

30/100

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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A./T.A No. 257/03

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SECTION OFFICER (Judl.)

*[Signature]*  
20/11/07

FROM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 257/03

Misc Petition No: \_\_\_\_\_

Contempt Petition No: \_\_\_\_\_

Review Application No: \_\_\_\_\_

Applicants:- A.K. Sarkar

Respondants:- U.O.I. Goms

Advocate for the Applicants:- Mr. Sankat Ali, Shamima Sultana Ali

Advocate for the Respondants:- Café

Notes of the Registry	Date	Order of the Tribunal
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This application is in  
form but not in time  
indemnity Petition is  
filed / not filed C. F.  
for Rs. 50 deposited  
vide PO/BD No. 9670481  
Dated 13.11.03.

21.11.2003

Present : The Hon'ble Smt. Lakshmi  
Swaminathan, Vice-Chairman.

The Hon'ble Sri S.K. Naik,  
Administrative Member.

Heard Mr. S. Ali, learned Sr.  
counsel for the applicant.

Issue notice to the respondents,  
returnable by four weeks. Two weeks  
for ~~reply~~ rejoinder.

List on 6.1.2004.

S. Naik  
Member

S. Naik  
Vice-Chairman

mb

6.1.2004

Heard Mr.S.Ali, learned Sr.counsel  
for the applicant.

The O.A. is admitted. List the case  
on 9.2.2004. for written statement.

ICV D. Naik  
Member

bb

Dr. Registrar

Steps taken along with  
envelopes.

Pl. get the synopsis &  
events.

19.11.03  
SO(7)

~~Pl. get the synopsis &  
events.~~

Mr. Dulla

NT  
19/11/03

Pl. get the  
above.

Pl. compl. order  
dated 21/11/03  
NT  
21/11/03.

Notice and order  
dt. 21/11/03, sent  
to D/S, for issuing  
to respondent No-  
1 & 2.

D/No-

24/11/03 Dt.

No. written statement  
has been filed.

24/11/03  
23.4.04

nk m

Received copy  
of Judgment order  
dated 24.2.2004.  
(A.K. SARKAR)  
26/2/2004.

11.3.2004

Copy of the judgment  
has been sent to the  
Office for issuing  
the fine to the applicant  
as well as to the  
Addl. C.S.C. for  
the Respondent.

11/3

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

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

Heard Mr S. Ali, learned  
counsel for the applicant and Mr A.K.  
Chaudhuri, learned Addl. C.G.S.C.  
Hearing concluded. The O.A. is  
allowed for the reasons to be  
recorded separately.

*[Signature]*  
Member(A)

*[Signature]*  
Member(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.257 of 2003

Date of decision: This the 24th day of February 2004

The Hon'ble Shri Shanker Raju, Judicial Member

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

Shri Ananda Kumar Sarkar  
S/o Late Makhanlal Sarkar  
Office of the Chief Post Master General,  
North East Circle, Shillong. ....Applicant  
By Advocates Mr Saukat Ali and  
Shamina Sultana Ali.

- versus -

1. Union of India,  
represented by the Secretary to the  
Government of India,  
Ministry of Communication and  
Information Technology,  
Department of Posts,  
New Delhi.
2. The Chief Post Master General  
North Eastern Region,  
shillong. ....Respondents  
By Advocate Mr A.K. Chaudhuri, Addl. C.G.S.C.

.....

O R D E R (ORAL)

SHANKER. RAJU, MEMBER(J)

The applicant seeks notional promotion with effect from 1.10.1992 to the post of Stenographer Grade II and I with all financial benefits. The applicant was promoted to Stenographer Grade II with effect from 1.4.1982 and as Senior P.A. with effect from 4.4.1994. He was further promoted as Sr P.S. on 4.11.2001.

2. Heard Mr S. Ali, learned counsel for the applicant and Mr A.K. Chaudhuri, learned Addl. C.G.S.C.

3. Department of Personnel and Training circulated through letter dated 30.1.1991 directions for cadre review and restructuring of the Stenographers and to grant them benefit of promotion to the P.A. Grade I (Stenographer Grade I) with effect from 1.10.1992. This has been forwarded by the Chief Postmaster General, N.E. Circle, Shillong. The applicant claimed benefit of the aforesaid on the ground that one Michael Palmar in O.A. 244 of 1999, which was disposed of by this Bench on 21.5.2001, was accorded the benefit on the ground that the DOPT's directions have not been apprised and were excluded by the N.E. Circle as N.E. Circle has failed to provide the requisite information.

4. In view of the above, it is stated that the applicant is in all four covered by the aforesaid ratio being identically situated. He claimed benefit of the above.

5. In our considered view the case of the applicant being identically situated is covered by the ratio laid down in O.A.244/1999 in Palmar's case (Supra). As the instructions of the DOPT could not be circulated in N.E. Circle the applicant is entitled to the benefit of promotion with effect from 1.10.1992 which have been granted to Michael Palmar.

6. Having regard to the constitution Bench decision of the Apex Court in K.C. Sharma Vs. Union of India, JT (1997) 7 SC 58 similarly circumstanced who are identically situated cannot be deprived of a benefit of a decision.

7. The O.A. is accordingly allowed. The respondents are directed to extend the benefit in O.A.244/1999 to the applicant with all consequential benefits as per Circular

dated.....

22.4.1991 within a period of two months from the date of receipt of a copy of this order.

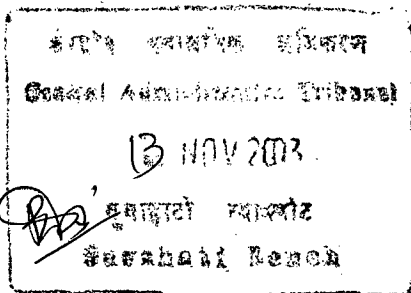


( K. V. PRAHLADAN )  
ADMINISTRATIVE MEMBER



( SHANKER RAJU )  
JUDICIAL MEMBER

nkm



Filed by  
Shanina Ali  
Sultana Ali  
Advocate  
13/11/03

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH  
AT GUWAHATI.

OEA. No. 257 /2003.

Shri Ananda Kumar Sarkar ..... Applicant.

-VRS-

Union of India & anr. .... Respondents.

I N D E X

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Filed by:-

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH  
AT GUWAHATI.

O.A. No. 257 /2003.

(An application u/s 19 of the Central  
Administrative Tribunal Act, 1985).

IN BETWEEN

Shri Ananda Kumar Sarka ..... Applicant.

-VRS-

Union of India & anr ..... Respondents.

1) PARTICULARS OF THE APPLICANT :-

Shri Ananda Kumar Sarka,  
S/o Late Makhanlal Sarkar,  
Office of the Chief Postmaster General,  
North East Circle, Shillong-1.

2) PARTICULARS OF THE RESPONDENTS:-

1. Union of India represented by the Secretary  
to the Govt. of India, Ministry of Communication  
and Information Technology, Department of  
Post, Dakbawan, Sansad Marg, New Delhi-110001.
2. The Chief Post Master General,  
North Eastern Region, Shillong-793001.

3) PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION  
IS MADE :-

There is no specific order against which this  
application is made, but there is O.M. No.22304/5/87-Estt(D)  
Govt. of India, Ministry of Personnel, P.G. and Pensions  
Department of Personnel and Training, New Delhi, dated  
30.1.1991 circulated by the Directorates wherein it has been  
ordered for the cadre review and cadre restructuring of the

Contd.....2

Ananda Kumar Sarkar

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Stenographers and to grant the benefit of promotion of the P.A. Grade-I (Stenographer Grade-I) and P.A. Grade-II (Stenographer Grade-II) w.e.f. 1.10.92 Annexure-1(1) dated 30.1.1991. The application is entitled to promotion w.e.f. 30.1.1991.

Ananda Kumar Sarker  
a

4) JURISDICTION:-

The applicant declares that the application is within the jurisdiction of this Hon'ble Central Administrative Tribunal, Guwahati.

5) LIMITATION :-

The application is filed within the time limit as prescribed u/s 21 of the Central Administrative Tribunal Act, 1985.

6) FACTS OF THE CASE :-

6.1. That the applicant was initially appointed as Stenographer Gr.III on 30.3.1977 in Postal Department and posted in Nagaland Division.

6.2. That thereafter the applicant was promoted to Stenographer Grade-II in 1983 w.e.f. 1.4.82 and posted in the Office of the Regional Director of Postal Service at Guwahati. Thereafter he was promoted to Sr. P.A. to the Chief Post Master General, North East Circle at Shillong with effect from 4.4.94 and thereafter he was again promoted to Sr. P.S. to the Chief Post Master General, N.E. Circle, Shillong w.e.f. 4.11.2001.

6.3. That the Ministry of Personnel and Training Govt. of India vide their Memo No.22034/5/57-Estt(D) dated 30.1.1991 circulated under the Directorate's letter No.2-2/89-

P.E.I/P.11 dated 22.4.91 wherein it has been ordered for the cadre review and cadre restructuring of the Stenographers and to grant the benefit of promotion of the P.A. Grade-I (Stenographer Grade-I) and P.A. Grade-II (Stenographer Grade-II) with effect from 1.10.1992. The said letter was sent to -

- 1) All DPS/SPOS in N.E. Postal Circle.
- 2) SPSD/Guwahati/Silchar.
- 3) Sr. Postmaster, Shillong, G.P.C.
- 4) Rlg. Share, Sta, Sec. C.C. Shillong
- 5) Spare
- 6) Estt. Section, C.O. Shillong

by the Chief Postmaster General, N.E. Postal Circle, Shillong vide letter No.Staff/29-1/R.I.C./Corr dated Shillong the 17.5.91, 13.5.91 for information, guidance and necessary action. The copy of the above letter office memorandum No.22034/5/87-Estt.(D) dated 30.1.1991 has been forwarded vide letter No.Staff/29-1/RIC/Corr dated 17.5.91/13.5.91 by the Chief Postmaster General, N.E. Circle, Shillong.

Annexure-1 is the photocopy of the letter No.Staff/29-1/RIC/Corr dated 17.5.91/13.5.91.

Annexure-1(1) is the photocopy of O.M.

No.22034/5/87-Estt(D) dated 30.1.1991 sent by the Director, Govt. of India, Ministry of Personnel, P.G. & Pensions Department.

6.5. That on the basis of Annexure-1(1) the applicant filed a representation on 27.9.01 to the Chief Postmaster General, N.E. Circle, Shillong praying for promotion and benefit of P.A. Grade-I in the scale of Rs.1,640-2900/- with effect from 1.10.92 with all seniority and other monetary benefits.

This benefit has already being granted to one Shri Michael Palmer. That Shri Michael Palver who was a Sr. Personnel Assistant to the Chief Postmaster General, N.E. Circle, Shillong has been promoted and given benefit w.e.f. 1.10.1992 as per the circular mentioned above by the Hon'ble Tribunal in O.A. No.244/1999 vide judgment and order dt. 21.5.01 but uptil now no decision on the applicant's representation has been conveyed to him. However, the Department is issuing reminders after reminders to the Higher authority on the applicant's representation.

Annexure-2 is the photocopy of the representation dated 27.9.2001 submitted by the applicant to the Chief Postmaster General, N.E. Circle, Shillong.

6.6. That the Chief Post Master General of N.E. Circle, Shillong having not received any reply to the representation submitted by the applicant to the Chief Post Master General, issued a reminder to the Deputy Director General (Post) Department of Post, Dakbhan, Sansad Marg, New Delhi with a request to give promotional benefit notionally to Shri Ananda Kumar Sarkar in the light of the judgment of Hon'ble Tribunal, Guwahati on O.A. No.244/1999 filed by Shri Michael Palmea.

Annexure-3 is the phtocopy of the reminder issued by the Chief Post Master General vide D.O. No.Estt/34-18/76/Pt.I dated 26.12.2001.

Ananda Kumar Sarkar //

6.7. That the applicant has filed herewith the photocopy of the judgment and order dated 21.5.2001 passed by the Hon'ble Central Administrative Tribunal, Guwahati in O.A. No.244/99. This judgment of the Hon'ble Tribunal fully covers the case of the present applicant.

Annexure-4 is the photocopy of the judgment and order dated 21.5.2001 passed by the Hon'ble Tribunal in O.A. No.244/1999.

6.8. That incidently it is worth mentioning in this connection that the aforesaid cadre review and restructuring in the cadre of Stenographers have been carried out by all the Postal Circles in India in time and the benefit of Grade-I and Grade.II Stenographers were granted to the Stenographers of other Circles with effect from 1.10.92 except North Eastern Circle and as a result of which not only the applicant has been deprived of the benefit of getting promotion of P.A. Grade-I (Stenographer Grade-I) with effect from 1.10.92 but also the applicant has suffered financial loss.

6.9. That the non-implementation of G.I. O.M. No.23304/5/87-Estt(D) dated 30.1.91 is due to administrative inaction which has been reiterated by the Hon'ble Central Administrative Tribunal, Guwahati in its judgment dated 21.5.2001 in O.A. No.244/99 filed by Shri Michael Palmer officiating Sr. P.A. in the office of the Chief Post Master General, N.E. Circle, Shillong was promoted to P.A. Grade-II (Stenographer Grade-II) w.e.f. 11.3.94 by the Chief Post Master General, N.E. Circle, Shillong whereas the Hon'ble

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Ananda Kumar Sarker

Tribunal, Guwahati vide judgment and order dated 21.5.2001 in O.A. No.244/99 has ordered to grant to Shri Michael Palmer, P.A. Grade-II (Stenographer Grade-II) in the scale of Rs.14,00-2300/- on and from 1.10.92.

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Ananda Kumar Sarkar

6.10. That in view of the above judgment the applicant who is senior to Mr. Palmer is also entitled to the benefit of P.A. Grade-I (Stenographer Grade-I) in the scale of Rs.1640-2000/- (prerevised scale) with effect from 1.10.92 with all seniority and other monetary benefits as granted to Mr. Palmer.

6.11. That having not received any reply to Annexure-3 the Director of P.O.(H.Q.), N.E. Circle, Shillong, Mr. Lalhluna issued another reminder to the Deputy Director General (T&E) Department of Post, Dakbawan, Sansad Marg, W.D.-110001 requesting her to give promotional benefit notionally to Mr. A.K. Sarkar, the present applicant in the light of the judgment and order by the Hon'ble Tribunal passed in O.A. No.244/99 filed by Shri Michael Palmer. He also requested the Deputy Director General (I&E) Directorate's approval and intimated him at the earliest.

Annexure-5 is the photocopy of D.O. No.Est/ 34-18/76/Pt.I issued by Mr. Lalhluna, the Chief Post Master General of that period.

6.12. That the then Director of P.O.(HQ), N.E. Circle, Mr. Lalhluna issued another reminder to Shri S. Samanth, Deputy Director General(P), Department of Post, Dakbawan, Sansad Marg, N.E. quoting reference of D.O.

letter of even No. dated 26.12.2001 from Shri V. Chitale, Chief Post Master General and requested him to look into case of Shri A.K. Sarkar, Senior P.S. to Chief Post Master General, N.E. Circle, Shillong.

Annexure-6 is the photocopy of D.O. No.Est/34-18-79/Pt.I dated Shillong the 27.11.2002.

6.13. That the Asstt. Director General (P.E.II) wrote his letter No.2-2/89-P.E.I/P.E.II dated 1.10.92 to all Chief Post Master Generals and all regional Post Master General informing that 'in' pursuance of the orders contained in the department of Personnel and Training, O.M. No.22034/5/587-Estt(D) dated 30.1.91, the Director General is pleased to convey sanction for creation/upgradation of the post of Stenographers Grade-I, Grade-II and Grade-III in the subordinate offices of the Department of Post as indicated in the Annexure-A with immediate effect.

Annexure-7 is the photocopy of O.M. No.2-2/89-P.E.I/P.E.II dated 1.10.92 issued by the Asstt. Director General (P.II) Govt. of India, Ministry of Communication, Deptt. of Post.

6.14. That your applicant begs to state that as there are no post of Stenographer Grade-I in between Grade-II and Sr. P.A., the Ministry of Personnel and P.G. and Training issued memorandum through head of the department which contend upgradation/creation of Grade-II and I Stenographer post in

Contd.....8

the cadre of Stenographer but the Chief Post Master General i.e. Respondent No.2 failed to submit the proposal of the postal Directorate, New Delhi as a result of which post of Stenographer Grade-I was not created in North Eastern Circle and thus the applicant was deprived of promotion from Grade-II to Grade-I, so the applicant has compelled to file this application before this Hon'ble Tribunal praying for promotional benefit in the Grade-I Stenographer w.e.f. 1.10.92 notionally.

7) GROUND WITH LEGAL PROVISIONS :-

1. For that due to administrative inaction of the respondents the applicant has been deprived of his promotional and financial benefit with effect from 1.10.92.

2. For that the Circular dated 30.1.1991 at Annexure-1(1) issued by the Govt. of India, Ministry of Personnel and Training was circulated by the Postal Directorate vide their letter No.2-2/89-PE.I/PE.II dated 22.4.91, this is due to administrative inaction and if this circular would have been circulated in time, the applicant and other similarly situated Stenographers could have got their promotional and financial benefits including seniority w.e.f. 1.10.92.

3. For that as per circular at Annexure-1(1), the applicant is entitled to grade-II and Grade-I post with all financial benefit with effect from 1.10.92.

4. For that the applicant's case is fully covered by the judgment and order dated 21.5.2001 passed by the Hon'ble Tribunal, Guwahati in O.A. No.244/99 at Annexure-4 annexed to the original application.

5. For that the applicant is entitled to get notional promotion w.e.f. 1.10.92.

8) DETAILS OF REMEDIES EXHAUSTED :-

The applicant declares that he filed representation for promotion and other financial benefits at Annexure-2 annexed to the original application on 27.9.2001 to the Chief Post Master General, N.E. Circle, Shillong praying for promotion and other financial benefits w.e.f. 1.10.92 but upto now no decision has been conveyed to the applicant by the Chief Post Master General, N.E. Circle, Shillong.

9) MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT OR TRIBUNAL:

The applicant further declares that the matter in question has not been filed, nor pending in any Court of law or any Tribunal.

10) RELIEF SOUGHT FOR :-

Under the facts and circumstances narrated above the applicant humbly prays for the following reliefs:-

i) The applicant be promoted notionally w.e.f. 1.10.92 to the post of Stenographer Grade-II and I with all financial benefits.

ii) If any other benefits is entitled to him the same may be granted to him.

iii) Cost of the case.

11) INTERIM RELIEF IF ANY PRAYED FOR :-

It is prayed that the applicant be given interim promotion pending disposal of this case.



12) DETAILS OF POSTAL ORDER :-

- i) Postal Order No. 96 7048 11
- ii) Date of issue - 13/11/03
- iii) Issued by the
- iv) Payable at Guwahati. CAT, UNIL

13) LIST OF ENCLOSURES:-

As per Index.

Verification.....

VERIFICATION

I, Shri Ananda Kumar Sarkar, Son of Late  
Makhanlal Sarkar, Office of the Chief Post Master  
General, North Eastern Circle, Shillong, do hereby  
solemnly affirm and verify that the statements made  
in paragraphs 8.1 to 6.14  
are true to my knowledge and those made in paragraphs  
being matter  
of records are true to my information derived therefrom  
which I believe to be true and therests are my humble  
submissions made before this Hon'ble Tribunal. And I have  
not suppressed any materials facts in this case.

And I sign this verification on this the 13 th  
day of November, 2003 at Guwahati.

Ananda Kumar Sarkar  
Signature.

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DEPARTMENT OF POSTS  
OFFICE OF THE CHIEF POSTMASTER GENERAL N.E. CIRCLE  
SHILLONG-793001.

No. Staff/29-1/Rlg/Corr. Dated Shillong the 13-5-91.

To,

13-5-91

1. All DTS/SPOs in N.E. Postal Circle
2. SPSD/Guwahati/Silchar
3. Sr. Postmaster Shillong G.P.C.
4. Rlg. share, Sta. Sec. C.C. Shillong
5. Spare. (6) Estt. Section, C.O. Shillong

.....

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

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

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

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

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

Sir,

I am directed to forward herewith a copy  
of O.M. No. 22034/5/87-Estt. (D) dt. 30.1.1991 received  
from the Ministry of Personnel, P.O. & Pensions Deptt.  
of Personnel and Training, New Delhi on the above  
subject, for information, guidance and necessary  
action, O.M. No. 28034/1/88-Estt (D) dated 6-2-89  
referred to therein was circulated vide this  
Directorate's Circular No. 2-2/89-PE.1 dt. 27-3-89.

Yours faithfully,

Sd/- A.N. Nanda.  
Asstt. Director General (PE-II)

1vs7591

p.t.o.

PTC

30/5/91

Attended  
Sd/-  
Subordinate  
13/11/03

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

New Delhi the 30-1-1991.

**OFFICE MEMORANDUM.**

Subject: Scale of Stenographic Assistants to Officers in Subordinate offices.

Attention of the Ministries/Departments is invited to the Department of Personnel & 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 officer at the level of Rs.3000/-4500/- and above. It has been decided 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 Stenographers 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 SIU/IWSU, the continuance of the posts of Stenographer 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 the 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.11), wherever possible, on functional considerations, one stenographer Gr.11 (Rs.1400/- 2600/-) may be provided to two officers entitled for a stenographer Gr.111 (Rs. 1200/- 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.111 being rendered surplus.

(c) Stenographic assistance at the level of Rs.1640-2900/- (Gr.11) may also be provided to functional posts in the scale of Rs.4500-5700/- and 25% of JAG posts in the scale of Rs.3700-5700/- 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 Cabinet in the matter and the individual Ministry/Department may take further necessary action in consultation with the P/G.

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 non-Secretariat/Subordinate offices under them.

Sd/- M.V. Kasevan  
Director.

1ve13501.

Attended  
Sd/-  
Advocate

15/11/03

To

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

Sub : Prayer for the grant of promotion of PA Grade-I in the scale of  
Rs. 1640-2900/- with effect from 1-10-92.

Respected Sir,

I beg to submit the following lines before your honour for favour of your kind perusal and sympathetic consideration.

(2) That Sir, in this connection, a kind reference is invited to Ministry of Personnel and Training OM No. 22304/5/87-Estt(D) dated 30-1-91, circulated under the Directorate's letter No. 2-2/89-PE-I/PE-II dated 22-4-91, wherein, it has been ordered for the cadre review and cadre restructuring of the Stenographers and to grant the benefit of promotion of the PA Grade-I and PA Grade-II with effect from 1-10-92.

(3) That Sir, incidentally, it may be mentioned here that the aforesaid cadre review and restructuring in the cadre of Stenographers have been carried out by all the Postal Circles in India in time and the benefit of Grade-I and Grade-II Stenos were granted to the Stenographers of other circles with effect from 1-10-92, except North Eastern Circle, and as a result of which I have not only been deprived of the benefit of getting the promotion of PA Grade-I with effect from 1-10-92, but also at the same time, I had to suffer great financial loss.

(4) That Sir, I do hope and believe that your honour will surely agree with me that the non-implementation of the G.I. OM No. 22304/5/87-Estt(D) dated 30-1-91 and Directorate's letter No. 2-2/89-PE-I/PE-II dated 22-4-91 and non-granting of promotion with effect from 1-10-92, are the administrative inaction, which has been reiterated by the Hon'ble CAT Guwahati, in its verdict dated 21-5-2001 in the petition No. 244 of 1999 filed by Shri M. Palmer, offg. Sr. PA, O/O the Chief P.M.G., N.E. Circle, Shillong (xerox copy of the judgement is enclosed herewith for ready reference) and I do further hope that your noble-self will also agree with me that due to the administrative inaction, an official like me may perhaps cannot be deprived of getting my Grade-I promotion with effect from 1-10-92 and also at the same time, I may perhaps cannot suffer financial loss.

(5) That Sir, I would like to mention here that Shri M. Palmer now offg. Sr. PA was working as Grade-III Stenographer in the C.O., Shillong and as per C.O. Shillong memo No. Staff/26-16/78 dated 11-3-94 Shri M. Palmer was promoted as PA Grade-II with effect from 11-3-94 (xerox copy of the C.O., memo above enclosed for ready reference); whereas the Hon'ble CAT Guwahati in its verdict dated 21-5-01 in the petition No. 244 of 1999, has ordered to grant the PA Grade-II to Shri M. Palmer in the scale of Rs. 1400-2300/- on and from 1-10-92.

(6) Now in view of the facts narrated above, I therefore, fervently beg to appeal to your magnanimity to be gracious enough kindly to consider my case with sympathy and kindness and pass necessary orders to grant me the benefit of PA Grade-I in the scale of Rs. 1640-2900/- with effect from 1-10-92 with all seniority and other monetary benefits with effect from 1-10-92 as was granted in the case of Shri M. Palmer.

An early action into the matter is solicited.

With profound regards,

Yours faithfully,

*A.K. Sarkar*  
27.9.01.

(A.K. Sarkar)

Sr. PA to PMG

Circle Office, Shillong.

DA - As said above

Dated at Shillong;

The 27<sup>th</sup> Sept, 2001.

*Attested*  
*Sd/-*  
*Advocate*  
*13/11/03*



**D.O.No.Est/34-18/76/PCI**  
**Dated at Shillong, the 26.12.2001**

Dear Shri Samant,

This is regarding grant of promotional benefits of PA (Stenographer) Grade-I in the scale of Rs.1640-2900/- w.e.f. 1.10.92 to Shri A.K. Sarkar, Sr. PS to CPMG, N.E. Circle, Shillong. In the Directorate's letter No.2-2/89-PE.I/PE-II dated 22.4.91, it was ordered for cadre review and cadre restructuring of the Stenographers and to grant promotional benefits of the PA (Stenographer) Grade-I and PA (Stenographer) Grade-II with effect from 1.10.92. The said cadre review and restructuring in the cadre of Stenographers have been carried out in other Circles and the promotional benefits are given to the eligible Stenographers w.e.f. 1.10.92 except North-Eastern Circle as this Circle failed to provide requisite information on time to the Directorate.

Shri A.K. Sarkar was holding the post of Stenographer Grade-II in the scale of Rs.1400-2300/- w.e.f. 1.7.82. In the light of the Directorate's letter as stated above, Shri A.K. Sarkar was eligible for promotional benefits of Stenographer Grade-I with effect from 1.10.92 in the scale of Rs.1640-2900/- as he was the seniormost approved PA ( Stenographer Gr.II ) during the period while cadre review and restructuring of Stenographers were ordered to be carried out vide Dte's letter as stated above. A report for upgradation of scale was called for in the Dte's letter No.2-2/89-PE.I/PE-II dated 22.4.91 under which both cadre review and restructuring of Stenographers were carried out in other Circles and the benefits to the eligible Stenographers were given w.e.f. 1.10.92 except N.E. Circle as this Circle failed to comply with the Directorate's order dated 22.4.91.

Shri A.K. Sarkar was promoted directly from PA (Stenographer) Grade-II to the cadre of Sr. P.A. in the scale of Rs.2000-3200/- w.e.f. 4.4.94 without the benefit of Stenographer Grade-I in the scale of Rs.1640-2900/- which was normally due to him.

In this connection, you may refer to the Hon'ble CAT's order. ( copy enclosed ) in the O.A.No.244 of 1999 filed by Shri M. Palmer, offg. Sr. P.A., C.O., Shillong who was ordered the promotion in Stenographer Grade-II w.e.f. 1.10.92 instead of 5.3.93. The Hon'ble CAT, Guwahati issued order in supersession of Ministry of Personnel and Training's O.M. No.22304/5/87-Est(I) dated 30.1.91 circulated under Dte's letter No.2-2/89-PE.I/PE-II dated 22.4.91 in favour of Shri Michael Palmer.

In view of the above, we may perhaps give the promotional benefits notionally to Shri A.K. Sarkar in the light of the judgment of Hon'ble CAT, Guwahati in O.A. NO.244 of 1999 filed by Shri Michael Palmer. In this connection Directorate's approval may kindly be accorded and intimated to the undersigned at the earliest.

With regards,

Shri S. Samant,  
Dy. Director General (P),  
Department of Posts,  
Dak Bhavan, Sansad Marg,  
New Delhi-110 001.

*Attended*  
*Sali*  
*Advocate*  
*13/11/03*

Yours sincerely,

(VIJAY CHITALE)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 244 of 1999.

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

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

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

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

.... Applicant.

By Advocate Mr. B.K. Sharan, 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.

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

O R D E R

CHOWDHURY J.(V.C.)

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

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

Contd...2



Eastern Region since 1-1-1991.

2. With a view to removal of promotional prospects of the Stenographers in the Pay-Secretary's/Subordinate Officer the Ministry of Personnel and Training, issued office memorandum No. 22304/5/87-Extt(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-1/PE-II dated 27.4.1991. 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 5-7-93 though it was to be made effective on and from 1st of October 1992. According to the applicant the Stenographers of the other circles of 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 D.A.No39 of 1999. The Tribunal by its order dated 15.2.1999 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. Circle 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 relating to the Directorate and lastly the said

26

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.111/97 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-NE.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 have and except N.E. circles, 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 affecting 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.

SD/ VICE CHAIRMAN

SD/ MEMBER (Adm)

TRUE COPY

Attested  
Sali  
dohra  
13/11/03

Section Officer (A)  
Central A. Industries Tribunal  
New Delhi  
13/11/03



-21-

निदेशक डाकसेवा  
मुख्य डाक महाअध्यक्ष का कार्यालय  
उत्तर पूर्वी परिमण्डल  
शिल्लोंग - ७९३००१

Annexure-5

28

DIRECTOR OF POSTAL SERVICES  
OFFICE OF THE CHIEF POSTMASTER GENERAL  
NORTH EASTERN CIRCLE

SHILLONG - 793 001

Phone : Office 224922

D.O. No. EST/34-18/76/PT.IDated at Shillong, the 28.03.2002

Dear Madam,

This is regarding grant of promotional benefits of PA (Stenographer) Grade-I in the Scale of Rs.1640-2900/- w.e.f. 1.10.92 to Shri A.K. Sarkar, Sr. PS. to CPMG, N.E. Circle, Shillong. In the Directorate's letter No.2-2/89-PE.I/PE.II dated 22.4.91, it was ordered for cadre review and cadre restructuring of the Stenographers and to grant promotional benefits of the PA (Stenographer) Grade-I and PA (Stenographer) Grade-II with effect from 1.10.92. The said cadre review and restructuring in the cadre of Stenographers have been carried out in other Circles and the promotional benefits are given to the eligible Stenographers with effect from 1.10.92 except North-Eastern Circle as this Circle failed to provide requisite information on time to the Directorate.

Shri A.K. Sarkar was holding the post of Stenographer Grade-II in the scale of Rs.1400-2300/- w.e.f. 1.7.82. In the light of the Directorate's letter as stated above, Shri A.K. Sarkar was eligible for promotional benefits of Stenographer Grade-I with effect from 1.10.92 in the scale of Rs.1640-2900/- as he was the seniormost approved PA ( Stenographer Gr.II ) during the period while cadre review and restructuring of Stenographers were ordered to be carried out vide Dte's letter as stated above. A report for upgradation of scale was called for in the Dte's letter No.2 2/89-PE.I/PE.II dated 22.4.91 under which both cadre review and restructuring of Stenographers were carried out in other Circles and the benefits to the eligible Stenographers were given with effect from 1.10.92 except N.E. circle as the Circle failed to comply with the Directorate's order dated 22.4.91.

Shri A.K. Sarkar was promoted directly from PA (Stenographer) Grade-II to the cadre of Sr. P.A. in the scale of Rs.2000-3200/- w.e.f. 4.4.94 without the benefit of Stenographer Grade-I in the scale of Rs.1640-2900/- which was normally due to him.

In this connection, you may refer to the Hon'ble CAT's order (copy enclosed) in the O.A. NO. 244 of 1999 filed by Shri Michael Palmer, offg. Sr. P.A., C.O., Shillong who was ordered the promotion in Stenographer Grade-II with effect from 1.10.92 instead of 5.3.93. The Hon'ble CAT, Guwahati issued order in supersession of Ministry of Personnel and Training's O.M. No.22304/5/87-Estt(D) dated 30.1.91 circulated under Dte's letter No.2-2/89-PE.I/PE.II dated 22.4.91 in favour of Shri Michael Palmer.

In view of the above, we may perhaps give the promotional benefits notionally to Shri A.K. Sarkar in the light of the judgement of Hon'ble CAT, Guwahati in O.A. No.244 of 1999 filed by Shri Michael Palmer. In this connection, Directorate's approval may kindly be accorded and intimated to the undersigned at the earliest.

With regards,

Encl:-

As above.

Smt. Shobha Koshy,  
Dy. Director General (T&E),  
Department of Posts,  
Dak Bhawan, Sansad Marg,  
New Delhi-110 001.

Attested  
Sd/-  
Advocate  
13/11/03

Yours sincerely,

(LALHLUNA)



निर्देशक डाकसेवा  
मुख्य डाक महाध्यक्ष का कार्यालय  
उत्तर पूर्वी परिमण्डल  
शिलांग - 793001

DIRECTOR OF POSTAL SERVICES (HQ)  
OFFICE OF THE CHIEF POSTMASTER GENERAL  
NORTH EASTERN CIRCLE  
SHILLONG - 793 001

**D.O. NO. EST/34-18/76/PT.I**  
**Dated at Shillong, the 27.11.2002**

Dear Sir,

In this office D.O. letter of even no. dated 16.12.2001 from Shri V. Chitale, Chief PMG, a case was taken-up regarding grant of promotional benefits of PA (Stenographer) Grade-I in the pay scale of Rs.1640-2900/- w.e.f. 1.10.92 to Shri A.K. Sarkar, Sr. PS to Chief PMG, N.E. Circle, Shillong.

The details of the case was discussed in our D.O. letter under reference which was further reminded vide D.O. letter of even no. dated 21.3.02. Copies of both the letters are enclosed for ready reference.

I would request you to look into the case & convey the decision of the Directorate early.

With regards,

Enclo:- As above.

Yours sincerely,  
*SD/-*  
(LALHLUNA)

Shri S. Samant,  
Dy. Director General (P),  
Department of Posts,  
Dak Bhavan, Sansad Marg,  
New Delhi-110 001.

Copy to:-

✓ Shri A.K. Sarkar, Sr. PS to Chief Postmaster General, N.E. Circle,  
Shillong-793 001 for information.

*AK*  
(LALHLUNA)

*Attended  
Serli  
Advocate  
13/11/03*

+23- *OK* *6/10*  
GOVERNMENT OF INDIA  
MINISTRY OF COMMUNICATIONS  
DEPARTMENT OF POSTS  
DAK BHAVAN, SANSAD MARG  
NEW DELHI-110001.

*266* 30  
*Annexure-7*

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

Dt:- 1-10-92

To  
All Chief Postmasters General  
All Regional Postmasters General.

Sub:- Scale of Stenographic assistance to the officers in subordinate offices.

In pursuance of the orders contained in the Deptt. of Personnel & Training O.M. No. 22034/5/87- Estt.(D) dt. 30.1.91, the Director General is pleased to convey sanction for creation/upgradation of the posts of Stenographers Grade-I, Grade-II and Grade-III in the subordinate offices of the Deptt. of Posts as indicated in the Annex-'A' with immediate effect.

2. In order to locate matching savings for creation/upgradation of the aforesaid posts, ten posts of Stenographers Grade-III as indicated in Annex-'B' are ordered to be abolished with immediate effect.

3. Two posts of Stenographers Grade-II in Bihar Postal Circle are also ordered to be abolished with immediate effect.

4. As per para-2(a) of the aforesaid O.M. of the Deptt. of Personnel & Trg., the officers below the level of Rs. 3000-4500/- are not entitled to stenographic assistance. All the posts of Stenographers Grade-III in the subordinate offices of the Deptt. of Posts will be subjected to a work study by the team of this Directorate in due course with a view to ascertaining justification of these posts.

5. This sanction takes effect from the date of issue.

6. This issues in consultation with the Finance Advice(P) vide their Dy. No. 2672/FA(P)92 dt. 30.9.92.

*M.L. Bhaskar*  
(M.L. BHASKAR)  
ASSTT. DIRECTOR GENERAL (PE.II)

Copy to:-

1. All PTCs
2. Principal Director of Audit, P&T, Delhi-54.
3. All Directors/Dy. Directors.
4. Controller of Foreign Mails, Bombay.
5. Director of Postal Staff College, Ghaziabad.
6. ADG(Work Study)
7. Workstudy/EDC & Trg./PAP/PE.II/SPB-I/SPB-II/SPG/SR/  
FA(P)/Budget Sections of the Dte.
8. S.O's Guard file.
9. Dealing hand.
10. Spare copies. (20)
11. Controller Mail Planning & Operations, Delhi,  
Calcutta, Bombay and Madras.

*M. S. Rawat*

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

*Attested  
Sali  
Advocate  
13/11/03*

ANNEX-BAbolition of 10 posts of Gr.III  
Stenographer

Name of the Circle

Number of posts of Stenographer  
Gr.III abolished in order to  
locate matching savings in conn  
ection with creation/upgradation  
of the posts enumerated in Annex  
'A'

1. Andhra Pradesh Postal Circle
2. Bihar Postal Circle
3. Gujarat Postal Circle
4. Madhya Pradesh Postal Circle
5. Orissa Postal Circle
6. Punjab Postal Circle
7. Rajasthan Postal Circle
8. Tamil Nadu Postal Circle

1

1

2

1

1

1

1

2

Rawat

Attested  
Sd/-  
Subsecy  
13/11/03



ANNEX-1A

SANCTION FOR CREATION/UPGRADATION OF THE POSTS  
OF STENOGRAPHER

Name of the Circle	No. of Posts to be created/upgraded in the Grade of			Remarks.
	Gr.I 2.	Gr.II 3.	Grade-III 4. 5.	
Andhra Pradesh	1 (By upgrading Grade-II)	2 by upgrading Grade-III	-	Grade-II post for A.P.M.G (PLI) & APMG (SB)-1 pair of STS officers.
Assam	-	2 by upgrading 2 Grade-III posts	-	1 for CAO/IFA-APMG (Staff & Estt.) and another for APMG (PLI & FMI) and APMG (C&I)-2 pairs STS Officers
Bihar	1 by upgrading Gr.II	-	-	for 25% of JAG posts-DPS (HQ), Patna, to be followed by quick work study.
Gujarat	1 by upgrading Gr.II post	-	-	For 25% of JAG posts (for DPS, Ahmedabad region) Gr.II post already available for APMG Staff and APMG (Vig.)-one pair of STS Officers.
Haryana	-	1 by upgrading Gr.III post.	-	For APMG (Staff & Estt.)-1 pair of STS Officers.
Karnataka	1 by upgrading Gr.II post	-	-	For 25% of JAG posts-DPS (HQ) o/o CFMG, Bangalore, to be followed by quick work study to ascertain stenographic workload.
Kerala	1 by upgrading Grade-II post	-	-	For DPS (HQ) (SG, JAG)
M.P.	1 by upgrading Grade-II	2 by upgrading Grade-III posts	-	Gr.I post to be provided to DPS, Bhopal, (SG, JAG). Gr.II to be provided to APMG (Staff and APMG (Mails)-1 pair of STS officers.
Maharashtra	1 by upgrading one Gr.II	6 by upgrading 6 Grade-III posts	-	Gr.I post for 25% of JAG post, to be followed by quick workstudy to ascertain the stenographic workload.

2.  
3.  
4.  
5.  
6.

Orissa 1 by upgrading Gr.II post. 3 by upgrading 3 Gr.III posts.  
Punjab - 1 by upgrading Gr.III  
Rajasthan - 1 by upgrading Gr.III post.  
Tamil Nadu 1 by upgrading Gr.II  
U.P. - 2 Grade-II by upgrading Gr.III posts.  
West Bengal 1 by upgrading Gr.II post 1 by upgrading Gr.III.

another Gr.II posts for APMG(Staff) and APMG (Mails-2 pairs of STS Officers. Remaining 3 Gr.II posts for 3 JAG officers.  
1 for APMG(PLI) & APMG(Tech.)-one pair of STS Officers. Gr.I post for DPS(HQ), Bhubaneswar to be followed by quick workstudy to ascertain the stenographic workload. 2 Grade-II posts to be provided to two JAG Officers.  
Grade-II post for DPS area-II, Chandigarh. For DPS, Eastern Region.  
For 25% of JAG posts to be followed by quick workstudy to ascertain stenographic workload.  
One for APMG(PLI) and APMG(Mails) and another for APMG(Recruitment) and Vigilance Officer- 2 pairs of STS officers.  
Gr.I posts for 25% of JAG posts, to be followed by quick workstudy. One Gr.II post for one JAG officer.

attached  
to file  
13/11/03