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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A/T.A No. 207/2003
R.A/C.P No.
E.P/M.A No. 7/12/04

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SECTION OFFICER (Judl.)

Bahis
17.11.17

FORM NO.4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application : 207/2003

Misc Petition No. : _____

Contempt Petition No : _____

Review Application No: _____

Applicants:- Mangimph Shabong

Respondents:- EDT 2 ORS.

Advocate for the Applicants:- Mr B.K. Sharma,

Advocate for the Respondents:- Mr S. Sarma & Miss C. Das,

CASE.

Notes of the Registry	Date	Order of the Tribunal
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5.9. 03

Present: Hon'ble Mr. Justice
D.N. Choudhury, Vice-Chairman and
Hon'ble Mr. K.V. Prahaladan, Member
(A).

Heard learned counsel for the
parties.

Issue notice on the respondents
to show cause as to why the appli-
cation shall not be admitted.

Returnable by four weeks. List on
24.10.03 for Admission.

K.V. Prahaladan
Member

D.N. Choudhury
Vice-Chairman

lm

24.10.03. There is no Bench today.
Adjourned to 4.11.03.

370
lm

4.11.03 NO Bench today.
Adjourned to 20.11.03.

1870
lm

This application is in
form, but not in time
Condensation Petition is
filed / not filed

for Rs. 50/
vide IPO/D/S No 96 159492
Dated... 26/8/03...

D/S
D/S, Registrar

Defects

- 1) Notice not yet served
on respondents.
- 2) Extra cost Rs 25/- not
yet paid for the respondents
NOTS. 6, 7, 8, 9 and 10.

D/S
4/9/03

Notice and order dated
5/9/03, sent to D/S for
issuing to respondents
and Extra cost Rs = 25/-
only already paid to

6/10/03

D/No-2085 to
2094 dt. 7/10/03

20.11.2003 Present : The Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman
The Hon'ble Shri S.K.Naik
Administrative Member.

Mr.S.Sarma, learned counsel
for the applicants through
proxy counsel Mr.R.Lal.

Mr.B.C.Pathak, learned Addl.
C.G.S.C. for the respondents

This application has been filed by
seven applicants praying for setting
aside, mainly the orders issued by Bharat
Sanchar Nigam Ltd. (BSNL), for example
the impugned order dated 17.3.2003
(Annexure-13).

Mr.B.C.Pathak, learned Addl.C.G.S.C.
submits that the grievances, if any, of
the applicants cannot be agitated before
the Tribunal because the applicants have
been absorbed as employees of BSNL w.e.f
1.10.2000. Mr.Pathak has further submi-
tted that ^{the} seven applicants are Group 'C'
employees who were earlier employed by
Department of Telecommunications (DOT).
before their absorption.

At the request of learned proxy
counsel for the applicants list on 21.11
2003, to give an opportunity to learned
counsel for the applicants to make any
submission, he may wish to do, failing
which, O.A. is liable to be dismissed
on the ^{ground of} lack of jurisdiction.

[Signature]
Member

[Signature]
Vice-Chairman

bb

19.11.03
show cause reply
not yet been filed
by the Respondents
H.

21.11.2003

present : The Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman
The Hon'ble Shri S.K.Naik
Administrative Member.

Mr.S.Sarma, learned counsel for the applicants.

Mr.B.C.Pathak, learned Addl.C.G.S. C. for the respondents through Mr. A.Deb Roy, learned Sr.C.G.S.C.,


Mr.S.Sarma, learned counsel for the applicants, submits that ^{the} issues raised, in the present application ^{arose} ~~arise~~ prior to the absorption of the applicants in BSNL. He further submits that there are certain judgments of the Tribunal (Guwahati Bench), he relies ^{upon} in this regard.

Learned proxy counsel for the respondents also seeks four weeks to file reply affidavit.

In ^{the} ~~this~~ circumstance, case is released from part heard. Respondents are allowed four weeks to file reply. Two weeks for rejoinder.

List on 5.1.2004 for hearing on admission.

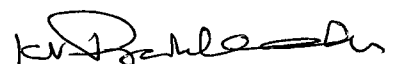

Member


Vice-Chairman

bb

5.1.2004

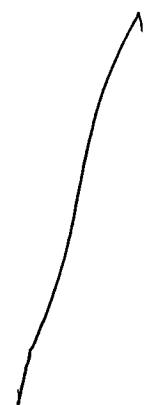
The matter is deferred and the jurisdiction of the O.A. will be taken up on 7.1.2004.


Member (A)

mb

~~7.1.2004~~

~~The O.A. is admitted, and the case is taken up on 7.1.2004.~~



(4)

7.1.2004 Heard Mr. U.K. Nair, learned counsel for the applicants.

The O.A. is admitted, call for the records. Issue notice to the respondents.

List on 6.2.2004 for orders.

6.2.04

Wf filed by
Independent Nos.
1, 2 & 3.

[Signature]

[Signature]
Member (A)

mb

24.2.2004 Present: Hon'ble Shri Shanker Raju,
Judicial Member

Hon'ble Shri K.V. Prahladan,
Administrative Member.

The learned counsel for the parties are present. List it on 26.2.2004 for final disposal.

[Signature]
Member(A)

[Signature]
Member(J)

nkm

26.2.2004 Heard the learned counsel for the parties. Hearing concluded. Order reserved.

[Signature]
Member(A)

[Signature]
Member(J)

nkm

10.3.04

Copy of the order
has been sent to
the office for
issuing the same
to the applicant as
well as to the
addl. C.G. Secy. for
the Regd.
ffs

Perina WPT
12/3/04

27.2.2004 Judgment pronounced. The O.A. is partly allowed.

[Signature]
Member(A)

[Signature]
Member(J)

nkm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.207 of 2003

Date of decision: This the 27th day of February 2004

The Hon'ble Shri Shanker Raju, Judicial Member
The Hon'ble Shri K.V. Prahladan, Administrative Member

1. Shri Mansingh Shabeng
 2. Shri Enblamannelsen Passah
 3. Shri Mitchal Kharmalki
 4. Shri Hamar Basuk Lyngdoh
 5. Shri Kristophar Syiemlieh
 6. Shri Francies Wahlang
 7. Shri Hirak Chakraborty
-Applicants

By Advocates Mr S. Sarma, Mr U.K. Nair
and Ms U. Das.

- versus -

1. The Union of India,
represented by the Secretary to the
Government of India,
Ministry of Telecommunication,
New Delhi.
 2. The Chief General Manager (Telecom)
N.E. Circle,
Shillong, Meghalaya.
 3. The Chairman-cum-Managing Director
Bharat Sanchar Nigam Limited,
New Delhi.
 4. Shri Kumar Gurung, JTO
Office of the SDOP, Rynjah
under DE (External), Shillong.
 5. Shri Amit Das, JTO
In the Office of the DE (External),
under SDOT (East).
 6. Md. Mayuruddin Ahmed, JTO
In the Office of the SDO(G) Jowai,
under DE(O), Jowai, Khlienriat,
Meghalaya.
 7. Shri Pradeep Kr Roy, JTO
In the Office of the SDOP Tura,
under DE(O), Tura,
Meghalaya.
 8. George A Wahland, JTO
In the Office of the SDE (Inst.) I
under DE (T, Mtce and Instn), Shillong.
 9. Shri Subhash Dhar, JTO
In the Office of the SDOT Shillong,
under DE (O) Shillong, Cherrapunjee,
Meghalaya.
 10. R.A. Kharbteng, JTO
In the Office of the SDOT, Nongstoin,
under DE (O) Shillong, Mariang,
Meghalaya.
-Respondents
- By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

X

O R D E R

SHANKER RAJU, MEMBER (J)

The applicants impugn respondents' order dated 26.2.2003 passed by Ministry of Communication wherein in pursuance of directions in O.A.182 of 2002, request of the applicants for relaxing the rules to accord promotion as Junior Telecom Officer (JTO for short) has been turned down.

2. The applicants earlier approached this Tribunal in O.A.143 of 2000 for seeking promotion as JTO from the post of TTA.

3. On 15.3.2001 directions have been issued to examine the matter afresh in the light of Rule 7 of the Rules.

4. In compliance thereof by an order dated 23.7.2001 respondents stated that no further vacancies are available and relaxation would not serve the purpose as the officials have not completed six years of service as TTA to be eligible for relaxation. This order led to the filing of O.A.182 of 2002.

5. The applicants appeared in the examination for TTA on 9.1.1999 where the result was declared on 25.1.1999. The respondents belatedly initiated the process of training only on 11.6.1999. As seats for training at RTTC Patna were available the Tribunal vide order dated 8.11.2002 passed the following directions:

"..... Mr S. Sarma, learned counsel for applicants had argued that the applicants appeared in the examination for TTAs on 9.1.1999. The result was declared on 25.1.1999. After a long delay the respondents initiated the process of training on 11.6.1999 (Annexure 2). Seats for training at RTTC Patna were available as indicated.....

W

indicated in communication dated 22.6.1999 (Annexure-3). Had the applicants been sent for training on 26.7.1999, they would have also been covered by the letter dated 10.11.1999. The respondents have delayed the matter of sending the applicants for training. Taking into account all the facts we are of the view that the cases of the applicants requires reconsideration. The applicants were qualified for being sent for training, the seats for training were available, the applicants were not responsible for the delay in not being sent for training in time. The respondents may re-examine the facts and consider whether those facts are not sufficient to relax Rule 7 in the applicants cause. The respondents may take a decision on reconsideration of the facts within three months from the date of receipt of the order.

The application is disposed of as indicated above. There shall, however, no order as to costs."

6. In pursuance thereof request for relaxation was turned down giving rise to the present application.

7. Heard the learned counsel for the parties. The learned counsel for the applicants in so far as jurisdiction is concerned stated that promotion to JTO is to be accorded by Ministry of Communication and as the cause of action had arisen in 1999 itself when the applicants were not absorbed in the BSNL, this Tribunal has jurisdiction. We agree with the same. The relief claimed if acceded to would put the applicants as JTO in 1999 and this has to be implemented by the Department of Telecommunication, which is within our jurisdiction and in this regard directions can be issued by the DOPT to BSNL.

8. Learned counsel for the applicants further contends that had the training been undertaken immediately after they qualified on 25.1.1999 they would have attained the eligibility before 31.8.1999. As such the re-examination as directed by the court for relaxation is not as per law.

9. On the other hand learned counsel for the respondents opposed the contentions and has stated by referring to the settled law by the Apex Court that relaxation cannot be claimed as a right and further relying upon the decision of the Apex Court in P.U. Joshi and others Vs. The Accountant General, Ahmedabad and others, 2003 (1) (SC) SLJ, 239, it is stated that in a judicial review the Tribunal is precluded from interfering or encroaching upon the arena reserved for the Executive.

10. We have carefully considered the rival contentions of the parties and perused the materials on record. The Tribunal in O.A.182/2002 directed reconsideration for relaxation of Rule 7 of the Rules ibid on the premises that had the applicants who were qualified were sent for training when the seats were available the delay attributal to the respondents and not to the applicants in sending them to the training has prejudiced their case.

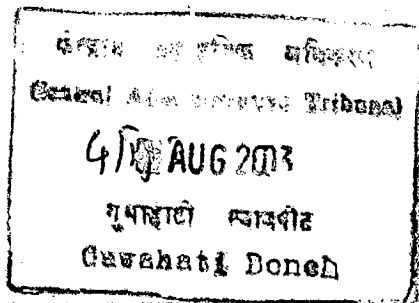
11. We find from the order passed on 26.2.2003 by the respondents that they have re-examined the matter in so far as on assumption that had the training commenced on 26.7.1999 the applicants would not be eligible before the cut off date of 31.8.1999. However, we find that this reconsideration is not at par the observations made by the Tribunal. The relaxation is to be viewed with an angle that the applicants who had qualified the examination on 25.1.1999 despite availability of vacancies have not been deputed immediately for the training. Late deputation to the training has deprived them of their right for consideration for promotion as JTO.

12. A judicial review is permissible even in a policy decision when the same is malafide or arbitrary or violative of Articles 14 and 16 of the Constitution. We are of the considered view that a reconsideration is not justified and is not as per the directions of the court.

13. In the result the O.A. is partly allowed. The impugned order dated 26.2.2003 is set aside. The respondents are directed to reconsider the relaxation in true letter and spirit of the directions of the Tribunal issued in O.A.182/2002 by a detailed and speaking order to be passed within two months from the date of receipt of a copy of this order.


(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER


(SHANKER RAJU)
JUDICIAL MEMBER



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : O.A. No. 207 of 2003

BETWEEN

Shri Mansingh Shabeng Applicant.

AND

Union of India & ors. Respondents.

I N D E X

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Filed by : Alsha Das

Regn.No.:

File : C:\WS7\mansingh

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central
Administrative Tribunal Act.1985)

D.A.No.207.... of 2003

BETWEEN

1. Shri Mansingh Shabeng
2. Shri Enblamannelsen Passah
3. Shri Mitchal Kharmalki
4. Shri Mamar Basuk Lyngdoh
5. Shri Kristophar Syiemlieh
6. Shri Francies Wahlang
7. Shri HIRAK Chakraborty

..... Applicants.

- AND -

1. The Union of India.
Represented by Secretary to the
Govt. of India.
Ministry of Telecommunication,
Sanchar Bhawan, New Delhi.
2. The Chief General Manager(Telecom)
N.E.Circle,
Shillong, Meghalaya.
3. The Chairman cum Managing Director,
Bharat Sanchar Nigam Limited.
New Delhi-1.
4. Sri Kumar Gurung, JTO,
In the Office of the SDOP, Rynjah under
DE(External), Shillong.
5. Sri Amit Das, JTO,
In the Office of the DE(External)
Under SDO (EAST)
6. Md. Mayurudding Ahmed, JTO,
In the office of the SDO(G) Jowai,
Under DE(O), Jowai, Khliehriat,
Meghalaya.
7. Sri Pradeep Kr. Roy, JTO
In the Office of the SDOP Tura,
Under DE(O) Tura, Tura, Meghalaya.
8. George A Wahlang, JTO,
In the office of the SDE(Inst.) I
Under DE(T x Mtce and Instn), Shillong.

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Filed by
the applicants through
Alsha Das.
Advocate
3/9/03

- 13
9. Sri Subhashish Dhar, JTO
In the office of the SDOT Shillong
Under DE(O) Shillong, Cherapunjee,
Meghalaya.
10. R.A. Kharbteng, JTO,
In the office of the SDOT, Nongshoin
Under DE(O) Shillong, Mariang,
Meghalaya.

..... Respondents.

DETAILS OF THE APPLICATION

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

This application is directed against the following
orders:-

- A. Order No. Rectt-184/TTA/Trg/Pt.-1/196 dated 17.3.2003
issued by the Assistant General Manager (A), Office of
the Chief General Manager, Telecom, N.E.Circle,
Shillong.
- B. Order bearing No. 3-5B/2002-SNG dated 26.2.2003.
- C. Order dated 28.9.2001 issued by the Assistant General
Manager Telecom, N.E.Circle, Shillong.
- D. Order bearing No. 3-12/2000-NCG/SNG dated 23.7.2001
issued by the Deputy Director General (Estt), New Delhi.
- E. Order bearing No. E-2/Appointment/89 dated 4.2.2002
issued by the Deputy General Manager, Office of the
General Manager Telecom, District-Meghalaya, Shillong-1.

2. LIMITATION:

The applicants declare that the instant
application has been filed within the limitation period
prescribed under section 21 of the Central Administrative
Tribunal Act.1985.

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3. JURISDICTION:

The applicants further declare that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the applicants in the instant application have come before this Hon'ble Tribunal seeking redressal of their grievances relating to granting relaxation of the 1996 Recruitment Rule in respect of their promotion to the post of Junior Telecom Officer, as has been granted to the under set of employees more particularly by the impugned communication dated 4.2.2002 to the private Respondents occasion to come before this Hon'ble Tribunal twice by filing O.A.s but while implementing the said judgments wherein directions have been issued for consideration of their cases has been rejected by the impugned orders. The issue involved in this OA is regarding granting of similar relaxation as was granted to the private respondents and other similarly situated employees. The applicants now have gathered the definite information that in the similar matter Hon'ble Principal Bench of Central Administrative Tribunal has already granted similar relief to the TTAs while allowing their OA and the applicants through this application are now praying for identical relief.

This is the crux of the matter for which the applicants have preferred the instant OA. Detail facts are given below for proper adjudication of the matter.

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4.2. That the applicants are citizens of India and as such they are entitled to all the rights, privileges and protection as guaranteed by the Constitution of India and laws framed thereunder.

4.3. That the applicants are presently holding the post of Telecom Technical Assistant (TTA) and they are posted at various stations in the N.E.Circle, under the respondents. The grievances raised by the applicants in the present OA as well as the reliefs sought for by them are similar and hence they pray before this Hon'ble Tribunal to allow them to join together in a single application invoking Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules 1987 to minimize the number of litigation.

4.4. That for promotion to the post of Junior Telecom Officer (JTO) the quota meant for is 35% (Promotional) 15% (Departmental Competitive Examination) and rest 50% by direct recruitment. It is pertinent to mention here that in the cadre of TTA there was no other promotional avenue available and the various level of talks between the staff side and office side finally resolved the situation by creating promotional prospect for the TTAs by creating the aforementioned demarcation in promotional quota. All these exercise, have been done by these respondents to remove stagnation in the cadre of TTAs and to provide better promotional avenues.

4.5. That the respondents with a view to utilize the 35% quota issued call letters to the willing TTAs including the applicants and accordingly, the applicants submitted

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their application through the Sub-Divisional Officer concerned. After completion of the aforesaid formalities the respondents issued the syllabus and subsequently hall permits have also been issued to the applicants enabling them to appear in the screening test. The respondents fixed the date of screening test but without any sufficient reason that test was rescheduled more than once. Finally, the date fixed for the said screening test was on 29.4.2000. However, the Respondents did not allow the applicant to appear in the said screening test. similarly situated employees like that of the present applicants have been allowed to appear in the said test ignoring the cases of the applicants. Although there were sufficient vacancies in the cadre of JTO, but for the reasons best known to them the respondents did not allow the present applicants to appear in the said test.

4.6. That the applicants beg to state that under 35% promotional quota for promotion to the post of JTO containing screening test followed by training under various institutes/Training centers located at deferent parts of the country. After completion of such training the successful TTA's are given posting as JTO in order of seniority.

4.7. That the Respondents without any valid reason did not allow the applicants to appear in the screening test for promotion to the post of JTO. However, the respondents did not issue any formal order to that effect, nor they have taken any approval for such exclusion from the competent authority. The present private Respondents and other junior TTAs have been allowed to appear in the screening test ignoring the cases of the applicants. Situated thus, the

Y

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applicants preferred OA No. 143/2000 before the Hon'ble Tribunal and the Hon'ble Tribunal vide its interim order dated 27.4.2000 allowed the applicants to appear in the said screening test scheduled to be held on 29.4.2000.

The applicants crave leave of this Hon'ble Tribunal to rely and refer upon the statement made in the OA No.143/2000 at the time of hearing of this case.

4.8. That the Respondents preferred the Written Statement in the above noted OA and made it clear that the screening test in question was in fact scheduled to be held on 11.4.99 for Departmental quota of JTOs for the years 1995, 1996, 1997 and 1998. The relevant portion of the Written Statement is quoted below:-

"2. Second screening test is scheduled to be held on 11.4.99 for Department quota of JTOs for the years 1995, 1996, 1997 and 1998. The examination was to be held on the basis of Junior Telecom Officer Recruitment Rules, 1990 and Recruitment Rules, 1996.

3. TTAs will be eligible to appear in 15% competitive quota of the JTO vacancies for the year 1995. However they will not be eligible for 15% competitive examination quota for JTO vacancies of the years 1996, 1997 and 1998 as per the JTO Recruitment Rules, 1996."

The applicants crave leave of this Hon'ble Tribunal to rely and refer upon the Written Statement made filed in the said OA at the time of hearing of this case.

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4.9. That the applicants beg to state that as per the 1996 Recruitment Rules they are entitled to promoted to JTO under 35% promotional quota. Apart from that it was clarified by the Respondents the fact that the vacancies for which the Screening test in question was held are of the period from 1995 to 1998 and it will fall under 1996 Recruitment Rules.

A copy of the said 1996 Recruitment Rules is annexed herewith and marked as Annexure-1.

4.10. That the applicants beg to state that taking into consideration the above mentioned order dated 10.11.99 annexed to the Written Statement filed in the OA No.143/2000 clearly indicates the fact that the vacancies of JTO upto 31st August 99 will be filled as per Recruitment Rule of 1996. It has been indicated in the said order that all the TTAs will be allowed to appear in the said 2nd Screening test without insisting for required qualification mentioned in the 1996 RR. The applicants in reply to the Written Statement submitted the rejoinder controverting the statement made in the Written Statement. The applicants ~~submitted~~ ^{and} Rejoinder as well as Additional Statement of fact, [^] Instead of repeating the contentions made in the aforesaid pleadings the applicants beg to rely and refer and refer upon the statements made therein.

Copies of the Rejoinder Additional Rejoinder and Additional statement of facts are annexed herewith as Annexure-2, 3, and 4 respectively.

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4.11. That during the pendency of the said OA the Respondents have issued an order dated 26.9.2000 declaring the results of the said screening test in three parts. In part A of the said result names of those candidates appeared who were eligible as per the 1996 Recruitment Rules, in part B names of the private Respondents along with the others have been included to whom the Respondents extended relaxation of the 1996 Recruitment Rules and in part C names of the applicants in OA No.143/2000 were indicated.

A copy of the said order dated 26/9/2000 is annexed herewith and marked as Annexure -5.

4.12. That the applicants beg to state that on 15.3.2001 the aforesaid OA bearing No.143/2000 came up for hearing and the Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose off the said OA directing the respondents to invoke Rule 7 of 1996 Recruitment Rules and to provide relaxation as has been granted to the other set of employees.

4.13. That the applicants beg to state that on receipt of the judgment of the Hon'ble Tribunal the applicants on 12/4/2001 submitted the same before the authority concerned praying for implementation of the same.

A copy of the said letter dated 12.4.2001 is annexed herewith and marked as Annexure-6, & 6A.

4.14. That the Respondents on receipt of the said letter dated 12.4.2001 issued the impugned order dated

28.9.2001 & ~~11.12.2001~~ indicating the fact that the cases of the applicants are not covered under the Rule 7 of the 1996 Recruitment Rules for relaxation. The said impugned order has been issued by the Respondents pursuant an order passed by the DOT without making any mention regarding the date and other particulars of the said order. The applicants situated thus preferred a representation dated 5.12.2001 to the Chief General Manager, NE Circle, Shillong praying for production of such order issued by the DOT.

Copies of the order dated 28.9.2001 and representation dated 5.12.2001 are annexed herewith and marked as Annexure-7 and 8 respectively.

4.15. That the Chief General Manager, NE Circle, Shillong issued an order dated 1.2.2002 forwarding DOT's letter dated 23.7.2001 as mentioned in the impugned order dated 28.9.2001.

Copies of the orders dated 1.2.2002 and 23.7.2001 are annexed as Annexure 9 and 10 respectively.

4.16. That the applicants beg to state that the respondents have issued the order dated 23.7.2001 illegally and without applying their mind properly. The aforesaid order dated 23.7.2001 clearly indicative of the fact that the cases of the applicants have been rejected for invoking Rule 7 of the 1996 recruitment Rules as it would be against the interest of other similarly situated employees. From the

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action/inaction of the respondents, it is crystal clear that even Juniors to the applicants got the benefit of relaxation but in case of applicants the respondents have been insisting the same without any valid reason.

4.17. That the applicants beg to state that now the Respondents have issued an order dated 4.2.2002 by which all together nine(9) TTAs have been promoted as JTO after completion of their training. It is pertinent to mention here that only two(2) of them more specially, TTAs at Sl.No.1 and 4 have completed 6 years of service as required under the 1976 Recruitment Rules and rest 7 are similarly situated employees like that of the present applicants. It is stated that employees listed in Annexure-3, list of successful candidates of 2nd screening test (35% quota) dated 26.9.2000 in part B have been included in the said promotion order dated 4.2.2002. Taking into consideration the orders dated 25.9.2000 and 10.11.99 it is crystal clear that in cases of TTAs listed in part B are those who are not in possession of 6 years criteria as indicated in 1976 Recruitment Rules and they have also been permitted to appear in the said screening test provisionally. It is therefore clear that in their cases the Rule 7 (Power to Relax) of 1976 Recruitment Rules, have been invoked by the Respondents ignoring the case of the applicants.

A copy of the said order dated
4.2.2002 is annexed herewith and
marked as Annexure-11.

4.18. That the applicants beg to state that in the impugned order dated 23.7.2001 the respondents have made a

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mention regarding non-availability of vacancies. In that context the applicants beg to state that the statement of non-availability of vacancy is totally baseless and same depicts total non-appellation of mind by the respondents. In fact the Annexure-10 order dated 4.2.2002 clarifies the fact that still there are vacancies. On this score alone the impugned orders are liable to be set aside and quashed. It is further stated that in the merit list, as well as in seniority the applicants are much more above the other 7, TTAs who have been now promoted to J.T.O by the impugned order dated 4.2.2002. In the said order dated 4.2.2002 only Sri Sanjib Ks. Bordoloi, (Sl.No.1) and Sri Dipak Kumar Das (Sl.No.4) have completed 6 years of service in TTA cadre as required under 1996 RR.

The applicants crave leave of this Hon'ble Tribunal for a direction towards the respondents to produce the merit list of 2nd screening test at the time of hearing of the case.

4.19. That the applicants submit that the respondents by issuing the order dated 4.2.2002 promoted similarly situated employees to the post of JTO by relaxing the 1996 recruitment Rules and on the other hand they are reiterating their stand that the power of relaxation is a discretionary and same is not relaxable in the cases of the present applicants. The malafide intention of the Respondents is clear from the Annexure-5 order dated 26.9.2000 by which the Respondents have created categories to deny the benefit of the relaxation to the present applicants.

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4.20. That the applicants seeking redressal of their grievances preferred OA No. 182/2002 before the Hon'ble Tribunal. Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the said OA directed the Respondents to reexamine the matter afresh for invoking Rule 7 of the 1996 Recruitment Rules and to take a decision thereafter.

A copy of the said judgment and order dated 8.11.2002 is annexed herewith and marked as Annexure-12.

4.21. That the Respondents in compliance of the judgment and order dated 8.11.2002 passed in OA No. 182/2002 issued an order dated 17.3.2003 enclosing the DOT's order dated 26.2.2003 whereby the cases of the applicants have been rejected.

Copies of the orders dated 17.3.2003 and dated 26.2.2003 are annexed as Annexure 13 and 14 respectively.

4.22. That the applicants beg to state that the Respondents have acted contrary to the judgment passed by the Hon'ble Tribunal by which categorical direction has been issued to the Respondents to exercise it's discretionary power for relaxing the Recruitment Rules as has been done while relaxing the 6 years criteria in case of others. The Respondents inspite of clear cut discussion failed to construe liberally the said Recruitment Rule to attain the course of justice. Admittedly, it is a fit case wherein the Respondents ought to have took a pragmatic view instead of narrowing now the scope and ambit of the Rule 07 of the 1996

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Recruitment Rules. The Respondents being a model employer ought to have tried their level best to get and to widen the opportunity level of his workers so as to achieve the effective implementation of a good policy of the Government. Apart from that duty cast on the Respondents to ensure to implement a good policy in its true sense and to exercise their discretionary power with utmost care to uplift such policies. The 1996 Recruitment Rules itself provides such exercise of power under Rule 7 so that in a deserving case like the present one the said authority can provide justice to meet the hardship. However contrary to all the Respondents have decided not to invoke such discretionary power in the present case and rejected their claims arbitrarily.

4.23. That the applicants beg to state that the Respondents have acted illegally in rejecting the claim of the applicants by issuing the impugned orders dated 23.7.2001 and 26.2.2003 observing that no further vacancies are available and relaxation regarding completion of 6 years of service if granted only to the applicants would violate the principles of natural justice. The Respondents however contrary to their stand regarding non-availability of vacancies and violation of natural justice issued the impugned communication dated 4.2.2002 providing relaxation to 7 similarly situated employees. In such a situation the Respondents are duty bound to exercise Rule 7 of the 1996 RR in case of the present applicants declaring them eligible for promotion to JTO.

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4.24. That the applicants beg to state that the applicants beg to state that those 7 similarly situated persons has been arrayed as party Respondents taking into consideration the fact that the order dated 4.2.2002 has been issue relaxing the 1996 Recruitment Rules in their Cases ignoring the claim of the present applicants. The judgment and order dated 15.3.2001 passed in OA No.143/2000 is very clear in respect of the fact that the Respondents are to exercise the discretionary power of relaxation in a pragmatic construction as to achieve effective implementation of a good policy of the Government. In fact, the Respondents took a narrow construction of the matter and apparently benefit of relaxation has been denied to the present applicants since they knocked the door of the court. It is pertinent to mention here that the Hon'ble Tribunal in its operative part of the said judgment made it clear that in the event of any relaxation made by the Respondents invoking Rule 7 of the 1996 Recruitment Rules will not however be confined to the applicants only but same has been made applicable in respect of all the similarly placed employees. Apparently the Respondents by issuing the order dated 4.2.2002 relaxed the 1996 Recruitment Rules in respect of Respondents No. 4 to 10, but effect of such relaxation however confined only to the said Respondents.

4.25. That the applicants beg to state that the grounds of rejection enumerated in the impugned orders are not sustainable as same are violative of Article 14 and 16 of the Constitution of India. The Respondents in the impugned order however has taken the coverage of principle of Natural Justice to show their justification in issuing those

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impugned orders. In reality, the impugned action of the Respondents clearly indicates their legitimate claim. Discrimination is apparent from the impugned orders and the fact reveals from the order dated 4.2.2002.

4.26. That the applicants beg to state in one of the impugned orders the Respondents taking recourse of non-availability of vacancy tried to justify their action and thereby they want to close the matter forever. Had there been no vacancy as on 23.7.2001 that on the date of issuance of the impugned orders the Respondents could not have issued the order dated 4.2.2002. In fact, the present applicants are the only remaining screened TTA. In case, this Hon'ble Tribunal holds the impugned orders to be sustainable they will be stagnated in their present cadre of TTA without any further promotion and thereby present applicants will suffer irreparable loss and injury. The applicants demanded justice by making all sort of possible efforts including oral representations but failed to evoke any positive response. Situated thus applicants have come before this Hon'ble Tribunal seeking an appropriate relief and hence this application.

4.27. That the applicants now have gathered the definite information that some of the similarly situated employees have approached the Hon'ble Principal Bench seeking a similar relief and the Hon'ble Principal Bench was pleased to grant them the relief, against that judgment the Respondents now have preferred Writ Petition before the Hon'ble Delhi High Court which is pending disposal. During these period the union approached the Respondents praying

for mutual settlement and as per the said information the Respondents are processing for withdrawal of the said Writ Petition pending before the Hon'ble Delhi High Court.

The applicants inspite of their best effort could not collect the judgment passed by the Hon'ble Principal and as such crave leave of this Hon'ble Tribunal to produce the same at the time of hearing of this case.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the Respondents in issuing the impugned order dated 28.9.2001 and 4.2.2002 and 26.2.2003 are not sustainable in the eye of law and liable to be set aside and quashed.

5.2. For that the respondents have acted illegally in issuing the impugned order dated 23.7.2001 in rejecting the claim of the applicants on the ground of Natural Justice. Both the grounds are not sustainable taking into consideration the subsequent impugned order dated 4.2.2002 wherein the benefit of relaxation has been extended to the similarly situated persons.

5.3. For that the Respondents ought not to have discriminated the applicants while relaxing the recruitment Rule and on this score also the impugned orders can be termed as discriminatory in nature and violative of Article 14 and 16 of the Constitution of India.

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5.4. For that the judgment and orders dated 16.1.2001 and 8.11.2002 have clarified prescribed the manner and method of invoking discretionary power like relaxation etc., and the Respondents being model employer ought to have adhered to those Principles while invoking their discretionary power. But in the instant case contrary to that the Respondents have made the distinction between two sets of similarly placed employee without any justification and reflection of same has become clear from the impugned orders and having regard to the fact narrated above the impugned orders are liable to be set and quashed as same are violative of Article 14 and 16 of the Constitution of India.

5.5. For that Respondents have acted illegally in providing benefit of relaxation of 1996 RR to similarly situated persons ignoring the case of the present applicants more so, in view of there being a categorically directions from this Hon'ble Tribunal passed in OA Nos 143/2000 and 182/2002.

5.6. For that the Respondents took a narrow construction of the judgments dated 15.3.2001 and 8.11.2002 passed in OA Nos 143/2000 and 182/2002 and discriminated in exercising discretionary power of relaxation and on this score alone impugned orders are liable to be set aside and quashed.

5.7. For that the Respondents have acted illegally in violating the principles of natural Justice and blocking the promotional avenue of the applicants. The impugned orders have blocked the promotional avenue of the applicants and

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same has created stagnation in the service career of the applicants which is not permissible under service jurisprudence.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that they have exhausted all the remedies available to them and there is no alternative remedy available to them.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER

COURT:

The applicant further declares that they have not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

B. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To set aside and quashed the impugned orders dated 28.9.2001 (Annexure-8) 23.7.2001 (Annexure-11), 4.2.2002 (Annexure-12) and 26.2.2003.

8.2. To direct the Respondents to send the applicants for training forthwith and after successful completion of such training to promote them to the post of JTD with retrospective effect with consequential service benefits including arrear salary and seniority.

8.3. To set aside and quash the orders dated 10.11.99 (Annexure-R-2 to the Annexure-1 W.S.) and the 1996 recruitment Rules order dated 12.3.1999 (copy could not be annexed), in the event if these orders cause any difficulty in granting the aforementioned reliefs prayed at 8.1. and 8.2.

8.4. Cost of the application.

8.5. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of this application the applicants pray for an interim order directing the Respondents not to promote any TTA to the post of JTD as reflected in Annexure-10 order dated 4.2.2000, alternatively to keep at least 7 posts of J.T.O. vacant.

10.

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 96 159492
 2. Date : 26/8/03
 3. Payable at : Bawahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

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VERIFICATION

I, Mitchal Kharmalki, son of Sri J. Bating, aged about 42 years, at present working as Telecom Technical Asstt (TTA) under the respondent No.2, do hereby solemnly affirm and verify that the statements made in paragraphs 2,3,44-47, 442-45, 422-427 & 5 to 12 are true to my knowledge and those made in paragraphs 1, 48-411, 416-421 are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 2nd day of Sept of 2003.

Signature.


(MITCHAL KHARMALKI)

- 21 - ANNEXURE - 1

No. 5-1/76-NCB
Government of India
Ministry of Communications
Department of Telecommunications



Sanchar Bhavan
20 Ashoka Road
New Delhi 110001

Dated: 8 - 2 - 1976

(To be published in Part II Section 3 Sub Section (ii) of the
Gazette of India)

NOTIFICATION

G.S.R.....In exercise of the powers conferred by the proviso to article 309 of the Constitution and in supersession of the Junior Telecom Officers Recruitment Rules 1950 and also the Department of Telecommunications, Assistant Superintendent (Telegraph Traffic) Recruitment Rules 1952 except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruitment to the post of Junior Telecommunication Officers in the Department of Telecommunications, namely :-

1. Short title and commencement.

(1) These rules may be called the Junior Telecom Officer Recruitment Rules, 1976.

(2) They shall come into force on the date of their publication in the official Gazette.

2. Number of posts, classification and scale of pay:

The number of the said post, its classification and the scale of pay attached thereto shall be as specified in Column 2 to 4 of the Schedule annexed thereto.

3. Method of recruitment, age limit, qualifications etc.

The method of recruitment, age limit, qualifications and other matters relating to the said post shall be as specified in column 5 to 14 of the said Schedule.

26/2/76

Attested
Advocate

3 21-A
Disqualifications:- No person-

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person,

shall be eligible for appointment to the said post.

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Bond and training

(1) All candidates provisionally recruited against 50% quota of direct recruits shall execute a Bond in the format specified by the Department for a period of at least five years from the date of their appointment as Junior Telecom. Officer.

(2) The candidates selected both against the 50% direct recruitment quota of vacancies and the 50% departmental promotion/transfer of vacancies shall, before their appointment as Junior Telecommunications Officers, have to ~~successfully undergo~~ prescribed training as per the training plan laid down and amended by the Department from time to time.

(3) During the period of training the direct recruited Junior Telecom. Officers will be entitled to a stipend and dearness allowance admissible thereon or such stipend and allowances as amended by the Department from time to time.

6. Service under Territorial Army/Signal Units:-

All candidates (both direct and departmental) shall if so required, be liable to serve in the territorial army signal units for a period specified in the Territorial Army Act, 1948 (56 of 1948) and the rules made there under.

Power to Relieve

Where the Central Government is of the opinion that it is necessary or expedient so to do, it may by order and on reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

B. Saving :-

Nothing in these rules shall affect reservations/relaxation of age limit and other concessions required to be provided for the Scheduled Caste, Scheduled Tribes, Ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

Amended
L.S.N.

SCHEDULE

(2)

(3)

Name of Post	No. of Posts	Classification
Junior Telecom. Officer	20,000 ru on 31/3/74 (Subject to variation dependent on work load)	General Central Service Group 'C' Non-gazetted Non-Ministerial
(4)	(5)	(6)

Scale of pay

Whether selection or
non-selection

Age for direct recruits

Rs. 1640-60-2600-
EB-75-2600

As explained under
column 11 of the
schedule

Between 19 and 27 years
(Relaxable for eligible
departmental candidates
upto 40 years/45 years
in case of SO/ST officials
in accordance with the
instructions or orders
issued by the Central
Government.

Note

The crucial date for deter-
mining the age limit or
service condition for both
departmental and direct
recruits, as the case may
be, shall be 1st July of
the year for which appli-
cations for recruitment
are called for.

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24-
other benefit of
added years of
service is admissi-
ble under Rule 30
of CCB (Pension)
Rules, 1972.

Educational and
other qualifica-
tions required
for direct
recruitment

(7)

(8)

Not applicable.

Bachelor of Engineering/Bachelor of
Technology from a recognised
university in any of the
following disciplines

- (i) Mechanical Engineering
- (ii) Electrical Engineering
- (iii) Telecom. Engineering
- (iv) Electronics
- (v) Radio Engineering
- (vi) Computer Sciences

U R

Bachelor of Science or
Bachelor of Science (Hons)
with Physics and
Mathematics as main/
elective/subsidiary/optional additional
subjects.

Note 1.
The applicants should be registered with the Employment Exchange
located in the Territorial Jurisdiction of the recruitment unit.

Note 2.
Educational and other qualifications are relaxable at the discretion
of the U.P.S.C./competent authority.

Note 3.
Educational and other qualifications regarding experience etc. are relaxable
at the discretion of the U.P.S.C./competent authority.

Note 4.
The existing holders of the post of Asstt. Supdt. Telegraph Traffic
may be treated at par with the cadre of Junior Telecom. Officer
as per these Recruitment Rules as one time measure.

Whether age and educational qualification prescribed for direct recruits will apply in case of promotees	Period of probation, if any.	Method of recruitment whether by direct recruitment or by promotion or deputation/transfer and percentage of vacancies to be filled by various methods
--	------------------------------	--

(9)	(10)	(11)
-----	------	------

Not applicable	Two Years	<p>i) 50% by direct recruitment through a competitive examination in accordance with the instructions issued by the Department in this behalf.</p> <p>ii) 50% by promotion/transfer as indicated under column 12 of the schedule.</p>
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In case of recruitment by promotion/ deputation/transfer, grades from which promotion/deputation transfer to be made

(12)

(1) 50% by promotion/transfer of departmental candidates referred to in item (ii) column 11 will be regulated as under :-

- i) 15% by promotion of departmental candidates through a competitive examination.
- ii) 35% by promotion/transfer of Transmission Assistants/Wireless Operators/Auto Exchange Assistants/ Phone Inspectors/Teleco. Technical Assistants.

15% Promotion through competitive examination, the following group of employees in the Department whose scale of pay is less than that of Junior Telecom. Officers shall be eligible, if such employees are

- (1) borne on the regular establishment and working in Telecom. Engineering Branch of Department including those working in the office of Chief General Manager, Telecommunication Circles/Districts other than

Amended
H. A. R.
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-26-

(a) Transmission Assistants, Telephone Inspectors, Auto Exchange Assistants and Wireless Operators, and

(b) Plumbers/Sanitary Inspectors/Conservancy Inspector

(i) working in Telecommunication Factory, other than those borne on industrial establishments.

(ii) borne on the regular establishment and working as Accounts Clerks in the Accounts Wing under the Telecommunications circles.

(iv) borne on the regular establishment and working as Works Clerks Grade I and II, Work Assistants, Draftsman, Junior Architects and Electricians in the Civil Wing under Telecom. Circles.

Provided that-

(a) they have passed High school/Matric examination or its equivalent and have completed five years regular service, or

(b) they possess the qualifications prescribed in column B and have completed 3 years regular service

Provided further that they are not above the age of 40 years on the crucial date.

33% transfer/promotion from amongst -

(a) the Phone Inspectors/Auto Exchange Assistants/Transmission Assistant/Wireless Operator who possess the qualification prescribed in column B and have completed 5 years regular service in the cadre of Phone Inspector/Auto Exchange Assistant/Transmission Assistant/Wireless Operator

(b) The Phone Inspectors/Auto Exchange Assistant/Wireless Operators/Transmission Assistant/Telecom. Technical Assistants who possess the high school/matriculation qualification and who have completed 6 years of regular service through a qualifying screening test. Unless he has already passed such test.

Note:

They shall have to undergo a simple medical test to ensure that they are physically fit and mentally alert to perform the duties expected of a Junior Telecom. Officer.

Explanation:

Length of service in the cadre of Phone Inspector/Auto Exchange Assistant/Transmission Assistant/Wireless Operator will be the criteria for sending them for JDA training.

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Note: No candidate other than those belonging to Scheduled Castes and Scheduled Tribes Communities shall be granted more than four chance to appear in the competitive examination. But those candidates who secure more than 70% marks in the 4th chance but are not selected for appointment as Junior Telecom. Officers may be allowed one more chance as a special case. The restriction in respect of number of chances is not applicable to members of Sch. Castes/Sch. Tribes communities.

If a Departmental Promotion Committee exists, what is its composition

Circumstances in which U.P.S.C. is to be consulted in making recruitment.

(13)

(14)

Group 'C' Departmental Promotion Committee (for considering confirmation of direct recruits) consisting of -

Not applicable.

1. An officer of Group 'A' in Junior Administrative Grade of Indian Telecom. Service... Chairman
2. Two officers of Group 'A' in the Senior Time scale of Telecom. Engineering Service... Members.

J.P. ERIVASTAVA
Assistant Director General (ENG)
Tele. No. 3032468/3716723.

The Manager,
Govt. of India Press,
Mayapuri Industrial Area,
New Delhi.

196, 97, 2/98

Attested

Wm

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No.5-1/56-EEG

Date:

Jan 1976

Copy forwarded in advance for information to :-

1. All Heads of Telecom. Circles/Telephone Districts.
2. All Heads of Other Administrative Offices.
3. All recognised Telecom. Unions/Associations/Federations
4. Lok Sabha/Rajya Sabha Sects..
5. STG.I/STG.II/STG.III/STN-I/STN-II/PAT/TE.I/TE.II/DE/
QM/Inspection/Work Study Cell/SGT Cell of Telecom.Dte
6. All Telecom. Training Centres.
7. Guard file/ Order Bundle NOB Section.

M. Sharma
J. K. SHARMA 2/1/76

SECTION OFFICER (NOB)

TELE NO. 3002541/3032226

Approved

Advocate

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. of 2000

Hirak Chakroborty & ors.

- vs -

Union of India & ors.

REJOINDER TO THE WRITTEN STATEMENT FILED BY THE RESPONDENTS.

1. That the applicants have received the copy of the Written Statement and have gone through the same. The applicants state that save and except the statements which are not specifically admitted herein below may be treated as total denial and so far as the statements which are born out of records it is further stated that the respondents are put to the strictest proof thereof.

2. That with regard to the statement made in para 1 of the written statement the applicants donot offer any comment on it.*

3. That with regard to the statement made in para 1 (Back ground History) of the written statement the applicants while denying the statement made therein begs to state that they are at par with the employees of 1 st screening test and there should not be any kind of differential treatment for similarly situated employees. In any case the JTO Recruitment Rules of 1999 is not applicable to the present applicant as the vacancies are of 1995 to 1998. Recruitment Rules can not be retrospective it is only prospective and it is therefore they are entitled to all the reliefs as prayed for in the present application.

4. That with regard to the statement made in para 2 (back ground) of the written statement the applicants while reiterating

the statements made above begs to state that their cases are not covered by the 1999 Recruitment Rules of JTO and hence they are all entitled to the relief as claimed for with cost.

5. That with regard to the statement made in para 3 (Back Ground) of the written statement the applicants beg to state the present case has got no connection with the above statement and same is not replied to.

6. That with regard to the statement made in para 4 (Back Ground) of the written statement the applicants while reiterating the statements made above as well as in the O.A. begs to state that since the vacancies are of earlier period the old recruitment rules will be applicable. In any case the applicants appeared in the 2nd screening test for TTA on 9.1.99 and on 25.1.99 the result declared by which all the applicants came into the cadre of TTA and hence question of new recruitment rules does not come into force.

7. That with regard to the statement made in para 5 (Back Ground) of the written statement the applicants beg to state that the present case has got no relation with the above facts and hence it is not necessary to reply to statement.

8. That with regard to the statement made in para 6 (Back Ground) of the Written Statement the applicants while denying the statements made therein begs to state that the present case is in relation to 2nd screening test for the post of JTO and hence the case cited by the respondents have got no bearing in the case. In this connection it is noteworthy to mention here that the respondents have issued an order dated 10.11.99 by which relaxation has been granted to the clause of 6 years condition and hence their contention is self contradictory and same has been made only to mislead the Hon'ble Tribunal.

9. That with regard to the statement made in para- 7 (Back Ground) of the written statement the applicants while denying the statements made therein begs to reiterates the statements made above and in the O.A. It is stated that as per their own statement at para 2 (back Ground) of the W.S., since the vacancies are earlier period i.e. prior to 31.8.99 the old recruitment rule will be applicable and the recruitment rule of 1999 will be applicable for the vacancies after its commencement. The law is well settled that recruitment rules are always prospective not retrospective.

That with regard to the statement made in respect of applicant No.1 the respondents have not gone through the O.A. because Shri Hirak Chakravorty is the applicant No.10 in the present O.A.. It is also denied that said Shri Chakravorty in fact the applicant No.10 has suppressed and mislead the Hon'ble Tribunal rather the Officer concern who was present before the Hon'ble Tribunal on 24.4.2000 has misled the Hon'ble Tribunal by furnishing false information to the senior C.G.S.C. and for which appropriate action may be taken against the said officer.

10. That with regard to the statement made in para-2 of the written statement applicants have nothing to comment on it.

11. That with regard to the statement made in para-3 of the written statement while denying the contention made therein the applicants beg to state that as per the Annexure-2 (W.S.) letter dated 10.11.99 relaxation have been given to all the TTAs to appear in the screening test without insisting six years of service in the cadre of TTA and hence the case laws cited by the respondents in para-6 (back ground) is not applicable. It is further stated that all the applicants were selected in the screening test held on 9.1.99 for promotion to the post of TTA, and its results were declared vide letter dated 25.1.99. Thereas-

fter nothing was done by the respondents for sending them to training and the respondents after a considerable delay of about six months have initiated process of training vide letter dated 11.6.99. Thereafter again by letter dated 22.6.99 it has been pointed out that in the RTTC, Patna seats were available w.e.f. 26.7.99 but the respondents willfully and deliberately have delayed the matter with a malafide intention to deprive the legitimate claim of the applicants.

12. That with regard to the statement made in para-4 of the W.S. the applicants offer no comment on it.

13. That with regard to the statement made in para-5 and 6 of the W.S. the applicants while denying the contention made therein beg to state that in fact all the applicants appeared in the examination for TTA on 9.1.99 of which results were declared on 25.1.99 and thereafter after a long laps of time the respondents on 11.6.99 initiated process for training. To that effect mention may be made of order dated 22.6.99 by which it has been categorically mention that seats were available at RTTC, Patna and the applicants could have been sent for training w.e.f. 26.7.99. However the respondents with an ulterior motive have delayed the matter and virtually the present controversies came in to picture. Had the respondents acted as per the order dated 22.6.99 there would have been no controversy. In any view of the matter since the applicant have cleared the TTA examination on 25.1.99 hence the contention raised by the respondents regarding the Annexure-2 letter dated 10.11.99 have got no bearing in the instant case. It is further stated that before commencement of the new recruitment rules of 1999 the applicants were sent for training vide letter dated 10.8.99 for the training which was scheduled to be held w.e.f. 30.8.99 and hence the question of new recruitment rule does not come in to force.

Attested

[Signature]

Attested.

Copies of the letters dated 25.1.99, 11.6.99, 22.6.99 and 10.8.99 are annexed herewith and marked as Annexure-1,2,3 and 4 respectively.

14. That with regard to the statement made in para-7 of the W.S. the applicants offer no comment on it.

15. That with regard to the statement made in para-8 and 9 of the W.S. the applicants while reiterating the statement made in the O.A. beg to state that the respondents flouted the directive of the higher authority who initially framed the aforesaid policy to clear up the stagnation in the TTA cadre with the consultation with various levels of Meetings with the Staff Side. It is also stated that since the applicants have applied for the said test the respondents are duty bound to accept the same having not done so the respondents have violated the settled principles of natural justice.

16. That with regard to the statement made in para-10, 11, and 12 of the W.S. since the respondents have admitted the facts the applicants beg to reiterate the statement made in the O.A.

17. That with regard to the statement made in para- 13 of the W.S. the applicants while reiterating the statement made above as well as in the O.A. and while denying the contention made in the present para of the W.S. beg to state that there cases are not covered by the 1997 recruitment rules.

18. That with regard to the statement made in para-14 of the W.S. the applicants reiterate the contention made in the O.A. and beg to state that since the similar benefit has been extended to other set of employees.

19. That with regard to the statement made in para-15 of the WS filed by the respondents the applicants while reiterating the statements made above beg to state that their cases are covered

Attended

[Signature]

Advised

by the pre-revised recruitment rules and hence they are all entitled to all the reliefs as claimed in the O.A. with cost.

20. That with regard to the statement made in para-16 of the WS the applicants while denying the statements made therein begs to state that in view of the statements made above as well as in the O.A. the instant application deserve to be allowed with cost.

21. That with regard to the statement made in para- 17 of the WS the applicants have no comments on it.

22. That with regard to the statement made in para-18 of the WS the applicants as stated above are entitled to all the relief as prayed for including the interim prayer with cost.

23. That with regard to the statement made in para-19 of the WS the applicants while denying the statements made therein begs to state that the principles of balance of convenience lies vary much in favour of the applicants in granting the interim relief as the same will no way create any sort of inconvenience to the respondents. It is therefore the applicants pray for an interim order directing the respondents to issue hall permit to the applicants and to allow them to appear in the examination.

24. That with regard to the statement made in para-20 of the WS the offers no comment on it.

25. That with regard to the statement made in para 21 of the WS the applicants while reiterating the statements made therein begs to state that the aforesaid statement has got no bearing in the present case. However, the applicants in reply to the said para begs to state that in view of the aforesaid facts and circumstance more particularly taking in to consideration the order dated 22.6.99 the intention of malafide action of the respondents are very much clear. It is further stated that the applicant No 10 is presently holding the post of TTA under the

respondents No 2 and his identity of as an Union secretary is secondary one. In fact the present application has been filed in individual capacity and the statement made by the respondents regarding him alone shows the intention of their malafide action. In any case the applicant No 10 has signed the verification on behalf of the other applicants and hence he should not have been singled out by making the aforesaid sharp statements like this. In any view of the matter the Constitutional right of the applicants can not be questioned as has been done in the present case.

26. That with regard to the statement made in para-22 of the WS the applicants prays before the Hon'ble Tribunal for granting all the reliefs with cost by allowing the same.

In view of the aforesaid facts and circumstances stated above, the applicants pray that Your Lordships would graciously be pleased to grant the reliefs prayed for by the applicants with cost by allowing the present O.A. and directing the respondents to pay the cost of the application.

Attested

W. S.

Advocate.

28

- 36 -

24

VERIFICATION

I, Shri Hirak Chakraborty, son of late J.C. Chakraborty, aged about 51. years, , at present working as Telecom Technical Asst. (TTA) under the respondent No 2, do hereby solemnly affirm and verify that the statements made in paragraphs are true to my knowledge and those made in paragraphs are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

I am one of the applicant (applicant No 19) of the instant application and as such well acquainted with the facts and circumstances of the case and I am also authorised by the other 54 applicants to swear this verification on their behalf.

And I sign on this the Verification on this the 23rd day of April 2008.

Signature.

Attested

WDA

Advocate.

ANNEXURE - 1

37

9-65/17

2888025

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER, N.E. TELECOM. CIRCLE
SHILLONG - 793001

NO:EC-41/DE/TTA/99 - con/4

Dated at Shillong, the 25th Jan'99.

Sub:- 1. Announcement of result of the Second Qualifying Screening Test for entry into the cadre of T.T.As. Conducted on 9th Jan'99.

The following candidates as mentioned below have been declared qualified in the Second Qualifying Screening Test for TTA which was conducted on 9 Jan'99..

Spelling mistake if any be brought to the notice immediately for necessary correction.



(G.N.CHYNE)

Asstt.General Manager(Admn),
o/o the CGMT,N.E.Circle,Shillong.

Copy for information and necessary action to :-

1. The A.D.G.(DE), DoT, New Delhi - 1.
2. The TDM- Shillong/Aizawl/Agartala/Imphal/Itanagar/Dimapur.
3. The S.E.Telecom Civil Circle, Shillong.
4. The STT- Shillong/Itanagar/Imphal/Kohima/Aizawl/Agartala.
5. The Principal, CTTC, Laitumkhrah, Shillong.
6. The ADT(HRD)/ADT(Estt)/ ADT(T), C.O.Shillong.

RANEE/

(S.S.SOM) 25.1.99

Asstt.Director Telecom(Exam),
o/o the CGMT,N.E.Circle,Shillong.

Attended
RANEE
25.1.99

Sl.No.	Names of the Candidates	Roll Nos.	Remarks
1.	Bibhishan Ray - 25-11-83 1-11-90	NETC-01/TTA/99	Passed 1
2.	Mitchel Kharimalki - 10-5-83-2	" -02/ - do -	" 2
3.	Hamarbasuk Lyngdoh - 10-5-83-1	" -03/ - do -	" 3
4.	Kristopher Syiemlieh - 10-5-83-12	" -04/ - do -	" 4
5.	Alfred Dkhar - 35-1-68	" -05/ - do -	" 5
6.	Hirak Chakraborty - 7-6-68	" -08/ - do -	" 6
7.	Kumud Bhattacharjee - 7-6-66 16-8-80	" -09/ - do -	" 7
8.	F. Wahlang. - 27-2-80	" -11/ - do -	" 8
9.	Masha Ranjan Malakar - 25-11-67-1-12-75	" -12/ - do -	" 9
10.	Rabindra Kumar Deb - 25-7-72-16-8-80	" -13/ - do -	" 10
11.	Smt. Ladaphila Kharbuli - 26-12-80	" -14/ - do -	" 11
12.	Mansingh Shabong - 17-1-80	" -15/ - do -	" 12
13.	Chitaranjan Roy - 5-2-72 19-8-80	" -16/ - do -	" 13
14.	Arwinson R. Majaw - 19-5-80	" -17/ - do -	" 14
15.	Ranjit Sarkar - 16-12-77	" -18/ - do -	" 15
16.	Swapan Kumar Chakravarty	" -20/ - do -	"
17.	T. Natum Singh	" -21/ - do -	"
18.	Lingamlong Rongmei	" -23/ - do -	"
19.	Abeni (Lotha) Ngullie	" -24/ - do -	"
20.	Ketulekho Keyho	" -28/ - do -	"
21.	Lakhan R. Nagn	" -27/ - do -	"
22.	K. Chandra Kumar	" -29/ - do -	"
23.	Prabash Chakraborty	" -30/ - do -	"
24.	AK. Ibohalbi Singh	" -32/ - do -	"
25.	Akoijam Mohendra Singh	" -34/ - do -	"
26.	A. Irabot Singh	" -35/ - do -	"
27.	R. K. Sanayama Singh	" -36/ - do -	"
28.	E. N. N. Passah - 14-2-78	" -50/ - do -	" 16
29.	Nensingh Dollo	" -51/ - do -	"
30.	Dulal Halder	" -54/ - do -	"
31.	Dulal Pegu	" -57/ - do -	"
32.	Sonamani Sonowal	" -58/ - do -	"

G.M. TD/SH

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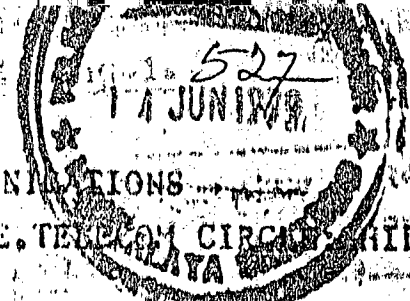
G.M. TD/SH

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Handwritten signature/initials

-39- ANNEXURE -2



DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER N.E. TELECOM CIRCLE SHILLONG
793001

No. Rectt-184/TTA/Pt-I/105

Dated at Shillong the, 11.06.1999.

To,

1. The Telecom District Manager,
Shillong/Imphal/Agartala/Dimapur/Itanagar/Aizawl

Sub:-

Training of eligible officials for appointment
to TTA.

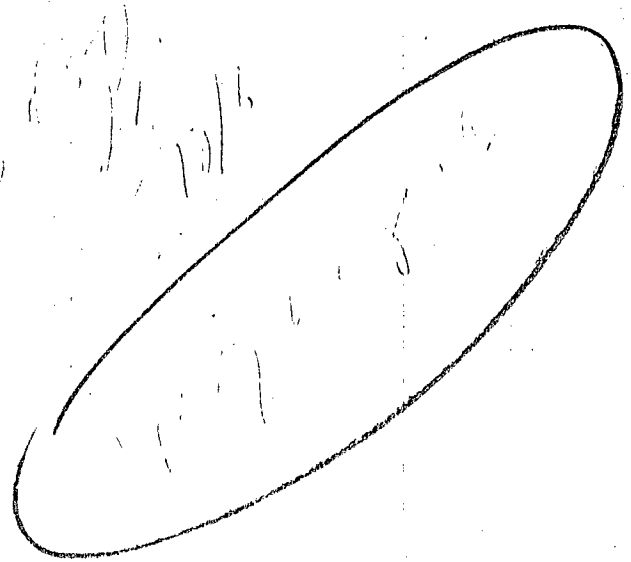
Various RTTC's have been requested for allotment of seats to this Circle for the above training. In this connection, kindly prepare the Inter-se-seniority of eligible officials who qualified for TTA training at the earliest. Copy of the same may kindly be sent to this office for necessary action.

Sam P.
11/6

(S. Lanech)
Asstt. Director Telecom (Estt)
O/O the Chief General Manager,
N.E. Telecom Circle: Shillong.

11.6.99

DE-41
11/6



Attested
for
Advocate.

12 - ANNEXURE-3

28

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER N.E. TELECOM CIRCLE: SHILLONG
793001

No. Rectt-184/TTA/Pl-I/108

Dated at Shillong the, 22.06.99.

To,

The General Manager,
Telecom District,
Shillong/Imphal/Agartala/Dimapur/Itanagar/Aizawl.

Sub:- Training of eligible officials for appointment
to TTA.

Kindly refer to this office letter of even number dated 11.06.1999, in this connection I am directed to intimate you that Induction training of TTA will be held at RTTC, Patna w.e.f. 26.07.99. List of eligible officials as per Inter-se-seniority who qualified for TTA training may kindly be sent immediately, to enable us for taken necessary action at this end.

This may be treated as Most Urgent.

(S. Patgiri)
Asstt. Director Telecom (Estt.)
O/O the Chief General Manager,
N.E. Telecom Circle: Shillong.

#####

Attested

N. N. N.

N. N. N. create

- 41 - ANNEXURE - 4

DEPARTMENT OF TELECOMMUNICATIONS
O/O THE GENERAL MANAGER TELECOM DISTRICT
SHILLONG

NO.E-48/TTA/TRG/135

DATED AT SHILLONG THE 10th AUGUST 1999

In pursuance of AGM[Admin], Office of the Chief General Manager, N.E.CIRCLE, Shillong order no. Rectt-184/TTA/TRG/118 Dt. 20-07-1999, the following officials are hereby released w.e.f 27-08-1999 [F/N] with direction to report to Principal at NSCBTTC, Kalyani, Nadia, West Bengal for attending training class for Departmental recruits of Telecom Technical Assistants in Transmission & Switching specialisation, which will commence from 30-08-1999 for 10[ten] weeks.

TRANSMISSION:

1. Sri. Alfred Ddhar, T/S
2. Sri. Ranjit Sarkar
3. Sri. Robertson Khonglam, Tech
4. Sri. F.Wallang, Tech
5. Sri. H.B.Jyngdoh, Tech
6. Sri. K.Syiemlich, Tech
7. Sri. Bibhison Roy, Tech

Under SDE[Trunk]/SH
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Under DE[E-10B]/SH
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SWITCHING:

1. Sri. Hirak Chakraborty, T/S
2. Sri. Sri. M.R.Malakur, Tech, T/S
3. Sri. E.M.N.Prasad, Tech
4. Sri. Man Singh Shabong, Tech
5. Sri. A.R.Majaw, Tech
6. Sri. Kunud Bhattacharjee, Tech
7. Sri. C.R.Roy, Tech
8. Smt.L.Kharbuli, Tech
9. Sri. M.Kharbuli, Tech
10. Sri. R.K.Deb, Tech

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Necessary T/A & D/A for the same may be applied if, required.

Sd/-
SDE[Admin]
O/O GMTD, SHILLONG.

Copy to :

1. The AGM[Admin], Office of the Chief General Manager, N.E.Circle, Shillong for information with reference to his letter no. cited above.
2. The Principal, NSCBTTC, Kalyani, Nadia, West Bengal for information & necessary action.
3. The Sr. AO [A&P]/ Office of the GMTD, Meghalaya, Shillong
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Sd/-
SDE[Admin]
O/O GMTD, SHILLONG.

Sd/-
SDE[Admin]
O/O GMTD, SHILLONG.

-42- O/C-
 Filed on 26.9.2000
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 143 of 2000

Shri Hirak Chakraborty & Ors.

.....Applicants.

VERSUS

Union of India & Ors.

.....Respondents.

IN THE MATTER OF

An additional rejoinder highlighting certain factual aspect
of the matter.

MOST RESPECTFULLY SHEWETH::

1. That the applicants above named being aggrieved by the action of the respondents in not allowing them to appear in the 2nd screening test for the post of Junior Technical Officer (JTO) scheduled to be held on 29.4.2000^{and} seeking a direction to the respondents to allow them to appear in the said examination along with a prayer for completion of all the required formalities after the said test. The aforesaid OA (OA No 143/2000) ^{filed the said OA} is pending disposal before this Hon'ble Tribunal and the respondents have placed their say by filing written statement. The applicants in reply thereto have filed a detailed rejoinder.

2. That the applicants have come across an order dated 21.12.99 issued by the Chief General Manager, North East Telecom Circle to Deputy Director General (Tgt) Sanchar Bhawan, New Delhi

Attested
WDR
 Advocate

43 = 48 - 12 - 1
highlighting the fact that the present applicants are not in fault as regards sending them to TTA's training at a later date. —

In the said letter the Chief General Manager also made a request for consideration of their cases relaxing the cut off date enabling them to appear in the said examination.

A copy of the said order dated 21.12.99 is annexed herewith and marked as Annexure-RJ-1

3. That the applicants beg to state that the entire controversy raised in the OA and the plea taken by the respondents in their written statement can easily be adjudicated upon by the Hon'ble Tribunal taking into consideration the aforesaid letter dated 21.12.99.

The applicants crave leave of this Hon'ble Tribunal to advance more grounds at the time of hearing of this case with a further prayer to allow them to produce further documents/communications in support of their claim at the time of hearing of the case.

4. That the applicants beg to state that the respondents inspite of having power of relaxation have acted arbitrarily. On the other hand admitting the administrative lapses, the respondents now cannot approbate and reprobate denying the legitimate claim of the applicants.

In view of the aforesaid facts and subsequent development/discovery has necessitated filing of this instant

Attested
ham

44 - 50
3
additional rejoinder.

In the premises aforesaid it is most respectfully prayed that Your Lordships would graciously be pleased to treat the instant additional rejoinder as a part of the way ~~of~~ and /or be pleased to pass any further order/orders as may be deemed fit and proper.

And for this act of kindness the applicant as in duty shall ever pray.

Attested

U. S. A.
Advocate.

- 415 -

5

VERIFICATION

I, Shri Hirak Chakraborty, son of late J.C. Chakraborty, aged about 51 years, at present working as Telecom Technical Asstt (TTA) under the respondent No 2, do hereby solemnly affirm and verify that the statements made in paragraphs are true to my knowledge and those made in paragraphs. are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

I am one of the applicant (applicant No 10) of the instant application and as such well acquainted with the facts and circumstances of the case and I am also authorised by the other 56 applicants to swear this verification on their behalf.

And I sign on this the Verification on this the ___rd day of February 2001.

Signature.

Attested

Advocate.

DEPUTY GENERAL MANAGER

EAST TELECOM CIRCLE

93 001

No. (0304) - 223400 (O)

(0304) - 224800 (R)

No. (0304) - 225100



6 RJ-1

मुख्य महाप्रबन्धक

(60/c)

उत्तर पूर्व दूरसंचार परिमंडल

शिलांग ७९३ ००७

पूरमाण नं० (०३६४) - २२३४०० (अ)

(०३६४) - २२४८०० (बि)

फैवरा नं० (०३६४) - २२५१००

45-A -

ANNEXURE RJ-1

D.O.No.Rectt-46/Trg/Pt.IV
Dated Shillong, the 21-12-99

Dear Shri Khanna,

This is regarding holding of the second qualifying screening test for promotion to the post of JTOs against 35% quota, on 8.1.2000. Applications have been called for from all eligible staff (PIs, TAs, WOs and TTAs) as on 31.8.99.

In this connection I would like to draw your kind attention to the fact that in N.E.Telecom Circle we have a number of candidates who have been selected as TTAs in the examination held on 9.1.99 and result declared on 21.1.99. Due to unavoidable reasons we were not able to send them for TTAs training immediately. However, they were deputed for training subsequently and completed the same on 5.11.99. As a result of deputing them for TTAs training at a later date they are unable to sit for the JTOs screening test to be held on 8.1.2000 due to no fault of theirs. The Staff and Telecom Federations have represented that they be allowed to sit for the JTOs screening test as they have completed their training and they are eligible for regular TTAs with effect from the date of completion of training relaxing the cut off date 31.8.99.

You are, therefore, requested to kindly examine the case and permit relaxation of the cut off date so that all the TTAs in N.E.Circle are able to sit for the JTOs test to be held on 8.1.2000.

With regards,

Yours sincerely,

(S.A. Vignathan)

Shri R. Khanna,
Dy Director General (Trg)
Sanchar Bhawan, 20 Ashoka Road,
New Delhi-110 001

हिन्दी का मान राष्ट्र का सम्मान

Attested
as an
Advocate

Whether that has been
done or Not

- 46 -

59

ANNEXURE - 4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

M.P. No. _____/2001

In
O.A. No. 143/2000

Sri H. Chakraborty & Ors.

-vs-

Union of India & Ors.

In the matter of:

An additional statement of fact,
highlighting certain factual aspect of
the matter.

The above petition on behalf of the petitioner above named
Most Respectfully Sheweth:

1. That the applicants being aggrieved by the action on the part of the respondents in not allowing them to appear in the examination namely 2nd Screening test for the post of J.T.O, were constrained to move the Hon'ble Tribunal by way of filing the aforesaid O.A. The respondents have filed their written statement in the aforesaid O.A.
2. That the respondents have controverted the statement of applicants mainly on the points, that they were not in the cadre of TTA (Feeder cadre of JTO) as on 31.8.99 and they have not completed the required 6 years of qualifying service.
3. That so far as the 1st contentions of the respondents are

Attested
u. San
Advocate.

- 67 -

concerned, regarding cut off date of 31.8.99, the applicants have already made sufficient submission in the Rejoinder as well as in the Addl. Rejoinder to the said OA .

The applicant for the sake of brevity begs to rely on the said statements made in the rejoinder as well as Addl. rejoinder.

4. That as regards the 6 years qualifying service is concerned the matter is subjudice before the various Benches of the Hon'ble Tribunal. Now during the course of hearing the respondents have produced a copy of the Judgment passed by the Hon'ble Principal Bench of this Hon'ble Tribunal. The applicants beg to state that even after passing of the said judgment, cases have been filed by numbers of employees like that of the present applicants before the various benches of this Hon'ble Tribunal which are pending disposal before the same.

5. That the applicants beg to state in - U.P. Circle persons situated like that of the present applicants have been sent for training, however, with an undertaking that they will claim the promotion to JTO in accordance with seniority and on the availability of vacancies. The applicants could come to know that the Respondents have relaxed the recruitment Rules in their case. The present applicants also prays for the similar treatment from this Hon'ble Tribunal.

6. That as stated earlier that the applicants has got the last chance to appear in the said examination in view of announcement of New Recruitment Rule of '99. The applicants further state that altogether there are 73 vacancies are in existence out of which 20 vacancies have been allotted to the 4 dying cadres. Presently the Respondents have initiated process for filling up the rest 53

Attested
W. D. S.
Advocate.

61

- 68 -

vacancies from amongst the TTA's. It will be pertinent to mention here amongst 53 TTAs 51 TTA's came to the said cadre along with the applicant i.e. after the cut off date of 31.8.99. It is also pertinent to mention here that out of them only two persons have completed 6 years of service as TTA. In case of aforesaid 51 TTA's the Respondents have relaxed the Recruitment Rules and the applicants also prayed for the similar direction. The Respondents have express their helplessness in absence of any order from this Hon'ble Tribunal.

7. That the applicants in view of the aforesaid subsequent development occurred during the pendency of the case have preferred this Miscellaneous Petition highlighting the events with a further prayer to treat the same as a part of the O.A.

8. That this petition has been filed bona fide and to secure ends of justice.

In the premises aforesaid, it is most respectfully prayed that Your Lordships would graciously be pleased to pass necessary order/orders treating the same to be a part of the said O.A and/or pass any such order/orders as may be deemed fit and proper.

b2

- 49 -

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

I, Shri Hirak Chakraborty, son of late J.C. Chakraborty, aged about 52. years, , at present working as Telecom Technical Asst (TTA) under the respondent No 2, do hereby solemnly affirm and verify that the statements made in paragraphs _____ are true to my knowledge and those made in paragraphs _____ are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

I am one of the applicant (applicant No 10) of the instant application and as such well acquainted with the facts and circumstances of the case and I am also authorised by the other 56 applicants to swear this verification on their behalf.

And I sign on this the Verification on this the 13rd day of March 2001.

Signature.

Attested
[Signature]
Advocate.

- 50 - **ANNEXURE - 5** (175)
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER N.E. TELECOM CIRCLE
SHILLONG-01.

No. EC-24/JTO.S-TEST/2000

Dated, Shillong the 26th Sept.
2000.

Subject :- Announcement of result for J.T.O. 2nd Screening Test held on 29th April, 2000.

Result for the promotion to J.T.O. 2nd Screening Test (35% quota) held on 29th April, 2000 is hereby declared as in Part-'A', Part-'B' & Part-'C'.

a) Part-'A' consist of Candidates who are eligible as per Recruitment Rules notified vide D.O.T. letter No. S-1/96-NOG dated 29.2.96.

b) Part-'B' are the candidates who have been permitted to appear the exam provisionally vide DOT No. S-11/99-NOG dated 12.3.99.

c) Part-'C' are the candidates who have been permitted provisionally to appear the exam as per order of Hon'ble Guahati CAT dated 27.4.2000 on CA-143/2000.

Result of all the Candidates in Part-'B' & Part-'C' have been declared provisionally and the result will be subject to the outcome of various court case pending in different Court/Tribunal. This as per the DTS. DE Branch letter No. 12-44/98-DE Part-I dated 6.9.2000.

The number of qualified officials of Screening Test to be sent on training and later on to be appointed as J.T.O. will be only to the extent of vacancies available 35% quota upto 31-8-99 i.e. prior to the notification of the new Jr. Telecom Officer recruitment rule '99. All those qualified candidates who would not be sent on training due to non-availability of vacancies (in 35% quota) will have no right whatsoever for appointment as J.T.O.

Result sheet of the Candidates is enclosed herewith for information.

Spelling mistake, if any, may be corrected before communicating the result.

Shri M.R. Malakar, TTA, Roll No. HETC-116/ST-1 is directed to produce the Matriculation/HSSE Certificate & Community Certificate to the undersigned within 7 days from the date of declaration of result. Failing which he may be treated as un-qualified.

sd/-
(P. DHEKIAL)

Asstt. Director (EXAMS)
O/o the Chief General Manager,
N.E. Telecom Circle: Shillong.

Copy for information and necessary action to :-

1. The A.D.G. (DE) D.O.T./ND-01.
- 2 & 6. The G.M.T.D. SH/IMP/ACT/ITR/AZL.
7. The T.D.M. Dimapur
- 8-9. The A.D.T. (HRD)/(ESTT) C.O. Shillong.
10. The Union Circle Secretaries.

sd/-
O/o the C.G.M.T./NEC/Shillong.

No. E-2/TTA/Exam/175

Copy to

① All DE's & respective SDEs for necessary action.

②-44) The official concerned.

To.
Prithvi Mahanta (T.T.A)
Nithesh Kharmahanta (T.T.A)
S/O. SDE (FRS)/SH.

S.I. Divisional Engineer (Admin)
c/o General Manager Telecom
Shillong-781001

Printed
at

Shillong.

54 -
Declaration of result for J.T.Os. 2nd Screening Test (35% quota)
held in A 29th April, 2000.

The following Candidates are declared qualified.

PART- 'A'

No.	Name of the Candidates of Reservation	Roll No.	Category
01.	SWAPAN RN. SARKAR, PI	NETC-04/ST	OC
02.	PRIYA MOHAN SAHA, PI	" -11/ST	OC
03.	MATI RN. BHANMIK, PI	" -19/ST	OC
04.	DURGESHVAR PADUN, PI	" -22/ST	S/T
05.	ARABINDA SAUD, RSA	" -01/ST	OC
06.	SAMIR DAS, RSA	" -17/ST	S/C
07.	BISWANATH SAHA, RSA	" -18/ST	OC
08.	SANTOSH KR. PAUL, RSA	" -21/ST	OC
09.	RAMESH CH. DEBDA, RSA	" -23/ST	OC
10.	S. KULADHAJA SINGH, RSA	" -33/ST	OBC
11.	PRABIR DUTTA, RSA	" -125/ST	S/T ✓
12.	PARKINSON KHARKONOR, RSA (TA)	" -37A/ST	S/T
13.	RAJANI KANTA DEORI, WO	" -02/ST	H/T
14.	MD. ABUBAKKAR A. AHMED, WO	" -27/ST	OC
15.	BISWA RN. PAUL, WO	" -28/ST	OC
16.	DIMBESWAR MONOWAL, WO	" -29/ST	S/T
17.	KARNESWAR RAHHA, WO	" -30/ST	S/T
18.	SUNANDA KR. BASUMATARY, WO	" -32/ST	S/T
19.	AJAY KR. SARKAR, WO	" -37B/ST	OC
20.	PRADIP KR. BORO, WO	" -24/ST	S/T
21.	SUDHANSHU R. DEY, WO	" -26/ST	OC
22.	DIPAK KUMAR DAS, TTA	" -03/ST	OC
23.	SANJIB K. S. BORDOLOI, TTA	" -105/ST	OBC

Sub-26/9/20

24. Amalendu Chowdhury, RSA - NETC - 38/ST OC

Sub-26/9/20

100001

WDR

- 52 -
PART - 'D'

Srl.	Name of the Candidates	Roll No.	Grade
01.	Oinam I. Singh, TTA	NETC-06/ST	OC
02.	MD. MAYURUDDIN AHMED, TTA	" -36/ST	OC
04.	INDRESWAR HONGRUM, TTA	" -39/ST	S/T
05.	MAGELLAN LYNGDOH, TTA	" -40/ST	S/T
06.	SHEMPHANG KHARMALRI, TTA	" -41/ST	S/T
07.	TAIRON S. LYNDEN, TTA	" -42/ST	S/T
08.	SUSHATA KR. DEB, TTA	" -43/ST	OC
09.	ISMEL MARNGAR, TTA	" -44/ST	S/T
10.	GAUTAM CHANDA, TTA	" -45/ST	OC
11.	SUSHIL KR. PAUL, TTA	" -46/ST	OC
12.	KUMAR GURUNG, TTA	" -47/ST	OC
13.	SUBHASHISH DHAR, TTA	" -48/ST	OC
14.	GEORGE A. WALLANG, TTA	" -49/ST	S/T
15.	TARUN KR. CHAKRABORTY, TTA	" -50/ST	OC
16.	R.A. KHARSTENG, TTA	" -51/ST	S/T
17.	AMIT DAS, TTA	" -52/ST	OC
18.	GOUTAM B. LAMA, TTA	" -53/ST	OC
19.	PARASHMANI SEN, TTA	" -54/ST	OC
20.	TYNJUH BOR LYNGDOH, TTA	" -55/ST	S/T
21.	MOHIT ESH CHOUDHURY, TTA	" -56/ST	OC
22.	PRADIP KR. ROY, TTA	" -58/ST	OC
23.	DURGA P. CHAKRABORTY, TTA	" -59/ST	OC
24.	DINESH KR. OJHA, TTA	" -61/ST	OC
25.	PHEBERLIN SHANGDIAR, TTA	" -62/ST	S/T
26.	ANALESH NATH, TTA	" -63/ST	OC
27.	SWAPAN KR. BHOWMIK, TTA	" -64/ST	OC
28.	NEPAL ROY, TTA	" -65/ST	OC
29.	PRANJAL BANIK, TTA	" -66/ST	OC
30.	PRADIP DEB ROY, TTA	" -68/ST	OC
31.	TAFASH RN. SINHA, TTA	" -69/ST	OC
32.	KALIPADA DEBDARMA, TTA	" -70/ST	OC
33.	SUBRATA CHAKRABORTY, TTA	" -71/ST	OC
34.	G. MUKTA RONGMEI, TTA	" -72/ST	S/T
35.	AMIYENDU BHATTACHARJEE, TTA	" -73/ST	OC
36.	DEEPAK KACHARI, TTA	" -74/ST	S/T
37.	GOPAL DAS, TTA	" -75/ST	OC
38.	SUSHIL ROY, TTA	" -76/ST	S/C
39.	VANLALZIDINGA, TTA	" -77/ST	S/T
40.	BIAKTHIANGH L. CHENKUAL, TTA	" -78/ST	S/T
41.	C. LALSAM LIANA, TTA	" -79/ST	S/T
42.	Y. IMOHOKABA AO, TTA	" -80/ST	S/T
43.	BASANT KR. SINOH, TTA	" -81/ST	OC
44.	KRISHNA K. DEB, TTA	" -82/ST	S/C

Handwritten signature
26/9/21

Attended

Handwritten signature
Advocate.

45.	M. BHAKASH SINGH, TTA	NETC-83/ST	CC
46.	S. GOPAL SINGH, TTA	" -84/ST	CC
47.	R. K. JITHENDRA SINGH, TTA	" -85/ST	CC
48.	M. HROO SINGH, TTA	" -86/ST	CC
49.	M. HROO SINGH, TTA	" -87/ST	CC
50.	S. GANESHWAR SINGH, TTA	" -88/ST	CC
51.	H. MOTROI SINGH, TTA	" -89/ST	CC
52.	M. BHAKASH SINGH, TTA	" -90/ST	CC
53.	S. HROO SINGH, TTA	" -91/ST	CC
54.	M. HROO SINGH, TTA	" -92/ST	CC
55.	P. HROO SINGH, TTA	" -93/ST	CC
56.	S. HROO SINGH, TTA	" -94/ST	CC
57.	A. HROO SINGH, TTA	" -95/ST	CC
58.	M. HROO SINGH, TTA	" -96/ST	CC
59.	K. P. V. HROO SINGH, TTA	" -97/ST	CC
60.	M. HROO SINGH, TTA	" -100/ST	CC
61.	M. HROO SINGH, TTA	" -101/ST	CC
62.	M. HROO SINGH, TTA	" -102/ST	CC
63.	M. HROO SINGH, TTA	" -103/ST	CC
64.	M. HROO SINGH, TTA	" -104/ST	CC
65.	M. HROO SINGH, TTA	" -105/ST	CC
66.	M. HROO SINGH, TTA	" -106/ST	CC
67.	M. HROO SINGH, TTA	" -107/ST	CC
68.	M. HROO SINGH, TTA	" -108/ST	CC
69.	M. HROO SINGH, TTA	" -109/ST	CC
70.	M. HROO SINGH, TTA	" -110/ST	CC

26/7/2015

PART - 10

1.	M. S. SHARONG, TTA	" -115/ST	S/T
2.	M. R. MALAKAR, TTA	" -116/ST	S/T
3.	P. WAHLANG, TTA	" -117/ST	S/T
4.	HANAI B. LYNGDOH, TTA	" -118/ST	S/T
5.	E. N. N. PASSAN, TTA	" -119/ST	S/T
6.	M. HROO SINGH, TTA	" -120/ST	S/T
7.	K. S. SYIEMLEH, TTA	" -121/ST	S/T
8.	HIRAK CHAKRABORTY, TTA	" -122/ST	S/T

NOTE :- 1. Result of all the Candidates in Part-10 & 11 in declared provisionally subject to the outcome of various Court Cases pending in different courts/Tribunal.

26/7/2015

Adh

To

The Chief General Manager (Telecom) (BSNL),
N.E. Circle,
Shillong, Meghalaya.

Sub:-

Order dated 15-3-2001 passed
in OA No. 143/2000 by the Hon'ble Tribunal.

Sir,

With due deference and profound submission,
I beg to lay the few following lines for your kind
consideration and necessary action.

Claiming permission to appear in the
examination i.e. 2nd Screening Test scheduled to
be held on 29-4-2000, which was denied to us,
we were constrained to move the Hon'ble Tribunal
by way of filing OA No 143/2000 before CAT/GHY.
The Hon'ble CAT/GHY was pleased to dispose of the
said OA directing you to consider our case invoking
rule for relaxation as has been invoked in other
cases. (Copy enclosed which will speak itself)

In that view at the matter, I
earnestly request you to implement the said
judgement and order at the earliest.

Dated Shillong

Yours faithfully,

the 12th April, 2001.

- (1) H. Chakraborty
(2) M. Khamrui (3) J. W. Khamrui
(4) E. N. N. Passai & others

12/4/01

Attested

Wam

Attested

54-A

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 143 of 2000.

Date of Order : This the 15th Day of March, 2001.

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

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

1. Shri Mansingh Shabeng,
 2. Shri Masha Rahjan Malakar,
 3. Shri Enblamannelsen Passah,
 4. Shri Mitchal Kharmalki,
 5. Shri A.R.Majaw,
 6. Shri Hamar Basuk Lyngdoh,
 7. Shri Bibhisan Roy,
 8. Shri Kristophar Syiemlieh,
 9. Shri Francies Wahlang,
 10. Shri Hirak Chakraborty.
- . . . Applicants

By Advocate Shri S.Sarma.

- Versus -

1. Union of India
represented by the Secretary to the Govt.
of India, Department of Telecommunication,
Sanchar Bhawan, New Delhi.
 2. The Chief General Manager(Telecom),
N.E.Circle,
Shillong, Meghalaya.
- . . . Respondents.

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

ORDER

CHOWDHURY J.(V.C)

The scope of promotional avenue from the post of Telecom.Technical Assistant (TTA for short) to the post of Junior Telecom Officer (JTO for short) is the question raised in this application by these 10 applicants in the following circumstances.

2. All the applicants are presently working as TTA and posted at various places of North East Circle under respondent No.2. They claim that since they are duly qualified and eligible for promotion quota of JTO under 35% quota their cases were required to be considered. On the other hand in a most

contd..2

Attested

Wam
Advocate.

54-B-2-

-2-

illegal fashion the respondents refused permission to the applicants for second screening test scheduled to be held on 29.4.2000 and failing to get appropriate remedy moved this Tribunal for a direction to appear in the second screening test for promotion to the post of JTO with further direction to send these applicants for training after successful completion of the said training to promote them to the post of JTO with all consequential service benefits.

3. The respondents strenuously opposed this application and stated in the written statement that they took all the necessary steps for filling up the post of JTO as per the Recruitment Rules for departmental quota of JTOs for the year 1995, 1996, 1997 and 1998. It was also mentioned that TTAs would be eligible to appear in 15% competitive quota of the JTO vacancies for the year 1995. However, they were not eligible in the years 1996, 1997 and 1998 as per the JTO Recruitment Rules 1996. The TTAs would ^{have been} eligible to appear in 35% qualifying screening quota of the JTO for the year 1996, 1997 and 1998 provided they had completed 6 years of regular service as TRA. Since these applicants did not fulfil the requirements of the Rules naturally they were not called for the second screening test. However, as per the order of the Tribunal these applicants were allowed to appear in the second screening test.

4. As on today those 10 applicants alongwith others were sent for the screening test. The result of the screening test is also declared. Mr Sarma, learned counsel for the applicants submitted that since the applicants were screened by now in view of the peculiar situation those applicants are required to be sent for training to the extent of

contd..3

Attested
Wam

54-C

- 3 -

70

vacancies available on 35% quota, if necessary by relaxation of the ~~Recruitment~~ rules. Mr A. Deb Roy, learned Sr.C.G.S.C for the respondents stated that the question of sending these applicants even for screening did not arise since they did not fulfil the requirements set out in the Recruitment Rules. As per the Recruitment Rules called as Junior Telecom Officers Recruitment Rules 1996 50% posts should be filled up by direct recruitment and 50% by promotion. From the promotional quota of 50%, 15% posts are to be filled up by promotion of departmental candidates through a competitive examination and 35% by promotion/transfer of Transmission Assistants/Wireless Operators/Auto Exchange Assistants/Phone Inspectors/Telco. Technical Assistants. For 35% promotion quota as per eligibility condition such persons are to possess High School/matriculation examination and have completed 6 years of regular service through a qualifying screening test, unless they have already passed the test. Those rules are subsequently replaced by the Junior Telecom Officers Recruitment Rules 1999. As per 1999 Rules the post of JTOs are to be filled up, 50% by direct recruitment and 50% by promotion through limited departmental competitive examination from amongst the Phone Inspectors, Auto Exchange Assistants, Wireless Operators, Transmission Assistants, Telecom Technical Assistants and Sr. Telecom Office Assistants those who possessing the following qualifications :

- "(i) Bachelore of Engineering in Telecom/Electronics/Computer Engineering/Radio Engg/Electrical Engg. or equivalent
or
- (ii) Bachelore of Science with Physics and Chemistry
or
- (iii) 3 years' Diploma in Electronics/Radio/Computer Engg./Instrument Technology/Telecom., and
- (iv) 10 years regular service in posts in Group 'C'.

The 1999 Rules came into force on and from 1.9.1999. Since the post of JTO as ^{alluded} ~~eluded~~ ^{vacancies} pertains to the ~~at~~ those existed prior to the new rule came into force, the 1996 rules would

contd..4

Admitted.

54-D - 4 - -

be fully operative with regard to the posts those were available prior to 1.9.1999 as per 1996 rules. The requirement for promotion as mentioned earlier will accrue after completion of 6 years of regular service through a qualifying screening test. The applicants by virtue of the order of the Tribunal were allowed to sit in the screening test and attain their qualification but nonetheless these applicants cannot be considered for promotion since they ^{were} ~~are~~ yet to fulfil the requirements of 6 years of regular service. At this stage Mr Sarma, learned counsel for the applicants submitted that though rules put the rigour of 6 years experience the same rule also conferred the power on the Central Government to relax the requirement in case of similarly situated persons, more so in view of the fact that their promotional avenue will forever be closed ^{with the advent} ~~in view~~ of the new rules. Rule 7 of the Rules no doubt provides the discretion on the Central Government to relax any of the provisions of these rules with respect to any clause or category of person, if it is of the opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing, As ~~eluded~~ it is a discretionary power and that power is to be exercised by the Central Government lawfully. The power of relaxation can be used only to attain the ends of justice. Arbitrary exercise of the power is to be avoided. The discretion is conferred on a high authority like Government of India to extenuate and/or allay the hardship on some mitigating situation. The rules are made to provide justice and avoid injustice. Rule 7 as mentioned earlier preserves the power of the Government to relax the rule. As observed by the Supreme Court in J.C.Yadav vs. State of Haryana reported in (1990) 2 SCC 189, adhered by the

contd..5

Attested
[Signature]
Advocate

54-E-71-
- 5 -

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Supreme Court in Sandeep Kumar Sharma vs. State of Punjab & others, reported in (1997) 10 SCC 298 such rule must be construed liberally to attain the course of justice. Of course arbitrary exercise of such power must be guarded against. But a narrow construction is likely to deny benefit to the really deserving cases. The rule of relaxation must get a pragmatic construction so as to achieve effective implementation of a good policy of the Government.

5. On overall consideration of the matter we are of the opinion that the ends of justice will be met if a direction is given to the respondents to examine the matter afresh in the light of the observation made above and the Rule 7 of the Rules stated above and take appropriate steps as per law. It is made clear that if the respondents at all invoke Rule 7 in that case the said relaxation shall not only be confined to these 10 applicants alone and it will made applicable to all persons similarly situated.

The application is accordingly disposed of to the extent indicated. There shall, however, be no order as to costs.

Sd-
Vice-Chairman
Sd-
Members (A)

Adm. Secy
18/11/97

ANNEXURE 7

भारत संचार निगम लिमिटेड
BHARAT SANCHAR NIGAM LTD.

(भारत सरकार का उद्यम A Govt. of India Enterprise)

मुख्य महाप्रबन्धक का कार्यालय

Office of the Chief General Manager,

उत्तर पूर्व दूरसंचार परिमंडल : शिलांग

North East Circle, Shillong-793 001

No. Rectt-46/Trg/Pl.V

Dated at Shillong, the 28th September, 01

To

1. Shri Hiral Chakraborty, TTA and others
O/o the General Manager Telecom District
Shillong

Subj:- Order dated 15-3-2001 passed by the Hon'ble Tribunal Guwahati
in O.A. no.143/2000

With reference to the representation dated 12th April 2001 on the above
subject, it is intimated that in compliance with the judgement given in OA
no.143/2000 on 15-3-2001, the matter has been considered by the DOT New
Delhi in the light of observations made in the judgement.

It has been decided by the DOT not to revoke Rule-7 and relax
Recruitment Rules.

(G.N. Chyne)

Asstt. General Manager (A)
Office of the Chief General Manager,
N.E. Telecom Circle, Shillong-793 001

Copy to:-

1. V.O. /CO Shillong with reference to his letter no. NE/LA/Cal. case
no.143/2000/H.Chakraborty/27 dated 1st August 2001.

(B.C. Das)

Asstt. Director Telecom (Estt.)
Office of the Chief General Manager,
N.E. Telecom Circle, Shillong-793 001

Copy to 2 Rectt. Representations dated

Attested

hdm

To

1. The DDG (ESTT)
2. The Chief General Manager
Department of Telecom.
N.E. Circle, Shillong.

ANNEXURE - 8

Sub.: Order dated 28.9.2001 bearing No.Rectt.-46/Trq./pt.v.

Sir,

With due deference and profound submission we beg to state few following lines before your honour for kind consideration and necessary action thereof.

1. That claiming permission to appear in the second screening test scheduled to be held on 29.4.2000 we moved the Hon'ble Central Administrative Tribunal, Guwahati, by way of filing OA.143/2000. In the said OA, the Hon'ble Tribunal was pleased to direct the respondents to re-examine the matter invoking Rule 7 (Relaxation clause) of the Recruitment Rule.

2. That we have now received the aforesaid order dated 28.9.2001 by which it has been intimated to us that the matter has been considered by DOT in terms of the judgement dated 15.3.2001. However, nothing other than 28.9.2001 has been communicated to us. Apparently, from the order dated 28.9.2001 it is clear that there must be some order from DOT rejecting our case, but the said order has not been made available to us. In absence of the aforesaid

20

for rejection.

Attested

WDM
Advocate

- 57 - 80 -
- 91 - 3 -

75

order now it became difficult for us to know the reason for such rejection.

In that view of the matter, we earnestly request your honour to furnish a copy of the order passed by DOT pursuant to which the order dated 28.9.2001 has been passed at the earliest.

Thanking you.

Copy to Chief General Manager,
Deppt of Telecom (BSM)
N.E. Circle - Shillong.

S/D

Sincerely Yours.

(1)	Hirak Chakrabarty.
(2)	M. Khosmelki
(3)	F. Wahlang.
(4)	E. N. N. Passali.
	<u>2</u> Others.

Approved

MAN
Signature.

EDMUNDT SACHCHANDR NIGRAM LTD.
(A Govt. of India Enterprise)
Office of the Chief General Manager,
North East - I Circle, Shillong - 793 001.

No. Rectt-46/Trg/Pt/48

Dated at Shillong, the 1st February, 02

To

Shri Hirak Chakraborty
Office of the General Manager
Telecom District, Meghalaya
Shillong,

Sub: - Non-receipt of order/letter No. 3-122/2000-NCC/SNG
Dated 23-07-2001 by applicant in OA No. 143/2000.

Enclosed please find a copy of Department of Telecom New Delhi letter
No. 3-122/2000-NCC/SNG dated 23-07-2001 for your information.

Encls: - as above

(G.N. Chyne)

Asstt. General Manager (A)
Office of the Chief General Manager,
N.E.-I Telecom Circle, Shillong-793 001

Copy to: -

Vigilance Officer, Circle Office, Shillong

(G.N. Chyne)

Asstt. General Manager (A)
Office of the Chief General Manager,
N.E.-I Telecom Circle, Shillong-793 001

Attended

Wan
Associate.

ANNEXURE - 10

MOST IMMEDIATE/COURT CASE

No.3-122/2000-NCG/SNG
Government of India
Department of Telecommunications
Sanchar Bhawan, 20 Ashoka Road, New Delhi

Dated 23.07.2001

To,

The Chief General Manager,
B.S.N.L., North East Circle,
Shillong - 793001.

Subject: OA No.143/2000 filed by Shri Hiral Chakraborty,
TTA & Others, Vs. UOI before the Hon'ble CAT,
Guwahati Bench.

In compliance with the Judgement given in OA
No.143/2000 on 16.1.2001, the matter has been considered
afresh in the light of observations made in the judgement.

It has been observed that no further vacancies are
available and rendering more persons eligible relaxing
provisions of RRs would not serve any useful purpose.

Further, such relaxations, if given, will be in favour
of those officials who have not completed six years of
service as TTA, and it will be against interest of those
who are so far eligible as per provisions of RRs. Such
relaxation will be violative of principle of Natural
Justice.

It has been decided not to revoke Rule 7 and relax RRs
due to above reasons. The applicants be informed accord-
ingly.

(H.K. Gupta)

Deputy Director General (East.)

AGM (AP)

12

AD (EE)

Amend
W.D.

To the Chief General Manager
B.S.N.L. Circle - Shillong

60 -
BHARAT SANCHAR

ANNEXURE - 11, 8

NIGAM LIMITED

(A Government of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT
MEGHALAYA SHILLONG - 793001

No: E-2/Appointment/89

Dated at Shillong, the 4th February 2002

In pursuance of CGMT Shillong's letter No: STB-I/JTO Trg-Patg/IV dated 25-02-2002, the following officials on completion of JTO Phase II training are posted in the units noted against their names:

Sl	Names	Posted as JTO	Controlling Officer	Station of posting
✓ 1	Sanjib K S Bordoloi	OCB	DE (OCB)	Shillong
✓ 2	Kumar Gurung	Under SDOP Rynjah	DE (External)	Shillong
✓ 3	Amit Das	E10B/ RLU	DE (E10B)	Shillong
4	Dipak Kumar Das	Under SDOP (East)	DE (External)	Shillong
5	Mayuruddin Ahmed	Under SDO (G) Jowai	DE (O) Jowai	Khliehriat
30 6	Pradeep Kr Roy	Under SDOP Tura	DE (O) Tura	Tura
14 7	George A Wahlang	Under SDE (Instn) I	DE (Tx Mtce & Instn)	Shillong
13 8	Subhashish Dhar	Under SDOT Shillong	DE (O) Shillong	Cherrapunjee
16 9	R.A. Kharbteng	Under SDOT Nongstoin	DE (O) Shillong	Mairang

The above officials have reported for duty under GMTD Shillong on the F/N of 04-03-2002.

NOTE:

- I. For official at Sl. No 1- Shri S.K.S. Bordoloi is deputed to Fulbari for VPT works for a period of 2 (two) months. After his deputation he will join back his regular place of posting
- II. For official at SL No 7- Shri G.A. Wahlang is deputed to Jowai for Cable/VPT works for a period of 1 (one) month. After his deputation he will join back his regular place of posting.

Concerned D.Es should release the deputed J.T.Os
(SL 1 + 7) immediately on joining.

Sd/-
Deputy General Manager
O/o GMTD Shillong

Copy to:

1. CGMT NE I Circle, Shillong
2. DE (O) Tura/ Jowai/ Shillong
3. DE (Tx Mtce & Instn)/ (External/E10B/OCB) Shillong
4. SDOT Shillong/Nongstoin
5. SDOP (Rynjah/Instn I/East) Shillong
6. SDOP Tura
7. SDE (Grp) Jowai
8. SDE (North) Fulbari
9. Sr AO (Cash) O/o GMTD Shillong
- ✓ 10. Officials concerned
11. Personal files
12. E-2/Promotion file
13. E-2/T&P file
14. Statement File

Date of joining of the concerned officials may please be intimated to all concerned.

Sd/-
Dt. (Administration)
O/o GMTD Shillong

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8/11/99 me

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WDM
Director

Original Application No. : 182 of 2002.

Date of Order : This the 8th day of November, 2002.

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

THE HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER.

1. Sri Mansing Shabeng.
 2. Sri Masha Ranjan Malakar.
 3. Sri Enblamannelsen Passah.
 4. Sri Mitchal Kharmalki.
 5. Sri A.R. Majaw.
 6. Sri Hamar Basuk Lyngdoh.
 7. Sri Bibhisan Roy.
 8. Sri Kristophar Syiemlieh.
 9. Sir Francis Wahlang.
 10. Sri HIRAK Chakraborty.
- . . . Applicants.

By Advocate Mr. B.K. Sharma, Mr. S. Sarma, Mr. U.K. Nair,
Ms. U. Das.

- Vs. -

1. Union of India,
Represented by the Secretary to the Govt. of India,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan, New Delhi.
2. The Chief General Manager, (Telecom)
N.E. Circle
Shillong, Meghalaya.
3. Sri Kumar Gurung, JTO,
In the office of the SDOP, Rynjah under
DE (External), Shillong.
4. Sri Amit Das, JTO,
In the office of the DE (External)
Under SDOT (East).
5. Md. Mayurudding Ahmed, JTO,
In the office of the SDO(G) Jowai,
under DE(O) Jowai, Khliehriat,
Meghalaya.
6. Sri Pradeep Kr. Roy, JTO
In the office of the SDOP Tura
under DE(O) Tura, Tura, Meghalaya.
7. George A Wahlang, JTO
In the office of the SDE (Inst) Tura
Under DE (T x Mco and Instn), Shillong.
8. Sri Subhashish Dhar, JTO,
In the office of the SDOT Shillong
under DE (O) Shillong, Cherrapunjee, Meghalaya.

Attested

Uda
Advocate.

9. R.A. Kharbeng, JTO,
In the office of the SDOT, Nongshoin
Under DE (O) Shillong, Mairang,
Meghalaya.

... Respondents.

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

O R D E R

K.K. SHARMA, MEMBER (A) :

There are ten applicants in this application who have been allowed to agitate their grievance in a single application under rule 4(5)(a) of CAT (Procedure) Rules 1987. Some of the relevant facts for the disposal of the application are as follows :

2. At present all the ten applicants are working as Telecom Technical Asstt. (T.T.A.) under the respondents. It is stated that all of them are qualified to hold the post of Junior Telecom Officer (JTO) under 35% quota. The quota for promotion to the post of JTO is 35% (Promotional) and 15% (Departmental Competitive examination). The respondents called for application from the willing TTAs by letter dated 20.12.99. The applicants applied and were not allowed to appear for the screening test on 29.4.2000. There were vacancies for the post of JTO. After qualifying in the screening test, the candidates were sent for training on the basis of the vacancies. The applicants moved an application being O.A. No. 143/2000 before the CAT for not allowing the applicants to appear in the screening test. The new Recruitment Rule for the JTO's came into force in the year 1999 and the vacancies up to 31st August '99 were to be filled up as per recruitment rule of 1996. The respondents issued an order dated 10.11.1999 by which all the TTAs in position as on 31.8.99 were allowed to appear in the screening test without insisting on the required qualification mentioned in the 1996 recruitment rule. The

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11.11.99

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letter dated 10.11.99 is reproduced below :-

"Sub.-Eligibility condition to appear in JTO qualifying Screening test.

In continuation of this office letter of even number dated 12th March 1999, I am directed to state that the vacancies of JTO upto 31st August 1999 will be filled up as per the JTO recruitment Rule 1996 and the vacancies after 31st August 1999 will be filled up according to the provision of JTO Recruitment Rule 1999.

In view of this it has been decided that all eligible candidates up to 31.8.1999 under 35% quota may be permitted to appear in J.T.O. screening test to be held shortly. The case regarding permitting TTAs has also been examined and it has been decided that all TTAs as on 31st August 1999 be permitted provisionally to appear in 35% qualifying Screening test without insisting 6 years of service in the cadre of TTA subject to the outcome of the OAs pending in the different CATs.

All the eligible candidates of 35% JTO screening test may be informed clearly that qualified officials of 35% JTO screening test will be send on training only to the extent of vacancies available under 35% quota upto 31.8.99. Remaining qualified officials will have to claim what so ever for training/appointment as JTO."

The applicants were allowed to appear in the screening test on the basis of the direction given by the CAT in O.A. No.143/2000. The second Screening test was held on 29th April, 2000 and result of the test was also declared on 26.9.2000 (Annexure-5). The result was in three parts. Part A consisted of candidates who were eligible as per Recruitment Rules 1996. Part B consisted of candidates who had been allowed to appear vide letter dated 12.3.99 without completion of 6 years service as TTAs. names of those / Part C included / who had been allowed provisionally to appear on the basis of the order of the CAT dated 27.4.2000 in O.A. No. 143/2000. It is also stated that Rule 7 of 1996 Recruitment Rules contains power of relaxation of any provision contained in the said recruitment rule. The relaxation can be made to any provision of the recruitment rule as well as can be made applicable to any class or category of persons. The new Recruitment Rules came into effect on 1.9.99. In the order dated 15.3.2001

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In O.A. No. 143/2000 the Tribunal had directed the respondents to re-examine the case of the applicants for promotion. The direction of the Tribunal is reproduced below :-

" On overall consideration of the matter we are of the opinion that the ends of justice will be met if a direction is given to the respondents to examine the matter afresh in the light of the observation made above and the Rule 7 of the Rules stated above and take appropriate steps as per law. It is made clear that if the respondents at all invoke Rule 7 in that case the said relaxation shall not only be confined to these 10 applicants alone and it will be made applicable to all persons similarly situated.

The application is accordingly disposed of to the extent indicated. There shall, however, be no order as to costs."

After considering the case of the applicants the respondents passed an impugned order dated 28.9.2001 informing the applicants that it was not a fit case to revoke Rule 7 of the 1996 Recruitment Rules. The same order has been ^{based on the order} passed by the DoT on 23.7.2001. The communication dated 23.7.2001 is reproduced below :-

" In compliance with the Judgment given in O.A. No. 143/2000 on 10.1.2001, the matter has been considered afresh in the light of observation made in the judgment.

It has been observed that no further vacancies are available and rendering more persons eligible ~~relaxing~~ provisions of RRs would not serve any useful purpose.

Further, such relaxation, if given, will be in favour of those officials who have not completed six years of service as TTA, and it will be against interest of those who are so far eligible as per provisions of RRs. Such relaxation will be violative of principle of Natural Justice.

It has been decided not to revoke Rule 7 and relax RRs due to above reasons. The applicants be informed accordingly."

It is stated that even persons junior to the applicants have been given promotion to the grade of JTO without insisting on eligibility criteria mentioned in the 1996

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Advocate

Recruitment Rules. In this O.A. the controversy relates to the exercise of discretionary power of relaxation of Rule 7 of Recruitment Rules ¹⁹⁹⁶ by the respondents. The respondents have relaxed Rule 7 of the 1996 Recruitment Rules in case of seven private respondents while the same benefit was denied to the applicants. By order dated 4.2.2002 the respondents have promoted 9 persons to the post of JTO of which 7 persons have been made private respondents in this O.A. In case of 8 persons promoted by order dated 4.2.2002 the Recruitment Rule has been relaxed as they had not completed 6 years of service. It is stated that the vacancies are available against which the applicants can be promoted. The respondents have acted illegally and promoted junior to the applicants by order dated 4.2.2002. In case of seven TTAs the respondents have relaxed rule of 6 years of required service. The power of relaxation is required to be exercised uniformly without any discrimination.

3. Mr. S.Sarma, learned counsel appearing for the applicants argued that as the respondents have relaxed Recruitment Rules 7 of the 1996 in case of 7 employees the applicants are also entitled for the benefit of relaxation as the applicants are similarly situated. The action of respondents in promoting 7 respondents is illegal. He has requested for quashing of the impugned order.

4. The respondents have filed their written statement and their case was represented Sr. C.G.S.C. Mr. A. Deb Roy. It is stated that rejection of the claim of the applicants for promotion to JTO in pursuance of order dated 28.9.2001 issued from the office of the Chief General Manager (Telecom) N.E. Circle and order dated 23.7.2001 issued by the Dy. Director General was legal and in compliance with the

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Ad. Secy.

judgment and order of the CAT in O.A. No. 143/2000 dated 15.3.2001. The applicants were not similarly situated to those employees ordered for promotion by order dated 4.2.2002 on completion of JTO training. The applicants were promoted as TTAs in the year 1999. The private respondents were promoted as TTAs in 1994 and 1995. The circular dated 10.11.99 allowed all TTAs in position on 31.3.99 to appear provisionally in the screening test. The applicants were appointed as TTAs in November/99 and they were not entitled to the benefit of the letter dated 10.11.99 and on the direction of CAT and they were provisionally allowed to appear in the screening test. The applicants were not eligible for the post of JTO as per Recruitment Rules 1996. Persons who were eligible in the 2nd Screening test as per decision in the circular dated 10.11.99 were sent for 2nd screening test and on successful completion of the training were posted as JTOs. The applicants claim of being similarly situated employees alongwith the candidates in part B of the order dated 26.9.2000 is not correct. The applicants were not eligible for appearing in the screening test as per DoT letter dated 10.11.99. As per order dated 15.3.2001 in O.A. No. 143/2000, the matter has been considered by the respondents afresh in the light of the observation made in the judgment and the DoT has decided not to revoke rule 7 and relax Recruitment Rules with the findings that such relaxation is not possible as there were no vacancies and would be in violation of principles of natural justice. The posting order dated 4.2.2002 was issued against the vacancies of JTOs upto 31.8.99. It is stated that the applicants fear about stagnation in their present cadre of TTAs is baseless. The vacancies after 31.8.1999 will be filled up under the provisions of JTO Recruitment Rules 1999.

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5. We have heard learned counsel for the parties at length and perused carefully materials placed on record as well as submission made by the learned counsel for the parties. The applicant's claim is on the basis of order dated 10.11.1999 issued by the DoT. As per order the vacancies in the cadre of JTOs upto 31.8.99 were to be filled up as per JTO Recruitment Rules 1996. Since the rule was amended from 1.9.99 it was decided to allow all the TTAs as on 31.8.99 to appear provisionally in the screening test without insisting on 6 years of qualifying service as TTAs. Obviously, the applicants were not TTAs on 31.8.99. Had they been in position as TTAs and not allowed to appear in the screening test, the applicants could have been considered as being discriminated against. They cannot be considered as similarly placed with other TTAs who were in position on 31.8.99. The case of the applicants is of a different category. Since order dated 10.11.99 was applicable to TTAs as on 31.8.99 and as the applicants were not TTAs on that date, we find no illegality in the decision taken by the respondents. The respondents became TTAs after new Rules had come into effect on 1.9.1999. No illegality is inferred in the respondents applying the new Rules in the applicants case. The applicants claimed that as Recruitment Rules were relaxed by order dated 10.11.99 in case of TTAs who were in position on 31.8.99, the same relaxation should be given to the applicants. The respondents have considered the case of the applicants in the light of O.A. 143/2000 and have stated that there are no vacancies.

A Mr. S.Sarma, learned counsel for the applicants had argued that the applicants appeared in the examination for TTAs on 9.1.99. The result was declared on 25.1.99. After a long delay the respondents initiated the process of training on 11.6.99 (Annexure -2). Seats for training at RTTC Patna

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were available as indicated in communication dated 24.6.99 (Annexure-3). Had the applicants been sent for training on 26.7.99, they would have also been covered by the letter dated 10.11.99. The respondents have delayed the matter of sending the applicants for training. Taking into account all the facts we are of the view that the case of the applicants requires reconsideration. The applicants were qualified for being sent for training, the seats for training were available; the applicants were not responsible for the delay in not being sent ^{for training} _{in time.} The respondents may re-examine the facts and consider whether these facts are not sufficient to relax Rule 7 in the applicants case. The respondents may take a decision on reconsideration of the facts within three months from the date of receipt of the order.

The application is disposed of as indicated. above.
There shall, however, be no order as to costs. A

Sd/VICE CHAIRMAN
Sd/ MEMBER (Adm)

Enclosed to be sent copy

A. K. Jha
District Administration Officer
Shimoga District

Copy to:- Mr. S. Srinivas, Advocate for the applicant

Adm

nom

Adm

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BIHARAT SANCHAR NIGAM LTD.

(A Govt. of India Enterprise)

Office of the Chief General Manager,
North East - I Circle, Shillong -793 001.

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No. Rectt-184/TTA/Trg/Pt-I/196

Dated at Shillong, the 17th March 2003

To

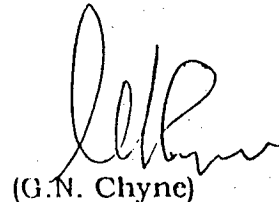
✓ Shri M.Shabong, TTA and others
O/o the General Manager Telecom District,
Shillong.

Sub: - Judgement and Order dated 8-11-2002 in OA No. 182/2002 filed by Shri
M.Shabong TTA & Others vs.. Union of India & Others before Hon'ble CAT,
Guwahati.

With reference to the above subject, it is intimated that in compliance with
the Judgement in OA No. 182/2002 on 8-11-2002, the matter has been re-
examined by DOT in the light of observations made in the Judgement.

It has been decided by the DOT, there is no justification in relaxing the
Recruitment Rules. Copy of DOT letter No.3-53/2002-SNG dated 26-2-2003 is also
enclosed.

Encl: - as above.

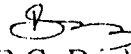


(G.N. Chyne)

Asstt. General Manager (A)
Office of the Chief General Manager,
N.E-I Telecom Circle, Shillong-793 001
Telephone No. (0364) 2225650
FAX No. (0364) 2227202

Copy to: -

1. VO/Co, Shillong with reference to his letter No.
NE/LA/OA/No.182/2002/M.Shabong & Ors/25 dated 7-03-03.



(B.C. Das)

Asstt. Director Telecom (Estt)
Office of the Chief General Manager,
N.E.-I Telecom Circle, Shillong-793 001

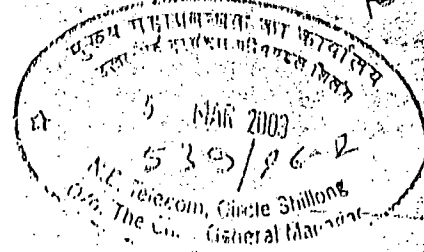
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No.3-53/2002-SNG
Government of India
Ministry of Communication and I.T
Department of Telecommunications,
Sanchar Bhawan, 20 Ashoka Road,
New Delhi. 110 001.



ANNEXURE - 14

Dated 26.2.2003

To,
The Chief General Manager,
Bharat Sanchar Nigam Ltd.,
North East - I Telecom Circle,
Shillong 793001.

Sub: O.A. No.182/2002 filed by Shri Mansingh Shabong & Others, TTA V/s
UOI & Others before the Hon'ble CAT Guwahati Bench regarding
relaxation of provisions of RRs.

In compliance with the Judgement in OA No. 182/2002 on 8-11-2002, the matter
has been re-examined afresh in the light of observations made in the Judgement.

It has been observed that RTTC Patna could allot only 21 seats, as intimated vide
their letter dated 14.6.99 for the training commencing on 26.7.99, whereas the total
requirement was 37 seats. Meanwhile RTTC Kalyani allotted 37 seats vide their letter
dated 22.6.99 and the seats were availed for the training which commenced from
30.8.99 and completed on 15.11.99.

The TTA training duration is 10 weeks. Even if the applicants were sent for
training commencing on 26.7.99 (as per seats allotted by RTTC Patna), the training
would not have been completed on 01.10.99. Thus these applicants would not have been
eligible as TTAs before the cut off date of 31.8.99.

Therefore, there is no justification in relaxing the RRs.

The applicants be informed accordingly.

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (SNG)

Approved
under
Director

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

OA.NO 207 of 2003.

File
20/11/03
(B. C. Pathak)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

Shri M. Shabong & Others.....Applicants

Vs.

Union of India & Others.....Respondents

(Written Statement filed by the respondents 1, 2 & 3)

The Written Statement of the respondents No 1, 2 and 3 are as follows :

1. That the copies of the OA.No 207/2003 herein after referred to as application has been served on the respondents and the respondents after going through the said application have understood the contents thereof.
2. That the statement made in the application save and except those which are specifically admitted and denied by the respondents.
3. That with regard to the statement made in paragraph 1 of the application, the respondents beg to state that the rejection of the claim of the applicants for promotion to JTO is in pursuant of Order dated 17.3.2003 & 28.9.2001 issued from the office of the Chief General Manager, NE Circle, Order dated 26.2.2003 issued by the ADG (SNG), Order dated 23.7.2001 issued by the Dy. Director General, and Order dated 4.2.2002 issued by the DGM(A), NE-I Circle, Shillong, was legal and in compliance with the Judgement given in OA No. 143 of 2000 dtd. 5.3.2001 and OA.No 182 of 2002 on 8.11.2002, filed by the applicants.
4. That with regard to the statement made in paragraph 2 and 3 of the application, the respondents beg to state that the applicants are all absorbed in BSNL, a Corporate body. Hence the Central Administrative Tribunal cannot exercise jurisdiction in regard to Service matters of such employees of BSNL.
(Calcutta CAT's Order dated 1.3.2001 enclosed here as Annexure R1 and Judgement copy of CAT Ernakulam Bench dated 28.11.2002 annexed here as Annexure R2).
5. That with regard to the statement made in paragraph 4.1 of the application, the respondents beg to state that the applicants were NOT similarly situated employees with those employees ordered for posting vide order dated 4.2.2002 on completion of JTO Phase II Training as per departmental rules. Department has rightly rejected the claim of the applicants in compliance with CAT verdict.
(Letter Order No E-2/Appointment/89 dtd. 4.2.2002 annexed here as Annexure R3).
6. That with regard to the statement made in paragraph 4.2 and 4.3 of the application, the respondents have nothing to comment.

7. That with regard to the statement made in paragraph 4.4 of the application, the respondents beg to state that it is rightly stated that all these exercise have been done by the respondents to remove stagnation in the cadre of TTAs and to provide promotional avenues.
8. That with regard to the statement made in paragraph 4.5 of the application, the respondents beg to state that that a Circular was issued wherein it was mentioned that all the TTAs as on 31.8.99 be permitted provisionally to appear in the Screening Test as per DoT's Order No. 5-11/99-NCG dated 10.11.99. But the applicants were not TTAs as on 31.8.99. Also, Hall Permits were issued to the applicants as per the directive of the court verdict and were provisionally allowed to appear in the said screening test. But the applicants were not similarly situated employees to the employees who were permitted to appear in the said test vide above said DoT's order, since the applicants were not TTAs while the respondents No 7 to No 10 were all TTAs on the cut off date. Vacancies in the cadre of JTO is immaterial in this case as the applicants were not eligible for the post of JTO as per Departmental Rules.
(DoT's Order No 5-11/99-NCG dated 10.11.99 annexed here as Annexure R4).
9. That with regard to the statement made in paragraph 4.6 of the application, the respondents beg to state that the candidates who are eligible to appear the 2nd Screening Test as per condition contained in DoT Order No 5-11/99-NCG dtd. 10.11.99, and who are qualified the test, were accommodated upto the extent of vacancies against 35% quota as on 31.8.99. Thus, the empanelled candidates were sent for training and on successful completion of the course, they were posted according to exigencies of duties. Remaining qualified officials will have no claim whatsoever for training or appointment as JTO.
10. That with regard to the statement made in paragraph 4.7 of the application, the respondents beg to state that the action taken was as per directive of competent authority i.e. only those who were TTAs as on 31.8.99, were permitted provisionally to appear in the screening test. However in compliance to Hon'ble CAT/GH Order dtd. 27.4.2002 the applicants those who were not TTA as on 31.8.99 were also permitted provisionally subject to the final decision of the court. Hence, the whole allegation is baseless and trying to mislead the Hon'ble Tribunal.
11. That with regard to the statement made in paragraph 4.8 of the application, the respondents beg to state that TTAs will be eligible to appear in 35% qualifying screening test of JTO provided they have completed 6 (six) years of regular service as TTAs and subsequent Order dtd. 10.11.99 all TTAs as on 31.8.99 are permitted provisionally to appear in the 35% qualifying screening test without insisting of 6 (six) years of service in the cadre of TTA against vacancies of JTO up to 31.8.99.
12. That with regard to the statement made in paragraph 4.9 of the application, the respondents beg to state that as per Recruitment Rules 1996, read with DoT's Order No.5-11/99-NCG dtd. 10.11.99, the applicants were not entitled for posting to JTO under 35% promotional quota as they have not fulfilled the eligible criteria for appearing in the said examination because they were not TTA on the cut off date i.e. on 31.8.99.
13. That with regard to the statement made in paragraph 4.10 of the application, the respondents beg to state that the action taken was as per directive of DoT's letter dated 10.11.99, i.e. all the TTAs as on 31.8.99 be permitted provisionally without insisting for qualifying service, subject to the outcome of the OAs pending in different CATs. But the applicants joined as TTAs after 31.8.99 and hence were not eligible to appear in screening test. It is clearly mentioned in the

above DoT's letter that vacancies of JTO upto 31st August 1999 will be filled up as per recruitment Rules 1996 and the vacancies after 31st August 1999 will be filled up according to the provisions of JTO Recruitment Rules 1999.

14. That with regard to the statement made in paragraph 4.11 of the application, the respondents have nothing to comment.

15. That with regard to the statement made in paragraph 4.12 of the application, the respondents beg to state that in compliance with the Judgement given in OA.No 143/2000 on 15.3.2001, the matter has been considered afresh in the light of observations made in the Judgement. It has been decided by the competent authority not to revoke Rule 7 and relax RRs, with the finding that such relaxation will be violative of principle of natural justice vide letter No 3-122/2000-NCG/SNG dated 23.7.2001.

(DoT's Order dated 23.7.2001 annexed here as Annexure R5).

16. That with regard to the statement made in paragraph 4.13 of the application, the respondents beg to state that on receipt of the applicants' letter dated 12.4.2001, the matter has been examined by the Department in pursuance of Hon'ble CAT/Guwahati Judgement and a finding of DoT has been issued vide letter dtd 23.7.2001 and same conveyed to the applicants vide letter No. Rectt 46/Trg/Pt.V dtd. 28.9.2001.

(Letter No.Rectt 46/Trg/Pt.V dtd. 28.9.2001 annexed here as Annexure R6).

17. That with regard to the statement made in paragraph 4.14 of the application, the respondents beg to state that the case have been examined in compliance to the Judgement in OA.No 143/2000 dtd. 15.3.2001, and passed an Order vide DoT No 3-122/2000-NCG/SNG dtd. 23.7.2001 which was conveyed to the applicants.

18. That with regard to the statement made in paragraph 4.15 of the application, the respondents beg to state that the DoT instruction dtd 23.7.2001 was conveyed to the applicants vide letter dtd. 1.2.2002.

19. That with regard to the statement made in paragraph 4.16 of the application, the respondents beg to state that the criteria for allowing candidates to appear in the screening test is based on the eligibility condition contained in DoT Order dated 10.11.99 and 12.3.99. All applicants who have become TTA as on 31st August'99 have been permitted provisionally to appear the 35% quota screening test. The applicants who were not TTAs as on 31st August'99 were not eligible to appear the screening test as per DoT instructions. However in compliance to Court Hon'ble CAT/GH vide its Order dtd. 27.4.2000 in OA.No 143/2000, they have been permitted provisionally subject to final decision of the Court. The private respondents were TTAs as on the cut off date i.e on 31.8.99 whereas the applicants were not TTAs as on the cut off date, i.e. on 31.8.99. Hence the applicants claim that even juniors to them in the cadre of TTA got the benefit of relaxation is baseless and trying to mislead the Hon'ble Court. In fact the applicants cannot claim to be at par with the other respondents as they are not similarly situated persons based on the position as on 31.8.99.

(DoT's letter dtd 12.3.99 annexed here as Annexure R7).

(Supporting documents regarding appointments of applicants & private respondents as TTAs annexed here as Annexure R8).

20. That with regard to the statement made in paragraph 4.17 of the application, the respondents beg to state that the nine (9) TTAs have been posted as JTO after completion of prescribed

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training vide order dtd.4.2.2002. All nine (9) TTAs were allowed for appearing in screening test vide order dated 10.11.99 as they were TTAs on the cut off date i.e. on 31.8.99 and the applicants were allowed for screening test as per directive of Hon'ble CAT though they were not eligible for appearing in the said test as per order dtd.10.11.99 as they were not at all TTAs as on 31.8.99. Hence the applicants' case could not be considered as they were not eligible as per departmental rules. Evidently the applicants' claim has no value in the eyes of law.

21. That with regard to the statement made in paragraph 4.18 of the application, the respondents beg to state that this screening test against 35% quota pertains to vacancy as on 31st August'99. Para I of DoT Order No. 5-11/99-NCG dtd. 10.11.99 has clearly indicated the position and the qualified candidates who are eligible to appear the screening test, have been accommodated against those vacancies only. These candidates were sent for training based on their inter-se - seniority on their previous cadre i.e. TTA, as per departmental instructions and only those candidates that can be accommodated against the vacancies of 35% quota as on 31st August'99 have been sent for training. The posting order dtd. 4.2.2002 were issued only after they have successfully completed the prescribed training of JTOs. The order dtd. 4.2.2002 does not reflect the availability of additional vacancies as claimed by the applicants. The applicants have no right to claim for setting aside the DoT orders and question the stand taken by the respondents. The applicants were not eligible to appear in the screening test as they were not TTA on 31.8.99. The applicants were allowed provisionally to sit in the said screening test as per interim order of CAT-GH. Hence the merit list for the said examination has no meaning for the applicants as the applicants were not at all eligible for appearing in the Examination.
22. That with regard to the statement made in paragraph 4.19 of the application, the respondents beg to state that action was taken as per departmental rules. The posting order dtd. 4.2.2002 was issued to them on successful completion of prescribed departmental training. It is clearly stated in previous paras that the applicants are not similarly situated employees compared to the nine (9) TTAs as appeared in order dtd. 4.2.2002. The allegation directed towards the respondents mentioned in this para is baseless/malicious in the eye of law and have no documentary evidence. The applicants cannot compare with TTAs who have been posted vide order dtd. 4.2.2002 as they were not similarly situated employees compared with the applicants. Hence the question of junior/senior is immaterial. On completion of prescribed training they were given posting as per departmental rules and the applicants were not eligible as per rule, hence their case could not be considered. The respondents did not allow the applicants to appear in the said screening test as it is not permissible as per departmental rules. The names of the applicants result was shown in Part-C as because they were not eligible for appearing in the said screening test vide DoT Order dtd. 10.11.99 as they were only allowed as per directive of the court interim order. So there is no malafide intention on the part of respondents.
23. That with regard to the statement made in paragraph 4.20 of the application, the respondents beg to state that in compliance with the Judgement given in OA.No 182/2002 on 8.11.2002, the matter has been considered afresh in the light of observations made in the Judgement. As per DoT's letter No. 3-53/2002-SNG dtd. 26.2.2003, it has been decided by the competent authority that there is no justification in relaxing the RRs.
24. That with regard to the statement made in paragraph 4.21 of the application, the respondents beg to state that the action taken was as per directive of the competent authority as already explained in para 23.

- (75)
25. That with regard to the statement made in paragraph 4.22 of the application, the respondents beg to state that they have acted in compliance with the Judgement given in OA.No 182/20 on 8.11.2002. and the matter has been considered afresh in the light of observations made in the Judgement. It has been decided by the competent authority that there is no justification in relaxing the RRs vide DoT's Order dated 26.2.2003.
 26. That with regard to the statement made in paragraph 4.23 of the application, the respondents beg to state that in the Order dtd. 23.7.2001 it was rightly stated that there is no further vacancies available. The posting order dtd. 4.2.2002 was issued against the vacancies of JTO upto 31.8.99. Vide DoT's letter dtd. 10.11.99, those who were TTA on 31.8.99 were provisionally allowed to appear in the screening test. The qualified candidates were accommodated up to extent of vacancies available up to 31.8.99. The remaining qualified officials will have no claim what so ever for training/appointment as JTO. The 7 candidates were eligible as per Order dtd. 10.1.99 but the applicants were not TTAs on the cut off date i.e. on 31.8.99. Thus there is no violation of principle of natural justice to the applicants.
 27. That with regard to the statement made in paragraph 4.24 of the application, the respondents beg to state that the applicants and the TTAs who have been posted vide order dtd. 4.2.2002 are not the similarly situated persons. The posting order was issued to them on completion of prescribed departmental training. As the applicants were not eligible, their case could not be considered as per departmental rule. The respondents' action in this regard was as per rule.
 28. That with regard to the statement made in paragraph 4.25 of the application, the respondents beg to state that action taken was as per rules and regulations of the Department and not violated the principle of natural justice. As the applicants were not eligible so their claim has no value in the eye of law and the application is liable to be dismissed.
 29. That with regard to the statement made in paragraph 4.26 of the application, the respondents beg to state that in the order dtd. 23.7.2001, it was rightly stated that there is no further vacancies available. The posting order dtd. 4.2.2002 was issued against the vacancies of JTO upto 31.8.99. The respondents have done nothing wrong in this regard by issuing order dtd. 4.2.2002. The applicants' fear about stagnation in their present cadre of TTA is baseless. It is clearly mentioned in the letter dtd. 10.11.99 that the vacancies after 31st August'99 will be filled up according to the provisions of JTO Recruitment Rules 1999. The applicants' claims are baseless and not based on facts, hence the application is liable to be dismissed.
 30. That with regard to the statement made in paragraph 4.27 of the application, the respondents have nothing to comment as there is no information regarding the Principal Bench case.
 31. That with regard to the statement made in paragraph 5.1 to 5.7 of the application, the respondents beg to state that the action taken was legal as per the directives of the competent authority and the respondents acted in this regard as per departmental instructions/rules. The applicants and the private respondents were not similarly situated persons as the applicants were not TTAs as on 31.8.99 but the private respondents were TTAs on the cut off date i.e. 31.8.99. Hence the statements made are false and trying to mislead the Hon'ble Tribunal and as such the application is liable to be dismissed.
 32. That with regard to the statement made in paragraph 6 of the application, the respondents have nothing to comment.

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33. That with regard to the statement made in paragraph 7 of the application, the respondents beg to state that the applicants had filed applications earlier, before the Bench of Hon'ble Tribunal, in OA.No 143/2000 & OA.No 182/2002 in which the Judgements & Orders dtd 15.3.2001 & 8.11.2002 were passed by this Hon'ble Tribunal and the respondents had disposed off the cases as per directives of this Hon'ble Tribunal vide this office letter dtd. 28.9.2001 on the basis of DoT's letter dtd. 23.7.2001, and vide this office letter dtd 17.3.2003 on the basis of DoT's letter dtd. 26.2.2003.
34. That with regard to the statement made in paragraph 8.1 to 8.5 of the application regarding relief sought for, the respondents beg to state that the applicants are not entitled to any relief sought for and hence the application is liable to be dismissed with cost.
35. That with regard to the statement made in paragraph 9 of the application for an interim order, the respondents beg to state that the applicants are not entitled for any interim order prayed for and hence the application is liable to be dismissed with cost.
36. That with regard to the statement made in paragraph 10, 11 and 12 of the application, the respondents have nothing to comment.
37. That the respondents submit that in fact there is no merit in this case and as such the application is liable to be dismissed with cost.

In the premises, it is therefore prayed that your Lordship would be pleased to hear the parties, peruse the records and after hearing the parties further be pleased to dismiss the application with cost and or further be pleased to pass such further or other orders as your lordship may deem fit and proper.

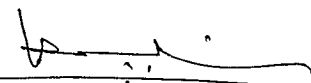
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VERIFICATION

I C Murmu, Vigilance Officer o/o the Chief General Manager, NE-I Telecom Circle, Shillong being authorised solemnly declare the statements made in the petition are true to my knowledge, belief and information.

And I sign the verification on this ... 20th ... day of ... Jan ... 2004.


20/1/04

DECLARANT

Vigilance Officer
o/o the C. G. M. T.
Shillong - 793001

O.A. 198 of 2001

Present : Hon'ble Mr. Justice R.N. Ray, Vice-Chairman

Hon'ble Mr. B.P. Singh, Administrative Member

BISHANATH BANERJEE

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. B.K. Mondal, counsel

For the respondents : Mr. M.S. Banerjee, counsel

Hear'd on : 1.3.2001

ORDER

Order on : 1.3.2001

R.N. Ray, V.C.

Ld. counsel for both sides are present. This case is relating to the Department of Telecom which has now become a corporate body. Bharat Sanchar Nigam Limited is definitely a corporate body under the Government of India within the meaning of Article 12 of the Constitution. But that has not been notified till today and therefore, this court has no jurisdiction to entertain such petition.

2. Accordingly, the O.A. is disposed of ^{as such} at the stage of admission as 'not maintainable'. The applicant may approach the appropriate forum in respect of his grievances made in this O.A. No order as to costs.

MEMBER(N)



VICE-CHAIRMAN

certified to be true copy
16.3.2001
Court Clerk
Bishanath Banerjee

... is a Govt Company.

EX COPY U R 22

(PRO SECURE) RULES

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.811/2002

Thursday this the 28th day of November, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

J.Sasisadharan Pillai,
S/o Janardhan Pillai
Staff No.3358, Senior Telecom Operating
Assistant (P), Telephone Exchange,
Elampalloor, Kundara
residing at Krishnavilasom Veedu,
Ambipoika, Kundara. ...Applicant

(By Advocate Mr.Vishnu S.Chempazhanthiyil)
v.

1. Assistant General Manager (Admn)
Office of the General Manager (Telecom)
District, BSNL, Kollam.
2. General Manager, Telecom District,
BSNL, Kollam.
3. The Director General,
Telecom Department, New Delhi.
4. Union of India, rep. by its
Secretary, Ministry of communications,
New Delhi.
5. K.M.Georgekutty
Senior TOA(P),
Telephone Exchange, Pathanapuram. ...Respondents

(By Advocate Mr. K. Kesavankutty, ACGSC - R1 - 4)

The application having been heard on 28.11.2002, the
Tribunal on the same day delivered the following:
Contd....



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.2.
O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant working as Senior Teleco Operating Assistant (P) under the Bharat Sanchar Nigam Limited (BSNL for short) has filed this application challenging the order dated 1.8.2002 by which the applicant's posting has been changed from Kundra to Pathanapuram, order dated 7.8.2002 (A6) by which the 5th respondent has been posted to Kundara and the A9 order dated 21.11.2002 by which his representation for retention at Kundara or at Kottiyam has been rejected. The applicant claimed that he being an ex-territorial army man he is entitled to a posting in a choice station and that the order turning down the request is unsustainable.

2. Shri K.Kesavankutty took notice for official respondents. He argued that the application may not be entertained as the applicant being an employee of the BSNL and as the BSNL has not been notified under the Administrative Tribunals Act, the Tribunal does not have jurisdiction. On the facts the counsel argued that the applicant having ceased to be a member of the territorial army in the year 1999 he is not entitled to any benefit and he supports the impugned order on the ground that it was issued

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SHARAT SANGHVI & CO. LIMITED

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.3.

3. We have considered the question of jurisdiction of the Tribunal to entertain this application. Since the applicant has been absorbed as an employee of the BSNL he is no more an employee of the Telecom Department. As the BSNL has not been notified under the Administrative Tribunals Act, this Tribunal cannot exercise jurisdiction in regard to service matters of such employees of BSNL. The applicant being one who has been absorbed we find that this Tribunal does not have jurisdiction to entertain this application.

4. In the result the application is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated the 28th day of November, 2002

Sd/-
(T.N.T.NAYAR)
ADMINISTRATIVE MEMBER

Sd/-
(A.V.HARIDASAN)
VICE CHAIRMAN



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ANNEXURE - R.3

12

ANNEXURE

BHARAT SANCHAR

NIGAM LIMITED

(A Government of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT
MEGHALAYA SHILLONG - 793001

No: E-2/Appointment/89

Dated at Shillong, the 4th February 2002

In pursuance of CGMT Shillong's letter No: STB-I/JTO Trg-Pstg/IV dated 25-02-2002, the following officials on completion of JTO Phase II training are posted in the units noted against their names:

Sl	Names	Posted as JTO	Controlling Officer	Station of posting
1	Sanjib K S Bordoloi	OCB	DE (OCB)	Shillong
2	Kumar Gurung	Under SDOP Rynjah	DE (External)	Shillong
3	Amit Das	E10B/ RLU	DE (E10B)	Shillong
4	Dipak Kumar Das	Under SDOP (East)	DE (External)	Shillong
5	Mayuruddin Ahmed	Under SDO (G) Jowai	DE (O) Jowai	Khliehriat
6	Pradeep Kr Roy	Under SDOP Tura	DE (O) Tura	Tura
7	George A Wahlang	Under SDE (Instn) I	DE (Tx Mtee & Instn)	Shillong
8	Subhashish Dhar	Under SDOT Shillong	DE (O) Shillong	Cherrapunjee
9	R.A. Kharbteng	Under SDOT Nongstoin	DE (O) Shillong	Mairang

The above officials have reported for duty under GMTD Shillong on the F/N of 04-03-2002.

NOTE:

- I. For official at SL No 1- Shri S.K.S. Bordoloi is deputed to Fulbari for VPT works for a period of 2 (two) months. After his deputation he will join back his regular place of posting.
- II. For official at SL No 7- Shri G.A. Wahlang is deputed to Jowai for Cable/VPT works for a period of 1 (one) month. After his deputation he will join back his regular place of posting.

Concerned D.E.s should release the deputed J.T.O.s
(3. 1. 47) immediately on joining.

Deputy General Manager
O/o GMTD Shillong

Copy to:

1. CGMT NE I Circle, Shillong
2. DE (O) Tura/ Jowai/ Shillong
3. DE (Tx Mtee & Instn)/ (External/E10B/OCB) Shillong
4. SDOT Shillong/Nongstoin
5. SDOP (Rynjah/Instn I/East) Shillong
6. SDOP Tura
7. SDI (Grp) Jowai
8. SDE (North) Fulbari
9. Sr AO (Cash) O/o GMTD Shillong
10. Officials concerned
11. Personal files
12. E-2/Promotion file
13. E-2/T&P file
14. Statement File

Date of joining of the concerned officials may please be intimated to all concerned.

Account

seen

DI (Administration)
O/o GMTD Shillong

24/11-99 ANNEXURE - R4

No.5-11/79-NCB 13
Government of India
Ministry of Communications
Department of Telecommunications
20-Ashoka Road, Banchar Bhawan, New Delhi-1

15 NOV 1999
N.E. Telecom, Circle Shimla
O/o. The Chief General Manager

Dated: 10.11.1999

To

All Heads of Telecom Circles/Telecom Districts
Heads of other Administrative Offices
Chief General Manager, MTNL, New Delhi/Mumbai

Sub:-Eligibility condition to appear in JTO qualifying Screening Test

In continuation of this office letter of even number dated 12th March 1999, I am directed to state that the vacancies of JTO upto 31st August 1999 will be filled up as per the JTO Recruitment Rule 1996 and the vacancies after 31st August 1999 will be filled up according to the provisions of JTO Recruitment Rule 1999.

In view of this it has been decided that all eligible candidates upto 31.8.1999 under 35% quota may be permitted to appear in J.T.O. screening test to be held shortly. The case regarding permitting TTAs has also been examined and it has been decided that all the TTAs as on 31st August 1999 be permitted provisionally to appear in 35% qualifying Screening Test without insisting 6 years of service in the cadre of TTA subject to the outcome of the OAs pending in different CATs.

All the eligible candidates of 35% JTO screening test may be informed clearly that qualified officials of 35% JTO screening test will be sent on training only to the extent of vacancies available under 35% quota upto 31.8.99. Remaining qualified officials will have no claim what so ever for training/appointment as JTO.

(J.B.JAIN)
Asstt.Dir.Gen.(STC)

Copy to :-DDG(Trg)/Dir(DE&VP)DOT, New Delhi for information please

(J.B.JAIN)
Asstt.Dir.Gen.(STC)

9/11/99

MOST IMMEDIATE/COURT CASE

No.3-122/2000-NCG/SNG
Government of India
Department of Telecommunications
Sanchar Bhawan, 20 Ashoka Road, New Delhi.01.

Dated 25.07.2001.

To,

The Chief General Manager,
B.S.N.L., North East Circle,
Shillong - 793001.

Subject:OA No.143/2000 filed by Shri HIRAK Chakraborty,
TTA & Others, Vs. UOI before the Hon'ble CAT,
Guwahati Bench.

In compliance with the Judgement given in OA No.143/2000 on 15.3.2001, the matter has been considered afresh in the light of observations made in the judgement.

It has been observed that no further vacancies are available and rendering more persons eligible relaxing provisions of RRs would not serve any useful purpose.

Further, such relaxations, if given, will be in favour of those officials who have not completed six years of service as TTA, and it will be against, interest of those who are so far eligible as per provisions of RRs. Such relaxation will be violative of principle of Natural Justice.

It has been decided not to revoke Rule 7 and relax RRs due to above reasons. The applicants be informed accordingly.

e/c

(H.K. Gupta)

Deputy Director General (Estt.)

925244
23/07/01

भारत संचार निगम लिमिटेड
BNARAT SANCHAR NIGAM LTD.
 (भारत सरकार का उद्यम - A Govt. of India Enterprise)
 मुख्य माताप्रवर्णक आदिकार्यालय

Office of the Chief General Manager,
 उत्तर पूर्व दूरसंचार परिसर 3, शिलांग
 North East Circle, Shillong-793 001

Dated at Shillong, the 28th September, 01

No. Rectt-46/Trg/Pt.V

To

1. Shri Hirak Chakraborty, TTA and others
 O/o the General Manager Telecom District
 Shillong

Subj:- Order dated 15-3-2001 passed by the Hon'ble Tribunal Guwahati
 in O.A. no.143/2000

With reference to the representation dated 12th April 2001 on the above
 subject, it is intimated that in compliance with the judgement given in O.A.
 no.143/2000 on 15-3-2001, the matter has been considered by the DOT New
 Delhi in the light of observations made in the judgement.

It has been decided by the DOT not to revoke Rule 47 and relax
 Recruitment Rules.


 (G.N. Chyng)

Asstt. General Manager (A)
 Office of the Chief General Manager,
 N.E. Telecom Circle, Shillong-793 001

Copy to:-

V.O. /CO Shillong with reference to his letter no. NB/LA/Cat case
 no.143/2000/H Chakraborty/27 dated 1st August 2001


 (B.C. Das)

Asstt. Director Telecom (N.E.)
 Office of the Chief General Manager,
 N.E. Telecom Circle, Shillong-793 001

ANNEXURE - R7

16

No.5-11/99-NEG

Government of India
Department of Telecommunications
Sanchar Bhawan, 20 Ashoka Road, New Delhi-1

Dated: 12th March, 1999.

To
All Heads of Telecom Circles
All Heads Telecom Districts
Heads of other Administrative Offices
Chief General Manager, MTNL, New Delhi/MTNL, Mumbai

Subject: Eligibility condition to appear in JTO quality
ing Screening test.

I am directed to refer to this office letter of even number dated the 12th January, 1999, under which eligibility criteria for appearing in Junior Telecom Officers Competitive/Qualifying Screening Test was sent. A large number of representations have been received from TTAs who have not completed six years of service in the cadre of TTA to appear in the 35% Screening Test.

2. It has been observed that TTAs have moved various Central Administrative Tribunals requesting to grant permission to appear in 35% Screening Test. In this regard, Hon'ble CAT, Principal Bench, New Delhi in OA No.193/99 M.A. No.199/99 and OA No.217/99 MA No.226/99 in their Interim Relief have directed to provisionally permit TTAs to appear in 35% Screening Test subject to the outcome of these Original Applications.

3. In the light of the above, the matter has been examined in detail. It has been decided to permit TTAs to appear in 35% Screening Test without insisting on the six years service condition in the cadre subject to the outcome of the above mentioned Original Applications. Necessary action in this regard may be initiated.

(J.B. Jain)
Assistant Director General (SIC)

Copy for information and further necessary action, if any, to Director (DE&VF)

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APPLICANTS IN OA.NO 182/2002

Sl. No	Name	Year of Recruitment in the Present Post	Date of appointment as TTA
1.	M.Shabong	1998	12.11.99
2.	M.Ranjan Malakar (P.S : Did not submit his HSLC Pass Certificate.)	1998	12.11.99
3.	E.Passah	1998	12.11.99
4.	Mitchel Kharmalki	1999	12.11.99
5.	A.R.Majaw	1998	12.11.99
6.	H.Basuk Lyngdoh	1998	08.11.99
7.	Bibhasan Roy	1998	12.11.99
8.	K.Syiemlich	1999	12.11.99
9.	Francis Wahlang	1998	19.11.99
10.	H.Chakraborty	1998	12.11.99

RESPONDENTS

Sl. No	Name	Year of Recruitment in the Present Post	Date of appointment as TTA
1.	Sri Kumar Gurung	1994	12.09.94
2.	Amit Das	1995	18.06.95
3.	Md.Mayuruddin Ahmed	1994	18.06.95
4.	Pradeep Kr.Roy	—	05.07.94
5.	George A. Wahlang	1994	12.09.94
6.	Subhashish Dhar	1995	18.06.95
7.	R.A.Kharbottla	1994	12.09.94

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE GENERAL MANAGER TELECOM. DISTRICT : MEGHALAYA
SHILLONG - 793001.

No. E-40/TTA/Apptt/54

Dated at Shillong the 12th November '99.

On successful completion of Training as Telecom. Technical Assistants the following officials are hereby promoted to the Cadre of TTA in the Scale of Pay of Rs. 4500/- with effect from the date of assumption of charge in the new post.

Place of posting on promotion is indicated below :-

Sl. No.	Names	Posting of promotion
1.	Shri Alfred Dkhar	S.D.O.T./Shillong.
2.	Shri Hiram Chakravorty	S.D.O.T./Shillong.
3.	Shri H.B. Lyngdoh	S.D.E. (Group)/Jowai.
4.	Shri K. Bhattacharjee	S.D.O. Telegraphs/Tura.
5.	Shri C.R. Roy	S.D.O. Telegraphs/Tura.
6.	Shri Ranjit Sarkar	SDE (Group)/Williamnagar.
7.	Shri A.R. Majaw	Garikhana under D.E. (E-10B)/Shillong.
8.	Shri F. Wahlang	Umpling under D.E. (E-10B)/Shillong.
9.	Shri M.R. Malakar	Laitkor under D.E. (E-10B)/Shillong.
10.	Shri M. Kharmalki	S.D.E. (FRS)/Shillong.
11.	Shri B. Roy	S.D.E. (FRS)/Shillong.
12.	Shri K. Syiemlich	NEHU under DE (E-10B), Shillong.
13.	Shri E.N.N. Passah	SDE (Cable-Constn.)/SH.
14.	Shri M. Shabong	S.T.T., CTO/Shillong.
15.	Shri R.K. Deb	E-10B under D.E. (E-10B), Shillong.

Date of joining may be intimated to all concerned.

Divisional Engineer (Admn.)
O/o the General Manager Telecom. District
Meghalaya, Shillong - 793001.

ANNEXURE - 1

1. Name in full ... SRI. MANSINGH SHABONG
2. Station of posting (With designation of office master for mailing purpose) ... S.T.T./C.T.O. SHILLONG
3. (a) Present post held ... T.T.A.
(b) Year of recruitment in present post ... 1998
(c) Date of appointment as NDA/PI/WO/T.T.A. ... 12 NOV. 1999
4. Date of birth (As per service book) ... 10.7.1958
5. Educational qualification (attach attested copy of qualification certificate) If the Candidate is graduate or post graduate or Diploma holder also attach attested copy of marks sheet of those higher qualification. H.S.L.C.
6. Community as per service book (State U/C, O/T, U/C) ... ST.
7. Indicate Divisional HQ at which you wish to appear the examination ... SHILLONG CENTRE
8. Are you transferred to this circle under Rule-30, if no, date of joining this circle ... NO
9. Give list of attested copies of certificates/Marksheets
(a) ... H.S.L.C.
(b)

DECLARATIONS

I do hereby declare that the statements furnished in the application are true.

Place ... Shillong

Date ... 26.11.99

Signature of the applicant, M. Shabong

RECOMMENDATION OF FORWARDING OFFICERS

Certified that,

- (1) The statements furnished by the candidate in the application form have been verified by me with his service book and found correct/~~not correct~~.
- (2) The candidate is mentally and physically fit/~~not fit~~.
- (3) There is no disciplinary case pending or contemplated against the candidate/~~there is disciplinary case pending against the candidate~~.
- (4) His conduct and character as far known to me are satisfactory/~~not satisfactory~~.

I recommend/~~do not recommend~~ his name.

Noted/Score out which are not necessary.

Counter signed (if necessary) by

Signature ... M. Shabong

Designation ... Officer in Charge

(With seal) Shillong-991001

TF No. 223227

ANNEXURE - 1

1. Name in full Masha Ranjan Malakar.....
2. Station of posting (With designation of office master for mailing purpose) D.E. E-10B Shillong.....
3. (a) Present post held T.T.A.....
 (b) Year of recruitment in present post 1998.....
 (c) Date of appointment as NSA/PI/NO/T.T.A. 12/4/99.....
4. Date of birth (As per service book) 7/11/1948.....
5. Educational qualification (attach attested Copy of qualification certificates) If the Candidate is graduate or post graduate or Diploma holder also attach attested copy of mark sheet of those higher qualification..... Matric final appeared (Passed)
6. Community as per service book (State D/C, G/T, O/C) Schedule cast.....
7. Indicate Divisional HQ at which you wish to appear the examination Shillong.....
8. Are you transferred to this circle under Rule-30, if no, date of joining this circle 25/11/67.....
9. Give list of attested copies of certificates/mark sheets
 (a) Admit card.....
 (b) Caste Certificate.....

DECLARATIONS

I do hereby declare that the statements furnished in the application are true.

Place Shillong.....

Date 3/12/99.....

Signature of the applicant,

RECOMMENDATION OF FORWARDING OFFICERS

Certified that,

- (1) The statements furnished by the candidate in the application form have been verified by me with his service book and found correct/not correct.
- (2) The candidate is mentally and physically fit/Not fit.
- (3) There is no disciplinary case pending or contemplated against the candidate/~~there is disciplinary case pending against the candidate.~~
- (4) His conduct and character as far known to me are satisfactory/~~Not satisfactory.~~

I recommend/~~do not recommend~~ his case.

Note: Score out which are not necessary.

Counter signed (if necessary) by

Signature A. K. LANGAL

Designation S.D.E. (E-10B)

(With seal) S.D.E. E-10B Exchange

Shillong

ANNEXURE - 1

1. Name in full E. NOBLE MANNELSON PASSAN
2. Station of posting (With designation of office master for mailing purpose) T.T.A. % S.D.E. C/c Shillong
3. (a) Present post held T.T.A.
(b) Year of recruitment in present post 1998
(c) Date of appointment as NSA/PI/NO/T.T.A. 12-11-99
4. Date of birth (As per service book) 28 June 1958
5. Educational qualification (attach attested copy of qualification certificates) If the Candidate is graduate or post graduate or Diploma holder also attach attested copy of mark sheet of those higher qualification. H.S.C. Passed
6. Community as per service book (State G/C, G/T, O/C) Scheduled tribe
7. Indicate Divisional HQ at which you wish to appear the examination Shillong Centre
8. Are you transferred to this circle under Rule-38, if no, date of joining this circle x
9. Give list of attested copies of certificates/Mark sheets
(a) H.S.C.
(b) S.T. Certificate

DECLARATIONS

I do hereby declare that the statements furnished in the application are true.

Place Shillong

Date 29.11.99

Signature of the applicant, [Signature]

RECOMMENDATION OF FORWARDING OFFICERS

Certified that,

- (1) The statements furnished by the candidate in the application form have been verified by me with his service book and found correct/~~not correct~~.
- (2) The candidate is mentally and physically fit/~~not fit~~.
- (3) There is no disciplinary case pending or contemplated against the candidate/~~there is disciplinary case pending against the candidate~~.
- (4) His conduct and character so far known to me are satisfactory/~~not satisfactory~~.

I recommended/~~do not recommend~~ his name.

Best Score out of ten are not necessary.

Counter signed (if necessary) by

Signature

Designation Sub Divisional Engineer (Cable Constn)
(With seal) Shillong

Application of Screening Test for promotion to AS

22

1-4 110 192

Post of J.T.O. ANNEXURE - 1

- Name in full Shri MITCHEL KHARMALKI
- Station of posting (with designation of office master for mailing purpose) Shillong P.O. Shillong East West Hill
- (a) Present post held T.T.A.
- (b) Year of recruitment in present post 1999
- (c) Date of appointment as HDA/PI/NO/ITA 12-11-99
- Date of birth (As per service book) 7-10-61
- Educational qualification (attach attested copy of qualification certificate) if the Candidate is Graduate or post graduate or Diploma holder also attach attested copy of marks sheet of those higher qualification. H.S.L.C.
- Community as per service book (State U/O, O/T, U/C). ST
- Indicate Divisional HQ at which you wish to appear the examination. SHILLONG
- Are you transferred to this circle under Rule-30, if no, date of joining. 10th May 1983
- Give list of attested copies of certificates/Marksheets.
 - H.S.L.C. Certificate
 - Marksheet

DECLARATIONS

I do hereby declare that the statements furnished in the application are true.

Place Shillong
Date 25-11-99

M. Kharmalki
Signature of the applicant.

RECOMMENDATION OF FORWARDING OFFICER

Certified that,

- The statements furnished by the candidate in the application from have been verified by me with his service book and found correct.
- The candidate is mentally and physically fit.
- There is no disciplinary case pending or contemplated against the candidate.
- His conduct and character as far known to me are satisfactory.

I recommend As not recommended his name.
Notes: Score out which are not necessary.
Counter signed (if necessary) by

[Signature]
Signature of Sub-Divisional Engineer
Designation of Post Report & Serv
(With seal) Sub-Divisional Engineer

1. Name in full Sri. Brownson R. Majaw
2. Station of posting with designation of official matter for mailing purpose Under DB. E10-B Shillong
3. (a) Present post held T.T.A. (Telecom Technical Assistant)
- (b) Year of recruitment in present post 1998
- (c) Date of appointment as RDA/PI/NO/T.T.A. 12-11-99
4. Date of birth (As per Service Book) 8-8-59
5. Educational qualification (attach attested) Copy of Qualification Certificate) If the Candidate is Graduate or Post Graduate or Diploma Holder also attach attested copy of Mark Sheet of those Higher Qualification H.L.S.C. Passed
6. Community as per Service Book (State U/C, S/T, O/C) Schedule Tribes (ST)
7. Indicate Divisional Hq at which you wish to appear the examination Shillong
8. Are you transferred to this circle under Rule-30, if so, date of joining this circle NO 19th May 1998
9. Give list of attested copies of Certificates/Marksheets
- (a) Marksheet
- (b) Admit Card

DECLARATIONS

I do hereby declare that the statements furnished in the application are true

Place Shillong

Date _____

Apint
Signature of the applicant.

RECOMMENDATION OF FORWARDING OFFICERS

Certified that,

- (1) The statement furnished by the candidate in the application from have been verified by me with his Service Book and found correct/~~not correct~~.
- (2) The candidate is mentally and physically fit/~~not fit~~.
- (3) There is no disciplinary case pending or contemplated against the candidate/~~there is a disciplinary case pending against the candidate~~.
- (4) His conduct and character so far known to me are satisfactory/~~Not satisfactory~~.

I recommend/~~do not~~ recommend his case.

which are not necessary.

Signature

MD

12/194

24

Application for J.T.O Screening Test

1-6

ANNEXURE - 1

- SH. HAMAR BASUK LYNGOOH**
1. Name in full **SH. HAMAR BASUK LYNGOOH**
 2. Station of posting (With designation of office master for mailing purpose) **O/o The SDE RLO - Gankhara - Te. Aphon. K.**
 3. (a) Present post held **T.T.A.**
(b) Year of recruitment in present post **1998**
(c) Date of appointment as HDA/RI/WD **8th Nov 99 (As T.T.A)**
 4. Date of birth (As per service book) **16.3.56**
 5. Educational qualification (attach attested copy of qualification certificate) If the Candidate is graduate or post graduate or Diploma holder also attach attested copy of marks sheet of those higher qualification **H.S.L.C. Passed**
 6. Community as per service book (State U/C, O/T, U/C) **Scheduled Tribes**
 7. Indicate Divisional HQ at which you wish to appear the examination **Shalong**
 8. Are you transferred to this circle under Rule-30, if no, date of joining this circle
 9. Give list of attested copies of certification/Marksheet
(a) **H.S.L.C.**
(b) **Certificates and Mark sheet**

DECLARATION

I do hereby declare that the statements furnished in the application are true.

Place **Shalong**

Date **The 26/11/99**

Signature of the applicant
[Signature] **26/11/99**

RECOMMENDATION OF FORWARDING OFFICER

Certified that,

- (1) The statements furnished by the candidate in the application form have been verified by me with his service book and found correct/~~Not correct~~.
- (2) The candidate is mentally and physically fit/Not fit.
- (3) There is no disciplinary case pending or contemplated against the candidate/~~there is disciplinary case pending against the candidate~~.
- (4) His conduct and character as far known to me are satisfactory/~~Not satisfactory~~.

I recommend/~~do not recommend~~ his name.
Notes: Score out which are not necessary.

Counter signed (if necessary) by

Signature of Engineer
Sub-Divisional Engineer
Te. Aphon. K.
(With **Signature**)

Application for

25

T.O. Screening (17) 1
test

ANNEXURE - 1

BIBHISHAN RAY

1. Name in full ... BIBHISHAN RAY
2. Station of posting (with designation of office master for mailing purpose) ... T.T.A. O/R.S.D.E (F.R.S) Shillong
3. (a) Present post held ... T.T.A.
(b) Year of recruitment in present post ... 1998 ...
(c) Date of appointment as HDA/PI/WO ... 12th Nov. 1999 as T.T.A.
(d) Date of appointment as HDA/PI/WO ... 10.1.1957 (Fifty seven)
4. Date of birth (As per service book) ... H.S.L.C. Passent
5. Educational qualification (attach attested copy of qualification certificate) if the candidate is graduate or post graduate or Diploma holder also attach attested copy of marks sheet of those higher qualification ... A/G ...
6. Community as per service book (State U/C, O/T, U/C) ... A/G ...
7. Indicate Divisional HQ at which you wish to appear the examination ... Shillong ...
8. Are you transferred to this circle under Rule-30, if no, date of joining this circle ... 25-11-1983 ...
9. Give list of attested copies of certificates/Marksheets
(a) ... H.S.L.C. Certificate
(b) ... M.A. in ...

DECLARATIONS

I do hereby declare that the statements furnished in the application are true.

Place ... Shillong ...

Date ... 25/11/99 ...

Bibhishan Ray
Signature of the applicant.

RECOMMENDATION OF FORWARDING OFFICERS

Certified that,

- (1) The statements furnished by the candidate in the application from have been verified by me with his service book and found correct/~~not correct~~
- (2) The candidate is mentally and physically fit/~~Not fit~~
- (3) There is no disciplinary case pending or contemplated against the candidate/~~there is disciplinary case pending against the candidate~~
- (4) His conduct and character as far known to me are satisfactory/~~Not satisfactory~~

I recommend/~~do not recommend~~ his name.
Notes: Score out which are not necessary.
Counter signed (if necessary) by
.....
.....

Signature ...
Designation ... Divisional Eng
(With seal) ... Fault Repair Ser
KCB Exchange, Sh

1-8

ANNEXURE - 1

1. Name in full KRISTOPHAR SYIEMLEH
2. Station of posting (With designation of office master for mailing purpose) P/O. S.D.F. R.L.H. Sh.
3. (a) Present post held T.T.A.
(b) Year of recruitment in present post 1999
(c) Date of appointment as NDA/FI/WO/TTA 12-11-99
1-1-99
4. Date of birth (As per service book) 1-1-59
5. Educational qualification (attach attested copy of qualification certificate) if the Candidate is graduate or post graduate or Diploma holder also attach attested copy of marks sheet of those higher qualification H.S.L.C.
3/1/7
6. Community as per service book (State U/C, G/T, O/C) 3/1/7
7. Indicate Divisional HQ at which you wish to appear the examination Shillong
8. Are you transferred to this circle under Rule-30, if no, date of joining this circle NO 9-5-83
9. Give list of attested copies of certificates/Marksheets
(a)
(b)

DECLARATION

I do hereby declare that the statements furnished in the application are true.

Place Shillong
Date 2.5.99

Signature of the applicant

RECOMMENDATION OF FORWARDING OFFICER(S)

Certified that,

- (1) The statements furnished by the candidate in the application form have been verified by me with his service book and found correct/~~not correct~~.
- (2) The candidate is mentally and physically fit/~~not fit~~.
- (3) There is no disciplinary case pending or contemplated against the candidate/~~there is disciplinary case pending against the candidate~~.
- (4) His conduct and character as far known to me are satisfactory/~~Not satisfactory~~.

I recommend/~~do not recommend~~ his name.
Noted Score out which are not necessary.

Counter signed (if necessary) by

Signature of Sub-Divisional Engineer
Designation: M.E. - XGC
(With name of the Division)

27

US (98)

1-9

(APPLICATION OF T.T.O Screening Test)

ANNEXURE - 1

1. Name in full Shri FRANCIS WAHLANG
2. Station of posting (With designation of office master for mailing purpose) OCB 283 exchange Under D.E - 10B exchange
3. (a) Present post held Telecom Technical Assistant (T.T.A)
- (b) Year of recruitment in present post 1998
- (c) Date of appointment as IMA/PI/WO 19/11/99
4. Date of birth (As per service book) 14/5/59
5. Educational qualification (attach attested copy of qualification certificates) if the Candidate is graduate or post graduate or Diploma holder also attach attested copy of marks sheet of those higher qualification H.S.L.C (Matric)
6. Community as per service book (State B/C, O/T, O/C) Schedule Tribe
7. Indicate Divisional HQ at which you wish to appear the examination Shillong
8. Are you transferred to this circle under Rule-30, if no, date of joining this circle
9. Give list of attested copies of certificates/Marksheets
- (a) H.S.L.C. (Admitted) certificate
- (b) and Mark sheet
- UK (Photostat copy of Screening test Order)

DECLARATIONS

I do hereby declare that the statements furnished in the application are true.

Place Shillong

Date 25/11/99

Signature of the applicant Shri Francis Wahl

RECOMMENDATION OF FORWARDING OFFICER

Certified that,

- (1) The statements furnished by the candidate in the application from have been verified by me with his service book and found correct/not correct.
- (2) The candidate is mentally and physically fit/Not fit.
- (3) There is no disciplinary case pending or contemplated against the candidate/there is disciplinary case pending against the candidate.
- (4) His conduct and character as far known to me are satisfactory/Not satisfactory.

I recommend/do not recommend his case.

Notes: Score out which are not necessary.

Counter signed (if necessary) by

Signature M2

Designation Sub-Divisional Engineer

(With seal) E-10B Shillong

28
ANNEXURE-I

1. Name in full : SRI. HIRAK BHAKRABORTY.
2. Station of posting (With designation of office master) : % SDE., Trunk, Shillong.
3. (a) Present Post held : TTA.
(b) Year of recruitment in present post : 1998
(c) Date of appointment as PSA/PI/NO/TTA : 12.11.99.
4. Date of birth as per Service Book : 1.4.1947
5. Educational qualification (attach attested)
Copy of qualification certificate. If the candidate is graduate or so attach Marksheet : H.S.L.C.
Community as per Service Book (State S/C, S/T, O/C : O/C
7. Indicate Divisional Hq at which you wish to appear the examination : Shillong.
8. Are you transferred to this Circle under rule 38, if so, date of joining : Does not arise
9. Give list of attested copies of certificate
(a) H.S.L.C.
(b)

DECLARATIONS

I do hereby declare that the statement furnished in the application are true.

Place Shillong
Date 26.11.1999

Hirakraborty
Signature of the applicant

RECOMMENDATION OF THE FORWARDING OFFICER

Certified that,

- The statement furnished by the candidate in the application form have been verified by me with his service book and found correct, ~~not correct~~.
- The candidate is mentally and physically fit/~~not fit~~.
- There is no disciplinary case pending or contemplated against the candidate/~~there is disciplinary case pending against the candidate~~.
- His conduct and character so far known to me are satisfactory/~~satisfactory~~.

I recommend/~~do not recommend~~ his case.

**Note: Score out which are not necessary.

-Counter signed (if necessary) by
.....
.....

Signature.....
Designation...S.D.E. (Trunk)
(With Seal).....
.....
Trunk Exchange
Shillong

29

29

(99)

(2)

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM. DISTRICT MANAGER, MEGHALAYA
SHILLONG - 793001.

No.E-48/Admtt./TR/20 Dated at Shillong the 4th January, 1995.

On successful completion of Training as Telecom. Technical Assistants, the following T.T.A. Trainees are hereby promoted to the cadre of T.T.A. with effect from the dates shown against each in the Scale of Pay of Rs.1320-37-1560-ES-40-2047/-.

Sl. No.	Name of T.T.A.	Date of Joining	Place of posting
1.	Shri Ligingstone Nongrum	5.7.94	S.D.O.T/Shillong
2.	Shri A.D. Sohtun	5.7.94	A.E.P. Mily./SH.
3.	Shri L. Nongknrih	5.7.94	A.E.(RLU)/SH.
✓ 4.	Shri P.K. Roy	5.7.94	A.E.Trunks/SH.
5.	Shri T.S. Lyndem	5.7.94	A.E.Trunks/SH.
6.	Shri Pritam Das Sarma	6.7.94	SDOT/TUA (NR.)
✓ 7.	Shri R.A. Kharbteng	12.9.94	DE(E-10) Xge./SH.
✓ 8.	Shri Kumar Gurung	12.9.94	SFO (West)/SH.
✓ 9.	Shri G.A. Wallang	12.9.94	DE(E-10) Xge./SH.
10.	Shri R. Lyngwa	12.9.94	- DO -
11.	Shri C. Malyngiong	12.9.94	S.D.O.T./SH.
12.	Shri A. Purkayastha	12.9.94	A.E.Trunks/SH.
13.	Shri J.T. Raptap	14.9.94	S.D.O.T/Tura.
14.	Shri Weldon Kharmawphlang	14.9.94	SDOT/TUA (NR.)

Telecom. District Manager,
Meghalaya, Shillong-793001.

Copy to :-

1. The Chief General Manager, N.E. Telecom. Circle/Shillong.
2. The Accounts Officer(A&P), S/o TDM/Shillong.
3. The S.D.O. Telegraphs/Tura.
4. The S.D.O. Telegraphs/Shillong.
5. The D.E.(E-10B) Exchange/Shillong.
6. The A.E. Trunks/Shillong.
7. The A.E. Phones(Mily.)/Shillong.
8. The A.E.(RLU)/Shillong.
9. The S.D.O. Phones(West)/Shillong.
- 10-23. The Official concerned. 24-33) The S.S.Staff Sec., O/o TDM/Shillong.
34. File No.E-43/TRG.
35. File No.E-48/Promotion. 36. File No.E-43/TRG.
37. File No.E-48/Rectt.

Sr.Sub-Divisional Engineer(Admn.)
O/o the Telecom. District Manager

30

118 (100)
3 (26)

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELCOM. DISTRICT MANAGER
SHILLONG - 793001.

No.E-40/TTA/Adtt/21 Dated at Shillong the 15th Sept. '95.

On successful completion of training of Telecom. Technical Assistants, the following T.T.A. trainees are hereby promoted to the Cadre of Telecom Technical Assistants with effect from the dates shown against each in the Scale of Pay of Rs.1320-30-1560-EE-40-2040/-.

Sl. No.	Name of T.T.A.	Date of joining	Place of posting
1.	Shri Amit Das	18.6.95 (F/M)	DEP (Mily.)/SH.
2.	Shri Bidhan Sarkar	18.6.95	SDE Trunks/SH.
3.	Shri Mayuruddin Ahmed	18.6.95	- do -
4.	Shri Subhashish Dhar	18.6.95	- do -
5.	Shri P.K. Roy-II	19.6.95	SDOT/Tura.
6.	Shri Magaland Lyngdoh	10.7.95	DEP (Mily.)/SH.
7.	Shri Indreswar Nongrum	10.7.95	DE (E-10B) Xge/SH.
8.	Shri S. Bhattacharjee	10.7.95	SDEP (Mily.)/SH.
9.	Shri D.P. Chakrabarty	10.7.95	SDOT/Tura.
10.	Shri S.K. Deb	10.7.95	SDE Trunks/SH.
11.	Shri G.S. Lama	31.7.95	DE (E-10B) Xge/SH.
12.	Shri Parasmani Sen	31.7.95	SDE Trunks/SH.
13.	Shri D.K. Ojha	1.8.95	SDOT/Tura.
14.	Shri T.K. Chakrabarty	31.7.95	SDE Trunks/SH.

sd -
Telecom. District Manager,
Meghalaya, Shillong - 793001.

Copy to :-

1. The C.G.M.T., N.E.Circle/Shillong.
2. The A.C.(A&P), O/o TDM/SH.,
3. The S.D.O./Tura.,
4. The SDE Phones(Mily)/SH.,
5. The SDE Trunks/Shillong,
6. The DE(E-10B) Exge/Shillong,
7. The DE(O...), O/o TDM/SH.,
- 8-21) The Officials concerned, 22-35) The SS Staff Section, O/o TDM Shillong
- 36) File No.E-48/Promotion,
- 37) File No.E-48/TRG,
- 38) File No.E-48/T&F,
- 39) File No.E-49/Rectt.,
- 40) Spare.

15/9/95

Sub-Divisional Engineer (Admn.)
O/o the Telecom. District Manager,
Meghalaya, Shillong - 793001.

SD/*
15.9.95