

30/100

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

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 15/2001

B. N. Narendra. Kr. Singh . . . Applicant.

versus

Union of India & Ors . . . . . Respondents.

For the Applicant(s) Mr. M. Chanda,  
Mrs. N. D. Goswami  
Mr. G. R. Chakraborty.

For the Respondents. C. S. L. . . . . .

NOTES OF THE REGISTRAR

DATE

O R D E R

This application is in form but not in time. Condonation Petition is filed. Not filed vide M. E. No. . . . . C. F. for Rs. 5/- deposited vide IPO/89 No. 7. 2. 12. 1. 3 Dated. 2. 2. 12. 1. 3.

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.

K. K. Sharma  
Member (A)

[Signature]  
Vice-Chairman

13.2.01

List on 15.3.01 for orders.

[Signature]  
Member

[Signature]  
Vice-Chairman

lm

15.3.01

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

[Signature]  
Member

[Signature]  
Vice-Chairman

lm

Notice prepared and sent to D/Sec for issuing the Respondent No 1 to 7 by Regd A/D vide DINo 182 & 188 dtd 17/1/07.

17/01/07.

① Service report are still awaited.

② No written statement has been filed.

[Signature]  
12.2.01

Steps & envelopes  
in file

[Signature]  
Dy. Registrar  
[Signature]  
12/01/07  
[Signature]  
12/01/07

mk

① Service report are still awaited.

② No. W/S has been filed.

By  
14.3.01

11-4-01

No W/S has been filed.

No. written statement has been filed.

By  
8.6.01


5.7.2001

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

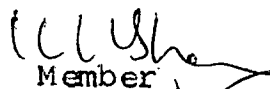
13.9.2001

Copy of the Judgement has been sent to the office for issuing the same to the Applicant as well as to the Sr. C.G.S.C. for the Respondents.

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


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

  
Member

  
Vice-Chairman

lm  
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.

  
Member

  
Vice-Chairman

bb

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.

  
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. .... APPLICANT(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.



4

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 Bahrati & 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 performance <sup>was</sup> is not treated as adverse and therefore the same was not communicated to the applicant. The respondents

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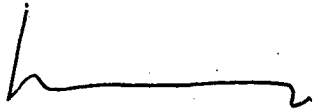
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also stated in the written statement that above average performacne only entitled <sup>to</sup> an employee to recognition and reward of promotion. Since the said promotion is made on the basis of seniority cum fitness, persons cannot be overlooked 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, <sup>unless he is found unfit</sup> 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

8

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

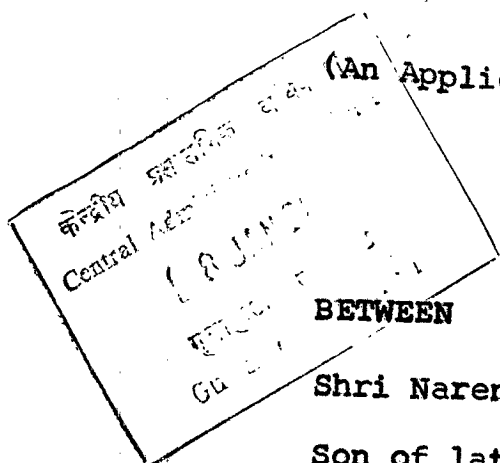
Sl.No.	Annexure	Particulars	Page No.
1	-	Application	1-16
2	-	Verification	17
3	1	Order of promotion dt.5.3.90	18-21
4	2	Order of promotion dt. 29.1.93	22-28
5	3	Judgement & order dt. 30.9.94	23-38
6	4	<del>Sanitary</del> Memorandum dt. 12.1.95	39-40
7	5	Representation dt. 24.2.95	49-50
8	6	Representation dt. 8.5.95	51
9	7	Representation dt. 25.7.95	52
10	8	Memorandum dt. 23.6.95	53-58
11	9	Memorandum dt. 11.11.99	59-60
12	10	Impugned order of promotion dt. 18.4.2000	64-66
13	11	Representation dt. 8.5.2000	67-68
14	12	Representation dt. 23.6.2000	69-70
15	13	Letter dt. 20.5.2000	71-72

Filed by  
*N.D. Goswami*  
Advocate



a

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

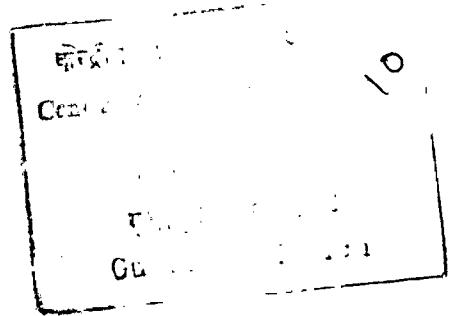
....Applicant

-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  
Anashvani 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

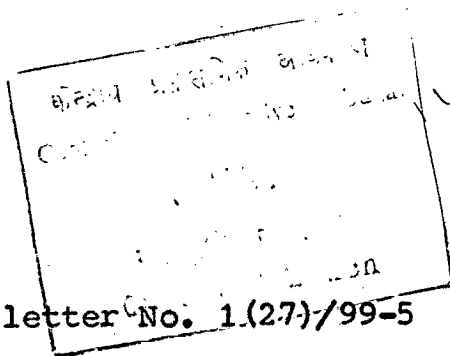
DETAILS OF THE APPLICATION

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.

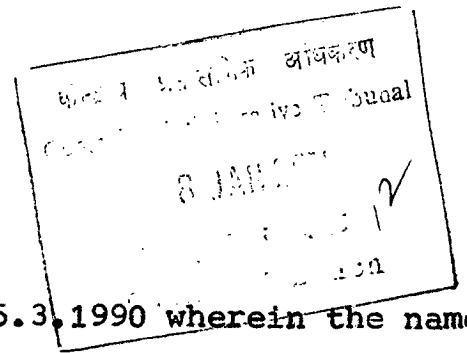
4. Facts of the Case.

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, Bhagapur, Bihar. Thereafter he was promoted to the post of Senior Technician vide office order issued under

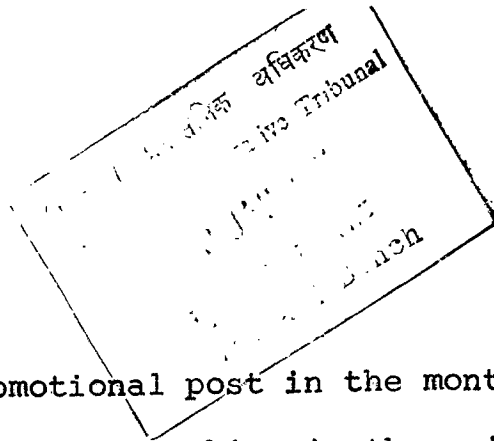
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*Narendra Kumar Singh*



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 Technician as because at the relevant time ~~xxxx~~ 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 it-s 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, Passighat. 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.

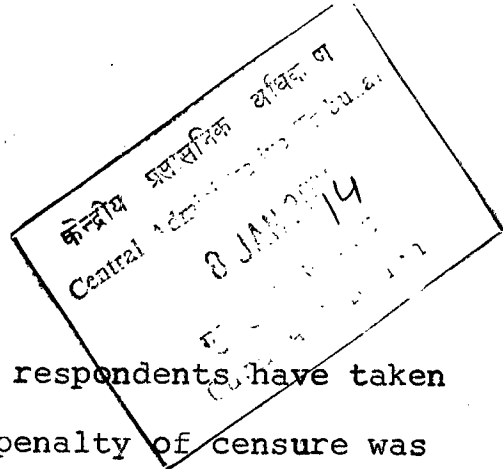
The applicant urged to produce the copy of the judgement and order dated 18.7.1991 passed in Session Trial case No. 594/90 (G.R. Case No. 2777/89) by the ~~Learned~~ Learned 3rd Additional Judge at the time of hearing.

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 in action 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 :

Contd....

*Narendra Kumar Singh*



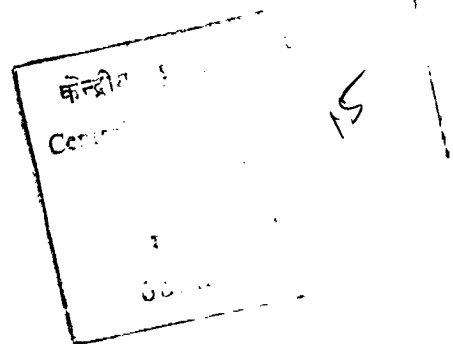
"24. The fact that the respondents have taken the view that only minor penalty of censure was deserved by the applicant on the charges arising from the incident, shows that had the applicant been not helplessly prosecuted in the criminal case ending in his acquittal, he would not have been put under 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."

Contd...

Narendra Kumar Singh



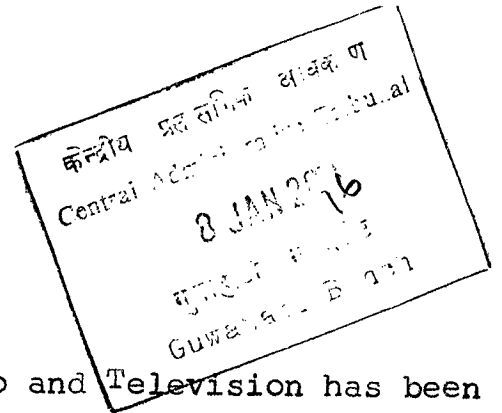
In view of the above judgement and order dated 30.9.1994 the applicant is entitled all consequential service benefits including the benefit of promotion to the cadre of Engineering Assistant with all consequential benefits.

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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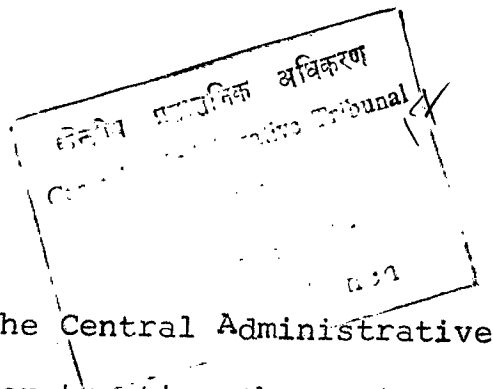
*Narendra Kumar Singh*



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 12.1.1995~~ 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 Technician 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 technician 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

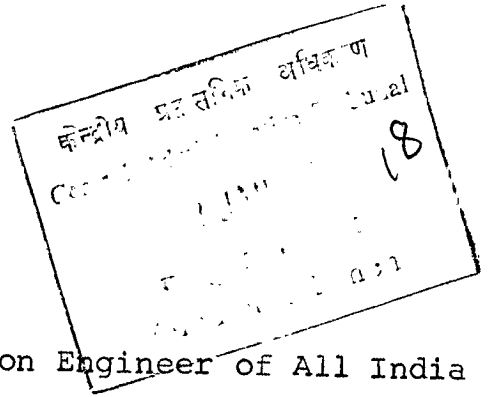
*Narendra Kumar Singh*





the Hon'ble Patna Bench of the Central Administrative Tribunal praying inter alia 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



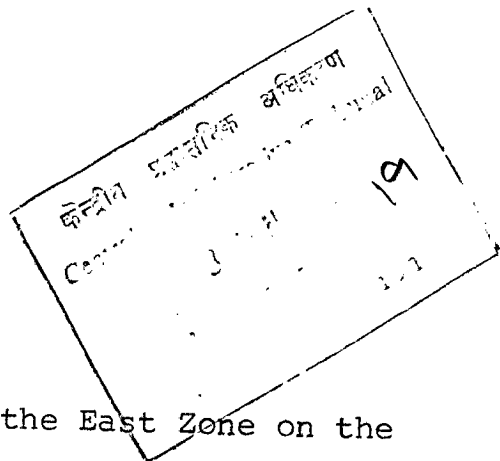
also ~~xxxxxx~~ requested the Station Engineer of All India Radio, Passighat for forwarding of his representation for restoration of seniority. The respondents after receipt of the representation from the applicant for restoration of his seniority considered the same and restored his seniority position 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 Technician for promotion to the post of Senior Technician 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 Technician 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*



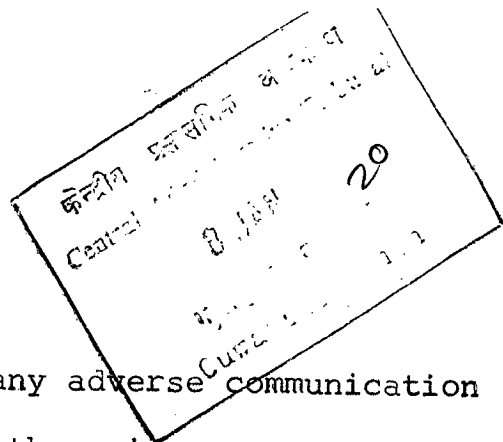
of Engineering Assistant in the East Zone on the basis of seniority cum fitness in 10% quota through letter bearing No. 1(27)/99-5 dated 11.11.99. In the said eligibility list the name of the applicant has been figured at serial No. 10 i.e. just above Ram Naresh Singh and Abdul Kayam Laskar and also 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 promotion order has been issued by the Chief Engineer, Eastern Zone, All India Radio and Doordarshan, Calcutta vide letter No. 1(27)/99-S dated ~~11.11.99~~ 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*

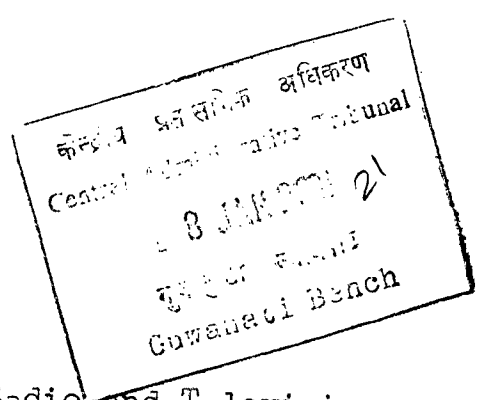


applicant has not received any adverse communication against his ACR. Therefore there is no reason to exclude the name of the applicant from the order of promotion to the post of **Engineering Assistant**. As such the Hon'ble Tribunal be pleased to direct the respondents to Review the case of the applicant 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 ~~A~~ 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*



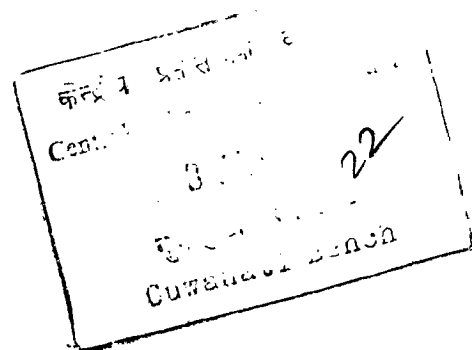
Association of All India and Radio and Television Engineering employees also requested the Chief Engineer Eastern zone of All India Radio and Doordarshan vide their letter dated 20.5.2000 to make a review of the promotion on the ground that many of the juniors have passed while the order of promotion 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 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 bonafide and for the cause of justice.

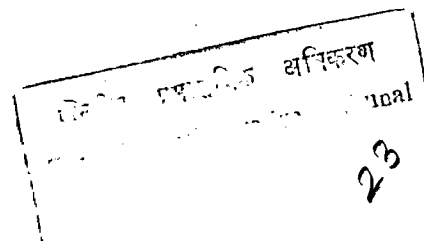
5. Grounds for relief(s) with legal provisions.

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 ~~name of the~~ applicant has been discriminated in the matter of promotion to the post of Engineering Assistant while his juniors have 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.

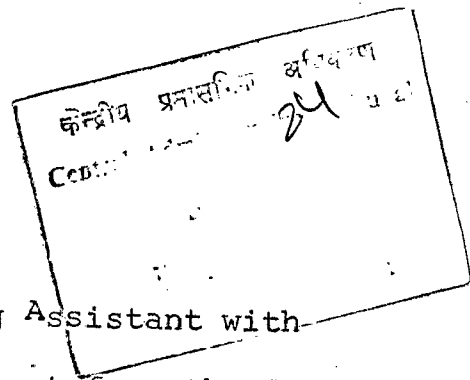
8. Reliefs sought for :

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, more 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.

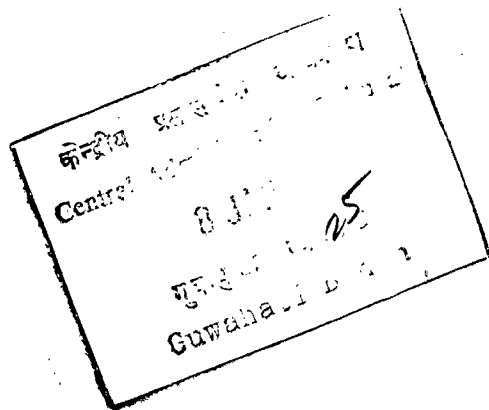
11. Particulars of I.P.O.

- |      |               |                     |
|------|---------------|---------------------|
| i.   | I.P.O. No.    | : 66 77 1219        |
| 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





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

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

Akashvani 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	" Daresh 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, Ukhrul	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 Prakash Sarki	AIR, Kurseong	AIR Kurseong	Against a newly created post.
17	" Debanand Barman	AIR, Silchar	Chaibasa, AIR,	
18	" Fazlul Haque	LPTV, Shantiniketan	LPTV Shantiniketan	Vice Shri M. S. Das transferred.
19	" Dinesh Prasad	LPTV, Jamshedpur	LPTV Ghatsila	Against a vacant 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. Technician	Present posting	Transferred to	Remarks
1	Shri Pradip Kn. Roy	O/o the CE (EZ), AIR & TV, Cal.	AIR Calcutta	Against a vacant post.
2	" Abul Kalam	-do-	AIR Calcutta	-do-
3	" Tarak Mukherjee	-do-	AIR Calcutta	-do-
4	" M.S. Das	TVRC, Shantiniketan	DDK Agartala	Vice Sri Mantu Das promoted.
5	" G. Marandi	DDK, Ranchi	LPTC, Dumka	
6	" Somnath Chatterjee	O/o the CE (EZ), AIR & TV, Cal.	LPTV, Krishna-nagar	Against a vacant post.
7	" Akhil Kr. Das	-do-	AIR Purnea	-do-
8	" R.N. Majhi	UBS, AIR, Cuttack	AIR Baripada	-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 their 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 contemplated.

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 whether 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. 14/35/85-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..

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 (EAST 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 <del>Md. Zamil Akhrar</del> 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 <del>AIR &amp; TV</del> Jamshedpur	LPTC Purulia	
9	Shri S.B.Sur	CE, EZ AIR & TV Calcutta.	DDK Itanagar	

Contd...

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- nekan	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 Guwhati	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 <del>Itanagar</del>	
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. Borgohain	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	<del>HBRE</del> HPT, AIR Chinsurah	
61	Sh C.C. Chatterjee	CE (EZ) AIR & TV Calcutta	HPTV Burdwan	
62	Sh Tamal Kanti Ghosh	DDK Clacutta	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. Takosang	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.	

Contd...

A nnexure-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 Kudada	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 <del>Bb.</del> 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 <del>Ranexk</del> Itanagar	
91	Sh. Jagdeo Ram	LPTV Gaya	DDK Ranchi	
92	Sh Raghbir Thakur	AIR Darbhanga	AIR Kohima	
93	Sh. A.K.Paswan	LPTV Begusarai	LPT Amrangabad	
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...

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 : 30.9.94

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 is 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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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.

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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

(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

(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)

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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 of 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

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Annexure-3 ( Contd.)

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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

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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 unjustified 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 (EAST ZONE)  
ALL INDIA RADIO & TELEVISION  
CALCUTTA

Akashvani Bhava, 4th Floor,  
Calcutta-700001

Dated 12.1.1995

MEMORANDUM

Subject : Seniority List of Senior Technician 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 circulated  
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 office 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 (EAST 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.

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- 49
5. The General Secretary, All India Radio & ~~Telexxxxx~~ Doordarshan ~~Bhavan~~, 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)

-4I-

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 Government Service.	Details of post held in AIR/DDK	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(AM) 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.	Bihir 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/-

As I was under suspension during the issue of  
your promotion Order No.1(21)/90-S dtd. 5.3.90, I

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.	Mani 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.	B.K. Chowdhury 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-	Ent. as Helper w.e.f. 1.9.81	-	HPTV Bhawanipatna
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.	16.1.62	21.2.84	Tech-21.2.84 Sr.Tech-1.8.88 EA-	Temporary	-	AIR Tezu

Contd..... 3/-

As my suspension was later  
India Radio, Pasighat as Senior Technician on 30.5.93.  
Your Order No. 1(21)/92-S dtd. 29.1.93. I joined AIR  
Senior Technician vide

	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 (AK)	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 Machanic (Electrician/Gen.Electronics).	3.12.64	6.1.86	Tech.6.1.86 Sr.Tech.11.2.90	Temporary	-	DDK Muzaffarpur	
78.	Nagangkham Rajeswar 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.	8.
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.	P.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 Bhanjanagar
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(AN) 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/ITI in Electrician Trade.	23.5.62	16.5.86	Tech.16.5.86 Sr.Tech.1.5.90	Temporary	-	LPTV Gopalganj	
95.	Abdul Kayam Laskar PU(Arts)/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 (AI)	Tech.23.7.86(AI) 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	

Contd... 12/-

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 Calcutta
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 Silchar
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 Kohima
108.	Bimal Chandra Mallick HS/ITI Trade Certificate	30.1.60	29.9.86 (AM)	Tech.29.9.86(AM) Sr.Tech.6.7.90	Temporary	S/C	HPT,AIR Chinsurah
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 Chinsurah
110.	Debasis Das B.Sc/ITI in the trade of Electrician/NGTVT/AITT.	18.8.61	4.9.85	Tech.4.9.85 Sr.Tech.31.10.90	Pmt. as Tech. 4.7.87	-	AIR Calcutta
111.	Smt. Ila Bardhan H.S/LEE.	22.9.62	24.2.86	Tech.24.2.86 Sr.Tech.24.10.90	Permanent	-	CE(EZ) Calcutta
112.	Debasis Dey HSLC/ITI/Trade Mech.	17.9.62	9.4.85	Tech.9.4.85 Sr.Tech.31.10.90	Permanent	-	PPC Silchar
113.	Swapan Acharya SF/ITI/REF. MEC.	28.12.61	6.10.86	Tech-6.10.86 Sr.Tech.11.3.91	Temporary	-	CE(EZ) Calcutta
114.	Abani Kr. Gani SF/ITI(Elect).	21.12.59	7.10.86	Tech.7.10.86 Sr.Tech.27.2.91	Temporary	-	HPT,AIR Chinsurah

Contd.... 13/-

	2.	3.	4.	5.	6.	7.	8.	9.
	Gopal Chandra Das Madhyamik/ITI.	15.4.67	1.9.88	Tech-1.9.88 Sr.Tech-31.8.92	Temporary	-	AIR Siliguri	
243.	Hiran Das Chettri SI/Electrician Fitter Signal Class II from Indian Army.	15.7.45	31.7.87	Tech-31.7.87 Sr.Tech-23.5.92	Permanent	-	AIR Durseong	
244.	Sripati Roychowdhury Madhyamik/ITI (Radio TV Trade)	6.5.64	26.5.87	Tech-26.5.87 Sr.Tech-21.5.92	Temporary	-	HPTV Agartala	
246.	Aloke Laskar Madhyamik/ITI in Radio TV	20.8.64	14.10.86	Tech-14.10.86 Sr.Tech-31.10.92	Temporary	S/T	HPTV Agartala	
247.	Smt. Kalpana Behara HSC/ITI (Radio TV Tech.)	16.9.62	22.1.87	Tech-22.1.87 Sr.Tech-20.7.92	Temporary	-	DDA Cuttack	
✓ 248.	Harendra Pr. Singh Electric/ITI Electrician Trade.	8.9.65	12.5.86	Tech-12.5.86 Sr.Tech-30.5.93	Temporary	-	AIR Pasighat	
249.	M. Zamil Akhtar Electric	1.10.66	7.10.88	Tech-7.10.88 Sr.Tech-30.11.93	Temporary	-	LPTV Bazaribagh	
250.	S.P. Teori HSLC, Electrician trade from ITI/IP in mechanical (Radio TV)	1.11.63	27.10.88	Tech-27.10.88 Sr.Tech-27.4.93	Temporary	S/T	AIR Pasighat	
251.	Sabu Varghese Pre-degree/Elect. Engg. KCCE.	24.5.64	31.10.88	Tech-31.10.88 Sr.Tech-14.5.93	Temporary	-	AIR Jeypore	
252.	Kalidash Mondal Madhyamik/ITI	22.2.63	16.11.88	Tech-16.11.88 Sr.Tech-	Temporary	S/O	AIR Bhawanipatna	
253.	Frosonjit Chami Madhyamik/ITI	18.4.67	16.11.88	Tech-16.11.88 Sr.Tech-	Temporary	-	AIR Bhawanipatna	
245.	S. Sarkar, 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	HPTV, 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(MZ) 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. Maskar Madhyamik/ITI.	10.1.62	14.12.88	Tech-14.12.88 Sr.Tech-	Temporary	S/C	CE(MZ) Calcutta
260.	A.S. Maskar B.Com/ITI	6.12.63	14.12.88	Tech-14.12.88 Sr.Tech-	Temporary	S/C	CE(MZ) Calcutta
261.	Basudev Purkait 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... 17

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....

Annexure-5 (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 order 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 Technician, LPTV, Gopalganj.

Thanking you,

Enclo : As stated above.  
Passighat  
24.2.95.

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

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 forearded by registered post at an early date.

Thanking you,

Yours faithfully,

Sd/-

Pasighat  
25.7.95

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

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

Akashvani Bhavan, 4th Floor,  
Calcutta-700001

No. 1 (23)/95-S

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...

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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 (EAST ZONE)

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

1.	2.	3.	4.	5.	6.	7.	8.
Name of the Sr.Tech.	Rank No. in the Draft Seniority list of the Sr.Tech. as on 31.3.94.	Date of birth	Whether SO/ST	Date of appointment as Sr.Tech.	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. Balangstar 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		

not joined so far. Moreover the incumbents who have



1.	2	3	4	5	6	7	8
11.	Howal	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.	Charan 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	Mungher	
16.	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 Da	72	7.5.61	-	Tech.30.10.85	CB(EL)	
					Sr.Tech.12.9.89	Calcutta	
19.	Ram	73	3.1.62	S/O	Tech.7.11.85	LPTV	
					Sr.Tech.3.9.89	Chaubasa	
20.	Kr. Ka	74	2.7.64	-	Tech.21.11.85	LPTV	
					Sr.Tech.9.1.89	Guwahati	
21.		75	11.10.51	-	Tech.19.7.74	LPTV	
					Tech.30.1.85	Guwahati	
					Sr.Tech.28.1.89		

	2	3				6	7	8
22.	Mobinuddin	76	4	0	-	Tech. 4.1.86 Tech. 1.1.89	DDK Ranchi	
23.	Hamid Akhtar	77	3	-	-	Tech. 3.1.86 Tech. 2.9.89	DDK Musaffarpur	
24.	Magankam Rajeswar Singh	78	11		S/T	Tech. 16.1.86 Tech. 2.8.89	LPTV Tezu	
25.	Sunil Kumar	79	26	1	-	Tech. 14.1.86 Tech. 1.9.89	DDK Ranchi	
26.	N. K. Sahoo	80	19	2	-	Super-23.4.83 Tech. 24.1.86 Tech. 27.12.89	LPTV Dhenkanal	
27.	Ashok Tamang	81	14	1	-	Tech. 15.1.86 Tech. 30.9.89	HPTV Kurseong	
28.	Kirmalendu Deb	82	9		-	Tech- 24.1.86 Tech-1.11.89	AIR, Kailashahar	
29.	K. Salu Solomon	83	22	1	S/T	Tech-25.1.86 Tech-20.10.89	PPC, DDK, Imphal	
30.	Surya Nath Pandey	84	13	51	-	Tech-11.2.86 Tech-16.2.90	LPTV, Deoghar	
31.	N.K. Samal	85	21	6	-	Super-27.4.83 Tech-24.2.86 Tech-3.10.89	DDK, Bhubaneswar	
32.	Nokhlal Prasad	86	9.2		-	Tech-25.2.84 Tech-17.11.89	AIR, Patna	
33.	Md. Ali Imman	87	29	0	-	Super-6.8.84 Tech-1.3.86 Tech-30.5.90	AIR, Darbhanga	

Contd... 4/-

1.	2.	3.	4.	5.	6.	7.	8.
34.	Rajkumar Thakur	88	3.6.60	-	Tech-25.3.86(AE) 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 Vashumwo	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	CZ(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.	Ra Prasad Sarki	98	5.5.63	S/C	Tech-23.7.86(AE) 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 (EAST SONE)  
ALL INDIA RADIO & TELEVISION

No. 1(27)/99-S

Akashvani 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.)

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. Techni-cian	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, Darbhanga
4	" Rajkumar Thakur	SF, ITI	6	UR	10.04.90	LPT, Sitamari
5	" Aswini Sharma	HSLC	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 ITIET	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, Shantiniketan.
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	21	UR	08.05.	AIR, Siliguri
20	" Debasis Sinha	BSC ITTIET	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	31.10.90	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/ITTIET	30	UR	27.02.91	HPT, Chinsurah
29	" Pradip Karmakar	HS/ITTIET	31	UR	27.2.91	CE (EZ) Calc.
30	" S.K Pal	SF/ITTIET	32	UR	27.02.92	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...

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
<del>41</del>	<del>" W. Shullai</del>	<del>HSLC</del>	<del>44</del>			
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	" Alope 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.

Sl. No.	Name of Sr. Tech	Present posting as Sr. Tech.	Posted on promotion as EA to	Remarks
1	Suryanath Pandey	LPT Deoghar	LPT Deoghar in DMC Dhanbad	
2	N.K. Samal	DDK, Bhubaneswar	DDK Bhubaneswar	Post shifted from shillong.
3	Ali Imman	AIR Darbhanga	LPT Darbhanga	Vacant
4	Raj Kumar Thakur	LPT Sitamari	LPT Bettia	-do-
5	Menorajjan 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 Narendra Kr Sen	DDK, Patna	DDK, Patna	LPT Siwan post
9	Ram Naresh Singh	<del>AIR CBS Patna</del> 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...

*Approved  
A. S. A. S.*

Annexure-10 (Contd.)

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.	<del>CE(EZ) Calc.</del> Kalimpong DDK Aantini-ketan	post

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) ~~xxxx~~ 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...

75

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)

*Attestd  
Sri  
Adm.*

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 ffrom 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/-

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...



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.

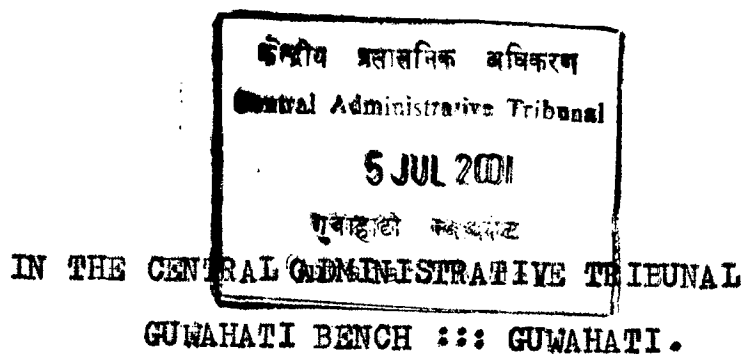
Thanking you,

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

-Vs-

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 ~~max~~ 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

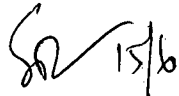
I, Shri S. P. Nag son of Shri S. C. Nag aged about 59 years, working as Chief Engineer (East Zone), All India Radio & TV, Kolkata residing at Flat no. 46, Central Govt. Officers' Quarters, Belvedere Estate, Kolkata - 27 do hereby declare that the statements made above are true to my information and belief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

DATE :- 15.06.2001

PLACE :- Kolkata



To  
The Registrar,  
Central Administrative Tribunal,  
Guwahati Bench.

  
Signature of the Deponent

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