

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

6

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 251/03

R.A/C.P No.

E.P/M.A No. 57/04

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SECTION OFFICER (Judl.)

Salil
20/11/17

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 251/03

Misc Petition No:

Contempt Petition No:

Review Application No:

Applicants:- Michael Palmer

Respondants:- U.O.I Goms

Advocate for the Applicants:- Mr S. A. Ahmed

Advocate for the Respondants:- Mr A. Del Roy

Notes of the Registry	Date	Order of the Tribunal
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31.10.2003

Heard Mr. A. Ahmed, learned counsel
for the applicant.

The application is admitted. Call
for the records.

Issue notice to show cause as to
why interim order as prayed for shall not
be granted. Returnable by four weeks.

List on 9.12.2003 for orders.


Vice-Chairman

mb

9.12.03

NO Bench today.
Adj'd to 22-12-03.

15/0
12.

Notice and order
dated 31/10/03 sent
to D/A action box
issuing to respondent
No - 1 to 3.

D/No-2253 to
2255

Dt.

22.12.2003 Present: Hon'ble Mr Justice B. Panigrahi
Vice-Chairman


Hon'ble Mr K.V. Prahaladan,
Administrative Member

Although the notice for appearance as respondents has been sent but service report has not come back after service. Let the matter come up on 22.1.2004 after service report.

Service report are still awaited.

24
21.1.04


Member


Vice-Chairman

nkm

22.1.2004 Present: The Hon'ble Shri. Bharat Bhushan, Member(J).

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

Mr.A.Ahmed, learned counsel for the applicant and also Mr.A.Deb Roy, learned Sr.C.G.S.C.for the respondents were present.

Learned counsel for the respondents seeks time to file written statement. Four weeks for written statement. Two weeks thereafter for rejoinder.

List on 3.3.2004


Member(A)


Member(J)

bb

1.3.2004 Present: Hon'ble Shri K..V. Prahladan,
Administrative Member.

Notice may issued to the applicant since Mr A. Ahmed who was the counsel for the applicant has withdrawn his name from O.A.No.251 of 2003. List the matter for orders on 26.3.04.

Order dt. 1/3/04
sent to D/Section
for issuing to the
applicant.

9/3/04

w/s has been
biked.

25
25.3.04

nkm


Member

26.3.2004

Written statement has been filed.
List the matter for hearing on 30.4.04.

K.V. Prasad
Member (A)

5.4.04

mb

30.4.2004

List before the next Division
Bench for hearing.

K.V. Prasad
Member (A)

mb

20.7.04.

List the matter 26.7.04 alongwith
M.P.No.57 of 03.

K.V. Prasad
Member(J)

K.V. Prasad
Member(A)

lm.

23.7.04.

List the matter alongwith M.P.No.57 of
2003 before the next available Division
Bench.

K.V. Prasad
Member(Admn)

[Signature]
Member(Judicial)

lm

24.8.04.

Applicant's counsel is not present.

Let this case be listed before the
next Division Bench.

K.V. Prasad
Member

[Signature]
Vice-Chairman

27.8.2004 Present: The Hon'ble Shri D. C. Verma
Vice-Chairman (J).

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

On the prayer made by Mr.A.Deb Roy,
learned Sr.C.G.S.C. the case is adjourned
and listed before the next Division Bench.

K.V. Prasad
Member (A)

[Signature]
Vice-Chairman

bb

13.9.04

This was a reference.
Adm'd on 22.9.04.

[Signature]
la.

22.9.04.

Present: Hon'ble Mr. Justice R.K. Batta, Vice-Chairman
Hon'ble Mr. K.V. Prahladan, Administrative Member.

Heard Mr. S. Ali, learned counsel for the applicant and Mr. A. Deb Roy, Sr. C.G.S.C. for the Respondents.

The learned counsel for the applicant states that he may be permitted to withdraw the application with liberty to file a fresh ^{application} by incorporating certain facts which ^{have} are taken place after filing of this petition for which extensive amendments may otherwise be ~~required~~ required.

We have heard the learned counsel for the parties. In view of the statements made ^{are} we ~~give~~ ^{are} ~~off~~ permitting the applicant to withdraw the petition with liberty to file a fresh application incorporating all detailed events. Application is accordingly allowed to be withdrawn with liberty as sought and is disposed of as such.

K.V. Prahladan
Member

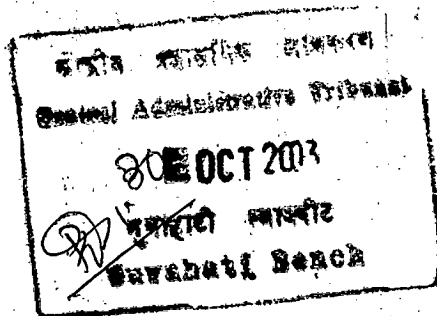
R.
Vice-Chairman

lm

28.9.04

Copy of the order has been sent to the D/Sr. along with MP 57/04 for issuing the same to the applicant as well as to the Sr. C.S.C. for the Respondents.

30/9



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

ORIGINAL APPLICATION NO. 251 OF 2003.

Sri Michael Palmer

-Applicant.

-Versus-

The Union of India & Others

-Respondents

LIST OF DATES AND SYNOPSIS

Application 1 to 21

Verification 22

Annexure-A is the typed copy of the letter
No. 22034/5/87-Est(D) Dated 22-04-
91

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

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

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

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

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


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

Annexure-E is the photocopy of the d.o. letter No. Est/34-18. 76 Dated 19-09-96.

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

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

Annexure-H is the photocopy of the rejection Order No. Vig. 5/12/98-99 (CAT)



dated Shillong 19-04-1999 filed by
respondent No.6.

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


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

Annexure-K is the photocopy of order vide No.
11-12/99-SPG dated 31-10-2002.


Annexure-L is the photocopy of letter No.
VIG-5/12/98-99 (CAT) dated 1st
November 2002:

Annexure-M is the photocopy of Order dated
21-11-2002 passed in C.P. No.
52/2002.

Annexure-N is a photocopy of the letter No.
10-4/2003-SPG dated 14/19 August,
2003.




The applicant was appointed as Stenographer Grade-III in Postal Department 15-01-1979 now he is working as private Secretary to the Postmaster General, Shillong. The Govt. of India issued a Memo No. 22034/5/87-EST(D)Govt. Of India dated 30-01-1991. The said Memorandum was issued to improve promotional prospects of Stenographers in the non-Secretariats/ Subordinate Offices of Government of India. The said Memo was circulated to all Divisional Head Office of Postal Department in the NE Region by the CPMG Shillong and reminder was also issued by the Department of Post New Delhi on 10-05-91 to all CPMG including N E Region. But unfortunately the CPMG Shillong sent the proposal of up-gradation and Cadre review of Stenographer after five years. But the said proposal was cancelled due to some mistake. Again on 8-03-1997 the CPMG sent the Matching saving proposal for up-gradation for Stenographer of NE Circle to Department of Post New Delhi. The same was also cancelled due to pending decision of Government of India on recommendation of fifth pay commission on Cadre review. Being aggrieved by this the applicant filed a representation before the Respondent



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but the same was not disposed by the Respondents. Your applicant filed an Original Application No. 38 of 1999 before this Hon'ble Tribunal against the non-disposal of his representation. The Hon'ble Tribunal on 06-02-1999 disposed the said Original Application and directed the respondent to disposed of the representation of the applicant. The Respondent No. 3 rejected the said representation on 19-04-1999 then your applicant again approached this Hon'ble Tribunal by filing O.A. No. 244 of 1999. The Hon'ble Tribunal after hearing both the parties on 21-05-2001 was pleased to pass the Judgment and order directing the Respondent

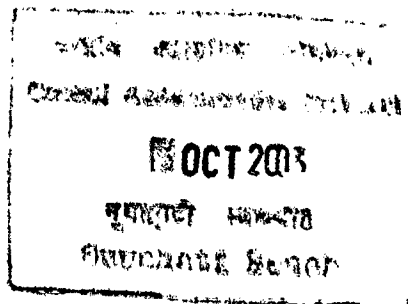
✓
"to provide the benefit of upgradation to the applicant in the Stenographers Grade-II with effect from 01-10-1992. The respondents are accordingly ordered to compute the promotion of the applicant on and from 01-10-1992 in stead of from 05-03-1993. The respondents shall, however, are not to pay the salaries to the applicant for the aforementioned period but save and except the salaries, the applicant shall be entitled all other service benefits in PA Grade-II in the scale of Rs. 1400-2300/- on



and from 01-10-1992 including seniority etc. and the applicant shall, also be considered for promotion for the higher rank on the strength of his promotion effecting from 01-10-1992."

The Respondents vide their Order No. Staff/35-4093 dated 24-07-2001 have promoted the applicant to the post of Grade-II only with effect from 01-10-1992 in stead of 05-03-1993. But the Respondents are silent about the claim of Stenographers Grade-I from 05-03-1993. As such, applicant filed a Contempt Petition No. 52 of 2002 in OA No. 244/99 before this Hon'ble Tribunal. The Hon'ble Tribunal vide its order dated 21-11-2002 passed in Contempt Petition No. 52 of 2002 stated that if the applicant is aggrieved by any action of the Respondents it was open to the applicant to take appropriate measure instead of filing a Contempt Proceeding. Hence, the applicant has filed this fresh Original Application for seeking justice in this matter.





Filed by
Michael Palmer, Applicant
through [Signature]
(Adil Ahmed)
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GAUHATI BENCH AT GAUHATI.

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

ORIGINAL APPLICATION NO. 251 OF 2003.

B E T W E E N

Michael Palmer,
Private Secretary to the
The Chief Post Master General,
N. E. Circle, Shillong.
P.O.- Shillong-1.

-Applicant.

-Versus-

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

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

- Respondents.

DETAILS OF THE APPLICATION:

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

This application is made against the Order No. 11/99-SPG dated 31-10-2002 issued by the Respondents and also for re-fixation of seniority of the Applicant in the post of Stenographer-I from 05-03-1993 as per Memo No.2-2/89/PE. II dated 10-05-1991.

2. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the instant application is within the jurisdiction of the Hon'ble Tribunal.

3. LIMITATION

The applicant further declares that the application is within the limitation period

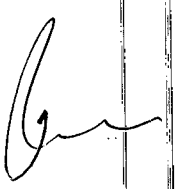
prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE

4.1] That the applicant is citizen a citizen of India and as such, he is entitled to all the rights and privileges granted under the Constitution of India.

4.2] That your applicant begs to state that your application was appointed as Stenographer Grade-III in the Department of Posts, and he joined as Stenographer Grade-III in the Office Shillong on 15-01-1979. Earlier he was working as Senior Private Assistant to the Chief Postmaster General, North Eastern Circle, Shillong since 01-05-1998 and since Dec 2001 he has been working as Private Secretary to Postmaster General.

4.3] That your applicant begs to state that in order to improve the promotional prospects of the Stenographers in the non-Secretariate/Subordinate Offices in the Ministry of Personnel and Training issued an Office Memorandum No. 22034/5/87-Est(D) Govt. of



India dated 30-01-91. This above-mentioned letter was circulated by the Postal Directorate vide his letter NO. 2-2/89-PE-I/PE-II dated 22-04-91. This letter was also circulated to all divisional heads of the Postal Department in the North East Region by the Office of the CPMG Shillong vide his letter dated 13-05-91. In the meantime another reminder was also issued by the Department of Posts, New Delhi vide letter No 2-2/89-PEI/PE-II dated 10-05-91 to all Chief Postmasters General including North Eastern Region.

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

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

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

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


4.4 That your applicant begs to state that he was promoted to Grade-II Stenographer cadre on ad hoc on 05-09-93 and he was attached to the



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

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

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



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

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

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


4.6 That your applicant begs to state that the Office of the Chief Postmaster General, Shillong vide their D.O. NO. Est/34-18/76



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

Annexure-E is the photocopy of the d.o. letter NO. Est/34-18.76 dated 19-09-96.

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




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

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

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

4.9 That your applicant begs to state that the respondent No. 4 rejected the representation submitted by the applicant vide his letter No. Vig.5/12/98-99(CAT) dated Shillong 19-04-1999 by passing a mechanical order. It is pertinent



to mention that in the above rejection letter the Respondent has stated "It is true that review of the cadre of Stenographers in the North Eastern Circle could not be taken up in time in pursuance of the instructions of the Postal Directorate in their letter dated 10-05-1991 due to certain administrative reasons. The proposal for up-gradation of two posts in the said cadre, which was subsequently submitted by the Circle in 1996, could not fructify due to the direction of the Ministry of Finance of Government of India not to consider such proposal as obtaining at that time. As a result, the posts could not be upgraded in stenographers cadre in this circle so far. The respondent No. 4 himself admitted that the facts stated in the representation by the applicant were not disputed and as such the applicant has been compelled to approach this Hon'ble Tribunal again for seeking justice.


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

4.10 That your applicant begs to state that being aggrieved by this your applicant filed another Original Application No. 244/99 before this



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


It is pertinent to mention here that the Hon'ble Tribunal has also clearly stated in the said judgment that he will ^{act} ~~gate~~ all other service benefits and also will entitle to get promotion for the higher rank on the strength of his promotion effecting from 01-10-92.



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

4.11 That your applicant begs to state that he submitted the above judgement before the authority concerned to implement the same. The Office of the Respondent No. 4 vide their Order No. Staff/35-4093 dated 24-07-2001 have promoted the applicant to Stenographer Grade-II w.e.f 01-10-92 in stead of 05-03-1993. But, most surprisingly, the Respondents are silent in regard to his seniority claim in Stenographer Grade-I from 05-03-93 as he was working in the post of P.A. to the Director of Postal Service, Shillong 05-03-93 till 01-05-1998.

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



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

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

4.13 That your applicant begs to state that he filed a contempt petition No. 52/2002 in OA No. 244/99 before this Hon'ble Tribunal for non-granting him the consequential service benefit as per judgment and order dated 21-05-2001 passed in O A No. 244/99. In the mean time the Respondent No. 1 issued an order vide No. 11-12/99-SPG dated 31-10-2002 which was also given to the petitioner by the Respondents vide letter No. VIG-5/12/98-99 (CAT) dated 1st November 2002. In this order the Respondents have stated that the applicant's promotion of Stenographer Grade-II has been given w.e.f. 01-10-92 in stead of 05-03-1993. But the Respondents are silent about his promotion to the post of Grade_I Stenographer. Although the applicant is entitled for all consequential service benefits as mentioned by this Hon'ble Tribunal



in their Judgment and order dated 21st May 2001 in OA No. 244/99.

Annexure-K is the photocopy of order vide No. 11-12/99-SPG dated 31-10-2002.

Annexure-L is the photocopy of letter No. VIG-5/12/98-99 (CAT) dated 1st November 2002.

4.14] That your applicant begs to state that the Hon'ble Tribunal vide its order dated 21-11-2002 passed in Contempt Petition No. 52/2002 has stated that materials on record clearly points out that the judgment and order passed by the tribunal has been complied with by the Respondents. If the applicant is aggrieved by any action of the respondents it was open to the applicant to take appropriate measure instead of filing a contempt proceeding. The C.P. thus stand dropped.

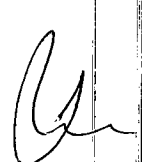
Annexure-M is the photocopy of order dated 21-11-2002 passed in C.P. NO. 52/2002.



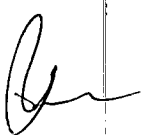
4.15] That your applicant begs to state that the Office of the Respondent No.1 is going to held DPC for regular promotion of Senior Private Secretary and also going to prepare the seniority list of Private Secretary vide their letter No. 10-4/2003-SPG Dated 14/19 August, 2003. As such the Hon'ble Tribunal may be please to pass an interim Order for stay of said DPC and Seniority List of P.S. till disposal of this case.

Annexure-N is a photocopy of the above said letter No. 10-4/2003-SPG Dated 14/19 August, 2003.

4.16] That your applicant begs to state that being aggrieved by and dissatisfied with the impugned order dated 31-10-2002 at Annexure-K issued by the Office of the Respondent No.1 the applicant is again compelled to approached before this Hon'ble Tribunal for seeking justice in this matter.



- 4.17] That your applicant begs to submit that if the respondents, particularly, the Respondent No.4 submitted all relevant papers and information in due time to the Department of Posts, New Delhi like all the Other Postal Circle of the Department of posts then your applicant may get the benefit of the Grade-I scale of Stenographer from 05-03-1993.
- 4.18] That the applicant submits that he will not be eligible in the panel of eligible candidates for the post of Private Secretary in the Postal Department due to negligence of his Department for not giving him due promotion in time, i.e., in Grade-I Stenographer as such he will not be eligible to hold the post of Senior Personal Secretary in the Postal Department.
- 4.19] That the applicant submits that the respondents have deliberately interntionally discriminated the applicant with regard to up gradation of his post in due time and as such it is a fit case giving adequate direction by Hon'ble Tribunal to the respondent for upgradation and promotion of



the applicant to the posts of Stenographer Grade-I with retrospective effective 05-03-93.

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

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

4.22 That your applicant submits that he has made out a prima facie case against the respondents for not giving him his due promotion in time Grade-I Stenographer. The principle of balance of convenience lies very much in favour of the applicant and in view of the matter the applicant prays that an interim order be issued by this Hon'ble Tribunal directing the respondents not to hold the Departmental Promotion Committee for ^{the Post of Private} ~~Senior~~ ^{Personal} Secretary/ ^{or private Secretary} until the application is disposed off by this Hon'ble Tribunal.




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

5] GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

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

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


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



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

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

5.6] For that action of the respondents for giving only benefit of Grade-II stenographer to the applicant and not giving him the consequential service benefit of stenographer Grade-I from 05-03-93 is ultra vires as such the same is liable to be set aside.



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

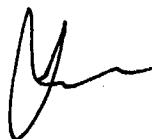
The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6] DETAIL OF REMEDIES EXHAUSTED:

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

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

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



8] RELIEF SOUGHT FOR:

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

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

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

8.3] Cost of the application.

9] INTERIM ORDER PRAYED FOR:



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

10] THIS APPLICATION IS FILED THROUGH
ADVOCATE.

11] PARTICULARS OF I.P.O.

I.P.O. No. : 96701100
Date of Issue : 20.10.2003
Issued from : Guwahati G.P.O.
Payable at : Guwahati

12] LIST OF ENCLOSURES:

As stated above.



33

- 22 -

~~22~~

Verification

I, Shri Michael Palmer, serving as Private Secretary to the Chief Post-master General, N.E. Circle, Shillong 793001 under the Ministry of Communications the applicant of the instant case do hereby solemnly verify that the statements made in paragraphs 4.1, 4.2, 4.7, 4.13, 4.14, 4.15 to 4.3, 4.4, 4.5, 4.6, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13 are being matters of records are true to my knowledge those made in paragraphs 4.3, 4.4, 4.5, 4.6, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13 are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advise and rest are my humble submissions before This Hon'ble Tribunal I have not suppressed any material facts.

I signed this verification on this day 30th of October 2003 at Guwahati.

Michael Palmer.

Declarant.

~~23~~ - 23 -

ANNEXURE - A

No. 22034/5/87-Estt(D) Govt. of India, Ministry of Personnel P.G. & Pensions, Deptt. of Personnel and Training. New Delhi 110 001-91

OFFICE MEMORANDUM

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

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

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

- a) Under the OM No. 6.2.89 referred to above, stenographic assistance is admissible only to the officers at the level of Rs.3000-Rs.4500/- and above. It has now been decided that where stenographic assistance is presently available to officers below the level of Rs.3000-Rs.4500 on functional justification based on recommendation of SIU/IWSU, the existing sanctioned posts of stenographers for such officers may be retained. In cases where the stenographic support to officers below the level of Rs.3000-Rs.4500 is not based on the recommendation of IWSU/SIU, the continuation of the posts of stenographers may be considered afresh based on the study of the workload by SIU/IWSU. If no justification is found on the basis of such study for continuation of the post(s), the same may be abolished after it is vacated by the present incumbent.
- b) In order to relieve stagnation in the lowest grade of stenographers (Gr.III), wherever possible, on functional considerations, one stenographer Gr.II (Rs.1400-Rs.2600) may be provided to two officers entitled for a stenographer Gr.III (Rs.1200-Rs.2040) each. Such arrangement once made will be final. The implementation of this decision may be suitably caused to ensure that it does not lead to any of the existing stenographers Gr.III being rendered surplus.
- c). Stenographic assistance at the level of REs.1640-2900 (Gr.II) may also be provided to functional posts in the scale of Rs.4500-Rs.5700/- and 25% of JAG posts in the scale of Rs.3700-Rs.5700 after identifying such posts on the basis of stenographic workload.

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

Copy attested
11/1/89
Asst. Secy. (P&P)
Deptt. of Personnel and Training
Govt. of India

Attchd
Advante

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

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

sd/
Director

*Copy attested
has
1/1/99*

*Attn. Director (P.I./B.I./R.O.)
O.O. in (P.I./B.I./R.O.)
M.E. Circle, Bangalore*

*Attn. Director
has
1/1/99*

25

36
ANNEXURE - A (1)
ANNEXURE - A (1)

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

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

Sir,

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

Yours faithfully,

sd/

A.H. NANDA

Asst. Director General (PE-II)

sent. Bureau of St. Bldg. Mail
C/O Mr. Chief Postmaster General
A.H. Circle, Shillong-793001.

Copy attached
10/1/99

A.H. Nanda
Asst. Dir. Gen.

26

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

10/5/91

10 MAY 1991

Dt: - 5-91

298

ANNEXURE - A(3)

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

To

All Chief Postmasters General

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

All Regional Postmasters General

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

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

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

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

Contd/-2

22/5/91
10/5/91
22/5/91
22/5/91

A.H. 21
J.R. Ashwate

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

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

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

[Signature]
(A.N. Nanda)

Asstt. Director General (PE.II)

Encl: - 1 As above.

Copy to:-

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

[Signature]

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

Attested
[Signature]
Adm to

Annex - 'A'

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

Sl. No.	Scale of the Officer and his/her designation	Scale of the Stenographic assistance presently available	Whether the post of the Stenographer is filled or lying vacant.	Whether the post is justified on functional basis on recommendation of SIU/IWSU	If the post is not justified on the basis of the workload to be assessed by SIU/IWSU, when is it likely to be vacated by the present incumbent?
---------	--	--	---	---	---

(1)	(2)	(3)	(4)	(5)	(6)
①	APM G (Staff & Tech) Pay Rs 3000 - 4500/-	one post - Steno gr II @ 1200 - 2040	filled	justified as per norms prescribed vide G.O's letter no 7/37160-PE (PFI) dt 18.1.63.	Does not arise
②	IFA, N.E. Circle Shillong Pay Rs 3000 - 4500/-	one post - Steno gr III @ 1200 - 2040/-	filled	yes	Does not arise
①	one post of Asstt. Secretary (Estt & Mail) Pay Rs 2000 - 3200/-	two posts of Steno gr III @ 1200 - 2040/-		one post is lying vacant	
②	one post of Asstt. Secretary (Asstt.) Pay Rs 2000 - 3200/-				
③	one post of Asstt. Secretary (P-3) Pay Rs 2000 - 3200/-				
④	one post of A.E. (Mew) Pay Rs 2000 - 3200/-				

Handwritten signature and initials.

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

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

(1)	(2)	(3)	(4)	(5)	(6)	Y
	one post Asst. Mag. (Tech)					
1.	Rs 3000 - 4500/-	{ one post of Steno gr III @ 1200-2040/-	filled	one post of Asst. Mag. (STS) 2 one post of IFA	No post is found surplus.	
2.	one post of IFA @ Rs 3000-4500/-					

Attested
 Jd / Admin

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

Annex-C

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

(1)	(2)	(3)	(4)	(5)	(6)
-----	-----	-----	-----	-----	-----

① Director of Postal Services Division 3700-5000/-	One Steno Gr II 1400-2600/-	filled	6 posts of STS in 3700-5000/-		
② STS / Kishina	One Steno Gr II - 1200-2400/-	do			
③ STS / Kizani	One Steno Gr II 1400-2600/-	do			
④ STS / Agartala	- do -	do			
⑤ STS / Ampal	- do -	do			
⑥ STS / Stenogari	- do -	{			

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

Alfred
J. A. A. A.

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

Annex - D

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

one post of
Steno Gr III

Rs 6768.00

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

Rs 9576.00

one post Rs 14052.00

upgradation
of one Gr III Steno
to Gr II level and
that of one Gr II Steno
to Gr I level will
cost an addl. amount
of Rs 23628.00 PA.

Attended
to

33 20 - 20 - (222) 14
ANNEXURE - 03

ANNEXURE - C

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

14 Aug 96.

ANNEXURE - C

Dear Smt Kamal Varma,

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

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

- (i) CPMG(SAG) - 1 Sr. P.A. in O.C.S. Group B level.
- (ii) PMG(SAG) - 1 Sr. P.A. in O.C.S. Group B level.
- (iii) 5 posts of Directors of Postal 3 posts of steno Gr.II. services in Postal divisions.
- (iv) 1 post of DPS in Circle office - 1 post of steno Gr. III

Apart from this in Circle office, the following posts of Stenographers are available attached to officers in cadre of STS/JAG Group B level justified in terms of Directorate's letter No. 7/17/80-PE(Pt.I) dated 18.1.83 and also vide para 2.2. of letter No. 22034/S/87-Extt(D) dated 30.1.91 issued by Ministry of Personnel etc. circulated through Directorate's letter No. 2-2/89-PE.I/Pt.II dated 22.4.91:-

POSTS OF OFFICERS:

1. 1 post of CAO/IFA
2. 1 post of AMMO
3. 1 post of AD(Extt)
4. 1 post of AD(Acctt)
5. 1 post of AD(Fin)

No. of Stenographer available:

- 1(one) Stenographer in Grade III status for a group of 3 Junior Officers in the same building.
- 1(one) stenographer Gr.III for remaining group of officers in same building.

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

contd..2/-

Atul
Adm

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

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

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

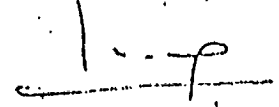
- (i) 1 post of Steno Gr. III attached to DPS, Shillong.
- (ii) 1 post of Steno Gr. III attached to AFMO, CIO, Shillong.

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

The proposed upgradation of posts of Stenographers
 may kindly be given effect from 1.5.91. The above proposal
 is duly concurred by the Circle I/A and is approved by
 the undersigned.

With regards,

Yours sincerely,


 (L. Zadeng)

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

Attested
[Signature]
Adm to

256
6/9

235

16 (243)

ANNEXURE - D

ANNEXURE - D

ANNEXURE - D

भारतीय डाक विभाग
(संचार मंत्रालय)
डाक भवन, संसद मार्ग
नई दिल्ली-110 001

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

P.GOPINATH
DIRECTOR (WS & ESTT)

D.O.No.2-2/89-PE.II/PE.II

Dated 3/9/96

Dear Shri Zadong,

22/c

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

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

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

With regards,

Yours sincerely,

(P.GOPINATH)

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

1 cp b/c
PD/estt
in file
12/9/96

Attested
[Signature]

Room No.

Telephone

36-24-
36-24-
36-24-

ANNEXURE - E

ANNEXURE - 55

ANNEXURE - D(1)

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

DO NO. ESTT/34-18/76

DATED SHILLONG THE 19 Sept., 1996

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

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

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

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

MATCHING SAVINGS PROPOSED:

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

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

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

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

Copy attached
has
14/9/96
The Chief Postmaster General
New Delhi-110001

Attended
Admitted

37

ANNEXURE - F

296

ANNEXURE - 5(a)

EST. Sec. 48

ANNEXURE - 1(2)

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

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

Dated: 8/1/97

To

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

Subject: Upgradation of posts of Stenographers.

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

* * *

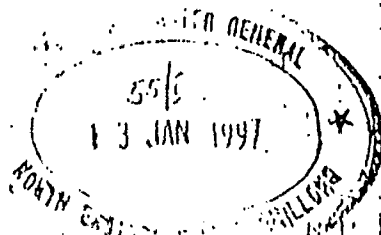
Sir,

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

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

Yours faithfully,

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



Attn: Adm. Sec.

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

ORDER SHEET
APPLICATION NO. 38/99

OF 199

Applicant(s) Michael Palmer.

Respondent(s) Union of India and or.

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

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

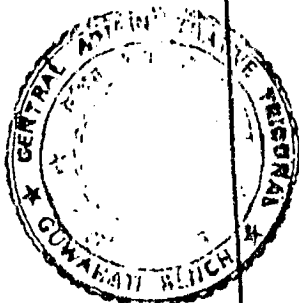
Notes of the Registry	Date	Order of the Tribunal
	6.2.99	<p>Present :</p> <p>Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman. Hon'ble. Sri G.L. Sanglyine, Administrative Member.</p> <p>This application has been filed by the applicant seeking certain direction. The applicant is working as Stenographer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



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



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Section Officer (J)
आनुमान अधिकारी (अनुमान)

Central Board of Secondary Education
Gwalior Division

Gwalior

5/3/99

Sd/- VICE-CHAIRMAN

Sd/- MEMBER (AUMN)

Attested
by
Advocate

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ENTREPRENEUR
G.W.

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ANNEXURE-H

ANNEXURE-8

ANNEXURE - C

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

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

Dtd. at Shillong, the 19.04.99.

ORDER

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

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

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

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

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

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

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

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

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

S. Samant
(S.SAMANT)

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

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

Attested
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Adm to

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

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

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

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

.... Applicant.

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

- Versus -

1. Union Of India,
represented by the Secretary
to the Government of India,
Ministry of Communications,
Department of Posts,
New Delhi.
2. The Deputy Director General (T & E),
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.
3. The Director (WS & EST)
Department of posts
Dak Bhawan, Sansad Marg,
New Delhi - 110001.
4. The Chief Postmaster General,
N.E. Circle,
Shillong - 793001.

.... Respondents.

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

ORDER

CHOWDHURY J.(V.C.)

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

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


Contd...2

Att. ✓
A. A. Ahmed

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Eastern Region since 1-5-1998.

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



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

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

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proposal was re-submitted in the prescribed format on 8.3.97. The final proposal sent by this Circle for upgradation of posts of Stenographers was examined and processed in details in the Directorate but could not materialised as per the latest instruction issued by the MOF (Deptt. of Expenditure) letter No.5(B)/E.III/97 dated 7.2.97 banning to entertain the proposals of cadre review/ cadre re-structuring etc. It was also asserted to promote to P.A. Grade-II in the scale of Rs.1400-Rs2300 on purely temporary on adhoc basis and the said post was not upgraded to P.A. Grade-I till date. Admittedly, the Govt. of India, Ministry of Personnel & Training issued office memo dated 30-1-91 to relieve the lowest grade of Stenographers. The office memo itself made it clear that the scheme was made for the promotion of the post from the lower to the higher level. It was also made clear that it would not be necessary to obtain approval of the Cabinet in the matter and the individual Ministry/Department was to take further necessary action in consultation with the FAs. The other Departments took follow up action save and except N.E. Circle. The Director (WS & ESTT.), Department of Posts, Government of India by its communication dated 3.9.96 addressed to the Chief Post Master General, N.E. Circle, Shillong, indicated that steps were taken and finally order was issued by the Directorate (WS & Estt.), Deptt. of Post after conducting the cadre review of Stenographers on 1-10-92, excluding the N.E. Circle since North East Circles had failed to provide requisite information in spite of numerous reminders. No justifications are discernible for not providing the benefit of the circular dated 30-1-91 to the applicant within a reasonable period.

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

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

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

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

No orders as to costs.

Certified to be true Copy

प्रमाणित प्रतिलिपि

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Section Officer (J)

जायनाम अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal

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

Handwritten signature and date 4/6/2001

46
DEPARTMENT OF POSTS: INDIA
OFFICE OF THE CHIEF POSTMASTER GENERAL N.E. CIRCLE:
SHILLONG-793 001.

No.Staff/35-4093

Dated at Shillong, the 24th July'2001.

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

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

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

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

Copy to:-

1. The APMG(A/Cs), C.O., Shillong.
2. The JAO(BGT), C.O., Shillong.
3. The CAO, C.O., Shillong.
4. Sri M. Palmer.
5. P/F of the official.
6. Service Book of the official.
7. The ASP(Vlg) w.r.t. No. Vlg-5/12/98-99/(CAT)
8. File No.Staff/26-16/78
9. File No. Staff/26-16/88
10. Office Copy.

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

Attended
J. M. Dutta

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ANNEXURE - K

Government of India
Ministry of Communications & IT
Department of Posts
Sansad Marg, New Delhi - 1

Dated, the 31st October, 2002


No. 11-12/99-SPG

ORDER

Shri Michael Palmer Steno Grade II (officiating as PS to CPMG, N.E. Circle, Shillong) has filed a Contempt Petition No.52/2002/2883 dated 18.10.2002 in OA No. 244/1999 before the CAT, Guwahati Bench against non-implementation of CAT order dated 21st May, 2001 regarding his promotion to Steno grade II w.e.f. 1.10.92 and for promotion for the higher rank on the strength of his promotion effected 1.10.92. He has also mentioned that no action has been taken on N.E. Circle letter dated 3.9.2001 addressed to DG(Posts).

In this connection it is mentioned that orders have been issued on 24.7.2001 for promotion of Shri Palmer to Steno grade II w.e.f. 1.10.92 instead of 5.3.93 and also his pay has been fixed nationally w.e.f. 1.10.92 by CPMG, N.E. Circle in pursuance of Para 5 of the CAT order dated 21.5.2001. Thus orders of CAT, Guwahati Bench stand implemented.

In regard to his promotion to Sr. PA grade, it may be stated that as per DOP&T guidelines in OM No. 22011/3/98-Est.(D) dated 17th September, 1998, crucial date for determining eligibility of officers for promotion in case of financial year - based vacancy year would be 1st January immediately preceding such vacancy year. Shri Palmer is thus completing the required length of service of seven years in Steno Grade II on 1.1.2000 to be eligible for promotion to Sr. PA Grade for the vacancy year of 2000-2001. The last DPC for promotion to Sr. PA grade was held for the year 1999-2000 in March, 2000 for which Sh. Palmer was not eligible even with his revised date of promotion to Steno Grade II, i.e. from 1.10.92. The DPC for subsequent years has not been held pending amendment of Recruitment Rules for Sr. PA grade (now re-designated as PS). The draft rules are under consideration of the Department of Personnel and Training. Promotion to this grade of Sr. PA (now designated as PS) will be held after notification of amended Recruitment Rules. The promotion of Shri Palmer to the Grade of Sr. PA (now redesignated as PS) will be considered as per his

Attested
by 
Adm. to

seniority for the vacancy year 2000-2001 and thereafter along with other eligible stenographers as per the provision of the Recruitment Rules.

(R.S. Yadav)

Asstt. Director General (SGP)

Shri Michael Palmer,
Steno Grade II (officiating as PS),
O/o CPMG,
N.E. Circle,
Shillong.

N.E

Copy to CPMG, New Circle, Shillong. He is requested to arrange the delivery of the enclosed letter to the official and ensure that appropriate counter affidavit is filed in the CAT Guwahati Bench on the above lines in consultation with Branch Law Secretariat/Central Govt. Standing Counsel.

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J. L. H. H.
Adm. G.

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ANNEXURE - D

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~~ANNEXURE - D~~
ANNEXURE - L

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

No. Vig-5/12/98-99 (CAT) Dated at Shillong the 1st November, 2002

To.

Sri Michael Palmer
Offg PS to PMG/ Shillong

Subj:- Endorsement of copy of Dte order No. 11-12/99-SPG dated 31st October, 2002.

I am directed to endorse a copy of Dte order No. 11-12/99-SPG dated 31st October, 2002 for favour of your information.

Encl:-

As above,

Bmdulla
Asth. Director (Vig)
O/O the Chief PMG/ Shillong

kg. pl.
G
11/11/02

Attestd
AS
Ann. to

ORDER SHEET

Original Application No : _____
Misc. Petition No. _____
Contempt Petition No. 52/2002 (CA 244/99)
Review Application No. _____

Applicant (s) Michael Palmer

-Vs-

Respondent (s) S.C. Dutta & ors.

Advocate for the Applicant (s) Mr. Adil Ahmed

Advocate for the Respondent(s) Mr. A. Deb Roy,
Sr. C.S.C.

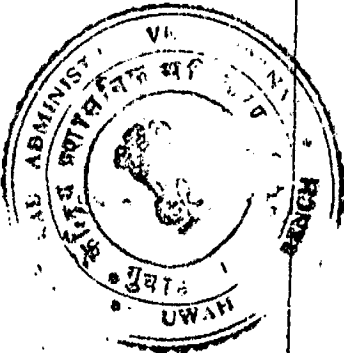
21.11.02

This application under section 17 of the Central Administrative Tribunal Act, 1985 has been filed for initiating a contempt proceedings against the respondents/contemnors for non-compliance of the judgement and order dated 21.5.2001 passed by this Tribunal in O.A. No.244/99. By the aforesaid judgment and order the respondents were directed to provide the benefit of upgradation to the applicant to Stenographer Grade-II with effect from 1.10.92. The respondents were also directed to compute the promotion of the applicant on and from 1.10.92 instead of 5.3.93. Pursuant to the judgment and order the respondents issued an order for promotion w.e.f. 1.10.92 instead of 5.3.93 and also ordered to compute the seniority in the cadre from 1.10.92. Pursuant to our notices affidavit was filed by Sri Jyotirmoy Dutta, Asstt. Director (Vigilance) indicating the compliance of the order.

The notice on the contempt proceedings was issued to the contemnors by name and it was for the alleged contemnors to submit its version. The method adopted by the respondents deputing a person to file reply on their behalf is not acceptable. In contempt proceedings the party respondents are personally responsible to the Court and delegation is not admissible in such matter. Therefore, the reply submitted on behalf of the respondents is not acceptable.

We have heard Mr. A. Ahmed, learned Advocate appearing on behalf of the applicant and also Mr. A. Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the alleged contemnors at length.

Materials on record clearly points out that the judgment and order passed by the Tribunal has been complied with. We,



Adil Ahmed
Advocate

of the Registry	Date	Order of the Tribunal
	contd/- 21.11.02	<p>therefore, do not find any justification for continuance of this proceeding. If the applicant is aggrieved by any action of the respondents, it was open to the applicant to take appropriate measure instead of filing a contempt proceeding.</p> <p>The C.P. thus stands dropped.</p>



Sd/VICE CHAIRMAN

Sd/ MEMBER (Adm)

Memo No:

82.

Copy for information and necessary action to:

- (1) Mr. A. Ahmed, Advocate, Gauhati High Court
- 2) Mr. A. Deb Roy, Sr. C.G.S.C., C.A.T., Gauhati Bench, Gauhati

[Signature]
26/11/02
Section Officer(s),
H.S.

[Signature]
Adm-6

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ANNEXURE - N

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Most Immediate

No. 10-4/2003-SPG

Government of India

Ministry of Communications & Information Technology

Department of Posts

Dak Bhawan, Sansad Marg,
New Delhi, the 14th August, 2003.To
All CPMGs/PLI & BD Dtes.

Subject: Updating the Seniority List of General Civil Service's P.S. Grade officers as on 1.1.2003 for consideration of regular promotion to the grade of Sr. PS and also information for preparation of Seniority List as on 1.1.2003 for promotion to PS Grade.

Sir,

I am directed to say that the framing of recruitment rules for the post of Sr. Private Secretaries, etc. are in the final stages and it has been decided to update the seniority list of Private Secretaries as on 1.3.2003 and also prepare a seniority list of eligible officers as on 1.1.2003 for considering them for promotion to the Grade of Private Secretaries to enable us to hold DPC immediately. In this connection you are requested to give us the information in the prescribed proforma (Annexe I to III) as under: -

Annexure-I : This annexure contains information of the present regular incumbents of PS grade officers available with us. This may please be updated / corrected as per the service records available with you. If any name is found missing or otherwise, the same may please be updated / corrected.

Annexure-II : This annexure is required for preparation of seniority list of eligible officers for consideration of their name for promotion to the grade of PS by the DPC.

At the
Advocate

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Annexure-III : This annexure is required for calculating the actual number of vacancies, circle-wise, and to get approval of competent authorities for revival of posts if the post is lying vacant for more than a year. If ad-hoc appointments are made by CPMGs, the same may also please be mentioned.

In respect of Annexure-III above, it is mentioned that if the ad-hoc appointment is made for a period of more than 4 months continuously, then the approval of this Department is required for a period up to 1 year and the approval of DOPT is required if the appointment is continuously for a period of more than a year. So a separate proposal for regularization of the such ad-hoc appointments may please be sent referring our file No.12-9/2003-SPG.

As you are aware that the last DPC was conducted in the year 1998 and there is acute shortage of regular PS / Sr. PS have arisen by this time, the requested information in the prescribed annexure may please be furnished immediately, in any case, latest by 25th August, 2003. This will enable us to prepare the draft seniority list for circulation and requisitioning the attested copies of required ACRs and other formalities for conducting the DPC at an early date.

Yours faithfully,

Encl.: Annexures I to III

(R.S. Yadav)
Asstt. Director General (SCP)

Attended
J.S. Advaita

34-
Central Administrative Tribunal

19 FEB 2004

Filed by
5/5

(A. DEBROY)

Sr. C. S. C.

G. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI.

O. A. NO. 251 OF 2003

Sari M. Palmer

..... Applicant.

- Vs -

Union of India & Ors.

..... Respondents.

In the Matter of :

Written Statements submitted by
the respondents.

The respondents beg to submit a
brief history of the case which
may be treated as a part of the
written statement.

(BRIEF HISTORY OF THE CASE)

Under Ministry of Personal P.G. Pension,

Department of Personal & Training O.M. No. 22034/5/87-Estt(D)
dated 30.1.91 circulated under Dte's letter No. 2-2/89-P.E.II
dated 22.4.91, the Department decided to improve the promotion
prospects of stenographers and accordingly under this office
D.O. Letter No. Estt/34-18/76 dated 14.8.96 proposals for
upgradation of posts were sent to Directorate.

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Dte in their D.O. letter No. 2-2/89/PE.II/PE.I dated 3.9.96 intimated that it was not possible to take up the individual proposal without adequate matching savings and accordingly fresh proposal with matching savings was forwarded to Dte under this office letter D.O. No. Estt/34-18/76 dated 19.9.96.

Dte in their letter No. 2-2/89.PE.I dated 8.1.97 asked to send proposal in prescribed format. Accordingly proposal in prescribed format was sent to Dte under this office letter No. Estt/34-18/76 dated 8.3.97.

Under Dte D.O. letter No. 2-2/89-PE.II/PE.I dated 20/21.3.97 it was intimated that in view of instruction of the Ministry of Finance it was not possible to take up proposal for cadre review of Stenographers.

On 11.8.97 Sri Michal Palmer, PA to DPS O/O the Chief Postmaster General N.E. Circle Shillong submitted representation to Dte for up-gradation of Stenographers post which was forwarded to Dte under this office letter No. Staff/35-4093 dated 12.8.97. Since no decision was received from Directorate the said official filed an application before the Hon'ble CAT Guwahati under O.A. No. 38/99 which was disposed of by the Hon'ble CAT Guwahati inder order dated 6.2.99 with direction to respondents to dispose of his representation dated 11.8.97 within two months from the date of receipt of order.

Contd.....

The CAT order was received by this office on 24.2.99. Since the grievance of the applicant pertains to up-gradation of post and cadre review of Stenographer, the copy of the Judgement order dated 6.2.99 was forwarded to Dte under this office letter No. Staff/35-4093 dated 4.3.99 for decision.

In response to Dte letter No. 2-10/96-PB.I dated 8.3.99, the representation of the applicant dated 11.8.97 and copy of the CAT's order dated 6.2.99 were again forwarded to Asstt. Director General(Estt) under this office letter No. Staff-35/4093 dated 12.3.99.

In the representation dated 11.8.97 the applicant referred to Directorate's letter No. 2-2/89-P.E.II dated 10.5.91. The said letter re-iterated the instruction of Directorate letter No. 2-2/89-P.E.II dated 22.4.91 only.

The representation of the applicant was disposed of in pursuance of the Hon'ble CAT Guwahati order dated 6.2.99 vide Chief PMG, Shillong, order No. Vig-5/12/98-99 (CAT) dated 19.4.99.

Being aggrieved the official filed another application before the Hon'ble CAT in OA No. 244/99 which was decided on 21.05.2001 with direction that the respondents should provide benefit of up-gradation to the applicant in the Stenographer grade-II from 1.10.92 without payment of salary and ordered to compute the promotion of the applicant on and from 1.10.92.

In accordance with the instruction of the Hon'ble CAT the applicant was allowed promotion in Steno

Contd.....

Steno Grade-II under No. Staff/35-4093 dated 25.24.7.2001.

The applicant again filed another application under O.A. No. 184/2002 praying for promotion and up-gradation to the post of Stenographer Grade-I with retrospective effect from 05.03.93 from date he worked in the Grade-I post of Stenographer with all consequential service benefits including salary and seeking interim order from the Hon'ble CAT to direct the respondents not to hold DPC (Departmental Promotion Committee) for the post of Senior Personal Secretary and also not to disturb the applicant from the present post until the case is decided by this Hon'ble Tribunal. But the case was dismissed on 16.9.2002.

The applicant again filed a contempt petition before the Hon'ble Tribunal under Contempt petition No. 52/2002 alleging non implementation of the direction of the Hon'ble Tribunal in deciding O.A. No. 244/99 on 21.5.2001. The Contempt Petition was dropped by the Hon'ble Tribunal, finding that the judgement order of the Hon'ble Tribunal dated 21.5.01 in OA. No. 244/99 was complied with.

Now, again the applicant filed this application under O.A. No. 251/03 seeking relief to promote and up-grade him to the post of Stenographer Grade-I with retrospective effect from 05.03.93 with all consequential service benefits including salary with interim direction to the respondents not to hold Departmental Promotion Committee (In short DPC) and also not to disturb him from the present post until the case is decided.

Contd.....

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

1. That with regard to the statement made in para 1, of the application the respondents beg to state that it was clearly stated in Dte order No. 11-12/99-SPG dated 31.10.02 and Govt. of India Department of Personnel and Training O.M. No. 22011/3/98-Estt(D) dated 17th Sep'98 that crucial date for determining the eligibility of officers for promotion in case of financial year based vacancy year would be 1st January immediately preceeding such vacancy year. Sri Palmer, the applicant is thus completing the required length of seven years in Steno Grade -II on 1.1.2000. And his seniority in Grade-II Steno was given from 1.10.92 according to the direction of the Hon'ble CAT. His seniority in the Grade-I Steno could not be given as ~~there~~ there was no post of Steno Grade-I during the period. His senior Sri A.K. Sarkar presently Sr. Pvt. Secretary to Chief PMG also could not be given promotion to Steno Grade-I due to non-availability of Grade-I post. Further, not only this Circle, some other major Circles like Assam, Gujrat, Rajasthan and even Uttarpradesh were also not having Steno Grade-I post during the period in the existing strength which only came into being after receipt of Department of Personnel & Training letter No. 22034/2/92-Estt(D) dated 6.8.99 and action on the score was taken in pursuance of Dte letter No. 2-4/99-PB-I dated 29.9.99. On the other hand even if the

Contd.....

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proposal for up-gradation of Steno Graphers to Grade-I could be fructified, there would be one post available for Steno Grade-I in this Circle during the period for which his senior Sri A.K. Sarkar presently Sr. Pvt. Secretary to Chief PMG would be eligible for the post and hence applicant would not come under the perview. so applicant's claim in this para by no means is admissible. Therefore, his averment in this para, is baseless and not at all admissible. Therefore, respondents pray for summary dismissal of the application.

Copy of order dated 31.10.02 is Annexure-A.

Copy of order dated 17.9.98 is Annexure-B.

Copy of order dated 6.8.99 is Annexure-C.

2. That with regard to paras 2, 3 & 4.1, of the application the respondents beg to offer no comments.

3. That with regard to para 4.2, of the application the respondents beg to state that facts narrated by the applicant are admitted but his promotion to Sr. PA grade was purely temporary on adhoc basis terminable every six month i.e. after 180 days with clear understanding that this adhoc appointment will not confer any right to the official to claim his seniority and counting of service.

Copy of order of adhoc promotion is annexed herewith and marked as Annexure-D.

4. That with regard to para 4.3, of the application the respondents beg to state that under the Ministry of Personnel P.G & Pension. Department of Personal & Training O.M. No.

X

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No. 22034/5/7-Estt(D) dated 30.1.91 circulated under Postal Dte letter No. 2-2/89-P.E.I/P.E.II dated 22.4.91, the Department decided to improve the promotional aspects of Stenographers and accordingly under Chief PMG, Shillong letter No. Estt/34-18/76 dated 14.8.96 proposal for up-gradation of the posts were sent to postal Directorate. It is a fact that this proposal was not approved by DG, Posts.

Copy of letter dated 14.8.96 is annexed herewith and marked as Annexure-E.

5. That with regard to para 4.4, of the application the respondents beg to state that the applicant was promoted to the cadre of Grade-II Stenographer under Chief PMG, Shillong Memo No. Staff/25-16/78 dated 11.3.94. As per averment of the applicant in this para one post of Grade-I Steno would be available for promotion of the Steno Grade-II for which the applicant craved for but during the period he was not the lone candidate for the post, his senior Sr. A.K. Sarkar presently Sr. Pvt. Secretary to Chief PMG could be eligible for the post even if the proposal could be fructified. Further, not only this Circle there are some other Circles in the country even in the Major Circles like Assam, Gujrat, Rajasthan and Uttar-Pradesh were also not having Steno Grade-I post during the material period Steno Grade-I post came into existence only after receipt of instruction of re-structuring of the Cadre of Stenographers under Department of Personnel & Training Letter No. 22034/2/92-Estt(D) dated 6.8.99 received from Dte on 29.9.99 (Annexure-G) and the applicant was promoted accordingly.

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6. That with regard to para 4.5, of the application the respondents beg to state that cadre review proposal of Stenographers in N.E. Circle pursuant to the instructions of Directorate letter dated 10.5.91 could not be taken up in time due to certain administrative reasons and the proposal was submitted to postal Directorate on 14.8.96 (Annexure-E). As per direction of the Directorate fresh proposal with matching savings was forwarded to Dte under CPMG letter No. Estt/34-18/76 (Annexure-F) and proposal was again re-submitted in the prescribed format on 8.3.97 under CPMG letter No. Estt/34-18/76 dated 6.3.97 (Annexure-G) on the advice of the Dte. The final proposal sent by this Circle for up-gradation of the post of Stenographers was examined and processed in details in Dte but could not materialize due to latest instruction issued by the M.O.F (Deptt. of Expenditure) letter No. 5(3) XE.III/97 dated 7.2.97 received under Dte letter No. 2-2/89-PE.II/PE.I dated 20/21.3.97 (Annexure-H) banning the entertainment of the proposal of cadre review/Cadre re-structuring etc. This circle was not only the Circle where Steno Grade-I post was not available, there were some other Circles even major circles like Andhra Pradesh, Assam, Rajasthan, Gujrat and even Uttarpradesh were not having grade-I Steno during the period and until cadre review/re-structuring of the cadre of steno graphers came into existence under Department of Personnel and Training letter No. 22034/2/92-Estt(D) dated 6.8.99 received from Dte on 29.9.99 (Annexure-C).

Copy of letter dated 19.9.96 is Annexure-F.

Copy of letter dated 6.3.97 is Annexure-G.

Copy of letter dated 20/21.3.97 is Annexure-H.

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7. That with regard to paras 4.3 & 4.5, of the application the respondents beg to state that as stated para same as above.

8. That with regard to para 4.7, of the application the respondents beg to state that no specific date of submission of representation has been given in the OA hence no comment can be made.

9. That with regard to para 4.8, of the application the respondents beg to state that representation dated 11.8.97 submitted by the applicant as mentioned in the para was disposed of vide Chief PMG, Shillong order No. VIg-5/12/98-99 (CAT) dated 19.4.99 in accordance with the direction of the Hon'ble CAT, Guwahati with application of mind taking into consideration of all relevant records.

Copy of order dated 19.4.99 is annexure-I.

10. That with regard to para 4.9, of the application the respondents beg to state that the proposal for up-gradation of the post of Stenographers could not be fructified due to direction of the Govt. of India as stated in para 4.5 above.

11. That with regard to paras 4.10 & 4.11, of the application the respondents beg to state that notional benefit of steno grade-II has been granted to the applicant from 1.10.92 with all service benefits including seniority in grade-II P.A. in pursuance of Hon'ble CAT's direction dated 21.5.01 in OA No. 244/99 under CPMG letter No. Staff/35-4093 dated 24.7.2001 .

Copy of letter dated 24.7.2001 is Annexure-J.

Contd.....

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Regarding seniority etc in steno grade-I it is stated that there was no post of steno grade-I during this time. Further as per notification No. 49/19/79-SFB dated 26.10.1983 for the post of steno grade-I it requires at least 5 years regular service in steno grade-II (Item-12 of page-3 of Ann-K). Even with his revised seniority in steno grade-II from 1.10.92 he did not qualify himself for steno grade-I for his five years regular service in the grade for grade-I steno during 5.3.93. His senior Sri A.K. Sarkar presently Sr. Pvt. Secretary to Chief PMG, N.E. Circle, Shillong also could not be promoted to grade-I steno during the period due to non-availability of post in steno grade-I. Sri Sarkar was promoted to Sr. P.A. to PMG from 20.1.94 from PA grade-II (Annexure-L). Further, even, if the proposal could be fructified, benefit of grade-I steno could not be extended to the applicant as one post would be available for which his Senior Sri A.K. Sarkar would be eligible for the post. Further, the re-structuring of the cadre of stenographers guide lines issued under department of Personal & Training letter No. 22034/2/92-Estt(D) dated 6.8.99 received under Postal Dte letter No. 2-4/99-PE.I dated 29.9.99 (Annexure-C) and the applicant was given the benefit of steno grade-I from 15.11.99 after holding DPC etc (Annexure-M) vide Memo No. Staff 26-16/78 dated 15.11.99.

Copy of Notification dated 26.10.1983 is Annexure-K.

Copy of order dated 20.1.94 is Annexure-L

Copy of Memo dated 15.11.1999 is Annexure-M.

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12. That with regard to para 4.12, of the application, the respondents beg to state that the averment of the applicant can not be admitted as there was no post of steno grade-I during 05.03.93 and for the reason adduced in para 4.10 & 4.11 above. His senior was promoted to Sr. P.A. to PMG from Grade-II Steno from 20.1.94 and as such the applicant could not be given with the benefit argued for.

13. That with regard to paras 4.13 & 4.14, of the application the respondents beg to state that the proposal for cadre review was forwarded to the Dte but could not be fructified due to reason stated in para 4.5. It has been clearly pointed out by the Hon'ble CAT in disposing contempt petition No. 52/2002 dated 21.11.02 that the CAT's order has been complied with by the respondents which has been admitted by the applicant also in his statement in para 4.14 and the reason of constraints under which he could not be endowed with grade-I steno was also endorsed to the applicant under Chief PMG, M.E. Shillong letter No. Vig-5/12/98-99 (CAT) dated 1.11.02 (Annexure-N) clearly explaining the reason. Further, guide lines of re-structure's proposal was received only under Dte letter No. 2-4/PE.I dated 29.9.99 and applicant was given benefit from 15.11.99 after holding DPC.

Copy of letter dated 1.11.2002 is Annexure - N.

14. That with regard to para 4.15, of the application the respondents beg to state that agreed the Department is holding DPC for promotion of Pvt. Secretary and on having requisition from the Directorate under their letter D.O. No. 10-4/2003-SPG dated 12.11.03 the case of the applicant with his AOR along with

Contd.....

other officials have been sent to Dte under Chief PMG D.O. No. Staff/9-5/2001 dated 20.11.03 for the purpose of consideration (Annexure-0).

Copy of D.O. dated 20.11.03 is Annexure-0.

15. That with regard to paras 4.16, 4.17, 4.18, 4.19 & 4.20, of the application the respondents beg to state that the post of steno grade-I came into existence in this Circle only after re-structuring of the cadre of stenographers from 29.9.99 (Annexure-C), and the reason adduced in the above paras. So the averment made by the applicant in these paras are not sustainable and there was no malafide or deliberate intention and arbitrary action against the right of the applicant.

16. That with regard to paras 4.21 & 4.22, of the application, the respondents beg to state that averment made in this para is not acceptable and denied. The applicant was not only the lone candidate for promotion to Grade-I steno during 5.3.93. His senior was there. Sri A.K. Sarkar presently Sr. Private Secretary to the Chief PMG, N.E. Shillong got his promotion to Sr. P.A to PMG, Shillong from 20.1.94 from PA grade-II. Due to non-availability of steno grade-I post. The position of non-availability of steno grade-I post was not only the case in respect of this Circle other Major Circles including Circles in the same status also were not having the Steno Grade-I post is evident from Page-2 of Annexure-C. Further, even, if the proposal could be fructified one post of steno Grade-I would be available in this Circle for which his senior Sri Sarkar would have been eligible for the post.

Contd.....

Sri Sarkar also could not be considered for Steno grade-I . Further, case of the applicant has been sent to Dte as discussed in para 4.15 above for the purpose of consideration. So the arguments of the applicant seeking interim order not tenable and the respondents pray for summary dismissal of the application.

17. That with regard to para 5.1, of the application, the respondents beg to state that specific date of his representation in this para not mentioned by the applicant, hence denied. His representation dated 11.8.97 was disposed of with full application of mind and taking into consideration of all relevant records. So no malafide or arbitrary decision was there. Even his seniority from 1.10.92 in steno grade-II does not qualify for his promotion to grade Sr. PA from 5.3.93 as discussed in para 4.13 & 4.14 above. His senior also could not be promoted in the Grade-I steno for want of Grade-I post.

18. That with regard to para 5.2, of the application the respondents beg to state that there is no violation of principle of administrative fair play and article 14 and 16 of the constitution because the applicant was given his due in PA grade-II which was admissible to him under the instruction of the Hon'ble CAT and for Grade-I as there was no post during that time and as such there was no scope to consider his promotion to steno grade-I even including his seniors also by holding DPC etc. So violation of Justice and administrative fairness do not arise.

Contd.....

19. That with regard to paras 5.3 & 5.4, of the application, the respondents beg to state that during 05.03.93 there was no post of steno grade-I in this Circle which is ~~xxx~~ evident from the discussion in the above paras, his senior Sri A.K. Sarkar presently Sr. Pvt. Secretary to Chief PMG, Shillong was also promoted to Sr. Personal Assistant (Gazetted) to PMG Shillong from 20.1.94 from PA Grade-II, Further re-structuring guide lines came in to existence from 29.9.99 and the applicant was given benefit from 15.11.99 after holding DPC. Promotion only can be given when there is a sanctioned post. Hence there was no scope to consider eligibility of the applicant until grade-I post was sanctioned in September, 99 .

20. That with regard to para 5.5, of the application the respondents beg to state that Crucial date for determining eligibility of officers for promotion in case of financial year-based vacancy year would be 1st January immediately preceeding such vacancy year according to the guide lines DOP&T OM No. 22011/3/98-Estt(D) dated 17.9.1998, and Dte letter No. 11-12/99-SPG dated 31.10.02 (Annexure - A&B) . The applicant, thus completing the required length of service of seven years in steno grade-II on 1.1.2000. DPC for the year 2000-01 is only going to be held during this year and his case has already been sent for the purpose of consideration. The last DPC for promotion Sr. P.A. grade was held for the year 1999-2000 in March, 2000 for which the applicant was not eligible even with his revised date of seniority i.e. from 1.10.92.

21. That with regard to para 5.6, of the application the respondents beg to state that the averment of the applicant is denied. The Hon'ble CAT has pointed out in deciding Contempt Petition No. 52/2002 on 21.11.02 that the respondents have complied with the orders of the Hon'ble CAT. So conferment of benefit of Steno Grade-I during the period does not arise. Further, there was no post during this period.

22. That with regard to para 5.7, of the application, the respondents beg to state that on the circumstances and facts stated in above paras no relief prayed by the applicant is admissible and as such respondents pray for summary dismissal of the application.

23. That with regard to para 6, of the application the respondents beg to offer no comments.

24. That with regard to para 7, of the application, the respondents beg to state that the applicant filed one application before the Hon'ble CAT under OA No. 184/02 praying to promote and upgrade the applicant to the post of Steno Grade-I with retrospective effect from 05.03.93 i.e. for the same subject matter was dismissed by the Hon'ble CAT on 16.9.2002 for not pressing the application by the applicant.

25. That with regard to paras 8, 8.1, 8.2 and 8.3, of the application the respondents beg to state that in consideration what have stated in the above paras the applicant is not entitled any kind of relief/reliefs prayed for and the respondents pray for summary dismissal of the application.

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26. That with regard to para 9 of the application the respondents beg to state that the relief sought by the applicant praying for interim order stalling the process of DPC with its postponement until disposal of the application and not to disturb him from his present officiating post by no means is admissible. His case was already sent for consideration as discussed in the above paras and as such pray for dismissal of the application.

Verification.....

VERIFICATION

I, *Shri Anurag Ravi Shrivastava*

S/O LAA Pragnata Kumar Shrivastava being authorised

do hereby solemnly affirm and declare that the statements made
in paras 1(A), 5, 8, 10, 12, 15 to 26 and true to my
in this written statement are true to my knowledge and infor-
mation ^{in paras 1, 3, 4, 6, 9, 11, 13, 14} and I have not suppressed any material fact.

And I sign this verification on this th
day of 2004.

Anurag
Declarant 2

(18)

94(9) 82

Government of India
Ministry of Communications & IT
Department of Posts
Sansad Marg, New Delhi - 1

Dated, the 31st October, 2002

No. 11-12/99-SPG

ORDER

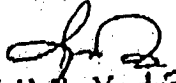
Shri Michael Palmer Steno Grade II (officiating as PS to CPMG, N.E. Circle, Shillong) has filed a Contempt Petition No.52/2002/2883 dated 18.10.2002 in OA No. 244/1999 before the CAT, Guwahati Bench against non-implementation of CAT order dated 21st May, 2001 regarding his promotion to Steno grade II w.e.f. 1.10.92 and for promotion for the higher rank on the strength of his promotion effected 1.10.92. He has also mentioned that no action has been taken on N.E. Circle letter dated 3.9.2001 addressed to DG(Posts).

In this connection it is mentioned that orders have been issued on 24.7.2001 for promotion of Shri Palmer to Steno grade II w.e.f. 1.10.92 instead of 5.3.93 and also his pay has been fixed nationally w.e.f. 1.10.92 by CPMG, N.E. Circle in pursuance of Para 5 of the CAT order dated 21.5.2001. Thus orders of CAT, Guwahati Bench stand implemented.

In regard to his promotion to Sr. PA grade, it may be stated that as per DOP&T guidelines in OM No. 22011/3/98-Estt.(D) dated 17th September, 1998, crucial date for determining eligibility of officers for promotion in case of financial year - based vacancy year would be 1st January immediately preceding such vacancy year. Shri Palmer is thus completing the required length of service of seven years in Steno Grade II on 1.1.2000 to be eligible for promotion to Sr. PA Grade for the vacancy year of 2000-2001. The last DPC for promotion to Sr. PA grade was held for the year 1999-2000 in March, 2000 for which Sh. Palmer was not eligible even with his revised date of promotion to Steno Grade II, i.e. from 1.10.92. The DPC for subsequent years has not been held pending amendment of Recruitment Rules for Sr. PA grade (now re-designated as PS). The draft rules are under consideration of the Department of Personnel and Training. Promotion to this grade of Sr. PA (now designated as PS) will be held after notification of amended Recruitment Rules. The promotion of Shri Palmer to the Grade of Sr. PA (now redesignated as PS) will be considered as per his

(19) -72

seniority for the vacancy year 2000-2001 and thereafter along with other eligible stenographers as per the provision of the Recruitment Rules.


(R.S. Yadav)
Asstt. Director General(SGP)

Shri Michael Palmer,
Steno Grade II (officiating as PS),
O/o CPMG,
N.E. Circle,
Shillong.

N.E

Copy to CPMG, ~~New~~ Circle, Shillong. He is requested to arrange the delivery of the enclosed letter to the official and ensure that appropriate counter affidavit is filed in the CAT Guwahati Bench on the above lines in consultation with Branch Law Secretariat/Central Govt. Standing Counsel.

PROMOTIONS

865

priority basis and strict compliance so that the desired objectives of convening of DPC meeting/preparation of the approved select panels as per the aforesaid prescribed time-frame may be achieved.

3

G.I., Dept. of Per. & Trg., O.M. No. 22011/3/98-Estt. (D),
dated the 17th September, 1998

Fixing of crucial date of eligibility of officers to be
considered for promotion by DPC

The undersigned is directed to say that where the Recruitment/Service Rules lay down promotion as one of the methods of recruitment, some period of service in the feeder grade is generally prescribed as one of the conditions of eligibility for the purpose of promotion. Vide the Department of Personnel and Training Office Memorandum No. 22011/7/86-Estt. (D), dated the July 19, 1989, the crucial date for determining the eligibility of officers for promotion has been prescribed as under:—

(i) 1st July of the year in cases where ACRs are written calendar year-wise.

(ii) 1st October of the year where ACRs are written financial year-wise.

2. The matter has been reconsidered by the Government and in supersession of the existing instructions it has now been decided that the crucial date for determining eligibility of officers for promotion in case of financial year-based vacancy year would fall on January 1 immediately preceding such vacancy year and in the case of calendar year-based vacancy year, the first day of the vacancy year, i.e., January 1 itself would be taken as the crucial date irrespective of whether the ACRs are written financial year-wise or calendar year-wise. For the sake of illustration, for the panel year 2000-2001 (financial year), which covers the period from April 1, 2000 to March 31, 2001, and the panel year 2000 (calendar year), which covers the period from January 1, 2000 to December 31, 2000, the crucial date for the purpose of eligibility of the officer would be January 1, 2000 irrespective of whether ACRs are written financial year-wise or calendar year-wise.

3. The crucial date indicated above is in keeping with Para. 9 of the Department of Personnel and Training Office Memorandum No. 22011/9/98-Estt. (D), dated September 8, 1998 which prescribes a Model Calendar for DPCs. In accordance with Paragraphs 10 and 11 of the said Office Memorandum, these instructions will come into force in respect of vacancy years commencing from January 1/April 1, 1999 and will, accordingly, be applicable to all such subsequent vacancy years.

4. These instructions shall be applicable to all services/posts. The Recruitment/Service Rules may, therefore, be amended accordingly. All Ministries/Departments are requested to bring these instructions to the notice of

ANNEXURE - C

Estt. Sec

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P-1

No. 2-4/99-PE.I
Government of India
Ministry of Communications
Department of Posts

Dak Bhavan,
Sansad Bldg.,
New Delhi-110001.

Dated: 29-9-99

To

✓ All Heads of Postal Circles.

Subject: Restructuring of the cadre of stenographers
in non-secretariat offices.

* * *

Sir,

I am directed to enclose a list of distribution of the posts of stenographers Gr. III, Gr. II and Gr. I in the ratio of 40:40:20 as per the orders of Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) for immediate implementation. The orders/guidelines issued by the Department of Personnel and Training vide letter No. 22034/2/92-Estt (D) dated 6-8-99 are enclosed for taking action in the matter.

2. In case of any discrepancy in the sanctioned strength of the stenographers (Gr. III, Gr. II, Gr. I) as shown in the annexure, this should be brought to the notice of this office immediately for rectification. Circles will not make any changes unilaterally at their level and all such cases will have to be referred to this Directorate.

3. Kindly acknowledge the receipt of the letter.

4. A compliance report after implementation of the order may be sent to PE-I Section immediately.

5. Hindi version will follow.

Yours faithfully,

Msahl
(Madhuri Dabral Sharma)
Asstt. Dir. General (Estt.)

Copy to:

1. PPS to Secretary (P).

Contd...2/-

22-75-86

P-2

No. 28034/1/89-Estt(D)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

New Delhi, the 9-2-90

OFFICE MEMORANDUM

Subject: Scale of stenographic assistance to officers
in subordinate offices.

The undersigned is directed to refer to this Ministry's OM of even number dated 6-2-89 on the above subject and to say that the said OM only seeks to lay down the grades of stenographers to be attached to different levels of officers in subordinate offices. It does not imply that an Officer in a particular scale is automatically entitled to a full-time stenographer of the corresponding scale. Creation/upgradation of the posts of stenographers in appropriate grades will be linked to the nature of jobs and the quantum of work of the Officers to be determined by the Staff Inspection Unit/Internal work Study Unit as clarified in the Ministry of Finance (Department of Expenditure) OM No. 9/1/85-SIU dated 25-8-87.

2. This clarification is being issued in consultation with the Ministry of Finance. This may be brought to the notice of all subordinate offices.

Sd/-

(M. V. Kesaver)
Director

To

All Ministries/Departments of the Government
of India.

Existing Strength				Revised strength in Ratio 40:40:20		
Gr. III including S.G. III Steno. in the scale of	Gr. II	Gr. I	Total	Gr. III	Gr. II	Gr. I
Rs. 1200-2040/- Rs. 1400-2300/- (SG) (pre-revised)	Rs. 1400-2600/- (pre-revised)	Rs. 1640-2900/- (pre-revised)		40	40	20
68	3	1	72	29	29	14
14	2	-	16	6	6	4
42	1	1	44	18	18	8
22	4	1	27	11	11	5
44	3	-	47	19	19	9
17	2	-	19	8	8	3
10	1	-	11	4	4	3
10	-	-	10	4	4	2
47	2	1	50	20	20	10
40	2	1	43	17	17	9
38	3	1	42	17	17	8
58	7	1	66	26	26	14
4	6	-	10	4	4	2
26	3	1	30	12	12	6
17	2	-	19	8	8	3
35	2	-	37	15	15	7
70	3	1	74	30	30	14
71	6	-	77	31	31	15
51	4	1	56	22	22	12
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	56	10	750	301	301	148
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684						
=====						

214 (77) 88
P-4

E 22034/2/92-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi-110001,
August 6, 1999

OFFICE MEMORANDUM

Subject: Restructuring of the cadre of stenographers in non-secretariat offices.

The undersigned is directed to say that there has been a demand for restructuring of the cadre of non-secretariat stenographers in the ratio of 40:40:20. The Fifth Central Pay Commission in paragraph 46.35 of its report also recommended that the existing posts of stenographers Grade-III, II and I in the pre-revised pay-scales of Rs. 1200-2040, Rs. 1400-2300/Rs. 1400-2600 and Rs. 1640-2900 respectively should be pooled together and restructured in the ratio of 40:40:20 by individual Departments wherever feasible. For smaller offices, there could be pooling of posts for this purpose only.

2. These recommendations have been examined in consultation with the Ministry of Finance (Department of Expenditure) and it has been decided to accept the recommendations. The basic features of the scheme would be as indicated below:-

(i) The cadre of stenographers Grade-III, Grade-II and Grade-I will be restructured by suitable up-gradation and down-gradation of posts. The strength of these grades will be re-fixed in the ratio of 40:40:20 in each Department. In other words, if the total strength of said grades in a Department is 100, 40 posts will be held in Grade-III, 40 in Grade-II and 20 in Grade-I;

(ii) The vacancies that may arise in Grade-II and Grade-I in a Department as a consequence of re-fixation of the strength of these grades on the specified date, will be filled up by the stenographers working in that Department. In smaller offices, there could be pooling of posts for this purpose only.

(iii) If the revised number of posts is in excess of the existing strength of a particular grade, the difference will be deemed as newly sanctioned posts in that grade. Similarly, if the revised number of posts in a grade is less than the existing strength, the number of

Contd...2/-

- posts equal to the difference will be treated as having been abolished in that grade; and
- (iv) The vacancies arising out of the restructuring will be filled up only from amongst the stenographers who fulfil the eligibility criteria laid down in the recruitment rules for the post. All the new posts (other than Sr.P.A. which would be outside the purview of the aforesaid restructuring) necessary to be created subsequently on functional ground in the cadre of stenographers will be created only in Grade-III initially.

3. The existing norms laying down the level of stenographic assistance admissible to officers of various ranks as contained in the Department of Personnel and Training Office Memorandum No. 28034/1/88-Estt(D) dated February 6, 1989*, Office Memorandum No. 28034/1/89-Estt(D) 5/87-Estt(D) dated January 30, 1991* (copies enclosed)* will stand relaxed accordingly. Suitable adjustments may be made by respective Departments/offices within the re-fixed strength of different grades of stenographers. There may be instances, where even after upgradation, there may be no change in the level of officer with whom a stenographer has been attached. In other words, there may be no change in the duties and responsibilities of a stenographer even after upgradation.

4. These instructions will be effective from the date of issue of the orders. The actual benefit would, however, be admissible to the stenographers from the date of actual upgradation to Grade-II and Grade-I as the case maybe.

5. Ministries/Departments are requested to take expeditious action to implement the aforesaid decision so as to relieve stagnation amongst stenographers in non-secretariat offices within their administrative jurisdiction.

Sd/-
(K.K. JHA)
DIRECTOR(Establishment)

* Copies of these O.M.s have already been supplied to all Heads of Circles vide this office letter no 2-2/89-PE.I dated 27-3-89 and letter no 2-2/89-PE. PE-II dated 22-4-91 respectively.

ANNEXURE - D

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158
89

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

Memo No. Staff/33/2053/77

Dated Shillong, the 3-3-93

Shri Michael Palmer is promoted to P.A. Grade-II (Rs. 1400-2300/-) on purely temporary and adhoc basis vice Shri C.E. Khongwir absent, with immediate effect.

The adhoc promotion will confer on Shri M. Palmer no claim for counting his service in the cadre of P.A. Grade-II as seniority for the purpose of promotion to the grade.

56/-
(A.N.D. Kachari)
Director of Postal Services,
N.E. Circle, Shillong.

Copy to :-

- 1) The Asstt. Director(A/Cs), C.O., Shillong.
- 2) The A.A.O.(Dgt), C.O., Shillong.
- 3) The Chief Accounts Officer, C.O., Shillong.
- 4-8) The officials concerned.
- 16-7) P/F of the officials.
- 9) Spare.

A.N.D. Kachari
Director of Postal Services,
N.E. Circle, Shillong.

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

14 Aug 96.

Dear Smt Kamal Varma,

This is regarding proposal for upgradation of post of Stenographers in the Circle having reference to Directorate's letter No. 2-2/89-PE.I/Pt.II dated 22.4.91 containing copy of O.M. No. 22034/5/87-Extt(D) dated 30.1.91 issued by the Ministry of Personnel, P.G. & Pensions, Department of Personnel and Training, New Delhi.

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

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

Apart from this in Circle office, the following posts of Stenographers are available attached to officers in cadre of STS/JSA Group B level justified in terms of Directorate's letter No. 7/77/60-PE(Pt.I) dated 18.1.63 and also vide para 2.4. of letter No. 22034/5/87-Extt(D) dated 30.1.91 issued by Ministry of Personnel etc. circulated through Directorate's letter No. 2-2/89-PE.I/Pt.II dated 22.4.91:-

POSTS OF OFFICERS

1. 1 post of CAO/LFA
2. 1 post of APMG
3. 1 post of AD(Extt)
4. 1 post of AD(Adott)
5. 1 post of AD(PLI)

No. of Stenographer available

- 1(one) Stenographer in Grade III status for a group of 3 Junior Officers in the same building.
- 1(one) Stenographer Gr.III for remaining group of officers in same building.

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

27 20

- 2 -

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

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

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

(1) 1 post of Steno Gr. III attached to DFS, Shillong.

(11) 1 post of Steno Gr. III attached to APMG, CIO, Shillong.

D. The remaining post of Stenographer Gr. III avail-
able in Circle office may be allowed to be retained for a
group of three officers in PPS Group B level as found
justified in terms of rules as mentioned elsewhere.

The proposed upgradation of posts of Stenographer
may kindly be given effect from 1.5.91. The above propos-
al is duly concurred by the Circle IFA and is approved by
the undersigned.

With regards,

Yours sincerely

(L. Zadang)

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

ANNEXURE - F

28

81

92

- 22 -

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

DO NO. ESTT/34-18/76
DATED SHILLONG THE 19 Sept., 1996

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

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

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

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

MATCHING SAVINGS PROPOSED:

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

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

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

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

Copy attached

Chief Postmaster General
Shillong-793001

ANNEXURE - G

82

219 93

A.K. DUTTA
ASST. DIRECTOR (EST)

2d

Ref/34-10/70

8 March, 1982

Dear Sir,

This is regarding proposal for upgradation of posts of stenographers having reference to your letter no. 2-2/89-PE.II of 8.1.1977.

Your kind reference is invited to this office d.o. letter of even no. dated 19/10.9.76 wherein the details of post offered for matching savings for the proposed upgradation of the stenographers was furnished. As advised by you, now the proposal is furnished in the prescribed proforma in accordance with letter no. 2-2/89-PE.II of 10.5.91 for favour of consideration at your end. The proposal was already concurred/approved by the circle IFA and CPMG.

With regards,

Yours sincerely,

A.K. Dutta

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

ANNEXURE - H

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Smt. P. GOPINATH
Director (Estt).

भारतीय डाक विभाग
(संचार मंत्रालय)
डाक भवन, संसद मार्ग,
नई दिल्ली-110 001

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

Dated 20.03.1997
21

Dear Shri Zadeng;

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

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

With regards,

Yours sincerely,

(P. GOPINATH)

Encl: As above.

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

Room No.

Telephone

- 26 -

31

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as

copy

P-2

NO. 5(3)EIII/97
Government of India
Ministry of Finance
Department of Expenditure.

New Delhi the 7th Feb, 1997

OFFICE MEMORANDUM

Subject: Submission of the report of the Fifth Pay Commission :
regarding

The undersigned is directed to say that the report of the Fifth Pay Commission has since been submitted to the Govt. The Report, inter-alia includes recommendations on the revised Pay structure, allowances, assured career progression, cadre reviews, recommendations, etc. Pending decisions of the Government on these recommendations, it has been decided not to entertain any proposals pertaining to revision of pay scales, allowances, creation/upgradation of posts, cadre review restructuring, etc. except in respect of newly created establishments/organisations.

2. All the Ministries/Departments are, therefore, advised to kindly bring the above instructions to the notice of all concerned, including autonomous bodies/organisations under their administrative control for necessary action.

3. Hindi version is enclosed.

sd/
V. SEKAR
DIRECTOR

Copy attested
1/1/99

Asst. Director (Administrative)
D.O. the Chief Personnel Officer
D.E. Circle, Bangalore

ANNEXURE - 1

85

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ab

- 33 -

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

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

Dtd. at Shillong, the 19.04.99.

ORDER

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

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

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

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

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

- 34 -

...2/-

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

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

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

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


(S.SAMANT)

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

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

ANNEXURE - J 87
(34) mg

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

No.Staff/35-4093

Dated at Shillong, the 24th July 2001.

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

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

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

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

Copy to:-

1. The APMG(A/Cs), C.O., Shillong.
2. The JAO(BGT), C.O., Shillong.
3. The CAO, C.O., Shillong.
4. Sri M. Palmer.
5. P/V of the official.
6. Service Book of the official.
7. The ASP(Vig) w.r.t. No. Vig 5/12/93 99/(CAT)
8. File No.Staff/26-16/73
9. File No. Staff/26-16/88
10. Office Copy.

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

STA

ANNEXURE

(88) (35)
29/10/83
P-1
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TO BE PUBLISHED IN PART II, SECTION 3, SUB-SECTION (1) OF THE
GAZETTE OF INDIA.



No. 49/19/78-SPB I
Government of India,
Ministry of Communications
(P&T Board)

26 OCT 1983

NOTIFICATION

G.S.R. In exercise of the powers conferred by the proviso to the article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Stenographer Grade I in the Posts and Telegraphs Department, Ministry of Communications, namely:-

1. Short title and commencement:-

- (1) These rules may be called the Posts and Telegraphs Department (Stenographer Grade I) Recruitment Rules, 1983.
- (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 posts its classification and the scale of pay attached there to shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.

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

The method of recruitment, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 14 of the said Schedule.

4. Disqualification - No person:-

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

Contd.....2/-

- 2 -

- (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 there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax :- Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, and for reasons to be recorded in writing, and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

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

The Schedule

<u>Name of Post</u>	<u>No. of Post</u>	<u>Classification</u>	<u>Scale of Pay</u>
1	2	3	4
Stenographer Grade - I	79 *	General Central Service Group B, Non-Gazetted, Ministerial	Rs. 550- 25-750-EB- 30-900.
	* Subject to variation G. O. 2000 on work- load.		

Contd.....3/-

37 P-3 1132

Whether Selection Post or Non-selection Post	Age limit for direct recruits	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension) Rules, 1972	Educational and other qualifications required for direct recruits.
5	6	7	8

Non-selection

Not Applicable

Not applicable

Not applicable

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees

Period of probation if any

Method of rectt. whether by direct rectt. or by promotion or by deputation/transfer & percentage of the vacancies to be filled by various methods

In case of rectt. by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made.

9

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12

Not applicable.

Two years

By promotion.

Promotion.

Stenographer Grade II with 5 years regular service in the grade.

If a DPG exists, what is its composition

13

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

14

Group B Departmental Promotion Committee.

1. Head of Postal/Head of Telecom Circle/ Head of Telephone District-Chairman.
2. Director of Postal Service/ Director of Telecom Services—Member.
3. One Group 'A' Officer of Telecom side/One Group 'A' Officer of Postal side—Member.

Consultation with the Union Public Service Commission not necessary while making selection for appointment to the post.

K. L. Sharma

(K.L. SHARMA)
Assistant Director General (SPN).

To: The General Manager,
Govt. of Indian Press
Maya Puri, Ring Road,
New Delhi.

Contd.....4/-

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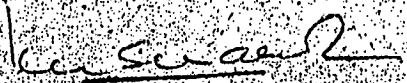
P:- 4911
102

- 4 -

No. 4949/78-SPB-I. New Delhi - 110001, dated

Copy forwarded for information, guidance and necessary action to :-

1. All Heads of Postal/Telecom/Civil Circles/
Telephone Districts.
2. All Heads of other Administrative Offices.
3. Lok Sabha/Rajya Sabha Secretariat.
4. Ministry of Law, Justice and Company Affairs, N. Delhi.
5. SPB-II/CSE/STN/TFS/NCG/Insm(2 copies)/Postal Accounts/
PE-I & II/Admn./OL/SPG/STG-I, II & III/PAP/PAT Sections
of the P&T Directorate.
6. The Officer Incharge, APS Record Office, Kamptee APO.
7. DOP & AR(Estt-RR Section), North Block, New Delhi.
8. The Union Public Service Commission, Dhoulpur
House, New Delhi - 110011.


(K.L. SHARMA)

Assistant Director General (SPN).

ANNEXURE - L

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

Memo no. S/ff/ 13-25/78

Dated Shillong the 20.1.94.

In pursuance of the Director General, Department of Posts, New Delhi's order no. 10-2/92-SPG dated 11.1.94, Shri A.K. Sarkar, PA to DPS, Agartala is posted as Sr. P.A. to P.M.G., C.O. Shillong in Group 'B' (G.C.S) relieving Shri P.C. Deka who is transferred to Assam Circle.

2. Shri A.K. Sarkar will be on probation for two years and his suitability to hold this post will be adjudged on completion of two years of probation. If he proceeds on leave for a period exceeding 30 days during the first two years, the probation period will be liable to be extended accordingly.

3. S/Shri Sudhabrata Ghosh and Chitta Ranjan Deb will be relieved on receipt of posting order from the Chief Postmaster General, West Bengal Circle, Calcutta.

4. Shri A.K. Sarkar, may give option for choosing the date for fixation of pay under PR-22(C) within one month from the date of promotion.

5. Charge reports should be sent to all concerned.

(N. Chowdhury)
for Chief Postmaster General,
N.E. Circle, Shillong.

Copy to :-

- 1). The Director General (SPG), Department of Posts, Dak Bhavan, Sansad Marg, New Delhi-110001.
- 2). All DPS in N.E. Circle.
- 3). The Sr. Supdt. of Pos, Shillong.
- 4). The Supdt of Pos, Dhamanagar.
- 5). Officials concerned.
- 6). PF of officials.
- 7). The Chief Postmaster General, Assam Circle, Guwahati.
- 8). The Chief Postmaster General, West Bengal Circle, Calcutta.
- 9). Circle office Share, Staff Section, C.O. Shillong.
- 10). Spare.

(N. Chowdhury)
for Chief Postmaster General,
N.E. Circle, Shillong.

FA AK Sarkar

ANNEXURE - M

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

15 November, 1999

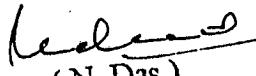
File No. Staff/26-16/78

Approval of the Chief Postmaster General, N.E. Circle, Shillong is hereby conveyed to the following promotion and transfer orders in the cadre of stenographer Grade I to have immediate effect.

1. Shri Michael Palmer, Stenographer Gr.II, presently officiating on the ad hoc Sr. PA to Chief PMG, Shillong is hereby promoted to Stenographer Grade I in the scale of Rs.5500-175-9000 p.m. and posted as PA to DPS(HQ), Circle Office, Shillong terminating the officiating ad hoc arrangement.
2. Shri Sukumar Sur, stenographer Gr.II, presently working as PA to DPS(HQ), Circle Office, Shillong is hereby promoted to Stenographer Grade I in the scale of Rs.5500-175-9000 p.m. and posted as PA to DPS, Agartala.

The officials at serial 1 and 2 above are requested to exercise their option for fixation of pay under FR22 within one month of taking over charge.

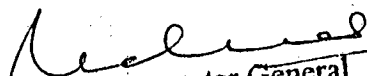
No vigilance/disciplinary case is pending against the officials.


(N. Das)

Asst. Director (Staff)
For Chief Postmaster General
N.E. Circle:: Shillong 793001

Copy to:

1. The DPS, Agartala
2. The APMG(A/cs), C.O. Shillong
3. The AD(Est), C.O. Shillong
4. The AAO(Bgt), C.O. Shillong
5. The O.S. C.O. Shillong
- 6.&7. Officials concerned
- 8&9. P.F. of the officials
10. File No. Staff/26-15/80/Steno


For Chief Postmaster General
N.E. Circle:: Shillong 793001

ANNEXURE - NS

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

No. Vig-5/12/98-99 (CAT) Dated at Shillong the 1st November, 2002

To,
Sri Michal Palmer
Offg PS to PMG/ Shillong

Subj:- Endorsement of copy of Dte order No. 11-12/99-SPG dated 31st October, 2002.

I am directed to endorse a copy of Dte order No. 11-12/99-SPG dated 31st October, 2002 for favour of your information.

Encl:-

As above,

Brindulla
Asth. Director (Vig)
O/O the Chief PMG/ Shillong

Repl.
G
11/11/02

ANNEXURE - 0

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106

T. Panneerselvam
Chief Postmaster General
North Eastern Circle, Shillong-1
20 November, 2003

DO NO. Staff/9-5/2001

Dear Sir,

Kindly refer to D.O. letter no. 10-4/2003-SPG dated 12.11.2003.

I am enclosing the ACRs of the 2 officers as called for in your letter, as detailed below:

Name	Period
1. Shri Michael Palmer	1999-2000 to 2002-2003
2. Shri S. Sur	1996-1997 to 2002-2003


No disciplinary or vigilance case is pending against any of the above officers as per C.O. records.

Regarding the ACRs of Shri Michael Palmer for the period prior to 1999-2000, I am enclosing a copy of AD(Staff), N.E. Circle letter no. Staff/26-16/88 dated 24.3.2000. As per this letter ACRs upto the period 1998-1999 have already been forwarded to Shri G. Chandrasekhar, ADG(SGP), for the purpose of considering the promotion of the official to the grade of Sr. PA, in view of the interim orders of Hon'ble CAT Guwahati in the OA 244/99 filed by the official.

After final decision of the CAT Guwahati, Directorate was addressed vide letter no. Staff/35-4093 dated 3.9.2001(copy enclosed) intimating the final disposal of the case and for considering the promotion of the official, Shri Michael Palmer, taking seniority in Grade II w.e.f. 1.10.92. Decision of the Directorate on the promotion of Shri Michael Palmer to the Grade of Personal Secretary (Group B) has not been received till date.

With regards,

Yours sincerely,


(T. Panneerselvam)
20/11/03

Shri S. Samant
Dy. Director General(P)
Department of Posts
Dak Bhavan, Sansad Marg
New Delhi 110001



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17/11/03

भारत सरकार
(संचार मंत्रालय)
डाक विभाग
डाक भवन, संसद मार्ग
नई दिल्ली-110 001

43/96
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Most Immediate

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

S. Samant
Dy. Director General (Personnel)

D.O.No. 10-4/2003-SPG

Date: 12 November, 2003

Dear Shri Chatterjee,

Please refer to this office letter of even number dated 25th September, 2003 calling for documents in connection with holding of DPC meeting for promotion to the grade of General Central Service Group -B PS. The requisite information i.e ACR/ Vigilance clearance in respect of Shri Micheal Palmer and Shri Sukumar Sur is still awaited from your Circle. As the holding of DPC is getting delayed for want of information about the above officers, it is requested that the required information may please be sent immediately.

This may kindly be accorded priority.

With regards,

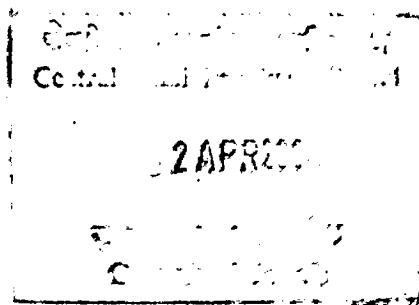
Yours sincerely,

(S. Samant)

Shri P.K.Chatterjee,
Chief Postmaster General,
N.E.Circle,
Shillong.

APM
17/11/03

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Filed by
Shanina Dillana
Advocate for the
Applicant, 2/04/04

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH
AT GUWAHATI.

O.A. NO.251/2003

Sri M. Palmer Applicant.

-VRS-

Union of India & Ors ... Respondents.

IN THE MATTER OF :-

Re-joinder submitted by the applicant
in reply to written statement filed
by the respondents.

The humble applicant submits his re-joinder
as follows:-

1. That with regard to the statements made in preliminary paragraph of the written statements submitted by the respondents, the applicant states that it is a fact that the Govt. of India, Ministry of Personnel, P.G. & Pension Department issued a Memo No.22034/5/87-ESTT(D) dated 30.1.91 circulated in Directorate's letter No.2-2/89-PE-II dated 22.4.91 all over India and in response to that all the States of India where the circular is applicable has sent proposal to the Directorate in New Delhi for reconsidering and upgradation of the post of Stenographer-III to Grade-II and also P.A. to the post of Sr. P.A. That circular has been annexed by the applicant as Annexure-A to the O.A. From that circular it appears that the circular was issued as far back as on 30.1.91 but unfortunately due to inaction and negligence of the Postal authority i.e. Chief Post Master General, N.E. Circle did not take any

action for implementation of the scheme provided by the Ministry of Personnel etc. It is only after a lapse of long 5 years they took up the matter i.e. in 1996 for promotion and upgradation of post of Stenographer from Grade-III to Grade-II and Grade-II to Grade-I and for promotion of Sr. P.A., the Department took action only in 1999 and 2000 by holding D.P.C. There is a clear justification of upgradation of one post of Grade-II Stenographer to Grade-I as per letter dated 6.3.97. The applicant having been highly ^{dis}satisfied filed O.A. No. 244/99 before this Hon'ble Central Administrative Tribunal on the basis of Annexure-A. The respondents contested the case of O.A. No.244/99 and heard both the parties and after hearing in details from the parties the Hon'ble Tribunal vide order dated 21.5.2002 passed in O.A. No.244/99 ordered that the applicant should get his promotion to Grade-II w.e.f. 1.10.92 and thereafter he shall be considered in the higher rank. He was finding for promotion to Grade-I and thereafter to Sr. P.A. but upto now he has not been promoted to Higher Rank i.e. Grade-I and for consideration for promotion directly to Sr.P.A. From their written statement it appears that the authority has taken steps only in 1996 i.e. after the lapse of long 5 years. If the authority would have taken steps i.e. sent the proposal of the applicant, the applicant would have been promoted w.e.f. 1991 but the administrative authority did not take any steps in time and thereby the applicant and other eligible candidates could not get benefit w.e.f. 1991 as desired by the Govt. of India, Ministry of Personnel, P.G. and Pension Deptt. This is for the inaction of the department of N.E., the deserving candidates have been deprived of their due

promotion and upgradation of post intime. This is a serious fault on the part of the authority and for the fault of the authority not to upgrade or promote the eligible officers they should not be allowed to suffer because this is a case of clear deprivation of their due promotion and upgradation. In other States of India, the postal employees have got their due promotion w.e.f. 1.10.92 ^{Date} whereas the authority in N.E. Region has only taken up the matter in 1996. During which peeriod lot of changes have taken place. Now the respondents have taken up the matter on 3.9.96 and sent individual proposal to the Directorate of Postal Department for which the postal Directorate, New Delhi vide their D.O. Letter No.2-2/87/Pt.II/PE-1 dated 3.9.96 intimated that "It was not possible to take up the individual proposal without adequate matching saving and accordingly fresh proposal for matching saving was forwarded to the Directorate office letter D.O. No.ESPT/34/18/76 dated 19.9.96. The Directorate office at New Delhi as stated by the respondents in their written statement that in their letter No.2-2/89-PE-1 dated 8.1.97 asked to send proposal ~~in~~ prescribed fomate. Accordingly proposal in prescribed fomate was sent to the Directorate under letter No.ESTT/34-17/76 dated 8.3.97. Unfortunately, because of inordinate delay in sedning the proposal the Ministry of Finance under Directorate D.O. Letter No.2-2/89/PE-II/PE-I/A/20 dated 21.3.97 it was intimated that all the instrctuions of the Ministry of Finance it was not possible to take up the proposal for Cadre Review of Stenographer and by this direction not only the applicant but also other deserving candidates have been deprived of their due promotion in time and thereby serious injustice

have been done to the deserving Stenographers. The applicant filed a representation for his promotion but the authority did not take any steps to dispose of the said representation for which he was compelled to file O.A. No.38/99 in which the Hon'ble Tribunal by its order dated 6.2.99 directed the respondents to dispose of the said representation dated 11.8.97 within 2 months from the date of receipt of the order. The respondents are so negligent that the representation filed by the applicant was not disposed of. It was only at a time that the Hon'ble Tribunal gave direction to dispose of the representation within 2 months from the date of receipt of the same, the respondents instead of taking final decision sent the copy of the judgment dated 6.2.99 passed in O.A. No.38/99 on 4.3.99 to the Directorate for decision. Ultimately representation of the applicant was disposed of by the Chief Personnel General Manager, Shillong vide order dated 19.4.99.

The applicant having failed to get any response or relief as per order of the Hon'ble Tribunal he filed another O.A. No.244/99 which was disposed of on 21.9.01 with a direction to the respondents to provide benefit of upgradation to the applicant as Stenographer Grade-II from 1.10.92 without payment of salary and to compute the promotion to the applicant w.e.f. 1.10.92. As per direction of the Hon'ble Tribunal the applicant was allowed promotion in Stenographer-II vide letter dated 24.7.2001.

It is submitted that in the judgment in O.A. No.244/99 dated 21.5.2001 the Hon'ble Tribunal also directed the respondents to consider his case to the Higher

rank. As the respondents did not consider his case for promotion to the higher rank so he was compelled to file Contempt Petition No.52/02 for not implementing the direction of the Hon'ble Tribunal given in O.A. No.244/99. Ultimately the contempt petition was dropped with an observation that if the applicant feel aggrieved for non implementation of the judgment given by the Hon'ble Tribunal then the applicant will be at liberty to approach this Hon'ble Tribunal by filing a fresh O.A. for the said relief. Regarding filing of O.A. No.251/03 by the applicant seeking relief for his promotion to Grade-I Stenographer with retrospective effect from 5.3.93 with consequential service and financial benefits and not to disturb him from present post until the case is finally disposed of.

2. That with regard to the statements made in paragraph 1 of the written statement filed by the respondents, the applicant states that due to ^ufault of the respondents his cadre review was not done in time i.e. 1992 and as such at the relevant time the post of Grade-I was not created as a result of which injustice has been done to him and hence it is a fit case wherein this Hon'ble Tribunal may kindly consider the upgradation of Grade-II to Grade-I w.e.f. 1992 and thereafter he will be eligible for promotion after Mr. A.K. Sarkar who is senior to the applicant and who has been promoted to Sr. P.A. w.e.f. April, 1994. The respondents are arguing that even major circles like Assam, Gujrat, Rajasthan and UP do not have Gr.I posts and this statement is not relevant because N.E. Circle has the unique privilege of having Senior Officers at the level of JAG manning divisions unlike the other circles where

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only Gr.B Officers or STS Officers are manning the divisions. It is a fact that upgradation of Gr.II posts to Gr.I posts depend on the availability of JAG posts i.e. 25% of the JAG posts will have stenographic assistance of the level of Gr.I, and as such N.E. has 6 posts of JAG and 25% of them come to 1.5 or 1 post of Gr.I as can be seen from the proposal sent to the Directorate vide C.O. letter dated 6.3.97 referred above. In other Circle, even in large circles, the number of JAG posts is less so that they do not justify Gr.I Stenographers as a result they do not have them, thus making the argument of the respondent frivolous. It is also submitted that if the proposal for upgradation was sent in the right time and not after 5 years by the Circle Office, Shillong then one post of Grade-I Stenographer would have been created w.e.f. 1.10.92 itself and in that case your applicant would have been got the benefit of the Stenographers from 1999 after the promotion of his senior A.K. Sarkar promoted to Sr.P.A. from April, 2004, the applicant would have eligible for promotion to the Sr.P.A. in 1996 itself.

3. That with regard to the statements made in paragraphs 2, 3 and 4 of the written statement, the applicant has no comments against this paragraph but it is submitted that because of fault of the respondents, they have sent the proposal for promotion of Stenographer Grade-II to I only in 1996 and as a result the applicant has been deprived from his due promotion in due time and as such this Hon'ble Tribunal will consider the case in this aspect of the matter.

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4. That with regard to the statements made in paragraph 5 of the written statement, the applicant begs to state that it is a fact that Shri A.K. Sarkar is senior to the applicant but if the cadre review is done in 1996 itself Shri Sarkar would have got the promotion w.e.f. 1.10.92, thereafter the applicant would have got promoted to Grade-I post.

5. That with regard to the statements made in paragraph 6 of the written statement, the applicant begs to state that the Cadre review could not be done in time because (certain administrative reason) this is absolutely vague and the cadre review though it was due in 1992, if the administration would have done the Cadre review in 1992 itself then the applicant would have been promoted to Gr.I in 1994. It is further stated that all other Circles of India have got the benefit of cadre review in time so not only the applicant and other eligible candidates also have been deprived of because of not implementing the cadre review circle in 1992 and hence it is prayed that this Hon'ble Tribunal also look into this aspect and accordingly provide justice to the applicant.

6. That with regard to the statements made in paragraphs 7, 8 and 9 of the written statement, the applicant has no comments to offer.

7. That with regard to the statements made in paragraph 10 of the written statement, the applicant begs to state that regarding factification due to direction of the Govt. of India this is due to the inordinate delay caused by the administration i.e. respondents in implementing the Govt. of India circular in time. If the circular

would have been implemented as far back on 1992 immediately after receipt of the same then the applicant would have been entitled to all the benefits of the circular. For this, the applicant is not responsible it is only the respondents who have not taken steps in time, so he has been deprived. It is submitted that this Hon'ble Tribunal can look into this aspect very seriously and give all the benefits under the scheme to the applicant.

8. That with regard to the statements made in paragraph 11 of the written statement, the applicant has no comments to offer. The applicant states that as cadre review was not done in time but done the same after long lapse of 5 years time from the date of receipt of Govt. of India circular. If the cadre review was done in time one post of Stenographer Gr.I would have been definitely available for promoting the applicant and this is the fault of the administration and not the fault of the applicant and hence it is prayed that this Hon'ble Tribunal look into this aspects seriously.

9. That with regard to the statements made in paragraph 12 of the written statement, the applicant begs to state that it is a fact that when there is no post of Gr.I Stenographer, the applicant can be accommodated but the applicant could have been promoted to Gr.I if the Cadre review would have been done in time in 1992 when he was due in 1994.

10. That with regard to the statements made in paragraphs 13 and 14 of the written statements, the applicant has no comments the same being matter of records.

11. That with regard to the statements made in paragraph 15 of the written statements, the applicant begs to state that the same is not correct and hence denied. In fact, the post of Stenographer Gr. I ^{would have} came into ^{Dale} existence in 1992 but due to inaction of the administration, the restructuring proposal was sent to the Directorate, New Delhi in 1996 after long five years from the date of receipt of the Govt. Circular for restructuring the post of Stenographer.

12. That with regard to the statements made in paragraph 16, the applicant begs to state that the same is not correct and hence denied. The post of Stenographer was not there in 1992 because the administrative authority sent the proposal for restructuring the post of Stenographer Grade-I in 1996 viz after five years of receipt of the circular from the Personnel, Public Grievances, etc. Deptt. Govt. of India, other statements have been replied adequately in the foregoing paragraphs of this affidavit. The applicant has prayed for interim order in his case of upgradation to the post of Sr. P.A. The contention of the Respondent is that the prayer for summary dismissal of the interim prayer, is beyond justification because for the fault of the Administration, the applicant has been deprived of his legitimate promotion. There was a post but due to sending of proposal after long five years, there was no post. This is due to inaction of the administration for which the deserving employee should not be allowed to suffer.

13. That with regard to the statements made in paragraph 17, the applicant begs to state that he reiterates his statements made in paragraph 5.1 of the application.

14. That with regard to the statements made in paragraph 18, the applicant begs to state that the respondent has raised the old argument that there was no post during that time. But the post would have been there had they sent their proposal in time. In letter No.2-2/89-pe.II/PE.I dated 3.9.96 from Directorate, WS & ESTT), Postal Directorate, it has been clearly stated that a consolidated proposal for cadre review of Stenographers had been taken up as per the orders of the DOP & Trg dated 30.1.1991 and finally issued orders after conducting the cadre review of Stenographers on 1.10.92, excluding N.E. Circle because this circle had failed to provide requisite information inspite of numerous reminders. Here it is clearly highlighted by the Postal Directorate itself about the negligence of the administration of the N.E. Circle as a result of which the post of Gr.I could not be created in 1.10.92. So it is a clear violation of justice and administrative fairness on the part of the Department.

15. That with regard to the statements made in paragraph 19 of the written statement, the applicant begs to state that if Cadre Review was done in time the applicant would have got his due promotion in time. It is also stated that the Postal Department has failed to send the proposals inspite of several reminders from the Directorate at New Delhi. This is a case of pure negligence on the part of N.E. Circle because of which the cadre review could not

be undertaken and the post of Gr.I created in 1992.

In 1999 the cadre review done was under a totally new scheme under which the applicant got his promotion to Gr.I but that does not mean as per the Apex Court's order that the applicant can be deprived of the benefit of a decision.

16. That with regard to the statements made in paragraph 20 of the written statement, the applicant begs to state that if cadre review was done in right time in 1991 or 1992 and justified post of Gr.I created the applicant would have got his due promotion in April, 1994 after promotion of Shri A.K. Sarkar to Sr. P.A. (Gazetted). In that case he would have completed 2 years in Gr.I in 1996 itself and would have been the seniormost eligible candidate for promotion to Sr.P.A. grade in the 1999-2000 DPC itself. As the cadre review was not done in this Circle this has resulted in the applicant losing his seniority to his juniors in other circles who have benefited from the cadre review in 1991 because of which he would be superseded by his juniors in other circles in the present DPC to be held any day now. This is a gross injustice done to the applicant by the respondents.

17. That with regard to the statements made in paragraph 21 of the written statement, the applicant begs to state that even after, disposal of the contempt petition, the Hon'ble Tribunal stated that if the applicant felt aggrieved then he could file a fresh application.

18. That it is submitted that the applicant stated his case regarding his upgradation to the post of Sr.P.A.

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but unfortunately the learned Counsel of the applicant through inadvertance left out to mention under "Relief sought for in the O.A., that he may be also promoted upgraded to the higher post" and as such his case for upgradation to the post of Sr. P.A. may be considered.

Verification.....

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

I, Shri Michael Palmer S/o
resident of *Shillong*
do hereby solemnly affirm and verify the statements made
in paragraphs 3, 4, 6, 8, 10, 13 are true to
my knowledge and those made in paragraphs 1, 2, 5, 7, 9, 11, 12, 14, 15, 16, 17,
being matters of records are true to my information
derived therefrom which I believe to be true and the
rests are my humble submissions made before this Hon'ble
Tribunal.

And I sign this verification on this the 1st ^{day} of April, 2004 at Guwahati.

Michael Palmer

Signature.