

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A.T.A No. 176/02

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SECTION OFFICER (Judl.)

FROM No. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 176/2002

Misc Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants. J.K. Roy & Ors.

-Vs-

Respondant(s) H.O.I. & Ors.

Advocate for the Applicant(s) M.K. Chudhry, S. Sarma, M. Datta
A. Bankatiki

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

Notes of the Registry

Date

Order of the Tribunal

3.6.02

Heard learned counsel for the parties.

Application is admitted.
Issue notice on the respondents.
Call for records. Returnable by four weeks. List on 24.6.02 for orders.

Member

Vice-Chairman

Im

24.6.02

List on 31.7.2002 to enable the respondents to file written statement as prayed by learned Sr. C.G.S.C.

Member

Vice-Chairman

mb

Steps taken

Copy not yet received on respondents.

NB

31/5/02

Notice furnished and sent to SIs for filing the Respondent No. 1/02 to hand to be Regd. A/D.

D/No

12/6/02

Dtd

No. WLS have been
b'leed.

30
30.7.02.

31.7.02 List again on 28.8.2002 to enable
Mr. A. Deb Roy, learned Sr. C.G.S.C.
for the Respondents to file written
statement.

No. WLS have been
b'leed.

27
27.8.02

K. C. Sharma
Member

[Signature]
Vice-Chairman

mb

28.8.02

List on 26.9.02 to enable the
respondents to file written statement.

K. C. Sharma
Member

[Signature]
Vice-Chairman

lm

26.9, None present, no WLS b'leed,
WLS on 11/11/2002

M. A. J. J.
26.9,

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

No. WLS have been
b'leed.

31
11.12.02

List on 12.12.2002 for orders.

K. C. Sharma
Member

[Signature]
Vice-Chairman

mb

12.12.02

No written statement # so far
filed by the respondents. Further four
weeks time is allowed to the respondents
to file written statement. List on
13.1.2003 for orders.

No. written Statement
has been b'leed.

22
22.1.03

K. C. Sharma
Member

[Signature]
Vice-Chairman

mb

13.1.2003 Due to vacation the case is
adjourned to 23.1.2003

M. A. J. J.

23.1.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. S.K. Hajra, Administrative Member.

No written statement is forthcoming though time granted. Further four weeks time is allowed to the respondents for filing written statement as a ~~last~~ last chance.

List again on 21.2.2003 for written statement.

Office to show the names of the learned counsel for the applicant and delete the name of Mr. A. Ahmed in the
Counsel

S.K. Hajra
Member

[Signature]
Vice-Chairman

mb

21.2.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. S. Biswas, Administrative Member.

Put up again on 24.3.2003 to enable the respondents to file written statement.

No written statement
has been filed.

[Signature]
21.3.03

S. Biswas
Member

[Signature]
Vice-Chairman

mb

24.3.2003 Present: The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman
The Hon'ble Mr. S. Biswas, Administrative Member,

Mr. A. Deb Roy, learned Sr. C.G.S.C. stated that despite his numerous correspondences, he failed to get any positive response from the respondents for filing written statement. The matter may now be posted for hearing on 24.5.2003. The respondents may file written statement within three weeks from today or otherwise they are directed to produce the records for disposal of the case.

No. of cases has been filed.

[Signature]
23.5.03

S. A.
Member


[Signature]
Vice-Chairman

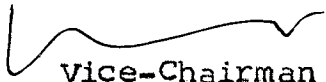
bb

No. written statement
has been filed.

30
13.6.03

26.5.03 put up again on 16.6.2003 in presence
of Mr A. Deb Roy, learned Sr.C.G.S.C for
hearing.


Member


Vice-Chairman

pg

16.6.03

Heard counsel for the parties.

Hearing concluded. Judgment delivered
in open Court, kept in separate sheets

The application is disposed of in
terms of the order. No order as to
costs.


Member


Vice-Chairman

pg

15.7.2003

Copy of the Judgment
has been sent to the
Office for issuing
the Rule to the
applicant as well
as to the Sr.C.G.S.C
for the Respondent.



CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

✓ O.A. / R.A. No. . 176 . . of 2002

DATE OF DECISION ...17-6-2003.....

... . Shri Jitendra Kumar Roy & two ors. APPLICANT(S).

... . Sri M. Dutta. ADVOCATE FOR THE
APPLICANT(S).

- VERSUS -

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

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

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

THE HON'BLE MR R.K.UPADHYAYA, ADMN. 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 Ho'ble Vice-Chairman



X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 176 of 2002.

Date of Order : This the 16th Day of June, 2003.

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

The Hon'ble Mr R.K.Upadhyaya, Administrative Member.

Shri Jitendra Kumar Roy,
Sub-Postmaster, Pandu P.O.,
Guwahati-12.12.

2. Sri Nirmal Chandra Das,
Sub Postmaster, Pandu Railway Colony P.O.,
Guwahati-12.

3. Md. Makibur Rahman,
Sub Postmaster, Bharalumukh P.O.,
Guwahati-9.

... Applicants

By Advocate Sri M.Dutta.

- Versus -

1. Union of India,
represented by the Director General,
Department of Posts,
New Delhi-1.

2. The Chief Postmaster General,
Assam Circle, Meghdoot Bhawan,
Guwahati-1.

3. The Senior Supdt. of Post Offices,
Guwahati Division, Guwahati-1.

4. Sri Khargeswar Kalita,
Asstt. Postmaster (Retd.)
resident of Ozhapara P.O.Azara.

... Respondents

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

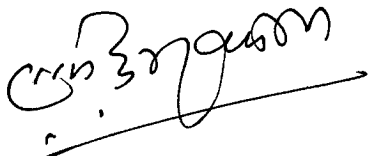
O R D E R (ORAL)

CHOWDHURY J.(V.C)

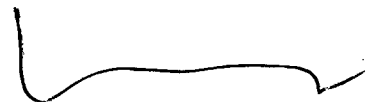
The matter pertains to promotion to the LSG 1/3 quota vacancy of the RMS. It seems that pursuant to instruction dated 19.11.1984 on the filling up of LSG quota a procedure for accommodating the officials who had qualified against 1/3rd quota vacancies relating to the year 1981-82 was delienated.. The competent authority accordingly requested the concerned authority as to the information of the number of unabsorbed officials who had

qualified 1/3rd LSG upto 15.2.1981 after accommodating the officials who have qualified in the post in the past against 1/3rd quota vacancies relating to the year 1981-82. By the communication it was also asked whether there was any administrative difficulty if these unabsorbed officials were absorbed in 1/3rd quota of LSG. Another communication was sent from the office of the Chief Poastmaster General, Assam Circle dated 6.7.99 asking for the full details of the implications i.e. financial creation of posts, seniority problems etc. in the event of officials were absorbed. It seems that respondents had not taken any final decision on the matter till now. In the absence of written statement or any full details we are not in a position to go into the issues raised in this application. We are therefore, of the opinion that ends of justice will be met if a direction is issued to the applicants to submit a detail representation narrating their grievances within a month from the date of receipt of this order. If such representations are made the authority shall consider the same and take a decision as per law and pass a reasoned order as early as possible, preferably within three months from the date of receipt of the representations in the light of the policy decision as per law.

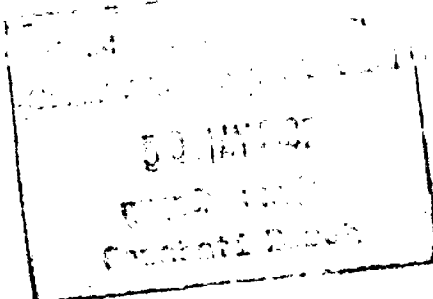
With these the application stands disposed of. There shall, however, be no order as to costs.



(R.K.UPADHYAYA)
ADMINISTRATIVE MEMBER



(D.N.CHOWDHURY)
VICE CHAIRMAN



9
Filed by
Hon'ble Dy. Judge
Guwahati Bench
20/5/02

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. 176 of 2002

Jitendra Kumar Roy & Ors. ... Applicant

- Versus -

Union of India & Ors. ... Respondent

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For use in Tribunal's Office :

Date of filing :

Registration No.

REGISTRAR

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH

O.A. No. 176 of 2002

BETWEEN

1. Shri Jitendra Kumar Roy,
Sub-Postmaster, Pandu P.O.,
Guwahati-12.
2. Shri Nirmal Chandra Das,
Sub-Postmaster, Pandu Railway Colony P.O.,
Guwahati-12.
3. Md. Makibur Rahman,
Sub-Postmaster, Bharalumukh P.O.,
Guwahati-9.

... Applicants

AND

1. Union of India, represented by the
Director General, Department of
Posts, New Delhi-1.
2. The Chief Postmaster General, Assam
Circle, Meghdoot Bhawan, Guwahati-1.
3. The Senior Supdt. of Post Offices,
Guwahati Division, Guwahati-1.
4. Shri Khargeswar Kalita,
Asstt. Post Master (Retd)
resident of Ozhapara PO Azara

... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The instant application under Section 19 of the Administrative Tribunals Act, 1985 is being filed by the Petitioners who are aggrieved by the fact that though the Petitioners had qualified for the Lower Selection Grade (1/3 Quota) in the year 1981, they were not promoted in due time as a result of which they have lost their seniority and also have suffered financial

Lower
Selection
Grade
1981

Jitendra Kumar Roy

1.10.85.

losses. Though from time to time various circulars were issued for filling up vacancies under the 1/3rd LSG quota for which the Applicants had qualified, they did not receive their promotions in due time. Though the Petitioners were promoted under the Time Bound One Promotion Scheme with effect from 30.11.83, 30.11.83 and 1.10.85 respectively, in the process they lost their seniority. Further, they are also aggrieved by the order of the Staff Adalat passed on 29.9.93 whereby the claim of the Applicants were rejected. The Applicants are similarly situated and are seeking similar reliefs by filing this application before this Hon'ble Tribunal and as such, they may be allowed to join together in filing this application for seeking redressal of their common grievance arising out of common cause of action.

2. JURISDICTION OF THE TRIBUNAL :

The applicants declare that the subject matter of the instant application for which they want redressal is well within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION :

The applicants further declare that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985. The wrong meted out against the Applicants being a continuous one, fresh cause of action arises by the day and as such, this application is not barred by limitation.

Jitendra Kumar Ray

4. FACTS OF THE CASE :

4.1 That the applicants are all citizens of India and are currently working as Sub-Postmasters in various Post Offices. The Applicants joined their services in the Post and Telegraphs Department in the year 1964, 1965 and 1969 respectively.

4.2 That the Applicants qualified for the Lower Selection Grade (1/3 Quota) (LSG for short) in the year 1981 and accordingly, they were to be absorbed in the 1/3rd vacancies that were allotted to candidates who had qualified for the Lower Selection Grade (1/3 Quota).

4.3 That though the Petitioners have qualified for the LSG (1/3 Quota) in the year 1981, they did not get their promotions in due time even though a similarly situated person whose name figured below the names of the Applicants was given his promotion. The said similarly situated person has been arrayed as Respondent No. 4 in this instant petition. The Applicants were meted out with differential treatment and as a result of which they have not only lost the seniority to the Respondent No. 4, but have also suffered financial losses.

4.4 That the Applicant No.1 and the Applicant No.2 got their promotions in the year 1983 specifically with effect from 30.11.83 and the Applicant No. 3 was promoted with effect from 1.10.85. The Applicants were all promoted to HSG-II with effect from 1.7.92, 28.10.92 and 1.10.95 respectively. However, due to the

Jitendra Kumar Roy

delayed effect given to their promotions, the Petitioners have suffered financial loss and have also lost their seniority.

The Applicants crave the leave of this Hon'ble Tribunal to produce copy of the circular dated 28.12.83 regarding the implementation of One Time Promotion Scheme at the time of hearing.

4.5 That by a circular dated 18.5.83, it was decided that vacancies against the one third quota relating to the year 1981 (for which examinations were held on 2.5.82) and also vacancies relating to the year 1992 may be filled up by officials who have qualified in the examinations held prior to the year 1982. It was also clarified that the heads of Postal circles should send a report to the office of the Director General, P&T, New Delhi within 31.7.83, indicating the number of qualified officials who were left out and the number of existing vacancies which remained to be filled up.

A copy of the circular dated 18.5.83 is annexed as ANNEXURE-1.

4.6 That inspite of the said circular dated 18.5.83, the Applicants were not given their dues. The Applicants approached the authorities on several occasions, but nothing concrete came out of such prayers.

4.7 That by an order dated 29.9.93, the Staff Adalat held in the office of the Chief Post Master General, Assam Circle, Guwahati decided that since the Time

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Jitendra Kumar Ray

Bound Scheme for promotion was introduced with effect from 30.11.83, as a consequence, the system of one time quota have been abolished and as such, the remaining qualified officials including the Applicants could not be absorbed. The Adalat, therefore, decided that the Applicants had no valid claim.

A copy of the order of Staff Adalat is annexed as ANNEXURE-2.

4.8 That by an order dated 6.8.98 issued by the Asstt. Postmaster General (Staff), various Sr. Supdt. of Post Offices, Supdt. of Postal Store Depots and other such officers were asked to intimate the number of officials who had got qualified for absorption in the one-third quota, upto 15.2.81, but were yet to be absorbed. The said letter had a reference of a letter dated 30.7.98 issued by the Asstt. Director General, SPM by which the said authority desired to know about the number of officials who remained unabsorbed even though they had cleared the LSG (1/3 Quota) examination.

Copies of the letter dated 6.8.98 and the letter dated 30.7.98 are annexed as ANNEXURES-3 and 4 respectively.

4.9 That on 6.7.99, the Asstt. Postmaster General (Staff) issued a circular to concerned officials to furnish full details of the financial implications and seniority related matters if the unabsorbed officials who had qualified for promotion in the one-third LSG quota are absorbed. It was also directed that the

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Jitendra Kumar Roy

concerned officials should send their reports immediately.

A copy of the said letter dated 6.7.99 is annexed as ANNEXURE-5.

4.10 That till date, the Applicants have not been granted their dues and inspite of various circulars issued by the authorities for absorptions of candidates/qualified persons like the Applicants, the Applicants are yet to get their promotions from the date in which they actually qualified for such promotions after having cleared the LSG (1/3 Quota) examinations held by the authorities. The Applicants also sent a legal notice to the authorities on 18.3.2001, but nothing concrete has come about. Under the circumstances, the Applicants have been constrained to approach this Hon'ble Tribunal.

A copy of the legal notice dated 18.3.2001 is annexed as ANNEXURE-6. The Applicants further crave the leave of this Hon'ble Tribunal to produce copies of representations made from time to time if the Hon'ble Tribunal so directs.

4.11 That the Applicants state that pursuant to the selections in which the Petitioners had qualified in the year 1981, a select list was published. The Applicants however inspite of best of their efforts could not obtain a copy of the select list and as such, the Applicants pray before this Hon'ble Tribunal that the Respondent authorities may be directed to produce the select list at the time of hearing.

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Jalendra Kumar Ray

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 That the Applicants are entitled to promotion in the Lower Selection Grade (1/3 Quota) as they have cleared the LSG (1/3 Quota) examinations held by the authorities. As per the Rule 272-A of the Post & Telegraph Manual Vol IV, the Applicants are entitled to absorption in the Lower Selection Grade (1/3 Quota) on the basis of their selections. The said Rule reserves one-third of the post in the Lower Selection Grade (1/3 Quota) for persons who have cleared the LSG (1/3 Quota) examinations. The Applicants are further aggrieved by the decision of the Staff Adalat which had dismissed the claims of the Applicants on the ground that the Applicants by virtue of their promotions under the Time Bound One Promotion Scheme have lost their rights which accrued to them pursuant to their selection in the LSG (1/3 Quota) Grade in the year 1981. The Applicants became eligible for promotion to the Lower Selection Grade (1/3 Quota) by virtue of their selection to the LSG Grade in the year 1981. By virtue of such selection even the Respondent No. 4 whose name appeared before the names of the Applicants in the select list was promoted to the Lower Selection Grade (1/3 Quota) prior to the Applicants which has resulted in discrimination against the Applicants. The Applicants though were promoted under the Time Bound One Promotion Scheme, but they lost their seniority in the process and also had to suffer financial losses. The Applicants state that so far as the decision of the Staff Adalat dismissing the claims of the Applicants is concerned,

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Jitendra Samrae Ray.

the said decision is perverse and is contradicted by subsequent circulars issued by the authorities from time to time. The said circulars would clearly show that various office heads were directed by the higher ups to prepare reports/lists showing the number of unabsorbed persons who had cleared the LSG (1/3 Quota) selection prior to 1982. The said circulars clearly show that the selections of the Applicants in the year 1981 had not become redundant on account of their promotions under the Time Bound One Promotion Scheme. The Applicants state that had the Applicants been promoted pursuant to their selections to the LSG (1/3 Quota) grade, the Applicants would have got their promotions earlier than they actually received their promotions under the Time Bound Scheme. Further, since the Respondent No. 4 was promoted overlooking the better claims of the Applicants, discrimination has also been meted out against the Applicants. Under the circumstances, the Applicants have been left with no other option, but to approach this Hon'ble Tribunal seeking justice. The Applicants further state that the wrong meted out against the Applicants is a continuing one and as such, this application is also not barred by the laws of limitation.

Ø6. DETAILS OF REMEDIES EXHAUSTED :

That the Applicants state that they had made representations before the authorities on various occasions and have also sent legal notice seeking the benefits of promotions pursuant to their selection to the LSG grade in the year 1981. However, nothing

Fileendra Kumar Ray

concrete has come about. Further, the Staff Adalat by its decision had also negated the claims of the Applicants in the most arbitrary manner. The Applicants have waited for long hoping that the authorities would redress their grievances, but nothing concrete has come about.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicants further declare that they have not filed any application, Writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other Bench of the Tribunal nor any such application, Writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

On the facts, circumstances and premises aforesaid, the applicant prays for the following reliefs :

- (a) Set aside and quash the order dated 29.9.93 issued by the Staff Adalat rejecting the claims of the Applicants.
- (b) Declaration that the Applicants are entitled to promotions pursuant to their selection to the LSG grade notwithstanding the fact that the Applicants were promoted under the Time Bound One Promotion Scheme.

18
Jitendra Sumaa Ray

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Gilindes leumae Ray.

VERIFICATION

I, Jitendra Kumar Roy, son of Late Jamini Roy, aged about 57 Years, at present working as Sub Post Master, Pandu Post Office, Guwahati, do hereby solemnly affirms and verify that the statements made in the accompanying application in paragraphs 1,2,3, 4.1 to 4.6, 4.9 to 4.11, 6 and are true to my knowledge; and those in paragraphs 4.7 and 4.8 are matters of record which I verily believe to be true and the rest are my humble submissions before this Hon'ble Tribunal. I have also been authorised by the other Applicants to sign this verification and I have not suppressed any material fact.

And I sign this verification on this the 30th day of May 2002 at Guwahati.

Jitendra Kumar Roy

Indian posts & Telegraphs Department
Office of the Director General, P.T., 20-Ashoka Road, Sanchar Bavan,
New Delhi-1

W.6-2/79-SPB.II

Dated the 18th May, 1983

To
All Heads of Postal Circles

Sub: LSC - filling up of vacancies
under the 1/3rd quota.

Sir,

A reference is invited to this office letter of even no. dated 21st October, 1981 on the above subject. The question whether vacancies in the LSC against the 1/3rd quota may be filled up by officials who have already qualified in the examinations held in the previous years (i.e. prior to 1982) has been considered by this office. It has been decided that vacancies against the 1/3rd quota relating to the year 1981 (for which examination has been held on 2.5.82) as also the vacancies relating to the year 1982 may be filled up by officials who have qualified in the examinations held prior to 1982, in accordance with the procedure that was obtaining prior to the issue of this office letter dated 21st Oct. 1981 quoted above.

2. After accommodating the officials who have qualified in the past against the 1/3rd quota vacancies relating to the years 1981 and 1982, a report may kindly be sent to this office indicating the number of qualified officials who are still left over and the no. of vacancies in the 1/3rd quota, if any, which are still pending to be filled up by qualified officials. Information in this regard may kindly be sent to this office not later than 31st July, 1983.

Yours faithfully,

Sd/-

(V. BALAGURU)

Director (Staff-Postal)

Encl. No. Staff/6/Rigs Dated at Hyderabad-1 the 2-6-1983

Forwarded to:

All Directors of Postal Services

The DA(P) Hyderabad

All Sr./Supt. of P.Os

All Sr./Supt. of RMS

All PSDs

Postmasters (G)

And all recognised and concerned unions

Asst. Director (R) CO Hyderabad

Staff Section

All DAs CO to immediate action at once

In A.P. Circle

(D. Venkatachari)

Asst. Postmaster General (Staff)

A.P. Circle, Hyderabad-500001

Attched

M. Datta

Advocate

(13)

Department of Posts : India :
Office of the Chief Postmaster General : Assam Circle : :
Meghdoot Bhawan 4th floor : Guwahati : 781 001.

.

No SA/1/92/Rlgs.

the 29th October 1992.

To

The SSP/Guwahati

Subject :: Decision taken on Staff Adalat held on 30.09.92 in Assam Circle, Guwahati.

.....

A copy/Extract(s) of the decision taken by the Staff Adalat held on 30.09.92 and under the chairmanship of Chief Postmaster General, Assam Circle, Guwahati on the respective grievances of the Staff is sent herewith for favour of taking necessary action. A brief particulars of the grievances along with the name and designation of the official is also enclosed herewith for favour of ready reference.

Encl :: As above.

(By)
Secretary,
Staff Adalat & Accounts Officer
O/o the Chief Postmaster General
Assam Circle
GUWAHATI : 781 001.

Copy to :-

Shri *Makibur Rahman, P.A. Guwahati G.P.O.*
with reference to his application dated *3/1/92* and an extract of the decision of the Staff Adalat held on 30.09.92 is enclosed herewith for information.

2) File no. SA/3-30/92

P. N. Janta
Secretary
Staff Adalat & Accounts Officer
O/o the Chief Postmaster General
Assam Circle, Guwahati.

..... date. The regular LSG vacancy as per instruction of Dte. Since the records pertaining to the year 1982 are not available in Circle Office, Guwahati, the Adalat directs the Competent Authority to take up the matter with the CPNG, Shillong and ascertain the position to examine the case regarding absorption in regular LSG as per instruction of the Directorate issued in the year 1984 in respect of surplus qualified officials of 1/3rd quota LSG Examination and inform Adalat during the next session for settlement of the claim of the Petitioner.

Attested

MDatt

Advocate

(14)

5 Oct

PROCEEDINGS OF
IIIrd STAFF ADALAT - 29TH SEPT'93
HELD IN THE O/O THE CHIEF POSTMASTER GENERAL
ASSAM CIRCLE: GUWAHATI

Case No.	Full particulars of the case	Present Position	Decision of the Adalat
<u>Old cases</u>			
1.SA/3-30/92)	The cases relates to the year 1981(1/3rd quota LSG examination against the vacancy of 1981) in r/o 1.Syed Makibar Rahman, PA,Guwahati GPO 2.Shri J.K.Roy,SPM PRC, Pandu. 3.Paizuddin Ahmed, SPM, Jhalukbari.	CPMG, N.E.Circle has intimated that the last examination for promotion against 1/3rd vacancies of LSG was held on 15-2-81 against the vacancies which were available in that year. The examination was qualifying one. Out of 79 qualified officials,16 officials have been absorbed against the vacancies of 1981 and 8 qualified candidates of 1981 passed IPO's Examination. As a result(79-24)=55 qualified officials of 1981 examination were left over unabsorbed.Before the back-log candidates could be absorbed, The scheme of time bound promotion had been introduced w.e.f. 30-11-83.As a consequence, the 1/3rd quota system itself had been abolished. Therefore, cases for promotion by virtue of their qualification in the 1/3rd quota LSG examination has gone with the instruction of Time Bound Promotion Scheme.	The Adalat examined the cases after getting report from N.E. Circle. The officials those who qualified in the examination were absorbed against the vacancies according to seniority. In the mean time, time bound scheme has been introduced wef 30-11-83 as a consequence system of 1/3rd quota had been abolished.As such remaining qualified officials including 3 Petitioners could not be absorbed. Therefore, the Adalat feels that the petitioners have no valid claim in confirmation with the Rules. <u>Case closed</u>
2.SA/3-31/92)			
3.SA/3-32/92)			

Attested:
H Dutta
Advocate

Encl:- As above.

PA & CAO
Secretary: Staff Adalat
O/O the Chief PMG:: Assam Circle

18

Most Urgent

Sharma

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DEPARTMENT OF POSTS: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE
NEHROOOT BHAHAN, GUWAHATI-1.

1755

To,

- 1- 2. The SSPOs, Guwahati/Silchar.
- 3- 7. All SPOs in Assam Postal Circle.
8. The SRM, Guwahati.
9. The SRM, Silchar.
10. The Supdt. of PSD, Guwahati.
11. The Supdt. of NEPSD, Guwahati.
12. The Manager, M&S, Guwahati.

No. Staff/13-1/TB/Corr Dated at Guwahati the 06-08-98.

Sub: Filling of LSG 1/3rd quota vacancies in R&S/Postal.

Please find enclosed herewith Dte.
letter No.44-59/97-SPB-II dtd. 30-7-98 on the above
subject for information.

As per Directorate letter you are
requested to intimate the number ^{of} official, if any,
(who had qualified 1/3rd exam upto 15-2-1981) are still
to be absorbed. Administrative difficulty, if any, to persons
in the 1/3rd quota of LSG may also be informed accordingly
at the earliest for onward submission of report to
Directorate.

Encl: As above.

(B. HAZARIKA)
Asstt. Postmaster General (Staff)
For Chief Postmaster General
Assam Circle, Guwahati - 781001.



Attested
H. Dutta
Advocate

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ANNEXURE-4

Copy of the N. D.'s letter No 44-59/97-SPB-II Dtd. 30-7-98

Sir,

I am directed to invite reference to the instructions issued in this office letter No 6-2/79-SPB-II dtd. 19-11-1984 on the above mentioned subject, wherein the procedure for accommodating the officials who had qualified in the past against the 1/3 rd quota vacancies relating to the year 1981-82 was indicated. .

You are requested to intimate how many officials are still unabsorbed (who had qualified 1/3 rd LSG exam upto 15-2-1981), after accommodating the officials who have qualified in the post in the past against 1/3 rd quota vacancies relating to the year 1981-82. Kindly also intimate whether there will be any administrative difficulty if these unabsorbed officials are absorbed in 1/3 rd quota of LSG. This may kindly be treated as most urgent.

Yours faithfully,

Sd/-

(R SRINIVASAN)

ASSTT. DIRECTOR GENERAL (SPN)

Attested

M Dutta

Advocate

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(17)

ANNEXURE-5

DEPARTMENT OF POSTS :: INDIA ::
OFFICE OF THE CHIEF POST MASTER GENERAL : ASSAM CIRCLE:
GAUHATI-781001.

NO STAFF/13-1/TN/Corr. DATED at Guwahati the 6 th July 1999

To
The SBPOs/SPOs
Guwahati/Dhubri/ Dibrugarh

Sub: Promotion of 1/3 rd LSG in RMS/ Poatal

Kindly refer to this office letter of even number
dtd.6.8.98 regarding filing of LSG 1/3 rd Quota Vacancies in
RMS/Postal

As per report received there are 9 (nine) unabsorbed
officials who had qualified 1/3 rd LSG exams upto 15-2-1981
in Assam Circle. 4 in Guwahati (F), 3 in Goalpara and 2 in
Dibrugarh Division.

The directorate desires to have the full details of
the implications i.e. financial creation of posts, seniority
problems etc if the officials absorbed now. As such, you are
requested to submit report as desired immediately.

sd/ illegible
APMG (staff)

O/O The Chief Post Master General
Assam Circle Guwahati 781001

Attended

M Dutta

A. W. S.

MR. TUSHAR KANTI DUTTA ROY
(Retd. Asst. Law Officer, N.F.Rly.)
ADVOCATE

Res.: East Gotanagar Hill side Colony
Guwahati - II, Kamrup (ASSAM)
T. (0361) 570912

ANNEXURE - 6

Ref.:

Date:

NOTICE

To

- (1) Director General Posts &
Telegraphs, New Delhi-110001
- (2) The Chief Post Master General,
Assam Circle, Meghdoot Bhawan,
Guwahati-781001.
- (3) Sr. Supdt. of Post Office,
Guwahati Division, Guwahati-781001.

- Clients :
- (1) Faizuddin Ahmed, SPM,
Bamunimaidan ;
 - (2) Sri Nirmal Das, Sub-Post
Master, Pandu Rly. Colony
Post Office ;
 - (3) Syed Makibar Rahman,
SPM/Pandu.
 - (4) Sri J.K. Roy, SPC/Guwahati
GPO.

Reg : L.S.G. - Filling up of vacancies under
the 1/3 rd quota in LSG Postal.

Dear Sir,

I am instructed by my above clients to give
you this notice for implimentation and filling of vaca-
ncies under 1/3rd LSG quota in postal when the authori-
ty DG, P&T, New Delhi under his letter No.6-2/79-SPB II
dated 8.3.84, 19.11.84 and subsequent letter No.6-11/
84-SPB-II dated 30.7.98

(contd...P/2).

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-: 2 :-

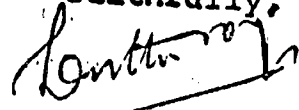
desired to implement the scheme amongst the staff who had been qualified in the LSG qualifying examination held in Feb., 1981 relating to the year 1981-82 but still un-absorbed whereas there are some employees who had qualified in the said Exams, alongwith my above clients were absorbed.

This is unjustified and discriminatory towards my clients.

In view of the above, you are requested to do justice to my clients so that they may be absorbed against their due promotion of 1/3rd LSG in postal with retrospective effect and other consequential benefits to avoid litigation, failing which my above clients shall institute a suit before the appropriate court for justice which please note.

With thanks,

Yours faithfully,



(T.K. Dutta Roy),
Advocate, Guwahati.

Dated 18-03-2001.

Attested

M Dutta

Advocate