

GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 161/01.....

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SECTION OFFICER (Judl.)

6.12.17

uitresop

FORM NO.4
(See Rule 42)

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

ORDER SHEET
APPLICATION NO .161.....OF 2001.

Applicant (s) Premangshu Khatha

Respondent (s) U.O.I. Govt

Advocate for Applicants (s) Mr. S. Sarma, Mr. D. Das

Advocate for Respondent (s) case

Notes of the Registry	Date	Order of the Tribunal
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This Application is in form
but not in form of
Petition for Writ
M.P.E. C.E.
for Rs 50000 and vide
IPO/BD/1. 66792261
Dated.....24.4.2001

Dy. Registrar

27.4.2001

Heard Mr S. Sarma, learned counsel
for the applicant. Issue notice returnable by
six weeks. List for orders on 12.6.2001.

Heard Mr Sarma on the interim order.
Issue notice as to why interim order suspending
the operation of the order dated 30.3.2001,
Annexure 7, so far the applicant is concerned,
shall not be suspended, returnable by 22.5.01.
In the meantime the operation of the order
dated 30.3.2001, so far the applicant is concerned,
shall remain suspended till 22.5.01.

K. U. Sharma

Member

Vice-Chairman

11.05.2001

nk m

Notice is prepared 22.5.01
and sent to D/Section
for issuing to the
Respondents 1-3 169161693
dtd 14/5/01.

NS
11/5/2001

NB
23/5/2001

Orders dtd. 22/5/01 Communicated
to the parties Comd. 1950 dtd 29/5/01

22/5/01

List on 21-5-01 for admission. In the mean
time the order dated 27.4.01 shall continue.

K. U. Sharma

Member

Vice-Chairman

(2)

21.6.01

Heard Mr. U.K. Nair for applicant and Mr. A. Deb Roy learned Sr. C.G.S.C. for respondents.

No written statement has been filed, the time for the same was granted.

Admit. Issue notice. As Mr. A. Deb Roy has already received notice, notice need not be issued again. Respondents may file written statement within four weeks and the applicant may file rejoinder, if any, within two weeks thereafter.

The interim order dated 27-4-01 shall continue till the next date. List on 28-8-2001 for orders.

K. C. Sharma
Member

Vice-Chairman

Written statement has been filed by the respondents. The applicant may file rejoinder, if any, within 2 weeks.

The interim order dated 27-4-01 shall continue.

List on 12/9/01 for order.

Vice-Chairman

Written statement has already been filed. The case now be listed for hearing. The applicant may file rejoinder within 10 days from today.

In the meantime, interim order dated 27.4.01 shall continue.

List on 16/10/01 for hearing.

K. C. Sharma
Member

Vice-Chairman

16.10. There is no show-up been in today. The case is adjourned to 11/12/2001.
Ms. H. K. 16.10

① Notice duly served on R. No. 2 & 3 (by hand).

② No. writs has been filed.

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20.6.01

Copy of order dtd 21/6/01 communicated to the parties counsel vide D/No

add
22/6/01

bb
28.8.01
29/6/01

12.8.2001

W/S on behalf

Repts. 1, 2 and 3 has been submitted.

mb

No. rejoinder has been filed.

20
27.8.01

No. Rejoinder has been filed.

20
11.12.01

12.9.01

mb

12/9/01

Notes of the Registry	Date	Order of the Tribunal
	<u>11/12</u>	There is no Division Bench today The case is adjourned to 8/1/2002.
	8.1.02	Pass over and list it ^{Mo} ^{A. K. Jy} _{11/12}
<u>8/1/2002</u>	8.1.02	Pass over and list it again on 10.1.2002 for hearing.
Rejoinder has been filed by the applicant. NS 8/1/02	mb	<p>10.1.02</p> <p>Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. The application is dismissed. No costs.</p> <p>10.1.02</p> <p>Member</p> <p>Vice-Chairman</p>
<u>7.2.2002</u>	trd	<p>Copy of the Judgement has been put to the D/Sec for filing in the case for the applicant by post and copy of the same handed over to the D/Sec for the Registry.</p> <p>Proceding 8/2/02</p>

Notes of the Registry

Date

Order of the Tribunal

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CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./R.A. No. 161/2001 of

DATE OF DECISION 10.1.2002

Shri Premanghu Khatua.

APPLICANT(S)

Mr. S.Sarma.

ADVOCATE FOR THE APPLICANT(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. B.C.Pathak, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE MR. K.K.SHARMA, MEMBER (A).

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

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



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 161 of 2001

Date of decision : This the 10th day of January, 2002

Hon'ble Mr. Justice D.N.Chowdhury, Vice-Chairman.

Hon'ble Mr. K.K.Sharma, Member (A).

Shri Premanghu Khatua,
Son of Sri S.S.Khatua,
At present working as Junior Accounts Officer,
In the office of the Telecom District Manager,
Bongaigaon.

....Applicant

By Advocate Mr. S.Sarma.

-versus-

1. Union of India,
Represented by the secretary to the
Government of India,
Ministry of Communication,
Sanchar Bhawan, New Delhi.

2. The Chief General Manager,
Assam Telecom Circle,
Ulubari Guwahati Assam.

3. The Telecom District Manager,
Bongaigaon.

.....Respondents

By Advocate Mr. B.C. Pathak, Addl. C.G.S.C.

O R D E R (ORAL)

CHOWDHURY J. (V.C.)

The applicant alongwith 38 others who were appointed as Junior Accounts Officer in the Department of Telecom on deputation basis in the pay scale of Rs.1640-60-2600-EB-75-2900 and the applicant was accordingly posted at Assam Telecom Circle on the strength of the order dated 19.9.1995. The applicant was thereafter transferred and posted as Junior Accounts Officer (Cash), Nagaon. The applicant was subsequently transferred and posted to TDM Office, Bongaigaon. While he was serving as such, Government of India, Department of Telecom took a decision for permanent absorption of the deputationists as Junior Accounts Officers

in DOT/DTS/DTO as one time measure and the same was communicated to the concerned authorities vide Memorandum dated 30.9.2000. The said decision was taken to overcome the acute shortage of Junior Accounts Officer in the department of Telecommunication. The department already had taken certain officials from other departments on deputation basis and posted them to various Telecom Circles/Units. In order to have the services of those officials on long term basis in view of large number of vacancies in the department of Telecommunication in the grade of Junior Accounts Officer as on date. It was decided to absorb those deputationists after conducting an examination. The examination for absorption was confined to those officials working on deputation of DOT as on 18.10.2000 and who has worked earlier on deputation in DOT on deputation basis but have since been repatriated to their parent cadre. The applicant accordingly submitted an application in the prescribed form for appearing in JAO examination Part II for permanent absorption in DOT/DTS/DTO. The applicant already appeared in the said examination and awaiting for the result. At this stage the impugned order dated 30.3.2001 was issued whereby the applicant was repatriated to his parent department with effect from 30.3.2001. Accordingly by the said order the applicant was directed to report to his parent office for further posting. The legitimacy of the said order is under challenge before us as being arbitrary and discriminatory.

2. Mr. S.Sarma, learned counsel appearing for the applicant referred to the O.M. dated 30.9.2000 which provides that applicant has a right to be considered for absorption on fulfilling certain conditions. In terms of the policy the respondent authority took steps for absorption of the applicant by holding examination and as a matter of fact the applicant alongwith others appeared in the examination. In these set of


Contd..


circumstances there was no justification for reverting the applicant to his parent department when the process of absorption was going on. The learned counsel for the applicant further submitted that there is need for the services of the applicant in the borrowing department which was also expressed by the Telecom District Manager, in his communication to Chief General Manager Telecom and therefore the reversion of the applicant to his parent department at this stage is seemingly arbitrary. Mr. B.C.Pathak, learned Addl. C.G.S.C. for the respondents countering the argument of the learned counsel for the applicant referred to its written statement and contended that the applicant was engaged by the respondents purely on deputation basis as Junior Accounts Officer. The deputation period was initially for one year which was extended from time to time. By the impugned order dated 30.3.2001 the applicant is reverted on completion of his period of deputation. He further contended that a deputationist does not have any right to continue in the borrowing department. The whole thematic contents of Mr. Sarma, learned advocate, rests on the thesis that the case of the applicant is under consideration for absorption and therefore he ought to have been allowed to continue in the borrowing department till the process of selection for absorption is over. In exercise of our power under Section 19 of the Administrative Tribunals Act, 1985, we are not inclined to intervene in the matter since we do not find any illegality in the order of repatriation. The applicant is a deputationist and since his period of deputation is over, we do not find any scope for extending the period of deputation. Mr. S.Sarma, learned counsel for the applicant referred to the communication of the Telecom District Manager sent to the Chief General Manager and not for us to act upon in the recommendation of the Telecom District Manager. It is for the department to act as per the request of the Telecom

Contd..

District Manager. His reversion to the parent department will not in any way affect the case of the applicant for consideration of his case for absorption.

3. In the result, we do not find any merit in this application. The application is accordingly dismissed. There shall, however, be no order as to costs.


(K.K.SHARMA)
Member(A)


(DN.CHOWDHURY)
Vice-Chairman

trd

কেন্দ্রীয় প্রশাসনিক আদালত
Central Administrative Tribunal
27 APR 2001
গুৱাহাটী ন্যায়পীঠ
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

O.A. No...161...of 2001

BETWEEN

Shri Premangshu Khatua, Applicant.

AND

Union of India & ors. Respondents.

I N D E X

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Filed by : Miss. U Das, Advocate.

Regn.No.:

File :C:WS7\PREMANGHSU.

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

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Filed by
the applicant through
Alloha Das.
Advocate
24/4/2001

D.A.No. of 2001

BETWEEN

Shri Premanghu Khatua,
son of Sri S.S. Khatua,
At present working as Junior Accounts Officer,
In the office of the Telecom District Manager,
Bongaigaon.

VERSUS

1. Union of India,

Represented by the Secretary to the Govt. of India,
Ministry of Communication,
Sanchar Bhawan. New Delhi.

2. The Chief General Manager,
Assam Telecom Circle
Ulubari Guwahati Assam.

3. The Telecom District Manager,
Bongaigaon. →

..... Respondents.

PARTICULARS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS
MADE:

This application is directed against the order dated
30.3.2001 issued by the respondents illegally repatriating the
applicant to his parent department without resorting to the
procedure laid down for consideration of his case for regular
absorption through competitive examination (which he appeared but
result is yet to be declared.).

2. LIMITATION:

The applicant declares that the instant application has
been filed within the limitation period prescribed under section
21 of the Central Administrative Tribunal Act.1985.

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3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

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 as guaranteed under the constitution of India.

4.2. That applicant initially got his appointment under the Postal Dept. in the Office of the Director of Accounts Postal, Calcutta. Thereafter, the Respondents issued an order dated 19.9.95 appointing the applicant as Junior Accounts Officer (JAO) under the Assam Telecom Circle on deputation. Pursuant to the said order dated 19.9.95, another dated 20.10.95 has been issued posting the applicant under the Office of the Telecom Dist. Engineer Nagaon. The aforesaid order dated 20.10.95 was followed by yet another order dated 11.12.95 reliving the applicant from the office the Director of Accounts Postal Calcutta.

Copies of the orders dated 19.9.95, 20.10.95 and 11.12.95 are annexed herewith and marked as ANNEXURES- 1,2 & 3.

4.3. That pursuant to the aforesaid orders, applicant joined the post of Junior Accounts Officer in the office of the Telecom Dist. Engineer Nagaon. The applicant is still continuing as such. The applicant was under the impression that in due course of time his service would be regularised under the Telecom Department. It is pertinent to mention here that in the Telecom Department there are large number of vacancies in the grade of JAO. In view of filling up of those vacancies the Respondents issued an order dated 30.9.2000 laying down certain condition to absorb the

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deputationists like that of the present applicant. In the said order it has been mentioned that all the deputationists will have to place their option and after that there shall be an examination for their absorption.

A copy of the said communication dated 30.9.2000 is annexed herewith and marked as ANNEXURE-4.

4.4 That accordingly the present applicant placed his option for permanent absorption by submitting his duly filled application dated 18.10.2000 to the respondents. The respondents for this letter dated 18.10.2000 forwarded his aforesaid application to the respondent No.2.

Copies of the forwarding letter dated 18.10.2000 and application dated 18.10.2000 are annexed herewith and marked as ANNEXURE-5 & 6.

4.5. That as stated above in terms of Annexure-4 communication dated 30.9.2000, the applicant preferred his option for permanent absorption in the Telecom Department as JAO. It is pertinent to mention here that acting on his option, the respondents issued hall permit to the present applicant enabling him to appear in the examination meant for his permanent absorption. The applicant accordingly appeared in the said examination scheduled on 25.12.2000. In the said examination the applicant fared well but result is still awaited. The respondents however, without waiting for the result of the same issued the impugned communication dated 30.3.2001, repatriating the applicant to his parent department that is Department of Posts.

A copy of the said order dated 30.3.2001 is annexed herewith and marked as ANNEXURE-7.

4.5. That the applicant states that the respondents No. 2 has issued the impugned order dated 30.3.2001 which has been communicated to the office of the respondents No 3 under whom the

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applicant is working on 10.4.2001. The respondent No 3 subsequently served the said copy to the present applicant. In view of issuance of the said order dated 30.3.2001, the applicant is now apprehending that at any point of time, the respondents may issue release order.

4.7. That the applicant begs to state that taking into consideration the order/communication dated 30.9.2000, enabling the deputationists like that of the present applicant for permanent absorption, the respondents should not have issued the said impugned order hurriedly. Admittedly, the applicant has placed his option for his permanent absorption and acting on his such option, he was allowed to appear in the examination and now during the pendency of declaring the result, there should not have been any such occasion for the respondents to repatriate the applicant by issuing the said impugned order dated 30.3.2001.

4.8. That the applicant begs to state that since there is a statutory provision of permanent absorption and taking into considering the said communication dated 30.9.2000 and also when the applicant has been allowed to appear in the examination, the respondents should not have issued the impugned order dated 30.3.2001 repatriating the applicant, that too when the result is about to be declared. In case the applicant is declared successful in the said examination, the respondents are bound to absorb him. However, in the event of his repatriation as has been sought to done by the respondents by issuing the impugned order dated 30.3.2001, the applicant may loose his right for permanent absorption and his entire exercise for permanent absorption will be frustrated.

4.9. That the applicant begs to state that the entire action on the part of the respondents in issuing the impugned order

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dated 30.3.2001, violating the guidelines/circulars dated 30.9.2000 is per-se illegal and arbitrary and same depicts total non-application of mind by the respondents. In view of aforesaid impugned order dated 30.3.2001, the applicant is apprehending that the respondents may issue the release order very soon relieving the present applicant from the Dept of Telecom to his parent Department i.e. Postal Department. In view of the aforesaid fact and circumstance, the applicant prays before the Hon'ble Tribunal for an interim order suspending the operation of Annexure-7 order dated 30.3.2001, during the pendency of the O.A.

4.10. That the applicant begs to state that numbers of similarly situated employees like that of the present applicant who also came on deputation to the Telecom Department got their absorption but in the present case although there are number of vacancies, the respondents have shown their arbitrary exercise of power by issuing the impugned order dated 30.3.2001.

4.11. That this application has been filed bonafide and to secure ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents are per-se illegal and arbitrary and liable to be set aside and quashed.

5.2. For that the respondents have acted illegally in issuing the impugned order dated 30.3.2001, violating the statutory provision as described vide letter dated 30.9.2000 and as such same is liable to be set aside and quashed.

5.3. For that the applicant being allowed to appear in the examination for his permanent absorption, the respondents ought not to have issued the said order dated 30.3.2001, more so when there are vacancies in the Department, hence the entire action on

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the part of respondents are liable to be set aside and quashed.

5.4. For that the respondents ought to have considered the case of the applicant during the pendency of declaration of the result and they ought not to have issued the said impugned order dated 30.3.2001. Hence the entire action on the part of the respondents are not sustainable in the eye of law and liable to be set aside and quashed.

5.5. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

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

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To set aside and quash Annexure-7 order dated 30.3.2001, with a further direction to the respondents to absorb the applicant permanently in the post of Junior Accounts Officer in the Telecom Dept. with all consequential service benefits.

8.2. Cost of the application.

8.3. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant prays for an interim order directing the respondents not to give effect the operation of the impugned order dated 30.3.2001 and to direct the respondents to allow the applicant to continue in his present place of posting.

10.

11. PARTICULARS OF THE I.P.O.:

- 1. I.P.O. No. : 6G 792261
- 2. Date : 24-4-2001
- 3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

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VERIFICATION

I, Shri Premanghu Khatua , son of Shri S.S. Khatua, aged about 38 years, at present working as Junior Accounts Officer, in the Office of the Telecom District Manager, Bongaigaon, do hereby solemnly affirm and verify that the statements made in paragraphs 1,2,3,4.1 , 4.6. to 4.11 and 5 to 12 are true to my knowledge and those made in paragraphs 4.2 to 4.5. are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 26th day of April 2001.

Signature.

Premanghu Khatua

Department of Telecom
Sanchar Bhawan, New Delhi-1

Dated 19th September 1995

The Assistant Director General (FA-Admn)
Postal Accounts Wing,
Dak Bhawan, New Delhi-1

Subj:- Filling up of some posts of Junior Accounts Officers
in Department of Telecommunication deputation basis.

Sir,

I am directed to refer to your letter dated 24-8-95 on the above mentioned subject and to say that Member (F), Telecom Commission is pleased to appoint the following officials as Junior Accounts Officer in Department of Telecom on deputation basis in the pay scale of Rs.1640-60-2600-EB-75-2900 and to post them to the Telecom Circles/Districts noted against:

Sl. No.	Name of the official S/Shri/Gmt.	Place where working in Grade	Circle etc where posted as JAO
1.	Milind Pophali	Bhopal	MP Telecom
2.	P.K. Shrivastava	Bhopal	--do--
3.	Rakesh Kumar Nema	Bhopal	--do--
4.	Nizamuddin	Bhopal	--do--
5.	Deepak Padamwar	Bhopal	--do--
6.	L.D. Ahrwar	Bhopal	--do--
7.	K.R. Attre	Bhopal	--do--
8.	L.D. Batham	Bhopal	--do--
9.	N. Valkundam	Madras	Maharashtra Tele.
10.	E. Bekharan	Madras	MTNL Bombay
11.	S. Sridhar	Madras	--do--
12.	S. Srirama Desikan	Madras	Maharashtra Tele.
13.	C. Madhu	Madras	MTNL Bombay
14.	S. Krishnamurthy	Tirupathi	Maharashtra Tele.
15.	N.K. Gupta	Indore	MP Telecom
16.	D.K. Pagare	Indore	--do--
17.	N. Uma Maheshwara Rao	Hyderabad	Maharashtra Tele.
18.	E.T. Hari	Ernakulam	MTNL Bombay
19.	K. Mohana Chandra Babu	Thiruvanelu	--do--
20.	L.K. Gangadharan	--do--	MTNL Bombay
21.	T.V. Manomoharana	Kannaur	--do--
22.	P. Rajaram	Payyannus	--do--
23.	A. Batyanarayana Murthy	Anakapelli	Maharashtra Tele.
24.	Lakshmeswar Prasad Dutta	Sitamarhi	MP Telecom
25.	Premangshu Khatua	FAO Cal	Assam Telecom
26.	Bibhuti Bhushan Karan	--do--	--do--
27.	Amarendra Kumar	PAO Patna	--do--
28.	Awadhesh Kumar Singh	--do--	--do--
29.	Shashi Bhushan Sahay	--do--	MTNL Bombay
30.	Upendra Narayan Singh	--do--	MP Telecom

Attested
[Signature]
Advocate.

ACCOUNTS OFFICER/ADMN.-I,
POSTAL :: CALCUTTA.

(Contd. ...)

31.	Jnanendra Nath Das	-do-	Assam Telecom
32.	Anil Kumar Sinha	-do-	MP Telecom
33.	Sagir Ali	Banda UP	-do-
34.	Kamlesh Kumar Singh	-do-	-do-
35.	Mohammad Zakir Hussain	-do-	-do-
36.	Ali Hussain	-do-	-do-
37.	Ram Sadal	Gonda UP	-do-
38.	Phool Chand Yadav	Gorakhpur	-do-
39.	N.R. Bhatt	U.P. (Lucknow)	Gujarat Tele.

2. The above appointments are subject to the vigilance clearance to be issued by the Department of Posts.

3. The period of deputation will be for one year initially. The pay of the selected officials will be regulated in accordance with the Ministry of Finance O.M.No.10/24/E.III/60 dated 4-5-61 as amended from time to time.

4. All the officials can be relieved on receipt of station of posting from concerned Head of Telecom Circles.

5. Before relieving the officials, a declaration may be obtained from them to the effect that the posting as JAO is purely temporary and on deputation basis and they will not have any claim for seniority in the parent cadre in respect of the services rendered by them in the Department of Telecom nor they will have any right for permanent absorption in Telecom. Such declaration may be sent to this office in due course.

6. In case any of the above officials failed to report for duty within two months of the issue of the orders, his selection as JAO in the Department of Telecom will be treated as cancelled and he will not be allowed to join duties in Department of Telecom after two months.

7. Necessary charge report may be sent to all concerned including this office.

Yours faithfully,

(H.S.S. Subrahmanyam)

Assistant Director General (SEA)

Copy to:

1. CGM, MP Telecom/Assam Telecom/Bihar/Orissa Telecom/Gujarat Telecom Circle and NPL Bombay. They are requested to issue station of posting to the officials mentioned above.
2. DDG (EF)/Director (SEA), Telecom Bde, New Delhi.
3. Guard File.

MTNG-BY - 9
M P Telecom - 519
Assam " - 5
Maharashtra Circle - 5
Gujarat " - 1
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Attested
by
Advocate.

(CHAND KUMAR GUPTA)
Section Officer (SEA)

ANNEXURE-1

ANNEXURE-2

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER: ASSAM TELECOM. CIRCLE
ULUBARI: GUWAHATI-781007

No. STES-6/6/Pt-III/64

Dated at Guwahati 20.10.95

In pursuance of DOT New Delhi Memo.No.18-7/89-SEN dtd.19.09.95 the following orders of transfer and posting in the cadre of Junior Accounts Officer/Asstt. Accounts Officer is issued in the interest of service to have immediate effect.

1. Sri Premangshu Khatua, JAO under PAO Calcutta is transferred and posted as JAO (Cash), O/o. TDE/Nagaon.

2. Sri Bibhuti Bhushan Karen, JAO under PAO Calcutta on transfer to Assam Telecom. Circle is posted as JAO to TA Section in the Circle Office, Guwahati vice Sri Nishakar Roy transferred.

3. Sri Amarendra Kumar, JAO under PAO Patna on transfer to Assam Telecom. Circle is posted as JAO in o/o. TDM/Guwahati against the leave vacancy of JAO (Misc) and for monitoring CTO/DTO, TRA cheque collection etc.

4. Sri Awadhesh Kumar Singh, JAO under PAO Patna is posted in Circle Office in A&P Section, Circle Office, Guwahati vice Sri R. Paudel, JAO transferred.

5. Sri Jnanendra Nath Das, JAO under PAO Patna is posted as JAO in office of T.D.M., Guwahati.

6. Sri Nishakar Roy, JAO (TA), Circle Office, Guwahati is transferred and posted in TRA Section, O/o. T.D.M., Guwahati vice Sri J.J. Chakraborty, AAO transferred to A.O. (IC), Circle Office, Guwahati.

7. Sri R. Paudel, JAO (A&P), Circle Office, Guwahati is transferred and posted in Civil Division /Guwahati against the existing vacancy.

8. Sri Bhaskar Dey, AAO (IC), Circle Office, Guwahati is transferred and posted in the o/o. the E.E. Electrical Division, Guwahati.

Necessary charge handing/taking over may be sent to all concerned.

Sd/
(K.S.K. Prasad Sarma)
Asstt. Director Telecom. (Staff)
for Chief General Manager
Assam Telecom. Circle, Guwahati-7.

Contd.....p/2...

Witnessed
by
Locate.

1/2/11

Copy to :-

1. The D.D.T. (SEA Section), Sanchar Bhawan, New Delhi-110001.
2. The Asstt. Director General (PA-Admn.) Postal Accounts Wing, Dak Bhawan, New Delhi-110001 for information and necessary action.
- 3-4. The Postal Accounts Officer, Calcutta/Patna.
5. The T.D.M., Guwahati.
- 6-8. The A.O. (A&P)/(TA)/(IC), C.O., Guwahati.
9. The Executive Engineer, Electrical Dvn (Telecom.), Guwahati.
10. The Executive Engineer, Civil Dvn. (Telecom.) Guwahati.
11. The T.D.E., Nagaon.
12. The A.M.T., Guwahati.
- 13-21. P/Fs. of the officials/officers.
- 22-23. Guard file/Spare.
24. The officials/officers concerned. *Sri Premangshu Khatri,*
JAO, o/o Postal Accounts Officer,
Calcutta

for Chief General Manager
Assam Telecom. Circle, Guwahati-7.

*Forwarded
L/Os
Adm. Secy.*

[Signature] 195

OFFICE OF THE DIRECTOR OF ACCOUNTS (POSTAL): CALCUTTA
"YOGAYOG BHAWAN", P-36, C.R. AVENUE, CALCUTTA: 700012.

No. Admn-I-219

Dtd. 11.12.95

OFFICE ORDER

In pursuance of the Department of Posts memo No. 302(1)/95-PA-Admn-III(Pt)/456-474 dated 9.11.95, S/shri Premangshu Khatua, Senior Accountant and Bibhuti Bhusan Karan, S.A. are relieved from their duties in this office with effect from the afternoon of 12.12.95 with the instructions to report for duty to the office of the TDE, Nagaon and circle office, Guwahati under the department of Telecom as J.A.O. on deputation basis in the pay scale of Rs. 1640-60-2600-EB-75-2900/-

The period of deputation will be for one year initially. The pay of the official will be regulated in accordance with the Min. of Finance, O.M.No. 10/24/E-III/60, dt. 4.5.61 as amended from time to time..

B.N. Halder

(B.N. HALDER)

DIRECTOR OF ACCOUNTS (POSTAL)
CALCUTTA.

No. F-1/DEP-VI/Admn-I-3596-3601

dated. 11.12.95

copy for information to;

- 1) The Director-PA-I, Min of communication, Deptt. of Posts, Dak bhawan, sansad Marg, N.D.-110001, w.r.t. his letter no. F.No. 302(1)/95-PA-Admn-III(pt)/456-474, dt. 9.11.95. One copy of declaration of obtained from the officials are enclosed as desired
2. The Director (SEA), Deptt. of Telecom., sanchar Bhawan, New Delhi -with rererence to their letter no. 18.7/89, SEA, dtd. 19.9.95 one copy of the declarations obtained from the officials are enclosed.
3. The Chief General Manager, Assam Telecom Circle, Ulubari, Guwahati-781007. One copy of declarations obtained from the officials are enclosed.
4. The Chief Postmaster General, West Bengal Circle, Calcutta
5. Officials concerned.
6. Accounts Officer - A.C. / P.A.-I.

B. C. Chakraborty

(B. C. CHAKRABORTY)
ACCOUNTS OFFICER/ADMN.-I,
POSTAL :: CALCUTTA.

25
-14-
3 Contd

No. F-1/DEP-VI/Admn.-I/3602-3606

Dated : 11.12.95.

Copy for information and necessary action :-

1. Admn.-I : a) Estt., b) G.L., c) Lib. Cell.
2. Admn.-II: a) Bill Gr., b) L.P.C., c) G.P.F., d) C.G.E.G.I.S.,
e) Medical.
3. Admn.-III : a) Leave Gr., b) S/Book, c) Personal File,
d) LTC/TA.
4. A.A.O./J.A.O. : G.P.F./Admn.-IV/P.A.-II/A.C./P.A.-I.
5. Caretaker.

Attested
in Das
Admn.

mitra
(P. K. MITRA)
ASSTT. ACCOUNTS OFFICER/ADMN.-I,
POSTAL :: CALCUTTA

- 15 -

26
ANNEXURE-4

No.18-11/2000-SEA.II
Government of India
Department of Telecommunications
Sanchar Bhavan, 20, Ashoka Road,
New Delhi-110 001.

MOST IMMEDIATE

Dated: 30.9.2000.

CAO
To
All the CGMs/IFAs, Telecom Circles.
All the CGMs/IFAs, Metro Telephone District.
All the CGMs/IFAs, Projects/Maintenances Circles.
All other Administrative Units/Organisations.
The Director (Finance), Corporate Office, MTNL New Delhi.
The CGM/IFA, MTNL New Delhi/Mumbai.
The Sr.DDG(IA&P) Telecom Directorate.

Sub:- Permanent absorption in DoT/DTS/DTO of deputationists working as Junior
Accounts Officers in the Department of Telecom as a one time measure - Reg.

Due to acute shortage in the grade of Junior Accounts Officers in Department of Telecommunications, this Department had taken certain officials from other Departments, including the Department of Posts, on deputation, to work as Junior Accounts Officers and posted them to various Telecom Circles/Units. In order to have the services of these officials on long term basis, in view of large number of vacancies existing in the Department of Telecom in the grade of JAO as on date, it has now been decided, with the approval of competent authority, to absorb these deputationists as Junior Accounts Officers in DoT/DTS/DTO, as one time measure, after conducting an examination. The examination will be conducted on certain terms and conditions set out separately in respect of those officials who will be working on deputation in DoT, proposed BSNL as on 18.10.2000 and for all those who have earlier worked in DoT on deputation basis but have since been repatriated to their parent cadre. Any official holding any post higher than JAO in his parent Department as on 30.9.2000 will not be eligible to appear in the said examination.

M. S. S.

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Amended
libas
Admission

2. The said examination will be conducted simultaneously with JAO Telecom Part-II examination and will be only for Paper-VII and Paper-VIII for these deputationists, as contained in syllabus for JAO, Telecom Part-II Examination. The details of eligibility conditions and also terms and conditions (ANNEXURE-I) for regulating their pay and seniority etc., for the said examination, alongwith proforma of declaration/undertaking (ANNEXURE-II) required to be given by all the applicants at the time of applying for the examination are enclosed herewith. The application form is also enclosed. Photo copy of the same can be used by the officials for submitting the application.

3. All the present deputationists who are willing to be absorbed in DoT/DTS/DTO as JAOs are requested to go through the terms and conditions and submit their application { as in proforma enclosed - Annexure-III } to the Head of the Circle concerned where they are working, alongwith the declaration/undertaking, in the prescribed proforma, latest by 27.10.2000. On receipt of the applications from the deputationists, the Heads of Circles will scrutinize the applications so as to see whether application is complete in all respect, the declaration/undertaking given by the deputationist is duly filled in and signed by the deputationist. All those officials who are working in DoT Headquarters on deputation will, however, submit their applications to SEA Branch, DoT Headquarters, who in turn will send these applications to CGM NTR New Delhi after necessary verification etc.

4. Those deputationists who have already been repatriated and are willing to appear in the said examination after going through the terms and conditions, will have to submit their applications { as in proforma enclosed - Annexure-IV } alongwith their declaration/undertaking, through proper channel, indicating the Circle Headquarter where they intend to appear in the said examination, to their parent office latest by 27.10.2000. After verifying the eligibility etc., including the undertaking of the applicant, the parent office will consolidate all such applications and send them to SEA Branch of DoT Headquarters latest by 10.11.2000. Applications received after 10.11.2000 in SEA Branch will not be entertained. The SEA Branch, after scrutinizing the applications, will send the applications to the Circle opted for examination by the applicant latest by 17.11.2000. The applications received without the declarations/undertaking shall not be entertained.

5. The Circles will consolidate all the applications i.e., applications received from present deputationists as also from SEA Branch in respect of those deputationists who have been repatriated and send the relevant details viz., Roll No. allotted etc., to the DE Branch of DoT Headquarters latest by 30.11.2000, as would be done by them in respect of DoT officials who are appearing in JAO Part-II Examination. While allotting the Roll Nos., all the concerned Circles will distinguish the Roll Nos. by writing (D) against the roll numbers denoting that the application belongs to a deputationist appearing in Paper-VII and Paper-VIII only.

Contd...3.

20/11/00
20/11/00
20/11/00

- 19 -

12:

(2) The syllabus for TR paper set for deputationists will be same as that for JAO (Part-II) examinees of Department of Telecommunications.

(C) Basic Training: As per Junior Accounts Officers (Telecom) Recruitment Rules, 12 weeks basic training is prescribed in Regional Telecom Training Centres/BRBRIIT for those who qualify the Part-II examination. Only on successful completion of the training, they are appointed as JAO in DoT/DTS/DTO. Here in this case, persons who are willing to appear in the same examination as mentioned above, will be absorbed in the Department of Telecommunications/ proposed BSNL only after they are declared successful in the said TR examination (Paper-VII and Paper-VIII) and have successfully completed their 12 weeks basic training.

(D) Pay fixation on absorption: The pay of the persons so absorbed as JAO in DoT/DTS/DTO will be fixed in accordance with the rules laid down by Department of Personnel and Training in this regard. Their pay is to be fixed under FR-22(1)(a)(i). While doing so their pay in the substantive cadre is to be taken as base and NOT the pay they drew while holding any deputation post. No benefit for the increments earned in DoT, while serving as JAO on deputation, will be given.

(E) Seniority of deputationists on absorption:

(i) Seniority vis-à-vis Telecom JAOs: All the deputationists, who are absorbed in DoT after qualifying TR paper as discussed above, and after successful completion of Basic Training, will rank ex-ibito junior to all the Departmental candidates declared qualified on the basis of same Part-II examination, irrespective of the fact that some of the departmental candidates may join as JAO at much later date than the last deputationist and might not have joined Basic Training in the same batch due to any circumstances and are sent for training in subsequent batch. Date of joining will not be considered as a criteria for fixation of seniority.

(ii) Inter-se Seniority of the deputationists: The inter-se seniority of the persons so absorbed after following the method mentioned above and who are presently working or have earlier worked as JAO in DoT on deputation from various Ministries/Departments like DoP/Railways/CGDA etc., will be determined with reference to the year of their passing the Part-II (or final part, as the case may be) of the equivalent examination held by their Parent Department. The inter-se-seniority of the two or more persons belonging to two different Departments will be decided on the basis of date of passing the equivalent examination and where all three -- date, month and year -- are same the seniority will be decided on the basis of age i.e., other things being similar, persons older in age will be senior.

Contd... 3.

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(F) Undertaking: Before the officials who have worked or working as JAO on deputation in DoT are allowed to sit in the spec. examination they should give an undertaking as in ANNEXURE-II to the effect that they will not claim any past service for fixation of their seniority and pay and that they would rank junior to all the regular JAOs including those DOT officials who qualify Part-II examination in the same batch/year in which these deputationists are allowed to appear.

(G) Other Points:

- (i) Absorption will be the sole discretion of Department of Telecom both in terms of time and number of persons decided to be absorbed. The persons who qualify in the TRA paper in JAO Part-II examination before their absorption, will, as per rules, be technically repatriated to their parent Departments/Ministries before sending them for training. Further, the absorption will be subject to their being cleared from Vigilance angle, both in his parent Department as well as in DOT (in case of persons who are on deputation in DOT as on the date of such repatriation).
- (ii) While calling for applications from the present and past deputationists, it is made clear that the Department is on the verge of Corporatisation and that the service conditions and pay attached to the post of JAO and above are likely to undergo changes.
- (iii) JAO cadre is having all-India transfer liability and the decision to absorb the deputationists has its roots in the growing number of vacancy, particularly in Telecom Circles like Gujarat/Maharashtra/Karnataka/North East etc. In order to meet the shortage, those who get absorbed in DOT may be transferred/posted anywhere in India based on existing vacancies and administrative convenience.
- (iv) No official will bring any political influence for his posting after absorption in DOT. If any official bring any political influence after absorption, necessary action under CCS(CCA) Rules will be taken against him/her.
- (v) Option from present/past deputationist for permanent absorption, once exercised shall be final. However, it will be effective only when the official qualifies in the said examination and completes the Basic Training of JAO.

Contd...4.

Attested
by Das
Secretary

DECLARATION

(I) I, Shri/Smt. hereby declare that for becoming eligible for absorption as JAO in the Department of Telecom, I am willing to appear in the JAO Part-II Paper-VII and Paper-VIII special examination, and undergo the JAO Basic Training. I also undertake that I shall abide by the following conditions on absorption:

(II) That my seniority on absorption in DOT would be fixed on the conditions as mentioned below:

(i) I will not claim past service for fixation of seniority vis-à-vis JAOs of DOT.

(ii) Seniority vis-à-vis Telecom JAOs: I will rank en-block junior to all the Department of Telecom/DTS candidates declared qualified on the basis of same Part-II examination, irrespective of the fact that some of the departmental candidates may join as JAO at much later date than the last deputationist and might not have joined basic training in the same batch due to any circumstances and are sent for training in subsequent batch. I agree that the date of joining will not be considered as a criteria for fixation of seniority.

(iii) Inter-se-seniority of the deputationists: My inter-se-seniority with reference to the deputationists who are working in DOT/or have earlier worked as JAO on deputation from various Ministries/Departments like DoP/Railways/CGDA etc., (after their absorption in DOT) will be determined with reference to the year of the passing of the Part-II (or final part, as the case may be) of the equivalent examination held by their parent Department. I agree that the inter-se-seniority of the two or more persons belonging to two different Departments will be decided on the basis of date of passing the equivalent examination and where all three -- date, month and year -- are same, the seniority will be decided on the basis of age i.e., other things being similar, persons older in age will be the senior.

(iv) That I will stand repatriated to my parent cadre on successful passing of the examination but before proceeding for JAO Basic Training, on the date to be fixed by the Department of Telecom.

(v) Once I qualify the written test as well as complete successfully basic training, I will not have any claim for reverting to my parent cadre.

Contd...2.

Attester
[Signature]
Advocate.

:2:

(III) That on absorption as JAO in the DOT, I will have all India transfer liability and may be posted anywhere in India.

(IV) That on absorption, I will work in the Circle wherever allotted and I will not seek any transfer to any other Circle/Home Circle and I will not resort to bringing any political pressure for my demands and if any thing is found to be happened, I would be liable for proceeding against CCS(Conduct) Rules 1964.

(V) That my pay on absorption as JAO in DOT will be fixed in accordance with the rules laid down by Department of Personnel & Training in this regard i.e., my pay will be fixed under FR-22 (1)(a)(i) with reference to my pay in the substantive cadre and not the pay I am/was drawing on deputation post. No benefit for the increments earned in DOT while serving as JAO on deputation, will be given to me.

(VI) That the Department of Telecom/DTS/DTO are expecting structural changes and as such the service conditions attached to JAO and other cadres are likely to be affected. I also agree that I will abide by any such changes in career prospects proposed by the next body at par with the other employees of DOT/DTS/DTO.

Signature of the Official

Place:

Date:

Annexure-II
Sd/-
[Signature]

- 23 -

178

BHARAT SANCHAR NIGAM LIMITED
(A Government of India Enterprise)
OFFICE OF THE TELECOM DISTRICT MANAGER :: BONGAIGAON-783380

No. E-1/AO/PI-II/2000-2001

Dated at Bongaigaon, the 18th October 2000

To,

The Chief General Manager Telecom,
Assam Telecom Circle
Guwahati 781007

Sub : Permanent absorption in DOT/DTS/DTO of deputationists working as Junior Accounts Officer in the Department of Telecommunication as a one time measure -- reg.

Ref : DOT/ND letter no. 18-11/2000-SEA II dated 30.09.2000

With reference to the above, I am directed to forward herewith the duly filled up Annexure-II & III for appearing in the Junior Accounts Officer Part-II Examination (Paper-VII & VIII only) in respect of Sri Premangshu Khatua, JAO, o/o TDM, Bongaigaon who is under deputation from the Department of Posts.

This is for favour of your kind disposal please.

Psm 18/10

(P. C. Sarkar)

Sub Divisional Engineer (HRD)
For Telecom District Manager
B. S. N. L., Bongaigaon-783380

Copy forwarded for information to :

Sri Premangshu Khatua, JAO, o/o TDM, Bongaigaon-783380.

Psm 18/10

For Telecom District Manager
B. S. N. L., Bongaigaon-783380

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invt. secy.

- 24 -

7.

ANNEXURE-II

DECLARATION

(I) I, Smt. Premangini Khanna hereby declare that for becoming eligible for absorption as JAO in the Department of Telecom, I am willing to appear in the JAO Part-II Paper-VII and Paper-VIII special examination, and undergo the JAO Basic Training. I also undertake that I shall abide by the following conditions on absorption:

(ii) That my seniority on absorption in DOT would be fixed on the conditions as mentioned below:

(i) I will not claim past service for fixation of seniority vis-à-vis JAOs of DOT.

(ii) Seniority vis-à-vis Telecom JAOs: I will rank en-block junior to all the Department of Telecom/DTS candidates declared qualified on the basis of same Part-II examination, irrespective of the fact that some of the departmental candidates may join as JAO at much later date than the last deputationist and might not have joined basic training in the same batch due to any circumstances and are sent for training in subsequent batch. I agree that the date of joining will not be considered as a criteria for fixation of seniority.

(iii) Inter-se-seniority of the deputationists: My inter-se-seniority with reference to the deputationists who are working in DOT/or have earlier worked as JAO on deputation from various Ministries/Departments like DoP/Railways/CGDA etc., (after their absorption in DOT) will be determined with reference to the year of the passing of the Part-II (or final part, as the case may be) of the equivalent examination held by their parent Department. I agree that the inter-se-seniority of the two or more persons belonging to two different Departments will be decided on the basis of date of passing the equivalent examination and where all three -- date, month and year -- are same, the seniority will be decided on the basis of age i.e., other things being similar, persons older in age will be the senior.

(iv) That I will stand repatriated to my parent cadre on successful passing of the examination but before proceeding for JAO Basic Training, on the date to be fixed by the Department of Telecom.

(v) Once I qualify the written test as well as complete successfully basic training, I will not have any claim for reverting to my parent cadre.

Contd...2.

Attested
[Signature]
Advocate.

Annexure-II... Contd.

:2:

(III) That on absorption as JAO in the DOT, I will have all-India transferability and may be posted anywhere in India.

(IV) That on absorption, I will work in the Circle wherever allotted and will not seek any transfer to any other Circle/Zone Circle and I will not resort to bringing any political pressure for my demands and if any thing is found to be happened, I would be liable for proceeding against CCS(Conduct) Rules 1964.

(V) That my pay on absorption as JAO in DOT will be fixed in accordance with the rules laid down by Department of Personnel & Training in this regard i.e., my pay will be fixed under FR-22 (1)(a)(i) with reference to my pay in the substantive cadre and not the pay I am/was drawing on deputation post. No benefit for the increments earned in DOT while serving as JAO on deputation, will be given to me.

(VI) That the Department of Telecom/DTS/DTO are expecting structural changes and as such the service conditions attached to JAO and other cadres are likely to be affected. I also agree that I will abide by any such changes in career prospects proposed by the next body at par with the other employees of DOT/DTS/DTO.

Kalia
Signature of the Official

Place:
Date:

Bungai gann
18/8/24

Attested
l. S. S.
(Signature)

- 26 -

ANNEXURE-III

APPLICATION FORM FOR APPEARING IN JUNIOR ACCOUNTS OFFICER
PART-II EXAMINATION (PAPER-VII AND VIII ONLY)(1) Name of the applicant
(in BLOCK LETTERS)

(2) Designation

(3) Circle where working.

(4) Whether SC/ST/OC

(5) Parent Office Address.

(6) Date of Birth.

(7) Age as on 1st January, 2000.(8) Name of the examination (equivalent to JAO
examination of DOT) passed in the parent Dept.:(9) Date, month and year in which final part of
such exam was qualified, with Roll. No.(10) Whether answering Paper-VII and VIII in
English or in Hindi.(11) The date since on of deputation in DOT.
Place of posting and under which Circle

PREMANGSHU KHATUA

J.A.O. (Comp.)

ASSAM CIRCLE

NO

of the Director of Accounts & Port
P-36, Chittaranjan Avenue
23.05.1964, Yogayoj Bhawan, Calcutta
Pin - 700012.

36 Yrs

J.A.O. (Postal)

21.03.1993, Roll No. WB/54-P/9

English

15.12.95 to 04.04.97 - Nagarn. Ass
05.04.97 - Bongaigaon - AssaI, Premangshu Khutua hereby declare
that the particulars filled by me in this form are true to the best of my knowledge and
belief.

Signature of the applicant.

Date & Place: 18.X.2000
Bongaigaon

Contd....2.

leas

Annexure-III...contd.

:2:

No. ----- dated at ----- the -09-2000.

The entries made by the candidate are verified by the office record and are found to be correct. The application which was received on 18.10.2000 is forwarded to 75/1/54 (Circle Head quarters).

P. S. Rao 18/10

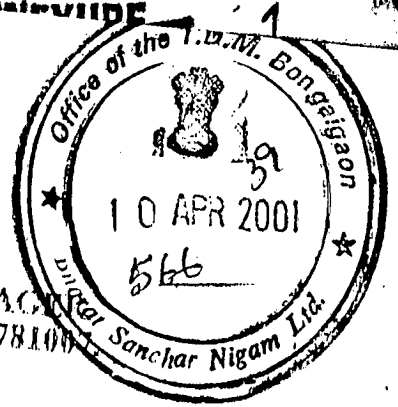
Date:

Signature and seal of Head of the Unit.

SAFETY DIVISION, BANGALORE (T. & D.)
BY THE DEPUTY COMMISSIONER, BANGALORE
BANGALORE

Amended
l. Das
Advocate

INDIA SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE CHIEF GENERAL MANAGER
ASSAM TELECOM CIRCLE GUWAHATI 781 007



No. - ASM/TR/Stat/132/2000-2001/120

Dated at Guwahati the 30.03.2001.

In pursuance of D.O.T. Letter No. 187/98-SEA Dated 15.03.2001. General Manager (F) o/o the C.G.M.T. Assam Telecom Circle Guwahati is pleased to relieve the following Jr. Account officers for repatriation w.e.f. 30.03.2001 (A/N) who are on deputation from Department of Post to Assam Telecom Circle.

They are advised to report to their parent office for further posting.

The officials are entitled for normal transfer benefits.

The S.S.A. heads will arrange for transfer TA/Pay advance etc admissible under rules to the repatriated officials to facilitate their immediate joining to their parent department.

- Sl no. Name

Date of relieve from the Circle

- | | | |
|----|---|------------------|
| 1. | Sri Premangshu Khatua, JAO,
O/o the TDM, Bongaigaon | 30.03.2001 (A/N) |
| 2. | Sri Himadri Sekhar Debnath, JAO
O/o the TDM - TRB P.W.C. | 30.03.2001 (A/N) |

Charge report may be sent to all concerned.

Copy to :

1. The ADG(SEA), D.O.T., New Delhi.
2. The T.D.M., Bongaigaon
3. The T.D.M., Tezpur.
4. The officials concerned. Sri Premangshu Khatua, JAO o/o the TDM, Bongaigaon.
5. The Director of Accounts (Postal), Kolkata.
6. The DOT Cell/AO(TA)/ACAO (A&P), C.O., Guwahati.
7. P/T of the officials.
8. Guard file.
9. Spare.

Asst. Chief Accounts Officer
O/o the C.G.M.T., Assam Circle
Guwahati - 781 007

[Signature]

[Signature]

(B. DEB)
Assistant Chief Accounts Officer,
O/o the C.G.M.T., Assam Circle,
Guwahati- 781 007.

Attested

[Signature]
Advocate.

① OM 30.9.2001 is a wife
mar - Circle his is

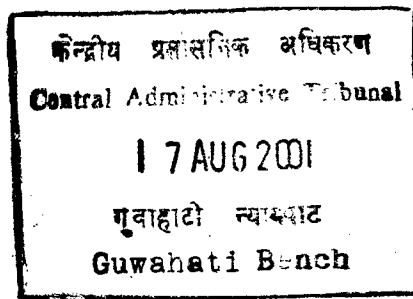
DOT Cell no 187/98 SEA -

15.3.001

R

② 1

[Handwritten signature]



29-40
Filed by
B. C. Pathak
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI

O.A. No. 161/2001

Shri Premangshu Khatua

..... Applicant

- Vs-

Union of India & Others.

..... Respondents

(Written Statements for Respondents No. 1, 2 and 3)

The Written Statements of the abovenoted respondents as follows :

1. That the copy of the O.A. No. 161/2001 (referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar and common to all of them, the respondents have filed this common written statements for all of them.

2. That the statements made in the application, which are not specifically admitted, are hereby denied by the respondents.

3. That before traversing the various paragraphs of the application, brief background of the case is given hereinbelow :

The applicant was taken on deputation from the Department of Posts purely on deputation basis as Junior Accounts Officer (JAO) Telecom.) in the Department. Tele-

Telecommunications and he joined in DOT on 15.12.1995. He was ordered for repatriation to his parent department vide O.M. dated 22.09.2000 on completion of a period of deputation of 5 years.

The applicant instead of going back to his parent department as per the orders of repatriation, he filed the instant O.A. seeking permanent absorption on the ground that he appeared in the examination conducted for deputationists for permanent absorption.

The applicant has completed 5 years in the deputation post with the Respondent Department and he is trying to continue further as against the permissible deputation period of maximum of 5 years as per the standing orders of the Government of India on deputation. The applicant is trying to reap this undue benefit by filing the instant O.A. before the Hon'ble Tribunal. Guwahati Bench which would tantamount to permitting him to bypass the process of Hon'ble Tribunal.

The applicant is trying to mislead the Hon'ble Tribunal by linking the issue of repatriation with the examination conducted to deputationists for permanent absorption in which the applicant has appeared as both the issues are distinct from each other.

The applicant is trying to mislead the Hon'ble Tribunal for his personal gain to continue in the deputation post for the 6th year beyond the permissible limit of 5 years as per the standing orders of the Government of India on deputation.

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The contention of the applicant is that once he is repatriated to his parent department he may lose his right for permanent absorption and his entire exercise will be frustrated is wrong and vehemently denied. The applicant is ignorant of the fact that applications were also called for from all the officials who have worked as JAO on deputation in the Department of Telecommunications and repatriated to their parent department vide terms and conditions annexed to this O.M. dated 30.09.2000. Therefore, the above contention of the applicant has no merit and is not tenable.

The applicant is ignorant of the fact that even if he qualified in the JAO Part II Examination, as per rules, he have been technically repatriated to his parent Department/Ministries before his absorption and sending him for training vide terms and conditions annexed to this O.M. dated 30.9.2000.

The issue under challenge by the applicant is against repatriation and is trying reap out undue benefit by raising various peripheral issues viz., he appeared in the examination conducted for deputationists for permanent absorption.

As the applicant has no case at all as explained above, the Hon'ble Tribunal may be pleased to dismiss the application with cost.

4. That the statements made in para 4.1 and 4.2 being matter of records and facts, the same are limited to such records only and nothing is admitted beyond such records.

5. That with regard to statements made in para 4.3, the respondents state that the averment made by the applicant

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in this paragraph that in due course of time his service would be regularised is only an imagination and not supported by any facts or documents. A decision was taken to absorb the JAO deputationists from other Department who have ~~gaa~~ gained working experience in this Department after passing the prescribed JAO Examination of the Department of Telecommunications as a one time measure. Accordingly, the impugned O.M. dated 30.09.2000 was issued based on a decision taken by the competent authority who is empowered to take such decisions.

6. That with regard to statements made in para 4.4, the respondents ~~that~~ state that mere submission of a representation does not confer any right on the applicant. Moreover, a deputationist has no right to claim absorption.

7. That with regard to statements made in para 4.5, the respondents state that the applicant is trying to mislead the Hon'ble Tribunal by linking the issue of repatriation with the examination conducted for deputationists for permanent absorption as both the issues are distinct from each other. The applicant is trying for his personal gain to continue in the deputation post for the 6th year beyond the permissible limit of 5 years as per the standing orders of the Government of India on deputation by filing this O.A. The applicant joined the Respondent Department on 15.12.1995 and was ordered for repatriation to his parent department vide O.M. dated 22.09.2000 only on completion of a period of deputation of 5 years.

8. That the statements made in para 4.6 of the application being statement of facts the respondents have no

comments.

9. That with regard to statements made in para 4.7 and 4.8, the respondents state that the applicant is trying to mislead the Hon'ble Tribunal by linking the issue of ~~repatriation~~ repatriation with the examination conducted for deputationists. The applicant joined the Respondent Department on 15.12.1995 and was ordered for repatriation to his parent Department vide O.M. dated 22.09.2000 and on completion of a period of deputation of 5 years . Even if it presumed that the applicant qualifies in the JAO Part-II Examination as per rules, he was be technically repatriated to his parent Department/Ministries before his absorption and sending him for training vide terms and conditions annexed to this O.M. dated 30.09.2000.

The averments made by the applicant in this paragraph that one he is repatriated to his parent department, he may loose his right for permanent absorption and his entire exercise will be frustrated is wrong and denied. The applicant is ignorant of the fact that even application were also called for from all the officials who have worked as JAO deputation in the Department of Telecommunications and repatriated to their parent department vide terms and conditions annexed to this O.M. dated 30.09.2000. Therefore, the above contention of the applicant has no merit and is of tenuous.

10. That with regard to the statements made in para 4.9, the respondents state that in view of the submissions made in the foregoing paragraphs, the applicant has no case at all. Then the Hon'ble Tribunal may be pleased to dismiss the

the application in toto and the applicant does not deserve for any interim order suspending the operation of repatriation order dated 30.03.2001. The applicant is trying to reap this undue benefit by filing the instant O.A. before the Hon'ble Tribunal, Guwahati which would tantamount to permitting him to abuse the process of Hon'ble Tribunal.

11. That with regard to the statements made in para 4.10, the respondents state that the contentions of this paragraph are wrong and denied. The applicant is trying to mislead the Hon'ble Tribunal. No similarly situated employees like that of the applicant who came on deputation to the Telecom Department got their absorption in the Respondent Department. The contention of the applicant is only an imagination and not supported by any facts or documents.

12. That with regard to the statements made in para 4.11, the respondents state that the applicant has filed the application without any right accrued in his favour. The application is liable to be dismissed being devoid of any merit.

13. That with regard to the statements made in para 5.1 to 5.5, of the application, the respondents state that the grounds shown are no grounds at all in the eye of law in the subject matter and hence, the application is liable to be dismissed with cost.

14. That the respondents have no comments with regard to the statements made in para 6 and 7 of the application.

15. That with regard to the statements made in para 8.1 to 8.3 and 9, the respondents state that in view of the facts narrated above and the settled provisions of law, the applicant is not entitled to any relief, whatsoever, as prayed for and the application is liable to be dismissed with cost.

In the premises aforesaid, it is therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall further be pleased to dismiss the application with cost.

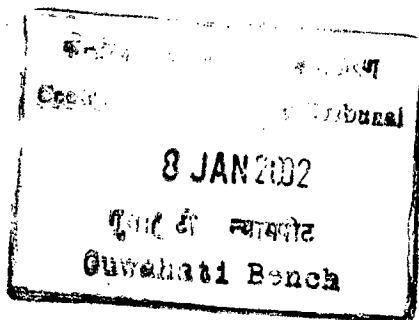
Verification.....

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

I, Shri Ganesh chandra Sarma , presently working as Asst. Director Telecom. (Legal), being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in this written statements in para 1 to 15 are true to my knowledge and belief, those made in para _____ being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed/concealed any material facts.

And I sign this verification on this 06th day of ^{August} ~~July~~, 2001 at Guwahati.

Ganesh Ch. Sarma
Deponent.



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Filed by
Alsha Das.
Advocate
8/1/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

OA No. 161 of 2001

Premangshu Khatua

... Applicant.

- Versus -

Union of India & Ors.

... Respondents

Rejoinder to ^{the} written statement filed by the
Respondents.

1. That the applicant has received the copy of the written statement and have gone through the same and have understood the contents made therein. Save and except the statement which are specifically admitted herein below, rests may be treated as total denial.

2. That the Applicant begs to state that the written statement filed by the Respondents is vague and indefinite. The basic contentions of the Respondents are summarised below :

(a) That the Applicant has completed his tenure of 5 years as deputationist under the Telecom Department.

(b) That the Applicant joined the Telecom Department on 15.12.95 and on 15.12.2000 he has completed his tenure and as per the office Memorandum dated 30.9.2000 he is required to be repatriated to his permanent Department.

(c) That the contentions of the Applicant appearing in

the examination for his permanent absorption has got no nexus with his permanent absorption.

3. That the Applicant instead of repeating the contentions begs to make a consolidated reply. On 15.12.95 Applicant joined the post of Junior Accounts Officer in the Telecommunication Department against a clear vacancy. During the pendency of his deputation period Applicant preferred an application for his permanent absorption after passing the Part-II examination. Applicant appeared in the examination, result of which is yet to be published. As per the Office Memorandum 30.9.2000, the case of the Applicant is required to be considered for permanent absorption subject to passing of the departmental examination. This opportunity was provided as a one time measure since there is no qualified Accounts Cadre Personnel in Telecom Department.

4. That the Applicant begs to state that the matter of permanent absorption of the Applicant is under consideration and to that effect the Telecom District Manager issued a letter dated 4.4.2001 to the Chief General Manager, Assam Telecom Circle requesting him to allow him in the said post without repatriation.

A copy of the said letter dated 4.4.2001 is annexed herewith and marked as Annexure-RJ1

5. That in view of the above facts and circumstances the above OA deserves to be allowed with cost.

VERIFICATION

I, Sri Premangshu Khatua, son of S.S. Khatua, aged about 38 years, at present working as Junior Accounts Officer, in the office of the Telecom District Manager, Bongaigaon, do here by solemnly affirm and state that the statements made in this application from paragraph 1, 2, 3, 5 are true to my knowledge and those made in paragraphs 4 are matters of records informations derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

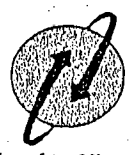
And I sign this verification on 7th day of January, 2002.

Premangshu Khatua

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RJ-1

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R. K. Jaiswal, ITS
Telecom District Manager

Bharat Sanchar Nigam Limited
(A Government of India Enterprise)
Office of the Telecom District Manager
Bongaigaon - 783380

D.O. No. E-1/AO/PT-II/2000/2001/203
Dated at Bongaigaon, the 4th April 2001.

Respected Sir,

This refers to C.O. letter No.ASM/TR/Staff/132/2000/2001/120 dated the 30th Mar'2001 regarding release of Sri Premangshu Khatua, J.A.O. (Postal wing) working at Bongaigaon SSA on deputation basis.

In this regard, I would like to draw your kind attention to the fact that there is acute shortage of JAO/AAOs in Bongaigaon SSA. Only 2(two) JAOs including Sri Khatua are now working against the sanctioned strength of 5(five) JAOs. No substitute was provided against release of Sri Tapan Kumar Dutta AAO(SBP) transferred to Calcutta Telephone District and Sri S. K. Haloi AAO(Cash) transferred to DOT(CELL), Guwahati, sequel to, the accounting works have been badly hampered. The Circle Office was approached on several occasions for posting of JAOs against the existing vacant posts, but our attempts were made futile.

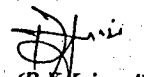
Moreover, as per norms of the Department, total 9(nine) JAO/AAO posts are justified which was conveyed to the Circle office vide this Office letter No.E-34/JUST-GENL/Pt-II/2000-2001/6, dated 23/08/2000. In spite of repeated requests, the Circle office did not post JAO/AAO to cope up with alarming position of this Office.

Now at this stage, the release of Sri Khatua without substitute, I think, will, no doubt, jeopardise the accounting works as well the realisation of revenue of this SSA. It is a colossal task on the part of only one JAO to manage the work load of 5(five) JAOs, where the total number of Telephone connections have exceeded 37,000.

Sri Khatua is a hard worker. He is now functioning as JAO(Cash) in addition, the entire works of the JAO(Computer) and JAO(TA), have been entrusted to him. He is skillfully shouldering those additional works and discharging his duties very efficiently and promptly. The works of the JAO post lying vacant for a long period can be managed only with his higher standard of his performance. He is a very helpful and reliable officer. So he may continue so long no suitable substitute is provided.

With profound regards,

Yours sincerely,


(R.K. Jaiswal)

To,

Sri J. K. Chhabra
Chief General Manager Telecom
Assam Telecom Circle
Guwahati - 781 007

o/c

Attended
Usha Das,
Advocate