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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 193 of 2002

OF 199

Applicant(s)

Pradip Kr. Dutta

Respondent(s)

U.O.I & Ors.

Advocate for Applicant(s)


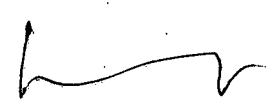
Mr. M. Chanda, Mr. G. N. Chakraborty,

Advocate for Respondent(s)

C.G.S.C.

Notes of the Registry	Date.	Order of the Tribunal
<p>27.6.2002</p> <p>Notice prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A/D.</p> <p><i>[Signature]</i></p> <p>Vide D.No-1820 to 1821</p> <p>Date - 27.6.02.</p> <p><i>[Signature]</i></p> <p>① Service report case still awaited.</p> <p><i>[Signature]</i></p> <p>8.7.02.</p>	<p>20.6.02</p>	<p>Heard learned counsel for the parties.</p> <p>Application is admitted. Issue notice on the respondents. Call for records. Returnable by 2 weeks. List on 9.7.02 for orders.</p> <p>Issue notice on the respondents to show cause as to why the interim order as prayed for shall not be granted.</p> <p>In the meantime, the status quo as on to-day shall continue as regards posting of the two applicants till the returnable date.</p> <p><i>[Signature]</i> Member</p> <p><i>[Signature]</i> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal
No. reply has been filed. <u>30</u> 31.7.02.	9-7-02. lm	List on 1.8.02 for further orders. K C Usha Member Vice-Chairman
No. written statement has been filed. <u>30</u> 28.8.02.	1.8.02 lm	List on 29.8.02 to enable the respondents to file written statement. In the meantime, the interim order dated 20.6.02 shall continue. K C Usha Member Vice-Chairman
Copy of the order dt- 29.8.02 issued to the counsel of the parties.	29.8.02 mb	The Respondents are yet to file written statement. Further four weeks time is allowed to the Respondents to file written statement as prayed for by Mr. B.C. Pathak, learned Addl. C.G.S.C. for the Respondents. List on 27.9.2002 for orders. In the meantime, interim order dated 20.6.2002 shall continue. K C Usha Member Vice-Chairman
<u>1.10.02</u> W/s filed by the Respondents. <u>30</u> 3.9.02	27.9.02 mb	List again on 11.11.2002 to enable the respondents to file written statement. K C Usha Member Vice-Chairman
	11.11.02 mb	Written statement has been filed. The case may now be listed for hearing on 3.12.2002. The applicant may file rejoinder, if any, within for two weeks from today. K C Usha Member Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
<p>16.12.2002</p> <p>Copy of the Judgment has been sent to the Office for Security. The same to the applicant as well as to the Add. C.G.S.C.</p> <p>SES</p>	<p>3.12.02</p> <p>pg</p>	<p>Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.</p> <p>The application is disposed of in terms of the order. No order as to costs.</p> <p> Member</p> <p> Vice-Chairman</p>

Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No.....193.....of 2002.

DATE OF DECISION.....3-12-2002.....

Sri Pradip Kumar Dutta and another APPLICANT(S)

Sri M. Chanda

ADVOCATE FOR THE APPLICANT(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENT(S)

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

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER

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

Judgment delivered by Hon'ble Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 193 of 2002.

Date of Order : This the 3rd Day of December, 2002.

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

The Hon'ble Mr K.K.Sharma, Administrative Member.

1. Sri Pradip Kumar Dutta,
2. O/o the Head Record Officer,
Railway Mail Service,
Guwahati Division, Meghdoot Bhawan,
Guwahati-1.

2. Sri Birendra Kumar Biswas,
O/o the Senior Superintendent,
Railway Mail Service,
Guwahati Division, Meghdoot Bhawan,
Guwahati-1.

...Applicants

By Advocate Sri Manik Chanda.

- Versus -

1. Union of India,
represented by the Secretary to the
Government of India,
Ministry of Communication,
Department of Posts,
New Delhi.

2. The Chief Postmaster General,
North East Postal Circle,
Shillong-793001.

3. The Senior Superintendent of RMS,
Guwahati Division, Meghdoot Bhawan,
Guwahati-781001.

...Respondents

By Sri B.C.Pathak, Addl.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C)

The controversy centres round issue of absorption of the two applicants in the Accounts line. The applicants belonging to general line but they had qualified in the Railway Mail Service Accountant Examination as far back as

contd..2

1992. The applicant No. 1 was first appointed as Sorting Assistant in 1983 under Senior Superintendent, RMS, Guwahati. The applicant No. 2 was also appointed as Sorting Assistant in 1980 at Record Office, Dhubri. By order dated 31.5.2000 the applicant No. 1 along with two others were promoted to the next higher grade i.e. Lower Selection Grade in their pay scale of Rs. 4500-125-7000/- as per recommendation of the DPC with effect from the date mentioned against each of them. The applicant No. 2 also similarly promoted from December 1993. These two applicants though serving in the general line as alluded earlier were declared successful in the P.O. and RMS Accountant Examination held on 25.1.92 and this was circulated by memo dated 7.7.92. The two applicants are presently discharging their duties as Accountant but their only grievance is that they are not absorbed in the Accounts line though there is no provision for promotion.

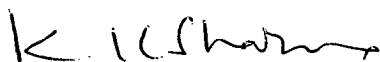
2. The respondents in the written statement did not seriously contested the application save and except pleaded that none of the applicants were T/S Accountants and hence question of inviting option did not arise. From the records however, it appears that both the applicants submitted their option for absorbing in the Accounts line. Since the applicants opted for absorption in the accounts line, unless there is any legal impediment we do not find any justification for non considering their case for absorption.

3. Upon hearing Mr M. Chanda, learned counsel for the

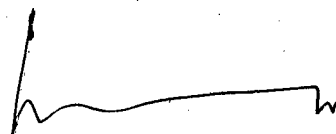
applicants and Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents and considering all the materials on record we feel it is a fit case for issuing direction on the respondents to consider their case for absorption in the Accounts line in terms of their option and pass appropriate order as per law. The respondents are accordingly directed.

Needless to state that applicants are working in the Accounts line and till the process of considering their case is completed the respondents may utilise their service in the accounts line as is presently done.

Subject to the observation made above, the application stands disposed of. There shall, however, be no order as to costs.



(K.K.SHARMA)
ADMINISTRATIVE MEMBER



(D.N.CHOWDHURY)
VICE CHAIRMAN

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Filed by the applicant

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. **193**/2002

Sri Pradip Kumar Dutta: Applicant

- Versus -

Union of India & Others: Respondents.

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06.	4	Copy of Memo dated 3.7.2000	-19-
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Filed by

Date

Advocate

Pradip Kr. Dutta

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

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

O.A. No. 193/2002

BETWEEN

1. Sri Pradip Kumar Dutta
Son of Sri Aditch Dutta
O/o the Head Record Officer
Railway Mail Service
Guwahati Division
Meghdoot Bhawan
Guwahati.
2. Sri Briendra Kumar Biswas
Son of Late S.N. Biswas
O/o the Senior Superintendent,
Railway Mail Service,
Guwahati Division
Meghdoot Bhawan,
Guwahati.

.....Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Communication,
Department of Posts,

Pradip Kr. Dutta

New Delhi.

2. The Chief Postmaster General,
North East Postal Circle,
Shillong-793001

3. The Senior Superintendent of RMS,
Guwahati Division,
Meghdoot Bhawan,
Guwahati-781001

..... Respondents.

Copy of

DETAILS OF THE APPLICATION

1. **Particulars of order(s) against which this application is made.**

This application is made praying for a direction upon the respondents to appoint the applicants to the promotional post of Accountants in the existing available vacancies at least from the date of availability of the vacancies and also praying for setting aside the impugned order dated 18.10.2001 and 29.1.2002 and also praying for all consequential service benefits in the cadre of Accountant.

2. **Jurisdiction of the Tribunal.**

The applicants declare that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. **Limitation.**

The applicants further declare that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. **Facts of the case.**

Pradip Kr. Dutta

- 4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That The applicants pray for permission to move this applicant jointly in a single application under Section 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules 1985 as the reliefs sought for in is application by the applicant are common, therefore they pray for granting leave to approach the Hon'ble Tribunal by a common application.
- 4.3 That the applicant no. 1 is presently officiating as Accountant in the H.R.O, Guwahati in the Accounts line. Similarly the applicant no. 2 is also officiating as Accountant in Divisional Office (Accounts), Guwahati in the Department of Posts, Govt. of India office of the Senior Superintendent of the RMS, Guwahati Division, Guwahati.

It is relevant to mention here that the applicant no. 1 had passed the Post Office and Railway Mail Service Accountant Examination during the year 1992. Similarly the applicant No.2 also passed the aforesaid qualifying examination during the year 1992, as such both the applicants have attained the eligibility for appointment to the cadre of Accountant in the Accounts line on availability of vacancies under the office of the Senior Superintendent RMS, Guwahati Division, Guwahati.

A copy of the letter dated 7.7.1992 is annexed as
Annexure-1.

- 4.4 That the applicant no.1 initially appointed as Sorting Assistant in 1983 under Senior Superintendent, RSM Guwahati Division, Guwahati. The applicant no.2 also appointed initially as Sorting Assistant during the year 1980 and posted at Record Office, Dhubri.

Pradip Kr. Dutt.

- 4.5 That it is stated that no option was invited by the respondents at any point of time from the applicant no.1 for consideration of his promotion as Accountant (Accounts Line) although he had qualified himself in the rigorous Accounts Examination way back in the year 1992 for consideration of his promotion to the post of Accountant.
- 4.6 That it is stated that when the applicant expecting his legitimate promotion to the cadre of Accountant (Accounts Line) the respondents under Time Bound Promotion scheme (introduced in the year 1983 in the Department of Posts) considered the case of the applicant for promotion to the cadre of Lower Selection Grade in the pay scale of Rs. 4500-7000/- and informed the applicant about the said promotion to the cadre of LSG on 31.5.2000 vide Memo No. D-2/7/P/ Scheme/CH-I. The effect of the said promotion is given effect to with effect from 7.1.2000. It is stated in paragraph 3 of the Order of promotion dated 31.5.2000 that on promotion to the LSG cadre, applicant would continue to work at his present place of posting.

A copy of the order of promotion dated 31.5.2000 is annexed as **Annexure-2**.

- 4.7 That your applicant no.1 immediately thereafter on receipt of the intimation of his promotion to the cadre of LSG vide order dated 31.5.2000, submitted an option to the Superintendent, RMS, Guwahati Division, Guwahati for consideration of his promotion to the cadre of Accountant (Accounts Line). It is categorically stated in the said option letter that in view of his promotion under TOBP Scheme vide letter dated 31.5.2000 he is submitting this option for promotion to the Accounts Line. More So, in view of the fact that he is a qualified candidate for the post of Accountant and presently working as Accountant in the vacant post in the Head Record Officer RMS, Guwahati Division, Guwahati in terms of

Pradip Kr. Dutta

Memorandum dated 10.5.2000 and 2.6.2000. Surprisingly, the said option letter was returned to the applicant by the respondent no.3 vide letter under Memo No. D-490 dated 3-7-2000 and further stated in the said letter that at present there is no need to submit option for Accounts Line and further directed the applicant for submission of option for fixation of his pay to the LSG Cadre to HRO, Guwahati but no reason is assigned in the letter dated 3.7.2000 for return of his option letter. As such the decision of the Senior Superintendent is highly arbitrary, illegal and unfair.

A copy of the option letter dated 9.6.2000 and Memo dated 3.7.2000 are annexed hereto and marked as **Annexure 3 and 4** respectively.

4.8 That it is stated that a clear vacancy of Accountant (Accounts Line) occurred under Respondent No.3 on 1.11.2000 and the services of the applicant no.1 in fact utilised by the respondents to cadre of Accountant on ad hoc basis with effect from 2.6.2000.

4.9 That it is stated that the respondent No.3 vide his Memo bearing letter No. B-2/7/Acctt/CH-II dated 24.1.2001 also passed order directing the applicant No.1 to work as Accountant on ad hoc basis in HRO, RMS Guwahati Division, Guwahati in view of functional necessity.

A copy of the Memo dated 24.1.2001 is annexed as **Annexure-5.**

4.10 That your applicant no.2 in fact promoted as LSG under TBOP Scheme with effect from December 1993 under Scheduled Caste Quota, as such he got promotion on completion of 13 years of his service to the cadre of LSG while working as such in the cadre of LSG, the respondents on their own without inviting any further option from the applicant no.2 appointed him to the cadre of Accountant in the Accounts Line vide order bearing Memo No. B-2/7/Acctt dated 26.12.97 whereby the applicant no.2 was appointed to the post of

Pradip Kr. Deka

Accountant by the respondent no.3 on the consideration that the applicant no.2 had been qualified himself in Post Office and RMS Accountant Examination in the year 1992.

But surprisingly the said order of appointment dated 26.12.1997 neither implemented nor cancelled till date as because one Sri Bipul Chandra Dey Challenged the said order before this Hon'ble Tribunal questioning the legality and validity of his transfer and posting as Supervisor in Sorting Mail Office in general line.. The said O.A. No. 18/98 was disposed of vide order dated 5.5.1999 by this Hon'ble Tribunal. In the said judgment and order the Hon'ble Tribunal remanded the matter before the respondents for reconsideration of posting of Sri Bipul Chandra Dey. Be it stated that the present applicant No.2 is no way connected with Court Case rather the applicant No.2 is interested for his posting to the cadre of Accountant in terms of the order dated 26.12.1997 as because the promotion prospect is better in Accounts Line.

A copy of the order dated 26.12.1997 is annexed as
Annexure-6.

4.11 That your applicant no.2 submitted several representations for implementation of his posting order dated 26.12.1997 vide representation dated 3.2.1998, 9.2.1998 addressed to the respondent no.2 and 3 but to no result.

A copy of the representation dated 3.2.1998 addressed to the CPMG, Assam Circle, Guwahati is annexed as
Annexure-7.

4.12 That the Respondent no.3 vide his letter bearing No. B-2/7/Acctt/CH-II dated 25.4.2001 made a reference to the Respondent No.2, wherein it is stated that although there is one clear vacancy of accountant occurred in RMS, Guwahati and against the said vacancy the qualified candidates namely applicant no.1 and 2

Pradip Kr. Dutta

are available who are qualified themselves in the Accountant Examination but in view of the fact that since both of them have accepted their promotion under TBOP Scheme to the cadre of LSG as such they could not be considered for regular absorption in the cadre of Accountant. This decision of Respondent No.3 is contrary to their own action as because applicant no.2 was in fact appointed to the post of Accountant vide order dated 26.12.1997, as such the contention raised in the letter dated 25.4.2001 is not sustainable in the eye of law.

A copy of the letter dated 25.4.2001 is annexed as
Annexure-8.

4.13 That it is stated that the respondent no. 3 vide his Memo bearing No. B-2/7/Acctt/CH-II dated 18.10.2001 informed the applicant nos. 1 and 2 who are presently working as officiating Accountant in Accounts Line that since they had not opted for Accounts line on getting promotion to LSG cadre, they should continue to hold the post in LSG scale of Pay without special pay until qualified P.O. and RMS Accountant becomes available to replace them. It is alleged that the said decision is taken as per Directorate letter dated 26.9.1984. This arbitrary decision of the Respondent no. 3 is contrary to the direction contained in Directorate letter dated 26.9.1984 and in fact the said letter dated 26.9.1984 has no bearing with the regular absorption of the present applicants to the cadre of Accountant in the Accounts Line.

In this connection it is relevant to mention here that in the Circular bearing letter No. 9/7/84BP-II dated 26.9.1984 wherein it is stated that a P.O and RMS Accountant at the stage of completion of 16 years of service before moving to LSG's scale of pay is required to opt for either of the two kinds of promotion i.e. (i) LSG General Line or (ii) P.O. and RMS Accountant as per instructions contained in Memo dated 8.5.1959 and letter dated 16.7.1960. It is stated that option once exercised is final.

Pradip Kr. Dutta

Therefore, a mere reading of the said circular it appears that the said circular has no bearing with the instant case of the applicants and more over the circular speaks about the incumbents holding the post of Accountant on regular basis, whereas in the instant case the prayer of the applicants to absorb/appoint them to the cadre of Accountant, as such the circular dated 26.9.1984 is not applicable in the instant case of the applicants.

It is categorically submitted that the present Respondents never invited any option from the present applicants either for their posting to the cadre of Accountant or call for their retention in the LSG cadre in general line. As such raising any such objection as regards submission of option by the present respondents is barred by the law of estoppel, waiver and as such the impugned letter dated 18.10.2001 is liable to be set aside and quashed.

A copy of the impugned letter dated 18.10.2001 and circular dated 26.9.1984 are annexed as **Annexure 9 and 10** respectively.

4.14 That it is stated that the office of the respondent No.2 vide circular No. Staff/3-14/92 dated 26.7.1994 made it clear that the exercise of option is necessary for the incumbent who are holding the Post of P.O. and RMS Accountant at the relevant time, at the stage of completion of 16 years of service, before moving on to LSG's scale of pay. Therefore, the entire action of the respondents, imposing restrictions upon the applicants or their regular posting to the cadre of Accountant in Accounts Line is wholly arbitrary, erroneous and contrary to the circulars, instructions of the Directorate in the relevant field.

A copy of the Circular dated 26.7.1994 is annexed as **Annexure--11.**

Pradip Kr. Dutta,

4.15 That your applicant No.1 as well as applicant no.2 again submitted representations on 27.12.2001 and 22.11.2001 respectively. In the said representations the applicants once again prayed for absorption on regular basis to the post of Accountant in Accounts Line but to no result.

A copy of the representation dated 27.12.2001 and 22.11.2001 are annexed as Annexure 12 and 13 respectively.

4.16 That it is stated that the respondent no.3 vide impugned letter bearing No. B-2/7/Acctt/Ch-II dated 29.1.2002 rejected the claim of the applicants for regular absorption to the cadre of Accountant on the alleged ground that both the ^{applicants} ~~applicants~~ have opted for posting in general line and also availed of all consequential benefits under TBOP Scheme. It is further alleged that once the applicant opted for General Line, as such there is no question arises to reversion to Accounts Line. It is also stated in the impugned order dated 29.1.2002 that there is no Accounts cadre in existence and scale of P.O and RMS Accountant are distinct. It is further submitted that the services of the applicants can be utilised either in general line or in Accounts Line depending upon the functional needs.

It is categorically submitted that the present respondents never invited any option from the present applicants and the present applicants more particularly the applicant no.1 ^{& 2} submitted ~~his~~ ^{their} option immediately after receipt of the order of promotion in LSG cadre in general line ^{but} ~~and the same was~~ ^{option of applicants No.1 & 2} returned by the respondent no.3 and so far applicant no. 2 is concerned he was duly appointed in the cadre of Accountant way back in 26.12.1997 without inviting any option which is neither cancelled nor withdrawn and as such the appointment in the cadre of Accountant is still in force as such objection of the respondents so far submission of option is barred by law of estoppel, more

Pradiip Kr. Dutt.

specifically in view of the fact that neither the respondents ~~never~~
invited any option from applicant no.2 ^{but} ~~not~~ the applicant ^{NO.2} submitted
any option for ^{Promotion Accounts} ~~retention~~ in ~~general~~ line, as such, the impugned
order 29.1.2002 is liable to be set aside and quashed.

In the facts and circumstances stated above the present
applicants are entitled to appointment to the grade of P.O. and RMS
Accountant in Accounts Line as they have qualified in the
examination way back in July 1992 and also in view of the fact at
least two posts of P.O and RMS Accountant are available in the
Accounts line and the services of the present applicants are being
utilised by the respondents to the aforesaid posts in Accounts
line and the present applicants are still continuing in the said
post of accountant in Accounts line.

A copy of the impugned letter dated 29.1.2002 is
annexed as Annexure-13.

4.17 That it is stated that the present respondents have conducted
another recruitment examination for P.O. and RMS Accountant in the
month of May 2002 and the results of the same are likely to be
announced shortly and the present applicants are apprehending that
the respondents may fill up the existing two vacancies by the
successful candidates from amongst the successful candidates in
the aforesaid examination. Therefore, the Hon'ble Tribunal be
pleased to pass an interim order directing the respondents not to
fill up the two vacancies of P.O. and RMS Accountant till final
disposal of this application.

4.18 That it is a fit case for the Hon'ble Tribunal to interfere with
to protect the rights and interests of the applicants.

4.19 That this application is made bonafide and for the cause of
justice.

Pradip Kr. Datta,

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

- 5.1 For that both the applicants have qualified themselves in the recruitment examination of P.O. and RMS Accountant way back in July 1992 and thereby attained eligibility for regular absorption/appointment to the cadre of P.O and RMS Accountant.
- 5.2 For that, the applicant No.1 submitted option for promotion/appointment to the cadre of PO and RMS Accountant on 9.6.2000 but the same was returned without taking any action and also without assigning any reason.
- 5.3 For that the applicant no.2 was duly appointed to the post of P.O. and RMS Accountant by the respondents vide their order dated 26.12.1997 which is neither withdrawn nor cancelled nor any intimation to the applicant and the said order of appointment of applicant no.2 is still in force and the respondents are duty bound to act upon the same. More so, in view of the fact that the applicant no.2 is being allowed to officiate as P.O. and RMS Accountant in the Accounts Line in the existing vacant post.
- 5.4 For that, the respondents also presently utilising the services of the applicant No.1 to the post of P.O. and RMS Accountant in Accounts Line being applicant is one of the available qualified candidate in Accounts Line.
- 5.5 For that, the respondents never invited any option from the applicants for consideration of their regular absorption to the available post of P.O. and RMS Accountant.

Pradip Kr. Dutta

- 5.6 For that, the respondents have denied the legitimate benefit of promotion/appointment to the present applicants in total violation of circulars/instructions laid down in the Directorate letter dated 26.9.1984 and also in violation of circular dated 26.7.1994.
- 5.7 For that, the respondents have wrongly interpreted the circular dated 26.9.84 as well as the CPMG's letter dated 26.7.1994 as such, imposition of restrictions for consideration of the appointment of the applicants to the post of PO and RMS Accountant is highly arbitrary, unfair and illegal.
- 5.8 For that action of the respondents is wholly erroneous and contrary to the circular and instructions of the Directorate.
- 5.9 For that the applicants had attained illegibility for appointment to the post of PO and RMS Accountant as such they are entitled to be considered for promotion/appointment to the post of PO and RMS Accountant with all consequential service benefits.
- 5.10 For that applicants being found qualified for the post of P.O and RMS Accountant, the respondents have allowed them to officiate in the said posts in public interest, as such they cannot be denied the benefit of promotion/regular absorption to the post of PO and RMS accountant.
- 5.11 For that the impugned order is contrary to law and the same is violative of Article 14 and 16 of the Constitution of India.

Pradip Kr. Dutta.

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

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

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted 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 relief(s):

8.1 That the respondents be directed to absorb/appoint the applicants in the available existing vacancies of P.O. and RMS Accountant in Accounts Line with all consequential Service benefits including seniority at least from the date of occurrence of the vacancies on priority basis.

8.2 That the Hon'ble Tribunal be pleased to declare that the applicants are entitled to be appointed in the cadre of PO and RMS Accountant in the existing available vacancies on priority basis taking into consideration of their passing of recruitment examination of PO and RMS Accountant on 7.7.1992.

Pradip Kr. Dutta

8.3 That the impugned order dated 25.4.2001, 18.10.2001 and 29.1.2002 be set aside and quashed.

8.4 Costs of the application.

8.5 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief: -

9.1 That the respondents be directed to allow the applicants to continue in the post of PO and RMS Accountant till disposal of this Original Application.

10.
This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I. P. O. No. : 76 577 503, dated 18. 6. 2002.
- ii) Issued from and payable at: G.P.O., Guwahati.

12. List of enclosures.

As given in the index.

Pralip Kr. Datta.

VERIFICATION

I, Sri Pradip Kumar Dutta, S/o Sri Aditch Dutta, aged about ...years, working in the office of the Head Record Officer, Railway Mail Service, Guwahati Division, Meghdoot Division, District Kamrup, Assam one of the applicants in the instant application duly authorized by the other applicants to verify the statements made in this application and to sign this verification. Accordingly I declare that the statements made in paragraph 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. I have not suppressed any material fact.

And I sign this verification on this the 19th day of June, 2002.

Pradip K. Dutta

DEPARTMENT OF POSTS INDIA
D/o Senior Superintendent RMS 'GH' Dn, Guwahati-781001.

To

All Concerned in RMS 'GH' Division.

No. B-2/10/2/Ch-1.

Dated Guwahati-1 the 7-7-92.

Sub:-

PO & RMS Accountant Examination held on
22-5-1992. Announcement of result thereof.

In pursuance of Chief PMG Assam Circle
letter No. APMG(staff)/con/92-Acctt dtd 03-7-92 The
following candidates are declared successfull in the PO & RMS
Accountant Examination held on 22-5-1992. This may be
circulated amongst the staff.

<u>Name of Division.</u>	<u>Name of candidates.</u>	<u>Roll Number</u>
--------------------------	----------------------------	--------------------

RMS 'GH' Division.	1) Sri Birendra Kumar Biswas.	ASM-23/Acctt/92
Guwahati.	2) " Pradip Kumar Dutta.	ASM-24/Acctt/92

B. C. Nath
(B.C. Nath)
Senior Superintendent
RMS 'GH' Dn, Guwahati-1.

Copy to :-

- 1-2) The candidate concern.
- 3) The O/S Divl. office along with party copy for disposal.
- 4-5) The P/F of the official.
- 6) The B-2/7/Acctt.file of Divl. office.
- 7-8) O/C & spare.

B. C. Nath
Senior Superintendent
RMS 'GH' Dn, Guwahati-1.

das.J/

Pradip
7/7

Alerted for Advocate

Recd. Dt 7/6/00

2

27

DEPARTMENT OF POSTS, INDIA
O/O The Senior Superintendent, RMS 'GH' Dn. Guwahati-1

Memo No. B-2/7/n. Schme/ch-1
Dated at Guwahati-1, the 31-05-2000.

The following Time Scale Sorting Assistants of RMS GH Dn are hereby promoted to the higher Grade (LSG TROP) carrying the pay scale of Rs 4500-125-7000/- as per recommendation of the DPC held on 25-5-2000 with effect from the date mentioned against each under Time Bound one promotion scheme in accordance with F.G. P & T New Delhi letter No. 31-26/89 PE dated 17-12-83 and subsequent instructions issued time to time.

2. The option for fixation of pay in the higher grade as required vide Govt. of India MHA OM No. F-7/1/80-Estt. P-1 Ctd. 26-9-81 must be exercised by the concerned officials within one month from issue of this memo failing which the fixation of pay will be made as per normal rules without any further correspondence.

3. The officials on promotion to LSG cadre will continue to work at their present place of posting.

SL No.	Name of officials	community	station attached	Date of effect.
1.	Sri Balendra Kr. Sarmah	OC	SRO Tezpur	23-5-99.
2.	Sri Gauranga ch. Roy	OC	---do---	31-5-99.
3.	Sri Pradip Kr. Dutta	OC	SRO Rancia	07-12-99 (7-1-00)

(J.S. SADAP).
Senior Superintendent,
RMS 'GH' Dn. Guwahati-1.

Copy to :-

- 1-3. Official concerned.
4. The HRO RMS 'GH' Dn. Guwahati, For information and necessary action. He will please submit a compliance report after necessary entry in the Service Book of concerned officials.
5. The DA(P) Calcutta - 60.
- 6-7. The SRO RMS 'GH' Dn. Rancia/Tezpur.
8. The IRM GH-2nd sub Dn. Rancia.
9. The Chief PMG (staff) Assam circle Ghy.
- 10-12. P.F. of the officials.
- 13-14. Staff II/Estt. Br. DVL office.
- 15-16. O/C & Spare.

Selected for promotion

Senior Superintendent,
RMS 'GH' Dn. Guwahati-1.

XXXXXXXXXXXXXX

Annexure-3

Option

I do hereby declare that I shall opt Accounts Line in view of my promotion under TBOP Scheme vide SSRM/GH Dv. Memo No. B.2/7/P. scheme/Ch.I dated 31.5.00 since myself being a qualified accountant, has been transferred from SRO RMS GH Division, Rangia, to work as accountant in the o/o the HRO RMS GH Division Guwahati vide SSRM GH Dn Memo No. B.2/7/IRM/CH.II dated 10.5.00 and 2.6.2000.

Sd/- Pradip Kumar Dutta
Accountant
RMS GH Division, Guwahati
Dated 9.6.2000

certified to
for true copy
for
Pradip

-19-

An (8) (8)

Annexure: 4

29

DEPARTMENT OF POSTS, INDIA
O/O the Senior Superintendent, RMS 'GH' Dn. Guwahati-1.

To,

Shri P. K. Dutta LSG (TBOP) SA
HRO RMS 'GH' Dn. Guwahati-1.

No. B-490, Dated at Guwahati-1, the 3-7-2000.

Sub :- Regarding Submission of option for
Accounts line.

With reference to your application dtd. 2-6-2000
alongwith option for choosing in accounts line, it is
intimated that at present there is no need to submit
option for accounts line. In connection with your promotion
under TBOP (LSG) scheme you may submit option for fixation
of pay direct to HRO Guwahati.

Hence, your option for choosing account line
submitted by you is return herewith.

DA :- as above.

(B.S. SADAP).
Senior Superintendent,
RMS 'GH' Dn. Guwahati-1.

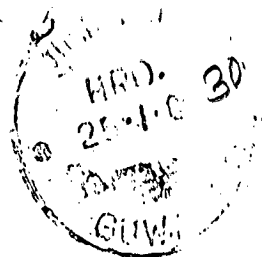
Copy to :-

The HRO (A/C) GH for information.

*Attested
for
signature*

sd/—
Senior Superintendent,
RMS 'GH' Dn. Guwahati-1.

XXXXXXXXXXXXXXXXXXXXX



DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SR. SUPDT OF RMS 'GH' DN
GUWAHATI-781 001

Memo No: B-2/7/Acctt/Ch-II

Dated Ghy the 24th Jan, 2001

Keeping in view of functional necessity Shri Pradip Kumar Dutta, LSG SA HRO RMS "GH" Dn, Guwahati is hereby ordered and posted as Accountant in HRO RMS "GH" Dn, Guwahati in vacant post on purely temporary and adhoc basis. The arrangement will neither confer any right upon the official to claim regular absorption in the post nor the services so rendered will be counted towards seniority for promotion to the next higher grade.

Usual Charge Report should be furnished.

Sd -
SOM KAMEI, IPS
SR. SUPDT OF RMS 'GH' DN
GUWAHATI-781 001

Copy to :

- 1 : The official concerned.
- 2 : The HRO RMS "GH" Dn for information & necessary action.
- 3 : The SRM(Stg) Guwahati RMS for information.
- 4 : The Supervisor(M) Guwahati, RMS "GH" Dn.
- 5-10 : The SRO, North Lakhimpur, Tezpur, Bongaigaon, Rangia, Shillong Chaparmukh.
- 11-16 : All ASRM/IRM in RMS 'GH' Dn. _____
- 17 : P/F of the official .
- 18-19 : Office copy & Spare.

[Signature]
SOM KAMEI, IPS
SR. SUPDT OF RMS 'GH' DN
GUWAHATI-781 001

*Alleged
Jm
Advocate*

Ar (7) Amc Memo -6
9

DEPARTMENT OF POST INDIA
O THE SENIOR SUPERINTENDENT RMS GH' DN GUWAHATI-781001

Memo No. B-2/7/Acctt.

Dated at Guwahati-1 the 26-12-97.

In pursuance of Chief PPG, Assam Circle, Guwahati letter No. Staff/ 3-46/91 dtd. 11.12.97, the following transfer and posting orders are issued to have immediate effect.

1. Sri Bipul Ch. Deb in the cadre of HSG II (3CR) in general line and presently working as the Accounts Supervisor (LSG Cadre) HRO Guwahati is transferred from HRO (A/C) to Sorting Mail Office Guwahati in general line as supervisor.
2. Sri Hrishikesh Bhattacharjee in the cadre of HSG II (3CR) in general line and presently working as Accountant in HRO (A/C) Guwahati is posted as Account Supervisor vice Sri Bipul Ch. Deb transferred.
3. Sri Birendra Kr. Biswas LSG (TEOP) SA now working as officiating IRM Guwahati RMS and who had been qualified, PO & RMS Accountant Examination '92 is posted as Accountant in HRO (A/C) vice Sri H. Bhattacharjee transferred.

(S. SHYAM)

SENIOR SUPERINTENDENT,
RMS GH' DN GUWAHATI-1

Copy to :-

- 1-3. The official concerned.
4. The HRO RMS GH' Dn Guwahati- for information.
5. The Supervisor HRO (M) Guwahati.
6. The SRM (Stg) Guwahati RMS, Guwahati-1.
7. The Chief Post Master General (Staff), Assam Circle, Guwahati-1.
- 8-10. P.F. of the officials.
- 11-12. The Esstt/ Staff-II Dvl. office.
- 13-14. OC & Spare.

Attested
for
Advo cell

SENIOR SUPERINTENDENT,
RMS GH' DN GUWAHATI-1

3 FEB 1998

SENIOR SUPERINTENDENT

R.M. 'GH' DN.

GUWAHATI - 781001

To,

The Chief Post Master General,
Assam Circle, Guwahati -1

(Through proper channel)

Annexure:-7

Dtd. Guwahati the 3rd day of February, 1998

SUB: POSTING ORDER OF CHIEF POSTMASTER ACCOUNTANT

Sir,

With best regard the undersigned request your honour to placing the following few lines for favour of your kind consideration.

That sir, I have been qualified in the P.O. Exm '92. After a gap of long period I have been ordered vide SSM/CH Memo No. B-2/7/ Acctt. dtd. 26.12.97 to join as Accountant at HRO RMS' GH. Din in A/C Section. In this time I was working as IRM/Chy. Rms. One official also ordered in the 2nd week of Jan., 1998 to join in my working post and accordingly he joined and hand overed charges on 20.1.98 A/N.

That sir, I attended HRO (A/C) RMS/CHY on 24.1.98 after availing 4 days leave to join in my new post as Accountant, But the working HRO/CHY Sri M.N. Das did not give me to join showing the reason that they have already made representation to SSM/CHY for wait at least. 1 month time, for clearness the pending work and instructed me to attend Divl. office. The day was Saturday. I could not attend Divl. Office upto 26.1.98. However attempted to meet Sri S.B. Bhattacharjee, the ASRM (H.R.) on 24.1.98, but also failed do so as he was not available in his residence. I attended Divl. Office on 27.1.98 and the ASRM (H.R.) told me

contd....2

Attested
Jm
Asst. Secy

of e

2

to wait for a few minutes. After discussion with the ^{leave} leave case, he instructed me to extend ~~have~~ more ~~xxxx~~ 4/5 days and as per his instruction I alter my leave case from 4 days to 9 (nine) days i.e. upto -29.1.98. On 29.1.98 at morning hours Sri Bhattacharjee attended my residence which is about 8 k.m. from his staff Qr. and told me that unless Medical Certificate SRM/OH. Expresses in oblique to sanction leave, so that I must produce Medical unfit/fit certificate and to extend my leave upto 31.1.98, suffixing Sunday on 01.2.98. I believe it and once again I alter my leave case and filled up another SR-1 (leave application) as provided by Sri Bhattacharjee and thus my joining date is going delayed and un-necessary leaves are going on.

That sir, I again attended Divl. Office on 2.2.98
sought instruction from ASRM(HQR.), Again he kept me
idle in front of him upto 1400 hours. At that time I lost
my patient and met SSRM/GHY. and requested him to instruct
what should I do now. The SSRM/GHY. instructed me that
it is not to come to the Divl. Office as you were already
ordered to join at HRO/GHY. I attended HRO/GHY. at 14.10 hrs.
and expressed my willingness to join as Accountant in his
office as ordered. The HRO (A/C) /GHY. Sri B.R. Marzary
expressed inability to join immediately nor he straight
way denied. In this way I again met SSRM/GHY and intimated
the situation. In reply he instructed me to give him ~~it~~ in
writing that the HRO/GHY, denying the order. On courtesy I
again met HRO/GHY Sri Marzary and told him that unless he
join here I would be bound to appeal against you to SSRM/HQ.
Then Sri Marzary replied that he has not empowered supreme
power nor to join me or to deny the standing order. I
then requested him to join me and accordingly he replied
that if you wish you may join.

contd...3

Adm. School
Law
Advocate

= 3 =

Then I request him to instruct the present Accountant Sri H.K. Bhattacharjee to give me charge gradually, but Sri Marzary did not^{do} so. I therefore, having no alternative I submitted assumption charge report to him on 2.2.93 A/N. The matter was also intimated to the HRO/CH. also.

That sir, on 3.2.93 I attended HRO/CH to take my charge of Account and requested to give me the party copy of the charge report and to sign in the attendant register, but Sri Marzary coming in such influence he denied to do so. Having no other way, I completely compelled to come down to your kind honour for favour of your kind and sympathetic decision.

I remain sir.

Yours faithfully,

Birendra Kr Biswas

(SHRI BIRENDRA KR. BISWAS)
QUALIFIED ACCOUNTANT
RMS 'CH' DIVISION, GUWAHATI-1

N.B: Advance copy
forwarded directly.

*Submitted
for
signature*

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SR. SUPDT. RMS 'GH' DN.
GUWAHATI - 781001.

No. B-2/7/Acctt/Ch-II,
To,

Dated at Guwahati-1, the 25th April 2001.

Sri H. Ahmed, ADPS(A/C)
O/O the CPMG, Assam Circle,
Guwahati-781001.

Sd/-y Asst

Sub :- Depriving of qualifying Accountant in posting against clear Vacancies in RMS 'GH' Division and HRO RMS 'GH' Dn.

Ref :- C/S NFPE class III letter No AC/R-III/99/2001 dt. 18-4-2001 a/to the CPMG Assam Circle, Guwahati (by name).

As desired, the details position is narrated here under for kind information.

2. Consequent supernuation pension of Sri H.K. Bhattacharjee (A/C) HRO Guwahati on 1-11-2000, practically there were one clear vacancy of account arises in this Dn. Though there were 2 (two) qualified accountants i.e. S/Sri B.K. Biswas & P.K. Dutta are available but they have not been absorbed on the under noted grounds.

(1) Sri B.K. Biswas LSG SA was qualified as accountant in the year 1992, and he was promoted to TBOP w.e.f. 18-12-93 as per SC quota & the same also accepted by the official. Moreover, the said official also preferred appeal to the "Dak Adalat" New item Nos SL No. 6 SA/3-32/93, which was held on 22-9-94. The "Dak Adalat" vide letter No. SA/3-32/93 dt. 27-9-94 conveyed the decision of the adalat held on 22-9-94, & after examination of the case Adalat finds no justification for relief to the petitioners. (copy enclosed).

In view of above, the official has not been entertained till date. In this connection this office report No. B-2/7/Acctt dt. 10-4-97 a/to the CPMG (staff) also attached for ready reference.

3. Regarding Sri P.K. Dutta, the post of accountant was lying vacant from 1-11-2000 whereas as the official was promoted to TBOP from 7-1-2000, and as he accepted the TBOP, he is not entitled to get the benefit if account as per CO. letter No. staff/3-14/92 dt. 26-7-1994.

Since there is no others qualified accountant is available in this Dn. so Sri P.K. Dutta has been posted as Accountant in Dvl. Office purely on temporary & adhoc basis. This is for your kind information.

Encl :- (1) SA/3-32/93 dt. 27-9-94 issued
by the CPMG, Assam Circle Ghy.
(2) Copy of Dvl office No. B-2/7/Acctt
dt. 10-4-97 attached.

(R. Chakraborty)
Senior Superintendent,
RMS 'GH' D. Guwahati-1.

Pls send
for
Adm. cell

TBOP

✓

36

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SR.SUPDT OF RMS 'GH' DIVISION
GUWAHATI-781 001

Memo No: B-2/7/Acctt/Ch-II

Dated at Ghy the 18th Oct, 2001

The transfer and posting order is hereby issued to the following officials for the interest of service with immediate effect.

1. Shri Kanad Purkayastha, Accountant HRO RMS 'GH' Dn, Guwahati is now posted as Accountant Supervisor vice Shri Bipul Ch Deb who was promoted to HSG - I Guwahati RMS/ L-2. He will please relieve Shri M.N.Das and look after his work till arrangement is made.
2. Shri Pradip Kumar Dutta, LSG SA working as Accountant at Divisional Office is transferred and posted as Accountant in HRO, RMS 'GH' Dn, Guwahati vice Shri Kanad Purkayastha posted as Accounts Supervisor.
3. Shri Birendra Kumar Biswas, LSG SA now working in SMO Guwahati under HRO(M) RMS 'GH' Dn, Guwahati is transferred and posted as Accountant Divisional Office RMS 'GH' Dn, Guwahati vice Shri P.K.Dutta posted in HRO Guwahati.

The officials at Sl.I 2 & 3 should note that as they had not opted for Accounts line on getting promotion to LSG cadre, they shall continue to hold the posts in LSG scale of pay without special pay untill qualified PO & RMS Accountant becomes available to replace them. This is as per Dte's letter no.9/7/84-SPB-II dated 26-9-1984. ✓

Usual Charge report be forwarded to all concerned.

*Pls send
for
approval*

Sd/-
SOM KAMEI,
Sr.Supdt of RMS 'GH' Division
Guwahati - 781 001

~~Annexure~~

Annexure 37

Annexure - 10

Indian Posts and Telegraphs Department
Office of the Director General
Posts and Telegraphs
New Delhi-110001.

No. 9/7/84-SPB II

Dated:-26th September, 1984.

To

All Heads of Circles (Postal and Telecom),
All Heads of Telephone Division,
All Heads of Administrative Offices.

HSG-I

Subject:- Applicability of Time Bound One Promotion Scheme to PO & RMS Accountants.

HSG-IV

LSG (Lower Scale) for

Sir,

I am directed to refer to para 21 of this O.M. No. 31-26/83-PE I dated the 17th of December, 1983 and to say that a PO & RMS Accountant at the stage of completion of 16 years of service before moving on to LSG scale of pay is required to opt for either of the two lines of promotion i.e.-

- (1) LSG General Line; or
- (ii) PO & RMS LSG Accountant

as per instructions contained in Memos Nos. 6-1/59-SPB dated the 8th of May, 1959 and 6-15/60-SPBII dated the 16th of July, 1960. The option once exercised is final.

2. The President is now pleased to decide that if such an official opts for the Accounts line he may be allowed to hold the post of Accountant in the LSG scale pay i.e. Rs. 425/640 but without special pay which being drawn hitherto. However, such officials would be eligible for promotion to HSG II General Line in accord with the existing rules.

3. On the other hand were such an official to opt for the General Line, he shall be shifted to that line. In such a contingency a qualified Accountant will be posted PO & RMS Accountant in that vacancy on Time Scale pay with a special pay. In cases where no qualified Accountant in a Division is available as replacement, such an official shall continue to hold the posts in LSG scale of pay until a qualified PO & RMS Accountant becomes available to replace him. In that event his seniority in the General Line shall be protected. The instructions contained in Note Below Rule 276 of P&T Manual Vol. IV will continue to be applicable in such cases.

Noted
for
Review

276

Contd....2/-

Note below 276 Vol IV

-ding

- (ii) If a qualified PD & RMS Accountant on promotion to LSG under Time Band One Promotion Scheme, has been replaced by another qualified PD & RMS Accountant in the Time Scale, no change in the arrangement already ordered should be made.

If a vacancy of Accountant subsequently becomes available in the Division/Unit, the qualified IO & MIS Accountant who has been promoted to LSG under the Time Bound One Promotion Scheme and was replaced by another qualified Accountant in the time scale, may be considered for posting against this vacancy.

- (2) If a qualified PO & RIS Accountant on promotion to LSG under the time bound one promotion scheme has been replaced by an unqualified time scale official, and the qualified official gives option for the accounts line, he may be reverted to the post of Accountant even in LSG but without the benefit of special pay.

- (3) If an unqualified official in the time scale was working against a post of IO & RMS Accountant and he has been replaced by another unqualified IO & RMS Accountant, on his promotion to LSG under the timebound one promotion scheme and the former official has not yet completed his tenure, he may be allowed to hold the post of Accountant even while in the LSG scale of pay without the benefit of special pay.

The arrangements already made by the Heads of Postal Circle in respect of the posts of PO & PMS Accountants may be reviewed by the Heads of Circle in the light of these instructions.

(K.L. Sharma)
Asstt. Director General (SPN)

Copy to: -

- to:-
1. Director of Audit PWT Office, Delhi.
 2. All PWT Branch Audit Offices.
 3. All Directors/Dy Directors of Accounts (Postal)
 4. Officers in Charge, All Postal Offices, Kemptee.
 5. SUB I/FE I/FE-11/PAT/10 (1 copy) and (1 copy)
and (2 copies).
 6. All concerned authorities etc.

1
 Allocated
 Jan
 2010 = 100%

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE: GUWAHATI-781001

No. Staff/3-14/92

Dated at Guwahati, the 26.7.1994.

To,

- U/I 1. The Sr. Supdt of POS
Guwahati / Silchar
- U/I 2. All Supdt of Post offices, in Assam Circle.

Subject :- Manning of Accounts Branch.

This is regarding manning of Accounts Branch in Post Offices and Divisional Offices in the Circle. In accordance with Directorate, New Delhi's letter No.31-26/83-PE.I, dtd. 17.12.1983, PO & RMS Accountants, at the stage of completion of 16 Years of Service, before moving on to LSG Scale of pay, is required to opt for either in (i) LSG General Line, or (ii) PO & RMS LSG Accounts Line. Accordingly, PO & RMS Accountants, on promotion to LSG Cadre under TBOP Scheme, have exercised their options either in General Line or Accounts Line. Option once exercised before TBOP (LSG) Promotion is also treated as final.

It is further decided vide Dte's letter No.9/7/84-SPB-II, dtd.26.9.84, that the Accountants(LSG) exercising option to General Line, are to be shifted to General Line and the vacancy so arisen is to be replaced by a qualified Accountants in the Time Scale of Pay with Special Allowances, subject to availability of Qualified Accountants. Otherwise, the official in General Line may continue till replacement by a Qualified Accountant.

It is observed that in most of the Divisions in the Circle, Accountants either in LSG(TBOP) or BCR(HSG-II) opting in General Line are holding the post of Accountants/APM(A/cs), and it is quite contradictory to the Directorate's instructions as stated above.

In this connection, kindly refer to this offices letter No. Staff/13-1/Rlg-Corr/TB dtd 22.6.89 and 26.4.91, circulating the Directorate's instructions regarding posting against Supervisory Posts (Accounts Line) and shifting of Accountants to General Line. The cadre of APM(A/cs) has also been Divisionalised by the Directorate at par with other LSG General Line officials.

You are, therefore, requested to take immediate action to shift the Accountants in General Line optees from Accounts to General Line and replace them by qualified Accountants under the stated instructions issued by the Directorate. In respect of posting of BCR official(in HSG-II), approval may be obtained from the Circle office accordingly. (A/cs Line)

A report stating the position of your Division may be submitted early.

Receipt of the letter may be acknowledged.

Copy to:-

- 1-2. The Sr. PM, Guwahati / Silchar HO.
- 3-4. The SSRM GH-Dn, Guwahati / SRM S-Dn, Silchar.
5. Share dealing with G.L. of Accountants, CO.
6. Dealing share of Accountants to pursue and watch the position.
7. The Welfare Officer, CO, Guwahati.
8. OC

(I C SARMA)
APMG(STAFF)

O/O The Chief PMG, Guwahati.

(I C SARMA)
APMG(STAFF)

O/O The Chief PMG, Guwahati.

Pl. put up for n/a.
27.7.94

26/7/94
26/7/94

Annexure-12

To
The Sr. Supdt. RMS GH Dn.
Guwahati

Sub : **Absorption in Accountant Post.**

Ref : Dvl. Office Memo B.2/7/Actt./GH dated 18.11.01.

Sir,

With humble submission, I wish to lay down the following few lines for favour of your kind consideration.

That Sir, I joined at HRO (A/c) Ghy on transfer from SRO, Rangia vide SSRM/GH Memo No. B.2/7/IRM GH-I dated 10.5.01 and worked at HRO (A/c) Ghy as OA and also as accountant against leave vacancy. And on and from 1.11.2000 I have been working as accountant both in HRO (A/c) and Divisional office and during my working as accountant at HRO 9A/c) I submitted option for Accountant line at the time of promotion to LSG cadre, vide Dvl Office Memo No. B2/7/P Scheme/GH-I dated 31.5.01 but the option was returned by your honour vide Dvl Office letter No. B-490 dated 2.7.2k (photocopy is enclosed) along with that of option) perhaps on the basis of the Dt's order No. I/7-84-SPB dated 26.9.1984 as stated in the Dvl. Office Memo u/r which is applicable only for the incumbent P.O. & RMS Accountant, and on the date of promotion to LSG cadre. I was not incumbent accountant. The Deptt. Did not post me due to want of vacancy. I was just qualified for the said post and waiting for absorption and also no allowance was granted to me.

However, I am submitting herewith a fresh option for favour of your kind acceptance.

With best regards,

Yours

faithfully,

Sd/- Pradip Kr. Dutta
Accountant
RMS GH Division, Guwahati

Dated

27.12.

2000

D/A

1. Copy of D.O letter No. B-490 dated 3.7.2k.
2. Copy of option dated 9.6.00
3. Fresh Option dated 27.12.01

Certified to be true copy for the file
Pradip Kr. Dutta

To,

The Sr. Supdt.
RMS "GH" Dn.,
Guwahati - 781001

Dated at Guwahati the 20th Nov' 2001.

Sub :- Absorption in Accountant Post.

Ref :- Dvl. Office memo no. B-2/ 7/ Acctt/ Ch-I dated 18/19-11-2001.

With humble submission I wish to lay before you the following few lines for favour of your kind consideration.

1. That Sir, obeying your kind order vide Dvl Office memo under reference I have joined in the Accountant Post at Dvl Office w.e.f 24-10-2001, but in the said memo at para last where in it has been stated that I will not get any kind of benefit of Accounts line as I had not opted for Accounts line on my promotion under TBOP scheme which is not agreeable to me.

2. That Sir, the Dte's order no. 9/ 7/ 84-SPB dated 26-09-1984 as stated in the Dvl Office memo under reference is applicable only for the existing incumbent PO & RMS Accountant those are promoted in LSG Cadre under TBOP scheme in course of working as PO & RMS Accountant. This provision might not be applicable to me as on the date of promotion to TBOP I was not working as Accountant. The Deptt did not post me due to want of vacancy. I was just qualified for the said post and waiting for absorption and also no allowance was granted to me.

3. That Sir, I have promoted under TBOP scheme and have not found any scope for submission of option to Accounts line and waiting on the view that I am not an Accountant and as on when I will be posted as Accountant against clear vacancy I will submit my option and as such I am submitting my option for Accounts line along with this application for favour of kind consideration.

4. That Sir, here it may be mentioned that one order was issued vide Dvl Office memo no. B-2/ 7/ Acctt dated 26-12-1997 in pursuance of CO Guwahati letter no Staff/ 3-46/ 91 dated 11-12-1997 which has not been yet kept in abeyance or cancelled where was also not any such condition that I will not get any kind of benefit of Accounts line - which may kindly be notice too.

I therefore request you kindly consider my case sympathetically and may take a valuable decision. A kind reply is awaited.

Yours faithfully,

Birendra Kumar Biswas

(Birendra Kr. Biswas)

Accountant

O/o the Sr. Supdt RMS "GH" Dn.

Guwahati - 781001

24 - 11 - 2001

*Assisted
Jen.
Advocate*

OPTION

I Shri Birendra Kumar Biswas SA (now posted as Dvl. Acctt.) hereby opt. for Accounts line in accordance with Dle's order No. 9/7/84-SPB-II dtd. 26-9-1984.

Birendra Kumar Biswas.
(Birendra Kumar Biswas)
Dtd. at Ghy-1, 20th Nov '01.

Attested
for
Advocate



43
Annexure -
14.

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SR. SUPDT. RMS 'GH' DN.
GUWAHATI-781001

No. B-2/7/Acctt/Ch-II,

Dated at Guwahati-1, the 29th January 2002.

To,

1. Sri B.K. Biswas LSG SA,
Officiating Acctt. Dvl. Office Guwahati.
- ✓ 2. Sri P.K. Dutta LSG SA,
Officiating Acctt. HRO (A/C) Guwahati.

Sub: - Absorption in Accountant posts case of Sri B.K. Biswas and Sri P.K. Dutta.

Ref: - Your representation dtd 20-11-01 and 18-11-2001.

In pursuance of the Chief postmaster General Assam Circle Guwahati letter No. Staff/37-13/92/pt dtd 18-1-2002 it is intimated that both of you opted for General line and you availed all consequential benefits under TBOP scheme. Once you opted for General line, there is no question to revert to account line. More over there is no Accounts cadre in existence and the scale of PO & RMS accountant got distinct. Therefore your absorption in account line does not arise. Your services can be utilized in General line or in account line depending upon functional needs.

This is for your information.

(B. R. Chakravarti)
Senior Superintendent,
RMS 'GH' Dn. Guwahati-1.

Copy to: -

The HRO RMS 'GH' Dn, Guwahati -1 for information. He is requested to arrange delivery of letter to Sri P.K. Dutta.

*Allosted
for
Advocate*

Sd-
Senior Superintendent,
RMS 'GH' Dn. Guwahati-1.

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL

GUWAHATI BENCH : GUWAHATI

O A No. 193/2002

Filed by:-
[Signature]
11/10/02
(B. C. Pathak)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

Shri Pradip Kumar Dutta & Another

....Applicant

- Vs -

Union of India & Ors.

....Respondents

(The written statements for and on behalf of the Respondents No. 1, 2 & 3)

The written statements of the above noted respondents are as follows: -

1. That a copy of the O A No.193/02 (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, the respondents have filed their written statements in common.
2. That the statements which are not specifically admitted, are hereby denied.
3. That with regard to the statements made in Para 1 of the application, the respondents state that PO & RMS Accountant is Time Scale post with Special Pay. Only the Time Scale SAs who have qualified in the PO & RMS Accountant exam are eligible for appointment as Accountant.

Orders issued under this office letter no. B-2/7/Acctt/Ch-II dated 18-10-2001 and 29-1-2002 were issued strictly in accordance with relevant rules/orders of the Directorate. Hence, the application is liable to be dismissed.

SSRM memo dated 18-10-02 and 29-1-2002 are enclosed as Annexure 1 & 2.

4. That the answering respondents have no comments to offer to the statements made in Para 2,3,4.1 and 4.2 of the application.

5. That with regard to the statements made in Para 4.3, the respondents state that the applicants Shri P.K.Dutta and Shri B.K.Biswas were entitled to appear in PO & RMS Accountant Examination held on 25.5.92. The PO & RMS Accountant Examination was conducted as per Calendar of Yearly examination only and not to fill up any vacant Post. It needs to be mentioned that there were no vacant post at the time, when exam was conducted. Even after qualifying the said exam, the officials are Time-scale SA's only not Time Scale Accountant, as they have not been posted against any vacant Accountant posts. The respondents are to prepare a panel of qualified Accountants and to appoint them against future vacancies/ existing vacancies.

The applicant no 1 and 2 were declared qualified in the PO & RMS Accountant exam held on 22-5-92, under this office letter dated 7-7-92 which is annexed here to as Annexure-3.

6. That the respondents have no comments to Para 4.4 of the application.

7. That with regard to the statements made in Para 4.5, the respondents state that at the time of promotion under TBOP scheme i.e. on completion of 16 yrs of service, both the applicants were not working against the Accountant posts. Both Shri Dutta and Sri Biswas were only Time Scale SA's and not Time Scale Accountant.

As per DTE's letter dated 26-9-84, only the Time Scale Accountant, on promotion to LSG under TBOP scheme, on completion of 16 yrs of service can exercise option either for Accounts line or for LSG general line. Since none of the applicants were T/S Accountants, the question of inviting option does not arise.

DTE's letter dated 26.9.84 is
annexed as Annexure-4.

8. That with regard to the statements made in Para 4.6, the respondents state that the Applicant No.1, while in T/S SA cadre, got promotion under TBOP scheme from 7-01-2000 on completion of 16 yrs of service in T/S SA cadre under memo dated 31-5-2000.

Para 3 of memo dated 31-5-2000 clarified that the Time Scale SA on their promotion to LSG cadre under TBOP scheme shall continue to work at their present place of posting and this in no way confers any right upon applicant no.1 for his absorption as Accountant.

SSRM memo dated 31-5-2000 is
enclosed as Annexure-5.

9. That with regard to the statements made in Para 4.7, the respondents state that at the time of promotion under TBOP scheme i.e. on completion of 16 yrs of service, both the applicants were not working against the Accountant posts. Both Shri Dutta and Sri Biswas were only Time Scale SA's and not Time Scale Accountant.

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As per Dte's letter dated 26-9-84, only the Time Scale Accountant, on promotion to LSG under TBOP scheme, on completion of 16 yrs of service can exercise option either for Accounts line or for LSG general line. Since none of the applicants were T/S Accountants, the question of inviting option does not arise.

At the time of promotion of both the applicants under TBOP scheme, there was no vacancy of PO & RMS Accountant in this Division and none were working as T/S PO & RMS Accountant in this Division. Consequently, their TBOP promotion was given in general line and as per Dte's letter dated 26-9-84, the question of exercising option for choosing of specific line by the officials working in general line does not arise at all.

10. That with regard to the statements made in Para 4.8, the respondents state that the applicant No.1 was posted as Accountant in HRO (Accounts) Guwahati on purely temporary basis from 2-6-2000 against leave vacancy of regular incumbent vide this office memo dated 2-6-2000 , which is enclosed as Annexure-6.

11. That with regard to the statements made in Para 4.9, the respondents state that the applicant no.1 posted as Accountant in HRO (Accounts) Guwahati on purely temporary and adhoc basis against vacant post under this office memo dated 24-01-2001, since he was a general line LSG under TBOP scheme by that time and it was clearly mentioned in the said memo that his temporary posting will in no way confer upon him any right for regular absorption as Accountant.

Memo dated 24-1-2001 is enclosed as
Annexure-7.

12. That with regard to the statements made in Para 4.10, the respondents state that the applicant no.2,

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while working in general line T/S Stg.Asstt. was promoted under TBOP scheme in December, 1993 after completion of 13 years of service in Time Scale cadre instead of 16 years as per SC Quota. The orders issued for posting of Applicant no.2 to the cadre of Accountant vide memo no 02/7/Acctt/Ch-1I dated 26-12-97 was challenged by Shri Bipul Ch Deb at Sl no.1 of the said memo in the CAT Guwahati. As per orders contained in honorable CAT, Guwahati verdict dated 5/5/99 vide OA no.181/98, the aforesaid memo dated 26-12-97 was revised under this office memo no. B2/7/Acctt/Pt-I dated 8-12-99.

Orders-dated 26-12-97 and 8-12-99
are enclosed as Annexure -8 & 9.

13. That with regard to the statements made in Para 4.11, the respondents state that both the Applicants approached to the Staff Adalat held on 22-9-94 in office of the CPMG, Assam circle Guwahati for consideration of their absorption as Time Scale Accountants, but the honourable Staff Adalat found no justification for any relief to the Petitioners. The findings' of the staff Adalat vide no. sA/3-32/93 dated 27-9-94 is enclosed.

The representation addressed to the Chief P.M.G, Assam Circle, Guwahati, dated 3-2-98 submitted by the applicant no.2 is totally baseless and it has no bearing to the Department in any way.

Letter dated 27/9/94 is enclosed as
annexure -10.

14. That with regard to the statements made in Para 4.12, the respondents state that as per Para 21 of Dte's of Posts, New Delhi letter -No. 31-26/83-PE.I dated 17-12-83, the PO & RMS. Accountants who are in Time Scale

of pay + Special Pay are also entitled to promotion on completion of 16 years of service in the T/S SA Grade including the period of their work as Accountant.

Such T/S Accountants only on promotion under TBOP scheme on completion of 16 yrs are required to opt either in (i) LSG General line or in (ii) PO & RMS Accountant line vide Dte's letter no. 9/7/84-SPB-11 dated 26-9-84.

Those T /S PO & RMS Accountants on promotion to TBOP Scheme and opted for Accounts line are allowed to hold the post of T/S Accountant also, without special pay but under no circumstances, TBOP general line officials are entitled to hold the Post of T/S Accountants.

Dte's letter dated 17-12-83 is enclosed as Annexure 11.

15. That with regard to the statements made in Para 4.13, the respondents state that the date from which the post of T /S Accountant became vacant, none of the Applicants were entitled to be posted as T /S Accountant.

Both the Applicants are in LSG general line under TBOP scheme and none is T/S PO & RMS Accountants. Hence they are allowed to officiate in the vacant posts of T/S PO & RMS Accountants, since no qualified PO & RMS Accountant is available in this Division, vide Dte's orders no.31-26/83 Pt-I dated 17-12-83 and 9/7/84-SPB-II dated 26/9/84.

16. That with regard to the statements made in Para 4.14, the respondents state that as per Para 21 of Dte's letter no.31-26/83-PE I dt 17-12-83, PO & RMS

Accountant, who are in time scale of pay + Spl. Pay are also entitled for promotion on completion of 16 yrs of service in T/S SA cadre + their period of work as T/S Accountant.

Only the T/S Accountants who are promoted under TBOP Scheme on completion of 16 yrs are required to opt for either (I) LSG General line or (ii) PO & RMS Accountant vide Dte's letter dated 26-9-84.

17. That with regard to the statements made in Para 4.15, the respondents reassert the foregoing statements made in their written statements.

18. That with regard to the statements made in Para 4.16, the respondents state that both the Applicants are in LSG General Line under TBOP Scheme. Hence they are allowed to officiate in the vacant Post of T/S Accountant till such time when qualified PO & RMS Accountant is available.

At the time of promotion of both the Applicants under TBOP Scheme, no vacant post of PO & RMS Accountant was available in this Division. Their promotion was given on General line and no question of exercising option either For (I) General line LSG or (ii) LSG Accountant arise at all.

The order issued for posting of Applicant no.2 to the cadre of Accountant vide memo dated 26-12-97 was challenged by Shri Bipul Ch Deb at Sl. no.1 of aforesaid memo in CAT Guwahati. The said memo was revised as per orders of Hon'able CAT Guwahati vide OA No.181/98 dated 5/5/99 under Memo No. B2/7/Acctt/Pt-1 dated 8-12-99.

The Applicant no.1 was given a chance for offer his willingness to work as PO & RMS Accountant in Nalbari-Barpeta .Postal Dn vide this office letter dated 20-8-99 as per CPMG, Guwahati letter no. Staff / 37-13/ 92 dated 13/18-8-99. But he remained silent. Subsequently, he got promotion under TBOP Scheme in general w.e.f 7-01-2000 and both the applicants have availed TBOP subsequent benefit. Both the applicants approached the Dak Adalat for relief and after examination of the case the Dak Adalat finds no justification for any relief to the petitioners, which was conveyed to them under C.O.Guwahati letter No. SA/3-32/93 dated 27-9-94.

SSRM Letter dated 20-8-99 and Memo dated 8.12.99 are enclosed as Annexure -12 & 13.

19. That with regard to the statements made in Para 4.17, 4.18 and 4.19, the respondents state that since both the applicants belong to LSG general line, they cannot be absorbed against T/S Accountant post. They accepted posting as Accountant till such time when qualified PO & RMS Accountant are available to replace them vide this office memo dated 18-10-01. The respondents also reiterate the foregoing statements hereagain.

20. That with regard to the statements made in Para 5.1 to 5.11 the answering respondents state that in view of the facts of the case and the law involved therein, the grounds shown by the applicants cannot sustain in law and the same are not tenable. Hence, the application is liable to be dismissed with cost.

✓

21. That the respondents have no comments to offer to the statements made in paras 6 and 7.

22. That with regard to the statements made in para 8.1 to 8.5 and 9, the respondents state that under the facts and circumstances of the case and the law, the applicants are not entitled to any relief, whatsoever, as prayed for and the application is liable to be dismissed with cost as devoid of any merit.

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 also be pleased to dismiss the application with cost.

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VERIFICATION

I, Shri. B. R. Chakravarty, presently working as the SSRM, Guwahati, being duly authorized and competent to sign this Verification, do hereby solemnly affirm and state that the statements made in para. 1, 2, 4, 6, 9, 15, 16, 17, 19, 20, 21 and 22 are true to my knowledge, belief, those made in para. 3, 5, 7, 8, 10, 11, 12, 13, 14 and 18 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 any material facts.

And I sign this Verification on this 23 th day of September, 2002, at Guwahati..

B. Radhiker

DEPONENT

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SR. SUPDT OF RMS 'GH' DIVISION
GUWAHATI-781 001

Memo No: B-2/7/Acctt/Ch-II

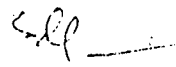
Dated at Ghy the 18th Oct, 2001

The transfer and posting order is hereby issued to the following officials for the interest of service with immediate effect.

1. Shri Kanad Purkayastha, Accountant HRO RMS 'GH' Dn, Guwahati is now posted as Accountant Supervisor vice Shri Bipul Ch Deb who was promoted to HSG — I Guwahati RMS/ L-2. He will please relieve Shri M.N.Das and look after his work till arrangement is made.
2. Shri Pradip Kumar Dutta, LSG SA working as Accountant at Divisional Office is transferred and posted as Accountant in HRO, RMS 'GH' Dn, Guwahati vice Shri Kanad Purkayastha posted as Accounts Supervisor.
3. Shri Birendra Kumar Biswas, LSG SA now working in SMO Guwahati under HRO(M) RMS 'GH' Dn, Guwahati is transferred and posted as Accountant Divisional Office RMS 'GH' Dn, Guwahati vice Shri P.K.Dutta posted in HRO Guwahati.

The officials at Sl.I 2 & 3 should note that as they had not opted for Accounts line on getting promotion to LSG cadre, they shall continue to hold the posts in LSG scale of pay without special pay untill qualified PO & RMS Accountant becomes available to replace them. This is as per Dte's letter no.9/7/84-SPB-II dated 26-9-1984.

Usual Charge report be forwarded to all concerned.


SOM KAMEI,
Sr. Supdt of RMS 'GH' Division
Guwahati - 781 001

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SR. SUPDT. RMS 'GH' DN.
GUWAHATI-781001

No. B-2/7/Acctt/Ch-II,
To,

Dated at Guwahati-1, the 29th January 2002.

1. Sri B.K. Biswas LSG SA,
Officiating Acctt. Dvl. Office Guwahati.
2. Sri P.K. Dutta LSG SA,
Officiating Acctt. HRO (A/C) Guwahati.

Sub: - Absorption in Accountant posts case of Sri B.K. Biswas and Sri P.K. Dutta.

Ref: - Your representation dtd 20-11-01 and 18-11-2001.

In pursuance of the Chief postmaster General Assam Circle Guwahati letter No. Staff/37-13/92/pt dtd 18-1-2002 it is intimated that both of you opted for General line and you availed all consequential benefits under HROP scheme. Once you opted for General line, there is no question to revert to account line. More over there is no Accounts cadre in existence and the scale of PO & RMS accountant got distinct. There fore your absorption in account line does not arise. Your services can be utilized in General line or in account line depending upon functional needs.

This is for your information.

(B. R. Chakravarti)
Senior Superintendent,
RMS 'GH' Dn. Guwahati-1.

Copy to: -

The HRO RMS 'GH' Dn, Guwahati -1 for information. He is requested to arrange delivery of letter to Sri P.K. Dutta.

Sd/-
Senior Superintendent,
RMS 'GH' Dn. Guwahati-1.

DEPARTMENT OF POSTS INDIA
 Dated the Senior Superintendent RMS 'GH' Dn, Guwahati-1. 7B1001.

To

All Concerned in RMS 'GH' Division.

No. B-2/10/2/Ch-1.

Dated Guwahati-1 the 7-7-92.

Sub:-

PU & RMS Accountant Examination held on
 22-5-1992. Announcement of result thereof.

In pursuance of Chief PMG Assam Circular
 letter No. APMG(staff)/con/92-Acctt dtd 03-7-92 The
 following candidates are declared successful in the PU & RMS
 Accountant Examination held on 22-5-1992. This may be
 circulated amongst the staff.

<u>Name of Division.</u>	<u>Name of candidates.</u>	<u>Roll Number</u>
--------------------------	----------------------------	--------------------

RMS 'GH' Division.	1) Sri Birendra Kumar Biswas.	ASM-23/Acctt/92
Guwahati.	2) " Pradip Kumar Dutta.	ASM-24/Acctt/92

(B.C. Muth)
 Senior Superintendent
 RMS 'GH' Dn, Guwahati-1.

Copy to :-

- 1-2) The candidate concern.
- 3) The O/S Divl. office along with party copy for disposal.
- 4-5) The P/F of the official.
- 6) The B-2/7/Acctt. file of Divl. office.
- 7-8) O/C & spare.

(B.C. Muth)
 Senior Superintendent
 RMS 'GH' Dn, Guwahati-1.

das.J/

(B.C. Muth)

Annexure-4

Indian Posts and Telegraphs Department
Office of the Director General
Posts and Telegraphs
New Delhi-110001.

No. 9/7/94-SPB 11

Dated:-26th September, 1994.

To

All Heads of Circles (Postal and Telecomm),
All Heads of Telephone Division,
All Heads of Administrative Offices.

Subject:- Applicability of Time Bound One Promotion Scheme to IO & RMS Accountants.

Sir,

I am directed to refer to para 21 of this O.M. No. 31-26/83-PE I dated the 17th of December, 1983 and to say that a IO & RMS Accountant at the stage of completion of 16 years of service before moving on to LSG scale of pay is required to opt for either of the two lines of promotion i.e.-

(1) LSG General Line) or

(ii) IO & RMS LSG Accountant

as per instructions contained in Memos Nos. 6-1/59-SPB dated the 10th of May, 1959 and 6-15/60-SPB dated the 16th of July, 1960. The option once exercised is final.

2. The President is now pleased to decide that if such an official opts for the Accounts line he may be allowed to hold the post of Accountant in the LSG scale pay i.e. Rs. 425/640 but without special pay which being drawn hitherto. However, such officials would be eligible for promotion to HSG II General Line in accord with the existing rules.

3. On the other hand were such an official to opt for the General Line, he shall be shifted to that line. In such a contingency a qualified Accountant will be posted to IO & RMS Accountant in that vacancy on Time Scale pay with a special pay. In cases where no qualified Accountant is available as replacement, such an official shall continue to hold the post in LSG scale of pay until a qualified IO & RMS Accountant becomes available to replace him. In that event his seniority in the General Line shall be protected. The instructions contained in Para Below Rule 276 of P&T Manual Vol. IV will continue to be applicable in such cases.

-aling

(14) If a qualified ID & RMS Accountant on promotion to ISG under Time Bound One Promotion Scheme, has been replaced by another qualified ID & RMS Accountant in the Time Scale, no change in the arrangement already ordered should be made.

(2) If a qualified FO & RIS Accountant on promotion to LSG under the time bound one promotion scheme has been replaced by an unqualified time scale official, and the qualified official given option for the accounts line, he may be reverted to the post of Accountant even in LSG but without the benefit of special pay.

The arrangements already made by the Heads of Postal Circle in respect of the posts of PO & PMS Accountants may be reviewed by the Heads of Circle in the light of these instructions.

Copy to :-

1. Director of Audit PWT Office, Delhi.
2. All PWT Branch Audit Offices.
3. All Directors/Dy Directors of Accounts (Rural)
4. Offices in Charge, All PWT Office/Komplekss.
5. Sd/- PWT DFE-11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/10

DEPAR
O/O the Senior Superintendent, RMS 'GH' Dn. Guwahati-1

Memo No. B-2/7/P. Schme/ch-1
Dated at Guwahati-1, the 31-05-2000.

The following Time Scale Sporting Assistants of RMS 'GH' Dn are hereby promoted to the Higher Grade (LSC TRO) carrying the pay scale of Rs 4500-125-7000/- as per recommendation of the DPC held on 25-5-2000 with effect from the date mentioned against each under Time Bound promotion scheme in accordance with P.C. P & T New Delhi letter No. 31-26/00 DE dated 17-12-03 and subsequent instructions issued time to time.

2. The option for fixation of pay in the higher grade as required vide Govt. of India MHA OM No. F-7/1/00-Estt. No. 1 dtd. 26-9-01 must be exercised by the concerned officials within one month from issue of this memo failing which the fixation of pay will be made as per normal rules without any further correspondence.

3. The officials on promotion to LSC cadre will continue to work at their present place of posting.

Sl. No.	Name of officials	Community	Station attached	Date of effect.
1.	Sri Balendra Kr. Garmah	OC	SRO Tezpur	23-5-2000
2.	Sri Gauranga ch. Roy	OC	---	31-5-2000
3.	Sri Pradip Kr. Dutta	OC	SRO Rancid	07-12-2000

(J.S. CADAP).
Senior Superintendent,
RMS 'GH' Dn. Guwahati-1.

Copy to :-

- 1-3. Official concerned.
4. The HRO RMS 'GH' Dn. Guwahati, for information and necessary action. He will please submit a compliance report after necessary entry in the Service Book of concerned officials.
5. The DA(P) Calcutta - 69.
- 6-7. The SRO RMS 'GH' Dn. Rancid/Tezpur.
8. The IRM GH-2nd sub Dn. Rancid.
9. The Chief PMC (staff) Assam circle Ghy.
- 10-12. P.F. of the officials.
- 13-14. Staff II/Estt. Dn. DVL office.
- 15-16. O/C & Spare.

Senior Superintendent,
RMS 'GH' Dn. Guwahati-1.

XXXXXXXXXXXXXX

-17-

(97)
Annexure - 6
60

DEPARTMENT OF POSTS AND
OFFICE OF THE SR. SUPDT OF RMS 'GH' DIV
GUWAHATI-781 001

Memo No : E-2171RMLCk-99

Dated Ghy the June, 2nd 2000.

To :

The HRO RMS "GH" Div,
Guwahati-1

This is in continuation of this office memo of even no dated May, 10th 2000. Shri Pradip Kumar Dutta, SA who joined in your Branch very recently may be allowed to work against the leave vacancy of Accountant on purely temporary basis.

(B.S. SADAP)

SR. SUPDT OF RMS 'GH' DIV
GUWAHATI-781 001

Copy to :

- 1: The Supervisor (Mails) RMS 'GH' Div, Guwahati.
- 2: The SRM (STG) Guwahati RMS
- 3: P/f Of the official
- 4: o/c

(B.S. SADAP)

SR. SUPDT OF RMS "GH" DIVISION
GUWAHATI-781 001

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SR. SUPDT OF RMS 'GH' DN
GUWAHATI-781 001

Memo No: B-2/7/Acct/Ch-II

Dated Ghy the 24th Jan, 2001

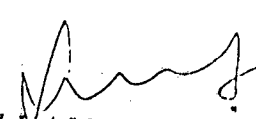
Keeping in view of functional necessity Shri Pradip Kumar Dutta, LSG SA HRO RMS "GH" Dn, Guwahati is hereby ordered and posted as Accountant in HRO RMS "GH" Dn, Guwahati in vacant post on purely temporary and adhoc basis. The arrangement will neither confer any right upon the official to claim regular absorption in the post nor the services so rendered will be counted towards seniority for promotion to the next higher grade.

Usual Charge Report should be furnished.

Sd/-
SOM KAMEI, IPS
SR. SUPDT OF RMS 'GH' DN
GUWAHATI-781 001

Copy to :

- 1 : The official concerned.
- 2 : The HRO RMS "GH" Dn for information & necessary action.
- 3 : The SRM(Stg) Guwahati RMS for information.
- 4 : The Supervisor(M) Guwahati, RMS "GH" Dn.
- 5-10 : The SRO, North Lakhimpur, Tezpur, Bongaigaon, Rangia, Shillong Chaparmukh.
- 11-16 : All ASRM/IRM in RMS 'GH' Dn.
- 17 : P/F of the official
- 18-19 : Office copy & Spare.


SOM KAMEI, IPS
SR. SUPDT OF RMS 'GH' DN
GUWAHATI-781 001

DEPT. OF POST & TELEGR.

TO THE SENIOR SUPERINTENDENT RMS GU' DN GUWAHATI-781001

Mem. No. B-2/7/Acctt.

Dated at Guwahati-1 the 26-12-97.

In pursuance of Chief PMS, Assam Circle, Guwahati letter No. Staff/ 3-46/91 dtd. 11.12.97, the following transfer and posting orders are issued to have immediate effect.

1. Sri Bipul Ch. Deb in the cadre of HGO II (BCR) in general line and presently working as the Accounts Supervisor (LGO Cadre) HRO Guwahati is transferred from HRO (A/C) to Sorting Mail Office, Guwahati in general line as supervisor.
2. Sri Brishikesh Bhattacharjee in the cadre of HGO II (BCR) in general line and presently working as Accountant in HRO (A/C) Guwahati is posted as Account Supervisor vice Sri Bipul Ch. Deb transferred.
3. Sri Bhrendra K. Biswas HGO (BCR) is now working as officiating IR, Guwahati R.O. and who had been qualified PO & RMS Accountant Examination '92 is posted as Accountant in HRO (A/C) vice Sri B. Bhattacharjee transferred.

(S. SHYAM)

SENIOR SUPERINTENDENT,
RMS GU' DN GUWAHATI-1

Copy to -

- 1-3. The official concerned.
4. The HRO RMS GU' DN Guwahati- for information.
5. The Supervisor HRO (M) Guwahati.
6. The BRM (Seq) Guwahati R.O., Guwahati-1.
7. The Chief Post Master General (Staff), Assam Circle, Guwahati-1.
- 8-10. P.F. of the officials.
- 11-12. The Asstt/ Staff-II Dvl. office.
- 13-14. CC & Spare.

SENIOR SUPERINTENDENT,
RMS GU' DN GUWAHATI-1

DEPARTMENT OF POSTS INDIA
TO THE SENIOR SUPERINTENDENT RMS GH' DN GUWAHATI-781001

Memo No. 2-2/7/Acctt/ Part-I,
Dated at Guwahati-1 the 2-12-99.

In pursuance of the Chief Post Master General, Assam Circle, Guwahati letter No. Staff/3-46/91 dtd. 2.12.99 Shri Bipul Ch. Deb, HSC II (TCR) Accounts Supervisor HRO Guwahati was ordered to be transferred to SMO Guwahati in a supervisory post in General line vide C.O. Guwahati Memo of even no. dtd. 11-12-97. Accordingly this office vide memo of even no. dated 26/31-12-97 issued order transferring the official to SMO Guwahati in a supervisory post. The official did not join the post and filed a case in CAT Guwahati against the order vide OA No. 18/98 showing the ground that he belonged to Accounts line and could not be transferred as ordered. The CAT Guwahati in its subsequent verdict dtd. 5-5-99 vide OA 18/98 has further ordered to reconsider the case and to issue reasoned order in this regard.

In view of CAT Guwahati order as above the case is examined again with reference to Directorate (Posts) instructions as issued from time to time in connection with posting of B.C.R. officials vide Directorate letter No. 4-4/92 SPB-II dated 30-3-92, 5-8-92 and 4-24/94 SPB-II dtd. 9-8-94. On careful examination of relevant aspects and in supersession of the earlier order, the DPS, Assam Circle, Guwahati pleased to order that Shri Bipul Ch. Deb, Accounts Supervisor HRO Guwahati will continue in his present supervising post until further orders under the Directorate instructions as referred to above and till it stands.

(B.S.SDAP)
SENIOR SUPERINTENDENT,
RMS GH' DN GUWAHATI-1

Copy to :-

1. The HRO RMS 'GH' Dn. Guwahati-1- for information and necessary action.
2. The Supervisor HRO (H) RMS GH' Dn. Guwahati-1- for information and n/a.
3. The Chief PMS, Assam Circle, Guwahati-1- for information w.r.to CO Guwahati letter cited above.
4. The SRM (Stc) Guwahati RMS, Guwahati-1.
5. Shri Bipul Ch. Deb, HSC II (TCR) Account. Supervisor HRO Guwahati.
6. PF of the official.
7. The Acctt. Dvl. office.
- 8-9. The Stt/Staff-II Dvl. office.
- 10-12. OC & Spre.

SENIOR SUPERINTENDENT,
RMS GH' DN GUWAHATI-1.

Annexure 64 10

AS(HQ)

10

18

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE, GUWAHATI
781001

No. SA/3-32/92

Dated at Guwahati, the 27-9-94

To

S S R 117
Guwahati

Sub:

Decision taken on Staff Adalat held on 22-9-94
in Assam Circle, Guwahati.

A copy/extract(s) of the decision taken by the Staff Adalat held on 27-9-94 under the Chairmanship of Chief Postmaster General, Assam Circle, Guwahati on the respective grievances of the staff is sent herewith for favour of taking necessary action. A brief particulars of the grievance along with the name and designation of the official is also enclosed herewith for favour of ready reference.

Encl. As above.

(R. S. SINGH)
IFA & CAO
Secretary: Staff Adalat
O/O the Chief Postmaster General
Assam Circle, Guwahati-781001

Case of -

Shri B K Bishwas I S G 117
--- P K Datta --- S A

Copy to :-

1. Shri
with reference to his application dated ---
An extract of the decision of the Staff Adalat
held on --- is enclosed herewith for information.
File No. SA/3-19/92.
- 2.

28.9.

Secretary: Staff Adalat
O/O the Chief PMG, Assam Circle
Guwahati-781001.

2. Shri K. Purkayastha, qualified PO & RMS Accountant is working in HRO Guwahati against the post of Accountant. The official is yet to complete 16 years of service to get promotion under TBOP.

Shri B.K. Biswas, who had represented for posting as PO & RMS Accountant has got his promotion to LSG under TBOP Scheme and not submitted any option before moving to the LSG cadre.

Shri P.K. Dutta is working as TS SA.

In view of the above position there is no scope to accommodate them as PO & RMS Accountant at present.

New Items

6. SA/3-12/93

Representation relates to the appointment as PO & RMS Accountant qualified in exam. 1992 cases of -

- (1) Shri Birendra Kr. Biswas, LSG SA Guwahati RMS.
- (2) Shri Pradip Kr. Dutta, SA HRO (M) Guwahati RMS

There are two posts of PO & RMS Accountants in the Guwahati RMS Division.

1. Shri H. Bhattacharjee, qualified PO & RMS Accountant is working against the post of Accountant in Divisional Office. This official had exercised option in favour of Accounts line in the year 1979 as such no fresh option before moving to LSG cadre was exercised again. He was promoted to LSG cadre under TBOP Scheme wef 30-11-83 and further promoted to the cadre of HSG-II BCR.

After examination of the case Adalat finds no justification for any relief to the petitioners.

Contd.....4....

INDIAN POSTS & TELEGRAPHS DEPARTMENT
O/O the Senior Superintendent, RMS GH' Dn, Guwahati-781008

To

All concerned.
in RMS GH' Dn.

No.C-1/Estt/GH/One Promotion Schemo., Dated Guwahati-8 the
6th Jan '83

A copy of instructions issued by DG, P&T New
letter No.31-26/83-PE dtd.17.12.83 and circulated vide CO
letter No.Esst/20-19/83 dtd.24.12.83 on the above subject is
forwarded herewith for information, guidance and necessary
action.

The 5 percent and 15 percent reduction in
operative and Supervisory staff respectively referred to in
para-9 and 10 of the instructions should be effected by
31.12.83 at the latest.

The receipt of the letter may please be acknowledged.

(A. N. D. KACHARI)
Senior Superintendent,
RMS GH' Dn, Guwahati-8

Copy of the above cited letter.

No.31-26/83-PE-I dtd. 17 Dec '83. from D.G. P&T N.D.

Sir,

The issue of giving time bound promotion to
regular employees in the operative cadres in the P&T Depart.
has been under consideration of the Departmental Council (JC).
The Government have agreed to a time-bound one promotion
scheme in the basis operative cadres in the P&T Department.
An agreement on this scheme has been signed between the
official side and staff side in the P&T Departmental
Council of JCM on 30.11.1983. A copy of the agreement with
the staff side alongwith its enclosures is forwarded for
information.

The following instructions are hereby issued in
connection with implementation of the above mentioned scheme
in the P&T Department.

(1) The scheme will come into effect from 30.11.1983.
All officials belonging to basis grades in Group 'C' and
Group 'D' to which there is direct recruitment either from
outside and/or by means of limited competitive examination
from lower cadres, and who have completed 16 years of
service in that grade will be placed in the next higher
grade. Officials belonging to operative cadres listed
in the Annexure-I to the agreement will be covered under
the scheme.

(2) The Heads of Circles/Divisional Superintendents
Heads of other functional units will take immediate action
to identify the officials who have completed 16 years of
regular service in the cadres covered under the scheme as
on 30.11.83 as well as the officials who will complete
16 years of service from 1.12.83 to 31.3.84.

Contd...2.

Thereafter, action will be initiated by the Heads of Circle to convene departmental promotion committee meetings to consider promotion of the officials in the operative cadres to the next higher scale of pay. The Departmental Promotion Committee which will be constituted in accordance with the existing instructions applicable to the different cadres will assess the fitness of the identified officials for promotion to the higher scale of pay. The formalities in this regard should be completed within a period of 3 months. The promotions to the next higher scale of pay will be granted from the date following the date on which the identified officials complete 16 years of regular service. In case of officials who have completed 16 years of service before 30.11.83, the promotions to the next higher scale of pay will take effect from 30.11.1983.

(3) Special efforts should be made at all levels to take quick and prompt action which should be monitored by the Head of the Circle so that the DPC formalities are completed and promotion orders issued latest by 29.2.84.

(4) With effect from 1.4.84 onwards the Heads of Circles/ Divisional Supdts/Heads of functional units will identify the officials belonging to the cadres covered under the scheme, who will complete 16 years of service upto 31st March of the next year. The Departmental Promotion Committee meeting will be convened before 30th June to consider fitness of the officials completing 16 years of service in the grade during the year. Officials who complete 16 years of service on a date later than that of convening of the meeting of the DPC will be placed on the approved list and will be promoted to the next higher scale of pay immediately on completion of 16 years of service, subject to their being found fit by the DPC and subject to normal rules relating to promotion. In respect of the officials who complete 16 years of service between the period from 1st April to the date the meeting of the DPC is convened, they will be placed in the next higher scale of pay from the date following the date they complete 16 years of service, subject to their being found fit by the DPC.

(5) As soon as the departmental promotion committees finalise the lists of officials who are to be promoted to the next higher grade, the Head of the Circle will ensure that the basis grade posts are upgraded to the Higher scale by issue of a formal sanction, distributing the higher posts to different units so that such officials can be placed on the higher grades.

(6) For promotions under the time-bound one promotion scheme the normal orders relating to reservation for SC/ST committees will not apply unless any specific order in this regard is subsequently issued.

contd...3.

*Sanctioned
27/1/84*

- 3 -

(7) The pay of the officials on their being placed in the next higher scale of pay under the scheme will be fixed under FR 22-C.

(8) Officials on promotion to the higher scale of pay on completion of 16 years of service will maintain their inter seniority in the lower grade for purposes of promotion to supervisory posts justified on standards. This is to protect the interest of the senior officials who may not be eligible for promotion in a particular year for non-completion of 16 years of regular service, but are promoted on the basis of recommendation of a subsequent DPC. In case, however, an official who is considered unfit by a DPC (on completion of 16 years of service), he will lose seniority vis-a-vis the officials promoted to the higher scale of pay on the basis of the recommendations of that DPC.

(9) In the operative cadres covered by the scheme a 5% reduction will be effected in the sanctioned posts by the Head of the Circle/Divisional Officer/Heads of independent functional units. The reduction will be done in respect of the basis grade posts covered under the scheme e.g. Time scale Assistants, Postmen, Group 'D' etc. on a divisional basis. In other words, the 5% cut will not be effected office-wise. The total number of posts in a division will be taken into account and with immediate effect the total number of posts will be reduced by 5%. While calculating the reduction, fraction of 5 and above will be rounded off to the next higher integer. The Divisional Supdt. will ensure that the reduction is suitably distributed among various offices so that the service is not dislocated. It may be noted that as a result of this while there may not be any physical reduction of staff strength in smaller units, in bigger units the number of posts reduced may be more than 5%.

(10) Similarly, in respect of supervisory posts, which are sanctioned on the basis of prescribed norms as well as promotional posts which are sanctioned outside the basic grades as per prescribed norms (e.g. Supervisory LSG Posts, Mail Overseer/ Sorting Postmen etc.) the number of sanctioned posts will be reduced by 15% on divisional basis. While calculating the reduction, fraction of 5 and above will be rounded off to the next higher integer. Here again the reduction should be suitably distributed among the different offices. The exercise referred to in this para and the provision para will have to be completed before 31-12-83 and a certificate should be given by the Head of the Circle personally, addressed to the Deputy Director General (P) (By now that this has been done).

(11) As per the agreement with the staff side in the JCM existing officials regularly appointed to any basis grade will not be retrenched from Service as a result of 5% cut in the basis posts as mentioned in the previous paragraphs. If there are not sufficient vacancies in a Division to cover 5% reduction in the basis grade posts by 31-12-83, the posts may be continued to the extent necessary in order to keep the officials in service. As and when vacancies arise as result of new creation, retirement, etc. the extra posts retained should be adjusted against them.

contd...4.

12. The posts in operative and supervisory cadres will continue to be sanctioned on the basis of present norms until further orders. However, while taking up proposal for sanction of establishment in the different offices, care will be taken to see that the reduction of posts ordered in the year 1983-84 is duly taken into account and the staff reduced in a particular office even beyond 5% is not created again in the next review of the establishment.

13. After introduction of the scheme, the posts justified on prescribed standards, both in the basis and the supervisory grades, may continue to be sanctioned on the basis of the existing norms. On 1st April of every year, a 5% reduction in the basis grade posts and 15% in supervisory posts as described in paras 9 and 10, above will be effected in respect of the posts sanctioned during the previous financial year. It is clarified that the 5% and 15% cuts referred to in paras 9 and 10 in respect of posts existing on 30.11.83 will be effected immediately on receipt of this letter, in any case not later than 31.12.83. On 1.4.84 a similar reduction will be made in respect of posts sanctioned between 1.12.83 and 31.3.84. Thereafter the reduction will be effected on the 1st of April every year in respect of the additional posts sanctioned during the previous financial year.

In bigger offices where immediately on introduction of the scheme more than 5% of the sanctioned posts were reduced in order to maintain 5% cut on divisional basis, it has to be ensured that at the subsequent review of establishment of that office only extra posts justified on time test or prescribed norms will be sanctioned and the extra cut made in that office already is not restored.

For example, in an office if there were 100 posts in basis grade on 30.11.83 and 8 posts are reduced in order to maintain 5% cut on divisional basis, 92 posts would be available with effect from 31.12.83 (latest). If subsequently a review of establishment of this office is done and the total number of posts justified comes to 103, then only 3 more posts will be sanctioned for the office making the total effective number of posts as 95.

14. With effect from the date of introduction of the scheme the officials posted against regular supervisory posts, sanctioned on standards will be entitled to draw special allowance as indicated in Annexure 'B' to the agreement.

Only officials who hold supervisory posts will be eligible to draw the special allowance and as such necessary adjustments based on seniority in posting will have to be made. Such of the senior officials as are entitled to hold supervisory posts and have to move out for want of posts in the stations of their posting where they are working at present may be allowed at their option to move out at the end of the current academic year. But they will be eligible to draw special allowance only when they actually work against the supervisory posts. Supervisory posts carrying special allowance which from circle cadre will have to be filled on circle basis based on seniority.

15. The incumbents of posts in promotional grades like Head Postmen/Sorting Postmen/Mail Overseer upto the extent of 10% of the total number of posts in the basic grade after 5% cut from which promotion is made will be entitled to Rs.25/- per month as special allowance. Posts in Mail Overseer/Sorting Postmen etc. cadres upto a limit of 10% of total number of posts in Postmen cadre after 5% reduction should be identified and the officials holding those posts may be given the special allowance. The filling up of these posts may be done on seniority. This will apply to 10% of posts in the case of Mail Guards also.

The incumbents of the post of Jamadar upto the extent of 10% of the total number of posts in the basic grade of Group 'D' Test Category (including those of Jamadars created by upgradation of Group 'D' posts) after effecting the 5% cut, will be entitled to Rs.15/- per month as special Allowance. Such posts of Jamadar should be identified and the officials holding these posts may be given special allowance. The filling up of these posts may be done on seniority.

16. With effect from 30.11.83 special pay sanctioned for basic grade posts as charge allowance will be withdrawn. However, special pay on grounds such as for acquiring additional qualifications for special training and for handling cash etc. will continue so long as these posts are held by the officials in the basic grade unless a special pay is prescribed in the higher scale also.

17. Annexure 'C' to the Agreement gives particulars of the posts to which a special pay/charge allowance sanctioned at present will be withdrawn with effect from 30.11.83.

18. The Posts of single handed and double handed sub postmasters which carry charge allowance at present will henceforth be manned by officials who have completed 16 years of service and have been placed in the next higher scale of pay. In order to avoid inconvenience to the officials consequent on the introduction of the scheme in mid academic session. It is not necessary to deploy such officials against the posts of single handed and double handed Sub Postmaster immediately. Such deployment may be effected at the end of the academic year. Charge Allowance to these posts will, however, stand withdrawn with effect from 30.11.83.

19. For sanction of supervisory posts ~~xxxxxxxxxxxx~~ on standards in higher grades in future the posts justified as per existing standards in the lower grades before reduction will be taken into account.

20. The special allowance for supervisory posts mentioned in paras 14 and 15 above will not have the characteristics of special pay. The special allowances shall not count for any purpose other than pensionary benefits.

21. P.O. & RMS. Accountants

P.O. & R.M.S. Accounts, who are in the time scale of pay plus special pay, are also entitled to promotion to the scale of Rs. 425-640 on completion of their total 16 years of service in the clerical grade including the period they worked as Accountants.

However, the officials belonging to P.O. & RMS Accountants cadre who have chosen the scaled pay of Rs. 380-620 are not eligible for one promotion on completion of 16 years of service in that scale. They may be given an option to revert to the time scale of pay plus special pay retrospectively with effect from the date they chose the scale of pay of Rs. 380-620. Their pay on reversion to the time scale of pay will be notionally fixed with reference to the pay in the time scale which they would have drawn plus special pay of Rs. 45/-. They would be eligible for being promoted to the scale of Rs. 425-640 on the basis of completion of 16 years of service in the time scale of pay. The special pay granted to them on notional basis may be taken into account for fixation of their pay subject to the conditions laid down in Govt. of India's order No. 6 read with Annexure below FR 22 (Swayy's compilation of F.R. & S.R. The excess pay and allowances which they might have drawn in the scale of pay of Rs. 380-620 after fixation of their pay option should be exercised by all concerned within a period of two months from the date of issue of these orders and the option exercised once shall be final.

22. Since, it has been decided to give one promotion to all officials who complete 16 years of service in a particular grade, officials who have been transferred under rule 38 of the P&T. Manual, Vol. IV in the same cadre, are eligible to count their entire period of service for promotion under the scheme. This will cover even officials who have been transferred from one Circle to another in the same cadre. The question of extending the scheme to officials who have been transferred under Rule 38 from one cadre to another (e.g. from RMS Assistants to PO Assistant is separately under consideration.

The following further clarifications and instructions are also issued.

(i) In respect of the cadres which are covered under the scheme of time bound one promotion, the orders issued vide P&T Dto. No. 31-19/74-PE. I dated 15.5.74 and Ministry of Finance O.M. No. F 7(21)-E.III(A)/74 dtd. 10.1.1977 will stand withdrawn from 10.11.83.

(ii) Promotion to the LSG 1/3 rd on the basis of departmental examination will be abolished on introduction of the scheme. However, vacancies falling under LSG 1/3rd quota upto 30.12.82 will be filled in accordance with the instructions on the subject.

contd...7.

- 7 -

(iii) The introduction of the scheme will not effect officials who have already been promoted on regular basis from the basis grades to the next higher grades before 30.11.83 under existing rules. The officials who have already been promoted to the next higher scale of pay before 30.11.83 will ranken block senior to the officials who are placed in the next higher scale in pursuance of the new scheme.

(iv) The officers who completed 16 years of service and who are promoted to next higher of any will continue to perform operative duties unless there are posted to regular supervisory posts in their turn.

The Heads of Circles and Administrative personally responsible to ensure implementation of the ~~xxxxxxx~~ issued above. They will examine the enclosures to this letter including the Agreement and the instructions contained in the above paras very carefully and take all steps for its most expeditious implementation. They will also be responsible to monitor the progress made in the Circle/Administrative Units under their jurisdiction regarding the implementation of the scheme. Their attention is specially drawn to the instructions contained in para 10 regarding the certificate to be sent by them to the DDG(P) by name.

The Heads of Circles/Administrative Offices will please send a fortnightly progress report to the Director in the enclosed proforma regarding implementation of the scheme of time-bound one promotion.

In case of any doubt regarding implementation of the scheme, a reference may be made by Heads of Circles to the ADG (one promotion cell) in the P&T Dte. which has been specifically constituted to deal with the matters arising out of the implementation of time bound one promotion scheme in the P&T Department.

Receipt of this letter may please be acknowledged to Shri P.H.Venkateswara, ADG(P&T).

Sd/S K. Parthasarthy
Deputy Director General(P).

DEPARTMENT OF POSTS, INDIA
OFFICE OF THE SR. SUPDT. RMS 'GH' DN.
GUWAHATI - 781001.

No. B-2/7/Acctt/Ch-II,
To,

Dated at Guwahati-1, the 25th April 2001.

Sri H. Ahmed, ADP (AA)
O/O the CPMG, Assam Circle,
Guwahati-781001.

Sub :- Depriving of qualifying Accountant in posting against clear
Vacancies in RMS 'GH' Division and HRO RMS 'GH' Dn.

Ref :- C/S NEPE class III letter No AC/R-III/99/2001 dt. 18-4-2001
a/to the CPMG Assam Circle, Guwahati (by name).

As desired, the details position is narrated here under for kind information.

2. Consequent supernuation pension of Sri H.K. Bhattacharjee (A/C) HRO Guwahati on 1-11-2000, practically there were one clear vacancy of account arises in this Dn. Though there were 2 (two) qualified accountants i.e. S/Sri B.K. Biswas & P.K. Dutta are available but they have not been absorbed on the under noted grounds.

(1) Sri B.K. Biswas LSG SA was qualified as accountant in the year 1992, and he was promoted to TBOP w.e.f. 18-12-93 as per SC quota & the same also accepted by the official. Moreover, the said official also preferred appeal to the "Dak Adalat" New item Nos SL No. 6 SA/3-32/93, which was held on 22-9-94. The "Dak Adalat" vide letter No. SA/3-32/93 dt. 27-9-94 conveyed the decision of the adalat held on 22-9-94, & after examination of the case Adalat finds no justification for relief to the petitioners. (copy enclosed).

In view of above, the official has not been entertained till date. In this connection this office report No. B-2/7/Acctt dt. 10-4-97 a/to the CPMG (staff) also attached for ready reference.

3. Regarding Sri P.K. Dutta, the post of accountant was lying vacant from 1-11-2000 whereas as the official was promoted to TBOP from 7-1-2000, and as he accepted the TBOP, he is not entitled to get the benefit of account as per CO. letter No. staff/3-14/92 dt. 26-7-1994.

Since there is no others qualified accountant is available in this Dn. so Sri P.K. Dutta has been posted as Accountant in Dvl. Office purely on temporary & adhoc basis. This is for your kind information.

Enclo:- (1) SA/3-32/93 dt. 27-9-94 issued
by the CPMG, Assam Circle Ghly.
(2) Copy of Dvl office No. B-2/7/Acctt
dt. 10-4-97 attached.

(R. Chakraborty)
Senior Superintendent,
RMS 'GH' D. Guwahati-1

Department of posts, India - 73
 To the Secy. Supdt. of R.M.S. GH Dn. Guwahati

স্বাক্ষর
 রেল দপ্তর, গুৱাহাটী অঞ্চল
 গুৱাহাটী - ৭৮১০০১
 For Secy. Superintendent,
 RMS GH Dn. Guwahati-78100

SL. Pradip K. Deka
 D.R.

From GH-2 and Sub Dn.

Rangia

NO B-2/7/ACCT/part-I dated at Guwahati
 the 20/1/77

Sd/- Mr. D. P. Deka (Rangia) for Secy.
 pro & Rms. Deka.

As per C.O. Guwahati letter no
 ST/37-13/72 dt 13/8/77 one post is
 pro & Rms. Accountant is lying vacant
 in N.P. Div. Rangia.

You are requested to obtain your
 willingness to work at pro & Rms. Rangia
 from N.P. Div. Rangia Division. This
 is urgent.

স্বাক্ষর

রেল দপ্তর, গুৱাহাটী অঞ্চল

গুৱাহাটী - ৭৮১০০১

For Secy. Superintendent

RMS GH Dn. Guwahati-78100

As per order
 before about
 letter is put up
 FF

For
 20/1/77