

6/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 22/2002

R.A/C.P No.

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21/11/17

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ORDER SHEET

APPLICATION NO. 27/2002

Applicant(s) P.K. Mazumdar

Respondent(s) U.O. 1 & 2 O/S.

Advocate for Applicant(s) Mr J.L. Sarkar, Mrs S. Deka and
Mr A. Chakraborty

Advocate for Respondent(s)

C.G.S.O.

Notes of the Registry	Date	Order of the Tribunal
<p>This is application in form C.F. for Rs. 50/- deposited vide IP No. 74 550088 Dated 28.01.02 [<u>N. S. S. S. S.</u> By Registrar 29/01/02</p> <p><u>Slks not taken</u> <u>38/1/02</u></p> <p><u>Slks taken. Notice prepared</u> <u>and sent to D/S for issuing the</u> <u>Respondent No. 1 to 3 by Regt.</u> <u>A/D.</u> <u>5/2/02</u> <u>D/S No 426 to 428</u> <u>Dtd 12/2/02</u></p>	<p>30.1.02</p> <p>mb</p> <p>4.3.02</p> <p>mb</p>	<p>Heard Mr. J.L. Sarkar, learned counsel for the applicant.</p> <p>The application is admitted. Call for the records.</p> <p>List on 4.3.2002 for order.</p> <p><u>J. C. Usha</u> Member</p> <p><u>Vice-Chairman</u></p> <p>Await service report. List on 2.4.2002 for order.</p> <p><u>J. C. Usha</u> Member</p> <p><u>Vice-Chairman</u></p>

2.4.02 Mr. J.L.Sarkar, learned counsel for the applicant submits that there is an urgency for disposal of the application. The applicants have been issued charge sheet after holding DPC. He prays for early disposal of this proceeding. Mr. A.Deb Roy, learned Sr. C.G.S.C. for the Respondents prays for time for filing written statement. Four weeks time is allowed to the Respondents for filing written statement.

urgency
List on 6.5.2002 for order keeping in mind to file written statement within the period.

(1)
The Respondents should ensure
No written statement
has been filed.

ICUShan
Member

3.5.02 mb 6.5.02

No written statement is forthcoming. List on 31/5/2002 to enable the Respondents to file written statement.

No written statement
has been filed.

ICUShan
Member

Vice-Chairman

30.5.02

mb 31.5.02

List on 25.6.2002 to enable the respondents to file written statement.

Vice-Chairman

7.8.02
MS submitted
on behalf of the
Respondents.

mb 25.6.02

Written statement are yet to file though time is granted. On the prayer of Mr. B.C.Pathak, learned Addl. C.G.S.C. for the respondents further four weeks time is granted to file written statement as a last chance.

List on 11.7.2002 for orders.

ICUShan
Member

Vice-Chairman

mb

3.
O.A. 27/2002

Notes of the Registry	Date	Order of the Tribunal
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11.7.02

The Respondents are yet to file written statement though opportunities were given. Post the matter for hearing on 22.8.2002. The Respondents may file written statement, if any, within four weeks from today.

7-8.02

W/S Submitted by the Respondent nos. 1, 2 and 3.

[Signature]

mb

[Signature]
Member

[Signature]
Vice-Chairman

22.8.02

Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is allowed in terms of the order. No order as to costs.

Received
K. K. Shetty
Advocate
21/9/02

Judgment dtd 22/8/02
Communicated to the
applicant and the
parties concerned.
[Signature]

pg

[Signature]
Member

[Signature]
Vice-Chairman

Notes of the Registry) Date

Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No.....27.....of 2002.

DATE OF DECISION...22-8-2002:.....

Sri Pijush Kanti Majumder

APPLICANT(S)

Sri J.L.Sarkar

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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K

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 27 of 2002.

Date of Order : This the 22nd Day of August, 2002.

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

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

Sri Pijush Kanti Mazumder,
Working as Sr. SDE under the
Department of Telecommunications,
Dibrugarh-786 001.

...Applicant

By Advocate Sri J.L. Sarkar.

- Versus -

1. Union of India,
represented by the Secretary to the
Government of India,
Ministry of Communication,
Department of Telecommunication,
New Delhi-1.
2. The Chief General Manager,
Telecommunications, Assam Circle,
Guwahati-7.
3. Assistant General Manager (Admn),
Bharat Sanchar Nigam Ltd.,
Office of the Chief General Manager,
Assam Telecom Circle, Ulubari,
Guwahati-7.

...Respondents

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

O R D E R

CHOWDHURY J. (V.C)

The dispute relates to withholding of promotion on the purported ground of disciplinary proceeding.

2. By order dated 20.12.2001 the Government of India, Ministry of Communication, Department of Telecommunications approved the promotion of 656 officers of the Telecom Engineering Service Group B to Senior Telecom Service of Indian telecom Service Group-A

in the pay scale of Rs. 10000-325-15200/- on purely temporary and adhoc basis as mentioned in the annexure enclosed. In the said list the name of the applicant Pijush Kanti Mazumder appeared at serial No.323. Pursuant to the promotion order officers were posted including persons junior to the applicant. The applicant was not given the benefit of promotion despite the order passed. The applicant therefore moved this Tribunal for appropriate direction for giving effect to the order of promotion.

3. The respondents submitted its written statement denying and disputing the claim. In the written statement the respondents specifically stated at para 11 to the effect that "the promotion of the applicant has not been considered only due to the fact that a disciplinary proceeding is going on against him." The respondents also raised a preliminary issue as to the maintainability of the application. In view of the Memorandum of Understanding of the Government of India and the Bharat Sanchar Nigam Limited the other Group B officers are deemed to be in deputation with the Government of India therefore the jurisdiction point does not arise.

4. We have heard Mr J.L.Sarkar, learned counsel appearing for the applicant and Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents at length. The preliminary objection that was raised by Mr B.C.Pathak,

learned Addl.C.G.S.C as to the maintainability of the application is liable to be rejected. Admittedly the order of promotion was given by the Government of India, Ministry of Communications, Department of Communications promoting 656 officers including the applicant. The applicant was not given promotion on the ground mentioned at para 3 of the said communication dated 20.12.2001 that a disciplinary case was pending against him. As per office memorandum dated 30.9.2000 which was referred to by Mr Pathak, as per new telecom policy 1999 the Government of India had decided to corporatise the service provision, function of Department of Telecommunications (DoT) and transfer the same to the newly formed company, Bharat Sanchar Nigam Limited and also transfer all assets and licencing wireless spectrum management, administrative control of PSUs, standardisation & validation of equipment and P & D etc. These would be the responsibility of Department of Telecommunications (DoT) and Telecom Commission. In respect of matters relating to personnel (Government servants) pending before various Tribunals, High Courts and Supreme Court the company was directed to defend as assignees or successor in interest as per existing rules till the time employees are/were on deemed deputation with the company. The application in the facts situation cannot be dismissed as not maintainable.

5. In the instant case admittedly the applicant was found suitable for promotion and to that effect order was passed on 20.12.2001 and no disciplinary

proceeding was pending against the applicant on that date and on our enquiry Mr B.C.Pathak, learned Addl.C.G.S.C submitted that a charge memo initiating disciplinary proceeding against the applicant was issued on 1.2.2002 and the same was served on the applicant on the same day. It thus appears that disciplinary proceeding was initiated only after the order of promotion. We have perused the Government of India (DoT) Office Memorandum No.22011/4/91-Estt.(A) dated 14.9.1992 containing the procedure to be followed by DPC in respect of Government servants under cloud. The relevant part of the Government instructions are re-produced below :

"At the time of consideration of the cases of Government servants for promotion, details of Government servants in the consideration zone for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee:-

(i) Government servants under suspension;

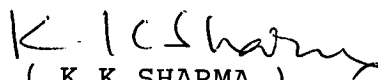
(ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and

(iii) Government servants in respect of whom prosecution for a criminal charge is pending."

In the instant case the applicant was not under suspension nor any prosecution for criminal charges pending against him. No charge sheet was issued nor disciplinary proceeding was pending against him. In the

circumstances we do not find any justification for withholding the promotion of the applicant on the ground of pendency of disciplinary proceeding. The application is accordingly allowed and the respondents are directed to give effect to the order of promotion dated 20.12.2001.

There shall, however, be no order as to costs.


(K.K.SHARMA)
ADMINISTRATIVE MEMBER


(D.N.CHOWDHURY)
VICE CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.

O.A. NO.

27

/2002

BETWEEN

Sri Pijush Kanti Mazumder

Working as Sr. SDE under the

Department of Telecommunications,

Dibrugarh - 786 001.

.....Applicant.

AND

1. Union of India

represented by the secretary to the

Government of India,

Ministry of Communication,

Department of Telecommunications,

New Delhi - 1.

2. The Chief General Manager

Telecommunications, Assam Telecom

Circle, Guwahati.-7.

contd....P/2

Pijush Kanti Mazumder

Filed by the applicant
through D. Chakraborty
Dibrugarh
29/01/2002

3. Assistant General Manager (Admn),
Bharat Sanchar Nigam Ltd.,
Offie of the Chief General Manager,
Assam Telecom Circle, Ulubari,
Guwahati - 781 007.

Respondents.

Pijush Kanti Mazumder

Details of the Application :

1. Particulars of the Order against which the application is made :

The application is made for non-inclusion of name / non promotion of the applicant in the Promotion (ad hoc) Order dated 23.01.2002 (Annexure -C) issued by the respondent No. 3. ^{Though he} ~~has been recommended~~ ^{approved} for promotion by the Order dated 20.12.2001 of Assistant Director General (SGT), Department of Telecommunications, New Delhi and by the Order dated 03.01.2002 of Assistant Director General (Personnel), Bharat Sanchar Nigam Ltd, New Delhi, and his juniors in the ^{approved} ~~recommended~~ list have been promoted.

2. Jurisdiction :

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

contd...P/3

3. Limitation :

The applicant declares that the application is within the period of limitation under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case :

4.1 That the applicant is a citizen of India and as such is entitled to the rights and privileges guaranteed by the Constitution of India.

4.2 That the applicant was initially appointed as Engineering Supervisor (Grop-C) under the Department of Telecommunications at Jorhat w.e.f. 15.05.1973. Thereafter by an Order dated 29.04.1985 he was promoted to the selection grade JE w.e.f. 15.10.1981. He was again promoted as a Assistant Engineer (Trunk) Slt (Group - B) on local officiating arrangement with effect from 4.6.1986, which was regularised with effect from 12.9.96. His service has been very afficient and without any blemish or stigma. By an Order dated 2.6.98 he was further promoted to the grade of Senior SDE (Group - B) in the scale of Rs. Rs. 8,000/- to 13,500/- with effect from 3.6.98. The applicant is now working as Senior SDE at Dibrugarh.

4.3 That the next promotional scope of the applicant is to the cadre of Senior Time Scale of

contd...P/4

Pijush Kank Majumder

Indian Telecom Service Group - A (for short, STS of ITS). By an Order of Assistant Director General (SGT), Department of Telecommunications, New Delhi dated 20.12.2001, the promotion of 656 officers of TES Group - B to STS of ITS Group - A in the Scale of Rs. 10,000-325-15,200/- was approved on temporary and adhoc basis. It is stated that 5(five) officers from the Assam Circle were considered ^(and select-listed) for promotion to the cadre of STS of ITS by the said Order dated 20.12.2001, including the applicant. The name of the applicant was placed at the serial No. 323 in the Annexure of the said Order dated 20.12.2001.

Copy of the Order dated 20.12.2001 alongwith annexure is enclosed as Annexure - A.

4.4 That the Order dated 20.12.2001 is for promotion and posting of officers of TES Group - B to STS of ITS Group A on adhoc basis to Bharat Sanchar Nigam Ltd (A Govt. of India Enterprise) (for short BSNL). It is stated that after considering circle wise vacancies 656 officers were considered for such promotion by the aforesaid Order. It is mentioned that the ^{cadre} ~~Order~~ of Group - A officer has not yet been absorbed/adopted by BSNL. It is further stated that it is the policy of the respondents to make the promotions from TES Group - ~~B~~ service ^{to} STS of ITS Group - A service on

contd....P/5

Prakash Kanti Majumder

adhoc basis initially. The promotion using the nomenclature adhoc is a routine policy matter and is made following rules of seniority, efficiency, service record and other ~~concomitant's~~ ^{con-commitence} for promotion. It is not a stop-gap arrangement or short time vacancy promotion of adhoc nature. It is a regular promotion for filling up of regular vacancies.

5. That in pursuance to the said Order, BSNL issued an Order No. 412-65/2001 - Perst. dated 3.1.2002 for posting of 560 officers of TES group - B to STS of ITS Group - A on adhoc basis to BSNL. The name of the 560 officers were shown ⁱⁿ as the Annexure-I of this Order dated 3.1.2002. It is stated that the name of these 5(five) officers as shown in the Annexure of Order dated 20.12.2001 were also included in the aforesaid Annexure-I of the Order dated 03.01.2002. The name of the applicant was shown at the serial No.280 of the said Annexure-I of Order dated 03.01.2002. It is also stated that the list of Officers to be promoted to STS of ITS Group -A as per annexures of Order dated 20.12.2001 and 3.1.2002 are on all India basis. The promotion of respective officers are given effect to by a *separate* Order of respective Circles.

Contd...p/6

12/

Magister

Kanish

Pijush

A copy of the Order dated 3.1.2002 along with Annexure is enclosed as Annexure - B.

4.6 That in pursuance to the aforesaid Orders dated 20.12.2001 and 3.1.2002, BSNL, Assam Telecom Circle by an Order No. STES-3/21/Pt-II/14 dated 23.1.2002 posted 4(four) Officers on promotion (ad hoc) to the cadre of STS of ITS Group - A. Surprisingly the applicant has not been promoted by the said Order though his promotion to the cadre of STS of ITS Group A was ^{approved} ~~recommended~~ by the Orders dated 20.12.2001 and 3.1.2002. It is stated that the applicant has not been communicated any reason by the respondents for not promoting him to the post of STS of ITS Group- A though he was found eligible and ^{fit} ~~for~~ such promotion and his name was taken into select list by the Orders dated 20.12.2001 and 3.1.2002. It is also stated that the respondents have not given any opportunity to the applicant to represent before passing the Order dated 23.1.2002.

Copy of the Order dated 23.1.2002 is enclosed as Annexure - c.

4.7 That the applicant begs to submit that he is eligible for promotion to the post of STS of ITS Group -A and was ^{selected} ~~recommended~~ for such promotion by

contd...P/7

Pijush Kanki Maymolen

the Orders dated 20.12.2001 and 3.1.2002. But the respondent NO. 3 arbitrarily did not include his name in the promotion and posting Order dated 23.1.2002. It is stated that Sri N.K.Roy, SDE, GMT, Silchar and Sri S.K. Saha - II, SDE, GM, KTD, Guwahati are junior to the applicant but they have been promoted to the post of STS of ITS Group - A by the said Order dated 23.1.2002.

4.8 That the applicant begs to submit that there is no cogent reason for not promoting him to the post of STS of ITS Group - A. It is stated that there is no disciplinary proceedings against the applicant, and he has not been communicated anything adverse nor he is under currency of any penalty.

4.9 That the applicant begs to submit that the respondent No. 3 without assigning any reason did not promote the applicant nor he gave any reasonable opportunity to the applicant before passing the Order dated 23.1.2002. The respondent No.3 whimsically and most arbitrarily passed the Order dated 23.1.2002 violating the norms of administrative fairness and principle of natural justice.

4.10 That the non promotion of the applicant shall adversely affect the service career of the applicant including financial loss and prejudice the service career including further promotional prospects.

Contd.....p/8

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Sushant Kanh Magumder

5. Grounds of relief with legal provisions:

5.1 For that the applicant has been denied promotion though found fit and eligible and listed in the selected list. This is arbitrary and offends Article 14 and 16 of the Constitution of India.

5.2 For that the respondents have failed to afford reasonable opportunity to the applicant and acted from behind the back which violates the principles of natural justice.

5.3 For that the juniors of the applicant have been promoted when the applicant is also in the selectlist above the juniors . This is discriminatory.

~~5.4~~

5.4 For that the respondent No.3 whimsically and most arbitrarily issued the Order dated 23.1.2002 neglecting the promotion of the applicant which is violantive of the Principles of Administrative fair play.

5.5 For that the applicant is entitled to the promotion on law and also on equity.

6. Details of remedy exhausted

There is no remedy under any rule and the Hon'ble Tribunal is the only forum for redressal of the grivences of the applicant.

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Prakash Kanki Mayminder

7. Matter not pending before any other Court

The applicant declares that he has not filed any other case in any tribunal, Court or any other forum against the impugned order.

8. Reliefs sought for;

Under the facts and circumstances of the case the applicant prays for the following reliefs:

8.1 The applicant be promoted to the cadre of STS of ITS Group-A w.e.f. 23.1.2002 i.e. the date on which promotion order was issued for other select list officers of the Assam Circle.

8.2 The applicant be given fixation of pay in the promotional post of STS of ITS Group-A from the date similar others of the Assam Circle have been given the promotional effect consequent on Order dated 23.1.2002 and he be given consequential financial benefits including arrears.

8.3 Any other relief or reliefs as the Hon'ble Tribunal deem fit and proper.

The above reliefs are prayed for on the grounds stated in para 5 above.

9. Interim relief;

During the pendency of this application the

contd....p/10

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Rajesh Kanti Majumdar

applicant prays for the following interim relief :

9.1 The applicant be promoted to the cadre of STS of ~~176~~ ¹⁷⁹ Group -A w.e.f. 23.1.2002 i.e. from the date of issue of the promotion Order for other select list officers of the Assam Circle.

10. This application has been filed through Advocate .

11. Particulars of the postal Order:

i) IPO No.: 76 55 00 88
ii) Date of Issue: 28.01.2002
iii) Issued from : Guwahati
iv) Payable at : Guwahati

12. Particulars of Enclosures :

As stated in the Inedx

.....Verification .

Bijush Kenh Mazumder

VERIFICATION

I, Pijush Kanti Mazumder, son of Late R.M. Mazumder, aged about 54 yrs. resident of Dibrugarh do hereby verify that the statements made in para 1,4,6 and 12 are true to my knowledge and those made in para 2, 3, and 5 are true to my legal advice and that I have not suppressed any material facts.

And I, sign this verification on this 28th day of January, 2002. at Guwahati.

Pijush Kanti Mazumder
Signature.

No.11/1/2001-STG-I (Vol.II)

Government of India

Ministry of Communications

Department of Telecommunications

5

Room No.419, Sanchar Bhawan
20 Ashoka Road, New Delhi-110001

Dated: December 20, 2001

Order

Tiler

For Telecom Secy

Subject:- Promotion and posting of officers of TES Group-B to STS of ITS Group-A on ad-hoc basis - Regarding.

The Competent Authority has approved the promotion of following 656 officers of TES Group-B to STS of ITS Group-A in the pay-scale of Rs.10000-325-15200 on purely temporary and ad-hoc basis as indicated in the Annexure enclosed. On their ad-hoc promotion to STS of ITS Group-A the officers are posted as indicated in the Annexure under column "POSTING ON PROMOTION". Further posting in respect of the officers within BSNL/MTNL will be decided by BSNL/MTNL respectively.

2. The officers would not have any claim for their seniority in STS of ITS Group-A based on this ad-hoc promotion. Their seniority will be determined with reference to his basic seniority in the substantive grade i.e. TES Group-B.

3. The officers shall not be promoted to the higher grade by the concerned Circles/Units

- i. In case of disciplinary / vigilance case is pending against him
- ii. If the officer is under the currency of any penalty; or
- iii. the officer is on deputation to TCIL etc.

Such cases will be decided by this office on receipt of information from the concerned Telecom Circles. Information in this regard may be brought to the notice of this office within 15 days from the date of issues of this order.

4. In accordance with the instructions contained in this office Circular No.12/75/2000-STG-I dated 18/8/2000, the officers are required to join their promotional assignment within a time period of 40 (forty) days. The CMD/CGM concerned may ensure that the station of posting orders in respect of the officer is issued in time and such officer is relieved accordingly so as to enable him to join the promotional assignment within a prescribed time period of 40 days from the date of issue of the promotion order by this office.

4.1 In case the officer concerned fails to join the promotional assignment within the prescribed time period of 40 days, he should not be allowed to be relieved or join the post thereafter. In such an event the promotion order shall become inoperative and the matter shall be reported to this office for further necessary action. Further no request for modification of promotion orders shall be entertained after the expiry of the 40 (forty) days period.

Attested
For Telecom Secy
Advocate

4.2 The CMD/CGM concerned are further directed that the pending request of the officer(s) for modification of the promotion orders cannot be taken as a ground for holding of the implementation of the promotion orders in respect of the officer.

5. If there are any other administrative difficulties faced by the concerned Circle(s) for implementing the ad-hoc promotion order in respect of the officer(s), the concerned CMD/CGMT may ensure to bring it to the notice of this office within the prescribed time limit. No request after this period will be entertained.

6. The leave, if any, requested by the officer, who has been posted on promotion to a different circle, should not be allowed. If any officer desires leave, he / she can apply for leave to the new Head of Circle under who he / she had been posted only after joining the new post and new CGMT will sanction leave, if it is considered justified in the normal course.

7. The date on which the above order is given effect to may be intimated and charge-reports sent to all concerned. A consolidated report of the officers who have relieved / joined their new postings may also be sent immediately on completion of 40 days from the date of issue of this order.

8. This is further subject to the outcome of various court cases pending in various courts.

Ram Autar

[RAM AUTAR]

Assistant Director General [SGT]
Tel.No.3036282 / Fax No.3716099

Encl: ANNEXURE.

To :-

1. The CMD BSNL / MTNL / Sr. DDG TEC
2. The CGMs/CAOs of the above mentioned Circles / Units
3. Officers concerned (Through CGMs Concerned)

Copy To :-

1. PS to MOS(C)
2. M(S)/Adv(HRD)/DDG(Estt)/Dir(Staff)/ADG(SGT)
3. DDG(Pers)/Jt.DDG(Pers)/ADG(Pers-I)/SO(Pers-I), BSNL. [Corporate Office]
4. CS to Adv(HRD)
5. Order Bundle
6. Spare Copy -3

A K Mathur

[A K MATHUR]

Section Officer [STG-I]
Tel.No.3036290 / Fax No.3716099

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Sl. No	Staff No.	Name of the officer S/Shri	Date of Birth	PRESENT POSTING	POSTING ON PROMOTION
112	10910	N K NARAYANA MURTY	01/07/42	STP	BSNL
113	33338	MANOJ KUMAR DAS	24/01/59	OR	BSNL
114	17495	SURENDRA BABOO	07/08/55	UP(E)	BSNL
115	30441	JAYANTA KUMAR SANYAL	19/11/53	WB	BSNL
116	33355	NARAHARI DAS	08/08/58	OR	BSNL
117	10691	K RAMA RAO	01/05/42	STR	BSNL
118	08904	N K KALRA	07/11/43	BSNL CO	BSNL
119	08905	D A BHAVSAR	27/03/42	MH	BSNL
120	33512	MISHRI LAL GIRI	01/01/56	NTR	BSNL
121	08907	N N MEHTA	28/09/43	MTNL DL	MTNL
122	08909	C R KOTHALEY	03/01/44	MH	BSNL
123	17197	S C SAHU	05/08/53	R	BSNL
124	14461	C L DHHEER	10/03/45	R	BSNL
125	12080	L M KANDPAL	08/02/52	ALTC	ALTC BSNL
126	08913	K S A PADMANABHAN	16/03/46	MH	BSNL
127	13743	SANAT KR PAUL	16/10/51	ETR	BSNL
128	08915	V S MUNJ	06/05/45	MH	BSNL
129	08916	A B PATIL	11/01/43	WTP	BSNL
130	16184	P KATHIRESAN	07/06/48	TN	BSNL
131	08917	P S PASSI	30/01/47	UP(W)	BSNL
132	08918	N H PATEL	01/05/46	WTR	BSNL
133	08919	M VIJAYAN	26/11/44	MH	BSNL
134	08920	G ABBANNA	16/07/43	MH	BSNL
135	16610	AJIT SINGH	02/05/50	PB	BSNL
136	08921	N A RATHORE	15/04/44	GUJ	BSNL
137	08922	R D RAWAL	06/04/47	GUJ	BSNL
138	11966	JAGE RAM MAIN	15/11/49	HR	BSNL
139	08923	R M DESHPANDE	01/02/43	MTNL MBI	MTNL
140	08926	MOHD ZAMIL AHMED	04/01/46	NTP	BSNL
141	11785	RAM KUMAR SRIVASTAVA	10/09/52	UP(E)	BSNL
142	08927	M G NANDALIA	03/03/42	WTR	BSNL
143	08928	SHAMBU NATH	25/10/46	BR	BSNL
144	16845	SATYABIR SINGH	01/01/58	NTR	BSNL
145	08930	ARVIND KUMAR	19/09/46	UP(W)	BSNL
146	08931	S J PATEL	02/01/45	WTP	BSNL
147	08932	M BALASUBRAMANIAN	15/04/42	CHENNAI TD	BSNL
148	33741	PRAMOD SHARMA	18/12/52	UP(W)	BSNL
149	08933	JAGANNATH PRASAD BHADURI	19/06/46	NTP	BSNL
150	08934	M K SASENDRANATHAN	16/02/48	KRI	BSNL
151	08936	K THIANA REDDY	26/05/43	AP	BSNL
152	08938	C MADHAYAN	12/05/44	KRI	BSNL
153	17701	S VENKATRAMANI	25/01/50	AP	BSNL
154	08940	R KRISHNAMURTHY	15/03/44	KTK	BSNL
155	15857	YOGESH KUMAR	27/06/54	HR	BSNL
156	08941	S SRIDHARA MURTHY	01/07/45	WTR	BSNL
157	08944	M K NARAYANA	02/06/43	KRI	BSNL
158	14869	M YESUNADHAM	01/09/52	AP	BSNL
159	08945	M N GOPINATHAN PILLAI	28/12/46	STR	BSNL
160	15244	AJIT KUMAR	02/08/54	MTNL DL	MTNL
161	08947	DIPAK KUMAR BASAK	03/09/48	CTI	BSNL
162	08948	A JAGADEESAN	27/09/44	STR	BSNL
163	16615	BINDU SINGH	19/06/52	UP(W)	BSNL
164	08950	K G GUPTA	17/10/47	MTNL CO	TCHQ
165	15292	RAM MURTI SHARMA	25/09/50	NTR	BSNL
166	08951	Y K-PATNI	15/06/47	GJ	BSNL
167	32373	V GANESHAN	18/03/60	TND	BSNL
168	16299	P THANGAKAI	01/07/50	J	BSNL
169	11115	S L MOHARAPPA	01/01/41	P	BSNL

No.	Sl. No.	Name	Date of Birth	PRESENT POSTING	POSTING ON PROMOTION
170	08956	J L SEIGAL	01/01/43	TBC	TBC
171	08957	H D GUPTA	04/06/44	BSNL	BSNL
172	18487	RAGHURAJ SINGH	24/12/48	GT (E)	BSNL
173	08958	N RAVINDRANATH SHETTY	19/10/42	KTK	BSNL
174	08959	S N DUBEY	28/07/47	MP	BSNL
175	08961	V KRISHNASWAMY	17/01/45	TN	BSNL
176	14760	MULKH RAJ SHARMA	02/12/52	BR	BSNL
177	08963	P JAISWAL	08/04/46	BR	BSNL
178	11821	KAMAL SINGH	31/03/51	BR	BSNL
179	08965	N BALASUBRAMANIAN	10/11/45	TN	BSNL
180	16755	MASILAMANI J JAMES	24/11/53	QA	BSNL
181	08966	MANIKANT SHARMA	02/06/44	TR	BSNL
182	08967	E SANKARANARAYANAN	25/05/47	KRL	BSNL
183	16600	JAGDISH CHANDER	24/07/53	HR	BSNL
184	08968	I C OUSEPH	11/07/42	KRL	BSNL
185	08969	P G BEDI	07/04/46	MH	BSNL
186	14968	U B KHODAJE	19/05/51	MTNL MB	MTNL
187	08970	C S ADIKESAVAI	01/07/46	CHENNAI TD	BSNL
188	08971	NAND KISHORE SINGH	31/03/44	TEC	TBC
189	08973	T K S WARRIER	20/05/49	KRL	BSNL
190	14947	R P RAM	10/11/56	NTP	BSNL
191	08974	M MURUGESAN	29/12/44	TN	BSNL
192	14191	PILLAI P R RAVINDRAN	25/05/52	KRL	BSNL
193	08976	K G BHAT	03/02/47	MTNL MB	MTNL
194	08977	M SREEMANNARAYANA	01/07/46	AP	BSNL
195	14192	MISHRA VISHWA NATH	01/05/58	TEC	BSNL
196	14193	ATUL KUMAR	30/06/60	TEC	BSNL
197	08980	MRS SUSAN JOHN	22/12/45	CAJ	BSNL
198	08981	A G PAL	06/11/45	WTP	BSNL
199	14194	TRIPATHY PATITAPAHAN	08/07/59	OR	BSNL
200	08982	DIJANI RAM VERMA	01/07/43	NTR	BSNL
201	14195	PADHI BINAYAK PRASAD	05/06/53	OR	BSNL
202	08984	MUKUNDA DEVNATH	01/01/40	STR	BSNL
203	08985	MAHARAJ SINGH	10/01/44	NTR	BSNL
204	14196	SUNDARAM B	15/02/47	WTP	BSNL
205	08986	HARIPADA MAHATO	05/09/47	OR	BSNL
206	08987	T R GUNDAPPA	12/03/42	KTK	BSNL
207	14197	SAMANTA AMULYA KR SINGH	10/07/60	OR	BSNL
208	08988	R K MOTWANI	02/03/47	GUJ	BSNL
209	30457	VENUGOPAL A	22/03/58	T&D	BSNL
210	08990	A K KULKARNI	01/06/48	MH	BSNL
211	08991	J P DIVIVEDI	14/06/46	NTR	BSNL
212	14199	THANVIE K	07/48	RAJ	BSNL
213	08992	J K SINGHAL	10/07/48	STP	BSNL
214	14200	SHARIF MOJIB	10/07/54	UP	BSNL
215	08994	A ARUL PITCHAI	17/07/47	TN	BSNL
216	14201	DAS DEODHARI LAL	07/02/47	TEC	BSNL
217	08997	S K AGGARWAL	01/06/47	MH	BSNL
218	14202	KULANDAIVELU N	10/09/54	STP	BSNL
219	08998	MADAN LAL CHOPRA	02/06/47	TR	BSNL
220	14203	NAGARAJU R	20/05/47	STR	BSNL
221	09000	N V UNIKRISHNAN	14/11/46	KRL	BSNL
222	14204	MUKHOPADHYAY KRISHNA D	01/01/50	CTD	BSNL
223	14463	P M KAMINANI	26/10/42	NTP	BSNL
224	14198	HARASIMHAN	16/06/55		BSNL
225	14205	GOPINATHAN	31/07/47		BSNL
226	09001	SUBHASCHANDRA	01/02/47		BSNL
227	09002	S NAGARAJ	18/06/47		BSNL

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Sl. No	Staff No.	Name of the officer S/Shri	Date of Birth	PRESENT POSTING	POSTING ON PROMOTION
345	09116	CT JAYA KUMAR	31/07/47	CHENNAI TD	BSNL
346	09117	N M PARMAR	05/05/46	GUJ	BSNL
347	14263	PASUPATHY R	12/01/52	TN	BSNL
348	09118	E BALARAMAN	26/01/46	KRL	BSNL
349	09119	NATHUNI PRASAD	15/03/45	BR	BSNL
350	14264	SWAMI LAXMIDHARA	19/02/59	OR	BSNL
351	09120	N K ROY	01/03/51	AS	BSNL
352	14265	RADHAKRISHNAN S	23/05/58	TN	BSNL
353	14266	BALASUBRAMANIAN P	15/04/53	HR	BSNL
354	09124	M RAMAMMURTHY	15/06/47	MTNL DL	MTNL
355	09125	D D BHIMTE	07/10/46	MH	BSNL
356	14267	KALEESWARAN V	22/09/46	NCTE	BSNL
357	09127	DIPANKAR RANA	27/11/49	WB	BSNL
358	14268	DIXIT KALI CHARAN	03/06/45	UP(E)	BSNL
359	09129	P SELVARAJ	05/07/46	CHENNAI TD	BSNL
360	14269	SAMDESIWAR N	25/02/47	STR	BSNL
361	09130	CH GANDHI	07/05/48	AP	BSNL
362	09131	G VENKATESWARLU	15/07/46	AP	BSNL
363	14270	SARMA B S R	10/07/49	STR	BSNL
364	09133	S K SAHA-II	25/04/53	CTD	BSNL
365	14271	SRIJITHAR M	11/03/59	CHENNAI TD	BSNL
366	14272	ANANTWAR R J	28/09/46	MTNL MBI	MTNL
367	09136	SATNAM SINGH	10/04/52	MTNL DL	MTNL
368	09137	A RAMACHANDRAN	22/04/44	CHENNAI TD	BSNL
369	14273	SHARMA DEVENDRA	05/03/50	WB	BSNL
370	14274	NAIR S N	23/07/53	KRL	BSNL
371	09139	K SAMCHANDRA BOSE	08/06/47	TN	BSNL
372	14275	GAWADE I S	01/06/50	MH	BSNL
373	09141	P KOMBRIA	18/05/47	CHENNAI TD	BSNL
374	09142	KEWAL KRISHAN PAUL	10/10/48	NTR	BSNL
375	14276	MISHRA SUDHANSU SEKHAR	04/02/61	OR	BSNL
376	09143	S RAVINDRAN	16/03/50	TN	BSNL
377	09144	K RAMUNNI	25/08/51	MTNL MBI	MTNL
378	09145	RAM BARAI	30/04/50	UP(E)	BSNL
379	14278	AGARWAL G K	02/06/53	RAJ	BSNL
380	09147	K VIKRAMAN	03/09/49	KRL	BSNL
381	09148	HAR PRASAD	07/01/47	MTNL DL	MTNL
382	14279	SINGH P K BALAJI	09/07/54	STP	BSNL
383	14280	ANGADI M V	28/03/61	KTK	BSNL
384	14281	THOMAS L	05/03/53	TN	BSNL
385	09153	SIRI PRASAD KUTAR	01/12/44	MP	BSNL
386	14282	K CHANDRASEKARAN	13/06/58	STR	BSNL
387	09156	C R JAGANNATHAN	04/07/45	STP	BSNL
388	14283	GUPTA BAL KRISHNA	16/04/56	NTP	BSNL
389	09157	A SRI GROSSH	01/10/46	ETR	BSNL
390	09158	SREEDHAR TRIPATHY	04/12/42	ETR	BSNL
391	14284	MALLIK GURUDAS	03/12/47	CTD	BSNL
392	14285	MALLICK GODAVARISH	11/11/46	OR	BSNL
393	09161	H R YAZ	11/04/44	MH	BSNL
394	09162	T V KRISHNAN	10/02/42	KRL	BSNL
395	14286	CHOWDHURI PURI LAL	07/08/52	CTD	BSNL
396	14287	BAMNOTE K L	10/12/52	MH	BSNL
397	09166	VASUDEV SHARMA	04/06/47	UP(W)	BSNL
398	14221	GOPALAKRISHNAN K N	03/01/51	T&D	BSNL
399	09167	A SRI RAMA MURTHY J	09/06/45	AP	BSNL
400	14289	SATIA ARUN KUMAR	03/03/53	CTD	BSNL
401	09169	L G SALLI	06/03/46	KTK	BSNL
402	09170	V B ROSHTA	24/11/43	MTNL MBI	MTNL

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Sl. No	Staff No	Name of the officer S/Shri	Date of Birth	PRESENT POSTING	POSTING ON PROMOTION
286	14232	RAO PRABHA RAMA	07/05/57	OR	BSNL
287	09058	C P JOSHI	05/12/43	STR	BSNL
288	14233	SARAT CHANDRA SAHOO	03/04/57	OR	BSNL
289	09059	J R KACCHHA	08/09/46	GUJ	BSNL
290	09060	K GUNNARAJU	01/07/44	AP	BSNL
291	14234	MONDAL KRIPASINDHU	08/02/59	BRDRATT	BSNL
292	09062	K N GOPALAKRISHNAIAH	10/09/44	KTK	BSNL
293	14235	PUGAZHENDHI C	15/10/50	STP	BSNL
294	09063	ASHOK KUMAR SINGH	13/09/47	UP(E)	BSNL
295	09064	M R S PRAKASA RAO	01/07/46	AP	BSNL
296	14237	RAMAKOSS M	10/11/54	CHENNAI TD	BSNL
297	09068	G A SHEIKH	17/10/45	GUJ	BSNL
298	14239	KUMERESAN S	30/07/54	TN	BSNL
299	09071	P T MATHAI	10/03/46	KRL	BSNL
300	09072	S K SOOD	03/09/46	HP	BSNL
301	14240	DE BALAI	03/02/60	CTD	BSNL
302	06933	S L LADIA	01/04/47	MP	BSNL
303	14241	ROYCHOWDHURI ASHIM	11/05/51	WB	BSNL
304	14242	SREEKAMURTHY A	01/06/50	STP	BSNL
305	14243	GHOSH MAI AY KUMAR	06/07/47	CTD	BSNL
306	09080	K L VERMA	15/01/43	MP	BSNL
307	09081	S C KHURSEI	03/11/47	WTP	BSNL
308	14245	PRASAD K RAMA CHANDRA	12/07/52	STP	BSNL
309	09084	P CHELLASWAMY	18/01/51	CHENNAI TD	BSNL
310	14246	PRADEEP KR SHARMA	18/01/60	UP(W)	BSNL
311	09086	SHASHI BHUSHAN RAJAK	15/06/46	BR	BSNL
312	09087	K JAGANNATH	01/09/48	KTK	BSNL
313	09088	P A KUNJUMAN	19/04/47	KTK	BSNL
314	09089	R AMBIKAPATHY	24/06/47	STR	BSNL
315	14249	PIRIASAMY P	05/05/51	QA	BSNL
316	14250	ACHIARI PRAMALINGAM	11/08/49	ETP	BSNL
317	09092	K P SINGH	10/10/50	UTTARANCHI	BSNL
318	09093	RAJBANSI LAL	08/06/46	BR	BSNL
319	14251	VERMA RAM ADHAR	12/01/51	NTP	BSNL
320	09094	BADRI PRASAD	03/03/49	RAJ	BSNL
321	09095	PARDASI RAM	15/12/47	MP	BSNL
322	14252	NANDI PRITI GOPAL	09/01/45	WB	BSNL
323	09096	PIYUSH KANTI MAJUMDAR	01/08/47	AS	BSNL
324	09097	LAKSHMAN CHITTHA	27/01/49	CTD	BSNL
325	14253	CHANDRAN P BALA	07/02/45	KRL	BSNL
326	09099	AMARJIT	14/08/48	PB	BSNL
327	14254	SINGH HARBIJAN	04/12/49	HP	BSNL
328	09101	SOMMAR PRASAD	08/01/47	UP(W)	BSNL
329	14255	SINGH A P	17/05/53	MIJ	BSNL
330	09102	SAMRESH MAJUMDAR	01/03/45	ETR	BSNL
331	14256	KULBURGI B N	17/09/53	MTNL MBI	MTNL
332	09105	K KARUNANIDHI	20/05/50	TN	BSNL
333	14257	SIKANDAR S K	27/04/59	OR	BSNL
334	09107	GIRRAJ PRASAD	08/05/49	NTR	BSNL
335	14258	KUMAR T	19/09/51	TN	BSNL
336	09108	RANJAN KUMAR MONDAL	01/01/50	ETR	BSNL
337	09109	TAPAN KUMAR MONDAL	14/01/51	ETP	BSNL
338	14259	RADHABAI V	01/04/54	KTK	BSNL
339	09111	D K CHOUDHARY	12/05/49	QA	BSNL
340	14260	RAO C SURYA CHANDRA	25/06/47	AP	BSNL
341	09112	V MUNNEAPPA	16/09/47	STR	BSNL
342	14261	WARRIER S A	12/04/51	KRL	BSNL
343	09114	MUKENDI LAL	03/09/44	RAJ	BSNL
344	14262	CHANDRASHEKHAR V	15/08/59	MTNL MBI	MTNL

Added
Chandrashekar V
Admitted

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ANNEXURE - B
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30

BHARAT SANCHAR NIGAM LIMITED

(A Government of India Enterprise)

CORPORATE OFFICE

PERSONNEL - I SECTION

R. No. 419, Sanchar Bhawan, 20, Ashoka Road, New Delhi - 110 001.

F. No. 412-65/2001-Pers. I

Dated: January 03, 2002.

ORDER

Subject: Posting on promotion of officers of TES Group 'B' to STS of ITS Group 'A' of an ad-hoc basis- Regarding

In pursuance of DoT Order No. 11-1/2001-STG-I (vol. II) dated 20.12.2001, 24.12.2001, 28.12.2001 & 03.01.2002, the following 560 officers of TES Group 'B' who have been posted to BSNL on their ad-hoc promotion to STS of ITS Group 'A' (DET) in the pay scale of Rs. 10000-325-15200, are hereby posted as shown in annexure - I.

2. The officers would not have any claim for their seniority in STS of ITS Group-A based on this ad-hoc promotion. Their seniority will be determined with reference to their basic seniority in the substantive grade of TES Group 'B'.

3. The officers shall not be promoted to the higher grade by the concerned Circles/Units:

- i. In case of disciplinary / vigilance case is pending against him
- ii. If the officer is under the currency of any penalty; or
- iii. The officer is on deputation to TCIL etc.

This office will decide such cases on receipt of information from the concerned Telecom Circles. Information in this regard may be brought to the notice of this office within 15 days from the date of issue of this order.

4. In accordance with the instructions contained in DoT office Circular No. 12/75/2000-STG-I dated 18/8/2000, the officers are required to join their promotional assignment within a time period of 40 (forty) days. The CGM concerned may ensure that the station of posting orders in respect of the officers are issued in time and such officer is relieved accordingly so as to enable him to join the assignment within a

Cont. 2/-

Asst. Secy. (Personnel)
Asst. Secy. (Personnel)
Asst. Secy. (Personnel)

prescribed time period of 40 days from the date of issue of the promotion order by this office. In case the officer concerned fails to join the promotional assignment within the prescribed time period of 40 days, he should not be allowed to be relieved or join the post thereafter. In such an event the promotion order shall become inoperative and the matter shall be reported to this office for further necessary action. Further no request for modification of promotion/posting orders shall be entertained after the expiry of the 40 [forty] days period.

The CGM concerned are further directed that the pending request of the officer(s) for modification of the promotion orders cannot be taken as a ground for holding of the implementation of the promotion orders in respect of the officer(s).

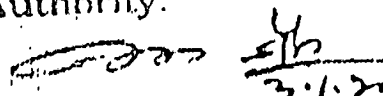
5. If there are any other administrative difficulties faced by the concerned Circle(s) for implementing the ad-hoc promotion order in respect of the officer(s), the concerned CGMT may ensure to bring it to the notice of this office within the prescribed time limit. No request after this period will be entertained.

6. The leave, if any requested by the officers, who are under transfer, should not be allowed. If any officer desires leave, he can apply for leave to the Competent Authority only after joining the new posting and the Competent Authority will sanction leave, if it is considered justified, in the normal course.

7. The date on which the above order is given effect to may be intimated and charge-reports sent to all concerned. A consolidated report of the officers who have been relieved / joined their new postings may also be sent immediately on completion of 40 days from the date of issue of this order.

8. This is further subject to the outcome of various court cases pending in various courts.

9. This issues with the approval of Competent Authority.


(J. B. Jain)
Assistant Director General (Pers.)
Telephone: 303 - 6468

...contd 3/

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Encl. Annexure

To

1. All Heads of Telecom Circle.
2. Officers' concerned/CAO(s) concerned

Copy to :-

1. PS to MOC/MOS(C).
2. Chairman/Members, Telecom. Commission.
3. CMD, BSNL, New Delhi.
4. Directors of Board, BSNL New Delhi.
5. Sr. DDG (Pers.)/ Joint DDG (Pers.)/ADG (Pers.I)&(Pers.II) BSNL.
6. DDG (Estt)/ Dir.(ST-I/II) DoT.
7. CS to Adv.(IIRD)
8. ADG(SGT)/SO(STG-I/II) -wrt DOT order No. 11-1/2001-ST I(vol.II) dated 20.12.2001
9. Spare copy/Order Bundle.

(Signature)
23/12/2002
(D.R.MEENA)

Section Officer (Pers.I.)
Tel. No.303-6081

45.	30709	K SREENATH	AP	AP
431.	32593	S VASUDEVARAO	AP	AP
461.	17460	S VENKATESWARA RAO	AP	AP
466.	16019	K VENKATA REDDY-II	AP	AP
475.	16415	A K VISWANATHA RAO	AP	AP
487.	17521	V V L RAMESH BABU	AP	AP
491.	16456	K HARIPRASADA RAO	AP	AP
500.	31388	D VIJAYAKUMAR	AP	AP
517.	9360	S SURYA RAO	AP	AP
523.	32353	V H V R L N V PRASAD	AP	BSNL CO
529.	9376	G NAGESHWAR RAO	AP	AP
531.	30593	P RAVINDRA REDDY	AP	BSNL CO
544.	30550	K RAJENDRA PRASAD	AP	BSNL CO
552.	9406	P SESHAGIRI RAO	AP	AP
557.	8962	V. LAKSHMANA RAO	AP	AP
560.	14161	T PRABHU PRASAD	AP	AP
129.	8947	DIPAK KUMAR BASAK	AS	AS
189.	9003	SUBHAS CHANDRA BASU	AS	AS
280.	9096	PYUSH KANTI MAJUMDAR	AS	AS
306.	9120	N K ROY	AS	AS
318.	9133	S K SAHA-II	AS	AS
69.	8876	KAMESHWAR PRASAD	BR	BR
93.	17197	S C SAHU	BR	HP
112.	8928	SHAMBU NATH	BR	BR
143.	8963	P JAISWAL	BR	BR
200.	9013	LALIT KUMAR	BR	BR
226.	9038	RAJINDER RAI	BR	BR
268.	9086	SHASHI BHUSHAN RAJAK	BR	BR
275.	9093	RAJBANSH LAL	BR	BR
304.	9119	NATHUNI PRASAD	BR	BR
430.	9255	MANORANJAN PRASAD SINGH	BR	BR
503.	9341	A K JHA	BR	BR
63.	8867	A K BIJORIA	BRBRAITT	BRBRAITT
79.	14635	BASHIR AHMED SIDDIQUI	BRBRAITT	MP
192.	14207	GUPTA SABIR	BRBRAITT	MP
225.	9037	BINDHYACHAL PRASAD SINGH	BRBRAITT	BR
248.	14234	MONDAL KRIPASINDHU	BRBRAITT	CTD
445.	9271	K C KHARIYA	BRBRAITT	BRBRAITT
494.	9329	S. K. BHATIA	BRBRAITT	BRBRAITT
495.	9330	S K BAIS	BRBRAITT	CHTS
527.	9372	R R JAIN	BRBRAITT	CHTS
89.	8904	N K KALRA	BSNL CO	BSNL CO
131.	8957	H D GUPTA	BSNL CO	BSNL CO
19.	14145	GANESAN B	CHENNAI TD	CH-TD
28.	14160	VELPARAGHAVAN M	CHENNAI TD	CH-TD

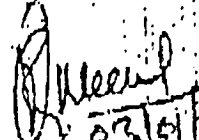
Encl. Annexure

To

1. All Heads of Telecom Circle.
2. Officers' concerned/CAO(s) concerned

Copy to :-

1. PS to MOC/MOS(C).
2. Chairman/Members, Telecom. Commission.
3. CMD, BSNL, New Delhi.
4. Directors of Board, BSNL New Delhi.
5. Sr. DDG (Pers.)/ Joint DDG (Pers.)/ADG (Pers.I)&(Pers.II) BSNL CO
6. DDG (Estt)/ D.r.(ST-I/II) DoT.
7. CS to Adv.(IIRID)
8. ADG(SGT)/SO(STG-I/II) -wrt DOT order No 11-1/2001-STC-I(vol.II) dated 20.12.2001
9. Spare copy/Order Bundle.


03/01/2002
(D.R. MEENA)

Section Officer (Pers.I.)
Tel. No.303-6081

*Attested
Principal
Advocate*

Bharat Sanchar Nigam Limited
(A Government of India Enterprise)

Office of The Chief General Manager, Assam Telecom Circle
Ulubari Guwahati-781007

No. STES-3/21/Pt-IV/14

Dated at Guwahati the 23-1-2002

Sub:- Posting on promotion of TES of officers of Group 'B' to STS of ITS Group 'A' on adhoc basis-reg.

In pursuance of DOT New Delhi memo No. 11/1/2001-STG-I(Vol.II) dated 20-12-2001 and BSNL(12/Q), New Delhi OM No. 412-65/2001-Pers-I Dated 03-1-2001, the TES Group 'B' officers as mentioned in the annexure are promoted to STS of ITS group 'A' in the pay scale of 10000-325-15200 on purely temporary and ad-hoc basis and posted at the stations indicated against their names.

2. The officers would not have any claim for their seniority in STS of ITS Group 'A' based on this adhoc promotion. Their seniority will be determined with reference to their basic seniority in the substantive grade of TES Group 'B'

3. The officers shall not be promoted to the higher grade by the concerned SSA/Units.

- i) In case of disciplinary/Vigilance case is pending or contemplated against him/her; or
- ii) If the officer is under currency of any penalty.

Contd. page

Attended
Bhaskar
Advocate

— 24 —

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4. In accordance with the instruction contained in BSNL (H/Q) New Delhi letter No. 412-65/2001-Pers.1 Dated 3-1-2002 the officers are required to join their promotional assignment within a time period of 40 (forty) days. The concerned SSA Heads may ensure that the station of posting orders in respect of the officers are issued in time and such officer relieved accordingly so as to enable him to join the promotional within a prescribed time period of 40 days. In case the officer concerned fails to join the promotional assignment within the prescribed time period of 40 days, he should not be allowed to be relieved or join the post thereafter. In such an event, the promotion order shall become inoperative and the matter shall be reported to this office for further necessary action.
5. The leave, if any requested by the officer should not be allowed. If any officer desires leave, he can apply for leave to the new Heads of SSA/Units under whom he/she has been posted only after joining the new post.
6. The date on which the above order is given effect to may be intimated and charge reports sent to all concerned.

Encls:-

Annexure

(A.K.Chelleng)
Asstt. General Manager(Admn.)

Copy to:-

1. The ADG(Pers-II), BSNL Corporate office, New Delhi-110001
- 2-4 The General Manager Telecom District, Guwahati/ Silchar/Jorhat
5. The Telecom Dist. Manager, Nagaon
6. The Deputy General Manager (Plg), C.O, Guwahati
- 7-8. The Accounts Officers(A&P)(TA), C.O, Guwahati
9. Guard File
10. Spare

C:\Promotion of STS

(G.C.SARMA) 22/1/02
Asstt. Director Telecom(Staff)

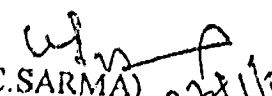
— 25 —

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Annexure


No. STES-3/21/Pl-IV/14 Annexure -I Dated at Guwahati the 23-1-2002

Sl. No.	Staff No.	Name of Officer	Present posting	Place of posting on promotion	Remarks
1	08947	Sri Dipak Kumar Basak	SDE GM, KTD, Guwahati	GM, KTD, Guwahati	Against vacant post
2	09003	Sri Subash Ch. Basu	SDE GM, KTD, Guwahati	AGM(plg-I) Circle office , Guwahati	Against vacant post
3	09120	Sri N.K.Roy	SDE GM,T, Silchar	GMT, Silchar	Vide Sri D.K.Das Sarkar transfired
4	9133	Sri S.K. Saha-II	SDE GM,KTD, Guwahati	TDM, Nagaon	Vice M.N. Pegu transferred


 (G.C.SARMA)
 Asstt. Director Telecom(Staff)

23/1/02

8/c

Attested

 Subash Ch. Basu

7 AUG 2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

OA No. 27/2002

Shri Pijush Kanti Mazumdar

- Applicant

- Vs -

Union of India & Ors.

- Respondents

(Written Statements for and on behalf of the
Respondents No. 1, 2 and 3)

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

1. That a copy of the OA No. 27/2002 (hereinafter 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 the respondent No. 1 is not common and similar to the interests of the respondents No. 2 and 3 after 1-10-2000. However, they have decided to file the common written statement for all of them jointly at this stage. In case any difference or conflict of interest arise, the respondents crave leave to file such separate or additional written statements if so needed.

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

3. That before traversing statements made in various paragraphs of the application, the respondents raise the following preliminary objections on the basis of which

Filed by:-

[Signature]
7/8/02

(B. C. P. th k)

Adl. Central Gov. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

the application is liable to be dismissed with cost.

(A) That the Govt. of India in pursuance to the New Telecom policy 1999, in order to corporatise the functions of Department of Telecom, created a Company named and styled as "Bharat Sanchar Nigam Ltd". (referred as "BSNL") with effect from 15-9-2000. This Company has been duly registered under the Companies Act, 1956. In accordance with the said policy, the Govt. of India has transferred all the business, assets and liabilities of Department of Telecom Services (DTS) and Department of Telecom Operations (DTO) to the said new Company w.e.f. 1-10-2000. The Department of Telecom, Ministry of Communications, Govt. of India, retained the matter of policy formulation with them. This was done vide Office Memo No. 2-31/2000-Restg. dated 30-9-2000.

By the said O. M. dated 30-9-2000, the Govt. of India also made it clear by Clause-4, that for the period of transition and transfer, the cases pending before the Courts/Tribunals/Arbitrators etc. were to be defended by the Company as assignee/successor in interest of the Govt./Department of Telecom and such arrangement were made limited upto 31-12-2000. By Clause-5, it was also made categorically clear that in the matter relating to personnel (Government Servants) pending before various Tribunal, High Courts and Supreme Court, the Company will defend as assignee or successor in interest as per existing Rules till the time employees are on deemed deputation with the Company. By Clause-6, it was also made clear that so far as the judgement/order/award already delivered prior to 1-10-2000, such judgement/order/award etc.

would be implemented in letter and spirit by the Company in accordance with the Rules, Regulations, directions and statutes. All these instructions came into force with effect from 10-10-2000. The Department of Telecom also on 23-1-2001 issued the Notification of the "Resolution" which was published in the Gazette of India, Part-I, Section-I dated 17-3-2001.

The applicant, in this case, is a Group 'B' officer. As per Clause-5 of OM dated 30-9-2000, he is an employee of the Govt. of India, who is deemed to be in deputation in the establishment of Bharat Sanchar Nigam Ltd. as provided in the said Clause-5 of the OM. Therefore, the respondents are to defend the case filed by the applicant so long he is in deemed deputation with the BSNL.

(B) That the instant O.A.No.27/2002 has been filed after 1-10-2000 when the BSNL came into existence. The BSNL is a registered Company, a body corporate that can sue or be sued by its name for its claim and liability and other rights and duties. After the formation of BSNL, the BSNL will not come automatically within the jurisdiction of the Central Administrative Tribunal as provided under the CAT Act, 1965 and rules framed thereunder. A Corporation, a Society or other body, may be brought under the jurisdiction of the CAT only by separate notification as provided as a condition precedent under sub-section-2 of Section-14(3) of CAT Act, 1985. The Calcutta Bench of Hon'ble CAT in O.A.No.198/2001 (Biswanath Banerjee Vs Union of India & Ors.) took a similar view and held vide order dated 1-3-2001 that unless the BSNL is notified by the Govt. of India that Court has no jurisdiction to entertain such petition.

Under the above facts and circumstances, the interest of the respondent No. 1 and the interests of respondents No. 2 and 3 defers and vary so much so for the question of promotion of the applicant is concerned

and the power and authority to be exercised respectively. In this case, the BSNL has not been implicated as a party respondent although the law demands that a body corporate can sue or could be sued by its name. The respondents No. 2 and 3 are the authority under the BSNL. They cannot be impleaded in the case directly without implicating the BSNL. On the other hand, BSNL and the respondents No.2 and 3 cannot be joined as a necessary party unless BSNL is notified by the Govt. of India thereby bringing them under the jurisdiction of Central Administrative Tribunal. Therefore, and for the reasons given, no direction or order would be given to the respondents No. 2 and 3 in this case.

The copy of the OM dated 30-9-2000 and the Gazette Notification dated 17-3-2001 are annexed as Annexure R-1 & R-2, respectively.

4. That with regard to the statements made in paragraph 1 of the application, the answering respondents state that the case of promotion of the applicant was duly considered by the respondents but it was found that the applicant was involved in a CBI case, vide No.RC-19(A)/97-Shi and CVC has advised to initiate disciplinary proceedings under Rule-14 CCS/CCA/Rules against the applicant. As per said advice, disciplinary proceeding has been initiated by the disciplinary authority and the chargesheet already being issued against Shri Pijush Kanti Mazumdar, his case for promotion could not be considered under the provisions of law. In view of the above facts and circumstances, there is no cause of action justifying the filing of

the application by the applicant. Hence, the application is liable to be dismissed with cost.

The respondents crave leave of this Hon'ble Tribunal to file and to produce the relative records of the case at the time of hearing.

5. That with regard to the statements made in paragraph 2 of the application, the respondents state that subject to the provisions of law as stated hereinabove, the application suffers from want of jurisdiction to the extent of rights and liabilities of the respondent No. 2 and 3. Hence, the application is liable to be dismissed for want of jurisdiction.

6. That with regard to the statements made in paragraphs 3 and 4.1 of the application, the respondents have no comments to offer.

7. That with regard to the statements made in paragraphs 4.2 and 4.3, the respondents state that these are matters related to official records, hence nothing is admitted beyond such records. In this connection, the respondents, however, state that the applicant does not have an unblemished career as claimed by him ; rather he has been involved in a vigilance case for which the disciplinary proceeding has been initiated. The applicant's name was included in the select list of the officers to be promoted to Group 'A' service. But mere selection and the preparation of the select list does not confer any right to such a candidate for promotion. The case of the application could not be considered for promotion although his name was included in the select list as the applicant was involved in a disciplinary proceeding in which the chargesheet has already been issued.

8. That with regard to the statements made in paragraph 4.4, the respondents state that as stated hereinabove, the period of transition relating to transfer and assignment of assets, liabilities and the personnel are yet to be completed particularly regarding absorption of Group 'B' and 'A' officers (Govt. servants) from the Govt. of India to the Company, namely BSNL. Till the process is completed, such officers are deemed to be in deputation in the BSNL. The nomenclature, the rights etc. of such officers would be determined and be classified only after the absorption of such officers in the BSNL after such policy of absorptions that is to be exercised, in the near future. The order of the promotion dated 20-12-2001 is an adhoc one as very much explicit from the said letter itself.

9. That with regard to the statements made in paragraph 4.5 of the application, the respondents state that these being matter of records limited to such records, nothing is admitted beyond such records.

10. That with regard to the statements made in paragraphs 4.6, 4.7, 4.8 and 4.9, the respondents reiterate and reassert from the foregoing statements and state that the applicant's promotion has not been considered as disciplinary proceeding is pending against him. Mere inclusion of the name in the select list does not confer any right or promotion which is the settled provisions of law. While the case of the applicant was not considered for promotion, the promotion to the juniors cannot be illegal. As indicated above, those juniors were duly selected and as per vacancy available, they have been considered for promotion along with another as there was nothing against them nor any disciplinary proceedings. Therefore, the allegations are not correct and the same are denied.

11. That with regard to the statements made in paragraph 4.10, the respondents state that the promotion of the applicant has not been considered only due to the fact that a disciplinary proceeding is going on against him. Under such circumstances, it is immaterial as to whether such non-promotion is going to affect him adversely with financial loss and future prospects.

12. That with regard to the statements made in paragraphs 5.1 to 5.5 of the application, the answering respondents state that in view of the facts and circumstances of the case and the provisions of law, the ground shown by the applicant cannot sustain in law. Hence, the application is liable to be dismissed with cost.

13. That with regard to the statements made in paragraphs 6 and 7 of the application, the respondents state that in view of the facts of pendency of the ongoing disciplinary proceeding against the applicant, such application is promatared and is liable to be dismissed with cost.

14. That with regard to the statements made in paragraphs 8.1, 8.2, 8.3, 9 and 9.1. of the applications, the respondents state that under the facts and circumstance of the case and the relevant law and the rules, the applicant is not entitled to any relief whatsoever as prayed for, and the application is liable to be dismissed with cost.

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

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

I, Shri S. C. Das, presently working as the Asstt. Director (Legal), in the Office of the Chief General Manager, Bharat Sanchar Nigam Ltd., Ulubari, Guwahati-7, being duly authorised and competent to sign this Verification, do hereby solemnly affirm and state that the statements made in Paragraphs 1, 2, 3, 4 to 13 and 14 - are true to my knowledge and belief, those made in Paragraphs 3 (A) and 3 (B) - 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, the 7th day of August, 2002 at Guwahati.


(S. C. DAS)

DEPONENT

Assistant Director Telecom (Legal)
O/o the Chief General Manager
Assam Telecom Circle, Guwahati-7

No. Z-51/2000-Kesg.

Government of India

Ministry of Communications

Department of Telecommunication Services

ANNEXURE - R1

Annexure - R1

New Delhi, the 30th September, 2000.

OFFICE MEMORANDUM

Subject:- Transfer and assigning of existing and subsisting contracts, agreements and Memoranda of Understanding of the Department of Telecommunications, Department of Telecom. Services and Department of Telecom. Operations to Bharat Sanchar Nigam Limited.

In pursuance of New Telecom Policy 1999, the Government of India has decided to corporatise the service provision, functions of Department of Telecommunications (DoT). Accordingly, the undersigned is directed to state that the Government of India has decided to transfer the business of providing telecom services in the country currently run and entrusted with the Department of Telecom Services (DTS) and the Department of Telecom Operations (DTO) as was provided earlier by the Department of Telecommunications to the newly formed Company viz., Bharat Sanchar Nigam Limited (the Company) with effect from 1st October 2000. The Company has been incorporated as a company with limited liability by shares under the Companies Act, 1956 with its registered and corporate office in New Delhi.

2. The Department of Telecom. Services and Department of Telecom. Operations concerned with providing telecom services in the country and maintaining the telecom network/telecom factories were separated and carved out of the Department of Telecommunications as a precursor to corporatisation. It is proposed to transfer the business of providing telecom. services and running the telecom factories to the newly set up Company, viz., Bharat Sanchar Nigam Limited w.e.f. 1st October 2000. The Government has decided to retain the functions of policy formulation, licensing, wireless spectrum management, administrative control of PSUs, standardisation & validation of equipment and P & D etc. These would be responsibility of Department of Telecommunications (DoT) and Telecom Commission.

3. Government of India has decided to transfer all assets and liabilities, (except certain assets which will be retained by Department of Telecommunications required for the units and offices under control of DoT, to be worked out later on), to the Company with effect from 1st October 2000. All the existing contracts, agreements and MoUs entered into by Department of Telecommunications, Department of Telecom Services and the Department of Telecom Operations with various suppliers, contractors, vendors, companies and

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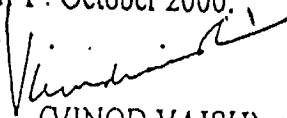
individuals in respect of supply of apparatus and plants, materials, purchase of land and buildings and supply of services, subsisting on date of transfer of business and/or required for operations of the Company and with subscribers of all types of services to be provided by the Company, will also stand transferred and assigned to the Company with effect from 1st October, 2000. The Company will be solely responsible for honouring these contracts, agreements and MoUs for their due performance and in case of disputes to sue and be sued as the successor/assignee under the contract, agreement and MoU.

4. The Company, Bharat Sanchar Nigam Limited will file suitable required appearances/memos in all pending cases before the Courts, Tribunals, Arbitrators, Adjudicators in all matters except issues of licensing; and policymaking which are with the Department of Telecommunications. The Company may get substituted or become an additional party as the case may be, or just conduct the cases as assigns or successor in interest of the Government/Department of Telecommunications, as permissible. This may, in so far practicable, be completed by 31st December 2000.

5. In respect of matters relating to personnel (Government servants) pending before various Administrative Tribunals, High Courts and Supreme Court the Company will defend as assigns or successor in interest as per existing rules till the time employees are on deemed deputation with the Company.

6. Any judgement/order/award delivered by an Authority/Tribunal/Court/Arbitrator in respect of all the matters described there shall be implemented in letter and spirit by the Company, in accordance with rules, regulations, directions and statutes.

7. These instructions will come into force with effect from 1st October 2000.


(VINOD VAISH)

Secretary to the Government of India

To

To

1. The Secretary DoT and Chairman Telecom Commission.
2. The Secretary, DTS.
3. The Secretary, DTO and Member(Prod'n.) Telecom Commission.
4. Member(Finance) Telecom Commission.
5. Member(Services) Telecom Commission.
6. Member(Technology), Telecom Commission.
7. Additional Secretary(I) and Secretary Telecom Commission.
8. Member(Admin.) DTS.

9. Joint Secretary(A), DoT.
10. OSD Corporatisation (DoT) with request to bring it to the notice of the Board of Directors of Bharat Sanchar Nigam Limited.
11. All Chief General Managers of Telecom Circles, Metro Districts, Project Circles, Maintenance Regions, Telecom Stores, Railway Electrification Projects with request to communicate these orders to all units working under their administrative control.
12. All Principal Chief Engineers / Chief Engineers - Civil and Electrical Wings, with request to communicate these orders to all units working under their administrative control.
13. Chief Architects - Chennai, Calcutta and Mumbai, with request to communicate these orders to all units working under their administrative control.
14. All Chief General Managers - Telecom Factories, with request to communicate these orders to all units working under their administrative control.
15. Sr.DDG(TEC)
16. Sr.DDsG- (BW)/(ARCH.)/(ELECT.)
17. Sr.DDG(ML) - with request to communicate these orders to all PSUs working under their administrative control.
18. Sr.DDG(IC & A)
19. Executive Director, C-DOT.
20. Sr.DDG(Vigilance), DoT
20. DDG(Pers.)

Copy to:-

1. PS to Minister of Communications
2. PS to Minister of State for Communications
3. All Advisers, DoT.

Copy also to:-

1. Bharat Sanchar Nigam Limited.

[भारत के राजपत्र, भाग-1—खण्ड-1 दिनांक 17 मार्च 2001 में प्रकाशित]
[Published in the Gazette of India, Part-I, Section-1, dated 17th March 2001]

संचार मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, दिनांक 23 जनवरी 2001

संकल्प

वि० 2-31/2000-मुनि०5न—भारत के राष्ट्रपति (प्रति, भारत सरकार, संचार मंत्रालय, दूरसंचार विभाग के माध्यम से) और भारत संचार निगम लिमिटेड के बीच 30 सितम्बर 2000 को हुए सम्मेलन अगम को हेतुगत से, देश में दूरसंचार सेवाएं प्रदान करने, दूरसंचार नेटवर्क का अनुसंधान एवम्/दूरसंचार सेवा विभाग और दूरसंचार प्रशासन विभाग द्वारा दूरसंचार सेवाओं को बनाने संबंधी कार्य (इससे दूरसंचार विभाग द्वारा किए जाते थे) 1 अक्टूबर 2000 से नवगठित करने भारत संचार निगम लि० (बीएसएनएल) को हस्तांतरित कर दिए गए हैं।

2. दूरसंचार सेवा विभाग और दूरसंचार प्रशासन विभाग को नवीं परिभाषितियों और देयताएं (दूरसंचार विभाग द्वारा दत्त की जाने वाली कतिपय उन परिभाषितियों को छोड़कर जो दूरसंचार विभाग के नियंत्रणाधीन गतिविधियों और कार्यालयों के लिए अतिरिक्त हैं) उक्त सारांश से बीएसएनएल में अन्तर्भूत हो जाएंगी।

3. उपर्युक्त आर सभ्यता, सामग्रियों की आपूर्ति भूमि और भवन की खरीद तथा सेवाओं की आपूर्ति के संबंध में दूरसंचार विभाग, दूरसंचार सेवा विभाग और दूरसंचार प्रशासन विभाग द्वारा विभिन्न आधारों, डेटाबेसों, विज्ञापनों, कंपनियों और अन्य-जन्य व्यक्तियों से किए गए सभी मौजूदा डेटा, क्लर और सम्प्रतिष्ठ आपन, कारोबार के हस्तांतरण की सारीय को देश के वैसे बने रहेंगे और/अथवा बीएसएनएल के प्रशासकों के लिए उपलब्ध डेटा, क्लर, आदि। अक्टूबर 2000 से बीएसएनएल को हस्तांतरित तथा गोप्य माने गए हैं।

4. भारतीय प्रामाणिकताएं हेतु इन डेटा, क्लरों और सम्प्रतिष्ठ-आपन का प्रयोग करने तथा उन डेटा, क्लरों और

सम्प्रतिष्ठ-आपन के अहत उपयोगकर्ता/अभिग्राही के अतिरिक्त प्रयोग करने और प्रसारण करने संबंधी नियमों के माध्यम से भी सम्प्रतिष्ठ पूर्ण रूप से निष्कासित हैं और/अथवा सख्त की जाएंगे, अलग होने अथवा कार्य निष्कासित न करवाने के लिए भी यह स्पष्ट निम्नोदर होगा।

5. 1 अक्टूबर 2000 से पूर्व दूरसंचार सेवा विभाग अथवा दूरसंचार प्रशासन विभाग का कोई प्रशासनिक, नोटिफा और अन्य दस्तावेज भले यह दूरसंचार सेवा विभाग और दूरसंचार प्रशासन विभाग द्वारा जारी किया गया हो, 1 अक्टूबर 2000 से अहं कहीं भी ऐसा संदर्भ आए, उसे बीएसएनएल के दस्तावेज के रूप में पढ़ा जाए।

6. 1 अक्टूबर 2000 से भारत-संयुक्त द्वारा जारी किसी विन कोटिअ अथवा अन्य दस्तावेज जिसके सम्बन्ध में दूरसंचार सेवा विभाग अथवा दूरसंचार प्रशासन विभाग का कोई प्रमाण दिया गया हो वह सभी को ऐसा संदर्भ आए, उसे बीएसएनएल के दस्तावेज के रूप में ही पढ़ा जाए।

7. 1 अक्टूबर 2000 से सभी पत्रों/पत्रों/अन्य दस्तावेजों, जिसके अहत दूरसंचार सेवा विभाग और/अथवा दूरसंचार प्रशासन विभाग को दी जाने वाली प्रशासिक के सम्बन्ध में भारत सरकार के पक्ष में भुगतान किया जाता है, अहं कहीं ऐसा संदर्भ आए, धन-राशि भारत संचार निगम लि० के पक्ष में अन्तर्भूत होगी।

अदेश

नव आदेश दिया जाता है कि इन संकल्प की प्रकृति सभी राज्य सरकारों, सभी मंत्रालयों और भारत सरकार के विभागों को सूचित की जाए।

यह आदेश दिया जाता है कि इन संकल्प को सामान्य प्रयोग हेतु भारत के राजपत्र में प्रकाशित किया जाए।

भारतीय न्याय
निदेशक (प्रमुख)

MINISTRY OF COMMUNICATIONS
(DEPARTMENT OF TELECOMMUNICATIONS)

New Delhi, the 23rd, January 2001

RESOLUTION

No. 2-31/2000-Resol. by virtue of the Memorandum of Understanding dated 30th September

2000 entered into between the President of India, (acting through the Secretary to the Government of India, Ministry of Communications, Department of Telecommunications (DoT)) and Bharat Sanchar Nigam Limited, the business of providing telecom services in the country, maintaining the telecom network, running the telecom facilities by the Department of Telecom Services (DTS) and the Department

of Telecom Operations (DTO) [which were earlier provided by Department of Telecommunications (DoT)] has been transferred to the newly formed company viz. Bharat Sanchar Nigam Limited (BSNL) with effect from 1st October 2000.

2. All assets & liabilities (except certain assets which will be retained by DoT required for the units and offices under control of DoT) of the Department of Telecom Services (DTS) and the Department of Telecom Operations (DTO) stand transferred to BSNL w.e.f. the said date.

3. All the existing contracts, agreements and MOUs entered into by Department of Telecommunications, Department of Telecom Services and the Department of Telecom Operations with various suppliers, contractors, vendors, companies and individuals in respect of supply of apparatus and plants, materials, purchase of land and building and supply of services, subsisting on date of transfer of business and/or required for operations of BSNL, stand transferred and assigned to BSNL w.e.f. 1st October 2000.

4. BSNL is solely responsible for honouring these contracts, agreements and MOUs for due performance and in case of disputes to sue and be sued as the successor/assignee under the said contract agreement and MOU and shall be liable for any defaults, delays or non-performance.

5. With effect from 1st October 2000 any reference in any correspondence, bills, notices, and other

documents to the Department of Telecom Services or the Department of Telecom Operations having been issued before 1st October 2000 by either the Department of Telecom Services or the Department of Telecom Operations shall, wherever the context so permits and allows, be read as reference to the BSNL.

6. With effect from 1st October, 2000 any bill, notice or other document issued by the BSNL bearing any reference to the Department of Telecom Services or the Department of Telecom Operations shall, wherever the context so permits and allows, be read to be a reference to the BSNL.

7. With effect from 1st October, 2000 all cheques, drafts/other instruments under which payment is to be made in favour of the Government of India in respect of monies owed to the Department of Telecom Services and/or the Department of Telecom Operations shall, wherever the context so permits and allows, be drawn in favour of Bharat Sanchar Nigam Limited.

ORDER

ORDERED that a copy of this resolution be communicated to all State Governments, all Ministries and Departments of Govt. of India.

ORDERED that the resolution be published in the Gazette of India for general information.

HARISH KUMAR
Director (Regis.)