

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 184/02.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. OA-184/02.....Pg. 1.....to 2.....
2. Judgment/Order dtd. 16/09/2002.....Pg. No separate order Dismissal
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A. 184/02.....Pg. 1.....to 4.5.....
5. E.P/M.P.....NIL.....Pg.....to.....
6. R.A/C.P.....NIL.....Pg.....to.....
7. W.S.....Pg.....to.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendement Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

✓ Original Application No. 184/2002
Misc Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicants. Sri M. Palmar

-Vs-

Respondant(s) Union of India & Ors

Advocate for the Applicant(s) Mr. A. Ahmed,

Advocate for the Respondant(s) CSC

Notes of the Registry

Date

Order of the Tribunal

14.6.02

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

Heard Mr. A. Ahmed, learned
counsel appearing on behalf of the
applicant.

Issue notice upon the
respondents as to why the
application shall not be admitted.
Notice returnable on 16.7.2002.

List on 16.7.2002 for further
orders.

K. K. Sharma
Member

Vice-Chairman

rd

This is application in form
C.F. for Rs. 50/- disposed
vide PO/BD No. 574867
Dated 14.6.02

By Registrar

Steps & copies
has been filed

13.6.02

Notices prepared and
sent to D. Section for
issuing of the same
to the respondents
through Regd. post
with A/D.

13.6.02

(1)

(2)

O.A. 184/2002

16.7.02

On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents four weeks further time is allowed to the respondents to file written statement. List on 19.8.2002 for written statement.

Vide - D.No- 1773 to 1776
Dated - 18.6.02,

~~22/8~~
18.6.02

① Service report are still awaited.

~~22/8~~
15.7.2002

No n/s has been filed.

NS
16/8/02

mb

K. C. Sharma
Member

Vice-Chairman

19.8.02

List on 16.9.2002 to enable the Respondents to file written statement.

K. C. Sharma
Member

Vice-Chairman

mb

16.9.2002

Mr. A. Ahmed, learned counsel for the applicant has stated that he is not pressing the application. The application is accordingly dismissed as not pressed.

Order dt 16/9/02
Communicated to
the parties Comd.

24/9

bb

Vice-Chairman

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 184/2002

Misc Petition No. _____

Contempt Petition No. _____

Review Application No. _____

Applicants. Sri M. Palmar

-Vs-

Respondant(s) Union of India & Ors

Advocate for the Applicant(s) Mr. A. Ahmed,

Advocate for the Respondant(s) CSC

Notes of the Registry	Date	Order of the Tribunal
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This is application in form
C.F. for Rs. 50/- deposited
vide IPO/30 No 574867
Dated 27.5.02

Dr. Registrar

By

Notices prepared and
sent to D. Section for
issuing of the same
to the respondent
through Registered post
with A.D.

By

18.6.02

14.6.02

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

Hon'ble Mr. K.K. Sharma, Member (A).

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Member

Vice-Chairman

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Vice-D.No-1773 to 1776
Dated- 18.6.02.

By
18.6.02.

① Service report are
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By
15.7.02.

NO A/S has been
filed.

AS
16/8/02

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statement.

Member

Vice-Chairman

mb

19.8.02

List on 16.9.2002 to enable the
Respondents to file written statement.

Member

Vice-Chairman

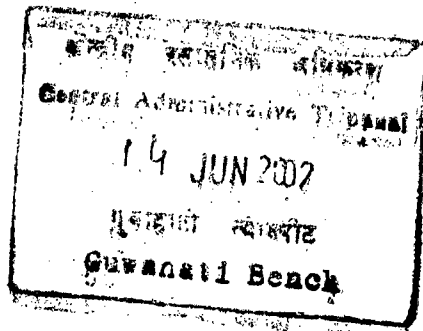
mb

16.9.2002

Mr. A. Ahmed, learned counsel for the
applicant has stated that he is not
pressing the application. The application
is accordingly dismissed as not pressed.

Vice-Chairman

bb



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 184 OF 2002.

Michael Palmer - Applicant

-Versus-

The Union of India & Others

- Respondents

I N D E X

Sl.No. Particulars Page No.

1]	Application	1 to 17
2]	Verification	- - - 18
3]	Annexure-A, A(1), A(2), A(3)	- 19 to 28
4]	Annexure-B	- - - 29
5]	Annexure-C	- - - 30 to 31
6]	Annexure-D, D(1), D(2)	- 32 to 34
7]	Annexure-E, E(1)	- 35 to 36
8]	Annexure-F	- - - 37 to 38
9]	Annexure-G	- - - 39 to 40
10]	Annexure-H	- - - 41 to 44
11]	Annexure-I	- - - 45

Filed by

Advocate.

(Asic Ahmed)

- 1 -

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. 184 OF 2002.

B E T W E E N

Michael Palmer,
Senior Personnel Assistant to
The Chief Post Master General,
N. E. Circle, Shillong.
P.O.- Shillong-1.

-Applicant.

-Versus-

- 1] The Union of India,
represented by the Secretary
to the Government of India,
Ministry of Communications,
Department of Posts,
New Delhi -1.
- 2] The Deputy Director General
(T&E), Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi-1.

Filed by
Michael Palmer applicant
through [Signature] (Adv. AHMED)
Advocate

-2-

3] The Director (WS & EST)
Department of posts,
Dak Bhawan, Sansad Marg,
New Delhi-110001.

4] The Chief Postmaster
General,
N E Circle, Shillong-
793001.

-Respondents

DETAILS OF THE APPLICATION:

PARTICULARS OF THE ORDER AGAINST
WHICH THE APPLICATION IS MADE:

This application is made against the Order No. Staff/35-4093 dated 24-07-2001 issued by the Office of the Respondent No.4 by which the promotion of the applicant was re-fixed as Stenographer, Grade-II with effect from 01-10-1992 but not being considered the other consequential service benefits as per the Hon'ble Tribunal's Guwahati Bench Judgement passed in O.A. 244/99 earlier filed by the Applicant by which the applicant's Seniority in Grade-I should be fixed from 05-03-1993 and for this the applicant prays before this Hon'ble Tribunal for a direction to the Respondents to re-fix the seniority of the applicant in the post of Stenographer, Grade-I from 05-03-1993.

2) JURISDICTION OF THE TRIBUNAL

The applicants declare that the Subject matter of the instant application is within the jurisdiction of this Hon'ble.

3) LIMITATION

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

FACTS OF THE CASE:

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

4.2 That your applicant begs to state that your application was appointed as Stenographer Grade-III in the Department of Posts, and he joined as Stenographer Grade-III in the Office of the Superintendent of post Offices at Shillong on 15-01-1979. Now he is working as Officiating Senior Personal Assistant to the Chief Postmaster General, North Eastern Circle, Shillong since 01-05-1998.

4.3 That your applicant begs to state that in order to improve the promotional prospects of

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-4-

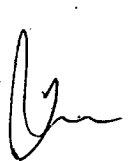
the Stenographers in the non-Secretariat/ Subordinate Offices in the Ministry of Personnel and Training issued an Office memorandum No. 22034/5/87-Est(D) Govt. of India dated 30-01-91. This above-mentioned letter was circulated by the Postal Directorate vide ~~the~~ letter NO. 2-2/89-PE-I/PE-II dated 22-04-91. This letter was also circulated to all divisional heads of the Postal Department in the North East Region by the Office of the CPMG Shillong vide ~~the~~ letter dated 13-05-91. In the meantime another reminder was also issued by the Department of Posts, New Delhi vide letter No 2-2/89-PEI/PE-II dated 10-05-91 to all Chief Postmasters General including North Eastern Region.

Annexure- A is the typed copy of the letter No. 22034/5/87-Est(D) dated 30-01-1991.

Annexure-A (1) is the typed copy of the letter No. 2-2/89-PW.I/PE-II dated 22-04-91.

Annexure-A (2) is the copy of the letter No. Staff/29-1/Plg/Corr Dated 13-05-91.

Annexure-A (3) is the Photocopy of the letter No. 2-2/89PE.II dated 10-05-1991.



4.4] That your applicant begs to state that he was promoted to Grade-II Stenographer cadre on ad hoc on 05-09-93 and he was attached to the Director Postal Services (HQ), Circle Office, Shillong and this post was re-designated as Grade-I Stenographer as per proposal for the up gradation of Stenographer (as per Dte's norms 25% of the posts of JAG Officers will be entitled to Grade-I Stenographer and there were 6 posts of JAG Officers in this Circle, 25% of which was 1.5 or say 1 post). He was promoted to Grade II Stenographer on 11-03-94 Vide order No. Staff/26-16/78 issued by the Director Postal Service (HQ), Shillong.

Annexure-B is the photocopy of the order of promotion on 11-03-1994.

4.5] That your applicant begs to state the Chief Postmaster General, North East Region, Shillong after 5(five) years sent the proposal for up-gradation and cadre review of Stenographers in North East Region, in response to Ministry of Personnel and Training Office memorandum No. 22034/5/87-Estt(D) dated 30-01-91 and Department of Posts letter No. 2-2-89-PE-II dated 22-04-91. The proposal for up gradation of Stenographer was sent by the Chief Postmaster General, North East Circle, Shillong vide his letter No. Est/34-18/76 dated 14-08-96. The brief of the proposal was that one post of Grade-III stenographer should be upgraded to




Grade-II stenographer and 25% of stenographers attached to Junior Administrative Grade Posts should be upgraded to Grade-I stenographer. In response to this proposal sent by the Chief Postmaster General, North East Circle, Shillong the Director (WS & Est) Postal Directorate, New Delhi issued a d.o. No. 2-2/89PE/PE-II dated 03-09-96 stating that a consolidated proposal of cadre review of stenographers of all circles were taken up as per the orders of the Ministry of Personnel and Training, Govt. of India dated 30-01-91 and final orders were issued for cadre review of stenographers on 01-10-91 excluding North East Circle, due to failure to provide requisite information in time. No new proposal for up gradation of stenographer can be taken without adequate matching savings for the proposal.

Annexure-C is the photocopy of the Letter No. Est./34-18/76 dated 14-08-96.

Annexure-D is the photocopy of the d.o. 2-2/89-PE.II/PEII dated 03-09-96.

4.6] That your applicant begs to state that the Office of the Chief Postmaster General, Shillong vide their d.o. no. Est/34-18/76 dated 19-09-96 sent the matching savings proposal for upgradation of stenographers in N.E. Circle to

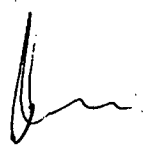


the Director (WS & Est), Department of Posts, New Delhi to take necessary action in the matter. But the Postal Directorate vide the letter NO. 2-2/89-PE-I dated 08-01-97 sent back the proposal to the respondent No.4 with a note that the information sent by the North East Circle on 19-09-96 was incomplete and matching savings proposal to be sent in proper format. The Circle Officer, Shillong again sent back the matching propel for upgradation of stenographer in proper format to the Director (Est), Department of Posts, New Delhi vide his Letter nO. Est/34—18-/76 Dated 08-03-97. The Directorate, the New Delhi vide his letter No. 2-2/89-PE./PE-I dated 20/21-03-97 then stated that as per instructions of Ministry of Finance (Department of Expenditure) letter No. 5(3)/EIII/97b dt. 07-02-97 that pending decision of the Government, on recommendation of the 5th Pay Commission on cadre review can be taken up at present.

Annexure-D(1) is the photocopy of the d.o. letter NO. Est/34-18.76 dated 19-09-96.

Annexure-D (2) is the photocopy of letter No. 2-2/89-PE.I dated 08-01-97.

Annexure-E is the photocopy of the letter No. Est/34/19/76 dated 08-03-97.



Annexure-E (1) is the photocopy of the letter No. 2-2/89-PE.I/PE.I dated 20/21-03-97.

4.7 That your applicant begs to state that he filed a representation before the respondent No. 2 through proper channel for up-gradation of his post i.e. PA to DPS(HQ), Shillong to Stenographer Gr-I as per Postal Directorate letter No. 2-2/89-PE.I/PE.II dated 10-05-1991. But the respondents did not dispose of his representation.

4.81 That your applicant begs to state that he being aggrieved by the non-disposal of his representation dated 11-08-1997 by the respondents he approached this Hon'ble Tribunal by filing OA No. 38 of 1999. The Hon'ble Tribunal was pleased to pass an order on 06-02-1999 in the above original application and directed the respondents to dispose off the representation dated 11-08-97 submitted by the applicant.



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- 9 -

Annexure-F is the photocopy of order dated 06-02-1999 passed in OA No. 38 of 1999 by this Hon'ble Tribunal.

4.9] That your applicant begs to state that the respondent No. 4 rejected the representation submitted by the applicant vide his letter No. Vig.5/12/98-99(CAT) dated Shillong 19-04-1999 by passing a mechanical order. It is pertinent to mention that in the above rejection letter the Respondent has stated "It is true that review of the cadre of Stenographers in the North Eastern Circle could not be taken up in time in pursuance of the instructions of the Postal Directorate in their letter dated 10-05-1991 due to certain administrative reasons. The proposal for up-gradation of two posts in the said cadre which was subsequently submitted by the Circle in 1996, could not fructify due to the direction of the Ministry of Finance of Government of India not to consider such proposal as obtaining at that time. As a result, the posts could not be upgraded in stenographers cadre in this circle so far. The respondent No. 5 himself admitted that the facts stated in the representation by the applicant were not disputed and as such the applicant has been compelled to approach this Hon'ble Tribunal again for seeking justice.

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- 10 -

Annexure-6 is the photocopy of the rejection order No. Vig. 5/12/98-99(CAT) dated Shillong 19-04-1999 by respondent No. 6.

4.10] That your applicant begs to state that being aggrieved by this your applicant filed another Original Application No. 244/99 before this Hon'ble Tribunal against the rejection order dated 19-04-1999 issued by the Respondent No. 4. The Hon'ble Tribunal after hearing both parties on 21-05-2001 was pleased to pass the Judgment and directed the Respondent to provide the benefit of upgradation to the applicant in the Stenographers Grade-II with effect from 01-10-92. The respondents are accordingly ordered to compute the promotion of the applicant on and from 01-10-92 in stead of from 05-03-93. The respondents shall, however, are not to pay the salaries to the applicant for the aforementioned period but save and except the salaries, the applicant shall be entitled all other service benefits in PA Grade-II in the scale of Rs. 1400-2300/- on and from 01-10-92 including seniority etc. and the applicant shall, also be considered for promotion for the higher rank on the strength of his promotion effecting from 01-10-92."

It is pertinent to mention here that the Hon'ble Tribunal has also clearly stated in the said judgment that he will gate all other

b

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service benefits and also will entitle to get promotion for the higher rank on the strength of his promotion effecting from 01-10-92.

Annexure-H is the photocopy of judgment and order dated 21-05-2001 passed in OA No. 244/99.

4.111 That your applicant begs to state that he submitted the above judgement before the authority concerned to implement the same. The Office of the Respondent No. 4 vide their Order No. Staff/35-4093 dated 24-07-2001 have promoted the applicant to Stenographer Grade-II w.e.f 01-10-92 in stead of 05-03-1993. But, most surprisingly, the Respondents are silent in regard to his seniority claim in Stenographer Grade-I from 05-03-92 as he was working in the post of P.A. to the Director of Postal Service, Shillong 05-03-93 till 01-05-98.

It may be stated that vide Letter No. 2-2/89 PE-II dated 10-05-91 (At Annexure-A/3) the post of PA to the Director of Postal Service, Shillong shall be upgraded from Stenographer Grade-II to Stenographer Grade-I. But due to lapse and negligence of the Respondents the said post was not upgraded in time. As such, the applicant is entitled to be promoted to the post of Stenographer Grade-I with effect from 05-03-1993, i.e., from the date of his joining to the said post.

Annexure-1 is the photocopy of order No. Staff/35-4093 dated 24-07-2001.

4.121 That your applicant begs to state that if he is promoted to the post of Stenographer Grade-I on 05-03-93 then he will be entitled to get promoted to the Post of Senior P.A. after two years, i.e. on 05-03-95. Thereafter, now he will be also eligible for the promotion to the post of Senior P.S.

4.131 That your applicant begs to state that being aggrieved by and dissatisfied with the impugned order dated 24-07-2001 issued by the office of the Respondent No.4 the applicant is again compelled to approach before this Hon'ble Tribunal for seeking justice in this matter.

4.141 That your applicant begs to submit that if the respondents, particularly, the Respondent No. 4 submitted all relevant papers and information in due time to the Department of Posts, New Delhi like all the other Postal Circle of the Department of posts then your applicant may get the benefit of the Grade-I scale of stenographer from 05-03-1993.

4.151 That the applicant submits that he will not be eligible in the panel of eligible candidates for the post of Senior Personal Secretary in the Postal Department due to



negligence of his Department for not giving him due promotion in time, i.e. in Grade-I Stenographer as such he will not be eligible to hold the post of Senior Personal Assistant Secretary in the Postal Department.

4.16] That the applicant submits that the respondents have deliberately and intentionally discriminated the applicant with regard to upgradation of his post in due time and as such it is a fit case giving adequate direction by Hon'ble Tribunal to the respondents for upgradation and promotion of the applicant to the posts of Stenographer Grade-I with retrospective effective 05-03-93.

4.17] That your applicant submits that the action of the respondents particularly respondents No. 4 is mala fide, illegal with a motive behind as such, the applicant has compelled to approach this Hon'ble Tribunal again for seeking justice.

4.18] That your applicant submits that the action of the respondents by which the applicant has been deprived of his legitimate rights are arbitrary. It is further stated that the respondents have acted in mala fide intention only to deprive the applicant from his legitimate right.

4.19] That your applicant submits that he has made out a prima facie case against the

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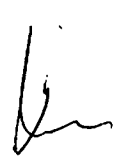
respondents for not giving him his due promotion in time Grade-I Stenographer. The principle of balance of convenience lies very much in favour of the applicant and in view of the matter the applicant prays that an interim order be issued by this Hon'ble Tribunal directing the respondents not to hold the Departmental Promotion Committee for Senior Personal Secretary until the application is disposed off by this Hon'ble Tribunal.

4.19] That this application is made bona fide and for the ends of justice.

5] GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

5.1] For that, the respondents, particularly, the Respondent No.4 himself admitted that the applicant's case is genuine and not disputed. As such, rejection of representation by the respondent is, illegal, arbitrary and mala fide. As such, the post of Grade II Stenographer with retrospective effect from Grade-I Stenographer from 05-03-93.

5.2] For that, the applicant is a victim of hostile discrimination and thereby the Respondents violated the principle of administrative fair play and Article 14 & 16 of his Constitution of India.



5.3] For that, due to negligence of the Respondents, particularly, Respondent No.4 the applicant has not been promoted in due time like other circles of the postal department and as such, the applicant should be promoted with retrospective effect from 05-03-93 for Grade-I Stenographer.

5.4] For that, the applicant had worked as personnel Secretary to the Director of Postal Service., Head Quarter, Shillong, the post has been proposed to be upgraded as Stenographer I and as such, the applicant is entitled for up gradation as Stenographer I from 05-03-93.

5.5] For that, if the promotion of the applicant was given in due time with other circles then he will be eligible in the panel of eligible candidates for the post of Senior Personal Secretary in Postal Department but the applicant will not get the chance to appear in the panel of eligible candidates if he is not given promotion in due time and as such, there will be stagnation in his service and his juniors in other circles will get chance for promotion to Senior Personal Secretary which is not permissible under the service jurisprudence.

5.6] For the, in any view of the matter the action of the Respondents are not sustainable in the eye of law.

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6] DETAIL OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal. Under section 19 of the Administrative Tribunal Act, 1985.

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

That the applicant further declares that he has not filed any application, Writ petition or suit in respect of the subject matter of the instant application before any other Court. Authority, nor any such application, Writ Petition or suit is pending before any of them.

8] RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to admit this petition records may be called for and after hearing the parties on the cause or causes that may be shown and on perusal of the records grant the following reliefs to the applicant.

1

8.1] To direct the respondents to promote and upgrade the applicant to the post of Stenographer Grade-I with retrospective effect i.e., 05-03-93 from which date he has worked in the Grade-I post of Stenographer in the office of Director of Postal Services (HQ), Shillong with all consequential service benefits including arrear salary, etc.

8.2] To pass any other order or orders as deem fit and proper by the Hon'ble Tribunal.

8.3] Cost of the application.

9] INTERIM ORDER PRAYED FOR:

The applicant prayed for an interim order from this Hon'ble Tribunal directing the respondents not to hold the DPC (departmental Promotion Committee) for the post of Senior Personal Secretary and also not disturb the applicant from the present post until the case is decided by This Hon'ble Tribunal.

10] THIS APPLICATION IS FILED THROUGH ADVOCATE.

11] PARTICULARS OF I.P.O.

I.P.O. No.	: 76,574867
Date of Issue	: 27.5.2002
Issued from	: Guwahati C.P.O.
Payable at	: Guwahati

12] LIST OF ENCLOSURES:
As stated above.

Verification

I, Shri Michael Palmer, serving as Senior Personal Assistant to the Chief Postmaster General, N.E. Circle, Shillong 793001 under the Ministry of Communications the applicant of the instant case do hereby solemnly verify that the statements made in paragraphs 1 to 4.1, 4.2, 4.7, 4.11 to 4.13 — are true to my knowledge those made in paragraphs 4.3 to 4.6, 4.8, 4.10 are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advise and rest are my humble submissions before This Hon'ble Tribunal I have not suppressed any material facts.

I signed this verification on this 13th day of June 2002 at Guwahati.

Michael Palmer

Declarant.

No. 22034/5/87-Estt(D) Govt. of India, Ministry of Personnel P.G. & Pensions, Deptt. of Personnel and Training.

New Delhi, 30-1-97

OFFICE MEMORANDUM

SUB: Scale of Stenographic Assistants to officers in subordinate offices.

Attention of the Ministries/Departments is invited to the Department of Personnel and Training OM No. 28034/1/88-Estt(D) dt. 6.2.89 wherein the level of stenographic assistance for officers of subordinate offices has been indicated.

2. In order to improve the promotion prospects of stenographers in the non-secretariate/subordinate offices it has been decided to take the following measures:

a) Under the OM No. 6.2.89 referred to above, stenographic assistance is admissible only to the officers at the level of Rs.3000-Rs.4500/- and above. It has now been decided that where stenographic assistance is presently available to officers below the level of Rs.3000-Rs.4500 on functional justification based on recommendation of SIU/IWSU, the existing sanctioned posts of stenographers for such officers may be retained. In cases where the stenographic support to officers below the level of Rs.3000-Rs.4500 is not based on the recommendation of IWSU/SIU, the continuation of the posts of stenographers may be considered afresh based on the study of the workload by SIU/IWSU. If no justification is found on the basis of such study for continuation of the post(s), the same may be abolished after it is vacated by the present incumbent.

b) In order to relieve stagnation in the lowest grade of stenographers (Gr.III), wherever possible, on functional considerations, one stenographer Gr.II (Rs.1400-Rs.2600), may be provided to two officers entitled for a stenographer Gr.III (Rs.1200-Rs.2040) each. Such arrangement once made will be final. The implementation of this decision may be suitably caused to ensure that it does not lead to any of the existing stenographers Gr.III being rendered surplus.

c) Stenographic assistance at the level of Rs.1640-2900 (Gr.II) may also be provided to functional posts in the scale of Rs.4500-Rs.5700/- and 25% of JAG posts in the scale of Rs.3700-Rs.5700 after identifying such posts on the basis of stenographic workload.

3. The schemes indicated above may result in the upgradation of certain posts from the level of Rs.1200-2040 to the level of Rs.1400-2600 and also from the level of Rs.1400-2600 to the level of Rs.1640-2900 and abolition of a few posts in the scale of Rs.1200-2040. It is not necessary to obtain approval of the

Copy attested

1/1/97

For the Director, Personnel and Training
Circle, New Delhi

ATTN
Advocate

cabinet in the matter and the individual ministry/Department take further necessary action in consultation with the FAs.

4. It is requested that Ministry of Agriculture, etc. may initiate expeditious action to implement these decisions so as to relieve stagnation among stenographers in the secretariat/ subordinate offices under them.

sd/
Director

Copy attested
has
17/1/79

Asst. Director (P.H.D./M.A.S.)
D.O. in Charge, Board
D.E. Circle, Bangalore

Atta to
J.S. /
Adverse

~~19~~
- 21 -

ANNEXURE A (1) 28

ANNEXURE-A(1)

COPY OF POSTAL DIRECTORATE LETTER NO. 2-2/89-PE.1/P-II dated 22.4.1991

Sub: Scale of pay of stenographic assistants to officers in subordinate offices.

Sir,

I am directed to forward herewith a copy of OM No. 22034/5/87-Estt(D) dt. 30.1.1991 received from the Ministry of Personnel, P.G. & Pensions Deptt. of Personnel and Training, New Delhi on the above subject, for information, guidance and necessary action. OM No. 20034/1/88-Estt(D) dated 6.2.89 referred to therein was circulated vide this Directorate's circular no. 2-2/89-PE.I dt. 27.3.89.

Yours faithfully,

sd/

A.H. NANDA

Asst. Director General(PE-II)

Asst. Director (PE-II, Bldg: Mail)
O/O the Chief Postmaster General
N.E. Circle, Shillong-793001.

Copy to
1/1/99

Attest
JL
Adm

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL N.E. CIRCULAR
SHILLONG, 793 001

No. Staff/29-1/Ric/Corr. Dated Shillong the 17-5-91
To:

ANNEXURE - A(2)

1. All DESKTOP in N.E. Postal Circle
2. SPSD/Guwahati/Teachar
3. Sr. Postmaster Shillong G.P.C.
4. Hq. share, Sta. Sec. C.O. Shillong
5. Spare. (6) Ratt. Section, C.O. Shillong

Subject:- Scale of pay of Stenographic Assistants to
offices in sub-ordinate offices.

A copy of Directorate's letter No. 2-2/89-
PEI/F-11 dated 22-4-1991 on the above subject is forwarded
herewith for information, guidance and necessary action.

For Chief Postmaster General
N.E. Postal Circle, Shillong.

Copy of Dte's letter No. 8dt. on the above subject
addressed to all concerned.

Subject:- Scale of Stenographic Assistance to Officers
in Sub-ordinate offices.

Sir,

I am directed to forward herewith a copy
of O.M. No. 22034/5/87-Eatt. (D) dt. 30.1.1991 received
from the Ministry of Personnel, P.G. & Pensions Deptt.
of Personnel and Training, New Delhi on the above
subject, for information, guidance and necessary
action, O.M. No. 22034/1/88-Eatt (D) dated 6-2-89
referred to therein was circulated vide this
Directorate's Circular No. 2-2/89-PEI.1 dt. 27-3-89.

Yours faithfully,

Sd/- A.H. Nanda
Asst. Director General (PE-II)

14375914

Advant

23 -

GOVERNMENT OF INDIA
DEPARTMENT OF POSTS
DAK BHAVAN, SANSAD MARG
NEW DELHI-110001,

No.2- 2/89-PE.I/PE.II

10 MAY 1991

Dt:- -5-91

To

All Chief Postmasters General

Postmaster General,
Haryana, H.P., J&K

All Regional Postmasters General

Subject:- Scale of Stenographic Assistance to Officials
in Sub-ordinate offices.

ANNEXURE-A(3)

I am directed to invite a reference to O.M.
No.22034/5/87-Estt.(D) dt. 30-1-91 from the Ministry
of Personnel, Public Grievances and Pension (Department
of Personnel and Trg.) circulated with this Directorate's
Circular No. 2-2/89-PE.I/PE.II dt. 22.4.91 on the
subject noted above.

2. In para-2(a) of the aforesaid O.M., it has been
stated that where Stenographic assistance is presently
available to Officers below the level of Rs. 3000-4500/-
on functional justification based on recommendation
of SIU/IWSU, the existing sanctioned posts of
Stenographer for such officers may be retained. In
cases where the stenographic support to officers below
the level of Rs. 3000-4500/- is not based on the
recommendation of IWSU/SIU, the continuance of the
posts of Stenographer may be considered afresh based
on a study of the workload by SIU/IWSU. If no
justification is found on the basis of such study for
the continuance of the posts, the same may be
abolished after it is vacated by the present incumbent.
You are requested to furnish details of Stenographic
assistance to the officers below the level of Rs. 3000-
4500/- in the enclosed annex-'A'.

3. It has also been laid down in Para-2(b) of the
O.M. referred to above that in order to relieve stagnation
in the lowest grade of Stenographers (Gr.III), wherever
possible, on functional considerations, one stenographer
Gr.II (Rs. 1400-2600) may be provided to two officers
entitled for Stenographer Gr. III (Rs. 1200-2040) each.
Such arrangement once made will be final. The
implementation of this decision may be suitable phased
to ensure that it does not lead to any of the existing
Stenographers Gr.III being rendered surplus. You are
requested to furnish details of stenographic assistance
to the officers in the scale of Rs. 3000-4500/- and
below the scale of Rs. 3700-5000/- in the enclosed annex-'B'

Contd/-2

Received
PA to MS
on 24.2.97
on 24.2.97

Atul
Advant

4. It has been laid down in Para-2(c) of O.M. dt. 30-1-91 referred to above that the stenographic assistance at the level of Rs. 1640-2900/- (Gr.I) may also be provided to functional posts in the scale of Rs. 4500-5700/- and 25% of JAG posts in the scale of Rs. 3700-5000/- after identifying such posts on the basis of stenographic workload. The circles are aware that all the posts in the Jr. Administrative Grade in the scale of Rs. 4500-5700/- are non-functional. In view of this you are requested to give details of stenographic assistance to 25% of JAG posts in the scale of Rs. 3700-5000/- and Rs. 4500-5700/- (Non-functional) in the enclosed Annex-'C'.

Details of financial implications on account of abolition of posts of Steno. Gr.III and upgradation of posts of Steno. Gr.III and Stenographer Gr. II consequent on revision in the scale of stenographic assistance to officers in Sub-ordinate Offices may please be furnished in the enclosed annex-'D'.

Please arrange to send the aforesaid information to this Dte immediately.

Encl: - As above.

(A.N. Nanda)
Asstt. Director General (PE.II)

Copy to:-

1. All PTCs
2. Controller of Foreign Mails Bombay
3. Director of Postal Staff College, Ghaziabad.
4. A.D.G (Work Study)

(M.S. RAWAT)
SECTION OFFICER (PE.II)

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Details of Stenographic Assistance to the Officers below the level of Rs. 3000-4500/-

Sl. No.	Scale of the Officer and his/her designation	Scale of the Stenographic assistance presently available	Whether the post of the Stenographer is filled or lying vacant.	Whether the post is justified on functional basis on recommendation of SIU/IWSU	If the post is not justified on the basis of the workload to be assessed by SIU/IWSU, when is it likely to be vacated by the present incumbent?
(1)	(2)	(3)	(4)	(5)	(6)
①	APM G (Staff & Tech) Pay Rs 3000 - 4500/-	one post - Steno gr II @ 1200 - 2040	filled	justified on pr norms prescribed vide O.S. letter no T/37160-PE (PFI) dt 18.1.63.	Does not arise
②	IFA, N.E. Circle Shillong Pay Rs 3000 - 4500/-	one post - Steno gr III @ 1200 - 2040/-	filled	yes	Does not arise
①	one post of Asstt. Director (Estt & mail) Pay Rs 2000 - 3200/-	} two posts of Steno gr III @ 1200 - 2040/-		one post is lying vacant	
②	one post of Asstt. Director (Acct) Pay Rs 2000 - 3200/-				
③	one post of Asstt. Director (F-3) Pay Rs 2000 - 3200/-				
④	one post of A.E. (new) Pay Rs 2000 - 3200/-				

Details of Stenographic assistance to the officers in the scale of Rs. 3000-4500/- and below the scale of Rs. 3700-5000/-

Annex-B

Sl. No. of the Officer and his/her designation.	Scale of the stenographic assistance presently available.	Whether the post of the Stenographer is filled or lying vacant.	Out of SI. No. 2, identify the pairs of two officers to whom the Steno. Gr.II (Rs.1400-2600) is proposed to be provided on the functional consideration.	Identify the stenographer Gr.III(Rs.1200-2040)who will be rendered surplus and how will he/she be adjusted ?	
(1)	(2)	(3)	(4)	(5)	(6)
one post					

one post
1. APMG (Jag & Tech)

(a) Rs 3000-4500/-

2. one post of

IFA @ Rs 3000-4500/-

one post of
Steno Gr III
(a) 1200-2040/-

filled

one post of
APMG (STS)
2
one post of
IFA

No post is found
surplus

Atty
Advocate

Details of Stenographic assistance to 25% of JAG posts in the scale of Rs. 3700-5000/- and Rs. 4500-5700 (Non-Functional)

Annex-C

Sl. No.	Scale of the Officer and his/her designation	Scale of the stenographic assistance presently available	Whether the post of stenographer is filled or lying vacant	Total No. of JAG posts in the scale of Rs. 3700-5000/- and Rs. 4500-5700/- in your circle.	Out of Col. 5, identify 25% of JAG posts in the scale of Rs. 3700-5000/- tentatively, to whom stenographic assistance at the level of Rs. 1640-2900/- (Gr. I) will be provided, to be followed by quick work study to ascertain stenographic workload.
(1)	(2)	(3)	(4)	(5)	(6)

① Director of Postal Services Division	One Steno Gr. II 1400-2600/-	Filled
② DPS / Kothima	One Steno Gr. II - 1200-2040/-	do
③ DPS / Kizadi	One Steno Gr. II 1400-2600/-	do
④ DPS / Agartala	- do -	do
⑤ DPS / Amphal	- do -	do
⑥ DPS / Shanagar	- do -	do

6 posts of DPS
in 3700-5000/-

25% of JAG posts = 1.5
say one post.
The post of DPS Col/sions is identified to whom stenographic assistance of 1640-2900/- (Gr. I) is proposed to be provided.

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possible, on functional considerations, one stenographer

Annex-D

Details of Financial Implications on account of abolition of posts of Stenographer Gr.III and upgradation of posts of Stenographer Gr-III and Stenographer Gr.II, consequent on revision of scale of Stenographic assistance to officers in Sub-ordinate offices.

How many posts of Steno. Gr.III (Rs.1200-2040) will be abolished?	Annual Savings due to abolition of the Posts at Sl. No.1	Number of steno Gr-III (Rs.1200-2040) which will be up-graded to steno. Gr.II (Rs.1400-2600)	Annual increase in the expenditure on account of up-gradation of posts as at Sl. No.3	Number of Stenographer Gr.II (Rs.1400-2600) posts which will be upgraded to Steno. Gr.I (Rs.1640-2900) as at Sl. No.5	Annual increase in the expenditure on account of up-gradation of posts as at Sl. No.5	Net total financial Implications annually on account of exercise at Sl. No. 1 to 6
(1)	(2)	(3)	(4)	(5)	(6)	(7)

one post of
Steno gr III

Rs 60768.00

one post of
Steno gr III to
be upgraded to
Steno gr II

Rs 9576.00

one post Rs 14052.00

upgradation
of one gr III steno
to gr II level and
that of one gr II steno
to gr I level will
cost an addl. amount
of Rs 23628.00 P.A.

Atk Tai
J. S.
Date 15

28 -
29 -

174

~~ANNEXURE - 2~~

ANNEXURE - B

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL N.E.CIRCLE SHILLONG

No. Staff/26-16/88

Dated Shillong the 11/3/94.

The following promotion and posting of the following stenographers grade-III to the cadre of PA grade-II is hereby ordered to have immediate effect.

2. Shri M. Palmar, Steno circle office, Shillong is posted as PA to DPS (HQ) circle office Shillong in against the existing vacancy.
3. Shri S.K. Sur, Steno circle office, Shillong is transferred and posted as PA to DPS, Itanagar & vice Shri C.R. Dab, transferred.
4. Shri S. Warjri, Steno circle office, Shillong is transferred and posted as PA to DPS, Agartala vice Shri A.K. Sarkar, transferred.
5. Shri H. Zoliana, Steno to the Sr. Supt of Post offices, Shillong is transferred and posted as PA to DPS, Aizawl vice Shri S. Ghosh, transferred.

A. N. D. Kachari
(A . N . D . Kachari)
Director of Postal Services (HQ).

Copy to :-

1. The Director of Postal Services, Circle office, Shillong.
2. The Director of Postal Services, Itanagar/Agartala/Aizawl.
3. The Asstt. Postmaster General, Circle office, Shillong.
4. The Asstt. Director (Estt) C.O. Shillong.
5. The Asstt. Director (A/Cs) C.O. Shillong.
6. The Asstt. Director (PLI) C.O. Shillong.
7. The A.A.O (Bgt) C.O. Shillong.
8. O/S Circle office, Shillong.
9. The Sr. Postmaster, Shillong CPO.
10. The Postmasters, Itanagar/Agartala/Aizawl.
- 11-14. The officials concerned.
- 15-18. P/F of the officials.
19. File no. Staff/26-16/90.
20. Spare.

A. N. D. Kachari
For Chief Postmaster General,
N.E. Circle, Shillong.

ASST
JS
Done

D.O. No. Est/34-18/76

14 Aug 96.

Dear Smt Kamal Varma,

ANNEXURE - C

This is regarding proposal for upgradation of post of Stenographers in the Circle having reference to Directorate's letter No. 2-2/89-PE.I/Pt.II dated 22.4.91 containing copy of G.N. No. 22034/B/87-Entt(D) dated 30.1.91 issued by the Ministry of Personnel, P.G. & Pensions, Department of Personnel and Training, New Delhi.

At present, there are eight posts of SAG/JAG officers in the Circle who are entitled to have stenographic assistance in terms of ruling circulated vide Directorate's No. 2-2/89-PE.I dated 27.3.89 containing Ministry of Personnel, P.G. & Pensions, Department of Personnel and Training etc. memo. No. 28034/1/88-Entt(D) dated 22.8.89. Accordingly, the following posts of stenographers in different grades have been provided to them :-

- (i) CPMG(SAG) - 1 Sr. P.A. in G.C.S. Group B level.
- (ii) PMG(SAG) - 1 Sr. P.A. in G.C.S. Group B level.
- (iii) 5 posts of Directors of Postal & posts of steno Gr.II. services in Postal divisions.
- (iv) 1 post of DPS in Circle office - 1 post of steno Gr. III

Apart from this in Circle office, the following posts of Stenographers are available attached to officers in cadre of STn/PA Group B level justified in terms of Directorate's letter No. 7/37/00-PE(Pt.I) dated 18.1.83 and also vide para 2.a. of letter No. 22034/B/87-Entt(D) dated 30.1.91 issued by Ministry of Personnel etc. circulated through Directorate's letter No. 2-2/89-PE.I/Pt.II dated 22.4.91:-

POSTS OF OFFICERS	No. of Stenographers available
1. 1 post of CAO/IFA	1(one) stenographer in Grade III
2. 1 post of AMO	status for a group of 3 Junior
3. 1 post of AD(Entt)	Officers in the same building.
4. 1 post of AD(Acct)	1(one) stenographer Gr.III for
5. 1 post of AD(PA)	remaining group of officers in
	same building.

With a view to provide promotional scope to the stenographers in the circle, the following posts are hereby proposed to be upgraded to the pay scales as shown against each in terms of provisions made in the Directorate's letter under reference:-

contd..2/-

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A. Total No. of JAG Officers in pay scale Rs. 3700/- -
to Rs. 5700/- = 6 posts (functional posts).
25% of the posts = 1.5. Hence the No. of Stenographers
Gr. III posts justified for upgradation
to the pay scale of Rs. 1640-2900 = 1.

B. Total no. of STS officers in the circle in pay scale
Rs. 3000 - Rs. 4500/- = 2 posts.
Hence number of grade III stenographers justified for
upgradation to the pay scale of Rs. 1400 - 2600/- to be
attached to the above pair of STS offices = 1 post.

C. The following posts of Stenographers in Grade III
status are proposed for abolition with simultaneous upgra-
dation of the posts :-

- (1) 1 post of Steno Gr. III attached to DPS, Shillong.
- (1.1) 1 post of Steno Gr. III attached to AFMO, CIO, Shillong.

D. The remaining post of stenographer Gr. III available
in Circle office may be allowed to be retained for a
group of three officers in PSS Group B level as found
justified in terms of rules as mentioned elsewhere.

The proposed upgradation of posts of Stenographers
may kindly be given effect from 1.6.91. The above proposal
is duly concurred by the Circle I/A and is approved by
the undersigned.

With regards,

Yours sincerely,

(L. Zadeng)

Smt. Kamal Varma,
Dy. Director General (T&E),
Department of Post,
Dak Bhavan, Sansad Marg,
New Delhi - 110 001.

Handwritten signatures and initials:
A. H. T. I.
J. S.
D. S. K.

285
6/9

28 ANNEXURE-D
ANNEXURE-D

(248)

भारतीय डाक विभाग
(संचार मंत्रालय)
डाक भवन, संसद मार्ग
नई दिल्ली-110 001
Department of Post, India
(Ministry of Communications)
Dak Bhawan, Sansad Marg
New Delhi-110 001

P.GOPINATH
DIRECTOR(WB & ESTT)

D.O.No.2-2/89-FE.II/FE.TI

Dated 3/9/96

Dear Shri Zedong,

2/2/c.

Please refer to your office d.o. letter No.Est/34-18/76 dated 14-8-96, proposal for upgradation of some posts of stenographers, proposed with reference to the Cadre-Review of stenographers.

As you are aware that there is a complete ban on creation/upgradation of all types of posts without showing adequate matching savings for the post. Further, the approval of the Finance Minister and the Cabinet is required for the proposal. We had taken up a consolidated proposal for cadre-review of stenographers as per the orders of DOP & Trg. dated 30-1-91 and finally issued orders after conducting the cadre review of stenographers on 1-10-92, excluding your Circle because your circle had failed to provide requisite information inspite of numerous reminders.

In the circumstances, it is not not possible to take up individual proposal without adequate matching savings for the proposal.

With regards,

Yours sincerely,

(P.GOPINATH)

Shri L. Zedong,
Chief Postmaster General,
North Eastern Circle,
Shillong-793001.

1 CP b/c
P.D. (estt)
in file
As (estt)
12/9/96

Attch
J.L.
Date

Room No.

Telephone

-33-

~~ANNEXURE - E~~

~~ANNEXURE - F~~

ANNEXURE - D (1)

Copy of d.o. letter no. EST/34-18/76 dt. 19.9.96 from Shri M.E. Haque, Director Postal Services, C.O.Shillong to Smt. P. Gopinath, Director(WS&Estt), Deptt. of Posts, New Delhi-1.

DO NO. ESTT/34-18/76

DATED SHILLONG THE 19 Sept., 1996

This is regarding proposal for upgradation of some posts of stenographers, etc. having reference to your d.o. letter no. 2-2/89-PE.II dated 3.9.96.

It is hereby proposed to surrender one post of Grade III stenographer in the scale of Rs.1200-2040 from the existing strength of stenographers available in circle office to provide adequate matching savings for the proposed upgradation of stenographers to higher sale. As may kindly be seen in the enclosed annexure, the additional cost of upgradation of one Grade III stenographer to Grade II status and that of one Grade II stenographer to Grade I status comes to Rs.23,628.00 p.a. while the matching savings offered by abolition of one Grade III stenographer comes to Rs.60,768.00 p.a. Thereby the additional cost on upgradation of the posts is fully covered.

In view of above, it is requested to take up the case with the appropriate authority to approve upgradation of the following posts of stenographers:

1. One post of Grade II stenographer in pay scale of Rs.1400-2300 to the grade of Gr.I stenographer in scale of Rs.1640-2900 being 25% of the total JAG officers posts in the circle.
2. One post of Gr.III stenographer in pay scale Rs.1200-2040 to the grade of Steno Gr.II in scale Rs.1400-2300 by grouping of 2 STS officers in the circle office.

MATCHING SAVINGS PROPOSED:

On further scrutiny of the establishment, itg is seen that there is another post of Gr.III attached to junior offices viz. Accounts Officer, ICO(SB) and Asst. Engineer (MCW) in addition to the stenographers shown in my d.o. letter of even number dated 14.8.96. This particular post of Stenographer Gr.III is now proposed to be abolished to provide matching savings for the proposed upgradation.

The proposal is duly concurred by the IFA approved by the undersigned.

P. Gopinath
Director(ES & Estt)
Deptt. of Posts,
Dak Bhavan, New Delhi-110001

Yours sincerely,
sd/
(M.E. HAQUE)ri

Copy attached

hairs
4/10/96
The Chief Postmaster General
Shillong-793001.

Attal
Adutt

ANNEXURE - D(2)

296

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34

ANNEXURE - 5(4)

Estt. Sec. 39

ANNEXURE - F(1)

No. 2-2/89-PE.I
Government of India
Ministry of Communications
Department of Post

Dak Bhavan,
Sansad Marg,
New Delhi-110 001.

Dated: 8/1/97

To

The Chief Postmaster General,
North East Circle,
Shillong-793 001.

Subject: Upgradation of posts of Stenographers.

Ref: No. Est.34-18/76 dated 20/9/96.

* * *

Sir,

I am directed to invite your kind attention to this office d.o. letter of even number dated 3/9/96 addressed to Shri L. Zadeng, Chief Postmaster General, on the above subject.

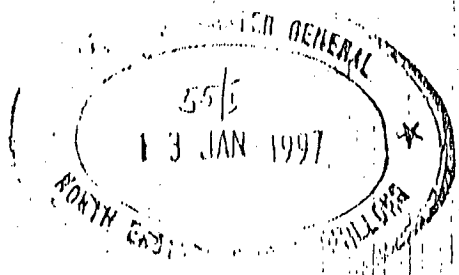
2. In our letter, cited above, it was clarified that it is very difficult to take up individual proposal with Finance. It is further stated that required information sent through your above referred letter dated 20/9/96 is incomplete. You may, therefore, send your proposal in the prescribed format supplied earlier vide letter No. 2-2/89-PE.I dated 10/5/91 duly concurred in by your Circle I.F.A. Your proposal would be taken up at the appropriate time.

294/c

Yours faithfully,

early

(S.R. Meena)
Asstt. Dir. General (Estt.)



Atul
Amte

35-
A.K. DUTTA
ASST. DIRECTOR (RUBRO)

40
238
10
~~ANNEXURE - E~~

ANNEXURE - E

Bat/34-18/70

J.d.
8 March, 1982

Dear Sir,

This is regarding proposal for upgradation of posts of stenographers having reference to your letter no. 242/89-PE.I of 8.1.1982.

Your kind reference is invited to this office d.o. letter of even no dated 19/20.7.76 wherein the details of post offered for matching savings for the proposed upgradation of the stenographers was furnished. As advised by you, now the proposal is furnished in the prescribed proforma in accordance with dtl. letter no. 242/89-PE.II of 10.5.91 for favour of consideration at your end. The proposal was already concurred/approved by the circle IFA and CPMG.

With regards,

Yours sincerely,

7c
Shri B.R. Meena
Asst. Director General (Est)
Department of Post
Dak Bhavan
New Delhi-110001

A.K. DUTTA

443
J.d.
Anote

Smt. P. GOPINATH
Director (Estt)

No. 2-2/B9-PE.11/PE.1

Department of Post, India
(Ministry of Communications)
Dak Bhawan, Sansad Marg,
New Delhi-110 001.

Dated 20.03.1997

21

Dear Shri Zadeng,

Please refer to your office d.o. letter No. EST/34-18/76 dated 06.03.1997 regarding upgradation of posts of stenographers proposed with reference to the Cadre-Review of Stenographers.

2. In view of the latest instruction of the Ministry of Finance (Department of Expenditure) (copy enclosed), it is not possible to take up proposal for cadre review of Stenographers for the present.

With regards,

Yours sincerely,

(P. GOPINATH)

Encl: As above.

Shri L. Zadeng,
Chief Postmaster General,
H.E. Circle,
Shillong 793001.

Room No.

Telephone

Attended
J.S. / Admito

FORM NO. 4

(See Rule 42)

37

ANNEXURE-7

ANNEXURE-F

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 38/99


OF 199

Applicant(s) Michael Palmer.

Respondent(s) Union of India and or.

Advocate for Applicant(s) Mr. A. Ahmed.

Advocate for Respondent(s) Mr. B.S. Basumatary
Mr. C.G. S.R.

Notes of the Registry	Date	Order of the Tribunal
	6.2.99	<p>Present :</p> <p>Hon'ble Mr. Justice D.N.Baruah, Vice-Chairman. Hon'ble. Sri G.L.Sanglyine, Administrative Member.</p> <p>This application has been filed by the applicant seeking certain direction. The applicant is working as Stenographer Grade III. Annexure-1 Circular dated 30.1.91 was issued by the Ministry of Personnel P.G. Pensions, Department of Personnel & Training. By the said circular certain measures had been taken to remove stagnation. Pursuant to the Annexure-1 circular, Annexure 2(b) circular dated 10.5.91 was issued. As per the said Annexures -1 and 2 the applicant was eligible for upgradation. However, in spite of the</p> <p>Contd...</p>

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Date	Order of the Tribunal
16.2.99	<p>measures taken for improvement of Stenographer like the applicant, the Postal Department failed to send proposal for upgradation/promotion of the applicant for 5 years. On 14.8.96 a proposal was however sent to the Deputy Director General (T&E). The Director Postal Services wrote back to the Department that the proposal was incomplete and defective. The proposal was again sent on 19.9.1996 after rectifying the defects. Notwithstanding that, the applicant has not yet been promoted. The stenographers of other Circles had been promoted as far back as on 1.10.1992.</p> <p>Being aggrieved the applicant submitted Annexure-9 representation dated 11.8.97 which has not yet been disposed of. Hence the present application.</p> <p>We have heard Mr. A.Ahmed, learned counsel appearing on behalf of the applicant and Mr. B.S.Basumatary, learned Addl. C.G.S.C.</p> <p>On hearing the counsel for the parties we dispose of this application with direction to the respondents to dispose of his representation dated 11.8.97 (Annexure-9) as early as possible at any rate within a period of 2 months from the date of receipt of this order.</p> <p>Considering the facts and circumstances of the case, we however, make no order as to costs.</p>



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[Signature]
5/3/99

Section Officer (J)
अनुमान अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal

Guwahati
मुख्यालय, गुवाहाटी

Sd/- VICE-CHAIRMAN

Sd/- MEMBER (ADMIN)

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A. S. D. / J. S. D.

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~~ANNEXURE-38~~ 44
ANNEXURE -G

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E. CIRCLE, SHILLONG.

NO.VIG-5/12/98-99(CAT),

Dtd.at Shillong, the 19.04.99.

O R D E R

In pursuance of the order of the Hon'ble CAT, Guwahati Bench, Guwahati in OA NO.38/99 dated 6.2.99 directing the respondents to dispose of the application dated 11.8.97 of Shri Michael Palmer addressed to Director General, Department of Posts, the said application has been examined. On behalf of the Director General and other respondents cited by the applicant in the OA NO.38/99, the following order is being issued.

2. In his application dated 11.8.97 Shri Michael Palmer has brought out the following pleas :-

- (a) That necessary action was not taken by the Office of the Chief Postmaster General, N.E.Circle, Shillong for upgradation of two posts in the cadre of Stenographer as required by Postal Directorate in their letter No.2-2/89-PE.I/PE.II dated 10.5.91. The review as required to be done was not conducted by the Office of the Chief Postmaster General, N.E. Circle, Shillong and no proposal was submitted in 1991.
- (b) That when justified proposal for upgradation of two posts was sent by the Office of the Chief Postmaster General, N.E.Circle, Shillong to Postal Directorate in 1996, the proposal was not approved by the Postal Directorate. As a result, the posts could not be upgraded.

The applicant has stated that had the posts been upgraded, in response to Postal Directorate letter dated 10.5.91 cited above, bonafide staff could have been benefitted. The applicant has requested the Director General to issue necessary order for upgradation of posts of Stenographers with retrospective effect from 1.10.92.

3. The above pleas of the applicant were examined in reference to the facts of the case. It is true that review of the cadre of Stenographers in this Circle could not be taken up on time in pursuance of the instructions of the Postal Directorate in their letter dated 10.5.91 as mentioned above due to certain administrative reasons. The proposal for upgradation of two posts in the said cadre, which was subsequently submitted by the Circle in 1996, could not

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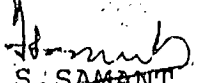
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fructify due to the direction of the Ministry of Finance of Govt. of India not to consider such proposals as obtaining at that time. As a result, the posts could not be upgraded in Stenographers' cadre in this Circle so far.

4. As intimated by Postal Directorate, the proposal of the Circle for upgradation of posts in Stenographers' cadre is under their consideration. It may be stated that review of different cadres and consequent upgradation or abolition of posts in a cadre is a process and is taken up from time to time in pursuance of instructions of Central Government.



5. In view of the above, though facts stated by the applicant in his application are not disputed, the request of the applicant that the posts should be upgraded with effect from 1.10.92 is without rationale. It is not possible to upgrade posts in retrospective effect and to permit eligible officials to hold these posts in retrospective effect. Unless an official works in a particular post, he can neither claim any seniority nor any other benefit attributable to that post. Therefore, the request of Shri Michael Palmer that the posts of Stenographers may be upgraded with retrospective effect from 1.10.92 cannot be acceded to.

6. This order disposes the application dated 11.8.97 of Shri Michael Palmer, P.A. to D.P.S., now working as officiating Sr.P.A. to Chief P.M.G., N.E.Circle, Shillong.


(S. SAMANT)

Chief Postmaster General,
North-Eastern Circle,
Shillong-793 001.

Shri Michael Paler
Offg. Sr.P.A. to Chief P.M.G.,
North-Eastern Circle,
Shillong-793 001.


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- 41 -

ANNEXURE - H

46

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 244 of 1999.

Date of Order : This the 21st Day of May, 2001.

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

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

Michael Palmer,
Senior Personnel Assistant to
the Chief Post Master General
N.E. Circle, Shillong.

.... Applicant.

By Advocate Mr. B.K. Sharma, Mr. A.Ahmed.

- Versus -

1. Union Of India,
represented by the Secretary
to the Government of India,
Ministry of Communications,
Department of Posts,
New Delhi.

2. The Deputy Director General (T & E),
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.

3. The Director (WS & EST)
Department of posts
Dak Bhawan, Sansad Marg,
New Delhi - 110001.

4. The Chief Postmaster General,
N.E. Circle,
Shillong - 793001.

.... Respondents.

By Mr. Adeb Roy, Sr. C.G.S.C.

ORDER

CHOWDHURY J.(V.C.)

This application is directed against order passed by respondent No.4 rejecting the representation of the applicant for upgradation of the applicant with immediate effect from 1-10-1992.

By this application the applicant was initially appointed as Stenographer Grade III in the Postal Department and he joined in the said post in the Office of the Superintendent of Post Offices, Shillong on 15-01-1979. Presently he is working as Officiating Senior Personal Assistant to the Chief Post Master General, North

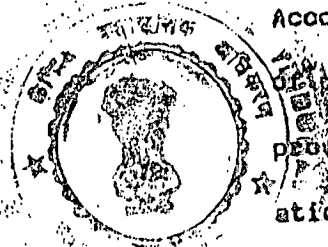
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Eastern Region since 1-5-1998.

2. With a view to improve of promotional prospects of the Stenographers in the Non-Secretariat/Subordinate Offices the Ministry of Personnel and Training, issued office memorandum No. 22304/5/87-Estt(D), Govt. of India dated 30-1-1991. The said letter was circulated by the Postal Directorate vide their letter No. 2-2/89-PE-I/PE-II dated 22.4.1991. It was circulated to all Divisional Heads of the Postal Department in the N.E. Region by the Office of the CPMG, Shillong vide their letter dated 13-5-1991. The sole grievance of the applicant in the application was to the effect that the policy formulated in the circular was not made effectual in his case in due time and thereby depriving of all the benefits provided by the said circular. The applicant was promoted to Stenographer Grade II Cadre on 5-3-93 though it was to made effective on and from 1st of October 1992.



According to the applicant the Stenographers of the other circles of the Postal Department got the benefits, the similar benefits was to be provided to him. To that effect the applicant submitted that representation to the respondents. Failing to get relief from the Postal department, the applicant moved this Tribunal by filing O.A.No38 of 1999. The Tribunal by its order dated 16.2.1999 disposed of the application directing the respondents to dispose of the representation dated 11.8.97 within the time prescribed. The respondents by its impugned order dated 19.4.1999 turned down his request for upgradation from 1.10.1992. Hence, this application assailing the legality of the order dated 19.4.1999.

3. The respondents submitted their written statement denying and disputing the claims of the applicant. The respondents in its written statements stated that the review of the cadre of Stenographers in N.E. Circles could not be taken up in pursuance of the instructions of the Postal Directorate letter dated 10.5.91 due to certain administrative reasons and a proposal was submitted to the Directorate on 14.8.96. As per direction of the Directorate fresh proposal with savings matching 10 was forwarded to the Directorate and lastly the said

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proposal was re-submitted in the prescribed format on 8.3.97. The final proposal sent by this Circle for upgradation of posts of Stenographers was examined and processed in details in the Directorate but could not materialised as per the latest instruction issued by the MOF (Deptt. of Expenditure) letter No.5(B)/E.III/97 dated 7.2.97 banning to entertain the proposals of cadre review/ cadre re-structuring etc. It was also asserted to promote to P.A. Grade-II in the scale of Rs.1400-Rs.2300 on purely temporary on adhoc basis and the said post was not upgraded to P.A. Grade-I till date. Admittedly, the Govt. of India, Ministry of Personnel & Training issued office memo dated 30-1-91 to relieve the lowest grade of Stenographers. The office memo itself made it clear that the scheme was made for the promotion of the post from the lower to the higher level. It was also made clear that it would not be necessary to obtain approval of the Cabinet in the matter and the individual Ministry/Department was to take further necessary action in consultation with the FAs. The other Departments took follow up action save and except N.E. Circle. The Director (WS & ESTT.), Department of Posts, Government of India by its communication dated 3.9.96 addressed to the Chief Post Master General, N.E. Circle, Shillong, indicated that steps were taken and finally order was issued by the Directorate (WS & Estt.), Deptt. of Post after conducting the cadre review of Stenographers on 1-10-92, excluding the N.E. Circle since North East Circles had failed to provide requisite information inspite of numerous reminders. No justifications are discernible for not providing the benefit of the circular dated 30-1-91 to the applicant within a reasonable period.

4. From the materials and records, it appears that in spite of repeated reminders the respondents dragged its feet and put off the matter without any valid reason. By communication dated 8.1.97 the Asstt. Director General (Estt.), Government of India, Ministry of Communications, Department of Post, addressed to the Chief

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Postmaster General, North East Circle, Shillong, to send proposal in the prescribed format supplied earlier vide letter No. 2-2/89-PE.I dated 10.5.91 duly concurred.

5. From the available materials, it thus emerged that the obvious torpidity in administering the matter by the N.E. Circle was the Cause of deprivation of the benefits to the applicant emanated from the above office memo. No rational was perceptible for the administrative inaction although the advantage of the circular in other area of the country save and except N.E. circle, with effect from 1-10-92. The ends of justice will be met if a direction is issued on the Respondents to provide the benefit of upgradation to the applicant in the Stenographers Grade-II with effect from 1-10-92. The respondents are accordingly ordered to compute the promotion of the applicant on and from 1-10-92 instead of from 5-3-93. The respondents shall, however, are not to pay the salaries to the applicant ~~for the~~ aforementioned period but save and except the salaries, the applicant shall be entitled all other service benefits in P.A. Grade-II in the scale of Rs. 1400-2300/- on and from 1-10-92 including seniority etc and the applicant shall, also be considered for promotion for the higher rank on the strength of his promotion effecting from 1-10-92.

The application is allowed to the extent indicated above. The respondents are directed to act accordingly. The interim order dated 17-8-99 shall stand vacated.

No orders as to costs.

Certified to be true Copy

प्रमाणित प्रतिलिपि

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Section Officer (J)

आमुखी अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-8
गुवाहाटी न्यायपीठ, गुवाहाटी-8

Att. T.
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ANNEXURE-1

336/C

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL, N.E. CIRCLE:
SHILLONG-793 001.

No. Staff/35-1023

Dated at Shillong, the 24th July 2001.

In pursuance of the Hon'ble CAT, Guwahati order dtd. 21-5-2001 on OA No. 244/99 and in partial modification of this office memo of even No. dtd. 5-3-93 (Photocopy enclosed) the CPMG, N. E. Circle is pleased to issue the following order.

Promotion of Shri Michael Palmer to Steno Grade-II shall be computed w.e.f. 1-10-92 instead of 5-3-93 and his seniority in the cadre will be counted from that date.

The pay of the official will also be fixed notionally w.e.f. 1-10-92 and regulated as per Para 5 of the Hon'ble CAT, Guwahati order mentioned above (Photocopy enclosed).

J. M. Dutta
(J. M. Dutta)

Asstt. Director (Staff)
For Chief Postmaster General
N. E. Circle, Shillong.

Copy to:-

1. The APMG(A/Cs), C.O., Shillong.
2. The JAO(RST), C.O., Shillong.
3. The CAO, C.O., Shillong.
4. Shri M. Palmer.
5. P/O of the official.
6. Sample Book of the official.
7. The CAT (Wt) dtd. No. V/63/12/93 99/(CAT)
8. File No. Staff/26-16/78
9. File No. Staff/26-16/88
10. Office Copy.

J. M. Dutta
For Chief Postmaster General
N. E. Circle, Shillong.

Attchd
Direct