

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 346/2002

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SECTION OFFICER (Judl.)

3

(SEE RULE -4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI
....

ORDER SHEET

Original Application No : 346/02
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant (s) N. K. Singh

-Vs-
Respondent (s) N.O.I. from

Advocate for the Applicant (s) M. Chandra, A.N. Chakrabarty

Advocate for the Respondent(s) Case H. Singh

Notes of the Registry	Date	Order of the Tribunal
<p>76575323 27-12-02 Dr. Registrar mb 10/12/02</p> <p>Notice prepared and sent to Dls for giving the respondents No 1 to 7 per Regd A/B.</p> <p>DINo 3499 W 3505 Dtd 30/12/02</p> <p>Exces Rs 10/- will be deposit for respondents @ 27.</p> <p>26/12/02</p>	<p>19.12.02</p> <p>mb</p>	<p>Heard Mr. G.N. Chakrabarty, learned counsel for the applicant. The application is admitted. Call for the records. List on 23.1.2003 for orders. Pendency of this application shall not stand in the way of the respondents to consider the case of the applicant for promotion.</p> <p>IC L Sharma Member</p> <p>Vice-Chairman</p>

23.1.03 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. S.K. Hajra, Administrative Member.

Put up the matter again on 20.2.2003 to enable the respondents to file written statement.

Member

Vice-Chairman

mb

20.2.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. S. Biswas, Administrative Member.

Four weeks time is allowed to the respondents to file written statement on the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

List on 21.3.2003 for written statement.

Member

Vice-Chairman

mb

21.3.2003 Further four weeks time is allowed to the respondents to file written statement, if any. List the matter on 24.4.03 for orders.

Vice-Chairman

mb

24.4.2003 No written statement is forthcoming. Put up again on 19.5.2003 for orders.

Vice-Chairman

mb

20/3/03
no w/s has been
filed
JS
20/3/03

No written statement
has been filed.

JS
23.4.03

No. w/s has been
filed.

JS
14.5.03

19.5.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. S.K. Hajra
Member (A).

No written statement so far
filed by the respondents. Put up again
on 17.6.2003 to enable the respondents
to file written statement, if any.

No written statement
has been filed.

30
16.6.03.

Member

Vice-Chairman

mb

17.6.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. R.K. Upadhyaya,
Member (A).

No written statement
has been filed.

30
20.7.03.

Member

Vice-Chairman

mb

31.7.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. N.D. Dayal,
Member (A).

No written statement
has been filed.

30
27.8.03.

On the prayer of Mr. A. Deb Roy,
learned Sr. G.G.S.C. for the respondents
further four weeks time is allowed to
file written statement.

List on 28.8.2003 for written
statement.

Member

Vice-Chairman

mb

28.8.03 Mr. A. Deb Roy, Sr. C.G.S.C again prays
for time to file written statement.
Prayer is allowed. List on 24.10.03 for
orders.

Member

Vice-Chairman

lm

24.10.03 There is no bench today.
Adjourned to 14.11.03.

15/10
lm.

3.11.03
As submitted
by the respondents.

4

14.11.03 NO Bench today.
Adjourned to 28.11.03.

13/0
by

16.12.03

W/s has been filed
by the respondent

16.12.03

Three weeks time allowed to file
written statement.

List on 19.1.04 for orders.

WJS
12/12


Member

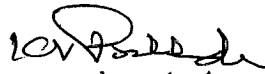
pg

:19.1.2004 Present: The Hon'ble Shri Bharat
Bhushan, Member(J)

The Hon'ble Shri K. V.
Prahlanan, Member(A).

Order passed separately.

Pl. comply.
N. Jinnal
22/1/04


Member(A)


Member(J)

bb

9.2.04

Copy of the Indent
has been sent to the
Office. for issuing the
due to the applicant
as well as to the
Dr. C.G.S.C.

HS
9/2 ay 16/2.

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~Ex~~ No. 111 346 of 2002.

DATE OF DECISION 19.1.2004.

Shri Narendra Kumar Singh.....APPLICANT(S).

Mr.M.Chanda, G.N.Chakraborty & H.Dutta.....ADVOCATE FOR THE
APPLICANT(S).

-VERSUS-

Union of India & Others.....RESPONDENT(S)

Mr.A.Deb Roy, Sr.C.G.S.C.....ADVOCATE FOR THE
RESPONDENT(S).

THE HON'BLE MR. BHARAT BHUSHAN, JUDICIAL MEMBER.

THE HON'BLE MR. K.V.PRAHLADAN, 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 Member (J).

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.346 of 2002.

Date of Order : This, the 19th Day of January, 2004.

THE HON'BLE SHRI BHARAT BHUSHAN, JUDICIAL MEMBER.

THE HON'BLE SHRI K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Shri Narendra Kumar Singh
S/o Late B.K.Singh
Senior Technician
All India Radio, Passighat
District: East Siang
Arunachal Pradesh.

. . . . Applicant.

By Mr.M.Chanda, G.N.Chakraborty & H.Dutta.

- Versus -

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Information & Broad Casting
All India Radio & Doordarshan
New Delhi.
2. The Director General
All India Radio, Akashvani Bhawan
Parliament Street
New Delhi.
3. The Director General
Doordarshan, Mandi House
New Delhi.
4. The Chief Engineer (E/Z)
Prasar Bharati & Television Maintenance
Broadcasting Corporation of India
Akashvani Bhawan
Eden Garden, Kolkata-700 001.
5. Shri Ram Naresh Singh
Engineering Assistant
Prasar Bharati & Television
Doordarshan Kendra
Patna.
6. Shri Abdul Kayum Laskar
Engineering Assistant
Prasar Bharati & Television
Haflong, Assam.
7. Sri Binod Kumar Singh
Engineering Assistant
All India Radio
Doordarshan Kendra
Lower Power Television Centre
Laktaisarai, Dist Munger
Bihar.

. . . . Respondents.

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



Contd./2

ORDER (ORAL)

BHARAT BHUSHAN, MEMBER(J):

Mr.G.N.Chakraborty, learned counsel for the applicant and Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents.

1. This application has been filed by the applicant against non-consideration of promotion of the applicant from the post of Sr.Technician to the post of Engineering Assistant in the DPC for the year 1999-2000 in terms of the direction of the Hon'ble Tribunal in its judgment and order dated 6.8.2001 passed in O.A.15 of 2001. The said directions in the O.A. are contained in Para 4 of the aforesaid order which is reproduced below:


" In the light of the observations made above the respondents are directed to complete the aforementioned exercise within six weeks on receipt of a certified copy of this order."

2. It is contended by the learned counsel for the applicant, Mr.G.N.Chakraborty, that the respondents instead considered the case of the applicant in the year 2000-2001 in the DPC held in June, 2001 and promoted the applicant as Engineering Assistant thereafter in complete defiance of the order passed by this Hon'ble Tribunal on 6.8.2001, thus leaving the applicant superseded by his juniors in the DPC for 1999-2000 which was the issue in O.A.15/2001. Thus his contention is for giving directions to the respondents to promote the applicant to the post of Engineering Assistant with retrospective effect at least from the date of promotion of his juniors i.e. respondent Nos.5, 6, & 7 with all consequential service benefits including seniority in the grade of Engineering Assistant and monetary benefits.

3. Mr.G.N.Chakraborty, learned counsel for the applicant, submits that in this regard the applicant has already made a number of representations dated 26.11.2001, 11.2.2002, 20.5.2002 and 7.8.2002, but so far the respondents have given no response. This being the case, the present O.A. can be

decided at this stage itself by giving directions to the respondents to dispose of the representations, aforementioned, within a period of two months from the date of communication of the order by passing a speaking and reasoned order. The present O.A. shall also be treated as the supplement to the representation of the applicant.

The O.A. is thus disposed of accordingly.


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER


(BHARAT BHUSHAN)
JUDICIAL MEMBER

bb

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

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

Title of the case : O. A. No 346 /2002

Sri Narendra Kumar Singh : Applicant

- Versus -

Union of India & Others: Respondents.

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Date :- 10-10-2002

Filed by

[Signature]
Advocate

Filed by the applicant
through Sri S. N. Chakravarty
Advocate on 10.10.2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 346 /2002

BETWEEN

Shri Narendra Kumar Singh

S/o Late B.K.Singh

Senior Technicians

All India Radio, Passighat

District - East Siang,

Arunachal Pradesh

...Applicant

-AND-

1. The Union of India,
Represented by the Secretary to the
Government of India,
Ministry of Information & Broad Casting,
All India Radio & Doordarshan
New Delhi.
2. The Director General,
All India Radio, Akashvani Bhawan,
Parliament Street,
New Delhi.
3. The Director General,
Doordarshan, Mandi House,
New Delhi.

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4. The Chief Engineer (E/Z),
Prasar Bharati & Television Maintenance,
Broadcasting Corporation of India,
Akashvani Bhawan,
Eden Garden, Kolkata-700 001

5. Shri Ram Naresh Singh,
Engineering Assistant,
Prasar Bharati & television
Doordarshan Kendra,
Patna.

6. Shri Abdul Kayum Laskar
Engineering Assistant
Prasar Bharati & Television,
Haflong, Assam.

7. Sri Binod Kumar Singh
Engineering Assistant,
All India Radio,
Doordarshan Kendra
Low Power Television Centre,
Laktaisarai, Dist Munger
Bihar.

..... Respondents.

DETAILS OF THE APPLICATION

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

Narendra Kumar Singh

This application is made against non-consideration of promotion of the applicant from the post of Senior Technician to the post of Engineering Assistant in the DPC for 1999-2000 in terms of the direction given by this Hon'ble Tribunal in its judgment and order dated 06.08.2001 passed in O.A. No. 15/2001. The Respondents instead, considered the case of the applicant in the year 2000-01 in the DPC held in June 2001 only and promoted the applicant as Engineering Assistant thereafter in complete defiance of the order passed by this Hon'ble Tribunal on 06.08.2001, thus leaving the applicant superseded by his juniors in the DPC for 1999-2000 which was the issue in the O.A. No. 15/2001, already decided by this Hon'ble Tribunal and orders passed on 06.08.2001 directing the Respondents to consider the promotion of the applicant in the DPC for 1999-2000 when his juniors were promoted.

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.

Narendra Kumar Singh

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 was initially appointed as Technician on 12.5.1986 under All India Radio, Bhagalpur, Bihar. Thereafter he was promoted to the post of Senior Technician vide Office Order No. 1(21)/90-5 dated 5.3.1990 wherein the name of the applicant appeared at Sl. No. 11, but unfortunately, the applicant could not join the promoted post of Senior technician since he was placed under suspension with effect from 25.12.1989 following an alleged implication in a Criminal case. The applicant was however, acquitted ultimately by the Learned 3rd Additional Session Judge, Bhagalpur vide his judgment and order dated 18.7.1991 passed in Session Trial Case No. 594/90 (G.R. Case No. 2777/89). Following his acquittal, the applicant approached the authorities time and again for restoration of his promotion to the post of Sr. Technician in terms of the promotion order dated 5.3.1990 but the applicant was eventually promoted to the post of Senior Technician vide Order No. 1(21)/92-3 dated 29.1.1993 issued by the Chief Engineer (EZ), All India Radio and Television, Calcutta

Narendra Kumar Singh

wherein the name of the applicant appeared at Sl. No.1. The applicant vide promotion order dated 29.1.1993 was posted at AIR, Passighat where he joined in May, 1993 as Senior Technician.

- 4.3 That following his acquittal from the criminal case as stated above, the applicant repeatedly approached the authorities for treating the period of his suspension as on duty and also for grant of all consequential service benefits but being highly disappointed with the inaction of the respondents, the applicant approached this Hon'ble Central Administrative Tribunal, Patna Bench through O.A. No. 615/93 praying inter alia for a direction upon the respondents to pay him full pay and allowances for the suspension period from 25.12.1989 to 24.6.1992 treating the period as on duty with all consequential service benefits. The said O.a. No. 615/93 was decided by the Hon'ble CAT, Patna Bench on 30.9.1994 with the observations quoted below :

"25. Having heard the learned counsel for the parties and having carefully considered the submissions of the Learned counsel, the relevant rules and the material on record, I have come to the conclusion that this application must be allowed. The impugned Memo dated 1.9.1992 (Annexure A/7 to the application) being not in accordance with the law, is liable to be quashed and is hereby quashed. The respondents are directed to consider and decide the claim of the

Narendra Kumar Singh

applicant to pay and allowances during the entire period of suspension on the basis of F.R. 54-B and to pass reasoned order within a period of three months from the date of receipt of a copy of this order.

26. There shall be no order as to costs."

In view of the above judgment and order dated 30.9.1994, the applicant is entitled to all consequential service benefits including the benefit of promotion to the next higher cadre of Engineering Assistant with all consequential service benefits.

~~Copy of the judgment and order dated 30.9.1994 is annexed herewith as Annexure-I. mdu~~

4.4 That thereafter, the applicant approached the respondents repeatedly urging for correct fixation of his seniority and grant of all promotional benefits as Senior Technician in terms of promotion order dated 5.3.1990 instead of the promotion order dated 29.1.1993 since he was not at all responsible for the alleged criminal proceeding against him and the suspension thereto. It is pertinent to mention here that the applicant was acquitted from the criminal case by the court and his suspension was also revoked by the respondents and as such the applicant, for all practical purpose, was promoted on 5.3.1990 to the post of Senior Technician which he could not avail of due to his suspension at the relevant point of time. He was

Narendra Kumar Singh

selected for promotion by the DPC way back on 5.3.1990 but the said promotion was eclipsed due to his suspension for no fault of his and eventually he could join in the promoted post on 29.1.1993 only. Surprisingly, the respondents did not consider the prayers and requests of the applicant for correct fixation of his seniority and published the seniority list as on 31.3.1994 of Senior Technicians in the Eastern zone of AIR and TV vide letter No. 1(27)/94-S dated 12.1.95 wherein the name of the applicant was wrongly placed at Sl. No.-248 in order of seniority, treating the joining of the applicant to the post of Sr. Technician as on 30.5.1993, whereas the name of one Shri Ram Naresh Singh who was placed below the name of the applicant in the promotion order dated 5.3.90, has now been placed at Sl. No. 94 in the seniority list dated 12.1.1995, thus superseding the applicant. Immediately thereafter the applicant submitted representation on 24.2.1995 to the respondents reiterating the factual position and pointing out the discrepancies in the seniority list aforesaid and further submitted subsequent reminders dated 8.5.95 and 25.7.1995 pursuing the matter, relentlessly.

Copy of Seniority list dated 12.1.1995 and representation dated 24.2.1995 are annexed herewith as Annexure-~~II~~^I and ~~III~~^{II} respectively.

WAC

- 4.5 That eventually, the period of suspension in respect to the applicant was treated as on duty and the

Narendra Kumar Singh

authorities paid full pay and allowances of the applicant for that period vide order dated 5.1.1995. The matter of seniority was also considered by the authorities and the seniority of the applicant was restored which was evident from the Memorandum No. 1(23)/95-S dated 23.6.1995 wherein the applicant's name has been placed at Sl. No. 40 i.e. just above the name of Sri Ram Naresh Singh in the eligibility list of Senior Technician Grade II, for promotion to the post of Sr. Technician Gr. I on the basis of Seniority cum fitness.

Copy of Memorandum dated 23.6.1995 is annexed herewith as Annexure-~~IV~~ III.

NR

- 4.6 That your applicant begs to state that the Respondent No.4 (Chief Engineer, E-Z) subsequently issued one Memorandum bearing No. 1(27)/99-S dated 11.11.1999 publishing the eligibility list of Senior Technicians for promotion to the grade of Engineering Assistant in the East Zone on the basis of seniority cum fitness in 10% quota. In the said eligibility list the name of the applicant has been placed at Sl. No. 10 i.e. just above Shri Ram Naresh Singh, Shri Abdul Kayum Laskar and Shri Binod Kumar Singh who names have been placed at Sl. No. 11, 12 and 13 respectively of the said eligibility list and they are the Respondent Nos. 5, 6 and 7 respectively in the instant application.

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Copy of Memorandum dated 11.11.1999 is annexed
herewith as Annexure-~~IV~~ IV *ma*

4.7 That in April, 2000, the respondents further promoted as many as 20 (Twenty) Senior Technicians to the post of Engineering Assistant vide order No. 1(27)/99-S dated 18.4.2000. Surprisingly, the name of the applicant did not figure in the said list of the promoted persons in spite of his name having been placed at Sl. No. 10 in the eligibility list dated 11.11.1999 whereas those at Sl. No. 9 to 20 of the eligibility list who are junior to the applicant have been promoted from the post of Senior Technician to the post of Engineering Assistant under the said promotion order dated 18.4.2000.

It is relevant to mention here that these promotions have been made on the basis of seniority cum fitness against 10% quota and the applicant being at Sl. No. 10 in the eligibility list, there is no cogent reason to exclude the applicant from the promotion list when as many as 20 Nos. of Senior Technicians were promoted to the post of Engineering Assistant, and more so when no adverse remarks in the ACR or anything of the sort was communicated to the applicant at any point of time. Out of 12 juniors of the applicant who have been promoted vide order dated 18.4.2000, three have been impleaded as parties in this application as Respondent Nos. 5, 6 and 7.

Narendra Kumar Singh

Copy of the promotion order dated 18.4.2000 is annexed herewith as Annexure ~~VI~~ ^V *rule*

4.8 That the applicant immediately after receipt of the impugned promotion order dated 18.4.2000, submitted representation on 8.5.2000 and 23.6.2000 to the authorities agitating against supersession by his juniors in the promotion list and prayed for considering his case for promotion from Senior Technician to the Engineering Assistant and further prayed for early redressal of his grievances. Similarly, the recognized Association of All India Radio & TV Engineering Employees also requested the Chief Engineer (EZ), AIR & TV vide their letter dated 20.5.2000 to review the said promotion order dated 18.4.2000 of the Engineering Assistants since in the said promotion order, many of the juniors have superseded the seniors. Unfortunately no action have been taken by the respondents.

Copy of representations dated 8.5.2000 and dated 23.6.2000 and letter dated 20.5.2000 are annexed herewith as Annexure ~~VI~~ ^{VI}, ~~VII~~ ^{VII} and ~~IX~~ ^{VIII} *rule* respectively.

4.9 That being situated as stated above and being in a helpless condition, the applicant approached this Hon'ble Tribunal for justice by filing an O.A. which was registered as O.A. No. 15/2001, praying for a direction upon the respondents to promote the applicant

Narendra Kumar Singh

to the post of Engineering Assistant at least from the date of promotion of his juniors aforesaid with all consequential service benefits.

The Hon'ble Tribunal after examining the facts and circumstances of the case threadbare, and upon hearing both the parties, was pleased to pass the judgment and order dated 06.08.2001 in O.A. No. 15/2001 with the directions as quoted hereunder:-

"2. In the instant case promotion is based on seniority cum fitness. Therefore senior person cannot be superseded unless he is found unfit. In the instant case persons junior to the applicant have been promoted on the basis of their bench mark as good. The applicant could not have been superseded on the only ground of average grading.

3. For the above mentioned reasons the respondents are ordered to reconsider the case of the applicant for promotion to the post of Engineering assistant against the 10% quota on seniority cum fitness basis.

4. In the light of the observations made above, the respondents are directed to complete the aforementioned exercise within six weeks on receipt of a certified copy of this order.

Narendra Kumar Singh

5. The application is allowed to the extent indicated above. There shall however no order as to costs."

It is abundantly clear from the above mention order that the exclusion of the applicant from the promotion list dated 18.4.2000 was unjustified and illegal and as such the respondents were ordered to reconsider the case of the applicant for promotion to the post of Engineering Assistant against 10% quota on seniority cum fitness basis with further direction to complete the exercise within six weeks of receipt of a certified copy of the order.

Copy of the judgment and order dated 06.08.2001 is annexed herewith as Annexure-~~X~~ IX

4.10 That it is stated that the applicant was thereafter promoted to the post of Engineering Assistant vide order No. Z-cadre 1(27)/2001-S dated 20.8.2001 in the June 2001 DPC for the year 2000-2001 whereas the applicant ought to have been promoted against 10% quota for the year 1999-2000 in terms of the judgment dated 06.08.2001 for which he was selected in the DPC for the year 1999-2000 itself but could not avail of due to his forced suspension, for no fault of his, which was eventually revoked. Consequently, although the applicant was subsequently promoted as Engineering Assistant, but it was done prospectively without re-fixing his seniority and not retrospectively from the

Narendra Kumar Singh

date of promotion of his juniors which is in violation of the directions passed by this Hon'ble Tribunal in judgment and order dated 06.08.2001.

Copy of the promotion order dated 20.8.2001 is annexed herewith as Annexure-~~XI~~. X
WUC

4.11 That That following the issuance of the promotion order dated 28.8.2001, the applicant submitted one application on 26.11.2001, to the respondents, enclosing therewith the copy of the relevant judgment dated 06.08.2001, eligibility list of Senior Technicians etc. and praying for fixation of his seniority in the promotion list of the Engineering Assistant on the basis of DPC for 1999-2000 instead of DPC for 2000-2001 in terms of the judgment and order dated 06.08.2001 of the Hon'ble Tribunal passed in O.A. No. 15/2001. Thereafter the applicant submitted further representations on 11.02.2002, 20.05.2002 and 07.08.2002 to the respondents and pursued his claims.

Copy of representations dated 26.11.2001, dated 11.02.2002, 20.5.2002 and 07.08.2002 are annexed herewith as Annexure-~~XI~~ series.
WUC

4.12 That the respondent no.4 addressed one letter to the Respondent No.2 which was issued under No. Z cadre/23(2)/2001(Court) dated 2.5.2002 and it transpires from the said letter that following the direction of the Hon'ble Tribunal vide order dated 06.08.2001 a review DPC was held and the review DPC

Narendra Kumar Singh

declared the applicant unfit for promotion for the period 1999-2000.

Copy of letter dated 2.5.2002 is annexed herewith as Annexure-XIII.

4.13 That the applicant begs to state that the respondents in their letter dated 2.5.2002 as stated above, have not mentioned about the reasons or grounds on which the so called review DPC had declared the applicant unfit for promotion for the period 1999-2000. It is pertinent to mention here that the earlier sole contention of the respondents regarding Bench mark of average grading of the applicant has already been rejected by the Hon'ble Tribunal vide its order dated 06.08.2001 and as such there is no other reason for which the so called review DPC can declare the applicant unfit for promotion for the year 1999-2000, which is arbitrary, unfair and mala fide. This apart, if the applicant was found unfit in the year 1999-2000, how the same DPC could declare the applicant fit for promotion within a span of next few months i.e. in the DPC held in June 2001 and promoted the applicant to the post of Engineering Assistant in the year 2000-2001, with the same standard of performance made by the applicant. The entire exercise leads to reasonable suspicion as to be unfair and capricious and as such, all the records of the proceedings of the review DPC are required to be examined by the Hon'ble Tribunal and

Narendra Kumar Singh

the respondents may be directed to produce the same before this Hon'ble Tribunal.

4.14 That the applicant begs to submit that non-consideration of the case of the applicant for promotion to the post of Engineering Assistant in the DPC for 1999-2000 against 10% quota without any valid reason is unfair and discriminatory since the persons who are similarly situated and even junior to the applicant have been considered for promotion by the DPC for 1999-2000. further, the action of the Review DPC is violation of the directions given by this Hon'ble Tribunal vide its order dated 06.08.2001 and the applicant ought to have been given promotion against the DPC for 1999-2000 retrospectively with seniority and all consequential service benefits instead of the promotion granted to him against DPC for 2000-2001, thus allowing his juniors to supersede him, for no fault of his which is violative of Article 14 and 16 of the Constitution.

4.15 That it is stated that if the applicant is not considered for promotion to the post Engineering Assistant on the alleged ground that he did not acquire required bench mark in that event too the respondents are duty bound to give an opportunity to bring him to level of required bench mark but in the instant case the said opportunity is denied to the applicant. As such, the allegation of short of bench mark in the instant case of the applicant is not tenable in the eye

Narendra Kumar Singh

of law. Moreover, so far the applicant came to learn that he has awarded good and very good in all those years in his ACRs which were considered by the DPC held in the year 1999-2000 for consideration of promotion to the post of Engineering Assistant. Therefore, question of attaining bench mark as required under the rule has been fulfilled and on that ground the applicant cannot be disqualified by the DPC for promotion to the post of Engineering Assistant.

4.16 That the applicant most humbly submits that seniority and promotion are valuable rights and incidences of service of an employee and denial of the same to the applicant by the respondents in an unjust and unfair way will have far reaching cumulative effects in his entire service prospects even including his retiral benefits and more so when he is superseded by his juniors for no fault of his.

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

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

5.1 For that, the applicant has been discriminated in the matter of promotion to the post of Engineering assistant when large number of his juniors including the respondent Nos. 5,6 and 7 have been promoted vide impugned order dated 18.4.2000.

Narendra Kumar Singh

- 5.2 For that, the applicant has been discriminated in the matter of promotion to the post of engineering assistant while his juniors have been considered for promotion but the name of the applicant has not been considered in the DPC for 1999-2000.
- 5.3 For that, the name of the applicant has been placed at Sl. No. 10 in the eligibility list of Senior Technician for promotion to the post of Engineering Assistant against the 10% quota vide order dated 11.11.1999 and as such exclusion of the name of the applicant from the order of promotion while those at Sl. No. 11,12,13 etc. of the eligibility list was considered for promotion, is violative of Article 14 and 16 of the Constitution.
- 5.4 For that, non-consideration of the promotion of the applicant to the post of Engineering Assistant with retrospective effect against the DPC for 1999-2000 along with his juniors even after the passing of the order dated 06.08.2001 of this Hon'ble Tribunal in O.A. No. 15/2001 is opposed to law and is not tenable.
- 5.5 For that, the review DPC, while promoting the applicant to the post of Engineering assistant in the year 2000-2001 did not mention any reason for exclusion of the applicant for promotion in the DPC for 1999-2000.
- 5.6 For that, the applicant submitted representations and made all approaches to the respondents for consideration of his promotion in the DPC for 1999-2000 along with his juniors but all went in vain.

Narendra Kumar Singh

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application. Representations through proper channel were submitted by the applicant but his case has not been considered by the respondents.

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

The applicant declares that save and except the O.A. No. 615/93 filed before the Hon'ble CAT, Patna Bench and the O.A. No. 15/2001 filed before the Hon'ble CAT, Guwahati Bench, both disposed of and allowed earlier, he not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

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

Narendra Kumar Singh

may be shown, be pleased to grant the following relief(s):

- 8.1 That the respondents be directed to promote the applicant to the post of Engineering Assistant with retrospective effect at least from the date of promotion of his juniors i.e. respondent no. 5, 6 and 7 with all consequential service benefits including seniority in the grade of Engineering Assistant and monetary benefits.
- 8.2 That the respondents be directed to comply with the directions passed by this Hon'ble Tribunal on 06.08.2001 in O.A. No. 15/2001 and include the name of the applicant in the impugned order of promotion dated 18.4.2000 by modifying the order i.e. in the DPC for 1999-2000.
- 8.3 Costs of the application.
- 8.4 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

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

Pending disposal of this application, the Hon'ble Tribunal be pleased to make an observation that pendency of this application shall not be a bar for the respondents to consider and grant the benefit of promotion as Engineering Assistant to the applicant

Narendra Kumar Singh

retrospectively with effect from the date of promotion of his juniors as prayed for.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I. P. O. No. :
- ii) Date of Issue :
- iii) Issued from :
- iv) Payable at :

12. List of enclosures.

As given in the index.

Narendra Kumar Singh

VERIFICATION

I, Shri Narendra Kr. Singh, Son of late B.K.Singh, aged about 50 years, working as Senior Technician, All India radio, Passighat, District, East Siang, Arunachal Pradesh, applicant, 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 10th day of Oct 2002.

Narendra Kumar Singh

917

GFAI: AIR WORKS
PHONE 248-9131GOVERNMENT OF INDIA
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)
ALL INDIA RADIO & TELEVISION
CALCUTTAAkashvani Bhavan, 4th floor,
Calcutta - 700001,
Dated: 12.1.95.MEMORANDUMSubject: Seniority List of Senior Technicians in the
Eastern Zone of All India Radio & TelevisionA Seniority List of Senior Technicians in the Eastern
Zone as on 31.3.94 has been prepared and is enclosed herewith.It is requested that the list may be circulated among
all concerned officials at your office/station and their dated
signatures are obtained in token of their having seen the seniority
list. Errors/omissions/discrepancies, if any, noticed in the
seniority list by the station/office and also those pointed out by
the concerned officials may please be brought to the notice of this
office not later than 31.1.95. Otherwise it will be presumed that
the seniority as per attached list is correct.

Receipt of this memorandum may please be acknowledged.

(B. K. BANERJEE)
DEPUTY DIRECTOR ENGINEERING
FOR CHIEF ENGINEER (EAST ZONE)

Copy to:-

1. All Heads of Station, A.I.R./IPTV/DDK/DDMC/LPTV.
2. Smt. Anindita Basu, CG-I, Administration Section,
O/O the CE(EZ), AIR & TV, Calcutta.

Copy also to:-

1. The Director General, All India Radio, S-IV Section,
Akashvani Bhavan, New Delhi - 110001.
2. The Director General, Doordarshan, S-II Section,
Mandi House, Copernicus Marg, New Delhi - 110001.

Contd.... 2/-

*Placed
for
Anindita*

*Plan circulated
to Senior Technicians
by 15.2.95
by 15.2.95*

3. The President, Association of Radio & Television Engineering Employees, Gole Market Post Office, Post Box No. 422, New Delhi.
4. The Vice-President, Association of Radio & Television Engineering Employees, Doordarshan Bhavan, Golf Green, Calcutta - 700045.
5. The General Secretary, All India Radio & Doordarshan Technical Employees Association, Post Box No. 736, New Delhi - 110001.
6. The Zonal Secretary, All India Radio & Doordarshan Technical Employees Association, Doordarshan Bhavan, Golf Green, Calcutta - 700045.

FOR G-HEAD ENGINEER (EAST ZONE)

SENIORITY LIST OF SENIOR TECHNICIANS
IN THE EASTERN REGION AS ON 31.3.94.

Sl. No.	Name and Qualification	Date of birth	Date of entry into post held Government in AIR/DDK Service.	Details of post held	Whether permanent or Temporary. If pmt. the details thereof.	Whether S/C or S/T.	Whether posted as on 1.10.93.	Remarks.
1.	2.	3.	4.	5.	6.	7.	8.	9.
1.	S/Shri Pradip Roy Chowdhury S.F./Mechanic(Ref.& Air-conditioning Trade).	3.1.49	26.4.73	Tech.26.4.73 Sr.Tech.1.9.77 EA-	Pmt.as Tech.w.e.f.- 20.10.76 against Patna Station		DDK Calcutta	
2.	Birendra Ch. Das H.S.L.C.	31.12.55	30.9.81 (AN)	Tech-30.9.81(AN) Sr.Tech.22.7.85 EA-18.3.92	Pmt. as Tech. w.e.f. 1.10.83	S/C	DDK Silchar	
3.	Ramayan Singh Matric/Electrical Fitter	28.1.46	31.7.81	Tech.31.7.81 Sr.Tech.9.11.85 EA-	Temporary	-	DDK Patna	
4.	Arun Kumar Paul SF/Wireman from National Council	26.1.55	18.12.75	Tech.18.12.75 Sr.Tech.3.9.86 EA-	Pmt.as Tech.w.e.f. 13.11.81 against AIR, Imphal.		DDK Calcutta	
5.	Bhbir Kr. Mukherjee S.S./Elect.Trade	12.3.56	19.7.77	Tech.19.7.77 Sr.Tech.26.9.86 EA-	Temporary	-	DDK Calcutta	
6.	Sankar Kr. Senapati H.S./Electrician Trade	5.7.55	22.3.78	Tech.22.3.78 Sr.Tech.26.9.86 EA-	Temporary	-	DDK Calcutta	
7.	Gopal Prasad Sah I.A./Wireman Trade	1.1.57	16.10.81	Helper.16.10.81 Tech.11.10.82 Sr.Tech.30.4.87 EA-	Temporary	-	LPTV Godda	

Contd..... 2/-

1.	2.	3.	4.	5.	6.	7.	8.	9.
8.	Amiya Kr. Mondal Upto Class-XII/ Electrician Trade.	17.3.55	4.5.76	Helper-4.5.76 Tech-31.3.83 Sr.Tech-18.7.87 EA-	Temporary	S/C	PPC Aizawl	
9.	S.K. Kumar S.F./ITI	29.3.45	10.5.83	Tech-10.5.83 Sr.Tech-1.4.87 EA-	Temporary	-	LPTV Bardhaman	
10.	Hani Kr. Thakuri S.F./Electrician	21.9.58	16.7.83	Tech-16.7.83 Sr.Tech-31.3.87 EA-11.1.93	Confirmed as Sr.Tech. w.e.f. 30.3.89	-	LPTV Darjeeling	
11.	Lalpianthanga HSLC/Passed the prescribed trade test in the trade of Electrician.	22.12.63	14.9.83	Tech-14.9.83 Sr.Tech-9.6.87 EA-16.1.93	Temporary	ST	AIR Aizawl	
12.	B.K. Chowdhury Matric/ITI(Wireman)	5.2.60	25.11.83	Tech-25.11.83 Sr.Tech-30.10.87 EA-	Temporary	-	AIR Dibrugarh	
13.	Sk. Nayamatullah H.S.C./ITI	21.10.53	7.9.76	Helper-7.9.76 Tech-30.11.83 Sr.Tech-30.10.87 EA-	Emt. as Helper w.e.f. 1.9.81	-	HPTV Bhawanipatna	
14.	Shyam Nandan Prasad Sinha Matric/ITI	9.2.61	20.2.84	Tech-20.2.84 Sr.Tech-12.7.88 EA-	Permanent	-	AIR Ranchi	
15.	Rameswar Mondal Matric/ITI in the Trade of Electrician.	16.1.62	21.2.84	Tech-21.2.84 Sr.Tech-1.8.88 EA-	Temporary	-	AIR Tezu	

Contd..... 3/-

1.	2.	3.	4.	5.	6.	7.	8.	9.
72.	Tarun Kumar Das Madhyamik/Passed Electrician Trade from ITI/NCTVT	7.5.61	30.10.85	Tech.30.10.85 Sr.Tech.12.9.89	Permanent	-	CE(EZ) Calcutta	
73.	Seo Sankar Ram Matriculate/ITI in Electrician.	3.1.62	7.11.85	Tech.7.11.85 Sr.Tech.8.9.89	Temporary	S/C	LPTV Chaibasa	
74.	Basanta Kr. Kakati HSLC/Trade of Electrician	1.7.62	28.11.85 (AK)	Tech.28.11.85 Sr.Tech.5.1.90	Temporary	-	DDK Guwahati	
75.	B.K. Neog HSLC/Electrician.	11.10.51	19.8.74	Helper.19.8.74 Tech.30.12.85 Sr.Tech.28.4.89	Temporary	-	LPTV Jorhat	
76.	Mobinuddin Matric/Inter/ITI(Refrigerator & Airconditioning)	4.10.60	4.1.86	Tech.4.1.86 Sr.Tech.31.8.89	Temporary	-	DDK Ranchi	
77.	Hamid Akhtar Matric/ISC, ITI Mechanic (Electrician/Gen.Electronics).	3.12.64	6.1.86	Tech.6.1.86 Sr.Tech.11.2.90	Temporary	-	DDK Muzaffarpur	
78.	Nagankham Rajeswar Singh HSLC/Electrician.	1.3.61	18.1.86	Tech.18.1.86 Sr.Tech.28.8.89	Pmt. as Tech. w.e.f. 10.1.88	S/T	LPTV Tezu	
79.	Sunil Kumar Matriculate/ITI in Electrician.	26.2.61	14.1.86	Tech.14.1.86 Sr.Tech.1.9.89	Temporary	-	DDK Muzaffarpur	
80.	N.K. Sahoo HSC/Wirman from ITI	19.4.62	23.4.83	Helper-23.4.83 Tech.24.1.86 Sr.Tech.21.12.89	Temporary	-	LPTV Dhenkanal	
81.	Ashok Tamang Madhyamik/Electrician	14.2.61	15.1.86	Tech.15.1.86 Sr.Tech.30.9.89	Temporary	-	EPTV Kurseong	
82.	Nirmalendu Deb HSLC/Passed Madhyamik ITI in Electrician Trade	9.1.62	24.1.86	Tech.24.1.86 Sr.Tech.1.11.89	Temporary	-	AIR Kailasahar	

Contd.... 10/-

1.	2.	3.	4.	5.	6.	7.	8.	9.
83.	K. Salu Solomon HSLC/Electrician, ITI	22.6.61	25.1.86	Tech. 25.1.86 Sr. Tech. 20.10.89	Pmt. as Tech. w.e.f. 1.4.88	S/T	PPC, DDK Imphal	
84.	Surya Nath Pandey Matric/ITI (Electrician)	13.12.61	11.2.86	Tech. 11.2.86 Sr. Tech. 16.2.90	Temporary		LPTV Deoghar	
85.	F.K. Samal HSC/Wireman Trade from ITI	21.9.56	27.4.83	Helper-27.4.83 Tech. 24.2.86 Sr. Tech. 3.10.89	Temporary		LPTV Bhanj Nagar	
86.	Nokhlal Prasad Matric/ITI in Electrician	9.2.40	25.2.84	Tech. 25.2.84 Sr. Tech. 17.11.89	Pmt. as Tech.		AIR Patna	
87.	Md. Ali Imman Matric/ITI (Electrician)	29.2.60	6.8.84	Helper-6.8.84 Tech. 1.3.86 Sr. Tech. 30.5.90	Temporary		CE (EZ) Calcutta	
88.	Rajkumar Thakur Passed Secondary/ITI	3.6.60	25.3.86	Tech. 25.3.86 (AM) Sr. Tech. 10.4.90	Temporary		LPTV Sitamari	
89.	Aswini Sharma HSLC	14.3.55	1.4.86	Tech. 1.4.86 Sr. Tech. 17.5.90	Temporary		LPTV Dhubri	
90.	Monoranjan Das Secondary Education/ ITI, Electrician.	7.8.59	3.4.86	Tech. 3.4.86 Sr. Tech. 21.4.90	Pmt. as Tech. w.e.f. 1.4.88	S/C	LPTV Dhanbad	
91.	Varingam Vashurtwo HSLC/Electrician Trade.	10.3.63	5.4.86	Tech. 5.4.86 Sr. Tech. 11.7.90	Temporary	S/T	PPC Imphal	
92.	S. Ganguly Matric/Plumbing Trade Course.	10.10.40	10.4.86	Tech. 10.4.86 Sr. Tech. 24.4.90	Permanent		CE (EZ) Calcutta	
93.	Gulzari Chowdhury Matric, Inter, B.A. ITI (Mechanic General Electronics).	25.8.62	29.4.86	Tech. 29.4.86 Sr. Tech. 5.7.90	Pmt. as Tech. w.e.f. 28.4.88	S/C	DDK Patna	

Contd.... 11/-

1.	2.	3.	4.	5.	6.	7.	8.	9.
94.	Ram Naresh Singh Matriculate/ITI in Electrician Trade.	23.5.62	16.5.86	Tech.16.5.86 Sr.Tech.1.5.90	Temporary		LPTV Gopalganj	
95.	Abdul Kayam Laskar PU(Arts)/ITI	20.12.65	1.7.86	Tech.1.7.86 Sr.Tech.19.3.90	Temporary		AIR Silchar	
96.	Binod Kumar Singh Matric/Radio & TV Mechanic Trained from ITI.	25.2.63	5.7.86	Tech.5.7.86 Sr.Tech.31.7.90	Temporary		CBS, AIR Patna	
97.	Rajib Das HSLC/Passed 2 years Radio Servicing & TV Maintenance (Electronics) Course (Recognised by Govt. of Tamilnadu).	30.1.62	15.7.86	Tech.15.7.86 Sr.Tech.7.5.90	Temporary		DDK Guwahati	
98.	Ram Prasad Sarki HS/Electrician from ITI	5.5.63	23.7.86 (ET)	Tech.23.7.86(ET) Sr.Tech.28.3.90	Permanent	S/C	AIR Kurseong	
99.	Dabanand Barman HSLC/Passed trade test in the trade of Electrician.	31.8.59	1.8.86	Tech.1.8.86 Sr.Tech.31.8.90	Permanent	S/T	PPC Silchar	
100.	Fazlul Haque Madhyamik/ITI	19.1.62	13.8.86	Tech.13.8.86 Sr.Tech.2.4.90	Temporary		LPTV Shantiniketan	
101.	Dinesh Prasad HSLC/ITI(Electrician)	14.4.61	29.8.86	Tech.29.8.86 Sr.Tech.27.3.90	Temporary		LPTV Ghatsila	
102.	Pallab Sarkar Madhyamik/ITI Trade certificate.	18.4.63	16.9.86	Tech.16.9.86 Sr.Tech.8.5.90	Permanent		AIR Siliguri	
103.	Pradip Kumar Mishra HS/Trade of Electrician	1.2.59	1.4.85	Tech.1.4.85 Sr.Tech.30.6.90 EA:	Temporary		PPC Guwahati	

Contd.... 12/-

1.	2.	3.	4.	5.	6.	7.	8.	9.
104.	Debasis Sinha B.Sc. ITI, Electn & AI Trade Test	5.4.61	12.4.85	Tech.12.4.85 Sr.Tech.31.5.90	Temporary	-	DDK Calcutta	
105.	Sankar Prasad Dalai HSLC/Electrician from ITI	2.2.58	1.7.85	Tech.1.7.85 Sr.Tech.26.6.90 EA:	Temporary	S/C	HPTV Cuttack	
106.	Monoj Kr. Chakraborty HSLC/ITI(Wireman)	17.8.56	11.4.85	Tech.11.4.85 Sr.Tech.27.8.90 EA:	Permanent	-	DDK Silchar	
107.	Amarendra Raj Kumar H.S.L.C.	2.10.52	22.9.86	Tech.22.9.86 Sr.Tech.1.6.90	Pmt. as Tech. w.e.f. 22.9.88	-	AIR Kohima	
108.	Bimal Chandra Mallick HS/ITI Trade Certificate	30.1.60	29.9.86 (AN)	Tech.29.9.86(AN) Sr.Tech.6.7.90	Temporary	S/C	HPT,AIR Chinsurah	
109.	Gopinath Majumdar Madhyamik/ITI Trade Certificate.	19.1.62	29.9.86	Tech.29.9.86 Sr.Tech.6.7.90	Temporary	-	HPT,AIR Chinsurah	
110.	Debasis Das B.Sc/ITI in the trade of Electrician/ECTVT/AITT.	18.8.61	4.9.85	Tech.4.9.85 Sr.Tech.31.10.90	Pmt. as Tech. 4.7.87	-	AIR Calcutta	
111.	Smt. Ila Bardhan H.S/L.EE.	22.9.62	24.2.86	Tech.24.2.86 Sr.Tech.24.10.90	Permanent	-	CE(EZ) Calcutta	
112.	Debasis Dey HSLC/ITI/Trade Mech.	17.9.62	9.4.85	Tech.9.4.85 Sr.Tech.31.10.90	Permanent	-	PPC Silchar	
113.	Swapan Acharya SF/ITI/REF. MEC.	28.12.61	6.10.86	Tech-6.10.86 Sr.Tech.11.3.91	Temporary	-	CE(EZ) Calcutta	
114.	Abani Kr. Gani SF/ITI(Elect).	21.12.59	7.10.86	Tech.7.10.86 Sr.Tech.27.2.91	Temporary	-	HPT,AIR Chinsurah	

Contd.... 13/-

2.	3.	4.	5.	6.	7.	8.	9.
242.	Gopal Chandra Das Madhyamik/ITI.	15.4.67	1.9.88	Tech-1.9.88 Sr.Tech-31.8.92	Temporary	-	AIR Siliguri
243.	Kiran Das Chettri SP/Electrician Fitter Signal Class II from Indian Army.	15.7.45	31.7.87	Tech-31.7.87 Sr.Tech-23.5.92	Permanent	-	AIR Durseong
244.	Sripati Roychowdhury Madhyamik/ITI (Radio TV Trade)	6.5.64	26.5.87	Tech-26.5.87 Sr.Tech-21.5.92	Temporary	-	EPTV Agartala
246.	Aloke Laskar Madhyamik/ITI in Radio TV	20.8.64	14.10.86	Tech-14.10.86 Sr.Tech-31.10.92	Temporary	S/T	EPTV Agartala
247.	Smt. Kalpana Behera HSC/ITI (Radio TV Tech.)	16.9.62	22.1.87	Tech-22.1.87 Sr.Tech-23.7.92	Temporary	-	DDK Cuttack
✓ 248.	Harindra Pr. Singh Metric/ITI Electrician Trade.	6.9.63	12.5.86	Tech-12.5.86 Sr.Tech-30.5.93	Temporary	-	AIR Pasighat
249.	M. Zamil Akhtar Electric	1.10.66	7.10.88	Tech-7.10.88 Sr.Tech-30.11.93	Temporary	-	LPTV Bazaribagh
250.	S.P. Deyri HSLC, Electrician trade from ITI/IP in mechanish (R & TV)	1.11.63	27.10.88	Tech-27.10.88 Sr.Tech-27.4.93	Temporary	S/T	AIR Pasighat
251.	Sabu Varghese Pre-degree/Elect. Engg. KCCE.	24.5.64	31.10.88	Tech-31.10.88 Sr.Tech-14.5.93	Temporary	-	AIR Jeypore
252.	Kalidash Mondal Madhyamik/ITI	22.2.63	16.11.88	Tech-16.11.88 Sr.Tech-	Temporary	S/C	AIR Bhawanipatna
253.	Frobenjit Chaki Madhyamik/ITI	18.4.67	16.11.88	Tech-16.11.88 Sr.Tech-	Temporary	-	AIR Bhawanipatna
* 245.	S. Sarkar, Madhyamik/ Passed Electrician Trade from ITI	15.1.61	28.5.87	Tech-28.5.87 Sr.Tech-21.5.92	Confirmed as Tech. w.e.f. 28.5.89	S/T	LPTV, Agartala.

Contd..... 26/-

1.	2.	3.	4.	5.	6.	7.	8.	9.
254.	B.K.P. Sinha Matric/Provisional trade certificate from ITI	9.10.53	7.9.74	Helper-7.9.74 Tech-22.11.88 Sr.Tech-31.3.93	Emt. as Technician		LPTV Purulia	
255.	G.C. Dey B.Com/ITI.	2.1.63	6.12.88	Tech-6.12.88 Sr.Tech-	Temporary	-	CE(MZ) Calcutta	
256.	Z.A. Gazi Madhyamik/ITI.	9.8.64	6.12.88	Tech-6.12.88 Sr.Tech-30.6.93	Temporary	-	HPT, AIR Chinsurah	
257.	R.S. Singh Matriculate/ITI in Electrician.	12.2.67	7.12.88	Tech-7.12.88 Sr.Tech-23.9.93	Temporary	-	DDK Tura	
258.	S.C. Ghosh Madhyamik/ITI	23.1.64	13.12.88	Tech-13.12.88 Sr.Tech-	Temporary	-	LPTV Ranaghat	
259.	J.C. Maskar Madhyamik/ITI.	10.1.62	14.12.88	Tech-14.12.88 Sr.Tech-	Temporary	S/C	CE(MZ) Calcutta	
260.	A.S. Maskar B.Com/ITI	6.12.63	14.12.88	Tech-14.12.88 Sr.Tech-	Temporary	S/C	CE(MZ) Calcutta	
261.	Basudev Purkait HS/ITI.	20.6.63	15.12.88	Tech-15.12.88 Sr.Tech-	Temporary	S/C	AIR Bhawanipatna	
262.	Arup Ch. Sinha Madhyamik/ITI	1.7.64	19.12.88	Tech-19.12.88 Sr.Tech-	Temporary	-	LPTV Dumka	
263.	C.B. Tamang HS/ITI(Electrician)	8.11.64	21.12.88	Tech-21.12.88 Sr.Tech-28.2.94	Temporary	-	LPTV Gangtok	
264.	S.K. Ganguli Madhyamik/ITI	8.7.66	29.12.88	Tech-29.12.88 Sr.Tech-	Temporary	-	AIR Guwahati	
265.	Alokesh Sikdar Madhyamik/ITI	15.1.67	29.12.88	Tech-29.12.88 Sr.Tech-	Temporary	-	LPTV Jhargram	

Contd. ... 27/-

From

N.K. Singh,
Senior Technician,
All India Radio,
Pasighat - 791 102.

To

The Chief Engineer(EZ),
All India Radio & Television,
Eden Gardens,
Calcutta - 700 001.

(Through proper channel)

Sub:-

Discrepancy in the Seniority List -
representation req.

Ref:-

1. Your Memorandum No.1(27)/94-S dtd.12.1.95.
2. Your Order No.1(21)/90-S dtd. 5.3.90.
3. Order Revoking suspension No.BGP-15(1)/89-90 dtd. 24.6.92.
4. CE, AIR & TV, Calcutta Order No.1(21)/92-S dtd. 29.1.93.
5. SE, AIR Bhagalpur Order No.BGP-SD/AIR/95/411 dtd. 5.1.95.

Sir,

I may kindly be permitted to submit the following for your kind consideration and favourable disposal.

I was working as a Technician in All India Radio, Bhagalpur since 12.5.86. I was promoted to the post of Senior Technician and posted at LPTV Jamui vide your Order No.1(21)/90-S dtd. 5.3.90, the reference of which is cited at (2) above. Meanwhile I was suspended with effect from 25.12.1989 following detention in police custody for more than 48 hours. The suspension was later revoked vide SD, AIR, Bhagalpur Order No.BGP-15(1)/89-90 dtd. 24.6.92, the reference of which is cited at (3) above. In accordance with the order of Additional Sessions Judge, Bhagalpur I was absolved of all charges and was acquitted. Later in allowing an application by me, CAT, Patna Bench has ordered that the entire period of my suspension should be treated as on duty and pay and allowances be paid in full for the entire period. This was subsequently paid by SE, AIR, Bhagalpur vide his Order No.BGP-SD/AIR/95/411 dtd. 5.1.95, the reference of which is cited at (5) above.

As I was under suspension during the issue of your promotion Order No.1(21)/90-S dtd. 5.3.90, I could not join duty in the promoted post. I have rejoined duty as Technician at AIR, Bhagalpur on 25.6.1992 and was promoted as Senior Technician vide your Order No.1(21)/92-S dtd. 29.1.93. I joined All India Radio, Pasighat as Senior Technician on 30.5.93.

As my suspension was later revoked and the entire period of suspension was treated as on duty

(Contd....2)

Received
67
21/3/95

1238-513162
1238-520-714104-2 C-1-1

(2)

and full pay and allowances was paid to me for the entire period of suspension, it is my prayer that the seniority which I lost during the period of suspension may also kindly be restored back to me. Had I not been placed under suspension, I would have joined as Senior Technician honouring your kind order in 1990 itself and my seniority in the grade of Senior Technician would have been protected. Now that the CAT, Patna has also ordered vide its judgement (the copy of which is enclosed) that all benefits had to be restored back to me, I believe that the seniority in the grade of Senior Technician is also to be restored to its original position as a matter of routine.

In the seniority list of Technician and also in the promotion list vide your Order No.1(21)/90-S dtd. 5.3.90 (copy enclosed for ready reference), I was ranked just above Sri Ram Naresh Singh, Sr. Technician, LPTV Gopalganj. In the seniority list of Senior Technician released recently vide CE, AIR & TV, Calcutta Memorandum No.1(27)/94-S dtd. 12.1.95, the seniority number of Sri Ram Naresh Singh is 94 whereas my number is shown as 248.

As I was in no way responsible for the circumstances which led to my suspension and as the same was later revoked with full benefits treating the period of suspension as duty, it is requested that my original seniority may also kindly be restored and I may kindly be placed just above Sri Ram Naresh Singh, Senior Technician, LPTV Gopalganj.

Thanking you,

Enclo: As stated above

Yours faithfully,

Pasighat,
24-02-1995.


(N.K. SINGH)

Copy to :-

(1) Vice President, ARTEE
AIR Calcutta

GOVERNMENT OF INDIA
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)
ALL INDIA RADIO & TELEVISION
CALCUTTA

No. 1(23)/95-S

Akashvani Bhavan, 4th floor,
Calcutta - 700001,

Dated: 23.6.95

M E M O R A N D U M

Subject : Preparation of panel of Senior Technicians Grade-II for promotion to the post of Senior Technician Grade-I in the Eastern Region.

A Departmental Promotion Committee will be convened shortly for drawing up of a panel of Senior Technicians Grade-II for promotion to the post of Senior Technician Grade-I in the Eastern Region.

It is, therefore, requested that particulars of the Senior Technicians Grade-II shown in the enclosed list may kindly be checked up carefully with reference to relevant records by the concerned stations and following two certificates furnished telegraphically supported by post copy or by speed post/Telex/Fax No. 248-6524/248-2710 so as to reach this office on or before 12.7.95 at the latest:

Whether any disciplinary proceedings are either pending or contemplated against any of the Senior Technicians Grade-II shown in the list enclosed.

ii. Whether their particulars shown in the enclosed list are correct.

The CRs for the period from 1.4.94 to 31.3.95 of the Senior Technicians Grade-II mentioned in the enclosed list may please be forwarded to this office in the revised form to reach this office latest by 12.7.95 if not sent already to this office.

Further, if the name(s) of any Senior Technician Grade-II, joined on or before 2.10.93, in any station/office, is found left out in the annexed list, the name(s) and Particulars (viz., date of birth, qualification, date of joining as Technician and Senior Technician Grade-II, whether SC or ST etc.) of those Senior Technicians Grade-II may be forwarded to this office in the aforesaid manner along with the two certificates asked for (Sl. Nos. i & ii) so as to reach this office latest by 12.7.95.

The target date may be strictly adhered to.

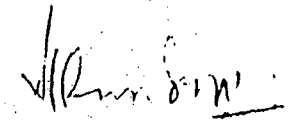
Encls : As above.
(11 Pages)

(S. C. RUDRA)
DEPUTY DIRECTOR ENGINEERING
FOR CHIEF ENGINEER (EAST ZONE)

Placed for peruse

Copy to:-

1. The Engineering Heads of all All India Radio/Doordarshan Kendra/FIC/TV/DDIV Station(s)/Office(s) in the Eastern Region for strict compliance and very urgent necessary action.
2. Smt. Anindita Basu, CG-1, Admn. Section, O/O the CE(EZ), AIR & TV, Calcutta for information and urgent necessary action.
3. Shri S.K. Das, CG-1, Confidential Cell, O/O the CE(EZ), AIR & TV, Calcutta with the request to keep all CR Dossiers containing CRs upto 31.3.95 of the Senior Technicians Grade-II mentioned in the enclosed list in readiness for putting up to the DPC to be held shortly.
4. The CE(EZ)/CE(TV)/CE(H)/CE(ZS)/DDE(ZS)/DDA/HC(C)/EC(D), O/O the CE(EZ), AIR & TV, Calcutta.


FOR CHIEF ENGINEER (EAST ZONE)

Eligibility list of Sr.Tech. for promotion to the post of Sr.Tech.Gr.I as on 1.10.94 in the East Zone on the basis of Seniority-cum-fitness.

Sl. No.	Name of the Sr.Tech.	Rank No. in the Draft Seniority list of the Sr.Tech. as on 31.3.94.	Date of birth	Whether SC/ST	Date of Present appointment as Sr.Tech.	Posting	Remarks
1.	S/Shri Pradip Roy Chowdhury.	1	3.1.49	-	Tech.26.4.73	DDK	
2.	Arun Kumar Paul	4	26.1.55	-	Sr. tech.1.9.77	Calcutta	
3.	Mihir Kr. Mukherjee	5	12.3.56	-	Tech. 18.12.75	DDK	
4.	Sankar Kr. Senapati	6	5.7.55	-	Sr. Tech. 3.9.86	Calcutta	
5.	Amiya Kr. Mondal	8	17.3.55	S/C	Tech.19.7.77	DDK	
6.	Dinesh Kumar	16	5.1.59	-	Sr.Tech.26.9.86	Calcutta	
7.	Balangstar War	30	5.10.61	S/T	Tech.22.3.78	DDK	
8.	Ranajit Sarkar	37	25.1.60	-	Sr.Tech.26.9.86	Calcutta	
9.	Amit Kumar Nandy	45	1.10.58	-	Helper-4.5.76	DDK, Calcutta	
10.	P. Ingocha Singh	47	1.3.61	-	Tech. 31.3.83		
					Sr.Tech.18.7.87		
					Tech. 27.2.84	LPTV	
					Sr.Tech.14.4.89	Jamshedpur	
					Tech. 21.11.84	AIR	
					Sr.Tech.18.2.89	Shillong	
					Tech. 11.12.84	AIR	
					Sr.Tech.24.11.88	Calcutta	
					Tech.22.6.83	DDK	
					Sr.Tech.30.10.89	Calcutta	
					Tech. 20.12.84	LPTV	
					Sr.Tech.29.5.89	Dimapur	

1.	2.	3.	4.	5.	6.	7.	8.
11.	Howal	48	1.3.58	S/T	Tech.1.1.85	AIR Dibrugarh	
					Sr.Tech.12.7.89		
12.	Kumar Das	49	4.7.61	S/T	Tech.14.1.85	LPTV Maldah	
					Sr.Tech.1.6.89		
13.	Adul Hai	51	13.3.60	-	Tech.2.3.85	CBS, AIR Cuttack	
					Sr.Tech.15.8.89		
14.	Charan Ch. ar	55	14.12.56	S/T	Tech.18.4.85	LPTV Keonjhar	
					Sr.Tech.23.8.89		
15.	Prasad	69	1.1.61	-	Tech.8.10.85	LPTV Mungher	
					Sr.Tech.8.9.89		
16.	Dey	70	19.10.60	-	Tech.25.10.85	HPT, AIR Chinsurah	
					Sr.Tech.5.9.89		
17.	Math Maitra	71	17.8.63	-	Tech.26.10.85	HPT, AIR Chinsurah	
					Sr.Tech.1.10.89		
18.	Kumar Da	72	7.5.61	-	Tech.30.10.85	CE(BZ) Calcutta	
					Sr.Tech.12.9.89		
19.	Ran	73	3.1.62	S/C	Tech.7.11.85	LPTV Chabasa	
					Sr.Tech.8.9.89		
20.	Kr. Ka	74	1.7.64	-	Tech.23.11.85	BDK Guahati	
					Sr.Tech.5.1.90		
21.		75	1.10.51	-	Febber 1974	LPTV Jorhat	
					Tech.30.1.85		
					Sr.Tech.28.1.89		

1	2	3	4	5	6	7	8
22.	Mobinuddin	76					
23.	Hamid Akhter	77					
24.	Megangkhani, Rajeswar Singh	78					
25.	Sunil Kumar	79					
26.	N. K. Sahoo	80					
27.	Ashok Tamang	81					
28.	Mirmalendu Deb	82					
29.	K. Salu Solomon	83					
30.	Surya Nath Pandey	84					
31.	N.K. Samal	85					
32.	Nokhlal Prasad	86					
33.	Md. Ali Imman	87					

Contd... 4/-

1.	2.	3.	4.	5.	6.	7.	8.
34.	Rajkumar Thakur	88	3.6.60	-	Tech-25.3.86(AF) Sr.Tech-10.4.90	LPTV, Sitamari	
35.	Aswini Sharma	89	14.3.55	-	Tech-1.4.86 Sr.Tech-17.5.90	LPTV, Dhubri	
36.	Monoranjan Das	90	7.8.59	S/C	Tech-3.4.86 Sr.Tech-21.4.90	LPTV, Dhanbad	
37.	Vareingam Vashumwo	91	10.3.63	S/T	Tech-5.4.86 Sr.Tech-11.7.90	PPC, Imphal	
38.	S. Ganguly	92	10.10.40	-	Tech-10.4.86 Sr.Tech-24.4.90	CE(EZ), Calcutta	
39.	Gulzari Chowdhury	93	25.8.62	S/C	Tech-29.4.86 Sr.Tech-5.7.90	DDK, Patna	
40.	Harendra Kr. Singh	93(A)	6.9.63	-	Tech-12.5.86 Sr.Tech-30.5.93	AIR, Pasighat	
41.	Ram Naresh Singh	94	23.5.62	-	Tech-16.5.86 Sr.Tech-1.5.90	LPTV, Gopalganj	
42.	Abdul Kayam Laskar	95	20.12.65	-	Tech-1.7.86 Sr.Tech-19.3.90	AIR, Silchar	
43.	Binod Kumar Singh	96	25.2.63	-	Tech-5.7.86 Sr.Tech-31.7.90	CBS, AIR, Patna	
44.	Rajib Das	97	30.1.62	-	Tech-15.7.86 Sr.Tech-7.5.90	DDK, Guwahati	
45.	Ra. Prasad Sarki	98	5.5.63	S/C	Tech-23.7.86(AF) Sr.Tech-28.3.90	AIR, Kurseong	
46.	Dabanand Barman	99	31.8.59	S/T	Tech-1.8.86 Sr.Tech-31.8.90	PPC, Silchar	

Contd..... 5/-

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)
ALL INDIA RADIO & TELEVISION

No. 1(27)/99-S.

Akashvani Bhavan,
4th floor,
Calcutta-700001,
Dated: 11.11.99.

M E M O R A N D U M

Subject : Eligibility list of Senior Technician for promotion to the Grade of Engineering Assistant - calling certificates thereof.

The Deptt. Promotion Committee will be convened shortly to draw up a panel for promotion of Senior Technicians to the post of Engineering Assistants against 10% quota and accordingly a list of Senior Technician whose cases are likely to be considered by the DPC is enclosed.

It is requested that the relevant records in respect of Senior Technician concerned in the enclosed list may kindly be verified carefully and the following certificates may be furnished to this office latest by 10.12.99 by SPEED POST/TELEX/FAX.

- 1.(i) There is no vigilance case pending or contemplated against any of the Senior Technicians mentioned in the list enclosed.
- (ii) The Particulars as shown in the list have been checked and found to be in order.
- (iii) The probationary period in respect of Senior Technicians mentioned in the list enclosed have been terminated.

Further those Senior Technicians who have been allotted on promotion as EA by this office, the intimation of their joining, relieving dates have not been received so far which may kindly be forwarded to this office immediately. Moreover the incumbents who have not joined so far, a refusal, in writing may be obtained immediately from the concerned incumbents and forwarded to this office for further necessary action.

2. The Station/Office should also submit a certificate to the effect that those Senior Technicians who have completed or will complete 5 years approved service as on 01.10.99 have not been left out from the enclosed list.

This may kindly be treated as Most Immediate.

(S.K. ARORA)
DY. DIRECTOR ENGINEERING
FOR CHIEF ENGINEER (E.Z.).

(P.T.O.)

ELIGIBILITY LIST OF SR. TECH. FOR PROMOTION TO THE GRADE OF
ENGINEERING ASSISTANT IN THE EAST ZONE ON THE BASIS OF
SENIORITY-CUM-FITNESS IN 10% QUOTA.

Sl. No.	Name of the Senior Technician	Qualification	Rank No. in seniority List	Category	Date of Appointment as Senior Technician	Present Posting
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Shri Surya Nath Pandey	Matric ITIET	3	UR	16.02.90	LPT, Deoghar
2.	" N.K. Samal	HSC ITIWM	4	UR	03.10.89	DDK, Bhubaneswar
3.	Mr. Ali Imman	Matric ITIET	5	UR	30.05.90	AIR, Darbhanga
4.	Shri Rajkumar Thakur	SF ITI	6	UR	10.04.90	LPT, Sitamari
5.	" Aswini Sharma	HSLC	7	UR	17.05.90	LPT, Dhubri
6.	" Monoranjan Das	SF ITI ELEC	8	SC	21.04.90	LPT, Dhanbad
7.	" Vareingam Vashumwo	HSLC ET	9	ST	11.07.90	PTC, Imphal
8.	" S. Ganguly	Matric PLUMB. TH	10	UR	24.04.90	HPT, Kalna
9.	" Gulzari Chowdhury	B.A. ITI	11	SC	05.07.90	DDK, Patna
10.	" Narendra Kr. Singh	Matric ITIET	12	UR	30.05.93	LPT, Jamshedpur
11.	" Ram Naresh Singh	Matric ITIET	13	UR	01.05.90	DDK, Muzaffarpur
12.	" Abdul Kayam Laskar	PU(ARTS) ITI	14	UR	19.03.90	AIR, Silchar
13.	" Binod Kumar Singh	Matric ITI	15	UR	31.07.90	AIR, CBS, Patna
14.	" Rajib Das	HSLC R&T MAIN	16	UR	07.05.90	DDK, Guwahati
15.	" Ram Prasad Sarki	HS ITIET	17	SC	28.03.90	AIR, Kurseong
16.	" Dabanand Barman	HSLC ET	18	ST	31.08.90	PTC, Silohar
17.	" Fazlul Haque	MP ITI	19	UR	02.04.90	LPT, Shantineketan
18.	" Dinesh Prasad	HSLC ITIET	20	UR	27.03.90	LPT, Ghatsila
19.	" Pallab Sarkar	MP ITI	21	UR	08.05.90	AIR, Siliguri
20.	" Debasis Sinha	BSC ITIET	22	UR	31.05.90	DDK, Calcutta
21.	" Amarendra Raj Kumar	HSLC	23	UR	01.06.90	LPT, Phulbani
22.	" Bimal Chandra Mallick	HS ITI	24	UR	06.07.90	HPT, Chinsurah
23.	" Gopinath Majumdar	SF ITI	25	UR	06.07.90	HPT, Chinsurah
24.	" Debasis Das	BSC ITINCTVT/DEE	26	UR	31.10.90	AIR, Calcutta
25.	Smt. Ila Bardhan	HS LEE	27	UR	24.10.90	CE(EZ), Calcutta

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)
ALL INDIA RADIO & DOORDARSHAN
CALCUTTA

Akashvani Bhawan,
Calcutta-700 001
Date: 18-04-2000

No.1(27)/99-S

ORDER

Subject: Promotion of Sr. Technician as Engineering Assistant in the Eastern Zone

On recommendation of D.P.C., the following Sr. Technicians are hereby allotted on promotion as Engineering Assistant at stations/offices shown against their names. The promotion will be effective from the date of their joining at the assigned station:-

Sl.No.	Name of Sr.Tech.	Present posting as Sr.Tech.	Posted on promotion as EA to	Remarks
1.	Suryanath Pandey	LPT, Deoghar	LPT, Deoghar in DMC, Dhanbad.	
2.	N.K. Samal	DDK, Bhubaneswar	DDK, Bhubaneswar	Post shifted from Shillong.
3.	Ali Imman	AIR, Darbhanga	LPT, Darbhanga	vacant
4.	Raj Kumar Thakur	LPT, Sitamuri	LPT, Bettia	-do-
5.	Manoranjan Das	LPT, Dhanbad	DDMC, Hazaribagh	-do-
6.	Varengam Vashumwo	DDK, Imphal	LPT, Ukhrul	-do-
7.	S. Ganguly	CE(EZ), Calcutta	CE(EZ), Calcutta	
8.	Gulzari Choudhary	DDK, Patna	DDK, Patna	LPT Siwan post
9.	Ram Naresh Singh	DDK, Muzaffarpur	DDK, Patna	Asansol post
10.	Abdul Kayam Laskar	AIR, Silchar	LPT, Hallong	vacant post
11.	Binod Kumar Singh	AIR, CBS, Patna	LPT, Lakhisarai	-do-
12.	Ram Prasad Sarki	AIR, Kurseong	AIR, Kurseong	-do-
13.	Debanand Batman	DDK, Silchar	Kailasahar DD-II	-do-
14.	Fazlul Haque	LPT, Santiniketan	DDK, Santiniketan	Baliapal post
15.	Dinesh Prasad	LPT, Ghatil	DDK, Patna	Darjeeling post
16.	Pallab Sarkar	AIR, Siliguri	AIR, Siliguri	
17.	Debasis Sinha	DDK, Calcutta	LPT, Dimapur	vacant post
18.	Amrendra Rajkr	AIR, Itanagar	AIR, Tezpur	
19.	Debasis Das	CE(EZ), Calcutta	CE(EZ), Calcutta	
20.	Smt. Ila Bardhan	CE(EZ), Calcutta	DDK, Santiniketan	Kalimpong post

contd... 2

(i) The promotion orders will be handed over to the concerned official after ensuring that no vigilance case is either pending or contemplated against him/them. Service Book may be sent to the concerned station after ensuring entries of Probation termination, Confirmation etc.

(iii) The Sr. Technicians promoted as Engineering Assistant should exercise their option in regard to fixation of pay on promotion within one month from the date of promotion as per FR 22(1) (a)(1).

(iv) It may be pointed out that in the event of the promotion not being accepted by any of the official he/she will be debarred for promotion for one year. If the reasons for declining promotion are not accepted by the competent authority, promotion may be enforced. If promotion is still declined action may be taken for refusal to obey the order.

(v) The Confidential Reports of the officials concerned should be sent to this office immediately till the date of relief.

Sd/-

(N. SRINIVASAN)
DIRECTOR (ENGINEERING)
FOR CHIEF ENGINEER (E.Z.)

Copy to:

Superintending Engineer/Station Engineer, All India Radio, Darbhanga, Silchar, Patna, Kurseong, Siliguri, Itanagar, Tezpur.

Superintending Engineer/Station Engineer, Doordarshan Kendra, Bhubaneswar, Calcutta, Imphal, Patna, Muzaffarpur, Silchar, Santiniketan.

Station Engineer, DDMC, Dibrugarh, Motihari, Bardhaman, Jamshedpur, Purnea, Hazaribagh, Imphal, Silchar, Bhagalpur, Baleswar, Gaya.

1. The Director General, All India Radio, SIV(A) Section, Akashvani Bhavan, Parliament Street, New Delhi-110 001.

2. The Director General, All India Radio, M&C Section, Akashvani Bhavan, Parliament Street, New Delhi-110 001.

3. The Director General, Doordarshan, SIV Section, Mandi House, Copernicus Marg, New Delhi-110 001.

4. President, ARTEE, Post Box No. 422, New Delhi-110 001.

5. Vice President, ARTEE, Akashvani Bhavan, Calcutta-700 001.

6. General Secretary, AIR & DD TEA, Post Box No. 736, New Delhi-110 001.

7. Zonal Secretary, AIR & DD TEA, Akashvani Bhavan, Calcutta-700 001.

8. CE(P)/CE(M)/CE(TV)/DE(P)/DE(TVM)/DDA/HC(Dey)/HC(Das), O/O CE(EZ), AIR & TV, Calcutta.

9. The Confidential Cell (S/shri J. Chatterjy, UDC & K. N. Ghosh, UDC), O/O CE(EZ), AIR & TV, Calcutta.

10. P.A.O., Doordarshan Kendra, Calcutta. The redeployment of posts is as per authorisation of DG:Doordarshan vide their letter No. 11/2/2000-SIV dt. 22.3.2000.

Sd/-

FOR CHIEF ENGINEER (E.Z.)

The Chief Engineer (East Zone),
All India Radio & Doordarshan,
Akashvani Bhawan,
Eden Garden,
Calcutta - 700001.

(Through Proper Channel)

Sir,

SUB: PROMOTION OF SENIOR TECHNICIANS
ON 10% SENIORITY - CUM - FITNESS
QUOTA TO ENGINEERING ASSISTANT.

With the expectation of proper justice from the High Office of the Chief Engineer (East Zone), A I R & DD , of the sole Authority of Cadre control of this zone, I, Narendra Kumar Singh , Senior Technician, presently posted at AIR Pasighat, Auranachal Pradesh do hereby inform you that in the recently published promotional order Vide No: 1 (27)/99- S dated 18th April, 2000 for the promotion of Senior Technicians to the Cadre of Engineering Assistants on 10% Seniority - Cum - Fitness quota, my name is not included by your office without assigning any cause.

For your ready reference, I am furnishing below few details of my service carrier :-

- (i) Seniority position in the Eligibility List Vide communication No : 1 (27)/99-S dated 11.11.99- SL.No-10, Rank- 12. WR. As Sr. Tech. 30.05.93, Quali: Matric/ITIET
- (ii) Date of joining as Technician: 12/05/1986 at AIR- Bhagalpur.
- (iii) Date of Joining as Sr. Tech. 30/05/1993 at AIR- Pasighat, Auranachal Pradesh

It is observed in the promotional list, vide order dated 18/04/2000 under reference that next to my junior

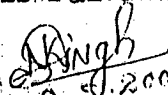
AND others are promoted as EA whereas my name is missing. Infact, if I am promoted, I could have occured the 9th position of the list. However, the cause is known to me why my name is omitted, because, since my service carrier I am performing duties, which ever may be the nature, with utmost sincerity and never been served with any type of memo/s by my controlling authorities at any one of the served stations.

I shall feel obliged, if you kindly personally look into the matter and promote me as EA with corresponding seniority at the earliest so as to get relief from mental agony which I am presently bearing I look forward to the justice and a communication from the High Office of CE (E/Z) at your earliest convenience.

Thanking you,

Date : 08-5-2000

Yours faithfully


(NARENDRA KR. SINGH)
SENIOR TECHNICIAN
AIR, Pasighat,
Arunachal Pradesh,

Copy to :-

- 1) The Vice President,
ARTEE, Akashvani Bhavan,
Calcutta - 700 001.
- 2) Unit Secretary, AIR,
Pasighat.

Annexure-VII

To

The Chief Engineer (East Zone)
All India Radio & Doordarshan,
Akashvani Bhavan,
Eden Garden
Calcutta-700001

(Through Proper Channel)

Sir,

Sub : PROMOTION OF SENIOR TECHNICIANS OF 10% SENIORITY-
CUM-FITNESS QUOTA TO ENGINEERING ASSISTANT.

With the expectation of proper justice from the High Office of the Chief Engineer (East Zone), AIR & DD, of the sole Authority of Cadre Control of this zone, I, Narendra Kumar Singh, Senior Technician, presently posted at AIR, Pasigaht, Arunachal Pradesh do hereby inform you that in the recently published promotional order vide No. 1(27)/99-S dated 18th April, 2000 for the promotion of Senior Technicians to the Cadre of Engineering Assistants on 10 Seniority - cum-fitness quota, my name is not included by your office without assigning any cause.

For your ready reference, I am furnishing below few details of my service career :-

- i. Seniority position in the eligibility list vide communication no. : 1 (27)/99-S dated 11.11.99-SL. No. 10, Rank 12, R As Sr. Tech. 30.05.93, Quali : Matric/ITIET.
- ii. Date of joining as Sr. Tech. 30.05.1993 at AIR, Pasighat, Arunachal Pradesh.
- iii. Date of joining as Technician : 30.05.1993 at AIR, Pasighat, Arunahal Pradesh.

*certified
true
copy for
Advocate*

It is observed in the promotional list, vide order dated 18.04.2000 under reference that next to my junior and others are promoted as EA whereas my name is missing. In fact, if I am promoted, I could have occurred the 9th position of the list. However, the cause is known to me why my name is omitted, because, since my service career I am performing duties, whichever may be the nature, with utmost sincerity and never been served with any type of memo/s by my controlling authorities at any one of the served stations.

I shall feel obliged, if you kindly personally look into the matter and promote me as EA with corresponding seniority at the earliest so as to get relief from mental agony which I am presently bearing. I look forward to the justice and a communication from the High office of CE (EZ) at your earliest convenience.

Thanking you,

Date : 23.6.2000

Yours faithfully,

Sd/- 23.6.
(NARENDRA KR. SINGH)
Senior Technician
AIR, Pasighat,
Arunahal Pradesh

Copy to :

1. The Vice President, ARTEE,
Akashvani Bhavan,
Calcutta-700 001
2. Unit Secretary, AIR,
Pasighat.

-7X-

Annexure-III

**ASSOCIATION OF RADIO & TELEVISION ENGINEERING EMPLOYEES
(REGISTERED & RECOGNIZED)**

Central Office : POST BOX NO. 422 NEW DELHI-110 001

East Zone Office : POST BOX NO. 2713, GPO, CALCUTTA-1

Fax : (033) 667-3145

Ref No. ARTEE/VP (E/2)/G-17/2k

To

**The Chief Engineer (M) East Zone,
All India Radio & Doordarshan,
Akashvani Bhavan, 5th Floor,
Calcutta-70001**

**Sub : To remove the Bypass on promotion from Technician to
Sr. Tech. Sr. Tech to EA and EA to SBA on seniority-
cum-fitness basis.**

Sir,

With due respect this is to inform you that on seniority of the last published eligibility list of Promotion of different cadre it has been noted by us that the following persons as given below have been bypassed from promotion to the next higher grade.

Name of the persons	Designation	Present posting	Seniority Rank
Subash I.	Technician	LPTV : Bokaro	37
Rajabishu Singh	Technician	HPTV : Imphal	59
Nolsokhotuch Yhere	Technician	DDK : Kohima	103
Prabin Kakoti	Technician	PFC : Guwahati	118
Nirenjan Boro	Technician	LPTV : Tezpur	119
Nokhwal Angami	Technician	AIR : Kohima	125
Shri. Swini Sharma	Sr. Technician	DDK, Guwahati	7
Shri Narendra Kr. Singh	Sr. Technician	AIR, Pooighat	12
Shri B.C. Mallik (SC)	Sr. Tech.	HPT, Chinsurah	24
Shri Gopalnath Majumdar	Sr. Tech	HPT, Chinsurah	25
Smt. Manisha Roy	Engg. Asstt.	AIR, Assansol	1065

The reason of the bypass has not been informed to the person concerned and to us also. But the most unfortunate to inform you that we have got the information from the reliable source that the above persons have been bypassed.

Contd...

Annexure-13 (Contd.)

due to some adverse reporting on their Confidential Report which is highly condensable from the part of our association. As such we have taken information from the person concerned that they were never involved in any kind of activities which goes against the CCS Rules. Further no communication has been marked to the individuals either to caution or rectify them. Naturally we thin the above kind of reportings a manifestation of the vindictive attitude of the hier officer to hamper the career of a person. Hence I request to your prudent chair to herational enough to intervene on the above matters so that a review be made on their Confidential Report and necessary steps may be taken to rectify the above reporting to give the persons a scope to enjoy the benefit of promotion to the higher post.

Finally, I will request you again to intervent on the above matter so that the above persons get released from the adverse constraining and get promotion at the earliest and obliged. The follow up action is kindly awaited please.

Thanking you,

Sd/-

PRORASH CHAKRABORTY
Vice-President (EZ) ARTEE

Copy to

1. The Director General (by name Shri K.M. Paul, CE (D), New Delhi.
2. The Chief Executive Officer, Broadcasting Corporation of India, New Delhi.
3. The General Secretary, ARTEE, New Delhi.
4. The Unit Secretary, ARTEE, AIR/HPT/LPTV/DDK

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ANNEXURE - IX

Original Application No. 15 of 2001.

Date of decision : This the 6th day of August, 2001.

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

Sri Narendra Kr. Singh
Son of Late B.K.Singh,
Senior Techicians
Passighat, All India Radio,
District- East Siang
Arunachal Pradesh

...Applicant

By Advocate Mr. M.Chanda.

-versus-

1. Union of India
Through the Secretary to the
Govrnmnt of India,
Ministry of Information and
Broadcasting,
All India Radio and Doordarshan,
New Delhi.
2. The Director General,
All India Radio,
New Delhi.
3. Director General
Doordarshan, Mandi House,
New Delhi.
4. Chief Engineer (EZ)
Prasar Bahrati & Television
Borad Casting Corporation of India,
Akashvani Bhawan, Eden Garden,
Calcutta.
5. Shri Ram Naresh Singh
Engineering Assistant,
Prasar Bharati & Television
Doordarshan Kendra,
Patna
6. Shri Abdul Kayum Laskar
Engineering Assistant
Low Power Television Centre
Prasar Bharati & Television
Haflong, Assam.
7. Shri Binod Kumar Singh
Engineering Assistant,
All India Radio,
Doordarshan Kendra,
Low Power Television Centre,
Laktaisarai, District-Munger,
Bihar.

...Respondents

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

....Contd.

This application under section 19 of the Administrative Tribunals Act, 1985 has arisen and is directed against the order dated 18.4.2000 by which juniors of the applicant have been superseded in the matter of promotion from the post of Senior Technician to Engineering Assistant. The applicant at the relevant time was holding the post of Senior Technician to which was promoted on 5.3.1990. The name of the applicant was at serial no. 11 of the promotion order. The eligibility list of Senior Technician for promotion to the post of Engineering Assistant in the Eastern Zone on the basis of seniority cum fitness on 10% quota was published on 11.11.1999. In the said list the name of the applicant was at serial no. 10 and the name of the respondent nos. 5,6, and 7 were at serial nos. 11,12, and 13. Admittedly 10% promotion were made from the Senior Technicians to the grade of Engineering assistant on the basis of seniority cum fitness. As alluded that the respondent nos. 5,6,7 were junior to the applicant superseded him. Hence this application assailing the order of supersession dated 18.4.2000.

2. The respondents submitted its written statement and admitted that 10% of promotion are made on the basis of seniority cum fitness in the feeder cadre with five years of regular service. The respondents however stated that the applicant was not promoted since DPC did not recommend his case for promotion to the post of Engineering Assistant. As per the written statement the bench mark for promotion was ~~not~~ good. The case of the applicant was ignored because he was graded average. As per the written statement average performance is not treated as adverse and therefore the same was not communicated to the applicant. The respondents

.....Contd.

also stated in the written statement that above average performacne only entitled to an employee to recognition and reward of promotion. Since the said promotion is made on the basis of seniority cum fitness, persons cannot be overlooked from promotion unless he is found unfit. The merit comes into play in the matter of promotion when promotion is made on selection. In the instant case promotion is based on seniority cum fitness. Therefore senior person cannot be superseded, ^{unless he is found unfit.} In the instant case persons junior to the applicant have been promoted on the basis of their bench mark as good. The applicant could not have been superseded on the only ground of average grading.

3. For the aforementioned reasons the respondents are ordered to reconsider the case of the applicant for promotion to the post of Engineering Assistant against the 10% quota on seniority cum fitness basis.

4. In the light of the observations made above the respondents are directed to complete the aforementioned exercise within six weeks on receipt of a certified copy of this order.

5. The application is allowed to the extent indicated above. There shall however no order as to costs.

Sd/VICE CHAIRMAN

TRUE COPY

14/9/2001

Section Officer (B)

10/5/2001

10/5/2001

10/5/2001

10/5/2001

10/5/2001

10/5/2001

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)
ALL INDIA RADIO & TELEVISION
KOLKATA

ANNEXURE-X

No. Z.CADRE-1(27)/2001-S.

Akashvani Bhavan,
Kolkata - 700001.
Dated : 20-08-2001.

ORDERSubject : Promotion of Senior Technician to the post of Engineering Assistant.

In partial modification of my office order of even No. dated 29.3.2001, the following S.T. Technicians are hereby posted as Engineering Assistant at Stations/Offices mentioned against their names:

SL. NO.	NAME OF THE E.A.	PRESENT POSTING	TRANSFERRED TO	Instead of
1.	Shri Pranjit Pathak	AIR, Guwahati	AIR, Guwahati	AIR, Kohima
2.	Shri B.K. Sahoo	AIR, Cuttack	LPTV, Kendrapara	AIR, Cuttack
3.	Shri Anukul Chandu	DDK Kolkatta	PPC Guwahati	LPT Landing
4.	Shri Narendra Kr. Singh	AIR, Pasighat	LPTV, Pasighat	LPTV, Ballapal

Their relieving/joining dates may be intimated to this office immediately after their relieving/joining at the concerned station/office.

(N. Selvarajan)
DIRECTOR ENGINEERING
FOR CHIEF ENGINEER (EAST ZONE)

To :-

1. Engineering Head, All India Radio, Guwahati/ Kohima/ Pasighat/ Cuttack.
2. Engineering Head, Doordarshan Kendra, Kolkatta/PPC Guwahati.
3. Engineering Head, Doordarshan Maintenance Centre, Balasore/ Itanagar/Dimapur.

Copy to :-

1. Director General, All India Radio, S IV(A) Section, New Delhi-110001.
2. Director General, Doordarshan, S-IV Section, Maadi House, New Delhi-110001.
3. CE(P)/CE(AIR-M)/CE(TV-M)/DE(P-AIR)/DE(P-TV)/DE(M-AIR)/DE(M-TV) of this office.
4. Vice President, ARTEE/AIR & DDTFA, Akashvani Bhavan, Calcutta.
5. Confidential Section, (Smt. G.Das, UDC & Shri J. Chakraborty, UDC) of this office.

FOR N.K. SINGH

From : Shri N.K. Singh,
Engineering Assistant,
L.P.T.V. Pasighat. (A.P.)

791102

To

The Chief Engineer,
(Kind Atten. Shri S. P. Nong))
All India Radio & Television,
Akashvani Bhavan,
Eden Garden, Kolkata-700 001.

(Through proper channel)

Sub : Fixation of Seniority and releasing of payment arrears.

Ref : CAT (Guwahati Bench) decision dated 06.08.2001.

Sir,

I would like to mention the following points for your kind consideration.

1. As per eligibility list of Sr. Technician for promotion to the grade of EA (Seniority cum-fitness in 10% Quota) my rank No. was 12 (Sl. No. 10) vide memorandum No. 1(27)/99-S dated 11.11.99.
2. In the promotion list vide No. 1(27)/99-S dated 18.4.2000 I could not get promotion while my juniors, rank Nos. 13 (Sl. No. 11) Rank No. 14 (Sl. No. 12) Rank No. 15 (Sl. No. 13) promoted.
3. As per the next promotion list vide Z-Cadre 1(27)/2001-S dated 28.8.2001, I got promotion as Engineering Assistant (Sl. No. 4.)
4. The Central Administrative Tribunal (Guwahati Bench) has given the decision regarding my seniority in the promotion list of Engineering Assistant. A copy of CATS decision is enclosed herewith for your ready reference.

You are therefore requested to kindly fix my seniority at proper rank position in the earlier promotion list in the Grade of EA. You are also requested to release the payment arrears with intimation to me.

I hope you will kindly consider my case at the earliest.

Thanking you,

Yours faithfully,

Dated : 26.11.2001

Place : Pasighat.

(Shri N.K. Singh)

Enclose :-

1. CAT's decision.
2. Eligibility list of Sr. Tech. to EA.
3. Promotion list.

Copy To.

- (1) THE V.P. ARTEE (E/Z) KOLKATA
- (2) THE UNIT SECTT ARTEE PSG
- (3) THE STATION ENGINEER, D.M.C. Stanagar

From : Shri M.K. Singh,
Engineering Assistant,
L.P.T.V. Pasighat, (Arunachal Pradesh)
PIN - 791 102.

To

The Chief Engineer,
(Kind Atten. Shri *G.P. Nay* N. SRINIVASAN,
All India Radio, & Television,
Akashvani Bhavan,
Blen Garden, Kolkata - 700 001.

(Through Proper Channel).

Sub : Fixation of Seniority and releasing of payment arrears.

Ref : CAT (Guwahati Bench) decision dated 6.08.2001.

Earlier representation dt 26-11-01 / Forwarding letter NO DMC / ITA / 216 /
-01 S(NKS) / 409 dt 18-12-01

Sir,

I would like to mention the following points for your kind consideration.

1. As per eligibility list of Sr. Technician for promotion to the grade of EA (Seniority cum-fitness in 10% Quota) my rank No. was 12 (Sl.No.10) vide memorandum No.1(27)/99-S dated 11.11.99.
2. In the promotion list vide No.1(27)/99-S dated 18.4.2000 I could not get promotion while my juniors, rank Nos. 13 (Sl. No.11) Rank No. 14 (Sl.No.13) Rank No. 15 (Sl.No. 13) promoted.
3. As per the next promotion list vide 2-Cadre 1(27)/2001-S dated 28.8.2001, I got promotion as Engineering Assistant (Sl. No. 4)
4. The Central Administrative Tribunal (Guwahati Bench) has given the decision regarding my seniority in the promotion list of Engineering Assistant. A copy of CATS decision is enclosed herewith for your ready reference.

Your are therefore requested to kindly fix my seniority at proper rank position in the earlier promotion list in the Grade of EA. You are also requested to release the payment arrears with intimation to me.

I hope you will kindly consider my case the earliest.

Thanking you.

Yours faithfully,

Dated : 11-2-02

Place : Pasighat.

Enclose :-

1. CAT's decision.
2. Eligibility list of Sr. Technician to EA
3. Promotion list.

Copy to
(1) THE V.P. ARTLE (E/2) KOLKATA
(2) THE UNIT SECT ARTLE, PS6
(3) THE STATION ENGINEER, EN, 9THAIGER

Shri N.K. Singh
11/2/02
(Shri N.K. Singh)

REMINDER - II

From: Shri N.K. Singh,
Engineering Assistant,
I.P.T.V. Pasighat (Arunachal Pradesh)
Pin - 791102

To,

The Chief Engineer,
(Kind Attention Shri S.P. Haq) N. SRINIVASAN
All India Radio & Television,
Akashvani Bhavan,
Eden Garden -
Kolkata - 700 001.
(Through proper channel)

Sub: Fixation of Seniority and releasing of payment arrears.

Ref: CAT (Guwahati Bench) decision dated 6.8.2001.
Earlier representation dt. 26.11.01/Forwarding letter
NO DMG/ITA/21(4)-01 S(MAS)/709 dt. 18/12/01 and 1st
Reminder dt. 11.2.02.

Sir,

I would like to mention the following points for your
kind consideration.

1. As per eligibility list of Sr. Technician for promotion to the grade of EA (Seniority cum-fitness in 10% Quota) my rank No. was 12 (Sl. No. 10) vide memorandum No. 1(27)/99-S dated 11.11.99.
2. In the promotion list vide No. 1(27)/99-S dated 18.4.2000 I could not get promotion while my juniors, rank Nos. 13 (Sl. No. 11) Rank No. 14 (Sl. No. 13) Rank No. 15 (Sl. No. 13) promoted.
3. As per the next promotion list vide 2-Grade 1(27)/2001-S dated 30.8.2001, I get promotion as Engineering Assistant (Sl. No. 4).
4. The Central Administrative Tribunal (Guwahati Bench) has given the decision regarding my seniority in the promotion list of Engineering Assistant. A copy of CATS decision is enclosed herewith for your ready reference.

Your are therefore requested to kindly fix my seniority at proper rank position in the earlier promotion list in the Grade of SA. You are also requested to release the payment arrears with intimation to me.

I hope you will kindly consider my case the earliest.

Thanking You,

Yours faithfully

Dated: 20.5.02
Place: Pasighat
Enclosure:

(Shri N.K. Singh)

1. CAT's decision.
2. Eligibility list of Sr. Technician to EA
3. Promotion list.

Copy to :

- 1) The V.P. ARTS (E/Z) KOLKATA
- 2) The Unit Sectt. Artea, Pasighat
- 3) The Station near, DDM, Itanagar.

*Placed
in file
20.5.02
Oto the CE (PZ)
20.5.02
AIR & TV. C. S.*

From : Shri N.K.Singh,
Engineering Assistant,
L.P.T.V. Pasighat,
Arunachal Pradesh-791 102.

Read. Post.

To

The Chief Engineer,
(Kind atten : Shri N. Srinivasan),
All India Radio, & Television,
Akashvani Bhavan,
Eden Garden, Kolkata - 700 001.

(Through Proper Channel).

Sub : Request for considering the Promotion for the DPC
held for the year 1999-2000 from Sr.Tech. to EA.

Ref : CAT (Guwahati) decision dated 06.08.2001.

Application No- 15 of 2001

Sir,

With reference to above, I would like to mention the following facts for your kind consideration.

I got promotion Sr.Tech. to Engineering Assistant in the year 2000-01 for which DPC was held in June,01 .But actually as per CAT, Guwahati decision (copy attached here with for your ready reference) I should get promotion for the seniority cum-fitness in 10% Quota for the year 1999-2000.

The Judgement given by Hon' CAT (Guwahati) Promotion could not have been suspended on the ground of AVERAGE GRADING. The department has not taken any action as directed by the CAT. In Spite of my representation dated 26.11.01 and reminder dated 11.2.02 and 20.03.02 the department did not consider my case.

Once again I request you to kindly consider my promotion in the DPC for 1999-2000 seniority cum-fitness in 10% Quota under intimation to me, the case may kindly be treated as most urgent.

Thanking you.

Yours faithfully,

Dated :- 07.8.02
L.P.T.V. Pasighat.

(Shri N.K. Singh)
Engineering Assistant.

Enclose :-

1. CAT's decision Guwahati.
2. Representation copy.
3. Reminder I & II copy.
4. Eligibility list of Sr.Tech. to Engineering Assistant.
5. Promotion list.

C o p y t o :

1. The Director General (By name Shri Ram Bilas) AIR & DD, Akashvani Bhavan, New Delhi.
2. The Vice Chairman, -Central, Administrative Tribute, Ghy. Bench.
3. The Station Engineer, DDMC, Itanagar.
4. The President ARTTEE, New Delhi- 110 001.
5. The V.P. ARTTEE (EZ) Kolkata).

*Pls send
to
Adm. Secy*

PRASAR BHARATI
BROADCASTING CORPORATION OF INDIA
OFFICE OF THE CHIEF ENGINEER (E.ZONE)
ALL INDIA RADIO & TV
KOLKATA

No Z.Cadre/23(2)/2001(Court)

Akashvani Bhavan,
Kolkata-700001
Dated 2.5.2002.

The Director General,
All India Radio,
Akashvani-Bhavan
Parliament street, New Delhi-110001.

(By name : Shri Ram Bilas, DDA(E),)

Sub :- MP of 2002 in OA no.15/2001 filed by Shri Narendra Kr.Singh at Central Administrative Tribunal, Guwahati Bench.

Ref :- Directorate letter no. 8/7/2001/S.IV(A)/528, dt. 10.4.2002.

Sir,

Shri N.K.Singh had filed OA no.15/2001 in CAT Guwahati Bench and Hon'ble Tribunal had given its order dt. 6.8.2001 with direction to reconsider of the promotion of Shri Singh and accordingly a review DPC was held. The review DPC declared Shri Singh unfit for promotion for the period 1999 - 2000.

While this case was under consideration with Directorate and Ministry of I & B, it was advised by the Directorate vide letter no. 8/7/2001-S.IV(A)/249 dt. 12.12.01 to seek extension of six weeks' time from the Hon'ble CAT which was forwarded to AIR, Guwahati for necessary action. Hence AIR Guwahati has sent a draft of Miscellaneous Petition of 2002 in OA no.15/2001 praying 3 months extension time which was forwarded to Directorate for vetting vide this office letter of even no. dt. 11.4.2002. In meanwhile the vetting(draft from Branch Secretariat, Min. of Law, Kolkata is also received and enclosed herewith.

This is also to intimate that this office has not received any intimation about Shri N.K.Singh filing any Misc. application etc. Misc. petition 2002 is being filed by AIR Guwahati to avoid any adverse observation by Hon'ble CAT in not completing action within time-frame given by them.

Now, Directorate may kindly advise whether Miscellaneous Petition is to be filed or not. This is to mention that the compliance to judgement passed in OA No. 15/2001 is already over. Although this was done after expiry of the time frame of 6 weeks specified by the Hon'ble Tribunal.

Yours faithfully,

(S.K.ARORA)

DY.DIRECTOR ENGG.
FOR CHIEF ENGINEER(EZ)

Encl : as above.

Copy to -

Station Director, All India Radio, Guwahati - for information.

- 59 -

Central Administrative Tribunal
GUWAHATI BENCH: GUWAHATI

Page 1 of 5
28/10/05
(A. DEB ROY)
Sr. Cl. G. S.
A. T., Guwahati Bench

O.A. No. 346 of 2002
Shri N.K.Singh

..... Applicant.

- Vs -

Union of India & Others

..... Respondents.

- AND -

In the matter of :

Written Statement submitted by the respondents.

The humble respondents beg to submit the written statement as follows:-

1. That with regard to the statement made in para 1, of the application, the respondents beg to state that the applicant contends that inspite of Judgment in O.A. No.15/2001 of CAT, Guwahati Bench, the respondents consider the case in the year 2000-01 and promoted him as Engineering Assistant (E.A.) thereafter in complete defiance of the order. This statement is utterly false. The applicant was promoted vide this office order dated 29/06/2001 whereas the Judgment of Hon'ble Central Administrative Tribunal is dated 06/08/2001 of O.A. No.15/2001 and received by this office much later. Thus the applicant is trying to mislead the court into accepting his case once again by false suit.

As directed by the Hon'ble CAT a review DPC was held subsequently on 16/01/2002 to reconsider the case of the applicant along with other promotees cited as unofficial respondents in this petition. The Departmental promotion

committee had taken action and found him unfit to be promoted for the year 1999-2000 under 10% seniority-cum-fitness quota. In the mean time the applicant had already become E.A. on the basis of DPC held for vacancies of the year 2000-01. Since the Review DPC found him unfit for vacancies of the year 1999-2001, it is inevitable that some juniors might have by passed him.

2. That with regard to para 2, 3, 4, 4.1 & 4.2 of the application the respondents beg to offer nothing.
3. That with regard to the statement made in para 4.3, 4.4 & 4.5 of the application the respondents beg to state that the applicant in this verbose paragraph admits that he has received the financial benefits due for promotion in 1990. He also admits that his seniority has been revised by placing him just above the name of Shri Ram Naresh Singh, who was actually promoted in 01/05/1990.
4. That with regard to the statement made in para 4.6, of the application, the respondents beg to state that the applicant admits his name has been placed properly in the eligibility list published in 11/11/1999.

The DPC was convened for the promotion of Senior Technician to Engineering Assistant for the vacancy of the year 1999-2000 on 23/02/2000. DPC declared that the applicant was unfit for the promotion and accordingly he could not be promoted. Further explanation offered by him about the process of DPC declaring him unfit is not correct. However, this office is bound to act on the conclusion of DPC.

5. That with regard to the statement made in para 4.8, of the application the respondents beg to state that the applicant states that he agitated against the supersession. He also states that the recognized Association of AIR & TV Engineering Employees was also brought into the picture.

6. That with regard to the statement made in para 4.9, of the application the respondents begs to state that the judgment order for reconsideration of the case of applicant for promotion.

As stated earlier, a review DPC was conducted on 16/01/2002 for the entire panel 1999-2000 including the applicant. But the Review DPC found that the applicant was not fit for promotion after duly considered the case along with others.

Due to official exigencies, the Review DPC could be conducted only on time which is marginally beyond time limit set by judgment. Hon'ble Tribunal may kindly condon the marginal delay.

7. That with regard to the statement made in para 4.10, of the application the respondents beg to state that the applicant himself is aware that his seniority as Senior Technician has been restored to original position in the seniority list as well as eligibility list dated 11/11/1999. It may kindly be seen that though actual date of taking over as Senior Technician is 30/05/1993, the other Senior Technicians around both above and below have taken over in 1991.

A copy of letter dated 11/11/1999 is annexed ~~hereto~~ and marked as Annexure-IV in the O.A.

8. That with regard to para 4.11 & 12 of the application the respondents beg nothing to submit.
9. That with regard to the statement made in para 4.13 to 17, of the application the respondents beg to state that the DPC as well as Review DPC held on 16/01/2002 in the year 1999-2000 considered the name of the applicant along with others for promotion in the year 1999-2000. Since he is found unfit for the promotion by both the DPC & Review DPC, promotion has not been given to him. But during the subsequent DPC for the year 2000-2001, the C.R. of the year 1998-99 will be taken into account while the C.R. for the year 1993-94 will go out of consideration. Hence all allegation of the applicant are only imaginary hence all are vocabulary

It is therefore prayed that the Hon'ble Tribunal may be pleased to dismiss the O.A. with cost and bring under justice.

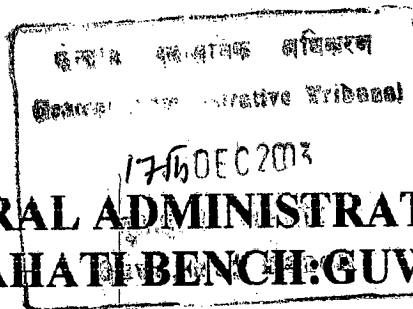
VERIFICATION

I, Shri *Ravindra Kumar Sinha*, presently
working as *Director (Engineering)*, being duly authorized and competent to
sign this verification, do hereby solemnly affirm and state that the statements made in para
are true to my knowledge and belief and those made in para
being matter of records, are true to my information derived therefrom and the
rest are humble submission before this Hon'ble Tribunal. I have not suppressed any material
fact.

And I sign this verification on this *24* th day of *October*, 2003.

MS Sinha
DEPONENT *24.10.03*

Director (*Engg*)
o/e CE (NEZ), AIR & TV
GUWAHATI-781003



O.A. No. 346 of 2002
Shri N.K. Singh

..... Applicant.

- Vs -

Union of India & Others

..... Respondents.

- AND -

In the matter of :

Written Statement submitted by the
respondents.

The humble respondents beg to submit the written statement as follows:-

1. That with regard to the statement made in para 1, of the application, the respondents beg to state that the applicant contends that inspite of Judgment in O.A. No.15/2001 of CAT, Guwahati Bench, the respondents consider the case in the year 2000-01 and promoted him as Engineering Assistant (E.A.) thereafter in complete defiance of the order. This statement is utterly false. The applicant was promoted vide this office order dated 29/06/2001 whereas the Judgment of Hon'ble Central Administrative Tribunal is dated 06/08/2001 of O.A. No.15/2001 and received by this office much later. Thus the applicant is trying to mislead the court into accepting his case once again by false suit.

As directed by the Hon'ble CAT a review DPC was held subsequently on 16/01/2002 to reconsider the case of the applicant along with other promotees cited as unofficial respondents in this petition. The Departmental promotion

committee had taken action and found him unfit to be promoted for the year 1999-2000 under 10% seniority-cum-fitness quota. In the mean time the applicant had already become E.A. on the basis of DPC held for vacancies of the year 2000-01. Since the Review DPC found him unfit for vacancies of the year 1999-2001, it is inevitable that some juniors might have by passed him.

2. That with regard to para 2, 3, 4, 4.1 & 4.2 of the application the respondents beg to offer nothing.
3. That with regard to the statement made in para 4.3, 4.4 & 4.5 of the application the respondents beg to state that the applicant in this verbose paragraph admits that he has received the financial benefits due for promotion in 1990. He also admits that his seniority has been revised by placing him just above the name of Shri Ram Naresh Singh, who was actually promoted in 01/05/1990.
4. That with regard to the statement made in para 4.6, of the application, the respondents beg to state that the applicant admits his name has been placed properly in the eligibility list published in 11/11/1999.

The DPC was convened for the promotion of Senior Technician to Engineering Assistant for the vacancy of the year 1999-2000 on 23/02/2000. DPC declared that the applicant was unfit for the promotion and accordingly he could not be promoted. Further explanation offered by him about the process of DPC declaring him unfit is not correct. However, this office is bound to act on the conclusion of DPC.

5. That with regard to the statement made in para 4.8, of the application the respondents beg to state that the applicant states that he agitated against the supersession. He also states that the recognized Association of AIR & TV Engineering Employees was also brought into the picture.
6. That with regard to the statement made in para 4.9, of the application the respondents begs to state that the judgment order for reconsideration of the case of applicant for promotion.

As stated earlier, a review DPC was conducted on 16/01/2002 for the entire panel 1999-2000 including the applicant. But the Review DPC found that the applicant was not fit for promotion after duly considered the case along with others.

Due to official exigencies, the Review DPC could be conducted only on time which is marginally beyond time limit set by judgment. Hon'ble Tribunal may kindly condon the marginal delay.

7. That with regard to the statement made in para 4.10, of the application the respondents beg to state that the applicant himself is aware that his seniority as Senior Technician has been restored to original position in the seniority list as well as eligibility list dated 11/11/1999. It may kindly be seen that though actual date of taking over as Senior Technician is 30/05/1993, the other Senior Technicians around both above and below have taken over in 1991.

~~A copy of letter dated 11/11/1999 is annexed hereto and marked as~~

~~Annexure IV.~~

8. That with regard to para 4.11 & 12 of the application the respondents beg nothing to submit.
9. That with regard to the statement made in para 4.13 to 17, of the application the respondents beg to state that the DPC as well as Review DPC held on 16/01/2002 in the year 1999-2000 considered the name of the applicant along with others for promotion in the year 1999-2000. Since he is found unfit for the promotion by both the DPC & Review DPC, promotion has not been given to him. But during the subsequent DPC for the year 2000-2001, the C.R. of the year 1998-99 will be taken into account while the C.R. for the year 1993-94 will go out of consideration. Hence all allegation of the applicant are only imaginary hence all are vocabulary.

It is therefore prayed that the Hon'ble Tribunal may be pleased to dismiss the O.A. with cost and bring under justice.

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VERIFICATION

I, Shri Ravindra Kumar Sinha, presently
working as Director (Engg), being duly authorized and competent to
sign this verification, do hereby solemnly affirm and state that the statements made in para

1 to 9 are true to my knowledge and belief and those made in para
being matter of records, are true to my information derived therefrom and the
rest are humble submission before this Hon'ble Tribunal. I have not suppressed any material
fact.

And I sign this verification on this 15 th day of September 2003.

M. Sinha
15/9/03
DEPONENT