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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Barhate
28/10/13

FROM No. 4
(SEE RULE 42)

GENERAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 202/02

Wise Petition No. /

Contempt Petition No. /

Review Application No. /

Applicants: D. K. Bhattacharjee

-Vs-

Respondent(s) W. O. I. Toms

Advocate for the Applicant(s) M. Chanda, Mrs. N. D. Soraonni
G. N. Chakraborty

Advocate for the Respondat(s) C. G. S.

Notes of the Registry	Date	Order of the Tribunal
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12.7.2002

At the request made on behalf of
Mr. M. Chanda, learned counsel for the
applicant the case is listed for admi-
ssion on 19.7.2002.

76574597
13-6-2002
19.7.02
28/6/02

K. C. Sharma
Member

bb

19.7.02

Heard learned counsel for the
parties.

Application is admitted.

Issue notice on the respondents. Call
for records. Returnable by 4 weeks.
List on 23.8.02 for orders.

K. C. Sharma
Member

lm

Notice prepared and
Sent to D. Section 600
issuing of the same to
the respondents through
Regd. Post with A/F.D.
Vide D. No. 2048 to 2051
D/FD - 24-7-02

BB

23.8.2002

At the request made by Mr. A. Deb Roy learned Sr. C.G.S.C. four weeks time is granted to the respondents to file written statement.

No. WLS has been
billed.

By
199-02.

bb

List the case on 20.9.2002 for order.

IC (Usha)
Member

20.9.02

Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents.

The issue relates to providing for financial upgradation under the ACP Scheme. In this application the applicant has assailed the order No.2/Ett(ACP)/99-925 dated 27-9-2001, whereby he was informed that in the light of clarifications received from the DoP&T the cases is sent to the Ministry for thier concurrence.

Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents stated that the order was passed for financial upgradation under the ACP Scheme by order No.4/C-G/2002(2)-8045. As per the terms of the Department of Personal & Training, Ministry of Personnel, Public Grievances & Pensions, New Delhi O.M. dated 9.8.99 on the subject, the Departmental Screening Committee has approved the name of the applicant Shri Dilip Bhattacharjee JT0-I/WT in the pay scale of Rs. 4000-100-6000/- for grant of 2nd financial upgradation in the scale of Rs. 5500-175-9000/- under the ACP Scheme.

Contd../-

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Notes of the Registry Date Order of the Tribunal

Contd/-

20.9.02

24.10.2002
Copy of the order
has been sent to the
Office for issuing the
same to the applicant as
well as to the Sr. C.G.S.C.
in the Registry.

Mr. A. Deb Roy, learned Sr. C.G.S.C.
for the respondents accordingly
placed before me the communication
sent by the Department alongwith the
order. A copy of the said order is
placed on records.

In the circumstances, the
application has become infructuous and
accordingly the same is dismissed as
infructuous.


Vice-Chairman

mb

Notes of the Registry Date Order of the Tribunal

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. /1/41 No. 213 of 2002, of and 261 of 2002

1. **Himangshu Paul (O.A. 213 of 2002)** DATE OF DECISION: 11.10.2002
2. **Gopal Ch. Namasudra & 4 others. (O.A. 261 of 2002)**

APPLICANT(S)

Mr. Manoranjan Das

ADVOCATE FOR THE APPLICANT

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE M. S. BURMAN, D. R. BODDURY, V. D. C. DUTTA

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 **ADMINISTRATIVE MEMBER**

BCUW

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 213 of 2002 and 261 of 2002

Date of Order: This the 11th Day of October 2002.

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

O.A.No.213 of 2002.

Shri Himangshu Paul
S/O. Late Phani Bhusan Paul Ex.Group 'D'
Village -Karatigram, P.O. Rongpur
P.S. Silchar, Dist.Cachar, Assam

At present working as Post man in Halflong Sub-Post Office,
under Sub-divisional Inspector of PO's Halflong
Sub-Division, Falflong. ... Applicant.

By Advocate Mr. Monoram Das

-Vs-

1. Union of India,
Represented by the Secretary to the Govt pf India,
Ministry of Communication,
Cabinet Secretariate, Samsad Marg.
New Delhi-110001.
2. The Director General ,
Department of Post, Samsad Marg
Dak Bhawan, New Delhi-110001
3. The Chief Postmaster General, Assam Circle,
Guwahati-781001.
4. The Postmaster General,
Assam Region, Dibrugarh
5. The Sr.Supt. of post office,
Cacher Division, Silchar-788001
6. The Asstt. Supdt.of PO's
North Sub-Division, Silchar-788001
7. The S.D.I.P.O's
Halflong Sub-Division, Halflong-788819.
8. The Sub-Postmaster,
Halflong-788819. ... Respondents.
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.

O.A.No.261 of 2002

1. Sri Gopal Ch.Namasudra
S/o. Late Gopendra Namasudra,
Ex-Group 'D', Ward No.4
P.O. Lala
Dist.Hailakandi
2. Sri Nilotpal Roy
S/O. Late Nikunja Ch.Roy,
Ex-Postman, Gumra Bazar,
P.O.Kalain, Dist.Cachar

contd/-

3. Sri Kajal Das
S/O Late Suniti Bala Das,
Ex-Group 'D', Vill. & P.O. Barkhola,
Dist. Cachar.
4. Sri Babudhan Dhree
S/O Late Bijoy Kumar Dhree,
EX-OS Mail
P.O. Pallorabond,
Dist. Cachar.

... Applicants.

By Advocate Mr. Monoranjan Das

-Vs-

1. Union of India,
Represented by the Secretary
to the Govt. of India,
Ministry of Communication,
Cabinet Secretariat,
New Delhi-110001.
2. The Director General
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-110001.
3. The Chief Post master General
Assam Circle, Meghdoot Bhawan,
Guwahati-781001.
4. Teh Sr. Supdt., of POs.
Cachar Division,
Silchar-788001.
5. The Sr. Post Master,
Head Post Office,
Silchar-788001
6. The Postmaster,
Head Post Office
Hailakandi,
7. The Sub-Divisional
Inspector of POs
Hailakandi.
8. Sub-Divisional
Inspector of POs, West Sub-Division,
Silchar.

... Respondents.

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

O_R_D_E_R.

K.K.SHARMA MEMBER(ADMNL).

Both the applications are taken up together as
issue involved ^{is} _{there} the same, one applicant in O.A. No. 213
of 2002 and four applicants in O.A. No. 261 of 2002. The four

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contd/-

applicants in O.A.No.261 of 2002 have been allowed to pursue their grievances by a common by a common application under the provision of Rule 4(5)(a), CAT(Procedure) Rules, 1987. All the applicant were approved for inclusiong in the waiting list of Postman on compassionate ground on different dates. By an order dated 11.6.2002 the applicants were allotted the post of GDS on compassionate ground. All the applicants they have been working as Postman with some breaks in continuity in service. It is claimed that the applicants are approved candidates for Postman cadre against regular vacancy enlisted for future absorption against relevant quota. The applicant had been engaged against vacant post of Postman. By letter dated 22.6.2001 the Respondents called for willingness of the applicants for job in other Department. The relevant portion of the letter is reproduced below:-

"Sub: Discontinuation of waiting list of dandida-
tes approved for compassionate appointment
willingness of the approved candidates for con-
sideration by other ministries.

The following approved candidates were allotted to your unit for working in short term vacancies.

You are requested to intimate whether they are willing for job in other department. If so submit a list of willing approved candidates at an early date as desired by the C.O. Guwahati for taking the matter with other ministries and alongwith the Directorate."

The applicants conveyed the willingness for appointment in other department. The applicants however, requested the Postmaster General, Assam Region to regularise them in the vacant posts against which they were working continuously working. It is stated that by letter dated 3.9.2001 the applicants were informed that they would be absorbed in the cadre in due course, as there was no vacancy then. The letter dated 3.9.2001 is reproduced below:-

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"Sub: Prayer for appointment of Postman in compassionate ground.

Refer your representation dated 22.05.2001 I am directed to inform you that your case will be considered in due course of time. There is no vacancy under compassionate ground at present"

Thereafter, by letter dated 24.8.2001 it was informed to the applicant that the waiting list for compassionate appointment was discontinued and the Directorate had decided that the applicant would be considered for the post of G.D.S. but the applicants did not opt for G.D.S. It is stated that the applicant shall be deprived existing benefit and they have been performing the duties against the vacant post.

2. Mr.M.Das learned counsel appearing on behalf of the applicants argued that the action of the respondents in not considering the absorption of the applicant in the post of Postman is illegal and violative of Article 14 of the Constitution. The Respondents offered the applicants a lower post than one which they were holding. Mr.M.Das learned counsel also stated that there are vacancies in the Department of post but the Respondents have not been engaged. The Respondents issued Notification dated 11.6.2002 by which they have allotted the candidates for compassionate appointment against GDS posts. He also argued that there are existing vacancies in the department and the applicants been approved candidates for compassionate appointments to be posted against existing vacancies.

3. The Respondents have filed their written statement and Mr.A.Deb Roy, Sr.CG.S.C. represented the Respondents. It is stated that the waiting list was being prepared for absorption in future vacancy for compassionate appointment. The applicants' names were kept in the panel of waiting list for absorption in future vacancy as compassionate cases. The applicants in the waiting list were being engaged in

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contd/-

short time leave vacancies as per necessity and they could not be absorbed permanently. Since there will be more delay in their employment permanently against vacant post, it was decided by the department to offer them with some lower post if willing to accept such employment but they denied to accept such employment and claimed for their permanent employment in Postman cadre. Mr.A.Deb Roy, Sr.C.G.S.C. argued that there was a scheme for appointment on compassionate ground within the ceiling of 5% of direct recruitment vacancies in each year. Thus out of 20 vacancies for direct recruitment, one was available for compassionate appointment. A waiting list was prepared as there were no available vacancies for compassionate appointment. In order to minimise hardship the ^{short term} applicant ~~occurred~~ were short offered ^{vacancy term} due to leave. There is no possibility of the applicants being appointed against the regular post.

4. I have considered the submission made on behalf of the parties and have also perused the records. The application is decided on the basis of the facts of the case. The appointment letter issued to the applicant in O.A.No.213 of 2002 is reproduced below:-

"In pursuance of the SSPOB Silchar Memo No.B1/Rectt./Relax/Misc. dated 28.12.98 Shri Himungshu Paul approved for appointment in Postman cadre on compassionate ground and kept in panel for absorption in future relaxation vacancies by C.O. is hereby engaged on short term duty in the event of the undersigned and kept attached to G.C. College. So, against an unfilled vacancy until further orders.

Shri Himungshu Paul should clearly understand that the engagement is purely temporary basis and he cannot claim any seniority/pay benefit in future for such short term engagement."

The subsequent application also shows that the applicants were appointed for short term duties. The letter dated 24.8.2001 by which the applicants were offered the post of

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GDS is extracted below:-

" This is to inform you that since wait listing of candidates for compassionate appointment has been dispensed with, chance of absorption of these approved candidates in the waiting list against vacancies available within 5% ceiling of direct recruitment quota is remote. This may cause hardship to the approved candidates who have been waiting for quite a long period. In consideration of this aspect the Postal Directorate has decided to consider such waitlisted candidates for appointment against vacant posts of GDS(Gramin Dak Sevak) if they are willing and eligible for the post.

As per information of the Directorate you are requested to submit your willingness or otherwise and choice of place if any for taking appointment against vacant Gramin Dak Sevak post.

This recruitment will be made subject to

1. Fulfilment of all required conditions of recruitment like educational qualification etc.
2. Approved applicants with their acceptance of GDS post would have no further claim for appointment on any special consideration against regular departmental vacancies and that they would have to take their turn as per present departmental policy for GDS in the matter of their appointment against future departmental vacancies. All undertaking in this regard may be submitted with your willingness.

This offer will be valid for one year."

There is no dispute that the applicants have not been offered compassionate appointment. The regular appointment on compassionate ground depends on Rules and Regulations/Guidelines on the subject. There is no dispute that there is a quota of 5% of regular direct recruitment vacancies for appointment on compassionate ground. Mr.A.Deb Roy, Sr.C.S.C. submitted that there is no vacancy for Postman post. The vacancy position for the years from 95 to 2001 is given below:

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"Vacancy position of Postman and Group D
year wise

Year	Postman	Group D
1995	-	5
1996	06	6
1997	16	5
1998	12	3
1999	11	4
2000	03	4
2001	08	3

As such no appointment on compassionate ground could be offered to the applicants. In the circumstances the respondents have sympathetically considered the case of the applicants. The applicants have been offered the post of GDS, which is a lower post than that of Postman. Mr. A. Deb Roy, Sr.C.G.S.C. argued on behalf of the respondents that the inclusion of name of the applicants in the waiting list for compassionate appointment has not conferred any rights for regular appointment. As such offer of appointment to the post of GDS was justified.

5. I have given careful consideration to the submissions, made on behalf of the parties and also perused the record. The Govt. provided a scheme for giving immediate relief to Govt. employees dying while in service by giving compassionate appointment to a dependent relation. The courts have not approved of compassionate appointment being given long after the death of the employee. The scheme has provided for a quota and it is not that dependent of every employee dying in service will be offered appointment. The name of the applicants appeared in

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waiting list for compassionate appointment. The Courts have not approved the delay in offering compassionate appointment. The applicants could not be appointed on compassionate ground within the quota of 5% of vacancies available for direct recruitment of post man. The vacancy position given by respondents shows that there was no vacancy for compassionate appointment during the years 1995-2001. The respondents do not anticipate any such vacancies in the future. This has been informed to the applicants. Keeping the names of the applicants in waiting list gives rise to a false hope. The respondents had valid reasons for discontinuing the waiting list. The action of the respondents in offering alternative appointment of GDS cannot be faulted. I find no illegality in the impugned order. The applicants have not acquired right to a regular appointment outside the quota for compassionate appointment simply because their name was included in the waiting list for appointment on compassionate ground even if they have worked in short term leave vacancies. It is not the case that the respondents have appointed persons outside the waiting list against vacancies for compassionate appointment.

The applications stand dismissed. There shall be no order as to costs.

(K.K.Sharma)
(K.K.SHARMA)
ADMINISTRATIVE MEMBER

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1/4

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. 202 /2002
Sri : Dilip Kumar Bhattacharjee: Applicant
- Versus -
Union of India & Others: Respondents.

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Filed by

Dilip Kumar Bhattacharjee

Date :

Advocate

(Dilip Kumar Bhattacharjee)

Bhattacharjee

Filed by the applicant
Dilip Kumar Bhattacharjee
16/05/02

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

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

O.A. No. 202/2002

BETWEEN

1. Sri Dilip Kumar Bhattacharjee
Son of Late G.N. Bhattacharjee,
Working as Junior Intelligence Officer,
Wireless Telecommunication
S.I.B., Imphal

.....Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India, Ministry of Home affairs,
New Delhi.
2. The Director
Intelligence Bureau (MHA)
North Block
New Delhi
3. The Assistant Director
Intelligence Bureau (MHA)
North Block
New Delhi

*(Dilip Bhattacharjee
Bhattacharjee)*

4. The Joint Director/E
 Intelligence Bureau (MHA)
 North Block
 New Delhi

..... Respondents.

DETAILS OF THE APPLICATION

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

This application is made against the impugned Memorandum No. 2/Estt(ACP)/99-925 dated 27.9.2001 and order No. 4/C-6/2000(11)-1673-1805 dated 14.3.2000 issued by the Respondent no.3 denying the grant of financial up gradation under Assured Career Progression (ACP) Scheme to the applicant and praying for a direction upon the respondents to grant financial up gradation to the applicant from the pay scale of Rs. 4000-6000/- to Rs. 5500-9000/- under the ACP Scheme as have been given to the other similarly situated persons and to grant all consequential benefits with effect from the date on which those persons including his juniors have been given the said benefit.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

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

4. Facts of the case.

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

(Delip Kumar Bhattacharya)

Delip Kumar Bhattacharya

4.2 That the applicant was initially appointed as Security Assistant under the respondents on 29.9.1970. Thereafter, following an invitation of option by the Respondents in 1973, the applicant opted for his appointment to the grade of Junior Intelligence Officer and accordingly he was appointed as Junior Intelligence Officer (JIO)/Wireless Telecom with effect from 12.06.1974. Eventually, he was promoted to the post of Junior Intelligence Officer Grade-I/WT on 08.09.1983.

4.3 That under the provisions of the Assured Career Progression Scheme (ACP) launched by the Government of India, the applicant is entitled to financial up gradation. The respondents, vide their impugned order issued under No. 4/65/2000(11)-1673-1805 dated 14.3.2000 have granted financial up gradation to 98 nos. of persons working as J.I.O./W.T. raising their pay scale from Rs. 4000-6000 to Rs. 5500-9000/- under the ACP Scheme. Surprisingly, this order dated 14.3.2000 does not contain the name of the applicant and the said benefit of financial up gradation has been denied to the applicant whereas other similarly situated persons including those even junior to the applicant have been granted the said benefit under this order.

Copy of order dated 14.3.2000 is annexed hereto **Annexure-I.**

4.4 That the applicant thereafter submitted his representation dated 22.3.2000 to the Respondent no.3 agitating the exclusion of his name and praying for grant of financial up gradation to him which was duly forwarded by the local office, Imphal. The applicant submitted further representations on 23.5.2000, 16.6.2000 and 5.12.2000 reiterating his prayer for grant of financial up gradation, but with no result.

Copy of representations dated 22.3.2000, 16.6.2000 and 5.12.2000 are annexed hereto as **Annexure-II-series.**

(Dilip Kumar Shattock)

Dilip Kumar Shattock

4.5 That the Imphal office of the respondent department also sent reminders to their authorities in Delhi vide its TPM No. 1241 dated 25.4.2000 and TPM No. 1491 dated 25.5.2000 requesting them to consider the case of the applicant along with three other JIOs/WT for grant of financial up gradation under ACP Scheme.

Copy of the TPM dated 25.4.2000 and TPM dated 25.5.2000 are annexed hereto as **Annexure-III and IV** respectively.

4.6 That the applicant having failed to get any response to or any consideration of his prayers in spite of his all efforts, subsequently got one legal notice served on the respondent no.2 on 3.8.01. Following this notice, the Respondent no.3 addressed one impugned Memorandum bearing No. 2/Estdt(ACP)/99-925 dated 27.09.01 to the applicant informing the applicant that the case of the applicant along with that of some others have been sent to the MHA for certain clarifications regarding grant of benefit under the ACP scheme to those officers since as per their contention those officers including the applicant have already got two financial up gradations Viz; one from SA to JIO-II/WT and the other from JIO-II/WT to JIO-I/WT. A similar letter was also addressed to the advocate of the applicant by the Respondent No.3 under No.14/Prom(G)/99 (2) -ACP 10055 dated 17.9.2001.

Copy of the Memorandum dated 27.09.01 and letter dated 17.09.01 are annexed hereto as **Annexure-V and VI** respectively.

4.7 That the applicant was surprised to get the Memorandum dated 27.09.01 and the contentions made therein by the respondents. It is relevant to mention here that so far as the applicant is concerned, the post of JIO-II/WT was given to him as an appointment following the option exercised by the applicant against the invitation of options by the respondents while he was working as Security Assistant and this being an appointment against option is not a financial up gradation in terms of ACP and

Dilip Kumar Shattock

Shattock

as such the contention of the respondents that the applicant has already got one financial up gradation from SA to JIO-II/WT is not a fact and is not sustainable.

This apart, the impugned order dated 14.3.2000 granting up gradation to 98 JIOI/WT contains the name of persons under Sl. No. 54 to 66 who were the batch mates of the applicant, some of them are even junior to the applicant and they were appointed as JTO-II/WT and promoted as JIO-I/WT in 1974 and 1983 respectively in the same batch and in the same manner as that of the applicant and as such the applicant is similarly situated as those persons (Sl. Nos. 54 to 66). While the Respondents granted financial up gradation to those similarly situated JIO-I/WT under Sl. No. 54 to 66 under ACP Scheme, it is not understandable as to how the respondents took a discriminatory plea in case of the applicant and deprived him of his legitimate entitlement of financial up gradation under the ACP Scheme.

4.8 That thereafter, the counsel of the applicant replying the letter dated 17.9.2001 of the Respondent no.3, served another legal notice on 4.11.2001 to the Respondent No.3 pointing out the discriminatory treatment of the Respondents on the applicant and urging upon the respondent to grant financial up gradation under ACP Scheme to the applicant. The applicant also submitted one representation on 28.1.2002 to the Respondent no.4 praying for his financial up gradation at par with his other similarly situated batch mates, but with no results.

Copy of legal notice dated 4.11.01 and representation dated 28.1.2002 are annexed hereto as **Annexure VII and VIII** respectively.

4.9 That your applicant begs to state that due to non-consideration of his grant of financial up gradation under ACP Scheme, he has been suffering great financial losses which his other batch mates, similarly situated, have been enjoying and such action of the respondents are unfair, unjust, discriminatory, arbitrary and

(Dilip Kumar Bhattacharya)

Dilip Kumar Bhattacharya

violative of the principles of natural justice. The applicant finding no other alternative, is approaching this Hon'ble Tribunal for protection of his rights and interests and praying for a direction upon the respondents for granting financial up gradation to the applicant in terms of ACP scheme with effect from 9.8.1999 i.e. the date on which his batch mates have been granted the said benefit, with all consequential benefits.

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

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

5.1 For that the applicant has acquired a valuable and legal right

for grant of financial up gradation in terms of ACP Scheme.

5.2 For that the said benefit of financial up gradation under ACP Scheme have been granted to other similarly situated batch mates of the applicant with effect from 9.8.1999.

5.3 For that in spite of the series of representations submitted by the applicant and also the legal notice served on the respondents, the respondents did not consider the case of the applicant.

5.4 For that the persons whose names have appeared under Sl. No. 54 to 66 of the impugned order of up gradation dated 14.3.2000 are similarly situated as that of applicant and even some of them are junior to the applicant and they have been granted the benefit aforesaid while the same has been denied to the applicant.

5.5 For that the action of the respondents is violative of Article 14 and 16 of the Constitution of India and also of the principles of natural justice.

(Dilip Kumar Bhalacharya)

D Bhalacharya

5.6 For that the contentions of the Respondents as stated in para 4.6 above are wrong, misleading and suppression of material facts.

6. Details of remedies exhausted.

That the applicant states that he has no other alternative and other efficacious remedy than to file this application before this Hon'ble Tribunal. His representations and even legal notice could not yield any result.

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 regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or Suit is pending before any of them.

8. Reliefs sought for :

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

8.1 That the impugned Memorandum No. 2/Est(ACP)/99-925 dated 27.9.2001 be set aside and quashed.

8.2 That the respondents be directed to grant financial up gradation in terms of ACP Scheme to the applicant upgrading

(Dilip Kumar Bhattacharya

Bhattacharya

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the scale of the applicant from Rs. 4000-6000 to Rs. 5500-9000 with effect from 9.8.1999 at par with his other batch mates with all consequential benefits.

8.3 Costs of the application.

8.4 Any other relief/or reliefs to which the applicant is entitled to, 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 Hon'ble Tribunal be pleased to direct the respondents/that pendency of this application shall not be a bar for considering the grant of financial up gradation to the applicant as prayed for in this application.

10. *****
This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I.P.O. No. : 767 574597
ii) Date of issue : 13/5/2002
iii) Issued from : G.P.O., Guwahati.
iv) Payable/at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the index.

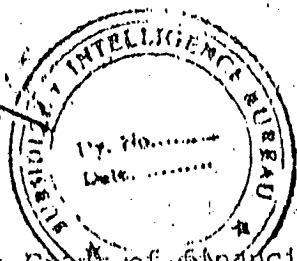
(Dilip Kumar Bhattacharyya
D. Bhattacharyya

VERIFICATION

I, Sri Dilip Kumar Bhattacharjee S/o Late G.N.Bhattacharjee, aged about 54 years, working as Junior Intelligence Officer, Wireless Telecommunication, SIB Imphal, do hereby verify 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 and I have not suppressed any material fact.

And I sign this verification on this the 16th day of May, 2002.

Dilip Kumar Bhattacharjee
(Dilip Kumar Bhattacharjee)

COPY

-10-

(1)

ANNEXURE - IRESTRICTEDORDER

SUB : Grant of Financial upgradation under Assured Career Progression (ACP) Scheme to JIOs-I/WT in Intelligence Bureau.

REF : i) O.M. No. 35034/1/97-Estt(D) dated 9-8-99 from Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, New Delhi.
ii) IB Hqrs. Memoranda Nos. 14/Prom(G)/99(2)-ACP-444 dated 9-2-2000 & 14/Prom(G)/99(2)-ACP-455 dated 14-2-2000.

In accordance with Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions, New Delhi O.M. dated 9-8-99 cited above, the Departmental Screening Committee has approved the following JIOs-I/WT in the pay scale of Rs.4000-100-6000/- of Intelligence Bureau, for grant of first financial upgradation in the pay scale of Rs.5500-175-9000/-, under the ACP Scheme : -

Sl. No.	Name & PIS No.	Date of birth	Date of appt. in IB	Date of grant of financial upgradation	Place of posting
1.	Ashok Kumar Singh 103764	01-06-57	02-06-83	9-8-99	IB Hqrs.
2.	Purnendu Ghosh 100147	23-09-57	13-12-82	-do-	Calcutta
3.	Ramesh Kumar Kundu 118533	01-06-60	16-08-82	-do-	ITBF, Leh
4.	Yashpal Singh Rathi 102554	04-08-56	04-06-83	-do-	IB Hqrs.
5.	Rakesh Kumar 118532	06-10-60	16-08-82	-do-	IE Hqrs.
6.	Swapan Kr. Das 119532	31-12-58	03-08-83	-do-	Agartala
7.	Kapil Kr. Roy 112250	08-08-56	16-08-82	-do-	Shillong
8.	Ajay Kr. Acharya 100148	05-02-51	13-12-82	-do-	Calcutta
9.	Mahech Ch. Joshi 106966	15-05-61	16-08-82	-do-	Aizawl
10.	Gopal Halder 100152	31-12-56	13-12-82	-do-	Guwahati
11.	Vinod Kr. Nanji Mate 118450	10-11-58	16-08-82	-do-	Itanagar
12.	Dharmabir Singh 119327	01-01-60	16-08-82	-do-	IB Hqrs.
13.	Chanchal Mitra 121409	19-03-56	24-03-83	-do-	Agartala
14.	Harmesh Kumar Sharma 119010	12-12-59	16-08-82	-do-	Shimla
15.	Arun Kr. Dimri 100160	25-1-59	27-12-82	-do-	Lucknow

*Releas
S. A. D.*

16. Sunil Kr. Duggal 119376	29-06-61	16-08-82	9-8-99	J&K
17. Soumitra Dey 100151	07-01-57	13-12-82	-do-	Calcutta
18. Dharampal Singh 122211	01-03-57	16-08-82	-do-	J&K
19. Birendaban Sadhukhan 102559	13-1-59	08-06-83	-do-	Calcutta
20. Ashok Kr. Dubey 100161	06-12-58	27-12-82	-do-	Mumbai
21. Dhani Ram Joshi 100162	02-04-60	27-12-82	-do-	Bareilly
22. Mahavir Singh 119360	09-07-56	16-08-82	-do-	ITBF, Leh
23. Ranjit Singh Ahluwalia 100155	9-3-61	23-12-82	-do-	Shimla
24. M.L. Shah 100157	13-03-58	27-12-82	-do-	Aizawl
25. Ramesh Ch. Asthana 119548	01-01-56	16-08-82	-do-	Itanagar
26. Anil Kr. Aggarwal 100159	01-07-59	27-01-82	-dp-	IB Hqrs.
27. Naresh Pal Singh 118024	09-12-57	16-08-82	-do-	Bareilly
28. Prakash Ch. Joshi 119012	12-02-60	19-08-82	-do-	Bareilly
29. Swapan Kr. Saha 119526	09-09-60	01-09-82	-do-	Agartala
30. Sanjeet Choudhary 100156	01-01-57	27-12-82	-do-	Aizawl
31. Sambhu Samanta 100198	13-05-57	08-01-83	-do-	Guwahati
32. Ramajanam Prasad Singh 119353	5-11-47	10-12-70	-do-	Patna
33. Vijay Kumaran S.Nair 103949	28-5-66	11-11-87	11-11-99	Trivandrum
34. Naresh Kumar 103941	19-10-64	25-11-87	25-11-99	J&K
35. N. Narayanan 103948	15-04-66	10-11-87	10-11-99	Chennai
36. Sohan Singh 103947	17-01-63	10-11-87	10-11-99	Chandigarh
37. Satish Chander Yadav 103942	12-9-64	17-11-87	17-11-99	IB Hqrs.
38. K. Venkateshulu 103946	13-08-65	10-11-87	10-11-99	Itanagar
39. Dalendra Kr.Tanwar 103943	15-03-63	16-11-87	16-11-99	IB Hqrs.
40. P.D. Joshi 103945	21-06-66	10-11-87	10-11-99	Mumbai
41. C.V. Jacob 118535	24-02-48	13-12-69	09-08-99	Kohima
42. Shankar Chakraborty 114738	27-01-50	26-06-69	-do-	IB Hqrs.
43. Ram Prakash Sharma 118829	3-3-51	02-12-70	-do-	Shimla
44. Nathu Ram Shukla 110461	1-09-48	05-10-70	-do-	Bhopal
45. N.G. Nair 117645	09-05-43	09-02-68	-do-	Chennai
46. P.C. George 113732	11-10-46	21-10-68	-do-	Chennai

25
2
All set
Dr. Adwaant

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::3::

47. B.C. Hunshi Kutty 11360	05-03-50	28-06-71	9-8-99	Hyderabad
48. D.K. Shah 117652	23-10-51	02-09-72	-do-	Kalimpong
49. K.R. Ayan 115491	29-05-47	21-08-70	-do-	Guwahati
50. S.C. Guha 112489	01-04-47	03-01-72	-do-	Siliguri
51. R.K. Chaudhary 115490	16-08-47	05-08-70	-do-	IB Hqrs.
52. Gunam Singh Chhetri 112488	28-01-50	11-09-72	-do-	Gangtok
53. K.E. Eappen 114409	10-07-48	08-06-70	-do-	Chennai
54. C.N. Madhavan 113983	15-04-50	15-04-72	-do-	Kohima
55. Santosh Ch. Aich 118505	23-02-48	31-01-67	-do-	Kalimpong
56. Jaidev Singh Thakur 101654	21-9-52	05-10-72	-do-	Shimla
57. Amresh Kr. Singh 111917	01-09-49	23-09-72	-do-	Bareilly
58. B.B. Paul 116898	01-03-47	21-09-70	-do-	Guwahati
59. Desh Raj Chandel 113737	28-02-49	04-11-70	-do-	Shimla
60. Saudagar S.Jasrotia 117460	15-04-49	24-12-69	-do-	Jammu
61. Philip K.J. 113952	02-03-45	30-08-71	-do-	Trivandrum
62. Prakash Singh 117458	15-08-50	31-12-70	-do-	J&K
63. Dinesh Kr. Patidar 111241	15-10-48	13-01-71	-do-	Bhopal
64. K. Nayon Singh 117128	01-03-48	22-03-69	-do-	Imphal
65. E.Sita Ram Acharyalu 114082	13-04-53	29-05-71	-do-	Hyderabad
66. Chandra S.Singh 116305	03-10-46	11-01-71	-do-	Bareilly
67. M.N. Sasidharan Nair 118509	07-09-50	31-06-71	-do-	Trivandrum
68. N. Chattppadhyay 114342	11-02-49	02-11-74	-do-	Kalimpong
(He expired on 29-9-99)				
69. Jagdish Raj Gupta 117461	24-12-46	10-12-70	-do-	J&K
70. Ganesh Dutta 112766	24-07-51	26-10-74	-do-	J&K
71. A.S. Jadhav 110171	22-02-52	26-10-74	-do-	J&K
72. M. Sivan 116754	15-10-50	26-10-74	-do-	Trivandrum
73. Dev Raj 113572	03-05-53	26-10-74	-do-	Amritsar
74. Ashok Kr.S. Kadam 110172	26-06-55	01-11-74	-do-	Mumbai
75. Mahesh Kr. Gour 102557	26-10-59	08-06-63	-do-	Shimla
76. Ishwar Singh Thalore 101849	15-03-49	18-12-74	-do-	IB Hqrs.

Batchmate

*Some
Junior*

*Alleged
of the
Advent*

77. Madan Swarup	04-06-54	18-12-74	9-8-99	Libriganj
119517				
78. O.P. Shukla	23-04-53	17-12-74	-do-	Lucknow
111532				
79. V. Sundaram	15-09-55	18-12-74	-do-	Kohima
113983				
80. P.N. Shukla	07-07-55	18-12-74	-do-	Agartala
114340				
81. Laksh Kr. Sharma	01-04-52	18-12-74	-do-	IB Hqrs.
101860				
82. (He retired voluntarily w.e.f. 23-12-99)				
82. K.S. Bhaskaran Nair	01-11-53	18-12-74	-do-	Trivandrum
115732				
83. Kalap Nath Singh	03-11-44	18-12-74	-do-	Lucknow
116952				
84. Sree Kumar R. Nair	15-05-55	10-02-69	-do-	Chennai
116752				
85. A. Natarajan	15-09-54	18-12-74	-do-	Chennai
111390				
86. Arjun Singh	26-09-54	17-12-74	-do-	J&K
101656				
87. Chhndra P. Pandey	20-06-52	17-12-74	-do-	Gangtok
119147				
88. K.V.V. Reddy	19-03-50	18-12-74	-do-	Chennai
115069				
89. C. Subdarapoomany	22-04-52	18-12-74	-do-	Chennai
119672				
90. Chandra Singh Rana	20-02-53	18-12-74	-do-	Bareilly
113320				
91. K. Ramalingam	11-05-50	18-12-74	-do-	Imphal
111604				
92. G. Sreedharan	15-06-52	18-12-74	-do-	J&K
111605				
93. Amar Singh Yadav	01-07-51	18-12-74	-do-	Agartala
101861				
94. P.L. Bhat	01-07-51	17-12-74	-do-	J&K
112264				
95. M.K. Vijayan	01-08-53	23-06-76	-do-	Aizwal
102272				
96. N.B. Paul	18-02-50	01-08-73	-do-	Agartala
110648				
97. T.C. Chakoo	26-02-48	17-03-75	-do-	Trivandru
110143				
98. L. Ram Mohan Nair	08-10-50	11-12-72	-do-	Chennai
116902				

The officials on deputation will be entitled for financial upgradation under the ACP Scheme, after they are repatriated to the parent cadre in terms of instructions contained in Department of Personnel & Training O.M. No.20/19/99-CS.II dated 21-12-99.

contd. 5/-

46. P.C. GOUZY
113732

1:5::

2. Fulfilment of normal promotion norms (debarment, departmental examination etc.) for grant of financial upgradation, performance of such duties as are entrusted to the employees together with retention of all designations, financial upgradations as personal, to the incumbent for the stated purpose & restrictions to the ACP scheme for financial & certain other benefits (House Building Advance, Allotment of Govt. accommodation, advances etc.) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts etc.) shall be ensured for grant of benefits under the ACP scheme.

3. The financial upgradation under the ACP scheme shall be purely personal to the above officials & shall have no relevance to their seniority position. As such, there shall be no additional financial upgradation for the senior employees on the ground that junior employee in the grade has got higher pay scale under the ACP scheme. The proposed ACP scheme contemplates merely placement on personal basis in the higher pay scale/grant of financial benefits only & shall not amount to actual/functional promotion of the employee concerned.

4. On upgradation under the ACP scheme, the pay of the above officials shall be fixed under the provisions of FR 22(1) (a) (1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel & Training O.M. No.1/6/97-Pay-I dated July 5, 1999. The financial benefit allowed under the ACP scheme shall be final & no pay fixation benefit shall accrue at the time of regular promotion, i.e. posting against a functional post in the higher grade.

5. Grant of higher pay scale under the ACP scheme shall be conditional to the fact that the above benefit, shall be deemed to have given on their unqualified acceptance for regular promotion on occurrence of vacancy, subsequently. In case they refuse to accept the higher post on regular promotion, subsequently, they shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as & when they accept regular promotion, thereafter they shall become eligible for second upgradation under the ACP scheme only after they complete the required eligibility service/period under the ACP scheme in that higher grade subject to the condition that the period for which they were debarred for higher promotion shall not count for the purpose.

6. The concerned officials may exercise their option/fixation of their pay as per promotion under FR 22(1) (a) (1) within one month from the date of issue of this order failing which their pay will be fixed under the normal rules.

Sd/-
(P.L. KHEP.)
ASSISTANT DIRECTOR

*P.L. KHEP
S.D. Advocate*

No.4/C-6/2000(11)-1673-1805
INTELLIGENCE BUREAU,
(Ministry of Home Affairs)
Government of India.

14-3-2000

New Delhi, the

Copy to :-

1. The Pay & Accounts Officer, IB (MHA), New Delhi.
2. The Regional Pay & Accounts Officer, IB (MHA), Shillong.
3. AD : SIBx : Calcutta, ITBF Leh, Shillong, Aizwal, Silvassa, Itanagar, Dibrugarh, Jammu, Srinagar (at Jammu), Mumbai, Bareilly, Patna, Trivandrum, Chennai, Chandigarh, Amritsar, Shimla, Hyderabad, Siliguri, Kohima, Gangtok, Lucknow, Imphal, Agartala
4. ADs : Tech-TP, ICC, Tech-Repro, Computer, Tech-Commn., Tech-Ops., IB Hqrs., New Delhi.
5. FRRO, Hans Bhavan, New Delhi.
6. SOs : Cash-II/SB section (2 copies each), G-I, G-II, Computer, ACR, CC, G-II, Adjunct, IB Hqrs., New Delhi.
7. SO B Pension Cell, IB Hqrs., New Delhi w.r.t. (Shri Laksh Kr. Sharma ex-JIO-I/WT, SlNo. 81).
8. Individuals concerned. Sh. K. Pandaligom, JIO-I/WT
9. PFs. C/O AD, SIB, Imphal.
10. SO's folder/BOB.

Pls. file 1373
ASSISTANT DIRECTOR

Deliver to
S. S. Devadas

7
ANNEXURE-II (Series)

To

Shri P.L. Kher, Asstt. Director
Intelligence Bureau,
(MHA) Govt. of India,
New Delhi.

Sub:- Grant of financial upgradation under the A.C.P. scheme to
JIOs-I/WT.

Ref.:- No. 4/C-6/2000(11)-1673-1805 dated 14.3.2000.

Sir,

With reference to Your memo and subject matter cited above, I
would like to state that, I joined I.B. on 29.9.1970 and promoted to
JIO-I/WT in September 1983.

That Sir, my case under the A.C.P. Scheme has not been
considered while all my batch mate (sl. no. 54 to 66 joined as
JIO-I/WT in same month and year) and even my juniors have been
considered under the same scheme.

Therefore, it is requested that, you would be kind enough
to look into the matter and your kind necessary action is solicited.

Yours faithfully,

Dilip Kumar Bhattacharjee

(Dilip Kumar Bhattacharjee)
PIS No. 114089, DOB-12.08.1948
JIO-I/WT
SIB, Imphal.

Dated-22.3.2000

Attested
by Dr. J. P. Bhattacharjee

To

The Asstt. Director/CC
(Shri P.L.Kher)
Intelligence Bureau,
(MHA), Govt. of India
N E W D E L H I
(Through proper channel)

Subject:- Grant of financial upgradation under the A.C.P. scheme to JIOs-I/WT.

Ref:- I.B. Hqrs No.4/c-6/2000(II)-1673-1805 dated 14.3.2000.

Sir,

Kindly refer to my application dated 22.3.2000 forwarded vide this office memo no.2/Esst/ACP/99 dated 23.3.2000 and remainder of this office TP Message no.1241 dated 25.4.2000 requesting for consideration in ACP scheme.

That Sir, unfortunately till date, I have not received any reply from your end.

Therefore it is requested that, your kind early reply in this connection is solicited.

Yours faithfully

BB Shelleys
23/5/2002

Dated, Imphal
the 23rd. May, 2000

(D.K.BHATTACHARJEE)
J.I.O-I/WT,
PIS NO. 114089
S.I.B, IMPHAL

Allen and
S. J. Dowd

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To,
The Assistant Director,
S.I.B, Imphal

Subject:- Grant of financial upgradation under the A.C.P. scheme
to J.I.Os-I/WT.

Reference to I.B., New Delhi memo no.4/c-6/2000(11)-1673-1805
Dated 14.3.2000.

Sir,

With due respect, I beg to state that, reference to my applications dated March 22 and May 23, 2000 as well as reminders of this office TPM nos.1241 dated April 25 and 1491 dated May 25, 2000 requesting for consideration in A.C.P. scheme.

That Sir, I joined on promotion as JIO-I/WT in September 1983 and all my batch mate (Sl.no.54 to 66 under reference cited above) also joined as JIO-I/WT in same month and year. They have been considered under the ACP scheme and one of them Shri K.Noyon Singh, JIO-I/WT, PIS no.117128 is posted here. Even more than 3 years juniors to me have also been considered.

After submission of 2 applications and 2 TPMs, I have not received any reply from the I.B., New Delhi.

Therefore it is requested that, you would be kind enough look into the matter to enable to receive the reply in this connection from I.B. Hqrs. within June 30, 2000 otherwise I shall seek justice from the C.A.T.

Xerox copies of all corresponding papers are enclosed herewith for favour of your kind information.

Thanking you Sir,

Yours faithfully

Dilip Kumar Bhattacharjee
16/6/2000

(Dilip Kumar Bhattacharjee)
JIO-I/WT, PIS No.114089
SIB, Imphal.

Copy to,

Shri P.L.Kher,
Asstt. Director
I.B, New Delhi. (Without enclosure)

*Attested
D. Devi
D. Devi*

Self Copy

To. Shri ASST. Director,
SIB, Impthal
(Through Proper Channel)

Subj - Grant of financial upgradation
under A.C.P. Scheme to T105-T/NT
Ref - I.B. Memo no. 4/c-C/2000 (1) - 1673 - 14/12
dated 14.3.2000.

Sir,
Kindly refer to my applications dated
March 22, May 23 and June 16, 2000 requesting for
grant of financial upgradation under A.C.P. Scheme
to T105-T/NT.

That Sir, since I have already mentioned in my
earlier applications that all my batch mates even
my juniors have been granted the A.C.P. Scheme,
while my case has not yet been considered, depriving
me of financial benefits which my batch mates and juniors
are already enjoying w.e.f. August 9, 1999.

In view of the stated facts supra, I once
again request your kindness that my case for
financial upgradation under the A.C.P. Scheme may
be expedite and for this act of kindness I shall
ever remain grateful to your kindness.

Thanking you Sir.

Yours faithfully

D.K. BHATTACHARJEE
S/12/2000

(D.K. BHATTACHARJEE).

T105-T/NT. PIS-114089

Civilt, Marketing.

Reply received from Impthal

re: memo no. 2/EST (ACP)/99-1362.

dtl. 8.12.2000 informing me that
it will be considered in Jan. 2001.

memo noted on 13.12.2000 and same
is in the file of civ, KCG.

Replies and
of S. Advo case

(8)

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III RKPUR

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T. P. M. NUMBER : 1241

SECURITY GRADING : SECRET

PRIORITY

===== : MOST IMMEDIATE

=====

FROM : CREMO IMPHAL (JAD)

TO : CRIMINARE NEW DELHI (AD/CC)

=====

NO. 2/ESTT/ACP/99

=====

APRIL 25, 2000

APRIL 25, 2000

PLEASE REFER TO OUR MEMO OF EVEN NO. DATED 23.3.2000 FORWARDING APPLICATIONS OF 4 OFFICERS NAMELY S/SIRI D.K. BHATTACHARJE, L. TOMBH SINGH, L.GYALENDRA SINGH AND O.M. SINGH, ALL JIOS-I/WT FOR CONSIDERATION IN ACP SCHEME (.)

WE HAVE NOT RECEIVED ANY REPLY FROM YOUR END SO FAR (.)
SHALL BE GRATEFUL IF YOU PLEASE INTIMATE US THE LATEST POSITION
IN THIS REGARD (.)

=====

EOM 150 GRS

ENDS BY SANJAY, J-1, IMP ON 25-4-2000 AT 1244 HRS OV

*Deliverd
D. S. Broome*

UU RKPUR

TPM NO. 1491 DATED 25.5.2000
SECURITY GRADING : SECRET
PRIORITY : MOST. IMMD.

FROM : CREMO IMPHAL (AD)
TO : CRIMINARE NEW DELHI (AD/CC)
NO. 2/ESTT/ACP/99 DATED 25.6.2000

PLEASE REFER TO OUR MEMO OF EVEN NO. DATED 23.3.2000 AND
SUBSEQUENT TPM NO. 1241 DATED 25.4.2000 REQUESTING FOR
CONSIDERATION IN ACP SCHEME TO 4 (FOUR) JIOS-I/WT NAMELY S/SHRI
D.K. BHATTACHRJEE, L.TOMBI SINGH, L.GYLEDRA SINGH AND O.M. SINGH
(.)

2. WE ARE YET TO RECEIVE ANY REPLY FROM YOUR END (.) SHALL
BE GRATEFUL IF YOU KINDLY INTIMATE US THE POSITION SINCE THE
CONCERNED OFFICERS ARE PRESSING HARD FOR THE SAME (.)

EOM...150

BHATTACHARJEE, J-I, IMP ON 25/5 AT....1205 HRS. OV

*Belvest and
D. J. Advocate*

14

36

MOST Immediate

No. 2/Estdt(ACP)/99- 225
Subsidiary Intelligence Bureau,
(MHA), Govt. Of India,
Imphal, Manipur.

Dated, the 27 SEP 2001

Memorandum

This is with reference to the Legal Notice dated 3.8.2001 sent by the Advocate Shri N. Madhu Singh, Kakching Khullen Turel Wangma, P.O. & P.s. Kakching on your behalf regarding non-consideration of your name for financial upgradation under the ACP scheme.

2. IB. Hqrs. intimated that ACP cases in respect of JIOs-I/WT, initially recruited as SA are under submission to MHA/DoP&T seeking clarification/advice, since such officers already got two financial upgradations viz one from SA to JIO-II/WT and the other from JIO-II/WT to JIO-I/WT. Cases akin to above would be reviewed/ decided once the said advice from MHA/DoP&T is received. The above decision was communicated to you over phone on 8.3.2001 and requested you to wait for sometime till the decision is received from Hqrs.

3. However, in the light of fresh clarifications received from DoP&T the cases as stated above, are being sent to the MHA for their concurrence. As soon as the decision of MHA is received by the ACP cases of all JIOs-I/WT including your case would be considered.

26/9
Assistant Director

To

Shri D.K. Bhattacharjee, JIO-I/WT
SIB, Kakching. (through ACIO-I/Kakching)

29/09/01

A/P KCG

Attested
S. S. Advocate

(18) BX

No. 14/Prom(G)/99(2)-ACP 10055
INTELLIGENCE BUREAU
(MINISTRY OF HOME AFFAIRS)
GOVERNMENT OF INDIA

NEW DELHI, THE

To

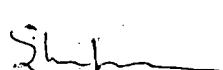
Shri N. Madhu Singh,
Advocate,
Kakching Khullen Turel Wangma,
P.O. & P.S. Kakching,
Manipur.

17 SEC 2001

I am directed to refer to the Legal Notice issued by you vide your letter No. 2/AD/E-2001 dated 03.08.2001 regarding non-grant of ACP benefit to Shri Dilip Kumar Bhattacharjee, JIO-I/WT, SIB Imphal and to inform as under :-

- i) According to the ACP Scheme, two financial upgradations to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years of regular service respectively have to be ensured. As such, all the officers in a particular grade who have completed 12 years of regular service and not having earned any promotion or have earned only one promotion in 24 years of regular service have to be granted upgradation under ACP Scheme.
- ii) Shri Dilip Kumar Bhattacharjee joined the service of IB on 29.09.70 as Security Assistant (SA). He was promoted/appointed as Junior Intelligence Officer-II/WT (JIO-II/WT) with effect from 12.06.74. He was further promoted as Junior Intelligence Officer-I/WT (JIO-I/WT) with effect from 08.09.83. As such, it is observed that Shri Bhattacharjee has already availed two financial upgradations and is not eligible for ACP benefits.
- iii) However, we have referred the cases in respect of JIOs-I/WT who joined the rank of SA initially and have been further appointed to the rank of JIO-II/WT under the provision of Recruitment Rules and further got one promotion as JIO-I/WT to concerned Departments of the Govt., seeking clarifications about eligibility of such officials for further financial upgradation under the ACP Scheme. Once, we receive the requisite clarification, the case of your client Shri Dilip Kumar Bhattacharjee also will be considered/processed accordingly.

Yours faithfully,


(S.L. Kapoor) 0197-
ASSISTANT DIRECTOR

*Att. as per
B. S. Galore*

N. Madhu Singh (L.L.B.) Bombay University (14)

Advocate

Kakching Khullen Turel Wangma P.O. & P.S. Kakching, Manipur.

ANNEXURE - VII

Ref. No...34/A.S.K/2001

Date 1/11/2001

To,

Shri S.L. Kapoor
Assistant Director
INTELLIGENCE BUREAU
(MINISTRY OF HOME AFFAIRS)
GOVERNMENT OF INDIA
NEW DELHI.

FROM : N. Madhu Singh (Advocate)
Kakching Khullen Turel Wangma
P.O. & P.S. Kakching,
Manipur - 795 103

REMINDER LEGAL NOTICE

Dear Sir,

Whereas, with reference to your Reply No.14/Prom(G)/99(2) -ACP-10055 Dated the 7th September 2001 in connection with the non-grant of ACP benefit in favour of my client Shri Dilipkumar Bhattacharjee, J10-1/WT, SIB Imphal and to inform you a further clarification from your goodself as under -

G/c

1. That, in fact, in accordance with the Department of personal, Public Grievances and pensions, New Delhi OM dated 9/8/1999 the Department screening Committee has approved 98 J10-1/WT in the pay scale of Rs.4000-100-6000 of Intelligence Bureau for grant of financial upgradation in the pay scale of Rs.5500-175-9000 under ACP scheme. (A photostate copy of the order is enclosed herewith for ready reference).

contd 2/-

*Allen Fern
N. Madhu Singh
Advocate*

N. Madhu Singh (L.L.B) Bombay University

Advocate

Kakching Khullen Turel Wangma P.O. & P.S. Kakching, Manipur.

2D

3/1

Ref. No....

Date 4/11/200

-1 (2):-

2. That, out of the 98 in the list the serial No.54 to 66 were appointed as SA and after completion of the WT training in the year 1973-74 they were also promoted/appointed as J10-11/WT in June 1974 and again they got promotion along with my cleint in September 1983. And again their names were also included in the financial upgradation for ACP scheme while the name of my cleint deliberately deleted (vide order dated 9/8/99)

3. That, now the question arises how and why the name of my cleint is intentionally excluded in the benefit of the said ACP scheme while the other fellow batchmate of my cleint from Serial No.54 to 66 mentioned above who already availed two financial upgradation just like my cleint were allowing to enjoy the ACP scheme benefit with effect from 9/8/99.

4. That, on a Utter surprise you have stated in your reply that my cleint has already availed two financial upgradation and he is not eligible for such benefit of ACP scheme and it means that you are trying to conceal the real material facts with a bad motive of spoiling the service career of my cleint.

In fact concealment of the material facts, and commission of the partiality and descrimination in the process of Promotion/appointment or any other financial upgradation of employees is quite unwarranted.

contd. 3/-

Attest
D. D. Alvoor

N. Madhu Singh (L.L.B) Bombay University

Advocate

Kakching Khullen Turel Wangma P.O. & P.S, Kakching, Manipur.

25/11/2001

Ref. No.

Date 1/11/2001

-: (3):-

5. That, in view of the above facts and circumstances there is no lapses of my client to avail the benefit of ACP scheme along with other his fellow batchmate of similar instance with effect from 9/8/99.

It is, therefore, requested that your goodself be pleased decided to avail my client for benefit of the financial upgradation under the ACP scheme with effect from 9/8/99 within 30 days from the date of the receipt of this last notice otherwise, I am compelled to proceed a legal proceeding for redress of my client.

Thanking you in anticipation.

Dated : 4th NOV. 2001

Place : Kakching.

Yours sincerely,

N. Madhu Singh

(N. Madhu Singh)

Advocate

Allest and
Dr. Advocate

To,

The Joint Director/E
Intelligence Bureau,
(MHA), Govt. of India,
New Delhi.

(Through Proper Channel)

Sub:- Grant of financial Up-gradation under ACP Scheme to JIOs-I/WT.

Ref:- (1) O.M. No.35034/1/97-ESTT(D) dated 9.8.99 from Department of Personnel & Training, New Delhi.

(2) IB Hqrs. Memo No.14/Prom(G)/99(2)-ACP-444 Dated 9.2.2000 and 14/from(G)/99(2)-ACP-455 dated 14.2.2000.

Sir,

Respectfully I beg to state that, all my batch-mates figuring from S.No.54 to 66 of ACP List referred to above at (2) have been granted the financial up-gradation under ACP Scheme and they are enjoying the same from 9.8.99 while only my name has been left out without adducing any reason therefor. In this connection, SIB Imphal intimated me vide their memo, which is (copy) enclosed herewith for ready reference.

That sir, It is about two and half years the financial up-gradation has been implemented and during this period, I have requested several times for consideration of my case but till date no tangible action have been taken at I.B. Hqrs.

Therefore, It is requested to your goodself to look into the matter and consider my case w.e.f. 9.8.1999 at par with my batch-mates. A copy of I.B. Hqr's memo is also enclosed for ready reference.

Your kind early action is solicited.

Yours faithfully

D.K. Bhattacharjee
JIO-I/WT
PISNO. 114089
SIB Raipur

*Alles fein
D.G. Golwade*