delhi-110001.
3. The Director General, Doordarshan, SIV Section, Mandi House, Copernicus Marg, New Delhi-110 001
4. President ARTEE, Post Bos No. 422 New Delhi-110 001.
5. Vice-President ARTEE, Akashvani Bhavan, Calcutta-700 001.
6. General Secretary, AIR & DD TEA Post Box No.736, New Delhi-110 001.
7. Zonal Secretary, AIR & DD TEA, Akashvani Bhavan Calcutta
8. CE (P)/ CE (M)/CE (IV)/DE (P)/DE (TVM/DDA/HC (Dey)/HC (Das) o/o AIR & TV, Calcutta.
9. The Confidential Cell (S/Shri J.Chakraborty UDC & Sri K.N.Ghosh DDC) o/o CE (EZ) AIR & TV, Calcutta.
10. P.A.O. Doordarshan Kendra, Calcutta, The redeployment of posts is as per authorisation of DG-Doordarshan vide their letter No. 11/2/2000 - SIV dt. 22.3.2000.

SD/- Illegible
For CHIEF ENGINEER (EZ)

*Alleged and
S. Sri
Adv.*

To

The Chief Engineer (East Zone),
All India Radio & Doordarshan,
Akashvani Bhavan,
Eden Garden,
Calcutta-7000001.

(Through Proper Channel)

Sir,

SUB : PROMOTION OF SENIOR TECHNICIANS ON 10%
SENIORITY - CUM -FITNESS QUOTA TO ENGINEERING
ASSISTANT.

With the expectation of proper justice from the High Office of the Chief Engineer (East Zone), A I R & DD, of the sole Authority of Cadre control of this zone, I, Narendra Kumar Singh, Senior Technician, presently posted at AIR Pasighat, Arunachal Pradesh do hereby inform you that in the recently published promotional order Vide No. 1(27)/99-S dated 18th April, 2000 for the promotion of Senior Technicians to the Cadre of Engineering Assistants on 10% Seniority -Cum-Fitness quota, my name is not included by your office without assigning any cause.

For your ready reference, I am furnishing below few details of my service career :-

- i) Seniority position in the Eligibility list vide communication No. : 1(27)/99-S dated 11.11.99 - Sl. No. - 10, Rank - 12. R. as Sr. Tech. 30.05.93,
Quali : Matric/ITIET.
- ii) Date of joining as Technician : 12/05/1986 at AIR- Bhagalpur.
- iii) Date of joining as Sr. Tech. 30/05/1993 at AIR, Pasighat, Arunachal Pradesh.

It is observed in the promotional list, vide order dated 18.04.2000 under reference that next to my junior and other are promoted as EA whereas my name is missing. In fact, if I am promoted, I could have occurred the 9th position of the list. However, the cause is known to me

Contd...

why my name is omitted, because, since my service career I am performing duties, which ever may be the nature, with utmost sincerity and never been served with any type of memo/s by my controlling authorities at any one of the served stations.

I shall feel obliged, if you kindly personally look into the matter and promote me as EA with corresponding seniority at the earliest so as to get relief from mental agony which I am presently bearing I look forward to the justice and a communication from the High Office of CE(EZ) at your earliest convenience.

Thanking you,

Yours faithfully,

Sd/-

Date 08.05.2000

(NARENDRA KR. SINGH)
Senior Technician,
AIR, Pasighat,
Arunachal Pradesh

Copy to

1. The Vice-President,
ARTEE, Akashvani Bhavan,
Calcutta-700 001
2. Unit Secretary, AIR,
Pasighat.

To

The Chief Engineer (East Zone),
All India Radio & Doordarshan,
Akashvani Bhavan,
Eden Garden,
Calcutta-700001

(Through Proper Channel)

Sir,

SUB : PROMOTION OF SENIOR TECHNICIANS OF 10%
SENIORITY -CUM -FITNESS QUOTA TO ENGINEERING
ASSISTANT.

With the expectation of proper justice from the High Office of the Chief Engineer (East Zone), AIR & DD, of the sole Authority of Cadre Control of this zone, I, Narendra Kumar Singh, Senior Technician, presently posted at AIR, Pasighat, Arunachal Pradesh do hereby inform you that in the recently published promotional order vide No. 1(27)/99-S dated 18th April, 2000 for the promotion of Senior Technicians to the Cadre of Engineering Assistants on 10% Seniority - Cum-Fitness quota, my name is not included by your office without assigning any cause.

For your ready reference, I am furnishing below few details of my service career :-

- i. Seniority position in/ the eligibility list vide communication No. : 1 (27)/99-S dated 11.11.99-SL. No. 10, Rank 12, R As Sr. Tech. 30.05.93, Quali : Matric/ ITIET.
- ii) Date of joining as Technician : 12.05.1986 at AIR Bhagalpur.
- iii) Date of joining as Sr. Tech. 30.05.1993 at AIR, Pasighat, Arunachal Pradesh.

It is observed in the promotional list, vide order dated 18.04.2000 under reference that next to my junior AND others are promoted as EA whereas my name is missing.

Contd...

Annexure-12 (Contd.)

Infact, if I am promoted, I could have occured the 9th position of the list. However, the cause is known to me why my name is omitted, because, since my service career I am performing duties, whichever may be the nature, with utmost sincerity and never been served with any type of memo/s by my controlling authorities at any one of the served stations.

I shall feel obliged, if you kindly personally look into the matter and promote me as ~~RE~~ EA with corresponding seniority at the earliest so as to get relief from mental agony which I am presently bearing I look forward to the justice and a communication from the High Office of CE (EZ) at your earliest convenience.

Thanking you,

Yours faithfully,

Sd/-

Date 23.6.2000

23.6.

(NARENDRA KR. SINGH)
Senior Technician
AIR, Pasighat,
Arunachal Pradesh.

Copy to

1. The Vice President,
ARTEE, Akashvani Bhavan,
Calcutta-700 001.
2. Unit Secretary, AIR,
Pasighat.

Annexure-13

ASSOCIATION OF RADIO & TELEVISION ENGINEERING EMPLOYEES
(REGISTERED & RECOGNISED)

Central Office : POST BOX NO. 422 NEW DELHI-110 001

East Zone Office : POST BOX NO. 2713, GPO, CALCUTTA-1

Fax : (033) 667-3145

Ref No. ARTEE/VP (E/2)/G-17/2k

To

The Chief Engineer (M) East Zone,
All India Radio & Doordarshan,
Akashvani Bhavan, 5th Floor,
Calcutta-70001

Sub : To remove the Bypass on promotion from Technician to
Sr. Tech. Sr. Tech to EA and EA to SEA on seniority-
cum-fitness basis.

Sir,

With due respect this is to inform you that on seniority
of the last published eligibility List of Promotion of
different cadre it has been noted by us that the following
persons as given below have been bypassed from promotion to
the next higher grade.

| Name of the persons | Designation | Present posting | Seniority Rank |
|-------------------------|----------------|-----------------|----------------|
| Subash I. | Technician | LPTV : Bokaro | 37 |
| Rajabidhu Singh | Technician | HPTV : Imphal | 59 |
| Nolzokhotuch Yhene | Technician | DDK : Kohima | 103 |
| Prabin Kakoti | Technician | PPC : Guwahati | 118 |
| Niranjan Boro | Technician | LPTV : Tezpur | 119 |
| Nokhwel Angami | Technician | AIR : Kohima | 125 |
| Shri Aswini Sharma | Sr. Technician | DDK, Guwahati | 7 |
| Sri Narendra Kr. Singh | Sr. Technician | AIR, Pasighat | 12 |
| Shri B.C. Mallick (SC) | Sr. Tech. | HPT, Chinsurah | 24 |
| Shri Gopalnath Majumdar | Sr. Tech | HPT, Chinsurah | 25 |
| Smt. Manisha Roy | Engg. Asstt. | AIR, Assansol | 1065 |

The reason of the bypass has not been informed to the person concerned and to us also. But the most unfortunate to inform you that we have got the information from the reliable source that the above persons have been bypassed

Contd...

Annexure-13 (Contd.)

due to some adverse reporting on their Confidential Report which is highly condensable from the part of our association. As such we have taken information from the person concerned that they were never involved in any kind of activities which goes against the CCS Rules. Further no communication has been marked to the individuals either to caution or rectify them. Naturally we thin the above kind of reportings a manifestation of the vindictive attitude of the hier officer to hamper the career of a person. Hence I request to your prudent chair to herational enough to intervene on the above matters so that a review be made on their Confidential Report and necessary steps may be taken to rectify the above reporting to give the persons a scope to enjoy the benefit of promotion to the higher post.

Finally, I will request you again to intervent on the above matter so that the above persons get released from the adverse constraining and get promotion at the earliest and obliged. The follow up action is kindly awaited please.

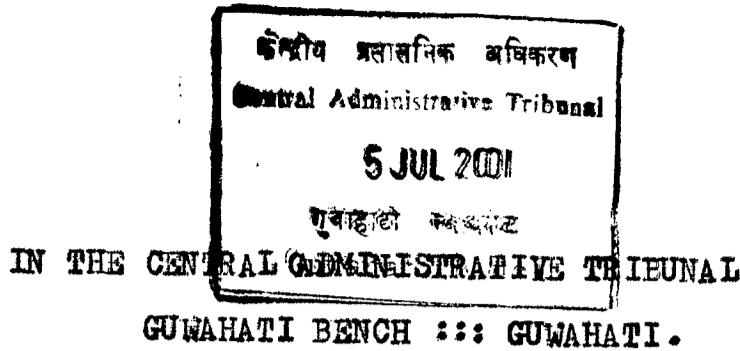
Thanking you,

Sd/-

PROKASH CHAKRABORTY
Vice-President (EZ) ARTEE

Copy to

1. The Director General (by name Shri K.M.Paul, CE (D), New Delhi.
2. The Chief Executive Officer, Broadcasting Corporation of India, New Delhi.
3. The General Secretary, ARTEE, New Delhi.
4. The Unit Secretary, ARTEE, AIR/HPT/LPTV/DDK



O.A. NO. 15 OF 2001

Shri N.K. Singh

-Va-

Union of India and others.

-And-

In the matter of :

Written Statement submitted by the
respondents no. 1, 2, 3 and 4.

The respondents beg to submit written statement
as follows :

1. That with regard to para 1, the respondents beg to state that these are matter of records.
2. That with regard to para 2, 3 and 4.1 the respondents beg to offer no comments.
3. That with regard to para 4.2 and 4.3 the respondents beg to offer no comments as these are matter of records.
4. That with regard to para 4.4, the respondents beg to state that in the seniority list as on 31.3.94, the applicant is shown at Sl. No. 248. On the basis of his representation subsequently seniority list has been revised and he has before placed at Sl. No. 40, above Shri Ram Naresh Singh in the seniority list as on 1.10.94. Thus his grievances have been attended to . In the current eligibility list Annexure -9

also his name has been placed at Sl. No. 10 above Shri R.N. Singh. This fact is clear from the Annexure of the petition ~~itself~~ itself.

5. That with regard to para 4.5, the respondents beg to state that the allegation is false.

6. That with regard to averments made in para 4.6, the respondents beg to state that these are matters of record and hence no comments.

7. That with regard to para 4.7, the respondents beg to state that the promotion order has been issued as per findings of DPC Constituted for the purpose. The petitioner's name was not recommended for promotion by the said DPC. (The record of the DPC, if required by the Hon'ble Tribunal, will be produced). In this connection a photo copy of extracts of Govt's instruction for DPC is enclosed. (For this promotion, the bench mark is good. As per Govt. instruction/rules average performance is not treated as adverse and hence not communicated. At the same time above average performance only entitles an official to recognition and reward of promotion).

8. That with regard to para 4.8, the respondents beg to state that the applicant and Association were informed of the above position when they approached the authorities with the grievances of non-promotion.

9. That with regard to para 4.9, the respondents beg to state that the contentions made in this para not admitted. The procedure of promotion has been explained above.

10. That with regard to para 4.10, the respondents beg to state that the ~~was~~ post of Engineering Assistant is filled up 80% by direct recruitment, 10% by promotion through limited departmental competitive examination and 10% by promotion on seniority-cum-fitness basis from feeder cadre Senior Technician with five years regular service.

11. That with regard to para 5, the respondents beg to state that as explained above, this is not a fit case for any relief.

12. That with regard to para 6, the respondents beg to state that these are matter of record.

13. That with regard to para 7, the respondents beg to offer no comments.

14. In view of the facts and submissions made herein above, it is most respectfully stated that the applicant is not entitled for any relief. Hence, it is most respectfully prayed that this Hon'ble Tribunal, may graciously be pleased to dismiss the instant O.A. with cost.

15. That with regard to para 9 the respondents beg to offer no comments.

Verification.....

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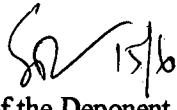
VERIFICATION

I, Shri S. P. Nag son of Shri S. C. Nag aged about 59 years, working as Chief Engineer (East Zone), All India Radio & TV, Kolkata residing at Flat no. 46, Central Govt. Officers' Quarters, Belvedere Estate, Kolkata - 27 do hereby declare that the statements made above are true to my information and belief as verified from the records and sign this verification on this 15th day of June 2001 at my office at Kolkata and that I have not suppressed any material facts.

DATE :- 15.06.2001

PLACE :- Kolkata




Signature of the Deponent

S. P. NAG
Chief Engineer,
O/O the Chief Engineer (E/Z),
All India Radio & Doordarshan
Calcutta.

To
The Registrar,
Central Administrative Tribunal,
Guwahati Bench.