

5/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 30/2002
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E.P/M.A No.

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SECTION OFFICER (Judl.)

B. Saha
30/11/02

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench
Guwahati

ORDER SHEET

APPLICATION NO. 30 /2002

Applicant(s) T.R.Das

Respondent(s) N.C. Lohani

Advocate for Applicant(s) Mr S. Dutta and H. Dutta

Advocate for Respondent(s)

Case.

Notes of the Registry	Date	Order of the Tribunal
Recd. of Application Date 28/1/02 Dated 28/1/01 By D. Registrar 30/1/02	30.1.02 mb	Other List before the Single Bench on 30.1.2002. U Member
Slips Received; Notice prepared and sent to Deputy Section for among the respondent No 153 by Regd. A.D. 30/1/02	30.1.02	Mr. S. Dutta learned counsel appearing on behalf of the applicant submitted that the applicant has applied for absorption under the respondents. The matter is pending before the Hon'ble Gauhati High Court. The matter has been part heard and is again listed for hearing in the following week. If the outcome of the matter which is pending before the High Court goes in favour of the applicant, the appli- cation will become infructuous. Mr. Dutta prays for interim order to protect the applicant. Mr. A. Deb Roy, Sr. C.G.S.C. also heard. Issue notice of motion. Returna- ble by 2 weeks. List on 15.2.02 for Admission. X absorption is conditional on the decision in the

30.1.02

In the meanwhile, status quo
shall be maintained.

K C Usha
Member

lm

15.2.02

Order dtd. 15/2/02
Communicated to the
Parties concerned.

b/19/2

Mr. A. Deb Roy, Sr. C.G.S.C. prays
for adjournment to file written statement.
Prayer is allowed. List on 3.4.02 for
filing of written statement and further
orders. Interim order dated 30.1.02 shall
continue.

Vice-Chairman

No written statement
has been filed.

3/4/02

lm

ss.

3.4.02

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 application is admitted. Call for
the records.

At the request of Mr. A. Deb Roy, learned
Sr. C.G.S.C. for the Respondents four
weeks time is allowed to file written state-
ment. List on 6.5.2002 for orders.

In the meantime, interim order dated
30.1.2002 shall continue.

No written statement
has been filed.

3.5.02

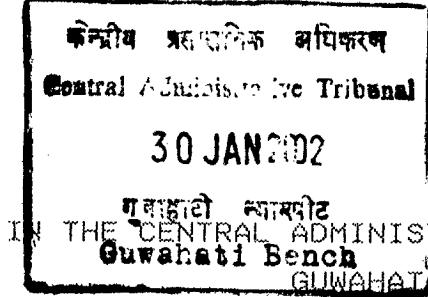
mb

6.5.02 Mr. M. Chanda, learned counsel appearing
on behalf of Mr. S. Dutta, learned counsel
for the applicant stated that he has been
instructed by Mr. S. Dutta, learned counsel
for the applicant not to press the application.
Accordingly, the application is dismissed
as not pressed.

K C Usha
Member

Vice-Chairman

mb



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

Title of the case : O.A. No. 30 /2001

Sri Tarit Ranjan Das : Applicant

- Versus -

Union of India & Others: Respondents.

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Filed by

Wale

Date : 30.01.2002

Advocate

Tarit Ranjan Das

Filed & served the applicant through
 Sri H. Das, Advocate
 Anubrata Das
 30/1/02

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

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

O.A. No. 30 /2002

BETWEEN

Shri Tarit Ranjan Das
S/o Late Khagendra Chandra Das
Presently working as Private Secretary
Central Administrative Tribunal
Guwahati Bench, Guwahati

.....Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Department of Personnel & Training,
New Delhi.
2. The Registrar,
Central Administrative Tribunal
Principal Bench,
Faridkot House, Copernicus Marg,
New Delhi-110001

.... Respondents

3. The Deputy Director General
Geological Survey of India
North Eastern Region,
Shillong-793003

....Proforma Respondent.

Tarit Ranjan Das

DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made.
This application is made against the impugned Office Order of absorption bearing No. PB/1/4/98-Estt.I dated 27.9.2001 only to the extent of imposing a condition that the absorption is subject to the result of the pending court case before the Hon'ble High Court and also against the impugned letter no. PB/1/4/99-Estt.I/7904/A dated 31.10.2001 whereby the representation of the applicant has been rejected and praying for a direction upon the respondents to absorb the applicant to the post of Private Secretary deleting the condition imposed in the impugned order of absorption dated 27.9.2001.
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.
 - 4.2 That Your applicant joined the Geological Survey of India on 4.1.1984 (F.N) to the post of Stenographer Grade I (now redesignated as Grade II Stenographer) in the pay scale of Rs. 425-700. The applicant continued his service as such till 7.8.1991. While serving as such in Geological Survey of India the applicant was selected for the post of Senior Personal Assistant in the pay scale of Rs. 2000-3200 (Pre

revised) on deputation basis in the Income Tax Appellate Tribunal in the year 1991. On completion of one year service in the said department he was repatriated to his parent department and he was continuing as Stenographer Grade II till 31.8.1994. Thereafter the applicant was again selected for the post of Private Secretary in the Central Administrative Tribunal in the year 1994 and accordingly joined the Central Administrative Tribunal as Private Secretary on deputation basis in the pay scale of Rs. 2000-3500 (Pre revised) initially for a period of one year and the period of deputation was extended from time to time for three years i.e. up to 31.8.1997. However, the applicant thereafter repatriated to his parent department. It is relevant to mention here that the Central Administrative Tribunal, Guwahati Bench, Guwahati again issued number of advertisements for filling up the post of private secretary on deputation basis in the year 1997 and 1998 respectively. The applicant accordingly applied against the aforesaid advertisement and finally he was selected for the said post of Private Secretary again in the year 1998 and the applicant then joined the Central Administrative Tribunal on 3.8.1998 on deputation basis and continuing as such till filing of this application.

4.3 That your applicant begs to state that while continuing as such option was called for permanent absorption in the Central Administrative Tribunal by the respondents through letter No. III/88/Admn/719-720 dated 15.11.2000. The applicant submitted his willingness for absorption on 20.11.2000 and the same was duly forwarded to the office of the Respondent No.2 after completion of all the required formalities including the "No Objection" from the parent department. It is relevant to mention here that the deputation period of the applicant was liable to be expired on 31.8.2001. In the meanwhile, the process for permanent

absorption of the applicant in Central Administrative Tribunal was under progress.

A copy of the appointment order dated 21.7.1998 on deputation, Circular dated 15.11.2000 and option dated 20.11.2000 for regular absorption are annexed Annexure-1, 2 and 2A respectively.

4.4 That it is stated that while the case of the applicant for permanent absorption was in progress the borrowing department requested the Dy. Director General, GSI, NER, Shillong for further extension of deputation period in respect of the applicant for a period of one year enabling the borrowing depart to complete the process for absorption. However, it is learnt from a reliable source that the office of the Dy. Director General, GSI, NER, Shillong informed in writing to Dy. Registrar, CAT, Guwahati Bench, Guwahati that the deputation period of the applicant would be extended only for a period of six months provided the applicant is absorbed in the borrowing department and the said extension period of deputation is going to be expired by 31st January, 2002. It is further stated that the applicant in spite of his best efforts could not obtain the copy of such correspondences as stated above. Therefore the Hon'ble Tribunal be pleased to direct the respondents to produce the relevant correspondences for perusal of the same.

4.5 That your applicant beg to state that during the extended period of his deputation in the CAT, the office of the Registrar, Principal Bench was pleased to issue the order of absorption of the applicant in CAT, vide Office Order bearing No. PB/1/4/99Estt.I dated 27.9.2001 wherein it is stated that the applicant is being absorbed in the grade of Private Secretary (Group B Gazetted post) with effect from 31.7.2001 in the Central Administrative Tribunal. But most surprisingly a condition has been imposed in respect of the present applicant in the said impugned order of absorption dated 27.9.2001 stating that the absorption of the applicant

in CAT is subject to the outcome of the court case pending before the Hon'ble High Court without specifying the reasons for imposing such arbitrary conditions in the order of absorption dated 27.9.2002. It is relevant to mention here that no such condition is imposed in respect of any of the deputationists who are absorbed by the same office order dated 27.9.2001. It is relevant to mention here that the applicant is being found suitable after detail scrutiny of his service records and other qualifications for selection to the post Private Secretary on deputation basis and only thereafter necessary order for appointment was issued by the office of the Respondent No.2. As such there cannot be any bearing or link with the court case of the applicant which is pending before the Hon'ble Gauhati High Court, as such the arbitrary and unfair condition imposed in the impugned office order dated 27.9.2001 so far in respect of the applicant is liable to be strike off. Therefore Hon'ble Tribunal be pleased to strike off the following relevant portion of the impugned office order dated 27.9.2001.

"Absorption of Sh. T.R.Das as Private Secretary in CAT is subject to the outcome of the Court case and if no decision would come in his favour within a period of two years (Lien Period) or the case would remain undecided within this period, he would be deabsorbed from CAT and he will have to revert back to his parent department."

It is quite clear from the above portion of the impugned office order dated 27.9.2001 that the absorption of the applicant is conditional and the same will be depend on the outcome of the pending court case No. W.P(c) 4526/2000 relating to upgradation of pay scale before the Hon'ble Gauhati High Court. It is categorically submitted that the applicant has got required qualification and experience for absorption to the post of Private Secretary in CAT as per statutory recruitment rule is and also in terms of advertisement inviting applications by the respondents for

filling up the post of Private Secretary. As such there is no justification for imposing such condition in the impugned order of absorption dated 27.9.2001 and the same is liable to be modified deleting the arbitrary condition imposed in the Office order dated 27.9.2001.

A copy of the impugned office order dated 27.9.2001 is annexed hereto and marked as **Annexure-3**.

4.6 That your applicant beg to state that as per statutory recruitment rule 1989 for the post of Private Secretary the following recruitment qualification is required for promotion/recruitment by transfer on deputation basis :

"In case of Rectt. by promotion/deputation/transfer to be made :

Promotion

1. Senior Personal Assistant with two years of service

possessing 120 w.p.m. speed in shorthand and 40 w.p.m. speed in typing (English)

By transfer on deputation :

- (i) Persons holding the post of Private Secretary or analogous post in the scale of 2000-3500.
- (ii) Senior Personal Assistant in the scale of Rs.2000-3200 with 2 years regular service in that grade or Steno Gr. 'C' (Court Master) or persons holding analogous post with 9 years of service.

It is quite clear from the recruitment qualification prescribed above, that the applicant possess the aforesaid required qualification and thereby attained eligibility for regular absorption to the post of Private Secretary. It is relevant to mention here that the applicant is holding the post of Private Secretary in the pay scale of Rs. 2000-3500 (Pre revised) as laid down in Sub para (i) of the Recruitment Rules, 1989. So far qualification prescribed in sub para (ii) of the aforesaid Rectt. Rule, it is

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categorically submitted that the applicant was initially appointed in the cadre of Grade II stenographer directly through Staff Selection Commission in Geological Survey of India, North Eastern Region, Shillong in the then pay scale of Rs. 425-700. It is relevant to mention here that the Grade II stenographer is equivalent to Grade C stenographer. In this connection, it may be stated that the nomenclature of Grade C stenographer is being used in many Central Govt. offices but there are other offices of the Central Government where the nomenclature of Grade II stenographers are being used. It is also relevant to mention here that in some organisation of the Central Government offices the Group C stenographers were being placed in the pay scale of Rs. 425-800 (Pre-revised) whereas the Grade II stenographers were placed in the pay scale of Rs. 425-700 (Pre-revised). The aforesaid pay scales were revised on the recommendation of the 4th Central Pay Commission to Rs. 1400-2600 and Rs. 1400-2300 respectively. However, the aforesaid difference in pay scale between the Grade C Stenographers and Grade II stenographers were brought to the notice of the Government in the Joint Consultative Machinery. Then the matter was referred to the Board of Arbitration by the Government of India. And the Board of Arbitration after scrutiny of relevant records and after hearing the detail argument of the parties was pleased to give its award on 18.8.1989 in Case No. 2/1986 whereby the pay scale of grade II stenographers working in subordinate offices of the Central Government brought at par with the Grade C stenographers of Central Secretariat. As such, there is no difference in the rank and status between the Grade C stenographers and Grade II stenographers. Therefore in view of the recruitment qualification prescribed in the Recruitment Rule for the post of Private Secretary, the applicant is quite eligible for permanent absorption to the post of Private Secretary. It is stated that the applicant in the meantime has

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completed near about 18 years regular service in the Grade of Grade II stenographers. Therefore, the impugned order of absorption dated 27.9.2001 is liable to be modified deleting the arbitrary condition laid down as stated above.

The applicant urge to produce the copy of the Recruitment Rule 1989 and the copy of the Arbitration Award referred to above at the time of hearing.

4.7 That it is stated that the office of the Respondent No. 2 issued a circular inviting application vide letter bearing No. 104/88/CAT/Guahati Bench dated 17.12.1997 for filling up the post of Private Secretary on deputation basis in the CAT, Guahati Bench, Guahati and in pursuance of the said advertisement/circular the applicant offered his candidature for the post of Private Secretary, and the same was duly forwarded to office of the Registrar, Principal Bench, New Delhi. It is ought to be mentioned here that in the meantime the applicant was promoted to the post of Superintendent in the pay scale of Rs. 1640-2900 in his parent department with effect from 27.3.1998, i.e in G.S.I., N.E.R., Shillong. It is relevant to mention here that in the advertisement/circular for filling up the post of Private Secretary on deputation basis the following eligibility criteria was prescribed. The relevant portion is quoted below :

"1. Private Secretary - One Group B Gazetted post.

Pay

scale - Rs. 2000-3500.

(i) Persons holding the post of Private Secretary or

analogous post in the scale of Rs. 2000-3500.

(ii) Senior Personal Assistant in the scale of Rs. 2000-3200 with 2 years regular service in that grade or Steno Gr. 'C' (Court

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Master) in the pay scale or Rs. 1640-2900 or persons holding analogous post with 9 years of service."

The applicant is found eligible for appointment to the post of Private Secretary after detail consideration of his application by the office of the Respondent No.2 and accordingly the applicant was selected for the post of Private Secretary and subsequently order of appointment was issued by the office of the Respondent No.2 appointing the applicant to the post of Private Secretary on deputation basis initially for a period of one year in the pay scale of Rs. 2000-3500 (Revised pay scale of Rs. 6500-10500). Accordingly the applicant was relieved from his parent department on 31.7.1998 and joined the Central Administrative Tribunal on 3.8.1998 to the post of Private Secretary and since then the applicant is working in the post Private Secretary till filing of this application.

4.8 That you applicant further begs to state that he was also selected and appointed earlier for the post of Private Secretary on deputation basis in the Central Administrative Tribunal, Guwahati Bench, Guwahati initially for a period of one year and the said period was also extended from time to time upto three years i.e. 1.9.1994 to 31.8.1997. During the aforesaid period the applicant discharged his duties and responsibilities to the satisfaction of all concerned. It is pertinent to mention here that in the earlier occasion when the applicant was serving on deputation in the CAT, Guwahati Bench, Guwahati submit his option/representation for regular absorption and the same was duly forwarded to the office of the Respondent No. 2. But unfortunately the case for regular absorption of the applicant was rejected without disclosing any reason vide letter bearing No. PB/1/40/95-Estt.I(Pt-III) dated 2.9.1997 and thereafter the applicant was repatriated to his parent department.

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4.9 That it is stated that following the recommendations of the 4th Central Pay Commission the pay scale of Grade II/Group C stenographers were revised to Rs. 1400-2300/1400-2600 respectively. However following the award of the Board of Arbitration the pay scale of Stenographer Grade II brought at par with Grade C stenographers of Central Secretariat w.e.f. 1.1.1986. However some of the Stenographers of Central Secretariat (for short CSSS) approached the C.A.T., New Delhi for upgradation of their pay scale through O.A. No. 1538/1987 claiming scale of Rs. 1640-2900. The said O.A. was disposed of by the C.A.T., Principal Bench with some observation in favour of the applicants and also directed the Union of India & Ors. to consider the case of those applicants. The Govt. of India thereafter issued an Office Memorandum dated 31.7.1990 extending the benefit of higher revised scale of Rs. 1640-2900 to the stenographers of Central Secretariat. In the said Memorandum the benefit of revised pay scale also extended to the stenographers working in subordinate offices of the Govt. of India where the post is in comparable grade and the recruitment is made through competitive examination. In this connection it is relevant to mention here that after issuance of Memorandum dated 31.7.1990 a large number of stenographers Grade II/Assistants who were working in Government offices approached different benches of Central Administrative Tribunal throughout the country claiming similar benefit and in most of the cases the various Benches of the Hon'ble Tribunal following decision in S.R.Dheer & Ors. Vs. U.O.I & Ors. of the C.A.T., Principal Bench directed to grant the similar benefit to Grade II stenographers working in subordinate offices. Be it stated that the benefit of revised scale of Rs. 1640-2900 in fact extended to the Stenographer Grade C in the C.A.T. with effect from 1.1.1992 on the basis of the decision rendered by the Hon'ble C.A.T.,

Principal Bench, New Delhi in the case of S.R.Dheer & Ors. Vs. U.O.I. & Ors.

It is pertinent to mention here that the applicant also approached the Hon'ble C.A.T. Guwahati Bench, claiming higher revised scale of Rs. 1640-2900 in terms of O.M. dated 31.7.1990 through O.A. No. 151/1991. It is ought to be mentioned here that the C.A.T., Guwahati also decided the case in favour of the applicant in R.A. No. 15/1998 (O.A. No. 151/1991). However the Respondent Union of India being dissatisfied with the judgment and order dated 25.2.2000 passed in R.A. 15/1998 (O.A. No. 151/1991) preferred a Writ Petition before the Gauhati High Court under Article 226 of the Constitution of India which was registered as W.P.(C) No. 4526 of 2000 and the same is now subjudice before the Hon'ble Gauhati High Court.

The applicant urge to produce the copy of the judgments and orders referred to above before the Hon'ble Tribunal at the time of hearing.

- 4.10 That it is stated that the Writ Petition pending before the Hon'ble Gauhati High Court in fact came up for final hearing before the Division Bench on 23rd, 24th and 25th of January, 2002 and the matter was heard by the Hon'ble Division Bench of the Guahati High Court, however the matter is now posted for hearing in the first week of February and it is expected that the matter will be finally decided by Hon'ble High Court very shortly.
- 4.11 That your applicant beg to state that on receipt of the impugned order of absorption dated 27.9.2001 submitted a representation to the respondent no.2 stating in detail that the applicant has got requisite qualification with experience as per recruitment rules for regular absorption to the post of Private Secretary and further requested to delete the condition laid down in the order of absorption dated 27.9.2001. But unfortunately the said representation

of the applicant has been rejected mechanically without considering the matter in its right perspective vide their letter bearing no. PB/1/4/99-Estt.I 7904/A dated 30.10.2001. In the impugned letter dated 30.10.2001 it is alleged that as per existing recruitment rules a person having 8 years of regular service in the grade of Rs. 5500-9000(Revised) would be eligible for consideration for absorption. It can rightly be said that there is no pay scale laid down in the Recruitment Rule for Group C stenographer for consideration of appointment to the cadre of Private Secretary. As such the impugned letter dated 30.10.2001 is also liable to set aside and quashed.

Copy of the representation dated 8.10.2001 and the rejection letter dated 30.10.2001 are annexed **Annexures 4 and 5 respectively.**

4.12 That your applicant came to learn from a reliable source that his parent department i.e. G.S.I., N.E.R., Shillong did not agree with the condition imposed in order of absorption dated 27.9.2001 and also decided not to grant any further extension or lien to the applicant and the extended period of deputation is going to be expired on 31.1.2002.

In such compelling circumstances finding no other alternative the applicant approaching this Hon'ble Tribunal for a direction upon the respondents to modify the order of absorption dated 27.9.2001 deleting the arbitrary condition laid down in the order of absorption. It is further prayed that an appropriate interim order may also be passed in favour of the applicant directing the respondents not to repatriate the applicant till disposal of this Original Application.

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

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

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- 5.1 For that the applicant possesses requisite qualification as per statutory recruitment rule for permanent absorption to the post of Private Secretary in the Central Administrative Tribunal
- 5.2 For that the applicant was duly selected and appointed by the borrowing department on deputation basis on two occasions for the post of Private Secretary after being found him suitable.
- 5.3 For that the applicant successfully completed the entire deputation period on two different occasions in the Central Administrative Tribunal and in each occasion the applicant served for a period of three years successfully.
- 5.4 For that the applicant has altogether served in the borrowing department more than six years to the satisfaction of all concerned in discharging his duties and responsibilities.
- 5.5 For that the applicant was initially recruited to the post of Stenographer Grade II directly through Staff Selection Commission through competitive examination and served in the said post for about 18 years including the period of deputation.
- 5.6 For that the post of Grade II stenographer is all along equivalent and analogous with the post of Grade C stenographers, as such the applicant fulfils the required eligibility condition laid down in the recruitment rule for the post of Private Secretary in the Central Administrative Tribunal.
- 5.7 For that the different Benches of the Hon'ble Central Administrative Tribunal including the Principal Bench, held in various judgments that the post of Grade II stenographers are equivalent/analogous to the post of Grade C stenographers and those decisions of the Hon'ble Tribunal were also confirmed by the Hon'ble Supreme Court.
- 5.8 For that the claim of the applicant for grant of revised pay scale of Rs. 1640-2900 in terms of O.M. dated 31.7.1990 has

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already been decided by the Hon'ble Tribunal in R.A. No. 15/1998(O.A. 151/1991) holding that the post of Stenographer Grade II is equivalent with the stenographer Grade C.

5.9 For that the benefit of the revised pay scale of Rs. 1640-2900 in respect of Stenographer Grade C has been decided by the Hon'ble Tribunal in the case of S.R.Dheer & Ors. Vs. U.O.I & Ors. and the said benefit granted to the stenographer Grade C/Court Master of the Central Administrative Tribunal w.e.f. 1.1.1992.

5.10 For that when the applicant was selected and appointed for the post of Private Secretary in the Central Administrative Tribunal after detail consideration of his candidature there cannot be any justifiable reason for imposition of such arbitrary condition in the impugned order of absorption dated 27.9.2001.

6. Details of remedies exhausted.

That the applicant states that he has no other alternative or any other efficacious remedy than to file this application. The applicant also submitted his representation to the respondent no.2 for modification of the impugned order dated 27.9.2001 but the same has been rejected.

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

Tarit Ranjan Das

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 Hon'ble Tribunal be please to strike off the following portion of the impugned order of absorption dated 27.9.2001 :

"Absorption of Sh. T.R.Das as Private Secretary in CAT is subject to the outcome of the Court case and if no decision would come in his favour within a period of two years (Lien Period) or the case would remain undecided within this period, he would be deabsorbed from CAT and he will have to revert back to his parent department."

8.2 That the Hon'ble Tribunal be please to direct the respondents to issue necessary order of regular absorption in favour of, the applicant modifying the impugned order of absorption dated 27.9.2001 in terms of prayer no.1.

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 not to repatriate the applicant to his parent department till final disposal of this Original application and further be pleased to direct the respondents to allow the applicant to continue in the present place of posting in the same capacity.

10. *****

This application is filed through Advocates.

11. Particulars of the I.P.O.

Tanit Ranjan Das

i) I.P.O. No. : 6 GC 788848
ii) Date of issue : 28.11.01
iii) Issued from : G.P.O., Guwahati.
iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the index.

Tarit Ranjan Deka

VERIFICATION

I, Sri Tarit Ranjan Das, S/o Late Khagendra Chandra Das, aged about 43 years, presently working as Private Secretary in the Central Administrative Tribunal, Guwahati Bench, Guwahati on deputation basis, 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 30th day of January, 2002.

Tarit Ranjan Das
Deponent



सं०/No..... ७५।
 केन्द्रीय प्रशासनिक अधिकरण, ७/१
 गुवाहाटी न्यायपीठ, गुवाहाटी,
 राजगढ़ रोड, गुवाहाटी-५
Central Administrative Tribunal
 Guwahati Bench,
 Rajgarh Road, Bhangagarh,
 GUWAHATI-781 005

दिनांक/Date 21.7.1998

To

Deputy Director General,
 Geological Survey of India,
 North Eastern Region,
 SHILLONG - 793 003.

Sub: Selection for appointment to the post of Private Secretary on deputation basis : regarding.

.....

Sir,

I am directed to say that the Principal Bench of the Central Administrative Tribunal, New Delhi vide their letter No.PB/1/3/98-Estt.I dated 9.7.1998 (copy endorsed to your office) has conveyed the approval of the Hon'ble Chairman, Central Administrative Tribunal for appointment of Shri T.R. Das, Superintendent of your Organisation as Private Secretary in the Guwahati Bench of the Central Administrative Tribunal in the Scale of Rs.6500-200-10500 plus other allowances as admissible under the rules on deputation basis initially for a period of one year. The terms and conditions of the deputation will be regulated in accordance with the instructions contained in Department of Personnel & Training O.M.No.2/29/91-Estt.(Part-II) dated 5.1.1994, as amended from time to time.

It is, therefore, requested that the aforesaid officer may kindly be relieved of his duties from the office of Geological Survey of India, Itanagar, Arunachal Pradesh so as to enable him to join the post of Private Secretary in this Bench on deputation basis at an early date.

Yours faithfully,

Sd/-
 (GAUTAM RAY)
 REGISTRAR

Copy forwarded to:

1. The Director-in-charge, Geological Survey of India, Operation Arunachal Pradesh, North Eastern Region, Itanagar-791111,

*Afternoon 2/8
 J.S.*

No. III/68/Admn./719-720

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

Rajgarh Road, Bhangagarh
Guwahati-5.

Dated Guwahati, the 15th Nov' 2000

To

1. Shri T.R. Das, P.S, On deputation,
2. Shri M. Kataki, P.S, on deputation,

Sub:- Willingness for ~~depu~~ absorption in the Central Administrat
Iribunal, Guwahati Bench.

Sir,

With reference to the above you are requested to
kindly submit your willingness if any to the under signed
by 20.11.2000 for onwards ^{transmission} to the Principal Bench, New Delhi.
A copy of the letter ^{of the} Principal Bench, New Delhi enclosed
herewith.

Yours faithfully


(MD. ALIM ALI)
DEPUTY REGISTRAR.

for her bed
J.Das

To

The Deputy Registrar,
Central Administrative Tribunal,
Guwahati Bench,
Guwahati-781005

(THROUGH PROPER CHANNEL)

Sub : Willingness for absorption in the Central Administrative Tribunal, Guwahati Bench.

Ref : Your letter No. 111/88/Admn/719 dated 15.1.2000.

Sir,

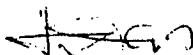
With reference to the letter cited above, I am hereby exercising my option for absorption in the Central Administrative Tribunal to the post of Private Secretary. Necessary proforma furnishing bio-data duly filled in and signed is enclosed as desired.

This is for your kind information and necessary action.

Date 20.11.2000

Yours faithfully,

Enclo : As stated above


(T.R. DAS)

Private Secretary
C.A.T., Guwahati Bench, Guwahati.

Authentic by
J.D.S

(b) In case of persons holding post in : Not applicable
another department (In the Ex-cadre post) i.e. immediate prior to parent deputation post.

(c) Post held with pay :

(d) Scale of pay :

13. Educational Qualifications(including professional qualification):

Sl. No.	Degree/Diploma obtained	Year	Subject taken	University
1	Bachelor of Arts	1977	Vernacular, English, Economics, & Pol. Science	University of North Bengal

14. Brief service particulars(Commencing from the lowest).

Sl. No.	Designation	pay scale	Ministry/ organisation	Period from	Period to	Brief description of duties
1	Stenographer Fr.II	Rs.425-700	Steel & Mines GSI	4.1.84	to 7.8.91	Stenography and typing.
2	Sr. Personal Asstt.	Rs.2000-3200	Law & Justice Income Tax	8.8.91	to 31.7.92	Stenography & typing
3	Stenographer Gr.II	Rs.1400-2600	Steel & Mines, GSI	1.8.92	to 31.8.94	Stenography & Typing work.
4	Private Secretary	Rs.2000-3500	Personnel C.A.T. Guwahati Bench	1.9.94	to 31.8.97	Stenography & Typing.
5	Stenographer Gr.II	Rs.1400-2600	Steel & Mines GSI	1.9.97	to 26.3.98	Stenographer & Typing
6	Superintendent	Rs.5500-9000	Steel Mines GSI	27.3.98	to 31.7.98	Supervising work of Estt. and Accounts.
7	Private Secretary	Rs.6500-10500	Personnel C.A.T., Guwahati	1.8.98	to till date	Stenography & Typing

5. Whether belongs to SC/ST : Not applicable

6. Other particulars,if any : No

7. Choice of stations : Guwahati

Date : 20-11-00

(SIGNATURE OF OFFICER)

Name : Guwahati

Address

CERTIFICATE TO BE FURNISHED BY THE H.O.O.

Service particulars given above have been verified from the service record of the applicant and found correct.

2. Certified that no vigilance enquiry is pending or contemplated against that applicant.

SIGNATURE

DESIGNATION
OFFICE SEAL

as
04/4/2001
Senior Administrative Officer
Geological Survey Of India
North Eastern Region
Shillong-793003

Place : Shillong.

Date : 04/4/2001

No. PB/174/99-Estt.I
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Faridkot House,
Copernicus Marg,
New Delhi.
Dt. 27.09.2001

OFFICE ORDER

In exercise of the powers conferred under the Central Administrative Tribunal, Stenographers Service (Group 'B' & 'C' Posts) Recruitment (Amendment) Rules, 1998, Hon'ble the Chairman, Central Administrative Tribunal is pleased to absorb the following officers, who are working in the Central Administrative Tribunal as Private Secretary on deputation basis, in the grade of Private Secretary (Group 'B' Gazetted Post) with effect from 31.07.2001 in the Central Administrative Tribunal:-

S.No.	Name of the Officer/ Bench where posted	Place of Posting after Absorption as P.S. in CAT
1.	Sh. P.M. Rawani Ahmedabad Bench	Ahmedabad Bench
2.	Sh. Dibakar Jena Hyderabad Bench	Hyderabad Bench
3.	Sh. T.R. Das Guwahati Bench	Guwahati Bench
4.	Sh. H.L. Srivastava Lucknow Bench	Lucknow Bench

Absorption of Sh. T.R. Das as Private Secretary in CAT is subject to the outcome of the Court case and if no decision would come in his favour within a period of two years (Lien Period) or the case would remain undecided within this period, he would be deabsorbed from CAT and he will have to revert back to his parent department.

Their inter-se-seniority will be determined on All India basis separately in accordance with the relevant Government instructions on the subject. The post of Private Secretary carries All India Transfer liability and the officer can be posted/ transferred to any Bench of the Tribunal in public interest at any time.

(GAUTAM RAY)
REGISTRAR

Copy for information and necessary action to:-

- ① Hon'ble Vice-Chairman, CAT, Ahmedabad, Hyderabad, Guwahati, & Lucknow Benches of the Tribunal.
2. The Registrar, CAT, All Outlying Benches of the Tribunal.
3. FA & CAO, CAT, Curzon Road Barracks, New Delhi.
4. The Under Secretary to the Govt. of India, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi w.r.t. letter No.A-12014/1/2000-Estt.I dt.22.12.2000 with request to send his complete CR Dossier, in original, to the Registrar, CAT, Principal Bench, New Delhi.
5. The Dy. Accountant General (Admn.) O/O the Accountant General(A&E) Gujarat, Indian Audit & Accounts Department, Race Court Road, Rajkot-360 001 w.r.t. Admn/A & E/DEF/NGO/OW No.448 dt. 23.01.2001 with request to send his CR Dossier, in original, to the Registrar CAT, Principal Bench, New Delhi.

Revised by
J. Dms

Annexure- 4

To

Learned Registrar,
Central Administrative Tribunal
Principal Bench,
Faridkot House, Copernicus Marg,
New Delhi-110001

(THROUGH PROPER CHANNEL)

Sub : **Order of absorption in the post of Private secretary issued under letter No. PB/1/4/99-Estt.I dated 27.09.2001 in respect of Sri T. R.Das.**

Sir,

I would like to draw your kind attention on the subject cited above and further beg to state that I have duly received the order of absorption issued under letter cited above and carefully gone through the same. At the very outset I express my deepest gratitude for passing the order of absorption in my favour but at the sametime I have been highly shocked with the condition imposed for the purpose of absorption as Private Secretary in the Central Administrative Tribunal. In the said order it is stated that the absorption of the undersigned is subject to the outcome of the court case pending before the Hon'ble Gauhati High Court. In my humble submission there is no bearing of the pending case with my absorption to the post of Private Secretary in the Central Administrative Tribunal. It is relevant to mention here that the issue involved in the pending case before the Hon'ble Gauhati High Court relates to the upgradation of my scale of pay in the cadre of Stenographer Grade II with effect from 1.1.1986. It is pertinent to mention here that the undersigned was initially appointed as stenographer Grade II in the department of Geological Survey of India in the pay scale of Rs. 425-700 on 4.1.1984 thorough Staff Selection Commission. The pay scale of stenographer Gr. II was revised following the recommendation of the 4th Pay Commission with effect from 1.1.1986 and the undersigned was placed in the corresponding pay scale of Rs. 1400-2300 w.e.f. 1.1.1986. Government of India constituted a Board of Arbitration on the demand to bring pay parity with the pay scale of Central Secretariat Stenographers Service i.e Rs. 1400-2600. On the award of Board of Arbitration the Government of India has revised the pay scale at par with the Central Secretariat Service Stenographer i.e. Rs. 1400-2600 for Stenographer Grade II working in the subordinate offices with effect from 1.1.1986 vide order dated 4.5.1989 following the recommendation of the Board of Arbitration dated 18.8.1988. Therefore the post of Stenographer Grade II working in subordinate office are all along analogous to the post of Stenographer Grade C of the Central Secretariat Service.

R. H. (Redacted by)
J. T. (Signature)

That the Central Administrative Tribunal Stenographers service Group B and C post Recruitment Rules 1989 specifically provides that in case of recruitment by promotion/deputation/transfer to the post of Private Secretary the persons having the recruitment qualification shall be eligible for recruitment. The relevant portion of the 1989 Recruitment Rule is quoted below for your kind perusal.

"In case of recruitment by promotion/deputation/transfer grades from which promotion/transfer to be made :

Promotion : Senior personal Assistant with 2 years of service possessing 120 w.p.m. speed in Shorthand and 40 w.p.m. in typing (English).

By transfer on deputation : (i) Persons holding the post of Private Secretary or analogous post in the scale of Rs. 2000-3500.

(ii) Senior Personnel Assistant in the scale of Rs. 2000-3200 with 2 years regular service in that grade or Steno Grade C (Court Master) **or persons holding analogous with 9 years of service.**

It is quite clear from the above recruitment rule that the person holding the post of Court Master or analogous in the scale of Rs. 1400-2600(Pre revised) with 9 years service in the Central/State Govt./High Court etc. is also eligible for appointment to the post of Private Secretary under the recruitment rule 1989. In this connection it may be stated that the undersigned has already rendered service in the analogous post namely Stenographer Grade II for a period of more than 17 years. Therefore it is humbly submitted that the post holding by the undersigned in the parent department is analogous to the post of Courtmaster/Stenographer Grade C.

It is pertinent to mention here that the pay scale of the court Master in the Central Administrative Tribunal has been upgraded following the judgment and order passed by the Central Administrative Tribunal, Principal Bench in the case of Sri S.R.Dheer Vs. Union of India & Ors. with effect from 1.1.1992. It is also relevant to mention here that similar claim was also made by the Civilian Central Government employees before the various Benches of the Central Administrative Tribunal for grant of higher revised pay scale of Rs. 1640-2900 at par with the Central Secretariat Service Stenographers Service and accordingly in a number of cases the Central Administrative held that the Stenographer Grade II serving in subordinate offices are also entitled to the similar corresponding higher revised scale of pay. It would be evident from the Judgment and order passed by the Hon'ble Tribunal, Principal Bench New Delhi in O.A. Nos 144A/93, 985/93 and 548/93 dated 19.1.1996 held that the Stenographer Grade II are entitled to higher revised corresponding scale of Rs. 1640-2900. However an SLP was also preferred by the Union of India before the Hon'ble Supreme Court against the said judgment and order dated 19.1.1996 and the Hon'ble Supreme Court confirmed the judgment and order of the Central

Amended by
JSC

Administrative Tribunal dismissing the SLPs on merits. Therefore determination of higher revised pay scale to stenographer Grade II working in subordinate offices with the Grade C stenographers of the Central Secretariat Service Stenographers Service has been settled once for all by the Apex court. However, the question of difference of pay scale of Stenographer Grade II of subordinate office with Grade C stenographer now seems to be reopened by the authority in the order of my absorption in fact which has no bearing.

It is relevant to mention here that the undersigned had also filed an O.A. before the Hon'ble Central Administrative Tribunal under Section 19 of the Central Administrative Tribunal Act, 1985 claiming the higher revised scale of pay and the same was allowed in favour of me by the Hon'ble Central Administrative Tribunal. However the Union of India preferred a Writ Petition under Article 226 of the Constitution and the same is pending before the Hon'ble Gauhati High Court for disposal.

In my humble submission the undersigned is holding the analogous post of Courtmaster/Grade C namely Stenographer Grade II in my parent organisation and moreover the undersigned fulfills the requisite eligibility/qualification prescribed in the recruitment rule for appointment in the post of Private Secretary as per Recruitment Rule 1989 of the Central Administrative Tribunal. Therefore the condition imposed in my absorption order is unreasonable and also contrary to the Recruitment Rule, 1989 of CAT.

Under the facts and circumstances stated above, I humbly pray that the condition attached in my absorption order dated 27.9.2001 may kindly be revoked or modified as the undersigned fulfills the required length of service as per 1989 recruitment rule for Group B and C post of the Central Administrative Tribunal in the analogous post i.e Stenographer Grade II since 4.1.1984 and in the meantime has completed more than 17 years of service.

Yours faithfully,

Date : 8.10.2001

(TARIT RANJAN DAS)
Private Secretary
C.A.T., Guwahati Bench,
Guwahati-5.

Attested by
J.D.M

संघीय प्रशासनिक अधिकरण

CENTRAL ADMINISTRATIVE TRIBUNAL

प्रधान न्यायालय, नई दिल्ली

Principal Bench, New Delhi

Faridkot House, Copernicus Marg,
New Delhi - 110 001

Dt. 30.10.2001

To

The Registrar,
Central Administrative Tribunal,
Guwahati Bench,
GUWAHATI.

Sub: Representation of Shri T.R. Das, P.S. against the
absorption order PB/1/4/99-Estt.I dt. 27.09.2001.

Sir,

I am directed to refer to your letter No.B-2/TR Das/Estt/11 33 dt. 8/9.10.2001 on the above subject and to inform you that the representation of Sh. Das was placed before the Hon'ble Chairman and on consideration of the representation his Lordship is pleased to order that the request cannot be acceded to since he has been absorbed in CAT w.e.f. 31.07.2001 treating him as if in the scale of pay of Rs. 1640-2900 (pre-revised) by virtue of Court Orders, against which appeal is pending. As per the existing RRs a person having 8 years of regular service in the grade of Rs. 5500-9000 (revised) would be eligible to be considered for absorption.

You are, therefore, requested to inform the individual concerned on the above lines under intimation to this office.

This issues with the approval of Hon'ble the Chairman.

Yours faithfully,

Anil Srivastava

(ANIL SRIVASTAVA)
DEPUTY REGISTRAR (ESTT.)

copy received
BB 6/11/01

Auth'd by
J. D. Sen