

50/100

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

7

(DESTRUCTION OF RECORD RULES, 1990)

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✓  
O.A/T.A No. 299/2003

R.A/C.P No.

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SECTION OFFICER (Judl.)

Bahit  
21.11.17

FROM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Applection No:- 299 12003

Mise Petition No:                     

Contempt Petition No:                     

Review Applection No:                     

Name of the Applecant(s): A. Chandra

Name of the Respondant(s): WOG san.

Advocate for the Applecant:- Mr. Mr. Chanda, S. Naita,

Advocate for the Respondat:- S. N. Chandra  
C.S.C.

Notes of the Registry	date	Order of the Tribunal
<p>This application is in form but not in time. Certain portion is filed / not filed. P. for Rs. 50/- needed. File IPO No. 70.9659 dated 11.11.03. A.B. 50/-</p> <p>self- He Dr. Registrar</p> <p>Steps taken with regard to envelopes &amp; extra fees</p> <p>Notice &amp; order dt. 30/12/03 sent to D/Section for issuing to respondent nos 1 to 8.</p> <p>Cas 30/1104. D/No = 186 to 193 dt = 4/2/04.</p>	<p>30.12.03</p> <p>29.3.04</p>	<p>Heard Mr.M.Chanda, learned counsel for the applicant.</p> <p>Issue notice on the respondents to show cause as to why the application shall not be admitted, returnable by four weeks.</p> <p>List on 4.2.2004 for admission.</p> <p>Learned counsel for the applicant submits that notices have not been served. Take fresh action for service.</p> <p>List on 30.4.04 for order.</p>
		<p>Member (A)</p> <p>Member (A)</p> <p>Member (J)</p>

30.4.2004

Heard Mr. M. Chanda, learned counsel for the applicant.

The application is admitted, call for the records, returnable within four weeks.

List on 2.6.2004 for orders.

*ICV P. Mahapatra*  
Member (A)

mb

2.6.2004

Since Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents is on leave, list on 24.6.2004 for orders.

*ICV P. Mahapatra*  
Member (A)

mb

28.7.2004

Four weeks time is allowed to the respondents to file written statement. List on 31.8.2004 for orders.

*ICV P. Mahapatra*  
Member (A)

mb

31.8.2004

On the prayer made by Mr. A. Deb Roy, learned Sr. C.G.S.C. four weeks time is allowed to the respondents to file written statement. List on 29.9.2004 for orders.

*ICV P. Mahapatra*  
Member (A)

bb

① Service report are still awaited.

30  
1.6.04

27-7-04

Service report awaited

30-8-04

No w/s - Ben - Bera Biter

*g*

28.9.04

1) w/s not yet

2) filed  
S/R still awaited.

*Am*

Notes of the Registry	Date	Order of the Tribunal
	29.9.04.	<p>Present: Hon'ble Mr. Justice R.K. Batta Vice-Chairman. Hon'ble Mr. K.V. Prahladan, Administrative Member.</p> <p>The learned counsel for the Respondents seeks another adjournment for filing written statement. The matter has already been adjourned twice, for the same purpose. Last and final adjournment is granted for filing written statement. If the written statement is not filed on the next date of hearing, <sup>and</sup> the matter is to be adjourned costs shall have to be imposed on the respondents which shall be recovered from the personal pocket of the officer who is required to file written statement. Stand over to 8th Nov., 2004.</p> <p><i>lm</i></p> <p><i>Member</i></p> <p><i>Vice-Chairman</i></p>
<p>1) NO W/S has been filed by the respondents.</p> <p>2) Service is awaited by respondents 1-8.</p> <p><i>5/11/04</i></p>	08.11.2004	<p>Mr. M. Chanda, learned counsel for the applicant was present.</p> <p>Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents <del>that</del> states that the written statement has been sent to Kolkata for legal vetting. On the last occasion last and final adjournment was granted and it was clearly stated that if the matter is adjourned again, costs will have to be paid by the respondents which shall be recovered from the personal pocket of the officer who is required to file written statement.</p> <p>We, therefore, impose costs of Rs. 500/- which shall be paid by the respondents to the applicant on or before the next date. Respondents shall recover the costs from the personal pocket of the officer who is required to file written statement. Payment of costs is condition</p>

Contd.

8.11.2004 precedent for grant of adjournment.

If the costs are not paid on or before the next date, respondents shall not be permitted to file written statement in the matter. S.O. to 13.12.2004.

9/11/04  
pe. comply order dated 8/11/04.

9/11/04

order dt. 08/11/04  
received on behalf  
of respondent.

9/11/04

*[Signature]*  
Member (A)

*[Signature]*  
Vice-Chairman

bb

13.12.04.

The learned counsel for the applicant states that the written statement has been received to-day. Costs of Rs. 500/- is already deposited. The applicant may file rejoinder if any, within six weeks with advance copy to the learned counsel for the Respondents. The matter be listed for hearing on 16th February, 2005.

14.12.04

W/S Submitted  
by the Respondent Nos.  
1, 2, 3, 4 & 5.

lm

*[Signature]*  
Vice-Chairman

16.2.2005 Present: Hon'ble Shri M.K. Gupta,  
Judicial Member

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

None appears for the respondents. Adjourned to 4.3.05.

*[Signature]*  
Member (A)

*[Signature]*  
Member (J)

nkm

As per court order dated 13.12.04 the amount of Rs 500/- already received by the respondents.

15.2.05

11.3.2005 present: The Hon'ble Mr. Justice G. Sivarajan, Vice-Chairman

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

Today when the matter came up for hearing Mr. M. Chanda, learned counsel for the applicant, submits that the records relating to the promotion of the applicant (DPC and ACR) are absolutely necessary for satisfactory disposal of the case. Ms. U. Das, learned Addl. C.G.S.C. appearing for the respondents, submits that the records are presently not available with her and she will write to the respondents to furnish the records urgently.

15.2.05  
Rejoinder Submitted  
by the Applicant.

*[Signature]*

Notes of the Registry Date Contd. Order of the Tribunal

11.3.2005

Having regard to the fact that this is a matter of 2003 we are ~~xx~~ sure that the respondents will furnish the necessary records immediately from the date of receipt of letter from the Addl.C.G.S.C. with utmost expedition.

Post on 4.4.2005. Ms.U.Das, Learned Addl.C.G.S.C. will forward a copy of this order to the concerned respondents for compliance.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

bb

4.4.05

Post the matter for hearing on 4.5.05

*[Signature]*  
Vice-Chairman

lm

4.5.05.

Mr.M.Chanda learned counsel for the applicant ~~sprays~~ for adjournment. Post the matter on 10.5.05. Ms.U.Das, Addl. C.G.S.C has placed the relevant records before the Court which were brought by an Officer from New Delhi, before the Court to-day. This will be kept in safe custody of the Court.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

lm

10.05.2005

Heard learned counsel for the parties. Judgment delivered in open Court kept in separate sheets.

The O.A. is disposed of in terms of the order.

*[Signature]*  
Member

*[Signature]*  
Vice-Chairman

bb

17.5.05

Copy of this order handed over to the Advocate for the applicant.

Received copy of order on Respondent.

*[Signature]*  
16/5/05  
for respondent.

*[Signature]*

Case is ready for hearing.

Received on behalf of respondents.  
*[Signature]*  
17/3/05

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Notes of the Registry | Date | Order of the Tribunal

2010-01-10 11:02

Notes of the Registry

CENTRAL ADMINISTRATIVE TRIBUNAL ::: GUWAHATI BENCH.

O.A. No. 299 of 2004.

DATE OF DECISION: 10.05.2005

Sri Ashok Chakraborty

APPLICANT(S)

Mr. M.Chanda

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

Ms. U. Das, Addl.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

THE HON'BLE MR. K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether the judgment is to be circulated to the other Benches?

Judgment delivered by Hon'ble Vice-Chairman.

*[Handwritten signature]*



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 299 of 2004.

Date of Order: This, the 10 th Day of May, 2005.

HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

HON'BLE MR. K. V. PRAHLADAN, ADMINISTRATIVE MEMBER.

Sri Ashok Chakraborty  
Son of Late Sudish Chakraborty  
Upper Division Clerk  
Office of the Station Director  
AIR, Itanagar.

..... Applicant.

By Advocates S/Shri M.Chanda, G.N.Chakraborty & S.Nath.

- Versus -

1. The Union of India  
Represented by the Secretary  
To the Government of India  
Ministry of Information and Broadcasting  
New Delhi.
2. The Director General  
All India Radio  
Akashvani Bhawan  
Parliament Street  
New Delhi - 110 001.
3. The Deputy Director General  
Prasar Bharati (Broad Casting Corporation of India)  
All India Radio  
Guwahati - 781 003.
4. The Station Director  
Prasar Bharati (Broad Casting Corporation of India)  
All India Radio  
Guwahati - 781 003.
5. The Station Director  
Prasar Bharati (Broad Casting Corporation of India)  
All India Radio  
Itanagar.
6. Sri B. Choudhury  
Upper Division Clerk

All India Radio  
Tura.

7. Sri P.Naha  
Upper Division Clerk  
All India Radio  
Guwahati.

8. Sri Paritosh Chakraborty  
Accountant  
All India Radio  
Itanagar.

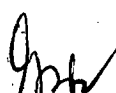
.. Respondents

By Advocate Ms. U. Das, Addl. C. G. S. C.

ORDER (ORAL)

SIVARAJAN, J.(V.C.) :

The applicant is Upper Division Clerk under the second respondent. The grievance of the applicant is that though he was selected for appointment to the post of LDC in the year 1984, his juniors who were appointed pursuant to the selection made in 1985 were given seniority in the post of LDC, evidence of which is at Annexure-1 (applicant is at Sl.No.39 whereas respondent nos.6, 7 and 8 are at Sl. Nos. 33, 36 and 43 respectively). The applicant has therefore filed this application seeking for direction to the respondents to immediately hold DPC for consideration of appointment for the post of Accountant/ Head Clerk/ Assistant against the available vacancies for the year 1997-98, 1998-99, 1999-2000 and for the subsequent year without taking into consideration the downgrading entries recorded in the confidential report, if any, and also after correction of seniority position of the applicant in terms of the instruction contained in the Station Director's letter dated 7.10.2002 (Annexure-5). Other relevant are also sought.



2. Respondents have filed their written statement. In Paragraph 3 of the said statement it is admitted that the applicant is a candidate of 1984 batch and that before issue of DOPT O.M. No.22011/7/86-Estt.(D) dated 3.7.1986, the seniority of the LDC was determined as per date of joining the post (reference AIR Directorate's Memo No.10/6/81-S.II dated 9.2.1981 Recruitment Rules for various posts in AIR). It is also stated that the applicant and the respondent nos. 6, 7 and 8 were appointed before issue of the DOPT circular dated 3.7.1986 and therefore their seniority was rightly determined on the basis of the date of their joining as per Directorate Memo dated 9.2.1981. With regard to the convening of the DPC it is stated in Paragraph 30 of the statement that there was no clear vacancy under departmental examination quota for holding of departmental examination for promotion under departmental examination quota in the year 1997-98 and 1998-99 but however, 2 nos. of vacancies were there under 20% departmental examination quotas for the post of Head Clerk/Accountant/Assistant during the year 1999-2000 which was intimated to STI(P), Delhi vide SD, AIR, Guwahati letter No.24(2)/03-S.II(Exam)/3627-29 dated 11.8.2003 for holding departmental examination and the case is under process.

3. We have heard Mr.M.Chanda, learned counsel for the applicant and also Ms.U.Das, Addl.C.G.S.C. for the respondents. As already noted that grievance of the applicant is that he has not been assigned seniority based on the year of selection and that if the seniority was assigned based on the year of selection he would have been senior to respondent nos. 6 and 7. Mr. M.Chanda, in support of the said contention, has relied on a decision

*[Signature]*

passed by this Tribunal on 28.7.2004 in O.A. 39 of 2003. Regarding the non-convening of the DPC learned counsel has brought to our notice to the averment made in Paragraph 30 of the written statement which I have already mentioned namely with regard to the vacancy of 1999-2000 steps are under process. Mr. Chanda submits that there is an obligation on the part of the respondents to convene departmental examination for promotion to higher post sufficiently yearly.

4. We have noted that an officer from the Ministry at New Delhi have produced the relevant records and we have perused the same for the purpose of ascertaining as to whether the applicant's case has been considered for promotion for the year 1995-96, 1996-97 and 1997-98 or not. We do not want to make any specific observation with reference to the said records now in view of the nature of disposal of this case. The Office will return the original records to the Addl.C.G.S.C. for being transmitted to the department.

5. Considering the entirety of the circumstances particularly in view of the submissions made by Mr.M.Chanda, learned counsel for the applicant based on the judgment of this Tribunal in O.A.39 of 2003, we are of the view that this application can be disposed of with the following directions:-

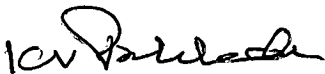
- (i) We direct the applicant to file a detailed representation projecting his claim for seniority with specific reference to the decision rendered by this Tribunal in O.A. 39 of 2003 and with regard to departmental examination for promotion to the higher post and also convening of the


gpc

DPC before the competent respondent within a period of six weeks from today. If any such representation is filed, the same will be disposed of by the said respondent within three months thereafter.

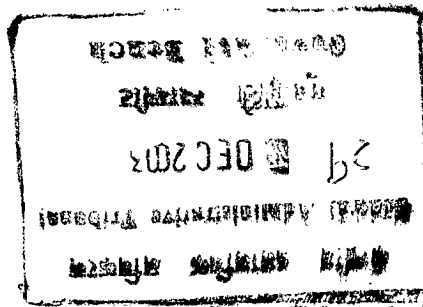
- (ii) Since it is stated in the written statement that two vacancies are available for promotion under the departmental examination quota for 1999-2000 itself and since it is stated that steps are being taken in that regard we direct the respondents to expedite the same without delay.

The Original Application is disposed of as above.

  
(K.V.PRAHLADAN)  
ADMINISTRATIVE MEMBER

  
(G.SIVARAJAN)  
VICE CHAIRMAN

BB



14  
Filed by the applicant  
through advocate Sri  
G. N. Chakraborty on 22-12-03.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O. A. NO. 299 / 2003

Sri Ashok Chakraborty.

... Applicant

-Versus-

Union of India & Others

... Respondents

Lists of dates and synopsis of the case

<u>Date</u>	<u>Synopsis of particulars in the application</u>
08.10.1985	The applicant was initially appointed as Lower Division Clerk (for short L.D.C.) on regular basis.
01.01.1990	As per seniority list of LDC the applicant was placed at serial no.39. (Annexure-1)
1990	The applicant was promoted to the post of Upper Division Clerk (for short U.D.C.).
31.01.1991	Applicant joined to the post of U.D.C.
01.01.2002	Seniority list of U.D.C was published. (Annexure-2)
03.10.1996	The applicant submitted detail representation pointing out discrepancies in the seniority list. (Annexure-3)
19.07.1999	Applicant submitted representation. (Annexure-4)

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07.10.2002-Station Director, AIR, Guwahati vide letter bearing No.GHY-24 (2)/2001-S invited attention of the all concerned for removal of discrepancies regarding position of the seniority list and invited complaints, objection on or before 31.12.2002. (Annexure-5)

19.12.2002-The applicant submitted representation pointing out discrepancies in the seniority list. (Annexure-6)

09.11.1999-Station Director, AIR issued office order for departmental examination. (Annexure-7)

13.11.1999/14.11.1999-The applicant appeared in the limited departmental qualifying examination.

07.03.2000-Station Director, AIR, Guwahati vide telegram dated 7.3.2000 requested Station Director, AIR, Itanagar for submission of ACR in respect of the applicant. (Annexure-8)

14.07.2000-The applicant submitted representation for communication of the marksheet of written examination. (Annexure-9)

21.09.2000-The Director, Staff Training Institute, New Delhi refused to send the marksheet as desired by the applicant. (Annexure-10)

15.09.2000-The Director, Staff Training Institute, New Delhi provided marksheet to other candidates except the applicant. (Annexure-11)

10.02.1998-The applicant was entrusted with additional works of higher post. (Annexure-12)

- 16
- 18.07.2000-Result of the departmental examination was published after sitting of the DPC.(Annexure-17)
- 30.07.2000-The applicant submitted detail representation to the Director. (Annexure-18)
- 01.09.2000-The applicant submitted representation for review of his case. (Annexure-19)
- 26.07.2002-The applicant again submitted representation to the authority for review of his case for promotion after removing discrepancies in the seniority list. The said representation was forwarded to the Director General on 26.07.2002. (Annexure-21&22)
- 15.07.2003-The applicant again submitted representation, which was forwarded by the Station Director on 23.07.2003. (Annexure-23&24)

### PRAYERS

1. That the respondents be directed to hold the Review DPC with immediate effect for consideration of promotion for the post of Accountant/Head Clerk/SSK against the available vacancies for the year 1997-98, 1998-99, 1999-2000 and for the subsequent years without taking into consideration the down grading entries recorded in the confidential report if any, and also after correction of seniority position of the applicant in

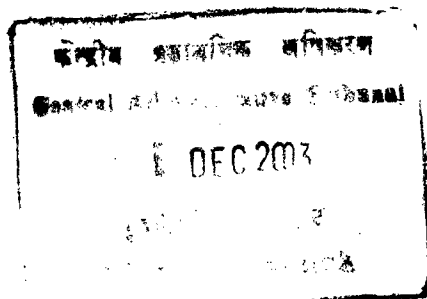


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terms of the instruction contained in the Station Director's letter dated 7.20.2002(Annexure-5).

2. That the respondents be directed to promote the applicant to the post of Accountant/Head Clerk/SSK after holding the Review DPC, without taking into consideration the entries of down grading CR if any, recorded in the year 1997-98, 1998-99 and 1999-2000.
3. That the respondents be directed to correct the seniority position of the applicant, placing him above the respondent Nos. 6,7 and 8 strictly in terms of the relevant seniority rule/instructions contained in the relevant Government circular.
4. That the respondents be directed to pass appropriate order/orders, promoting the applicant for the post of accountant/Head Clerk/SSK with all consequential Service benefits at least from the date of promotion of his immediate juniors.
5. Costs of the application.
6. Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act, 1985)

Title of the case :

O. A. No. 299/2003

**Sri Ashok Chakrabourty :**

Applicant

- Versus -

Union of India & Others:

Respondents.

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Date 22-12-2003.

Filed by

Advocate

Filed by the applicant  
through advocate Sri  
A.H. Chakravarty on 18  
22-12-03

*Ashok Chakrabourty*

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## GUWAHATI BENCH: GUWAHATI

(An Application under Section 19 of the Administrative  
Tribunals Act, 1985)

O. A. No. 299/2003

## BETWEEN

Sri Ashok Chakraborty  
Son of Late Sudish Chakraborty  
Upper Division Clerk  
Office of the Station Director  
AIR, Itanagar.

Applicant

## -AND-

1. The Union of India,  
Represented by the Secretary to the  
Government of India, Ministry of Information  
and Broad Casting,  
New Delhi.
2. The Director General  
All India Radio  
Akashvani Bhawan  
Parliament Street  
New Delhi-110001
3. The Deputy Director General  
Prasar Bharati (Broad Casting Corporation of India)  
All India Radio  
Guwahati-781003
4. The Station Director  
Prasar Bharati (Broad Casting Corporation India)  
All India Radio  
Guwahati-781003

*Chakraborty*

5. The Station Director  
Prasar Bharati (Broadcasting Corporation India)  
All India Radio  
Itanagar
6. Sri B. Choudhury,  
Upper Division Clerk,  
All India Radio,  
Tura
7. Sri P. Naha,  
Upper Division Clerk,  
All India Radio,  
Guwahati.
8. Sri Paritosh Chakraborty,  
Accountant,  
All India Radio,  
Itanagar.

(Notices may be served in respect of Private Respondent Nos. 6,7 and 8 through respondent No. 3).

...Respondents.

### DETAILS OF THE APPLICATION

1. Particulars of order(s) against which this application is made.

This application is made praying for a direction upon the respondents to hold ~~review~~ DPC ignoring the downgrading remarks recorded in the ACR without providing opportunity to the applicant and also for correction of the discrepancies in the seniority list of the Upper Division Clerk published as on 1.1.2002, vide letter dated 19.12.02 strictly in terms of the

*Chakraborty*

relevant D.O.P.T. Circular holding the filed in the matter of fixation of seniority and also in terms of Station Director, Guwahati letter dated 7.10.2002, and also with the prayer to consider the promotion of the applicant to the post of Accountant/Head Clerk/SSK against the vacancies earmarked for the year 1997-98, 1998-99, 1999-2000 by holding examination/DPC with immediate effect with all consequential service benefit.

2. Jurisdiction of the Tribunal.

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

3. Limitation.

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the Case.

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

4.2. That the applicant is presently working as Upper Division clerk in the office of the Station Director All India Radio, Itanagar. The applicant was initially

*Chandrasekhar*

appointed as L.D.C. on regular basis on 8.10.1985 through Staff Selection Commission under Deputy Director General, All India Radio, Guwahati. On his appointment to the post of L.D.C. he was initially posted at AIR, Kohima. It is relevant to mention here that the applicant was a candidate of 1984 batch who appeared in the interview before the Staff Selection Commission for recruitment of LDCs through competitive examination. The result was declared in 1984 itself, however, after completion of required formalities the applicant could able to join on 8.10.1985 in the department.

4.3 That your applicant was promoted to the post of Upper Division Clerk in the year 1990, however, due to delay in the process of promotion the applicant was allowed to join to the promotional post only on 31.1.1991 in the office of the Executive Engineer Civil (Construction) Wing, All India Radio (in short, AIR), Dimapur, Guwahati, Division II.

4.4 That the next avenue of promotion from the cadre of Upper Division Clerk is Accountant/Head Clerk/Senior Store Keeper in the pay scale of Rs. 5000-8000.

4.5 That it is stated that there are altogether <sup>three</sup> ~~two~~ sources <sup>ml.</sup> of promotion and recruitment to the post of Accountant/Head Clerk/Senior Store Keeper, firstly 20% by limited departmental competitive examination, after completion of 3 years regular service in the cadre of

*Authenticity*

UDC, secondly, 60% by promotion on the basis of seniority cum fitness subject to completion of 5 years regular service in the cadre of UDC and thirdly, 20% by direct recruitment.

- 4.6 That it is stated that as per law laid down in the Ministry of Home Affairs, Government of India (DP & AR) O.M. dated 6<sup>th</sup> June, 1975 the seniority is required to be fixed in the cadre of L.D.C. in order of merit or rank obtained on the recommendation of the UPSC or any other recruiting agency. It is further clarified in the said Office Memorandum that the person appointed as a result of a earlier selection being placed above those appointed as a result of the subsequent selection.

But surprisingly in the department of AIR there are lots of irregularities and discrepancies in the matter of fixing seniority in the cadre of LDC/UDC and the applicant is a victim of such irregular practices adopted by the respondents, while fixing his seniority in the cadre of LDC in violation of the Rule laid down in the Department of Personnel & Training O.M. dated 6.6.1975. Be it stated that in spite of repeated representations the respondents did not restore his seniority in the appropriate place in terms of the DOPT Circular dated 6.6.1975.

It is relevant to mention here that as per seniority list of LDCs published as on 1.1.1990 the applicant was placed at serial No. 39, however, one Sri P.Chakraborty, L.D.C., junior to the applicant.

*Chakraborty*

placed at serial No. 43 but surprisingly said Sri P. Chakraborty, Respondent no. 7 has been placed above the present applicant in the seniority list of UDC published in the year 2000. As a result, Sri P. Chakraborty in fact made senior in the seniority list of UDCs. Be it stated that normally seniority position in the cadre of LDC in fact followed in the higher cadre of UDC but the respondents made a departure in the instant case of the applicant in total violation of the norms laid down by the Department of Personnel and Training and in spite of repeated representations no action was taken by the respondents to restore the seniority of the applicant.

Similarly, some of his juniors namely Sri D. Choudhury, UDC who appointed in compassionate ground on 26.8.1985 at Tura, in the cadre of L.D.C., Sri P. Naha, UDC, AIR, Guwahati who joined 5.6.1985 and Sri I.L. Sald UDC, AIR, Kohima who joined in the department on 3.9.1985 also shown above the present applicant in deliberate violation of the rule. Sri Paritosh Chakraborty, a recruitee originally in the cadre of LDC much after the appointment of the present applicant also shown above the present applicant in violation of DOPT instruction. This fact would be evident from the seniority list published as on 1.1.1990 as well as seniority list of UDC published as on 1.1.2002. It is categorically submitted that the names of the juniors of the applicant referred to above either appointed on direct recruitment basis or on compassionate ground but





recruited during the year 1985. Therefore, the applicant being a candidate of 1984 batch of the Staff Selection Cadre, cannot be placed below his juniors in the seniority lists of LDC cadre as well as in the seniority list of UDC cadre. Sri D. Choudhury and Sri P. Naha and Sri P. Chakraborty has been impleaded as private respondent in the present proceeding.

A copy of the extract of seniority list published as on 1.1.1990 as well as 1.1.2002 both in the cadre of LDC and in the cadre of UDC are enclosed as Annexure-1 and 2 respectively.

4.7 That it is stated that the applicant way back on 3.10.1996 submitted a detail representation pointing out the discrepancies in the seniority list in the cadre of UDC showing the factual position of the seniority list in the cadre of LDC which was later on redesignated as Clerk Grade II in the department of All India Radio but no action was initiated for the correction of seniority list.

A copy of the representation dated 3.10.1996 is annexed as Annexure-3.

4.8 That it is stated that Station Director, All India Radio, Guwahati vide letter bearing No. GHY-24(2)/2001-S/ dated 07.10.2002 invited attention of the all concerned for removal of discrepancies if any regarding position of the seniority list and further invited complaints, objections on or before 31.12.2002 for the

*Chakraborty*

seniority list of UDC for the years 1999, 2000, 2001 and 2002 to facilitate further promotion in the cadre of Head Clerk/Accountant/SSK. The applicant immediately thereafter submitted representation dated 19.12.2002 pointing out the discrepancies in the seniority list of the UDCs and also referred his earlier representation dated 19.7.1999 but the respondents did not take any steps to remove the discrepancies in spite of the assurance given by the respondent in their letter dated 7.10.2002.

Copy of the representation dated 19.7.1999 and letter dated 7.10.2002 and representation dated 19.12.2002 are annexed as Annexure-4,5 and 6 respectively.

4.9 That it is stated that the respondents are duty bound to recast the seniority of the applicant in terms of the DOPT circular and more particularly in view of the Station Director, Guwahati's letter dated 7.10.2002, after correction of seniority position, the respondents may further proceed to consider the promotion of the applicant in the post of Head Clerk/Accountant/Senior Store Keeper. But surprisingly no action has been initiated for correction of the seniority list in terms of the Station Director's letter dated 7.10.2002.

4.10 That your applicant appeared in the Limited Departmental Qualifying Examination in the year 1995-96, 1996-97 held on 13.11.1999 and 14.11.1999 and he fared well in the written examination held in the above referred dates pursuant to an office order no. I(a-

*Substantive*

23(2)/99-S/3311-14 dated 09.11.99. After the aforesaid written examination the department was silent for a quite long time. However, vide telegram dated 7.3.2000 the Station Director, AIR, Guwahati requested the Station Director, Itanagar for submission of ACR for the period from 1.4.1995 to 31.3.1996, 1.4.1996 to 15.1.1997 in respect of the applicant for onward transmission to Directorate for consideration of promotion.

Copy of the Office Order dated 9.11.1999 Telegram dated 7.3.2000 are annexed as Annexure-7 and 8 respectively.

- 4.11 That your applicant vide representation dated 14.7.2000 addressed to the Director, Staff Training Institute, New Delhi sought for communication of the marksheet of written examination. The applicant also stated in the said representation that he had come to learn that he passed in the written examination held on 13.11.1999 and 14.11.1999 but the Director vide his letter bearing No. 2/6/99-2000-DSI(P)/90 dated 21.9.2000, refused to send the marksheet as desired by the applicant and further stated that mere qualifying in the written examination does not entail a person for final selection.

Copy of the representation dated 14.7.2000 and the letter dated 21.9.2000 are annexed as Annexure-9 and 10 respectively.

*Ambarish*

4.12 That it is stated that it is a normal practice in the Staff Training Institute, AIR, to provide mark sheet to the candidate who desire to obtain the same, as for example, the Director, vide letter No. T4/Exam/STI/2000-2001/4246 dated 15.9.2000 provided the mark sheet to the candidate bearing Roll No. 5049 and 5050 to the candidates appeared in the Competitive examination for promotion of SEA to the cadre of EA, as such, denial of providing marks/mark sheet to the applicant smacks mala fide.

Copy of the Director's letter dated 15.9.2000 is annexed as Annexure-11.

4.13 That it is stated that the applicant all along treated as an outstanding worker by the competent authorities and always been entrusted with additional works of higher posts in addition to his normal work which would be evident from order bearing No. Ita 1(4)/98-S/ dated 10.2.1998, letter bearing No. Ita-21(1)/99-2000/AC/646-653, dated 13.02.01, order dated 21.1.1999, order dated 22.2.2000 order dated 6.12.1999.

Copies of the order dated 10.2.1998, 21.1.1999, 6.12.1999, 22.2.2000 and 13.2.2001 are annexed as Annexure-12,13,14,15 and 16 respectively.

4.14 That it is stated that the result of the 20% departmental examination quota for which written examination was held on 13.11.1999 published vide letter dated 18.7.2000 after sitting of the DPC in the Headquarter office at Delhi sometime in the month of

*Ambarish*

June-July, 2000 but surprisingly in the impugned promotion order name of the applicant did not find place. However, his junior Sri Paritosh Chakraborty was promoted by the order dated 18.7.2000. It is learnt from a reliable source that the DPC did not recommend the name of the applicant after perusal of the ACR of the applicant. The applicant also came to learn that his ACR has been down graded during the year 1998-99 and 2000 without providing him any reasonable opportunity and also without reflecting the factual position, actual performance, work and without indicating the works really entrusted to the applicant at the relevant period mentioned above. It is a settled position of law that down grading of entries, so far confidential reports are concerned cannot be made in the ACR without providing reasonable opportunity and DPC cannot also take into consideration of such down grading ACR for consideration of promotion to the next higher post. But in the instant case of the applicant the DPC in violation of the rules taken into consideration down grading of ACR, as such the DPC proceeding for promotion for the post of Accountant/Head Clerk/SSK are liable to be set aside and quashed on that score alone.

A copy of the impugned promotion order dated 18.7.2000 is annexed as Annexure-17.

- 4.15 That your applicant immediately after the issuance of the promotion order against the vacancies of 1995-96,



1996-97 submitted a detail representation on 30.7.2000 to the Director pointing out that the entries in the confidential report has not been made properly reflecting the actual works entrusted to the applicant and he has also pointed out that there were discrepancies in the seniority list of UDCs but in spite of repeated representations no action was initiated by the respondents for correction of the said impugned seniority list. Similar representation was again submitted by the applicant on 1.9.2000 praying inter alia for review of his confidential reports on the ground that the confidential report for the year 1997-98, 1998-99, 1999-2000 have been reported/reviewed by the officers other than reporting officers (Acct.)/Reviewing Officer (ASD) in violation of Vol. II AIR Manual. In this connection Hon'ble Tribunal's attention is drawn to the relevant provision of the AIR Manual and on that ground alone the promotion of the applicant considered by the DPC for the cadre of Accountant/Head Clerk/SSK against vacancies 1995-96 and 1996-97 is liable to be reviewed. It is categorically submitted by the applicant that down grading entries in the ACR has been made in respect of the applicant without providing reasonable opportunity for the calendar years mentioned above. Moreover, entries have been made in the CR for the year 1997-98, 1998-99 and 1999-2000 other than the actual reporting officer/reviewing officer. Therefore, it is not permissible on the part of the DPC to take note of

*Authenticity*

those down grading ACR for the purpose of consideration of his promotion but the DPC held in the month of June/July 2000 taken note of those down graded ACR and ultimately not recommended the applicant for promotion. It is relevant to mention here that the confidential report carries 100 marks for the purpose of promotion to the cadre of Accountant/Head Clerk/SSK. Therefore, Hon'ble Court be pleased to direct the respondents to hold the Review DPC to consider the promotion of the applicant without taking into consideration the downgrading entries in the ACR for the aforesaid years.

Copy of the representation dated 30.7.2000, 1.9.2000 and extract of the AIR Manual are enclosed at Annexure-18,19, and 20 respectively.

- 4.16 That it is stated that written examination for the post of Accountant/Head Clerk/SSK for the year 1995-96 and 1996-97 were held in the year 1999. However, after declaration of the result of the said examination in the year 2000 DPC took place for consideration of promotion of the aforesaid post in the month of June/July 2000 on the basis of the results of the written examination and ultimately promotion to the post of Accountant/Head Clerk/SSK were issued only on 18.7.2000 against the vacancies of 1995-96 and 1996-97. But no examination or DPC were conducted against the vacancies of Accountant/Head Clerk/SSK for the year 1997-98, 1998-99, 1999-2000 and the vacancies occurred

*Amulya*

thereafter. As a result, the applicant is also suffering for non-consideration of his promotion to the next promotional post due to non holding and DPC.

It is a settled position of law that promotion should be effected on the day itself when the vacancies are occurred without causing any delay, otherwise it will cause loss on the promotion prospect of the concerned government employee as well as it will cause monetary loss to the employee concerned. Government of India issued necessary instructions on different occasions for timely holding of DPC but the respondents in the instant case in total violation of the said instructions till date no action has initiated for consideration of the promotion of the applicant against the vacancies occurred during the year 1997 onwards. As such, the Hon'ble Court be pleased to direct the respondents to take necessary steps for immediate consideration of the promotion of the applicant after correcting the seniority position of the applicant both in the cadre of LDC and UDC as per relevant instructions of DOPT in force. The applicant also prays for a further direction upon the respondents to ignore the down grading entries if any in ACR by the DPC, which was recorded without providing any opportunity.

- 4.17 That your applicant submitted representations on 26.7.2002, 25.7.2002, 15.7.2003 praying inter alia for review of his case for promotion after removing discrepancies in the seniority list to review his

*Authenticity*



promotion for the vacancies for the year 1995-96, 1996-97 on the basis of authentic CR and material facts with exact vacancy position up to the year 2000. It is relevant to mention here that the representation dated 15.7.2003 in fact forwarded by the Station Director to the Director General, AIR, New Delhi vide letter dated 23.7.2003 but no action is initiated by the respondents for redressal of his grievances.

4.18 That your applicant is apprehending that further process of promotion against the vacancies of Accountant/Head Clerk/SSK for the year 1997-98, 1998-99, 1999-2000 may start immediately over looking the direction of the Station Director, Guwahati for correction of seniority contained in the letter dated 7.10.2002 (Annexure-5), therefore Hon'ble Court be pleased to direct the respondents to correct the seniority position of the applicant as per instruction contained in the letter dated 7.10.2002 and immediately thereafter to start the process of consideration for promotion of the applicant to the post of Accountant/Head Clerk/SSK against the vacancies pertaining to the year 1997-98, 1998-1999, 1999-2000 and further be pleased to pass necessary order directing the respondents to grant promotion to the applicant from the date of occurrence of vacancies of Accountant/Head Clerk/SSK with all service benefits including monetary benefit and seniority.

*Authenticity*

Copies of the representation dated 25.7.2002, and forwarding letter dated 26.7.2003, representation dated 15.7.2003 and forwarding letter dated 23.7.2003 are annexed as Annexure 21,22,23 and 24 respectively.

4.19 That it is stated that the Annual Confidential Reports for the period from 1.4.1997 to 31.3.1998 written by Sri B. Choudhury, Accountant rightly but the same was reviewed by Sri J.T. Jirido, Station Director, instead of Sri D.C. Kachari, Asstt. Station Director who was the reviewing officer as per AIR Manual, similarly, CR for the period from 1.4.1998 to 31.3.1999, in fact reported by Sri Yangsan, Programme Executive (DDO) instead of Sri B. Choudhury, Accountant as required under the AIR, Manual. Again the CR of the said period was reviewed by Sri J.T. Jirido, Station Director instead of Sri D. Kachari, Asstt. Station Director as required under the rule.

Period 1.4.1999 to 3.12.1999 was again reported by Sri S. Yangsan, Programme Executive (DDO) instead of Sri B. Choudhury, Accountant and the same was reviewed by Sri J.T. Jirido, Station Director instead of Sri P.K. Misra, Asstt. Station Director as required under the rule.

It is further submitted that the applicant while officiating in the post of Accountant during the period from 4.12.1999 to 31.3.2000 the CR of the said period was reported by Sri S. Yangsan, Programme Executive (DDO) instead of Sri J.T. Jirido, Station Director but the same was wrongly reviewed by Sri J.T. Jirido,

*Authenticity*

Station Director as reviewing officer whereas as per AIR Manual the said period ought to have been reviewed by Deputy Director General, Guwahati. Similar irregularity took place during the period from 1.4.2000 to 30.7.2000. Again the CR pertaining to the period from 31.7.2000 to 31.3.2001 ought to have been reported by Sri P. Chakraborty but the same was reported wrongly by Sri S. Yangsan but however the same was correctly reviewed by Sri J.T. Jirido. It is categorically submitted that Sri S. Yangsan never reported the factual position of the work actually entrusted to the applicant, so far the applicant came to learn from the reliable source, Sri Yangsan never indicated in the confidential report regarding performance of higher responsibility and duties. It is relevant to mention that the competent authority, i.e., the Station Director rather given rewarded for outstanding work of the applicant during relevant period. But those things were never reflected during the aforesaid period. Surprisingly, some downgrading entries were made in the CR during the period mentioned above which has adversely affected the promotion of the applicant to the post of Accountant/Head Clerk/SSK and the applicant was not recommended by the DPC for downgrading ACR. Therefore the Hon'ble Tribunal be pleased to call for the records of DPC proceedings held in the month of June/July, 2000 and the ACR of the relevant period which were considered by the said DPC for proper adjudication of the case and also for

*Chakraborty*

passing necessary orders upon the respondents to ignore or not to take into consideration the down grading entries in the Confidential Roll by the DPC which likely to consider the case of the applicant against the vacancies of Accountant/Head Clerk/SSK for the year, 1997-98, 1998-99 and 1999-2000 and for the subsequent years. It is submitted that Hon'ble Court be pleased to direct the respondents to review the DPC proceeding held in the month of June/July, 2000 without taking into consideration the down grading entries in the confidential report for passing necessary consequential order accordingly.

4.20 That your applicant submitted a series of representations before the competent authorities for redressal of his grievances but the respondents did not take any steps, therefore in the compelling circumstances the applicant is approaching this Hon'ble Tribunal praying for an appropriate order upon the respondents for granting him adequate reliefs on the facts and circumstances stated above.

4.20A. That it is stated that as per recruitment rule the post of Account/Head Clerk/Senior Store Keeper are required to be filled up 20% by limited departmental competitive examination 60% by promotion on the basis of seniority cum fitness and 20% by direct recruitment. But surprisingly the provision laid down in the recruitment rule never followed by the respondents and

*Dr. H. K. Chakraborty*

as a result promotion made under departmental examination quota never maintained. Therefore, the present applicant as well as other similarly situated employees of the department could not avail the benefit of promotion under department quota. It is pertinent to mention here that since 1986 till 1999-2000 no examination under departmental quota of 20% was conducted. The detail particulars of the post of Accountant/Head Clerk/Senior Store Keeper filled since 1986 to 2000-01 are given below:

Year	Promotion made under Seniority cum fitness. Under 60% quota.	Promotion made under Dept. Examination. Under 20% quota.	Direct Recruitment. Under 20% quota.
86-87	2	Nil	Nil
87-88	2	Nil	Nil
88-89	7	Nil	Nil
89-90	6	Nil	Nil
90-91	14	Nil	Nil
91-92	14	Nil	Nil
92-93	2	Nil	Nil
93-94	1	Nil	Nil
94-95	3	Nil	Nil
95-96	2	Nil	Nil
96-97	11	Nil	
97-98	Nil	Nil	
98-99	Nil	Nil	
99-2000	Nil	Nil	
2000-01	Nil	04 (2 for 95-96 under Deptt. Examination quota & 2 for 96-97 under Deptt. Examination quota filled up in 2000.	

Arshad Chakraborty

It is quite clear from above that the quota for promotion has not been maintained by the respondents at all. Moreover, due to non-consideration of the applicant under the Departmental Competitive Examination held on 1998-99, 1999-2000 and 2000-01, the applicant although passed the Departmental Examination could not avail the benefit of promotion. Therefore, Hon'ble Court be pleased direct the respondents to consider the case of the applicant in the existing vacancies now available for the year 1998-99, 1999-2000 and for 2000-01, ignoring the downgrading ACR if any which were recorded without providing any opportunity to the applicant.

4.21 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that, the confidential reports of the applicant for the years 1997-98, 1998-99, 1999-2000 have been written by the officers other than the actual reporting and reviewing officers, in total violation of the

*Ashok Chakraborty*

provisions laid down in AIR Manual without projecting the actual work entrusted and performed by the applicant, and also without reflecting the fact that the applicant all along being entrusted with the work of higher responsibilities and the acknowledgment of his outstanding works by the higher authorities by way of granting reward, honorarium by the Station director, Itanagar.

5.2 For that, entries of downgrading remarks was recorded in the Annual Confidential Reports during the year 1997-98, 1998-99, 1999-2000 by the officers without providing any reasonable opportunity but the same was taken into consideration by the DPC while considering the case of the applicant for promotion to the post of Accountant/Head Clerk/SSK in the month of June/July, 2000.

5.3 For that, the confidential reports carries 100 marks for consideration of promotion to the post of Accountant/Head Clerk/SSK.

5.4 For that, the applicant secured outstanding/Very Good marks in the written examination held during the year 1999 for consideration of promotion to the post of Accountant/Head Clerk/SSK.

5.5 For that, name of the applicant was not recommended by the DPC held in the month of June/July, 2000 due to entries of downgrading ACR recorded in the confidential report for the year 1997-98, 1998-99 and 1999-2000.

*Authenticity*

5.6 For that, in spite of repeated representations no review of Confidential Reports for the year 1997-98, 1998-1999, 1999-2000 were conducted by the authorities.

5.7 For that, the applicant was not considered for promotion against the available vacancies of Accountant/Head Clerk/SSK for the year 1997-98, 1998-1999, 1999-2000 and subsequent vacancies available thereafter till date.

5.8 For that, the respondents did not take any steps to start the process for promotion to the post of Accountant/Head Clerk/SSK against the available vacancies of 1997-98, 1998-99, 1999-2000 and vacancies occurred in the subsequent years till filing of this application.

5.9 For that, as per government instructions panel for existing and anticipated vacancies are liable to be prepared by the department concerned well in advance, so that there should not be any delay in promoting the eligible officers. Moreover, promotion of the employees are required to be ordered on the date of occurrence of vacancy, so that there should not be any loss of promotion prospect or monetary benefit to the concerned government employee otherwise eligible for promotion.

5.10 For that, the applicant attained eligibility long for promotion to the post of Accountant/Head Clerk/SSK as per rule.

5.11 For that, in spite of the repeated requests discrepancies in the seniority list both in the cadre

*Authenticity*



of LDC as well as UDC has not yet been corrected, in spite of the specific instructions contained in the Station Director's letter dated 7.10.2002.

5.12 For that, the seniority list both in the cadre of LDC/UDC has been prepared in total violation of the instructions contained in the relevant government circular.

5.13 For that the applicant being a candidate of 1984 batch of LDC entitled to be declared senior than the recruitees of the subsequent years as per relevant seniority rule, as such placing the applicant below in the seniority position both in the cadre of LDC and UDC than the subsequent recruitees namely private respondent nos. 6,7 and 8 are contrary to the provisions of seniority rule laid down by the Government of India, Department of Personnel and Training.

5.14 For that, applicant is entitled to be declared senior than the private respondent nos.6,7, and 8.

5.15 For that the applicant is entitled to be considered for promotion by holding Review DPC after correction of seniority position as well as after review of the confidential report for the year, 1997-98, 1998-99 and 1999-2000.

5.16 For that respondents are duty bound to start the process of promotion against the vacancies of Accountant/Head Clerk/SSK for the year 1997-98, 1998-99, 1999-2000 and for the subsequent years with

*Authenticity*

immediate effect without any further delay as per government instruction in force.

5.17 For that, discrepancies in seniority list are liable to be rectified immediately before process of promotion in view of the order passed by the Station Director, Guwahati, vide letter dated 7.10.2002.

5.18 For that, due to non consideration of promotion of the applicant, he is suffering irreparable loss and injury as well as loss in promotion prospect.

5.19 For that the applicant submitted several representations to the competent authority but to no result.

6. Details of remedies exhausted.

That the applicant states that he has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other Court.

The applicant further declares that he had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief(s) sought for:

*Authenticity*

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

- 8.1 That the respondents be directed to hold the ~~Review~~ DPC <sup>mt.</sup> with immediate effect for consideration of promotion for the post of Accountant/Head Clerk/SSK against the available vacancies for the year 1997-98, 1998-99, 1999-2000 and for the subsequent years without taking into consideration the down grading entries recorded in the confidential report if any, and also after correction of seniority position of the applicant in terms of the instruction contained in the Station Director's letter dated 7.10.2002(Annexure-5).
- 8.2 That the respondents be directed to promote the applicant to the post of Accountant/Head Clerk/SSK after holding the ~~Review~~ DPC, without taking into <sup>mt.</sup> consideration the entries of down grading CR if any, recorded in the year 1997-98, 1998-99 and 1999-2000 or in any other year.
- 8.3 That the respondents be directed to correct the seniority position of the applicant, placing him above the respondent Nos. 6,7 and 8 strictly in terms of the

*Authenticity*

relevant seniority rule/instructions contained in the relevant Government circular, in the light of the direction contained in the letter dated 07.10.2002.

8.4 That the respondents be directed to pass appropriate order/orders, promoting the applicant for the post of accountant/Head Clerk/SSK with all consequential Service benefits at least from the date of promotion of his immediate juniors.

8.5 Costs of the application.

8.6 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

During pendency of this application, the applicant prays for the following relief: -

9.1 That the Hon'ble Tribunal be pleased to make an observation that the pendency of this application shall not be a bar for the respondents to consider the promotion of the applicant to the post of Accountant/Head Clerk/SSK against the vacancies available for the year 1997-98, 1998-99, 1999-2000 and for the subsequent years.

10. ....

This application is filed through Advocates.

11. Particulars of the I.P.O.

i) I. P. O. No.

: 9 G 704659.

dt. 11.11.03 by B.S.D.=

*Shobh Chakrabarty*

ii) Date of Issue

11.11.03

iii) Issued from

G. P. G. P. O. Gwahati

iv) Payable at

G. P. O. Gwahati

12. List of enclosures.

As given in the index.

Auth. by

28  
26-46

### VERIFICATION

I, Sri Ashok Chakraborty, Son of Late Sudish Chakraborty, aged about ...years, working as Upper Division Clerk, office of the Station Director, All India Radio, itanagar, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 22nd day of ~~November~~ <sup>December</sup>, 2003.

Ashok Chakraborty

ANNEXURE-1  
(Extract)

Seniority List of Clerk Grade-II/Language Typist/Telephone Attendant/Tebluator Clerk in the N.E.Region  
of All India Radio/Doordarshan Kendra as on 1.1.1990

Sl. No.	Name	Educational qualification	Date of birth	Date of first appointment	Date of continuous apptt. in the present grade Date of regular apptt. in the present grade.	Whether confirmed if so date of confirmation, Station & post in which confirmed.	Whether CP	Whether Temp	Whether SC or ST	Place of present posting in what cadre.	REMARKS
1	2	3	4	5	6	7	8	9	10	11	12
1.	Shri K.N.Das	Matric.	1-5-42	6-7-66	6-7-66	Pt.as TE wef 10.7.70, AIR, GHY.	-	-	SC	AIR, Guwahati as Tebluator Clerk.	
2.	Shri K.Kamalasen.	HSLC	29.11.49	9.5.73	9.5.73	Pt.as CG-II wef 19.10.76, AIR, Tezu.	-	-	Neither	AIR, Kohima as Clerk Grade-II.	(Placed under suspension)
3.	Shri D.P.Dutta	B.Com	23.7.54	9.12.74	9.12.74 7.12.76	Pt.as HT wef 1.10.83, AIR, Silchar.	-	-	Neither	AIR, Silchar as Clerk Grade-II.	
4.	Smt.Minakshi Deb.	HSLC	17.1.59	12.7.79	26.7.80	-	-	Temp.	Neither	AIR, Guwahati as Telephone Attnd.	
5.	Shri M.K.Mazumder.	BA/ B.Com.	5.2.56	1.4.80	15.7.81	Pt.as CG-II wef 1.4.83, AIR, Agartala.	-	-	Neither	AIR, Agartala as Clerk Grade-II.	
6.	Shri P.K.Deb	B.Com.	18.5.52	20.11.81	20.11.81	Pt.as CG-II wef 1.4.88, AIR, Agartala	-	-	S.C.	-do-	
7.	Shri N.Jyoti-prakash Singh.	B.A.	5.1.58	11.12.81	11.12.81	QP	-	-	Neither	AIR, Imphal as Clerk Grade-II.	
8.	Shri S.K.Sen	B.A.	12.1.56	15.1.82	15.1.82	QP	-	-	Neither	AIR, Silchar as Telephone Operator.	
9.	Shri K.P. Choudhury.	H.S.	21.1.54	16.1.82	16.1.82	Pt.as TA wef 1.4.89, AIR, Agartala.	-	-	S.T.	AIR, Agartala as Telephone Attnd.	
10.	Shri S.Alli	HSLC	18.12.57	27.8.82	27.8.82	QP	-	-	Neither	AIR, Shillong as Telephone Attnd.	
11.	Shri N.K. Sarma.	HSLC	1.8.53	15.6.72	6.7.83	Pt.as Peon	-	-	Neither	AIR, Silchar as Clerk Grade-II.	

Contd...2/-

22.12.89

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1	2	3	4	5	6	7	8	9	10	11	12
12.	Shri S.Choudhury,	F.S.	5.1.64	9.9.83	9.9.83	-	QP	-	Neither	EE(C), CCW, AIR, Silchar as CG-II	
13.	Smt.B.S.Gogoi,	B.A.	1.5.59	22.10.83	22.10.83	-	QP	-	ST	AIR, Dibrugarh as Clerk Grade-II.	
14.	Shri Parameswar Dev Sarma.	B.A.	1.1.55	27.4.84	27.4.85	-	QP	-	Neither	EE(C), CCW, AIR, GHY. as Clerk Grade-II.	
15.	Smt.B.Kharmalki	P.U.	19.10.63	30.4.84	30.4.84	-	-	Temp.	ST	AIR, Shillong as Clerk Grade-II.	
16.	Shri E.Chandra Singh,	HSLC	1.10.53	19.5.84	19.5.84	-	QP	-	P.H.	AIR, Imphal as Tel.Attendent.	
17.	Shri B.K.Deb,	B.A.	9.3.57	23.6.84	23.6.84	Pt.as CG-II w.e.f. 1.4.88.	-	-	Neither	AIR, Agartala as Clerk Grade-II.	
18.	Shri T.C.Bharali,	B.A.	1.2.61	9.7.84	9.7.84	-	QP	-	-do-	AIR, Guwahati as Hindi Typist.	
19.	Smt.P.B. Man- sangluaii...	B.A.	1.3.63	16.7.84	16.7.84	-	-	Temp	ST	AIR, Aizawl as CG-II/LT.	
20.	Shri G.N.Borah,	HSLC	19.2.59	13.7.84	13.7.84	-	QP	-	ST	AIR, Guwahati as Clerk Grade-II.	
21.	Smt.Chinkholhing	HSLC	1.12.59	23.7.84	23.7.84	-	-	Temp	ST	AIR, Kohima as Clerk Grade-II.	
22.	Shri T.K.Dey	B.A.	6.3.57	1.8.84	1.8.84	-	-	Temp	Neither	CCW, AIR, Shillong as Sub-Divn.under Silchar Divn.as Clerk Grade-II.	
23.	Shri Kh.Jiten Meitei.	HSLC	1.12.63	1.9.84	1.9.84	-	-	Temp	Neither	AIR, Imphal as Language Typist.	
24.	Shri Arun Kanti Dey.	HSLC	1.9.63	3.9.84	3.9.84	-	QP	-	-do-	AIR, Guwahati as Clerk Grade-II.	
25.	Shri N.Joychandra Singh.	B.A.	1.1.61	5.9.84	5.9.84	-	QP	-	P.H.	AIR, Imphal as Tele.Attndt.	

Contd....3.



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1	2	3	4	5	6	7	8	9	10	11	12
26.	Shri L.Shanti- kumar Meetei.	HSLC	1.1.63	5.9.84	5.9.84	-	QP	-	Neither	AIR, Imphal as Clerk Grade-II.	
27.	Kum.S.Dey.	BA(Hons)	31.12.60	21.9.84	21.9.84	-	-	Temp	-do-	AIR, Shillong as Clerk Grade-II.	
28.	Shri S.C.Paul	B.Com.	12.1.57	9.11.84	1.Steno(Jr)ad- hoc wef 14.4.82 2.CG-II(adhoc) wef 14.8.84 3.CG-II(Reg.) wef 9.11.84 4.CG-I(adhoc) wef 11.4.88	-	-	Temp	-do-	AIR, Tawang as CG-I(Ad-hoc).	
29.	Shri Ananta Ram Baishya.	HSLC	1.5.47	2.5.67 as peon.	11.11.84	Pt.as Peon w.e.f.	QP	-	SC	AIR, Guwahati as Clerk Grade-II.	
30.	Shri B.C.Kalita	PDC	22.6.59	17.12.84	17.12.84	-	QP	-	Neither	AIR, Dibrugarh as Tele.Attndt.	
31.	Shri A.K.Das,	HSLC	30.6.52	7.9.74 as peon.	1.3.85	Pt.as peon w.e.f.3.11.76	-	-	SC	AIR, Silchar as Clerk Grade-II.	
32.	Shri K.Chakraborty	PU	24.7.60	25.3.85	25.3.85	-	-	Temp	Neither	AIR, Dibrugarh as Clerk Grade-II.	
33.	Shri Pijush Naha	HSLC	6.2.59	5.6.85	5.5.85	-	-	Temp	Neither	AIR, Guwahati as Clerk Grade-II.	
34.	Kum.Lalnunengil	HSLC	18.3.63	22.7.85	22.7.85	-	-	Temp	ST	AIR, Aizawl as Clerk Grade-II.	
35.	Smt.H.Zomuanpuif	HSLC	14.9.64	22.7.85	22.7.85	-	-	Temp	ST	-do-	
36.	Shri Deshabandhu Choudhury,	PU(Sc)	9.2.66	26.3.85	25.3.85	-	-	Temp	Neither	EE(C), CCW, AIR, Guwahati as CG-II.	
37.	Smt.Lhovili Sohe	HSLC	5.4.63	3.9.85	3.9.85	-	-	Temp	ST	AIR, Kohima as Clerk Grade-II.	
38.	Shri Ranjit Kaul	B.A.	17.5.57	16.9.85	16.9.85	Pt.as CG-II wef 1.4.88	-	-	SC	AIR, Agartala as Clerk Grade-II.	

Condt..4.

1	2	3	4	5	6	7	8	9	10	11	12
39.	Shri Ashok Chakraborty.	PUC	1.4.62	8.10.35	8.10.35	-	QP	-	Neither	EE(C), CCW, AIR, Kohima as CG-II.	
40.	Miss Monorama Kakati.	PU(Sc)	21.1.62	11.10.35	11.10.35	-	-	Temp	-do-	EE(C), CCW, AIR, GHY. as CG-II.	
41.	Kum. Gauri Devi,	HSLC	2.12.52	25.11.85	25.11.85	-	-	Temp	-do-	AIR, Guwahati as Clerk Grade-II.	
42.	Shri Sankar Brahma	HSLC	26.1.55	7.1.85	7.1.35	-	-	Temp	ST	-do-	
43.	Shri Paritosh Chakraborty.	HSLC	9.1.61	20.1.86	20.1.86	-	-	Temp	Neither	-do-	
44.	Smt. Tara Saikia Buragohain.	P.D.C	30.12.64	31.1.86	31.1.86	-	-	Temp	ST	AIR, Dibrugarh as Clerk Grade-II.	
45.	Shri Amiyangshu Das.	HSLC	15.1.54	15.5.75 as W/C.W.A. 20.2.86 as CG-II	20.2.86	-	-	Temp	Neither	CCW, AIR, Silchar (Sub-Div.) as CG-II.	
46.	Shri Anugan Bhattacharjee.	B.Com	17.1.63	4.4.86	4.4.86	-	-	Temp	-do-	AIR, Guwahati as Clerk Grade-II.	
47.	Shri Chandan Das,	PU(Com)	1.1.54	28.4.86	28.4.86	-	-	Temp	-do-	DDK, Guwahati as Clerk Grade-II.	
48.	Shri Ranjit Biswas	P.U.	1.3.62	30.4.86	30.4.86	-	-	Temp	-do-	-do-	
49.	Shri Lianchunga	HSLC	1.3.62	24.7.86	24.7.86	-	-	Temp	ST	AIR, Aizawl as Clerk Grade-II.	
50.	Kum. S. Das,	M.A.	10.2.65	14.8.86	14.8.86	-	-	Temp	Neither	AIR, Shillong as Clerk Grade-II.	
51.	Mrs. Mita Chanda Passed Class-XII.	S.S.C.	8.5.62	22.9.86	22.9.86	-	-	Temp	-do-	CCW(C), AIR, Itanagar as CG-II.	
52.	Shri A.K. Acharjee	PU(A)	30.10.62	26.9.86	26.9.86	-	-	Temp	-do-	AIR, Tura as Clerk Grade-II.	
53.	Shri Nirode Sinha	H.S.	14.9.66	4.10.86	4.10.86	Pt. as CG-II wef 4.10.83.	-	-	-do-	AIR, Agartala as CG-II.	

contd... 5.

Seniority List of UDC/PSY/SK/JRO etc. as on 01-01-2002

Sl. No.	Name	Qualification	Place of present posting	Whether SC/ST/OBC	Date of birth	Date of first appointment	Date of continuous appt. in the present grade	Date from which seniority is counted in the present grade	REMARKS
1	2	3	4	5	6	7	8	9	10
1	SK Bhattacharjee	HSLC	AIR, Haflong	UR	10/01/48	09/06/72	21/05/74 (15/09/76)	15/09/76	
2	MK Das	Matric	AIR, Guwahati	SC	01/09/42	11/08/64	01/02/74 (09/06/77)	09/06/77	
3	K Chakraborty	Matric	DD, Guwahati	UR	15/03/44	28/01/64	06/07/76 (09/06/77)	09/06/77	
4	GC Roy	Matric	DOG(NER), AIR, Guwahati	SC	01/05/43	29/03/65	01/02/74 (05/03/80)	05/03/80	
5	S Paul	BA	AIR, Agartala	UR	11/03/48	01/03/73	24/05/79 (12/09/80)	12/09/80	
6	AK Sora	BA	AIR, Guwahati	UR	01/04/47	11/02/66	11/02/80 (03/06/80)	03/06/80	
7	AP Kotoky	PU	DD, Dibrugarh	UR	02/01/52	04/01/75	11/03/84	11/09/84	
8	CK Thapa	HSLC	AIR, Aizawl	UR	01/03/57	04/01/77	14/03/84	14/09/84	
9	GN Talukdar	BA(Hin)	SGE@, CCW, Guwahati	UR	01/03/52	17/07/72	09/11/84	09/11/84	
10	VL Ramliani	HSLC	AIR, Aizawl	ST	01/03/57	04/04/77	17/04/85	17/04/85	
11	E Bagchi	Matric	AIR, Silchar	UR	10/12/49	16/11/72	27/01/86	27/01/86	
12	Mrs I Bhattacharjee	HSLC	CCW@, Silchar	UR	20/01/51	09/07/74	17/05/86	17/06/86	
13	Mrs R Poddar	HSLC	CCW@, Guwahati	UR	22/12/48	01/10/73	01/12/86	01/12/86	
14	TC Baruah	HSLC	DD, Dibrugarh	ST	01/10/51	05/02/75	02/03/87	02/03/87	
15	PC Das	BA	AIR, Guwahati	SC	01/01/53	15/09/72	03/11/87	03/11/87	
16	A Sarma	HSLC	AIR, Guwahati	UR	01/01/53	01/02/74	09/11/87	09/11/87	
17	FK Sarma	BA	DOG(NER), AIR, Guwahati	UR	09/05/55	27/08/75 (09/06/77)	12/11/87	12/11/87	
18	EC Choudhury	HSLC	AIR, Guwahati	UR	09/01/54	12/10/76 (10/01/78)	12/11/87	12/11/87	

UDC 2002

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1	2	3	4	5	6	7	8	9	10
67	DP Dutta	Ecom	DD, Silchar	UR	23/07/54	07/12/74 (07/12/76)	31/03/90	31/08/90	
68	SK Sen	EA	DD, Silchar	UR	12/01/56	16/01/82	31/03/90	31/08/90	
69	E. Khatun	FU	AIR, Shillong (NES)	ST	09/10/63	30/04/84	19/05/90 (22/11/90)	22/11/90	
70	Mrs S Dey	EA	AIR, Shillong	UR	31/12/60	21/03/84	26/05/90 (22/11/90)	22/11/90	
71	AK Deb	Ecom	AIR, Aizawl	SC	18/05/52	20/11/81	23/11/90	23/11/90	
72	PD Sarma	EA	CCW, Guwahati	UR	01/01/55	23/04/84	23/11/90	23/11/90	
73	AK Dey	HSLC	AIR, Guwahati	UR	01/03/63	03/03/84	23/11/90	23/11/90	
74	T. Eharali	BA	PFC (NER), DD, Guwahati	UR	01/02/61	05/07/84	30/11/90	30/11/90	
75	F. Naha	HSLC	AIR, Guwahati	UR	06/02/59	05/06/85	30/11/90	30/11/90	
76	D. Choudhury	EA	AIR, Guwahati	UR	09/02/66	26/08/85	01/12/90	01/12/90	→ Comp
77	E. Ch. Singh	HSLC	DD, Imphal	UR	01/10/50	19/05/84	06/12/90	06/12/90	
78	NI Singh	HSLC	DD, Imphal	UR	01/01/61	05/09/84	06/12/90	06/12/90	
79	LS. Meitei	HSLC	DD, Imphal	ST	01/01/63	05/09/84	06/12/90	06/12/90	
80	Chinkholing	HSLC	AIR, Imphal	ST	01/12/59	02/08/80	07/12/90	07/12/90	
81	IL Swu	HSLC	AIR, Kohima	ST	05/04/63	03/09/85	07/12/90	07/12/90	
82	H. Zonuanpui	HSLC	DD, Aizawl	ST	14/03/64	22/07/85	12/12/90	12/12/90	
83	GH Borah	HSLC	AIR, Dibrugarh	ST	19/02/59	17/07/84	14/12/90	14/12/90	
84	RK Das	HSLC	AIR, Silchar	SC	30/05/52	09/09/74	19/12/90	19/12/90	
85	Mrs. Laimunengi	HSLC	AIR, Lunglei	ST	18/03/63	22/07/85	21/12/90	21/12/90	
86	TK Dey	EA	DDMC, Guwahati	UR	06/03/57	01/08/84	26/12/90	26/12/90	
87	SC Paul	Ecom	DDMC, Tezpur	UR	12/01/57	14/04/82 (Steno) (14/08/84) (09/11/84) (3/12/90)	12/03/88	21/12/90	
88	TC Borgoltrain	FD	DD, Dibrugarh	ST	30/12/64	31/01/86	31/12/90	31/12/90	
89	S. Brahma	HSLC	PFC (NER), DD, Guwahati	ST	26/01/65	07/01/86	30/11/90 (07/01/91)	07/01/91	
90	BC Kalita	FU (Sc)	AIR, Dibrugarh	UR	22/06/59	17/12/84	31/01/91	31/01/91	
91	A. Chakraborty	BA	AIR, Tanagar	UR	01/04/62	08/10/85	31/01/91	31/01/91	

## Seniority List of HC/ACTT/SSK etc. as on 01-01-2002

Sl. No.	Name	Qualification	Grade	Date of Birth	Date of first appointment	Date of confirmation	Date from which seniority is counted in the present grade	Place of present posting	Remarks
1	2	3	4	5	6	7	8	9	10
1	Th. S. Singh SSK	Matric	LF	01/03/43	04/05/55	21/07/86	31/07/86	DD, Imphal ✓	Promoted on adhoc basis
2	JN. Gohary AC	BA	LF	01/02/47	01/10/58	30/01/87	30/01/87	AIR, Jorhat ✓	Promoted on adhoc basis
3	Th. Vengipalun AC	SSC	LF	05/11/43	06/12/54	12/10/87	12/10/87	AIR, Kokrajhar ✓	
4	Ch. D. Singh AC	Matric	OC	01/11/41	29/07/53	24/10/87	24/10/87	DDMC, Itanagar ✓	
5	III Singh AC	Matric	LF	01/03/45	25/08/55	11/07/88	11/07/88	AIR, Imphal ✓	
6	SC Surma AC	Matric	LF	01/04/43	13/11/52	08/03/88	08/03/88	DD, Guwahati ✓	
7	I Sawrlala AC	FSLC	ST	05/06/42	02/01/57	30/10/88	30/10/88	DD, Aizawl ✓	
8	HC Bhownilik AC	Matric	SC	05/08/40	07/10/53	09/12/88	09/12/88	AIR, Kailashahar ✓	
9	HG Pophung AC	Matric	ST	01/05/43	18/07/57	06/01/89	06/01/89	DD, Imphal ✓	
10	SC Surma HC	FSLC	LF	01/11/47	12/11/57	09/02/89	09/02/89	Sg E(C), CCN, Guwahati ✓	
11	DN Tubakdar HC	BA	LF	01/01/50	02/07/59	20/02/89	20/02/89	EE(C), CCN, AIR, Guwahati ✓	
12	AK Chier AC	FU	SC	12/03/52	12/03/72	29/03/89	29/03/89	AIR, Passighat ✓	
13	D. Deba AC	FSLC	-	01/02/47	30/11/70	01/04/89	01/04/89	AIR, Diphu ✓	
14	SC Das HC	Matric	LF	01/05/42	01/04/55	31/03/89	31/03/89	FFC(NE), Guwahati ✓	
15	GR Bordoloi HC	BA(F-I)	ST	01/01/43	01/01/55	16/10/89	16/10/89	Sg E(C), CCN, Guwahati ✓	
16	SC Das HC	Matric	LF	01/03/43	01/02/69	15/12/89	15/12/89	CCN(C), Shillong ✓	CCN, Silchar
17	Th. M. Singh AC	Matric	LF	01/09/44	27/07/58	24/02/90	24/02/90	DD, Imphal ✓	
18	MC Medhi HC	FU	LF	02/05/48	03/01/59	08/06/90	08/06/90	DDK, Guwahati ✓	
19	RM Lyngdoh SSK	FU	ST	01/01/50	17/05/70	18/06/90	18/06/90	NES, A.R., Shillong ✓	
20	MJ I. Haque HC	FSLC	LF	01/04/43	18/10/72	18/05/90	18/05/90	DD, Dibrugarh ✓	

HC

1	2	3	4	5	6	7	8	9	10
47	Brachacharjee, SSK	FU	LR	01/01/52	25/05/76	24/06/92	24/06/92	AIR, Dibrugarh	✓
48	Madhi, SSK	FSLC	SC	01/08/46	01/07/76	15/03/93	15/03/93	AIR, Guwahati	✓
49	Liny, AC	FSLC	ST	01/03/55	13/02/77	09/06/94	09/06/94	AIR, Kohima	✓
50	Ch. Khatun, AC	FU	LR	01/01/44	01/11/72	01/12/94	01/12/94	DCMC, Guwahati	✓
51	K. Khatun	FSLC	SC	01/01/43	20/10/72	20/12/94	29/12/94	AIR, Tezu	✓
52	T. Nongstier, AC	FU	ST	13/03/55	15/07/76	28/08/95	28/08/95	AIR, Jowai	✓
53	Mrs G. Samal, HC	HS	LR	18/07/43	21/03/77	08/03/96	08/03/96	AIR, Hailong	✓
54	Mrs P. Mary, AC	FSLC	ST	01/08/53	13/12/76	26/02/96	26/02/96	DC, Kohima	✓
55	L. Baral, HC	ECcm	LR	24/03/55	04/10/70	16/02/96	16/02/96	EO, Agartala	✓
56	DP. Achary, SSK	FU	LR	01/01/55	19/02/77	12/02/96	12/02/96	EO, Silchar	✓
57	HII Patra, AC	BA	LR	01/03/51	01/02/75	19/02/96	19/02/96	EO, Dibrugarh	✓
58	E. Sohtun, HC	FU	ST	01/03/55	23/01/79	16/02/96	16/02/96	EO, Shillong	✓
59	RC. Dekar, SSK	FU	LR	01/02/53	07/07/79	15/02/96	15/02/96	EO, Guwahati	✓
60	IC. Ramchary, AC	FSLC	ST	12/06/43	14/07/79	26/04/96	26/04/96	EO, Tura	✓
61	Th. S. Singh, HC	BA	LR	01/01/51	*9/5/77 4			DC, Kohima	✓
62	II. Singh, SSK	BA	LR	01/03/51	*1/1/77 4	13/03/96	13/03/96	AIR, Imphal	✓
63	RC. Baruah, HC	BA	LR	01/11/43	03/03/70	21/06/96	21/06/96	EO, Guwahati	✓
64	PR. Dekar, HC	FU	SC	01/06/51	05/07/72	06/03/96	06/03/96	EE(E), Guwahati	✓
65	PC. Baruah, AC	ECcm	LR	01/01/53	01/02/75	14/03/96	14/03/96	AIR, Dibrugarh	✓
66	S. Bhattacharyya	BA(LB)	LR	15/08/53	7/4/83 (20/ 2/84)			AIR, Beloria	✓
67	MC. Mazumder	ECcm	LR	05/02/55	14/02/80 (15/ 7/81)			DCMC, Dimaapur	✓
68	II. Datta	FU	LR	01/01/56	17/03/82			AIR, Nagaon	✓
69	P. Chakraborty	FSLC	LR	02/01/51	20/01/86			AIR, Itanagar	✓

Promoted recently on the basis  
of Dept. Exam 95-96/96-97 for  
Recruitment Year 6/2000

yet to be decided  
by the Dept.

Junior in the LDC cadre

D. Chakraborty

M. Khatun  
22-12-97

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ANNEXURE-3

To,  
The Station Director,  
All India Radio,  
Guwahati.

(Through Proper Channel)

Sub.: Request for correction of Seniority List.

Sir,

With reference to your letter no. GH-I(14)/96-S/5027-73 dt. 29.8.96 regarding seniority list as received from E.E.(C), CCW, AIR, Guwahati on 30.9.96, I am to say the following few lines for further necessary action at your end please.

That, my name has been shown at Sl No. 100 in the seniority list of U.D.C. cadre instead of sl no. 106. ~~107, 108~~ ~~xxx~~

It is to state that the incumbents shown at sl. no. 106, 107, 108 are junior to me in the grade of C.G.-II since they have joined as C.G.-II on 31.1.86, 7.1.86 & 20.1.86 respectively and promotion was made in the grade of C.G.-I (U.D.C) in the same batch vide S.D. order no. 24(2)/90-S dt. 25.10.90 where they were shown junior to me.

In this connection this is to mention that I joined later in the grade of C.G.-I i.e. on 31.1.91 since I was posted to E.E.(C), CCW, AIR, Dimapur and for which I had to wait for offer of appointment from the said office and released on 30.1.91 (A.N) from E.E.(C), CCW, AIR, Guwahati.

Further, as per D.O. instruction the seniority should be counted from the date of D.P.O.

Also in the said seniority list in column 8 my name has been shown as a temporary employee but I was declared permanent vide E.E.(C) CCW, AIR, Guwahati letter no. CCW/AIR/CHY-II/PA.2(22)/91-3 dt. 2.6.95, a copy of which was endorsed to your goodself for record.

Yours faithfully,

  
(ASHOK CHAKRABORTY)

U.D.C., CCW, AIR, Guwahati.

Copy to :-

1. The Deputy Director General (NER), All India Radio, Guwahati for kind information please.
2. The Executive Engineer (Civil), CCW, AIR, Guwahati with the request for forwarding the above copies to the competent authority.

U.D.C.

*Accepted  
Law  
Advocate  
22.12.05*

Dated:-12/7/99

The Station Director  
All India Radio,  
Guwahati.

Sub:- Discrepancies in the seniority List of UDCs as on 01.01.99.

Sir,

I have the honour to bring the following discrepancies incorporated in the seniority list of UDCs as on 01.01.99 circulated vide SD, AIR, Guwahati's Memo no. 1(4)/99-S/4082 dt. 2/5.7.99.

1. In the said seniority list of UDCs cadre my name has been shown at Sl.No.98 though Sl.No. 94 to 97 were junior to me in the cadre of LDCs (prior to promotion as UDCs) and also in the selection/eligibility list.

As per General Principles for determination of seniority vide Min. of Home Affairs, O.M. no. 9 11/55, P.P. dt. 22.12.59, the relative seniority of persons promoted to the various grade shall be determined in the order of their selection for such promotion. Needless to mention that I joined later in the post of UDC because I was transferred on promotion from AIR(C), Guwahati to AIR(C), Dimapur and for which I had to wait for offer of Appointment and relieving order. In this regard my earlier representation dt. 3.10.96 may be referred.

2. Further, I am a S.S.C nominated candidate for the post of CG-II(LDC) at AIR(C), Guwahati in the batch of 1984 but rankwise seniority of SSC were/are not being maintained.

Therefore, my seniority may be placed between Sl.No. 75 to 81 of UDCs cadre according to the provision of Direct Recruitment (i.e. as per SSC rank in the year 1984) first and then relative seniority in the promoted post of UDCs may be determined in order of selection list i.e. as per recommendation of ...

Yours faithfully

*(Signature)*  
12/7/99  
(A. CHAKRABORTY)  
UDC, All India Radio,  
ITANAGAR.

*Accepted  
Fair  
22.12.99*



3X

Prasar Bharati  
(Broadcasting Corporation of India)  
All India Radio: Guwahati

Date: 07-10-2002.

No. Gly-24(2)/2001-5/

Subject : Seniority lists of Asstt/Acctt. and UDC/PSY Etc. for the year 1999, 2000, 2001 and 2002.

Enclosed please find the seniority lists in respect of Administrative staff of the North-East Region in respect of the grades stated above for circulation amongst the incumbents concerned. Discrepancies regarding position in the seniority list, if any OR errors arising out of omission/ deletion OR non-addition/ inclusion of any new entrants may be pointed out in writing with proper relevant data and authenticated supporting documents on or before 30-09-2002. Non-receipt of any complaint will confirm that there exists nothing objectionable.


The list of incumbents omitted OR to be added/ included afresh must be accompanied with all relevant documents exhibiting Educational qualification/ date of birth/ date of entry in this department/ Rank number (in full with detailed prefixes such as SLY/ RLY etc.)

It is to be noted that this office has to determine the exact position of staff in all the grades urgently which is found impossible as because there seems to exist so many staff in the SENIORITY LISTS who have already been expired/ retired/ transferred. Therefore, the list of such employees, who was once in this zone / Department but are no longer in existence, may be indicated immediately thus helping prompt review of the vacancy position/ staff strength. The proforma attached be expedited.

In this connection it is also requested that necessary action, for holding the type test for staff concerned, may be taken immediately and this office be kept informed time to time. The date of declaration of promotion by candidates (indicated by star mark) along with relevant letters of declaration and the date of joining of those accepting promotion during 2000-01 may also be intimated to this office immediately. An entry in this regard shall invariably be made onto the service book of the concerned as " DECLINED PROMOTION TO THE POST OF HC/ UDC/ LDC on the..... ( date of declaration ) " (copy kept pasted at page.....).


Note :- 1. The relevant Sl. No. must always be quoted in future correspondences.

To all the Head of offices (PIO)  
Encls: As above with a proforma.

  
Drawing & Disbursing Officer  
For Station Director

Copy along with enclosures to:-

1. The Director General, S.II Section, Akashvani Bhavan, Parliament Street, New Delhi - 110 001 ( in duplicate ).
2. The Deputy Director general (NER), All India Radio, Guwahati-781 001/ Doordarshan, Guwahati - 781 024 ( Assam ).

  
Drawing & Disbursing Officer

*Accepted  
Smt. Advocate  
22.12.02*

ANNEXURE-6

Date: 19.12.02



To

The Station Director,  
All India Radio,  
Chandmari,  
Guwahati.

(Through proper channel)

With reference to the seniority list of Asstt/Aett. and UDC/SK/ etc. for the year 1999/2k,01&02 circulated vide SD, AIR, Guwahati's letter no. Ghy.24(2)/2001-S/ dtd. 07/10/02, I have the honour to point out the following discrepancies regarding my seniority position.

1. In the said seniority lists of UDC cadre my name has been shown at sl. no. 91, 93 & 97 in the year 2002, 2001 & 2000/99 respectively and thus no. of person who was junior in the grade of LDC/CG-II have superseded. The factual position was pointed out vide my earlier representation dtd. 19/07/99 (letter enclosed for ready reference).

2. It appears from the seniority lists that in some cases seniority of UDC cadre are maintained on the basis of SSC rank in the initial grade, somewhere it is based on date of joining as UDC's although there is clear cut instruction that seniority should be maintained as per SSC rank in the initial grade and then as per rank of selection list of DPC. Needless to mention that I joined later in the grade of UDC as I was transferred outside the state i.e. O/o. the EE(C) Dimapur for which I had to wait for offer of appointment etc.

3. Sir, due to incorrect seniority position in the seniority lists of earlier years (pointed out earlier vide my several representations) my juniors have got promotion in the grade of UDC earlier than me.

Therefore, it is again requested to place my seniority position between 69-74 of UDC cadre in the seniority list of 2002 according to the provision of direct recruitment i.e. on the basis of SSC rank of the initial grade for the year 1984.

Yours faithfully,

Encl: as above.

(A. CHAKRABORTY)  
UDC, AIR, Itanagar

Copy to:-

8. The Director General All India Radio, Akashvani Bhavan, New Delhi-1.
9. The Deputy Director General, All India Radio, Guwahati - 781 003.
10. The Executive Engineer (Civil), Civil Construction Wing, All India Radio, Guwahati. It is requested that SSC rank no. may kindly be sent to SD, AIR, Guwahati if not sent earlier as requested please.

EE(C) SD, Itanagar

UDC, AIR, Itanagar

Affected  
from  
Bd. Wrote  
22.12.02

BY SPEED POST

ASAR BHARATI  
 (BROADCASTING CORPORATION OF INDIA)  
 All India Radio, Itanagar

No. Ita-23(2)/99-S/3311-14

Chennai, No. 09-11-99/003  
 Dated the October 14, 1999

OFFICE ORDER

This is to bring to all concerned that the Departmental Examination for 1996 & 1997 for promotion of UDC's to HC / AC / SK have been scheduled to be conducted on the 13th & the 14th day of November, 1999 at "ASSAM ENGINEERING INSTITUTE, Chandmari, Guwahati-3 (Assam)".

Therefore, all the candidates are hereby directed to proceed to Guwahati on the 12th Nov '99 (F/M) except Mr. A.O. Roy who shall move on the 13th Nov '99 (T/W). They shall come back to Headquarter on the 16th November, 1999. The questions furnished below:

- To :
1. P. Choudhury ; UDC  
 Roll No. 26025(96) &  
 37023(1997)
  2. A. Chakraborty ; UDC  
 R.No. 26034(1996) &  
 37036(1997)
  3. Mr. A.S. Roy ; SK  
 R.No. 37032(1997)
- (J.T. Jirco)  
 Station Director  
 All India Radio, Itanagar

Copy for information to :-

1. The Station Director, All India Radio, Guwahati 781 003 (Assam). This is with reference to his letter No. 19-S/8529 dt: 14-11-99.
2. Tour file.

STATION DIRECTOR

Attestd  
 Asst. Adm. Officer  
 22.12.99

STATE

TELEGRAM

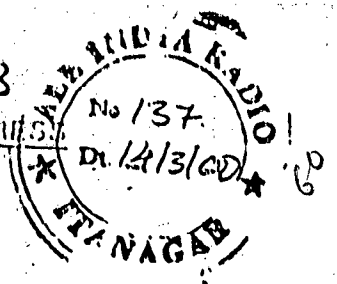
ANNEXURE-8

EXPRESS

No 137

Di 14/3/CD

AKASHVANI  
ITANAGAR



SEND ACR FOR THE PERIOD 1.4.95 TO 31.3.96  
AND 1.4.96 TO 31.12.96 OF D CHOUDHURY UDC AND FOR  
THE PERIOD 1.4.96 TO 15.1.97 OF A CHAKRABORTY UDC  
BY SPEED POST FOR ONWARD TRANSMISSION TO DIRECTORATE  
FOR THEIR PROMOTION

AKASHVANI

Not to be telegraphed :

No.SD.1(3)CR/2000  
dt. 7.3.2000

( L.Rohman ),  
Station Director.

Prasar Bharati  
(Broadcasting Corporation of India)  
All India Radio :: Guwahati.  
\*\*\*\*\*

No.SD.1(3)CR/2000

Guwahati, dtd. the 7th March, 2000.

✓ Post copy in confirmation forwarded to the Station  
Director, All India Radio, Itanagar with a request to send  
ACR for the period 1.4.95 to 31.3.96 and 1.4.96 to 31.12.96  
in respect of Shri D.Choudhury, UDC and part ACR for the  
period 1.4.96 to 15.1.97 in respect of Shri A.Chakraborty, UDC  
at your Station to this Station by Speed Post for onward  
transmission to Directorate in connection with his promotion.  
This may be treated as MOST URGENT.

Station Director.

Affected  
from  
Adm. 22.12.03

Dated: 14/07/2000

D.L.

61

AC  
To,  
The Director,  
(Dr. J.K. Das- IBPS by name)  
Staff Training Institute (P)  
All India Radio, Radio Colony  
Kingsway Campus  
Delhi - 110 009

(Through proper channel)

Sub: Request for result of written examination of the Deptt. Exam. for HC/Acctt. for the year 95-96/96-97.

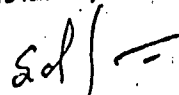
Sir,

I, Ashok Chakraborty, UDC, AIR, Itanagar most respectfully stated as under :-

1. That, I appeared in the Departmental Competitive Exam, for HC/Acctt. for the year 95-96/96-97 held on 13/11/99/14/11/99 at Guwahati having roll no 26034 for 95-96 & 37030 for 96-97.
2. That sir, I learned that I have been qualified/ passed in the written examination of the said Deptt. Exam. since my C.Rs were asked for holding DPC.
3. That sir, I have been looking after the work of Accountant (Assistant) AIR, Itanagar (Capital Station) since 06.12.99 to till date i.e. for last 8 months even after the post of A.O. is lying vacant.
4. That sir, I have not been communicated the marks obtained by me in each subject as well as my position number of the written examination of the said Deptt. Exam.

Therefore, I earnestly request to kindly let me know my position no. of the written exam. for Deptt. examination of HC/Acctt. for the year 95-96 & 96-97 as well as marks obtained by me in each subject for act of which I shall be obliged.

Yours faithfully

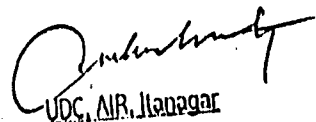


(Ashok Chakraborty)  
UDC, AIR, Itanagar

Copy to:

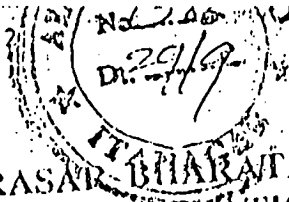
1. The Deputy Director General (NER), AIR, Guwahati for kind information.
2. The Station Director, AIR, Guwahati for kind information.

3. The Station Director, AIR, Itanagar with the request to forward my representation please.



UDC, AIR, Itanagar

Attested  
Sd/-  
Ashok  
22.12.03



ANEXURE-10

PRASAR BHARTI  
BROADCASTING CORPORATION OF INDIA  
STAFF TRAINING INSTITUTE(P)  
ALL INDIA RADIO: RADIO COLONY  
KINGSWAY CAMP :DE LHI- 1100 09.

NO.2/6/99-2000-DSTI(P) / 90

DATE: 21.09.2000

The Station Director,  
All India Radio,  
ITANAGAR

SUB: REPRESENTATION FOR RECONSIDER OF PROMOTION  
IN RESPECT OF S/SH. A.CHAKRABORTY & DESHABANDHU  
CHOUDHURY, UDC FOR THE POST OF HC/ACCTT. FOR THE  
YEAR 95-96 & 96-97.

REF: ITA.21(2)/AC/97/542 DATED: 14.07.2000 & 18.2000

Sir,

This is refering to the above representation.

This is to inform you that the aforesaid Examination is only for limited Departmental qualifying examination. Hence mere qualifying in written examination does not entail a person for final selection. It is also not possible to provide the details asked for.

S/SH. A.K. Chakraborty and Deshabandhu Choudhury, UDCs of your office may be informed accordingly.

Yours faithfully,

(DR. J.K. DAS) 21.9.2000  
DIRECTOR

Copy for information to:

1. Station Director, AIR Guwahati
2. Directorate General (By Name: S.H.P. Mishra, DDA), AIR, N. Delhi

Affected  
Rank  
Advocate  
22.12.03

45-  
ANNEXURE-11  
BHARATI  
BROADCASTING CORPORATION OF INDIA  
STAFF TRAINING INSTITUTE (TECH)  
ALL INDIA RADIO & DOORDARSHAN  
KINGSWAY, DELHI - 110009

63  
BHARATI  
BROADCASTING CORPORATION OF INDIA  
STAFF TRAINING INSTITUTE (TECH)  
ALL INDIA RADIO & DOORDARSHAN  
KINGSWAY, DELHI - 110009

No. T4/Exam/STI/2000-2001/4246

Dated : 15.9.2000

The Chief-Engineer/Sg. Engineer/  
Station-Engineer/Asstt. Station-Engr./Asstt. Engineer,  
All India Radio/AIR-HIPT/  
Doordarshan-Kendra/DD-HPT/DD-LPT,

AIR C SECTOR

ITANAGAR - 791111

Subject: Marks secured in the written papers by the candidates appeared in the departmental competitive examination for the promotion of SEA to the cadre of AE - conducted on 27<sup>th</sup>, 28<sup>th</sup>, & 29<sup>th</sup> February, 2000.

Please find enclosed the Marks sheet(s) of the candidates for the following roll number(s) who appeared in the written papers of the Departmental Competitive Examination for promotion of SEA to the cadre of AE held on 27<sup>th</sup>, 28<sup>th</sup> & 29<sup>th</sup> February, 2000.

<u>Sl. No.</u>	<u>Roll Number(s)</u>
1.	50 49
2.	50 50

This may be delivered to the candidate(s). In case he/she has been transferred to some other station, this may please be forwarded to that station.

Yours faithfully

*(Signature)*

(R.K.Singh)  
Director (Engg.)  
For Chief Engineer (Trg.)

Attended  
Staff.  
Advocate  
22.12.03

PRASAR BHARATI  
( BROADCASTING CORPORATION OF INDIA )  
ALL INDIA RADIO : ITANAGAR

No. Ita 1(4)/98-S/

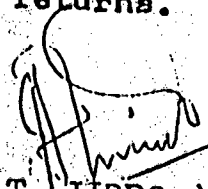
Dated, the 10th Feb., 1998.

ORDER

In partial modification of this office's earlier orders works among the following staff are ~~xxx~~ re-distributed as mentioned against each :-

1. Shri Ashok Chakraborty, UDC. He will look after the work relating to appointment, transfer, promotion, training, pension, leave, maintenance of Service Book in respect of Engineering and Gazetted Staff.
2. Shri Venu P., LDC. The works relating to appointment, transfer, promotion, training, pension, leave, maintenance of service book, etc. in respect of non-gazetted and Group 'D' Staff.

They will ensure sending of respective returns.

  
( J.T. JIRDO )  
STATION DIRECTOR

*Accepted  
R.R.  
Bhuvane  
22.12.98*

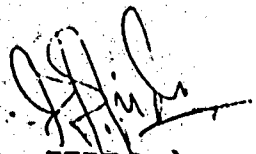


PRASAR BHARATI  
BROADCASTING CORPORATION OF INDIA  
ALL INDIA RADIO : ITANAGAR

" O R D E R "

Dated Itanagar, the  
21st Jan'1999.

/7/0. ITA.2(SL)/96-99/ACR/20352 Shri Ashok Chakraborty,  
UDC, is hereby directed  
to takeover all CR Files from Shri B. Shome who is being  
released from this Station for his new posting place, CCW,  
AIR, Silchar and keep in safe custody till alternative  
arrangement is made. A copy of the receipt of the CR Files  
may be sent to undersigned.

  
( J.T. JIRDO )  
STATION DIRECTOR  
AIR::::ITANAGAR

✓ Shri Ashok Chakraborty, UDC.  
All India Radio, Itanagar,  
Arunachal Pradesh.

Copy to :-

1. The Superintending Engineer, AIR, Itanagar,  
for kind information please.
2. Office copy.

( J.T. JIRDO )  
STATION DIRECTOR,  
AIR ::: ITANAGAR.

*Accepted  
Sent  
22.12.03*

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA)  
ALL INDIA RADIO::ITANAGAR.

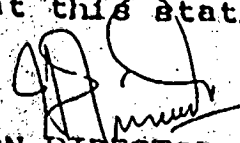
No.:- Ita. 23(1)/99-G/3573

Dt. 6.12.99

ORDER

Sh. A. Chakraborty, UDC, AIR, Itanagar is hereby directed to look after the work of Accountant(Assistant), AIR, Itanagar w.e.f. 6.12.99 in addition to his own work till further order or a regular Accountant(Assistant) is posted at this station.

To,  
Sh. A. Chakraborty,  
UDC, AIR, Itanagar.

  
STATION DIRECTOR,  
ALL INDIA RADIO::ITANAGAR

Copy to :-

1. The Superintending Engineer, All India Radio, Itanagar.
2. The Drawing & Disbursing Officer, AIR, Itanagar.
3. Accounts & Admn. Section.

STATION DIRECTOR.

\*\*\*\*\*

*Accepted  
for  
Signature  
22.12.07*

-49-  
FRASAR DEARATI  
BROADCASTING CORPORATION OF INDIA  
ALL INDIA RADIO - ITANAGAR

ANNEXURE-15  
25

NO: Itn-1(4)/2000-S/4272

Date: 22/2/2000

ORDER

With reference to this office Order No. Itn-23(1)/99-G3573-3575  
Dt. 6/12/99, Shri. A. Chakraborty UDC is hereby appointed to officiate in the post of  
Accountant (Assistant), AIR, Itanagar w.e.f. 6/12/99 and untill further Order or a regular  
Accountant is posted at Station.

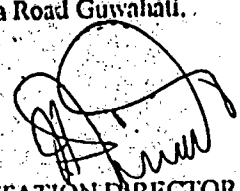
His pay in the officiating post is fixed under FR22(1)(a)(1) at  
Rs. 5000/= in the scale Rs. 5000-150-8000 per month plus other allowances as admissible.

To,  
Shri. A. Chakraborty,  
UDC (officiating Acctt.)  
AIR, Itanagar.

Sel  
STATION DIRECTOR  
AIR: ITANAGAR

Copy to:-

1. The Deputy Director General (NER), All India Radio, Guwahati.
2. The Pay and Accounts Officer, Doordarshan, R.G. Barua Road Guwahati.
3. Bill Clerk (in duplicate)
4. Personal File.
5. Service Book.

  
STATION DIRECTOR

Affected  
Sanku  
Pawar  
22.12.03

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA)  
ALL INDIA RADIO, ITANAGAR

No. Ita-21(1)/99-2000/AC/646-655.

Date: 13/02/01

Under fundamental Rule 46(b), Station Director AIR, Itanagar is pleased to sanction an amount of Rs.6,500/- (Rupees Six thousand five hundred) only as honorarium to the following officer/officials for the amount shown against their name for performance of outstanding service during the year 2000, which contribute very good productivity at the station.

1.	Shri	Iddong Pertin	TREX	Rs. 1500/=
2.	Shri	A. Chakraborty	UDC	Rs. 1500/=
3.	Shri	D. Choudhury	UDC	Rs. 1500/=
4.	Shri	Amiyanshu Das	UDC(Prog. Sect.)	Rs. 1000/=
5.	Shri	H.R. Mongor	LDC	Rs. 1000/=
			Total :	Rs. 6,500/=

(Rupees Six thousand five hundred) only sanctioned.

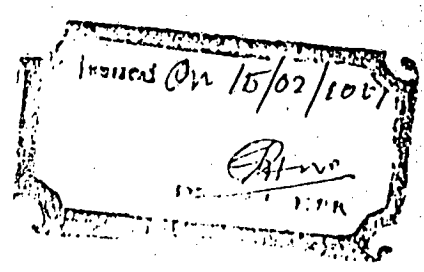
The expenditure shall be met from the SBG 2000-01 under Sub-Head A-1(4) (1) Salary.

(S. Yongsam)  
Programme Executive(DDO)  
For Station Director  
All India Radio, Itanagar

Copy to:-

1. The Pay and Accounts Officer Doordarshan R.G. Barua Road Guwahati.
2. The Bill Clerk(in duplicate)
3. Personal File

*Syngam*  
13/2/01  
For Station Director  
All India Radio, Itanagar  
*ok*



*Added  
Part  
22-12-03*

Dated Guwahati, Chandmari the  
11th of July 'Y2K

O R D E R

As per STI(P), New Delhi's letter No. DSTI(P)2(5)/99-2000/  
45 dated 23-06-2000 following passed UDCs promoted as HC/AC/SSK and  
posted at the various station in AIR/DDK in NE Region against the  
20% Departmental Examination quota.

SL.NO.	NAME & DESIGNATION	PRESENT POSTING	NEW PLACE OF POSTING ON PROMOTION.
1	Shri Sankar Bhattacharyya, UDC	AIR, Belonia	AIR, Belonia as A/C
2	Shri Mrinal Kanti Majumder, UDC	DDK, Agartala	Alloted to Doordar- shan for further posting.
3	Shri Narayan Dutta, UDC	AIR, Tawang	AIR, Tawang as A/C
4	Shri Paritoni Chakraborty, UDC	AIR, Guwahati	AIR, Itanagar as A/C. Shri Monoj Choudhury, UDC of your station may kindly be shown against the post of SSK.

The respective Stations/Kendras/Office Head may please  
issue necessary orders to the above officials.

(L. PERMAN)

STATION DIRECTOR

Copy to :-

- 1) Station Director, All India Radio, Belonia for kind information and necessary action please.
- 2) Station Director, All India Radio, Itanagar for kind information and necessary action please.
- 3) Station Director, All India Radio, Tawang for kind information and necessary action please.
- 4) Shri S. Bhattacharyya, UDC, AIR, Belonia.
- 5) Shri M.K. Majumder, UDC, DDK, Agartala.
- 6) Shri Narayan Dutta, UDC, AIR, Tawang.
- 7) Director General, Section-S.11, AIR, Akashvani Bhawan, Parliament Street, New Delhi-110 001, for kind information.
- 8) Director (Dr. J.K. Das, IBPS-By name), STI(P), All India Radio, All India Radio Colony, Kingsway Camp, Delhi-110 009, for kind information.
- 9) Dy. Director General (NER), AIR, Guwahati for kind information.
- 10) Dy. Director General (NER), DD, Guwahati for information & kind necessary action.
- 11) PRESIDENT, ADASA, DDK, Guwahati for information.
- 12) Shri P. Chakraborty, UDC, AIR, GHY.

STATION DIRECTOR

\*\*\*\*\*

Allexed  
Saw  
Adwicate  
22-12-03

Dated : 30/07/2000

To,  
The Director,  
(Dr. J.K. Das- IBPS by name)  
Staff Training Institute (P)  
All India Radio, Radio Colony  
Kingsway Campus  
Delhi - 110 009

(Through proper channel)

Sub : Departmental Competitive Examination for UDC to the post of Acct./HC/SSK for the year 95-96/96-97- Request for reconsideration for promotion thereby.

Sir,

Respectfully stated as under-

- 1) That, I submitted a representation dt.14.07.2000 requesting result & position no. of written exam. as well as marks obtained by me in each subject of the Deptll. Exam. for UDC to the post of Acct/HC/SSK for the year 95-96/96-97.
- 2) That, recently 4(four) UDCs have been posted on promotion to the post of Accountant etc. against the Deptll. Exam. as per SD, AIR, Guwahati's order no. 24(3)/2000/5/24/8 dtd. 11/07/2000.
- 3) That sir, although I have been qualified in the written exam of the said Deptll. Exam. my name has not been considered for promotion. It is presumed that I have not given due marks on CRs which contain 100 marks. Therefore, I am to say following material facts which have either not been assessed /communicated to members or looked into:
  - i) I was called upon to officiate/look after the work of Acctt. AIR, Itanagar w.e.f. 06/12/99 vide SD, AIR, Itanagar order no. ITA.23(1)/ 99-G/3573- 3575 dtd. 06/12/99 and Ita.1(4)/2000-S/4270 dtd.02/02/2000. My experience of the job as Accountant independently for last eight months w.e.f. 06/12/99 to till date in such a big Station like Itanagar(Capital station ) and where the post of SSK and next higher post AO are also vacant . During the period many changes took place regarding new system of accounting which I have tackled efficiently even due to shortage of Admn. Staff.
  - ii) Holding additional work of Stenographer relating maintenance of Confidential Report dosslers, CR files of all the officers and staff of this Station w.e.f. 21/01/99 to till date as per SD, AIR, Itanagar order of even no: dtd.21/01/99 as both the post of Stenographer are vacant.
  - iii) Extra/Additional work assigned and performed by me in the post of UDC, AIR, Itanagar for last 4years w.e.f. 12/02/97 to till date due to shortage of staff.
  - iv) My experience to serve in both Admn. & Accounts section of AIR & CCW in difficult Station like Kohima, Dimapur/ Guwahati & Itanagar.

All above factors lead to outstanding merits and justify my advancement and special selection for higher appointment out of turn.

Contd. 2

Accepted  
Sd/-  
Admn. Officer  
22.12.05

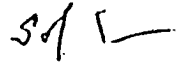
(2)

- 4) That sir, since seniority has CO-relation with promotion in case having equal marks of others, I am to say that there are promotee/qualified UDCs who are junior to me but shown senior in the incorrect zonal seniority list of UDCs of various years which were brought to the notice of SD, AIR, Guwahati vide my representation dtd.03/10/96 & 19/07/99 but all in vain.

Therefore, I am requesting you to look into the matter and reconsider/ review my case for promotion on the basis of above mentioned facts and obliged.

Enclose :- As above

Yours faithfully

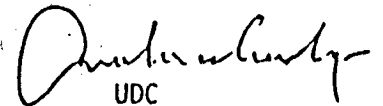


(Ashok Chakraborty)  
UDC, AIR, Itanagar

Copy to :-

1. The Director General, All India Radio, Staff Section- II Akashvani Bhawan, Parliament Street, New Delhi -1 for consideration please.
2. The Deputy Director General (NFR), AIR, Guwahati for kind information.
3. The Station Director, AIR, Guwahati for kind information. It is requested that the seniority list of UDC cadre may please be corrected as discrepancies pointed out vide representation dtd.03/10/96 & 19/07/99 (Copy enclosed for ready reference).

1. SD, AIR, Itanagar.



UDC  
AIR, Itanagar

Date :- 01/09/2000

-34-

To

The Director General  
All India Radio,  
Akashvani Bhawan,  
Parliament Street,  
New Delhi- 100 001

( Through proper channel)

SUB:- Departmental Competitive Examination for UDC to the post of Acct./HC/SSK for the year 95-96/96-97-  
Request for reconsideration for promotion thereby after review of CR's.

Sir,

Respectfully, I beg to draw your kind attention to my representation dtd. 14/07/2000 and 30/07/2000 regarding result of written Examination of the Dept. exam for HC/ Acctt. for the year 95-96/96-97 and reconsideration for my promotion after review of CR's marks as some material facts which have either not been assessed / communicated or looked into. (Copy enclosed for ready reference)

Besides the material facts explained vide para 3 of my representation dtd. 30/07/2000, I am to say the following few lines in support of my genuine request .

1. That sir, the CR's for the year 97-98, 98-99, 99-2000 have been reported/ reviewed by the officers other than reporting officers (Acctt.)/ Reviewing officer (ASD) as per Vol.- II of AIR, Manual.
2. That sir, there are promotees who have never been called upon to look after the work of Accountant independently for such a longer period .
3. That sir, there is a promotee who is junior to me but shown senior in the Incorrect zonal seniority list which were brought to the notice of concerned authority for necessary correction several times but only all in vain .
4. That sir, the is qualified person in the written exam who has been promoted even after working in Adm. section only.
5. As per AIR, Recruitment rule, no direct recruit should be made until appointment of qualified candidate of Deptl. Exam.

It is also to inform that some posts of HC/ SSK/Acctt. including one SSK post at station is lying vacant for a long time under direct recruitment quota .

Therefore, I am requesting to your goodself to look into the mater to review the CR's marks on the basis of actual CR's and material facts and reconsider my promotion case since I have been qualified in written exam of the above Deptl. Exam.

Yours faithfully,

*Ashok Chakraborty*  
(Ashok Chakraborty)  
UDC, AIR, Itanagar.

Encl. as above :-

Affix to  
Rmt.  
Acknowledge  
22.12.03



X3

- (v) A Confidential Report shall be added to the Character Roll only after the officer has satisfied himself that the report is complete in all respects and either does not contain any adverse remarks or the adverse remarks have been duly communicated and the fact of communication recorded in the report, wherever it contains adverse remarks.

0. In order to avoid delays in convening DPC's for various purposes by the authorities concerned for want of CR files which might have been sent outside for some purpose, instructions have been issued by the DAR that either CR files should be maintained in duplicate or whenever the file is required by other offices only photo-stat copy of the file should be sent and the original retained with the officer concern. However sufficient safeguards would have to be taken to ensure that the confidentiality of the Character Roll is not lost. In AIR except for CIS offices only one copy of CR is at present prepared and hence the second alternative viz., taking a photo-stat copy may be followed. For new entrants CRs may be prepared in duplicate.

## 1. Inspection of CR's

The annual Confidential Reports maintained by different Stations/Offices will be scrutinised by the Inspection Party of the Directorate General to see whether the reports are written/reviewed as per instructions, adverse remarks, if any have been communicated promptly and whether the movement register is maintained properly.

## 2. Completion Certificate

- (i) The authority who is required to maintain the Character Rolls should send to the Headquarters an annual statement by 31st May of every year certifying the following:
- (ii) that reports on all the employees under his control have been written and filed in their respective Character Rolls;
- (iii) that there were no adverse remarks in any of them except in the reports on
- 1.
  - 2.
  3. ....and so on; and
- (iv) that the adverse remarks in the reports on the above named employees have been communicated to them and that their respective acknowledgements of such communication obtained.

Authority: DGAIR Circular Letter No. A-28011/12/84-Vig. dt. 7.1.85

**Procedure for writing the Confidential Reports—Preparation of Schedule indicating the designations of the Reporting and Reviewing Officers in respect of various categories of Officers/Staff working in/under DG:AIR.**

Instructions for writing the Confidential Reports in respect of various categories of the staff working in/under the Directorate General, All India Radio are revised at times keeping in view the changing infrastructure and expansion of this organisation. For a pretty long time the need to improve these instructions have been felt as the Stations/Offices were experiencing so many difficulties to stick to the existing old instructions and were confused at times.

In order to avoid confusions and any incongruity in completing the confidential reports, a list has been compiled and prepared in five Annexures (I to V) indicating the designations of the authorities responsible for writing and reviewing of the Confidential Reports in respect of all categories of the officers/staff working in/under this Directorate in the following order:

*Approved  
for  
Annexure  
22-12-83*

## ANNEXURE V

61

## STATEMENT SHOWING THE REPORTING AND REVIEWING AUTHORITIES IN RESPECT OF THE ADMINISTRATIVE STAFF

Sl. No.	Category of Post	Reporting Officer	Reviewing Officer
1	2	3	4

## A—All Ministerial/Administrative staff working in Headquarters

## A-I Group 'A' officers working in the Directorate

1. Director General	Secretary	Minister
2. Dy. Director General (Admn.)	Director General	Secretary
3. Dy. Director General (Security)	—do—	—do—
4. Director (Admn. & Finance)	—do—	—do—
5. Dy. Director of Admn.	Director (Admn & Finance)	Dy. Director General (Admn.)
6. Dy. Development Officer (Admn.)	Director (Admn & Finance) CE concerned will add his remarks in the same part.	Engineer-in-Chief
7. Dy. Director Admn. (Welfare)	Dy. Director General (Admn.)	Director General
8. Dy. Director (O.L.)	Director (Admn. & Finance)	Dy. Director General (Admn.)
9. Dy. Director (Administrative Training), STI (P)	Director, STI(P)	Dy. Director General concerned. DDG (A) will add his remarks in the same part as Co-Reviewing Officer
10. Dy. Director (Security)	Dy. Director General (Security)	Director General
11. Sr. Analyst	Director (Admn. & Finance)	Dy. Director General (Admn.)

## A-II Group 'B' (Gld. &amp; Non Gld.) Staff working in the Dte.

1. Section Officers	Branch Officer	Director (A&F)/DDG (A) as the case may be.
2. Junior Analyst	Senior Analyst	Director (A&F)
3. Private Secretary/Sr. P.As.	Immediate Officer	—
4. Assistants	Section Officers concerned	Branch Officer concerned
5. Research Assistant	Junior Analyst	Senior Analyst

- 37 -

**B-II GROUP 'C' & 'D' MINISTERIAL/ADMINISTRATIVE STAFF WORKING IN SUBORDINATE STATIONS/ OFFICES OF A.I.R.**

1. Head Clerks/Accountants at Stations/Offices (with ASD or A.O.)	Asstt. Station Director or A.O.	Head of Office.
2. Head Clerks/Accountants at Stations/Offices (without ASD/A.O.)	Head of Office	Director, (A&F)/DDG(A) as the case may be
3. Head Clerks/Acctts. in E.S.D. (with A.O.)	Administrative Officer	Dy. Director, ESD. looking after the work
4. Head Clerk/Acctt. in NSD	A.O. or Sr. A.O. as the case may be.	Dy. Director Admn./Jt. Director of News
5. Head Clerk/Accountant at CBS Centre	Asstt. Station Director (The ASE at CBS Centre will record his comments on a separate sheet of paper and send these comments to the Reporting Officer who will pass on these comments along with the CR written by him to Reviewing Officer for his consideration while reviewing the reports - vice-versa in case the Head of Station/Office is an Engg. Officer)	Director (A&F)
6. Clerk Grade-I and II in NSD	Head Clerk/Acctt.	Sr. A.O./Acctts Officer NSD
7. Other Ministerial Staff at AIR Station/Offices (with ASD or A.O.)	Immediate Superior Officer	<u>ASD or A.O.</u>
8. Other Ministerial Staff at AIR Station/offices (without ASD or A.O.)	—do—	Head of Office
9. Programme Secretary/Tape Librarian (born on regular establishment)	Programme Executive concerned	—do—
10. Stenographers in NSD (i) Working in Shifts (ii) Other Stenographers	Immediate Superior Officer. —do—	Jt. Director of News —
11. Stenographers at AIR Stations/Offices	Immediate Superior	—

*Approved  
for  
22.12.07*

CONFIDENTIAL

Dated : 25/07/2002

The Director General,  
Staff Section-II,  
All India Radio,  
Akashvani Bhawan  
Parliament Street  
New Delhi - 110 001

(Through proper channel)

Subject: Departmental Competitive Examination for UDC to the post of Acct./HC/SSK for the year 95-96/96-97- Request for reconsideration for promotion thereby.

Sir,

With due respect I beg to state that I submitted one representation requesting result and marks obtained by me in written examination on the Deptt. Exam of UDC for the post of HC/Acctt. for the year 1995-96/96-97 and the other for reconsideration of promotion as I have been qualified in the said written exam. and the Members of DPC were not informed the material facts (Copies of the representations are enclosed for ready reference.) Now I have come to know that STI(I) has informed SD AIR, Itanagar that it is not possible to provide the marks as asked for and mere qualifying in the written exam. does not entail a person for final selection. In this connection I am to say the following few lines for favour of kind consideration

- i) That sir, the marks of written examination are regularly being informed to other cadre by STI(I), New Delhi. They are issuing the marksheet to all the candidate even who has not qualified in the written examination.
- ii) That among the qualified candidate of the above written examination I was the only person who was asked to look after the works of Accountant for nearly one (01) year at a stretch w.e.f. 06/12/2000 in addition to my work besides holding the charge of Accountant time to time.
- iii) That, the candidate qualified in the written examination for the earlier years have been promoted in the subsequent years including for the year 1995-96. As per recruitment rule, Schedule 9, Page no. 171 (note below), the provision for 20% recruitment on direct basis will be operative only after the last candidate on the panel of qualified candidates by the limited Deptt. Examination for appointment to the post of HC/Acctt./SSK has been absorbed in the post in the particular zone.
- iv) The vacancy position of HC/Acctt. against the year 1995-96/96-97 is doubtful. Since, no year-wise vacancy register maintained by Zonal office Guwahati. There are still five to seven vacancies of HC/Acctt./SSK. It is not known how vacancies have been arrived for the year 1995-96/96-97 in the absence of said register. However, I come to know vacancies are not under seniority-cum-fitness quota.

Accepted  
Sd/-  
22/12

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Page 2/L

- v) That sir, I have several times requested zonal office Guwahati for correction of seniority list of UDCs since rank-wise seniority are not being maintained vide my representation dtd. 03/10/96, 19/07/97 & 30/07/2000. But till date my prayer has not been acceded to. Due to this I am loosing many financial benefits etc. Moreover, Seniority has the Correlations with promotion in case of having equal marks with others.
- v) That sir, as per AIR manual, the Confidential Report of UDCs cadre are required to be reported by Acctt./IIC and reviewed by AO/ASD. Though both Acctt. & ASD were posted but my CRs for the previous years were reported by DDO (Programme Executive). Since he was not assigned the work of AO, all the related files were not routed through the concerned DDO. Moreover, from my joining as UDC I have been assigned of lot of Accounts and Administrative works (nearly three tables works due to shortage of Admn. staff) including the work of Accountant (as and when he is on Leave, Tour & Training etc.) and additional work of maintenance of Confidential Reports of all staff (nearly 100 staff) since 1/99 due to transfer of regular Steno. One can imagine how much pressure I have been shouldering to perform all the works smoothly. Though I deserve for outstanding CR and appreciation for performing all the works efficiently & sincerely by hard-dint and devotion. But it seems the same has not been reflected in my CRs. Since, CRs contain 100 marks, I am afraid that I shall never get promotion under Deptt Exam. quota if I have to qualify time and again for written papers of the Deptt. Exam.

Therefore, I am requesting your honour to look into the matter and consider/ review my case for promotion against any of the vacant posts.

Yours faithfully,

Encl:- As above.

(Ashok Chakraborty)  
UDC, AIR, Itanagar

Copy to :-

1. The Director, Staff Training Institute (P), All India Radio, Radio Colony, Kingsway Campus, Delhi- 110 009.
2. The Deputy Director General (NER), AIR, Guwahati.
3. The Station Director, AIR, Guwahati.

*Ashok Chakraborty*  
UDC, AIR, ITANAGAR

*Assessed  
Rank  
As per  
22.12.07*

60-  
ANNEXURE-22

REGISTERED

Prasar Bharati  
(Broadcasting Corporation of India)  
All India Radio : Itanagar

Dated : 26/07/2002

No:- Ita. 21(2)/AC/97/2002-S/1450-1502

To,  
The Director General,  
Staff Section-II,  
All India Radio,  
Akashvani Bhawan  
Parliament Street  
New Delhi-110 001

Sub : Forwarding of representation for reconsider of promotion of Depttl. Competitive Exam for HC/Acctt. for the year 95-96/96-97 in respect of Sh Ashok Chakraborty, UDC ; AIR, Itanagar.

Sir,

Sh Ashok Chakraborty, UDC, All India Radio, Itanagar has submitted a representation requesting reconsideration of promotion for Depttl. Exam for HC/Acctt. for the year 95 -96 & 96 -97.

The representation which is self explanatory is forwarded herewith for further necessary action please.

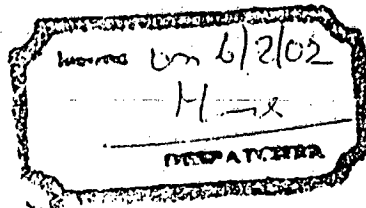
Enclo : As above

Yours faithfully

*[Signature]*  
O.T. Jindal  
Station Director

Copy to :

1. The Director, Staff Training Institute(I), All India Radio, Radio Colony, Kimpaway, Delhi-110 009.
2. The Dy. Director General(NER), AIR, Guwahati for kind information.
3. The Station Director, AIR, Guwahati for kind information



*[Signature]*  
Station Director  
o/c

*[Handwritten]*  
Advocate  
22-12-02

Date 15.07.03

To,

The Director General,  
All India Radio, Akashvani Bhawan,  
Parliament Street,  
New Delhi 110 001

(Through proper channel)

Sub.: Departmental Competitive Examination for UDC to the post of Acct./HC/SSK for the year 95-96/96-97- Request for review D.P.C. & reconsideration for promotion thereby.

Sir,

Most humbly once again I beg to state the following few lines for favour of kind consideration and order please.

1. That sir, I appeared in the Deptt. Competitive Exam for the year 95-96/96-97 held on 13/11/99 & 14/11/99 at Guwahati and qualified in one of the written examination, but my promotion to the post Acctt. etc. was not considered inspite of all materials facts were in favour of me. I requested STI(P), New Delhi for result of written examination including marks obtained by me in each paper vide my representation dtd. 14/07/2000. But till date I have not been informed the marks & position number etc by STI(P), New Delhi rather it is informed to SD, AIR, Itanagar that it is not possible to provide the marks of written exam vide letter no. 21/09/2000 (copy enclosed). In this regard I am to state that the result of written exam including marks are regularly being informed to other cadre by STI(T), New Delhi (Copy enclosed). Later, I wrote another letter/application to STI(P) bringing all materials facts regarding my merits and justifying promotion vide representation dtd. 30/07/2000 & 25/07/02 but the points/ facts of the representations have not been heard for review of CR marks and reconsideration of promotion.

2. That sir, I requested your kind honour for reconsideration of my promotion on the basis of actual (authentic) CRs and material facts regarding merits vide my representation dtd. 14/07/2000, 30/07/2000, 01/09/2000 & 25/07/02 (Copies enclosed for ready reference). But the representations have not been heard till date.

3. That sir, I have brought all the material facts regarding my merits and justification for promotion, incorrect vacancy position and seniority list and unauthentic CRs to the notice of your kind honour vide point no. II to V of my representation dtd. 25/07/02.

4. That sir, regarding seniority list of Acctt /UDCs & LDCs cadre maintained by zonal office SD, AIR, Guwahati, I have several time pointed out the discrepancies for correction of my seniority position vide representations dtd. 03/10/96, 19/07/97, 30/07/2000, 25/07/2002 & 19/12/2002. But the points of my representation have not been looked into for remedial measure. It is to state that due to this my juniors have got promotion early in the cadre UDCs. In this way I am losing consequential service benefit and monetary benefit.

5. That sir, it is very much clear from the forwarding letter of recent seniority list of Asstt./UDCs and LDCs cadre circulated by SD, AIR, Guwahati vide even no. dtd. 07/10/02, that the vacancy position of all the cadres are yet to be ascertained by zonal office. (Para-III of SD.AIR.Guwahati's letter dt 7.10.02, enclosed herewith may kindly be referred). I brought this fact to the notice of your kind honour vide Point IV of my representation dtd. 25/07/02.

Contd...2

A. H. S. A. S.  
S. A. S.  
A. S. S. S.  
22.12.03

6. That Sir, the aforesaid Deptt. Exam. was held in the year 99-2000 and D.P.C. for the same was convened on 2000-01. It is presumed that C.R. marks were considered upto the year 99-2000 by D.P.C. as S.T.I.(P) has asked upto date C.R. But the vacancies in question was considered separately for 95-96 & 96-97 excluding the years 97-98, 98-99 & 99-2000. I am to state that when D.P.C./Exam. could not be met for number of years then the vacancies upto the current year(2000 in this case) is to be taken into account and consolidated select list is to be prepared accordingly, as per instruction contained in DP& AR, O.M. no. 22011.3.76-Estt(D) dt. 24.12.1980. It is also stated that in the case of Deptt. Competitive Examination for promotion of Sr. Tech. etc. to the post of Engineering Assistant for the year 1998-99 & 1999-2000 held on 15.3.2000, the total vacancy position upto the current year i.e. 1999-2000 was taken into account by STI(T), New Delhi as per their letter no. DE-4/Sr.Tech/STI(T)/99 dt. 20.12.99 (The underlined sentence of the enclosed STI(T)'s letter may kindly be referred where it is stated that the official who is eligible as on 1.10.98 will be considered for both the years i.e. current year). The same procedure was followed in the Deptt. Competitive Exam. for the promotion of SEA to AE against 1998-99 & 99-2000 (STI(T)'s letter of even no. dt. 20.12.99 may kindly be referred.). So, I am unable to understand that why the vacancies upto the year 99-2000 could not be taken into account in the Deptt. Exam. of UDCs although the exam. was held in the year 99-2000.

7. Now, it is understood that the Deptt. exam for UDCs to the post of Acctt. etc. for the year 99-2000 are being conducted shortly as per S.D. AIR Guwahati's letter no 24(2)/2003-SII(Exam)2330 dt. 3.7.03 without any correction in the seniority list and exact vacancy position etc. Moreover, I do not find any fruitful result by appearing in the written exam time and again if the stated facts are not attended to. That sir, during the period 1991 till date I have been performing the works of 03(three) tables including the charge of Accountant (Higher post) (time to time and nearly one year at a stretch from 06.12.99) and holding additional works of two Stenographers relating to maintenance of Confidential Report dossiers, CR files of all the officers and staff of this Station & AIR Ziro (without any monetary benefit from 21.01.99 to till date) by hard dint and attending office on Saturdays, Sundays. The enclosed letters will tell the truth that how much pressure I have been shouldering for a long time. Now my question is that what is the benefit to take higher responsibilities and over burden of additional works if the facts are not reflected in CR while giving grading by the concerned officer. Sir, what is the benefit to appear in the Deptt. exam. if CR is not written with due care according to the provision contained in Min. of Home Affairs O.M. no. 51164-Estt.(a) dt. 21.6.65.

Therefore, I earnestly request your kind honour to look into the matter for review DPC for the year 95-96/96-97 on the basis of authentic CRs, material facts regarding merits, with exact vacancy position upto the year 2000 and correct seniority lists.

Yours faithfully,

*Ashok Chakraborty*

(Ashok Chakraborty)  
UDC, AIR, Itanagar

Copy to :-

1. The Chief Executive Officer, All India Radio, Akashvani Bhavan, New Delhi-110 001 alongwith a copy of representation.
2. The Director, Staff Training Institute(P), New Delhi alongwith a copy of a representation.
3. The Deputy Director General, All India Radio, Guwahati - 781 003 alongwith a copy of representation.
4. The Station Director, All India Radio, Chandmari, Guwahati - 781 003 alongwith a copy of representation.

*Ashok Chakraborty*  
Ashok Chakraborty



-636

81

ANNEXURE-24

Prasar Bharati  
(Broadcasting Corporation of India)  
All India Radio, Itanagar

No:- Ita. 21(2)/AC/97/ 177

Dated 17/07/2003

23/7/03

To,  
The Director General,  
Staff Section-II,  
All India Radio,  
Akashvani Bhawan  
Parliament Street  
New Delhi - 110 001

Sub : Forwarding of representation for review DPC & reconsideration of promotion of Depptl. Competitive Exam for HC/Acctt. for the year 95-96/96-97 in respect of Sh Ashok Chakraborty, UDC ; AIR, Itanagar.

Sir,

Enclosed please find herewith a representation dt.15.07.03 submitted by Sh Ashok Chakraborty; UDC, All India Radio, Itanagar requesting Review D.P.C. & reconsideration of promotion of Departmental Competitive Exam for HC/Acctt. for the year 95-96/96-97

The representation is self-explanatory. Kindly look into matter sympathetically.

Yours faithfully

Encls : As above

21/

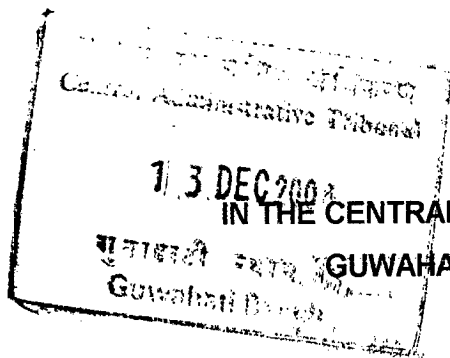
(N.M.A. Khampti)  
Station Director

Copy to :

1. The Chief Executive Officer, Prasar Bharati, All India Radio, New-Delhi for kind information along with a copy of above representation.
2. The Director, Staff Training Institute(P), All India Radio, Radio Colony, Kingsway, Delhi-110 009 along with a copy of above representation.
3. The Dy. Director General(NER), AIR, Guwahati for kind information with a copy of above representation.
4. The Station Director, AIR, Guwahati for kind information with a copy of above representation.
5. Sh A.Chakraborty, UDC, AIR Itanagar.

Station Director

Accepted  
from  
Advocate  
22.12.03



Filed by  
13/12/04  
CL. DEBROY  
Sr. C.G.S.C. & 2  
O. A. T., Guwahati Bench

O.A. No.299 of 2003

Shri Ashok Chakraborty

-- Vs --

Union of India & Others

In the matter of :

Written Statement is filed on behalf of  
Respondents No.1, 2, 3, 4 & 5.

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

1. That with regard to the statement made in Para 1, of the application, the respondents beg to state that the allegations made by the applicant Shri Ashok Chakraborty about down grading his ACR and irregularities in seniority are irrelevant and denied. The person concerned is not supposed to know the comments made by Reporting and Reviewing Officer in ACR as because the CR is an annual confidential assessment report. The applicant cannot demand of his Reporting and Reviewing Officer for gradation as per his personal desire. In respect of his seniority it is stated that he was rightly fixed in the cadre of LDC and also UDC as per the rules and regulations that were in vogue during the period of his joining as LDC & UDC.
2. That with regard to paras 2, 3 and 4.1, of the application the respondents beg to submit nothing.
3. That with regard to the statement made in para 4.2, of the application the respondents beg to state that it is admitted that applicant is a candidate of 1984 batch. Before issue of DOPT O.M. No.22011/7/86-Estt.(D) dated 03/07/1986, the seniority of the LDC was determined as per date of joining the

post (Reference AIR, Directorate's Memo No.10/6/81-S.II dated 09/02/1981 Recruitment Rules for various posts in AIR). The applicant and the respondent No.6,7 & 8 were appointed before issue of the DOPT circular dated 03/07/1986 and therefore, their seniority was rightly determined on the basis of the date of their joining as per AIR, Directorate Memo. Dated 09/02/1981.

Copy of the letter dated 03/07/1986 is annexed herewith and marked as Annexure-I.

Copy of the letter dated 09/02/1981 is annexed herewith and marked as Annexure-II.

4. That with regard to para 4.3 of the application the respondents beg to offer nothing since it is admitted fact.
5. That with regard to para 4.4 & 4.5 of the application the respondents beg to state that we admits the same.
6. That with regard to the statement made in para 4.6 of the application the respondents beg to state that before issue of DOPT's O.M. No.2201/1/86-Estt.(D) dated 03/07/1986 the seniority in the grade of LDC was determined on the basis of the date of joining as per Directorate Memo. No.10/6/81-S.II dated 09/02/1981. Hence, their seniority in the grade of LDC was rightly fixed on the basis of date of joining. It is worth mentioning that all of them joined before 03/07/1986 i.e., the date of issue of DOPT's O.M. dated 03/07/1986. It is clarified by STI(P), AIR, Delhi vide letter No.2/6/99-2000-DSTI(P)/90 dated 21/09/2000 that the applicant Shri Ashok Chakraborty and his colleague Shri D.B.Choudhury were not finally selected for promotion under examination quota.

- Copy of letter dated 21/09/2000 is annexed herewith and marked as Annexure-III.

7. That with regard to the statement made in para 4.7 of the application the respondents beg to state that the submission made by the applicant about his seniority shown in seniority list is correct. Therefore, the same is being rectified and he is being placed above his juniors Shri P. Chakraborty in the cadre of UDC. Even then his claim for promotion to the grade of Accountant along with his junior is not justified, as he has not been finally selected under examination quota.
8. That with regard to the averment made in para 4.8 of the application the respondents beg to state that the fact is correct. Necessary correction for removal of discrepancies in the seniority list of UDC is being carried out.
9. That with regard to the statement made in para 4.9 of the application the respondents beg to state that it is true that the seniority list in the cadre of HC/AC/SSK (Assistant) and UDCs were circulated to all offices / kendras in respect of other incumbents for information & submission of representation for removal of any omission if any in the seniority list.
10. That with regard to the statement made in para 4.10 of the application the respondents beg to state that the Departmental qualifying examination in the cadre of HC/AC/SSK (Assistant) has been conducted by STI(P), AIR, Delhi and the fact that the applicant did not pass the examination was intimated vide STI(P) letter No. DSTI(P)/2(5)/99-2000/45 dated 23/06/2000.

Copy of letter dated 23/06/2000 is annexed herewith  
and marked as Annexure-IV.

11. That with regard to the statement made in para 4.11 of the application the respondents beg to state that the examination was conducted by STI(P) and name of the successful candidate only were circulated. There is no practice to intimate the details of marks obtained in the above examination as per present policy. It was clarified that mere qualifying in the written part of the

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examination did not entitle one to final selection for promotion to the post of HC/AC/SSK (Assistant).

12. That with regard to the statement made in para 4.12 of the application the respondents beg to state that there is no regular practice of STI(P) of providing mark sheet / marks obtained in the departmental examination to the candidate like STI(T). And it is not a mandatory.

13. That with regard to the statement made in para 4.13 of the application the respondents beg to state that the duty assigned by the competent authority in UDC grades to look after the duties of HC/AC/SSK (Assistant) for temporary arrangement in absence of regular HC/AC in addition to normal assignment and certificate given for outstanding worker is not a matter of right for claiming for promotion to the higher grade as per Government policy.

14. That with regard to the statement made in para 4.14 of the application the respondents beg to state that it is true that STI(P) conducted the departmental examination under 20% quotas on limited departmental examination of HC/AC. And it is not a fact that due to down grading of ACR for the year 1998-1999, 2000 the applicant has not been selected in the aforesaid examination. The candidates who were selected and promoted definitely secured higher marks both in the written examination and on confidential reports. Hence, allegations made by the applicant are baseless and his request for quashing the DPC proceeding for promotion to the post of HC/AC is not justified.

15. That the averments made in para 4.15 are misleading and hence not admitted. The averments relating to downgrading of CR of the applicant are imaginary and without any basis. The CRs of the applicant have been reported/ reviewed as per rules and instructions.

16. That with regard to the statement made in para 4.16 of the application the respondents beg to state that it is true that the departmental examination for

the year 1995-96, 1996-97 under 20% quota was held in the year 1999 and promotion order in respect of successful candidates for promotion to the post of HC/AC was issued on 11/07/2000. It is the duty of STI(P) for conducting departmental examination for promotion to the cadre of UDC/SK/HC/AC/SSK time to time. That fact was already intimated and requested for immediate conducting the same.

17. That with regard to the statement made in para 4.17 of the application the respondents beg to state that the limited departmental examination was conducted by STI(P) based on actual year wise vacancy basis for the year 1995-96, 1996-97 respectively. The said examination was conducted by STI(P) only after receipt of actual vacancy position of the related year for which, the examination was conducted. The candidates were selected on merit basis and results were also announced for promotion to the higher grade.

18. That with regard to the statement made in para 4.18 of the application the respondents beg to state that it is a fact that due to non conducting of departmental examination under 20% quota by STI(P) in time, the incumbents could not appear which caused some delay in promotion to the cadre of HC/AC/SSK (Assistant). Therefore, the zonal station had already approached STI(P) for holding of examination in time every year against the vacancy based promotion, so, that, the successful candidate can be promoted to the higher grade.

19. That with regard to the statement made in para 4.19 of the application the respondents beg to state that it is admitted that his CR for the period from 01/11/1997 to 31/03/1998 was written by Shri B. Choudhury, Accountant and reviewed by Station Director. His CR for the subsequent years i.e., from 01/04/1998 to 31/03/1999 till 01/04/2001 to 31/03/2002 were reported by Shri S. Yangsam, Programme Executive, AIR, Itanagar & reviewed by Shri J.T.Jirido, Station Director, AIR, Itanagar. This was due to the fact that the Accountant Shri Choudhury was transferred from AIR, Itanagar to O/o Chief

Engineer (NEZ), AIR & TV, Guwahati and Administrative Officer, Shri S.Yangsam, Programme Executive, AIR, Itanagar was declared Drawing & Disbursing Officer (DDO) and asked to look after the job of Administrative Officer under supervision and control of the Station Director. The applicant's annual CR were, therefore, reported by DDO & reviewed by the Station Director. Assistant Station Director Shri D.C.Kachari supervisory Programme Officer during the period in question was not at all concerned with the works of administrative section. Hence, Assistant Station Director was not required to review.

As per AIR Manual, an extract of which is appended herewith as an Annexure-IV(A) the CR of LDC & UDC is written by the Head Clerk / Accountant as the immediate supervisory officer. Thereafter, the same is required to be reviewed by Administrative Officer or Assistant Station Director or any other officer who is authorized to look after the jobs of Administrative Officer.

It is not at all correct to say that Shri J.T.Jirido, Station Director, wrongly reviewed the applicant's CR. The Station Director is the overall in-charge of administration in a station and he is well aware of the performance of jobs done by the officers including those in Accounts & Administrative branch. Therefore, the averment made by the applicant in this para that Station Director wrongly reviews his CR is not correct.

It is further stated that Administrative Officer or Assistant or Assistant Station Director or Programme Executive or any other officer whoever supervises the job of Accountant will be the reporting authority and Station Director, the reviewing authority. Therefore, as an Accountant also, his CR is not required to be sent to Dy. Director General of the Region for review. Station Director will be the reporting authority and the Dy. Director General of the Region will be the Reviewing authority whenever Station Director himself supervises the work of Accountant and looks after the job of Administrative Officer. Therefore, the applicant's claim that his CR was required to be sent to Dy. Director General for review is not correct. The applicant was asked to look after the work of Accountant from 06/12/1999 vide AIR, Itanagar's order No.Ita.23(1)/99-G dated 06/12/1999 appended herewith as Annexure-IV(B) in addition to his own duties but he was not appointed to the post of Accountant.

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Therefore, no specific comments over his performance, as Accountant was necessary except gradation.

There was no down gradation of the CR as stated by the applicant. For all 5 years from 01/04/1997 to 31/03/1998 till 01/04/2001 to 31/03/2002. For assessment of fitness for promotion to the next higher post the gradation given by the reporting/ reviewing authority is taken into consideration. Since there has not been any irregularity or down gradation, the question of review of his CR does not arise. His CR dossier will be submitted to the Hon'ble Court if so directed.

20. That with regard to the statement made in para 4.20 of the application the respondents beg to state that the matter was looked into but it was not found possible to accede to his request as per relevant rules.

21. That with regard to the statement made in para 4.20A of the application the respondents beg to state that the allegation made by the applicant is not correct regarding maintaining of promotional quota under departmental examination as departmental examination is conducted by the STI(P), New Delhi against year wise vacancies of examination quota. The departmental examination under 20% quotas for the year 1997-98, 1998-99 could not be conducted by STI(P) due to non availability of clear vacancy under the departmental examination quota for those year.

22. That with regard to the statement made in para 4.21 of the application the respondents beg to offer no comments.

23. That with regard to the statement made in para 5.1 of the application the respondents beg to state that the Head of office can ask UDCs to look after the works of HC/AC/SSK (Assistant) in addition to his own on temporary basis. For such extra work there is a provision to pay them over time and honorarium too up to a certain limit under Rule. But it does not mean that the applicant can claim promotion to the post of HC/AC/SSK (Assistant) without being either approved by DPC or passing departmental examination.



24. That with regard to the statement made in para 5.2 of the application the respondents beg to state that it is not true that the Reporting/Reviewing Officer down graded him during the year 1997-98, 1998-99 and 1999-2000 while writing/reviewing confidential report. After Reporting Officer, there is a Reviewing Officer who was to review the report written by the Reporting Officer. The Reviewing Officer by virtue of his position may agree or disagree with the report of the Reporting Officer. The Reviewing Officer, thus may make his own assessment which may be either higher or lower gradation than that the Reporting Officer.

25. That with regard to the statement made in para 5.3 of the application the respondents beg to state that the matter is correct.

26. That with regard to the statement made in para 5.4 of the application the respondents beg to state that it is not correct.

27. That with regard to the statement made in para 5.5 of the application the respondents beg to state that the allegation made by the applicant is not relevant as the Reviewing Officer by virtue of his position can make his own assessment/gradation about the performance of work done by the officer reported upon. If under the performance of the officer reported upon was undoubtedly very good there would not been difference of opinion about his gradation.

28. That with regard to the statement made in para 5.6 of the application the respondents beg to state that the allegation made by the applicant are irrelevant and therefore beg to offer nothing to submit.

29. That with regard to the statement made in para 5.7 of the application the respondents beg to state that it is not true. There was no vacant post for the years 1997-98 & 1998-99 respectively under the departmental examination quota in the cadre of HC/AC/SSK (Assistant) for holding DPC. The STI(P)

was accordingly intimated vide SD, AIR, Guwahati's letter No.24 (2)/00-S.II/Exam. dated 11/04/2000.

30. That with regard to the statement made in para 5.8 of the application the respondents beg to state that there was no clear vacancy under the departmental examination quota for holding of departmental examination for promotion under departmental examination quota in the year 1997-98 & 1998-99. However, two numbers of vacancies were there under 20% departmental examination quotas for the post of HC/AC/SSK (Assistant) during the year 1999-2000 which was intimated to STI(P), Delhi vide SD, AIR, Guwahati letter No.24 (2)/03-S.II(Exam)/3627-29 dated 11/08/2003 for holding departmental examination and the case is under process.
31. That with regard to the statement made in para 5.9 of the application the respondents beg to state that every year vacancies are worked out for filling up through different methods like departmental examination quota, Seniority-cum-fitness quota and Direct Recruitment quota and accordingly the concerned authorities intimated to initiate action to fill up the vacancies.
32. That with regard to the statement made in para 5.10 of the application the respondents beg to state that the Department is to take action in time but many a times, promotion is not possible due to want of vacancies despite availability of eligible staff like the applicant.
33. That with regard to the statement made in para 5.11 of the application the respondents beg to state that the allegation is not correct as his seniority in the grade of LDC is rightly fixed in accordance of rules & regulations of that time. However, the discrepancies in seniority in the grade of UDC is being carried out.
34. That with regard to the statement made in para 5.12 of the application the respondents beg to state that it is not correct to level such allegation as his seniority was duly fixed as per the relevant Rules and Regulations of the period.

35. That with regard to the statement made in para 5.13 of the application the respondents beg to state that the allegations are baseless as his seniority in the lower grade i.e., LDC was prepared according to Directorate's Memo No.10/6/81-S.II dated 09/02/1981 i.e., as per date of joining in the initial cadre. The respondent No.6 & 7 are senior to the applicant and they were placed before the applicant in lower grade i.e., in LDC grade as well as in UDC grade as because respondents No.6 & 7 are promoted earlier to the grade of UDC. As per records, Respondent No. 8 was junior to the applicant in the lower grade accordingly the name of applicant was placed before the Respondent No.8 in the initial grade i.e., in the LDC grade. Through oversight respondent No.8 was wrongly placed before the applicant in the grade of UDC in 2000, but the same has been rectified and the applicant placed in the right position subsequently.

36. That with regard to the statement made in para 5.14 of the application the respondents beg to state that it is not admitted that applicant is senior to respondent No.6 & 7. No doubt the applicant is senior to respondent No.8 but not to respondent No.6 & 7, because seniority list was then prepared in accordance with the AIR, Directorate's Memo No.10/6/81-S.II dated 09/02/1981 and No. 10/14/94-S.II/1284 dated 28/03/1995.

Copy of letter dated 28/03/1995 is annexed herewith and marked as Annexure-V.

37. That with regard to the statement made in para 5.15 of the application the respondents beg to state that the allegations made are irrelevant. When the applicant could not qualify in the departmental examination and secure requisite marks on all papers, the question of review of his case does not arise. His case may however be taken up for consideration of his promotion under seniority-cum-fitness quota whenever vacancy arises in future.

38. That with regard to the statement made in para 5.16 of the application the respondents beg to state that there was no vacancy in the grade of

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HC/AC/SSK (Assistant) during the year 1997-98, 1998-99 under the quota, examination and seniority-cum-fitness quota. As such, question of his promotion against 1997-98 & 1998-99 does not arise.

39. That with regard to the statement made in para 5.17 of the application the respondents beg to state that discrepancies in seniority list of LDC & UDC have already been rectified in accordance with Directorate's O.M. dated 28/03/1995.

40. That with regard to the statement made in para 5.18 of the application the respondents beg to state that the allegation made against the Department is not correct. He could not compete in the departmental examination for promotion to the post of HC/AC/SSK (Assistant).

41. That with regard to the statement made in para 5.19 of the application the respondents beg to state that the allegation is partially admitted. Though all his representation were not replied to, necessary action so as to restore his seniority above the respondent No.8 was taken and circulated vide letter No. Ghy.24 (2)/2001-G/6778 dated 07/10/2002.

42. That with regard to paras 6 & 7 of the application the respondents beg to offer no comments.

43. That with regard to the statement made in para 8.1 of the application the respondents beg to state that there were no vacancies in HC/AC/SSK (Assistant) for the year 1997-98, 1998-99. Hence, question of holding review DPC for promotion to the post of HC/AC/SSK (Assistant) under seniority-cum-fitness quota does not arise.

44. That with regard to the statement made in para 8.2 of the application the respondents beg to state that the holding of review DPC for promotion to the post of HC/AC/SSK (Assistant) does not arise, as there is no vacancy for the

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year 1997-98, 1998-99 under seniority-cum-fitness quota as well as departmental examination quota.

45. That with regard to the statement made in para 8.3 of the application the respondents beg to state that both respondent No.6 & 7 appointed on compassionate ground in the cadre of LDC were appointed before the applicant. As such respondents No.6 & 7 were placed before the applicant in the seniority list of UDC grade in accordance of Directorate OM dated 28/03/1995. The respondent No.8, though junior to the applicant passed the departmental examination and therefore got promotion to the post of Assistant under departmental examination quota on 31/07/2000.
46. That with regard to the statement made in para 8.4 of the application the respondents beg to state that the relief claimed herein this para is baseless. It will not therefore be correct to issue such order as to his promotion from the date of promotion of Respondent No.8 who inspite of being junior to the applicant passed the departmental examination and got promotion to the post of HC/AC/SSK (Assistant). Therefore, it is prayed that the petition may please be dismissed with cost on the applicant.
47. That with regard to the statement made in para 8.5 of the application the respondents beg to state that the claim for cost of the application is baseless and devoid of merit. It is therefore prayed that the applicant's claim may not be granted.
48. That with regard to the statement made in para 8.6 of the application the respondents beg to state that the applicant is not entitled to any relief since his claim is not justified and therefore prayed that no relief be granted to the applicant.
49. That with regard to the statement made in paras 9.1, 10, 11 & 12 of the application the respondents beg to offer no comments.

Verification.....

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VERIFICATION

I, MOHAN SINGH

Superintending

Engineer, All India Radio, Guwahati do hereby verify that the statements made

in paragraph 1, 2, 4, 5, 7, 8, 9, 11 to 35, 37 to 49

of the written statement are true to my knowledge,

those made in paragraphs 3, 6, 10, 36 being matter of records

are true to my information derived there from which I believe to be true and

those made in the rest are humble submissions before the Hon'ble Tribunal. I

have not suppressed any material facts.

And I signed this verification on this 12<sup>th</sup> day of Dec.

2004, Guwahti.

Mohan Singh

DEPONENT

Superintending Engineer  
All India Radio  
GUWAHATI

14/77-

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for Central Government Servants

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## Seniority for Promotion

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### \*Consolidated Orders on Seniority

Instructions issued from time to time laying down the principles for determining seniority of persons appointed to services and posts under the Central Government have been consolidated in this Office Memo random. The original communications consolidated here are reproduced (items I to VII) at the end of this O.M. (page 6 onwards).

#### Seniority of Direct Recruits and Promotees

2.1 The relative seniority of all direct recruits is determined by the order of merit in which they are selected for such appointment on the recommendations of the U.P.S.C. or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection.

2.2 Where promotions are made on the basis of selection by a D.P.C., the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority, subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior such persons shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him.

2.3 Where persons recruited or promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.

2.4.1 The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

2.4.2 If adequate number of direct recruits do not become available in any particular year, rotation of quotas for the purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees.

In other words, to the extent direct recruits are not available the promotion will be bunched together at the bottom of the seniority list below the last position up to which it is possible to determine seniority, on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number according to the usual practice. Thereafter in that year while seniority will be determined between direct recruits and promotees, to the extent of the number of vacancies for direct recruits and promotees as determined according to the quota for that year, the additional direct recruits selected against the carried forward vacancies of the previous year would be placed *en bloc* below the last promotee (or direct recruit as the case may be), in the seniority list based on the rotation of vacancies for that year. The same principle holds good for determining seniority in the event of carry forward, if any, of direct recruitment or promotion quota vacancies (as the case may be) in the subsequent year.

**Illustration.**—Where the Recruitment Rules provide 50% of the vacancies of a grade to be filled by promotion and the remaining 50% by direct recruitment, and assuming there are 122 vacancies in the grade arising in each of the years 1985 and 1987 and that two vacancies intended for direct recruitment remain unfilled during 1985 and they could be filled during 1987, the seniority position of the promotees and direct recruits of these two years will be as under—

1986	1987
1. P1	9. P1
2. D1	10. D1
3. P2	11. P2
4. D2	12. D2
5. P3	13. P3
6. D3	14. D3
7. P4	15. P4
8. P5	16. D4
	17. P5
	18. D5
	19. D6
	20. D7

2.4.3 In order to help the appointing authorities in determining the number of vacancies to be filled during a year under each of the methods of recruitment prescribed, a vacancy Register giving a running account of the vacancies arising and being filled from year to year may be maintained in the *pro forma* enclosed. [See at the end of this order.]

2.4.4 With a view to curbing any tendency of under reporting, suppressing the vacancies to be notified to the concerned authorities for direct recruitment, it is clarified that promotees will be treated as regular only to the extent to which direct recruitment vacancies are reported to the recruiting authorities on the basis of the quotas prescribed in the relevant recruitment rules. Excess promotees, if any, exceeding the share falling to the promotion quota based on the corresponding figure, notified for direct recruitment would be treated only as *ad hoc* promotees.

#### Seniority of Transferees

3.1 The relative seniority of persons appointed by transfer to a Central service from the subordinate offices of the Central Government, or other departments of the Central or a State Government shall be determined in accordance with the order of their selection for such transfer.

3.2 Where such transfers are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such transferees vis-à-vis direct recruits or promotees shall be determined according to the rotation of vacancies which shall be based on the quotas reserved for transfer, direct recruitment and promotion respectively in the Recruitment Rules. Where the vacancies in any quota or quotas are carried forward, the principles stated in para 2.4.2 will apply, *mutatis mutandis* in determining *inter se* seniority of the appointees.

3.3 Where a person is appointed by transfer in accordance with the provisions in the Recruitment Rules providing for such transfer in the event of non-availability of suitable candidate by direct recruitment or promotion, such transferees shall be grouped with direct recruits or promotees, as the case may be. He shall be ranked below all direct recruits or promotees, as the case may be, selected on the same occasion.

3.4.1 In the case of a person who is initially taken on deputation and absorbed later (i.e., where the relevant recruitment rules provide for "Transfer on deputation/transfer") his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has, however, been holding already on regular basis in his parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he will be given seniority from—

- the date he has been holding the post on deputation,
- (or)
- the date from which he has been appointed on a regular basis to the same or equivalent grade in his parent department,

whichever is later.

3.4.2 The fixation of seniority of a transferee in accordance with the above principle will not, however, affect any regular promotions to the next higher grade made prior to the date of such absorption. In other



(15.78)

words, it will be operative only in filling up of vacancies in higher grade taking place after such absorption.

3.5 In cases in which transfers are not strictly in public interest, the transferred officers will be placed below all officers appointed regularly to the grade on the date of absorption.

#### Seniority in Special Types of Cases

4.1 In the case of such *ex-T.B.* or *ex-Pleurisy*, *ex-Leprosy* patients, as have been declared non-infective and medically fit for Government service, on re-employment in the same posts from which they were discharged the actual previous service rendered by them should be counted for seniority. The seniority of such persons re-employed in other posts will be fixed in consultation with the Department of Personnel and Training.

4.2.1 An order imposing the penalty of reduction to a lower service grade or post or to a lower time-scale should invariably specify—

(i) the period of reduction, unless the clear intention is that the reduction should be permanent or for an indefinite period;

(ii) whether on such re-promotion, the Government servant will regain his original seniority in the higher service, grade or post or higher time-scale which had been assigned to him prior to the imposition of the penalty.

4.2.2 In cases where the reduction is for a specified period and is not to operate to postpone future increments, the seniority of the Government servant may, unless the terms of the order of punishment, provide otherwise, be fixed in the higher service, grade or post or the higher time-scale at what it would have been but for his reduction.

4.2.3 Where the reduction is for a specified period and is to operate to postpone future increments, the seniority of the Government servant on re-promotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him in the higher service, grade or post of higher time-scale.

4.3.1 The surplus employees are not entitled for benefit of the past service rendered in the previous organisation for the purpose of their seniority in the new organisation. Such employees are to be treated as fresh entrants in the matter of their seniority, promotions, etc.

4.3.2 When two or more surplus employees of a particular grade in an office are selected on different dates for absorption in a grade in another office, their *inter se* seniority in the latter office will be same as in their previous office provided that—

(i) no direct recruit has been selected for appointment to that grade in between these dates; and

(ii) if there are no fixed quotas for direct recruitment and promotion to the grade in question in the new office and no promotee has been approved for appointment to that grade in between these dates.

4.3.3 When two or more surplus employees of a particular grade in an office are simultaneously selected for redeployment in another office in a grade, their *inter se* seniority in the particular grade, on redeployment in the latter office, would be the same as it was in their previous office.

4.3.4 The above orders would not be applicable in respect of personnel who are appointed on the recommendations of the U.P.S.C. to posts/services, recruitment to which is made through the Commission. Seniority of surplus officers appointed on the recommendations of the Commission will be decided on merits in consultation with the Commission.

5. It is requested that these instructions may be brought to the notice of all administrative authorities for information, guidance and compliance.

#### VACANCY REGISTER

[ *Pro forma* referred to in para. 2.4.3 ]

1986 1987 1988 ETC

1. Total number of vacancies arising during the year ... ..
2. Direct Recruitment—
  - (i) No. of vacancies to be filled—
    - (a) vacancies of the year (as per quota prescribed) ... ..
    - (b) Vacancies of the previous year(s) brought forward ... ..
    - (c) Total ... ..
  - (ii) No. of vacancies actually filled ... ..
  - (iii) No. of vacancies carried forward ... ..
3. By Promotion—
  - (i) No. of vacancies to be filled—
    - (a) Vacancies of the year (as per quota prescribed) ... ..
    - (b) Vacancies of previous year(s) brought forward ... ..
    - (c) Total ... ..
  - (ii) No. of vacancies actually filled ... ..
  - (iii) No. of vacancies carried forward ... ..

NOTE 1.—The methods of Recruitment mentioned above are only illustrative; those prescribed in the relevant recruitment rules will be reflected in this Register.

(16)

Recruitment

TR

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FILE 11

LOC

1. Name of post  
Clerk Gr. II/ Teleprinter Operator/  
Telephone Attendant/ Tabulator  
Clerk/Hindi/Language Typist  
1531 (1988) subject to variation de-  
pendant on workload
2. Number of posts  
General Central Services group 'C'  
non-gazetted, ministerial  
Rs. 950-20-1150-EB-25-1150
3. Classification  
Not applicable
4. Scale of pay  
Not applicable
5. Whether selection post or non-  
selection post  
Not applicable
6. Whether benefit of added years  
of service admissible under  
Rule of 30 of the CCS (Pension)  
Rules, 1972  
Between 18 and 25 years  
Note 1: The upper age limit may be relaxed  
for Govt. servants up to 35 years in accor-  
dance with instructions or orders issued by  
the Central Govt. from time to time  
Note 2: The crucial date for determining  
the age limit shall, in each case, be the closing  
date for receipt of applications from  
candidates in India (other than those in  
Andaman & Nicobar Islands & Lakshadweep)  
Note 3: Departmental educationally quali-  
fied Group 'D' staff should not exceed 30  
years
7. Age limit for direct recruits  
(i) Matriculation  
(ii) Knowledge of typing at a speed  
of 30 w.p.m. in English or 35  
w.p.m. in any recognised Indian  
Language  
Not applicable
8. Educational and other qualifi-  
cations required for direct re-  
cruits
9. Whether age and other qualifi-  
cations prescribed for direct  
recruits will apply in the case of  
promotees
10. Period of probation  
Two years  
(i) 90% by direct recruitment  
(ii) 5% from amongst educationally  
qualified group 'D' staff of All  
India Radio, through Depart-  
mental Competitive Examina-  
tion, having 5 years regular ser-  
vice in group 'D' posts  
(iii) 5% by seniority-cum-fitness

(17)

## Recruitment Rules for Various Posts in AIR

from amongst educationally qualified Group 'D' staff of All India Radio, having 5 years regular service in Group 'D' posts

Note: The vacancy under 5% quota against (ii) above shall not be carried forward to the next recruitment year

12. In case of recruitment by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made Not applicable
13. If a Departmental Promotion Committee exists, what is its composition Departmental Promotion Committee  
(For considering Confirmation)  
(i) Asstt. Station Chairman  
Director/Assistant Station Engineer or an officer in the equivalent grade in respective office  
(ii) Administrative Member  
Officer or an officer in the equivalent grade in the respective office  
(iii) An outside officer Member  
of comparable rank
14. Circumstances in which U.P.S.C. is to be consulted in making appointment Not applicable

Authority: Ministry of I&B Notification No. 8/38/87-S-II B(A), dated 21.6.1988 circulated vide DG, AIR Memo. No. 8(38)/87-S.II, dated 5/16.7.1988 and amended vide Notification No. 8(38)/87-S.II/B(A), dated 15.12.1989.

*Extracts of supplementary instructions issued by DG, AIR*

(1) *Seniority of Clerk Grade II*

The seniority in respect of Clerk Grade IIs appointed through the Staff Selection Commission is to be maintained according to their date of joining as Clerk Grade II in the respective zone.

(DG, AIR Memo. No. 10/6/81-S.II dated 9.2.81)



PRASAR BHARATI  
BROADCASTING CORPORATION OF INDIA  
STAFF TRAINING INSTITUTE(P)  
ALL INDIA RADIO: RADIO COLONY  
KINGSWAY CAMP: DE LHI- 1100 09.

NO.2/6/99-2000-DSTI(P) / 90

DATE: 21.09.2000

The Station Director,  
All India Radio,  
ITANAGAR

SUB: REPRESENTATION FOR RECONSIDER OF PROMOTION  
IN RESPECT OF S/SH. A. CHAKRABORTY & DESHABANDHU  
CHOUDHURY, UDC FOR THE POST OF HC/ACCT. FOR THE  
YEAR 95-96 & 96-97.

REF: ITA.21(2)/AC/97/542 DATED 14.07.2000 & 18.2000

Sir,

This is refering to the above representation.

This is to inform you that the aforesaid Examination is only for limited  
Departmental qualifying examination. Hence mere qualifying in written  
examination does not entail a person for final selection. It is also not possible  
provide the details asked for.

S/SH. A.K. Chakraborty and Deshabandhu Choudhury, UDCs of your office  
may be informed accordingly.

Yours faithfully,

(DR. J.K. DAS) 21.9.2000  
DIRECTOR

Copy for information to:

1. Station Director, AIR Guwahati
2. Directorate General (By Name: S.L.P. Mishra, DDA), AIR, N. Delhi



PRASAR BHARATI  
BROADCASTING CORPORATION OF INDIA  
STAFF TRAINING INSTITUTE (PROGRAMME)  
ALL INDIA RADIO: RADIO COLONY :  
KINGSWAY CAMP : DE LHI- 1100 09.

ALL INDIA RADIO  
GUWAHATI  
Diary No. 555  
File No. ....  
Date 3/7/2000

DR. J.K. DAS, IBPS  
DIRECTOR

TEL/FAX : 7456908

No. DSTI(P)2(5)/99-2000 / 45

Dated: 23.06.2000

Dear Sh. Rehman.

This is regarding the result of Departmental Examination to the grade of HC/ACCTT/SSK for the year 1995-96 and 1996-97.

I am please to inform you that after the written examination conducted in Nov. 1999 followed with Confidential Reports evaluation, the following UDCs are hereby declared passed:

YEAR	S.NO.	NAME
1995-96		VACANCY - G-2 & SC 1

1. Sh. Shankar Bhattacharjee
  2. Sh. Mrinal Kanti Majumdar
- (No SC candidate passed this exam.)

1996-97		VACANCY - G-2
1.	Sh. Narayan Dutta	
2.	Sh. P. Chakraborty	

He may be given the appointments to the post of HC/ACCTT/SSK. as you are the appointing authority. This may be taken up after getting all other conditions fulfilled.

The complete C.R. Dossiers of the following 12 candidates received by us are returned herewith:

- |                              |                         |
|------------------------------|-------------------------|
| 1. Sh. N. Dutta              | 2. Sh. S. Bhattacharjee |
| 3. Sh. M. K. Majumdar        | 4. Sh. Biwas Deb        |
| 5. Sh. L. Harindra Kr. Singh | 6. Sh. S. H. Hussain    |
| 7. Sh. D. Chaudhury          | 8. Sh. P. Chakraborty   |
| 9. Sh. A. Chakraborty        | 10. Sh. Lianchunge      |
| 11. Sh. A. K. Acharjee       | 12. Sh. Dulal Roy       |

Kindly acknowledge receipt.

With regards.

Yours sincerely.

(DR. J.K. DAS)

SIL. L. REHMAN.  
STATION DIRECTOR.  
ALL INDIA RADIO.  
CHANDMARI.  
GUWAHATI 781003

# STATEMENT SHOWING THE REPORTING AND REVIEWING AUTHORITIES IN RESPECT OF THE ADMINISTRATIVE STAFF

Category of Post	Reporting Officer	Reviewing Officer
2	3	4

## All Ministerial/Administrative staff working in Headquarters

### Group 'A' officers working in the Directorate

Director General	Secretary	Minister
Dy. Director General (Admn.)	Director General	Secretary
Dy. Director General (Security)	—do—	—do—
Director (Admn. & Finance)	—do—	—do—
Dy. Director of Admn.	Director (Admn & Finance)	Dy. Director General (Admn.)
Dy. Development Officer (Admn.)	Director (Admn & Finance) CE concerned will add his remarks in the same part	Engineer-in-Chief
Dy. Director Admn. (Welfare)	Dy. Director General (Admn.)	Director General
Dy. Director (O.L.)	Director (Admn. & Finance)	Dy. Director General (Admn.)
Dy. Director (Administrative Training), STI (P)	Director, STI(P)	Dy. Director General concerned. DDG (A) will add his remarks in the same part as Co-Reviewing Officer
Dy. Director (Security)	Dy. Director General (Security)	Director General
Sr. Analyst	Director (Admn. & Finance)	Dy. Director General (Admn.)

### Group 'B' (Gtd. & Non Gtd.) Staff working in the Dte.

Section Officers	Branch Officer	Director (A&F)/DDG (A) as the case may be.
Junior Analyst	Senior Analyst	Director (A&F)
Private Secretary/Sr. P.As.	Immediate Officer	—
Assistants	Section Officers concerned	Branch Officer concerned
Research Assistant	Junior Analyst	Senior Analyst

6. Inspector of Accts.	Dy. Director General concerned	Director General
7. Stenographers/P.As. Gr.C	Immediate Officer	
8. Accountant	Section Officer	Branch Officer
9. Security Officer	Dy. Director (Security)	Dy. Director General (Security)

A-III Group-'C' & 'D' Staff working in the Dte.

1. Lower Division Clerk/Upper Division Clerk of the staff sections	Section Officer	Branch Officer
2. Hindi Translator	D D (O L)	Director (A&F)
3. Librarian	Section Officer of the concerned section	Branch Officer
4. Reception Officer (Sr. grade as well as Jr. Gr.	Section Officer (Hqrs)	"
5. Telephone Operator	"	"
6. Care-Taker	Section Officer, GA Section	"
7. Stenographer (Grade-D)	Immediate Superior Officer	—
8. Staff-Car Driver/Motor Driver	"	—
9. Gestetner Operator	Section Officer (Hqr)	Branch Officer
10. Security Guards (Group-'D')	Security Officer (Dy. Director Security will countersign the report)	—

A-IV Staff working in AR Unit

1. Section Officer	Director, Audience Research	Director (A&F)
2. Licence Supervisor/Statistician	Dy. Director (A.R.)	Director, A.R.
3. Statistical Asstt.	Statistician	Dy. Director, A.R.
4. Statistical Computer	"	"
5. Machine Operator	"	"
6. Sr. Cartographer	Dy Director (A.R.)	Director, A.R.
7. L.D.C./U.D.C.	Section Officer	Director, Audience Research

A-V Staff working in Security Cell

1. Assistant/Incharge	Dy. Director (Security)	Dy. Director General (Security)
2. L.D.C./U.D.C.		

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**-VI Group-B, C & D' Ministerial Staff working in the Civil Construction Wing (Hqrs)**

Section Officer	Branch Officer	Superintending Engineer (Civil)
Asstt/UDC/LDC	Section Officer	Branch Officer
Stenographer/PA/Sr.P.A.	Immediate Officer	—
Class-IV Staff	"	—

**-VII Group-'C' & 'D' Ministerial Staff in Divisional Offices (Civil/Electrical)**

Head Clerk	Executive Engineer (Civil/Elec.)	Superintending Engineer (Civil)
Divisional Acctt.	"	"
Stenographer, Gr. III	Immediate Superior Officer	—
Clerk Gr. I and Clerk Gr.II	Head Clerk/Divisional Acctt (as the case may be)	Executive Engineer (Civil/Elec.)
All Class-IV Staff (Security Guard/ Chowkidar)	Immediate Superior Officer	—

**-VIII Group-'C' & 'D' Ministerial Staff in Sub-Divisional Offices (Civil/Elec.) of CCW**

Clerk Gr.I/Clerk Gr. II	Assistant Engineer (Civil/Elec.)	Executive Engineer (Civil/Elec.)
All Class-IV Staff	Immediate Superior Officer	—

**MINISTRIAL ADMINISTRATIVE STAFF IN SUBORDINATE STATIONS/OFFICES OF ALL INDIA RADIO**

**-I Group—'A' & 'B' Ministerial & Administrative Officers working in Subordinate Stations/Offices of AIR**

1. Cost Accounts Officer in Central Sales Unit, AIR, Bombay.	Director of Sales	Dy. Director General (Admn.)
2. Dy. Director (Acctts.) in CSU	"	"
3. Asstt. Cost Accounts Officer in CUS	Dy. Director (Acctts) CSU	Director of Sales, CSU
4. Accounts Officer in Central Stores, AIR, Delhi.	Head of Office	Director (A&F) of DDG(A) in case the Head of Office is of Selection Grade



Accounts Officer in the Offices of Zonal Chief Engineers	Director (Engg.) concerned in the Zonal offices	Chief Engineer (Zone) concerned
6. Jr. Accounts Officer in the Office of Zonal Chief Engineers	Accounts Officer	Director (Engg.) concerned in the Zone
7. Administrative Officer in ESD	Dy. Director, ESD	Director, ESD
3. Administrative Officer in CSU	Dy. Director, CSU	Director of Sales, Bombay.
9. Admn. Officer in NSD (Sr. Grade as well as Jr. Gr.) and Accounts Officer	Deputy Director of Administration	Jt. Director of News
3. Admn. Officers (Sr. Grade as well as Jr. Grade) working in AIR Stations/Offices including HPTs other than those working in E.S.D. N.S.D. and CSU	Head of Station/Office (where the Head of Office/Station is a Prog. Officer, the Senior most Engg. Officer will record his comments on a separate sheet and send these comments to the Prog. Head who will pass on these comments along with the CR to the Reviewing Officer. This will also apply vice-versa in respect of the Prog. Head in case the Head of Office/Station is an Engg. Officer. The Head of Station/Office either of Programme or Engineering should write the CR of the A.O./Sr. A.C. by taking into account the view of the each other as the case may be)	Director (A&F)/DDG (A) (where the Head of Offices carry's equal pay-scale to Director, (A&F) the C.Rs will be reviewed by the DDG (A) e.g. A.Os/ Sr. A.O. working in HPTs and where the Head of Offices are SDs (Selection Grade) in position)
1. Asstt. Business Mananger working in Akashvani Group of Journals & Betar Jagat, AIR, Calcutta	Editor Akashvani Group of Journals/Editor-Betar Jagat, Calcutta	Director of Prog.(P.R.)
2. Hindi Officer at AIR Station/ Offices.	Head of Station/Office (DDCOL.) in the Hqr. will add his remarks in the same part as Co-Reporting Officer	Director, (A&F)/DDG(A) as the case may be
3. Monitors in Monitoring Service, AIR, Ayanagar, Delhi	Director, Monitoring Service	Jt. Director of News

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**B-II GROUP 'C' & 'D' MINISTERIAL/ADMINISTRATIVE STAFF WORKING IN SUBORDINATE STATIONS/ OFFICES OF A.I.R.**

1. Head Clerks/ Accountants at Stations/ Offices (with ASD or A.O.)	Asstt. Station Director or A.O.	Head of Office.
2. Head Clerks/ Accountants at Stations/ Offices (without ADS/A.O.)	Head of Office	Director, (A&F)/ DDG(A) as the case may be
3. Head Clerks/ Acctts. in E.S.D. (with A.O.)	Administrative Officer	Dy. Director, ESD. looking after the work
4. Head Clerk/ Acctt. in NSD	A.O. or Sr. A.O. as the case may be.	Dy. Director Admn./Jt. Director of News
5. Head Clerk/ Accountant at CBS Centre	Asstt. Station Director (The ASE at CBS Centre will record his comments on a separate sheet of paper and send these comments to the Reporting Officer who will pass on these comments along with the CR written by him to Reviewing Officer for his consideration while reviewing the reports vice-versa in case the Head of Station/Office is an Engg. Officer)	Director (A&F)
6. Clerk Grade-I and II in NSD	Head Clerk/ Acctt.	Sr. A.O./ Acctts Officer NSD
7. Other Ministerial Staff at AIR Station/ Offices (with ASD or A.O.)	Immediate Superior Officer	ASD or A.O.
8. Other Ministerial Staff at AIR Station/ offices (without ASD or A.O.)	---do---	Head of Office
9. Programme Secretary/ Tape Librarian (born on regular establishment)	Programme Executive concerned	do
10. Stenographers in NSD (i) Working in Shifts (ii) Other Stenographers	Immediate Superior Officer. -- do --	Jt. Director of News ---
11. Stenographers at AIR Stations/ Offices	Immediate Superior	---

12. Security Staff at Stations/  
Offices

- (i) Security Officer
- (ii) Head Security Guard
- (iii) Security Guards/Chowkidar

Head of Station/Office  
Security Officer or Immediate  
Superior Officer.  
Immediate Superior Officer

DDG (Security)  
Head of Office

13. Hindi Translators at AIR  
Stations/Offices

- (i) With Hindi Officer
- (ii) Without Hindi Officer

Hindi Officer of the Station/  
Office  
A.O. or Sr. A.O. or an Officer  
of equivalent or higher status  
nominated by the Head of Office  
to look after the Hindi Work

Head of Office

—do—

14. Other Group 'D' Staff at AIR  
Stations/Offices

Immediate Superior Officer.

(213) - 86 -

ANNEXURE-14/10

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PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA)  
ALL INDIA RADIO: ITANAGAR.

No.: Ita. 23(1)/99-G/35713

Dt. 6.12.99

ORDER

Sh. A. Chakraborty, UDC, AIR, Itanagar is hereby directed to look after the work of Accountant(Assistant), AIR, Itanagar w.e.f. 6.12.99 in addition to his own work till further order or a regular Accountant(Assistant) is posted at this station.

To,  
Sh. A. Chakraborty,  
UDC, AIR, Itanagar.

[Signature]  
STATION DIRECTOR,  
ALL INDIA RADIO: ITANAGAR

Copy to :-

1. The Superintending Engineer, All India Radio, Itanagar.
2. The Drawing & Disbursing Officer, AIR, Itanagar.
3. Accounts & Admin. Section.

STATION DIRECTOR.

\*\*\*\*\*

24/10/87 ANNEXURE I  
GOVERNMENT OF INDIA  
DIRECTORATE GENERAL : ALL INDIA RADIO

No. 10/14/94-S.II/1234

New Delhi, the 28th March, 1985

OFFICE MEMORANDUM

Subject:- Holding of IP@ - preparation of seniority list of Ministerial Staff.

\*\*\*\*\*

1. It is observed that some of the Zonal Stations are not preparing the seniority list of LDCs (CG-II) as per the instructions contained in the Department of Personal & Training Office Memorandum No. 22011/7/86-Estt.(D), dated 3.7.86 (copy enclosed).

2. Hence in future the seniority list may be prepared as per the above instructions i.e. according to the rank secured in the SSC examination/departamental examination as the case may be. However, seniority of LDCs appointed on compassionate ground and on the basis of seniority - cum - fitness shall be counted from their dates of appointment.

3. The seniority lists which were to be circulated by 31.1.95 as per this Directorate's Office Memorandum of even number dated 28.12.94 have not yet been received. It is, therefore, requested that the same may be forwarded to this Directorate at very early date.


The Station Director,  
All India Radio:-

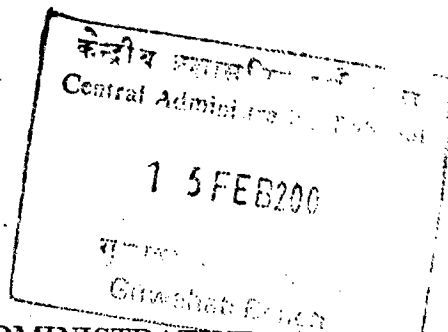
( G.C. Das )  
Dy. Director of Adm.  
For Director General  
New Delhi/Jalandhar/Jaipur/Ahmedabad/Bombay/Bangalore/  
Thiruvananthapuram/Madras/Hyderabad/Cuttack/Bhopal/  
Lucknow/Patna/Calcutta/Guwahati.

RECEIPT

Received Rs.500/- (Rupees five hundred) only from the Station  
Director, All India Radio, Guwahati in compliance with the CAT Guwahati  
Bench Order dated 08.11.2004 against O.A. No.299/2003.

10/12/2004

  
(ASHOK CHAKRABORTY)  
Upper Division Clerk,  
All India Radio, Guwahati



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI

O.A. No. 299 /2003

Shri Ashok Chakraborty.

-Vs-

Union of India & Ors.

-AND-

In the matter of:

Rejoinder submitted by the petitioner against the  
written statement submitted by the respondents.

The applicant abovementioned most humbly and respectfully begs to state as under:

1. That your applicant categorically deny the statement made in paragraph 1 of the written statements.
2. That with regard to the statements made in paragraph 3 and 6 of the written statements it is submitted that the respondents categorically admitted that the applicant is a candidate of 1984 batch as such he is admittedly senior to the respondents no. 6,7 and 8. All India radio is a Central Government Organization as such bound by the provision contained in D.P & A.R. Office memorandum No. 9/23/7/E & A(1) dated 6.7.1998 according to which the applicant is entitled to be placed above the respondents no 6,7 and 8 in the seniority list in the grade of L.D.C and U.D.C. Moreso, in view of provision contained in the D.O.P.T Circular dated 03.07.1986. The letter dated 09.02.1981 as referred by the respondents in paragraph 3 cannot prevail over the provision contained in the D.P & A.R Circular dated 06.06.1978 as well as D.O.P.T Circular dated 03.07.1986, following the aforesaid D.O.P.T Circular, seniority of Sri S.S.Purkayastha, L.D.C, A.I.R was restored by the

Department following a decision rendered by this Hon'ble Court. Therefore respondents cannot take the plea that they have followed the departmental instructions contained in the letter-dated 09.02.1981. Moreover, date of joining cannot be a criteria for determining seniority, since the applicant is a recruitee of 1984 batch of the SSC he is entitled to be placed as per his merit and rank of the relevant selection list. otherwise the determination of the seniority of the applicant vis-à-vis the respondent Nos. 6, 7 and 8 hit by the Article 14 of the Constitution. The letter dated 09.02.1981 has not been annexed in the written statements although it is shown as Annexure-II. In view of the factual position stated above applicant is entitled to be placed above the respondents Nos. 6, 7 and 8 in the cadre of L.D.C/U.D.C. It is relevant to mention here that in O.A No. 307/2003, applicant has rendered the seniority of the applicant of their own, applicant also deserve similar treatment. The applicant rely on the judgment of the Hon'ble Gauhati High Court passed in W.P (C) No. 4672/98.

*Mr. A copy of the judgment dated 9.5.2000 passed in W.P (C) No. 4672/98 is enclosed herewith and marked as Annexure - A*

3. That with regard to the statements made in paragraph 7,10,11,12,13,14 and 15 are not correct and it is further stated that when in all other cases when the respondents issuing mark sheet on the demands of the candidates as stated in Para 4.12 of the Original application, there is no justification to deny the same to the applicant and the respondents Union of India is bound to act fairly and they are liable to maintain transparency in the matter of Administrative Action which is absent in the instant case of the applicant. Moreover it is categorically submitted that the applicant has been excluded from the benefit of promotion in view of the downgrading of his ACR without providing any opportunity. More particularly the applicant passed the written examination. The Hon'ble Court be pleased to direct the respondents to produce the relevant ACR considered by the selection committee/DPC in the year 2000 as because 100 marks are allotted for awarding on the basis of consideration of ACR.
4. That your applicant categorically denies the statements made in Para 16,17,18 and 19 of the written statements and reiterates the contentions made in the original application. Moreover the respondents cannot make a departure in the matter of writing of ACR as well as review of the ACR. Therefore contention of the



respondents made in Para 19 is categorically denied and the applicant reiterates the contention made in the original application.

5. That with regard to the statements made in paragraph 20, 21, 23, 24, 26, 27, 28, 29 and 30 are not correct. More so in view of the fact that the respondents admitted that there are vacancies of 20% quota during the year 1999-2000 but the same is now under process during the year 2005 and there is no mention about the vacancies available in the year 2003-2004.
6. That it is stated that it is evident from the paragraph 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 43, 45, 46, 47 and 48 are not correct except which are borne out of records and the applicant further reiterates the statements made in the Original application. The applicant further rely on the judgments dated 28.07.2004 passed in the O.A.No 39/2003 and also the judgments dated 25.08.2003 passed in the O.A.No 413/2002 which supports the contentions of the applicant.

Copy of the judgments dated 28.07.2004 and 25.08.2003 are enclosed herewith and marked as Annexure-<sup>B</sup>A and <sup>C</sup>B respectively.

In the facts and circumstances stated above the application deserves to be allowed with cost.

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VERIFICATION

I, Sri Ashok Chakraborty, Son of Late Sudish Chakraborty, working as Upper Division Clerk, office of the Station Director, All India Radio, Itanagar, do hereby verify that the statements made in Paragraph 1 to 6 are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the \_\_\_\_ day of February, 2005.

Ashok Chakraborty

1/15/2000 10/8/2000 10/8/2000 10/8/2000

AT-5

Annexure-A

IN THE GAUHATI HIGH COURT  
(THE HIGH COURT OF ASSAM NAGALAND MEGHALAYA MANIPUR  
TRIPURA MIZORAM AND ARUNACHAL PRADESH)

Civil Rule No. 4672/90.

Sri Bidyujjoti Purkayastha,  
S/O. Late Bipul Bihari Purkayastha,  
Sub-Inspector of Schools, Katlicherra  
Circle, P.O. & P.S. Katlicherra,  
Dist. Hailakandi, Assam.

.. Petitioner

- Versus -

1. The State of Assam, represented  
by the Commissioner & Secretary,  
Elementary Education, Govt. of Assam  
Dispur, Guwahati-6.

2. The Director of Elementary  
Education Govt. of Assam, Kahilipara  
Guwahati-19.

.. Respondents

P R E S E N T

THE HON'BLE MR JUSTICE A.K. PATNAIK

For the Petitioner : Mr M.U. Mahmud  
Smti C. Handi,  
Advocates.

For the Respondents: G.A. Assam.

Date of Judgment : 9.5.2000

JUDGMENT AND ORDER

In this application under Article 226 of the Constitution of India, the petitioner has prayed for quashing the gradation lists dated 1.9.89, 10.12.96 and 16.12.97 showing the seniority of Sub-Inspector of Schools and for directing the respondents to make promotion from the post of Sub-Inspector of Schools, Assam, to the Higher post on the basis of the gradation list dated 25.4.89.

cont..

-12-6- Ann-1-16

The facts briefly as stated in the writ petition are that in the year 1983 an interview was conducted by the State Selection Committee for recruitment to the post of Sub-Inspector of Schools and the said Selection Committee recommended candidates including the petitioner for appointment to the post of Sub-Inspector of Schools in order of merit. Pursuant to the said recommendation by the State Selection Committee, the petitioner and others were appointed to the post of Sub-Inspector of Schools in the year 1984. The appointment letters, however, were issued by the authority on different dates. The candidates residing in or around Guwahati City received their appointment letters earlier and joined in the post of Sub-Inspector of Schools, while the candidates who are residing in distant places from Guwahati received their appointment letters much later and accordingly joined as Sub-Inspector of Schools later. Thus, although the petitioner and other candidates were selected in a common selection conducted by the State Selection Committee, the petitioner joined later than some of the candidates but within the 15 days time was allowed for joining by the authority. Thereafter on 25.4.89, the Joint Director, Elementary Education Assam circulated a provisional gradation list of Sub-Inspector of Schools in order of merit on the basis of the recommendation of the State Selection Committee and invited objections/representations etc to the said gradation list. In the provisional gradation list of Sub-Inspector of Schools (formal) as on 25.4.89, circulated by the Joint Director of Elementary Education, Assam, the petitioner was placed above other candidates on the basis of his position in the merit list as recommended by the State Selection Committee for appointment to the post of Sub-Inspector of Schools. But thereafter a final gradation

-7-  
-13-  
BMT

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List of Sub-Inspector of Schools (formal) was circulated by the Director of Elementary Education, Assam under his letter dated 1.9.89. In the said final gradation list the petitioner was placed below the candidates <sup>who</sup> were also appointed on the basis of the aforesaid recommendation of the State Selection Committee in the year, 1984 <sup>but</sup> who had joined earlier than the petitioner as Sub-Inspector of Schools. Aggrieved, the petitioner repeatedly moved before the Director of Elementary Education, Assam and the Commissioner & Secretary to the Govt. of Assam, Department of Secondary and Elementary Education to cancel the said gradation list dated 1.9.89, and to revive earlier gradation list dated 25.4.89, as stated in Para 7 of the writ petition, but no action was taken in this regard. Similar gradation lists were circulated under orders dated 10th December, 1996 and 16th December, 1997 of the Director of Elementary Education, Assam showing the petitioner below the candidates who had been appointed on the recommendation of the State Selection Committee and who had joined earlier than the petitioner as Sub-Inspector of Schools. Aggrieved, the petitioner has challenged the said gradation lists circulated under orders dated 1.9.89, 10.12.96, and 16.12.97, of the Director of Elementary Education, Assam Annexures 2, 4 and 5 respectively.

2) No affidavit-in-opposition has been filed by the respondents in this writ petition. In the circumstances I proceed to hear and dispose of this writ petition on the basis of the averments made by the petitioner in this writ petition.

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Mr M.U. Mahmud, learned counsel for the petitioner, submitted that the law is settled by the Apex Court that if the candidates are selected on the basis of a common selection and recommended in order of merit for appointment, their seniority will be determined on the basis of their position in the merit list prepared by the selecting authority. He cited the decision of the Supreme Court in Smta Dipika Devi Vs Sri Bhaba Kanta Hazarika and ors in which the Supreme Court held:

"We may observe that Rule 20 will not apply to a case where there is direct recruitment to the post and a select list has been prepared in order of merit. In such a case, if the selected persons join on different dates, their inter se seniority on the basis of merit shown in the select list, cannot be disturbed unless there is failure by some one to join duty within the time allowed for this purpose. It is nobody's case that Smti Dipika Devi did not join her duty within the time allowed for the purpose. For this reason, her higher position in order of merit in the select list could not be disturbed merely because a person lower to her in order of merit in the select list came to join fortuitously a day earlier to her".

4) No statutory rules for determination of the seniority of the petitioner vis-a-vis others in the grade of Sub-Inspector of Schools in Assam has been placed before the Court. In the case of Dr. Satyabrata Dutta Choudhury and Dr. Guru Prasad Sarma Vs State of Assam and others reported in AIR 1976 SC 487 the Supreme Court held that in the absence of such statutory <sup>executive</sup> rules, instructions for determination of seniority

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will hold the field. 10.3(1) of the Hand Book of General Circulars which contains the instructions of the Government of Assam for determination of seniority between persons appointed according to merit list is to the following effect:

"10.3(1). Appointments outside the purview of the Assam Public Service Commission:-

1). Seniority of candidates selected in one batch should be fixed according to the merit list prepared by the Appointing Authority/Employment Exchange at the time of initial appointment, if they join their appointments within 15 days. (If a candidate is prevented from joining within this period by circumstances of a public nature and beyond his control the period may be extended by the appointing authority. In that case the date of appointment will continue to govern seniority. If the period is not so extended, the date of joining will determine seniority."

5) It is thus clear from the aforesaid instructions that where candidates have been appointed pursuant to a merit list prepared by the Appointing Authority, their seniority is to be fixed in order of merit provided they have joined within the time allowed by the Appointing Authority for joining. On a bare perusal of the impugned gradation lists dated 1.9.89, 10.12.96 and 16.12.97, it appears that the dates of joining of the candidates appointed in the year 1984 have been taken into consideration for the purpose of determination of seniority of persons who were appointed pursuant to a common selection and the order of merit as determined by the State Selection Committee has been ignored. Following the aforesaid decision of the Supreme Court in the case of Smt Dipika Devi vs Sri Dhaba Kanta Hazarika (supra), I dispose of this writ petition with the direction that the respondents will prepare a fresh gradation seniority list of the candidates including the petitioner

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.39 of 2003

Date of decision: This the 28th day of July, 2004

The Hon'ble Smt Bharati Ray, Judicial Member

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

Shri Subrata Chowdhury  
Inspector,  
Headquarter Audit Unit,  
Central Excise,  
Bhangagarh, Guwahati.

.....Applicant

By Advocates Mr M. Chanda and Mr G.N. Chakraborty.

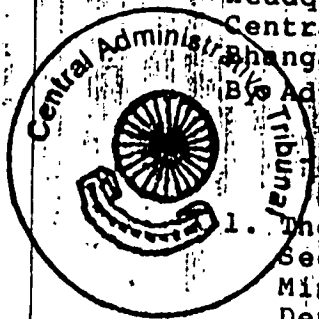
versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Finance, Department of Revenue, New Delhi.
2. The Chairman, Central Board of Excise and Customs, Ministry of Finance, Department of Revenue, North Block, New Delhi.
3. The Commissioner of Central Excise, Morellow Compound, Shillong.
4. The Regional Director, Staff Selection Commission, Rukminigaon, Guwahati.
5. Sri Abdul Kader Zilani (PR), Anti Evasion Division, Central Excise, Guwahati.
6. Sri Meitram Indramoni Singh (DR), Customs Divisional Office, Imphal, Manipur.
7. Sri Sankar Pratim Deb (DR), Office of the Commissioner of Customs, Customs Headquarter, Shillong.
8. Sri Santosh Seal (PR), Inspector, Office of the Commissioner of Customs, Customs Headquarter, Shillong.

.....Respondents

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

.....



O R D E RBHARATI RAY, JUDICIAL MEMBER

Heard Mr M. Chanda, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. None appeared for respondent Nos.5 to 8.

2. It is the case of the applicant that he alongwith others appeared in the examination for Inspector of Income Tax, Central Excise, conducted by the Staff Selection Commission in the year 1984 and was called for an interview (Viva) on 17.4.1985 vide letter dated 26.3.1985. The applicant appeared in the viva voce test on 17.4.1985. He was found suitable for the post of Inspector and accordingly selected by the Staff Selection Commission and his name was recommended by the Commission to the office of the Collector now redesignated as Commissioner. Thereafter, the applicant was asked by the Office of the Commissioner, Shillong to appear in the Physical test on 1.10.1985 vide letter dated 13.9.1985. Accordingly, the applicant appeared in the physical test on 1.10.1985 alongwith the other batch mates. It is the grievance of the applicant that the other candidates who appeared in the interview alongwith the applicant were recruited in the month of October 1985, but the applicant was offered the appointment only in the month of January 1988 after a lapse of more than two years for no fault on the part of applicant. Accordingly, the applicant joined the post of Inspector on 1.3.1988 after completion of all necessary formalities. It is also the grievance of the applicant that respondent Nos.5 to 8 are either direct recruitees of the subsequent batch of the applicant or promoted to the grade of Inspector after the applicant's batchmates were



appointed and all of them were placed above the applicant in the seniority list. As a result, the direct recruitees and the promotees, namey the private respondent Nos.5 to 8 alongwith some others were placed above the applicant and they became appointees in between October 1985 and 28.2.1988. Consequently, the private respondent Nos.5 to 8 have been placed above the applicant in the seniority list of Inspectors published as on 1.5.2001 and placed at serial nos.256 to 259 and other juniors of the applicant have been placed thereafter in the said seniority list, whereas the name of the applicant has been shown at serial No.340. The seniority list published as on 1.5.2001 has been annexed as Annexure-1 to the O.A.

3. The applicant submitted a detailed representation on 10.1.2002 addressed to the Commissioner of Central Excise, praying inter alia for fixation of his seniority as per the mert list of 1985 panel with all consequential benefits. In the said representation he has also stated that a large number of direct recruits as well as promotee Inspectors including some of the Inspectors who were empanelled for recruitment in the year 1988 have been placed above the applicant in the seniority list published as on 1.5.2001. Reminders was also sent by the applicant on 8.3.2002 and 17.5.2002 praying for correct fixation of his seniority in the cadre of Inspectors placing him above the respondent Nos.5 to 8 in the senioiryt list published as on 1.5.2001. The applicant further submitted that the respondents without replying to the representation made by the applicant issued another seniority list of Inspectors as on 1.4.2002, wherein the name of the private respondent Nos.5 to 8 have been placed above the applicant at serial Nos.250 to 253 and the other juniors of the applicant.....



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applicant have also been placed above the applicant in the impugned seniority list published as on 1.4.2002. In the same seniority list the applicant is placed at serial No.334. Being aggrieved by the wrong fixation of seniority of the applicant in the cadre of Inspectors, the applicant approached the authority for redressal of his grievance, but finding no favourable response from the respondents he has approached this Tribunal seeking the following reliefs:

1. To direct the respondents to refix the seniority of the applicant placing him above the respondent Nos.5 to 8 in the cadre of Inspectors and to further direct the respondents to count his seniority alongwith the recruitees of 1985 batch for the purpose of his promotion to the next higher grade.
2. To direct the respondents to recast the seniority list of Inspectors published as on 1.5.2001 and the subsequent seniority list if published placing the applicant above the respondent Nos.5 to 8.



4. The respondents have contested the application by filing counter reply. It is the case of the respondents that in the year 1988, 102 candidates were called for physical test out of which 82 appeared and ultimately 62 candidates could qualify the physical test. The applicant who qualified the written as well as the viva voce test alongwith the others failed to meet the chest measurement conducted by the North Eastern Police Academy and his case for appointment was rejected. Subsequently, the Dossiers of the rejected candidates who failed to qualify the physical test were forwarded to the Board in May 1986. Immediately on receipt of the dossiers, the Board issued revised guidelines vide letter dated 10.9.1986 on the physical.....

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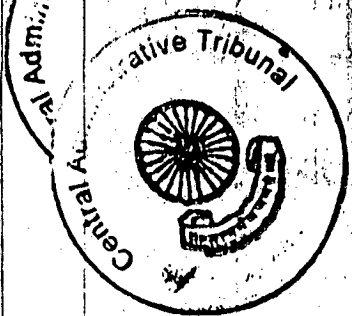
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as per the relevant rule. In this context, the learned counsel for the applicant mentioned the provisions contained in D.P. & A.R. O.M. No.9/23/7/E & A (1) dated 6.6.1978, according to which the applicant is entitled to be placed above the respondent Nos.5 to 8 in the seniority list in the grade of Inspector. The learned counsel for the applicant has drawn our attention to the relevant rules of Seniority of Direct Recruits and Promotees, i.e. para 2.1 and 2.2 enclosed as Annexure-6 to the O.A. Paras 2.1 and 2.2 are reproduced below:

"2.1 The relative seniority of all direct recruits is determined by the order of merit in which they are selected for such appointment on the recommendations of the UPSC or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection.

2.2 Where promotions are made on the basis of selection by a DPC, the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority, subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered unfit for promotion and is superseded by a junior such persons shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him."

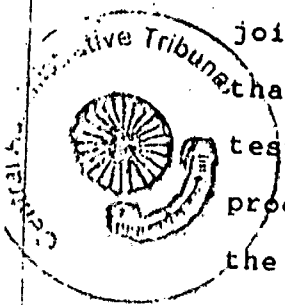
The learned counsel for the applicant has placed reliance upon the judgment of the Hon'ble Supreme Court in the case of Dalilah Sojah Vs. State of Kerala and others, reported in (1998) 9 SCC 641, wherein it was held that the select list that was prepared earlier and was still alive when vacancies arose, the applicant could not be made to suffer on account of delay in her appointment and since she was selected earlier she has to be ranked senior to those who were selected subsequently. He has also relied upon the judgment of the Central Administrative Tribunal, Full Bench, Jaipur in O.A.No.121 of 1991 decided on 16.7.1996, wherein.....



wherein it was held that refusal to grant the benefit of seniority to those officials who passed the examination in an earlier year is illegal and in violation of Articles 14 and 16 of the Constitution.

6. We have given our anxious consideration to the arguments put forth by the learned counsel for the parties. We have also gone through the materials placed before us and the judgments relied upon by the learned counsel for the applicant.

7. It can be seen from para 3 of the counter reply that the process of selection of Inspectors consists of three stages, i.e. (i) Written test, (ii) Viva voce test and (iii) Physical test including walking, cycling etc. It is not in dispute that the applicant qualified in the written test as well as in the viva voce test, but the applicant was not found fit in the physical test first time for selection to the post of Inspector. But, subsequently he was found fit in the physical test as per the revised guidelines issued on 10.9.1986. Thereafter the applicant was offered appointment on 6.1.1988 and he joined on 1.3.1988. It is not the case of the respondents that the applicant was subjected to appear in the written test and viva voce test in the subsequent selection proceedings. As mentioned above, there are three stages in the entire selection proceeding and it concludes when one qualifies in the three tests. The applicant was found suitable and was given appointment only when he was found fit in the three stages, i.e. after he qualified in the physical test. Therefore, there is no dispute that the applicant was appointed from the select list of 1984-85. That being the position, in no way the applicant can be said to have been appointed from the subsequent select list.....



list, i.e. select list prepared in between 1985 and 1988.

8. As per the rule of recruitment, the seniority of direct recruits and promotees are determined by the order of merit in which they are selected for such appointment on the recommendation of the Union Public Service Commission or any other selecting authority, the persons appointed as a result of an earlier selection being senior to those being appointed as a result of a subsequent selection. The applicant was not responsible for the delay in reviewing his physical fitness. As stated earlier, the applicant was selected and appointed from the 1984-85 selection. In this context we have seen that this Tribunal in O.A.No.264 of 1998 (Shri S.S. Purkayastha Vs. Union of India and others) decided on 25.1.2001, referred to by the learned counsel for the applicant, had considered the above rules of recruitment/seniority and also <sup>that</sup> the applicant was not responsible for the delay in sending the nomination, held that there was no justifiable reason for not giving the applicant therein the benefit of seniority as per the date of selection. The relevant paragraph of the above judgment is reproduced below:

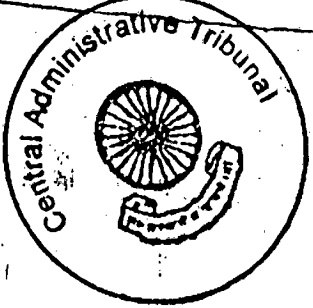
"From the facts alluded above, it emerges that the applicant was a candidate recruited on the basis of the 1987 selection. Undoubtedly, there was delay in sending the nomination by the SSC so far the applicant was concerned, for which the applicant could not be blamed. According to the respondents also the applicant did not have any hand in the delay. In the circumstances there was no justifiable reason for not giving the applicant the benefit of the rule as per the date of selection since the applicant is one of the nominee selected on the basis of the 1987 Select List and considered his case for promotion before considering the promotion of the subsequent batch and seniority was also to be refixed on the basis of the earlier selection."



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9. In view of the above facts and circumstances of the case and the judgments referred to above, we hold that the respondents were not justified in placing the applicant in the seniority list below respondent Nos.5 to 8, who, admittedly became appointees between October 1985 and 28.2.1988. Herein, in this case the applicant also cannot be held responsible for the delay in reviewing his physical fitness. We, therefore, direct the respondents to fix the seniority of the applicant by placing him above respondent Nos.5 to 8 in the seniority list in the cadre of Inspector and extend the consequential benefits that accrue from such re-fixation of his seniority as per rules.

The O.A. is allowed to the extent indicated above. However, there shall be no order as to costs.



Sd/MEMBER(J)  
Sd/MEMBER(Adn)

Certified to be true  
प्रमाणित प्रतिलिपि

*Belindawty*  
29.7.04

Section Officer (J)  
C.A.T. GUWAHATI BENCH  
Guwahati-781005

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Annexure-C 130

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.413 of 2002

Date of decision: This the 25th day of August 2003

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

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

1. Shri G.K. Nair
  2. Smt K. Marbaniang
  3. Smt Sentimongla Ao
  4. Shri Tarit Ranjan Das
- .....Applicants

Working as Superintendent in the  
Office of the Deputy Director General,  
Geological Survey of India,  
North Eastern Region, Shillong.

By Advocates Mr M. Chanda,  
Mr G.N. Chakraborty and Mr S. Ghosh.

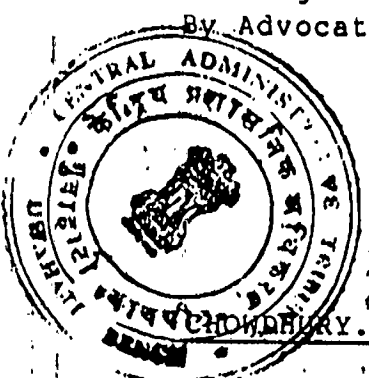
- versus -

1. The Union of India, represented by  
The Secretary to the Government of India,  
Ministry of Mines,  
New Delhi.
  2. The Director General  
Geological Survey of India  
27 J.L. Nehru Road,  
Calcutta.
  3. The Deputy Director General  
Geological Survey of India,  
North Eastern Region,  
Nongrim Hills, Shillong.
- .....Respondents

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

.....

O R D E R (ORAL)



CHOWDHURY, J. (V.C.)

The issue raised in this application pertains to  
fixation of seniority in the grade of Superintendent on  
the strength of promotion made on the recommendation of  
the Departmental Promotion Committee in the following

circumstances:

The four applicants serving under the respondents were promoted to the post of Superintendent on the basis of a Departmental Promotion Committee (DPC for short) meeting held on 4.3.1998. In this application the applicants contended that there was no justification for not convening the annual meeting of the DPC right in time and thereby causing prejudice in their career. The applicants contended that prior to reclassification of posts in the Geological Survey of India the post of Superintendent was classified as Group 'C' (Ministerial). The reclassification of the posts based on the revised norms of pay scale was notified vide letter No.3/1/99-M.II dated 8.6.2001 in which the post of Superintendent was reclassified as Group 'B' (Non Gazetted). The criteria for eligibility for promotion from the cadre of Assistant and Stenographer Grade II to the cadre of Superintendent are indicated in the recruitment rules, which reads as follows:

- i) From Assistant to Superintendent - 4 years service as Assistant
- ii) From Steno Gr.II to Supdt. - 4 years service as Stenographer Gr.II.

The stenographer Gr.. II and Assistants are promoted to the post of Superintendent at 1:10 formula i.e. one post to the Steno Gr. II stream and a post to the Assistant stream. In doing so, out of each 10 posts of Superintendent the 1st post goes to the Steno Grade II and then the remaining nine posts go to the Assistant Grade and in that order the post Nos.1, 11 and 21 and so on are meant for the Stenographer Grade II and in between are meant for the Assistants in the cadre of Superintendent."



2. The DPC ought to have been held simultaneously. Instead there was delay in holding the DPC in the N.E. Region. The process for promotion to the post of Superintendent for the vacancies that arose in 1997 was initiated and DPC was held on 1.11.1997 in all the regions throughout the country simultaneously, whereas the DPC for filling up the posts of Superintendent was held in the N.E. Region in March 1998 only and pursuant to the recommendation of the DPC held in March 1998 the applicants were promoted. The applicant Nos.1, 2 and 3 were posted at Shillong, namely in the Headquarter of the N.E. Region and joined their promotional post instantly on 12.3.1998, while the applicant No.4 who was posted at a remote station at Itanagar could join his promotional post on 27.3.1998 after his release from the post of Stenographer Grade II at Shillong. Due to the delay in their promotion these applicants, naturally were placed down below in the All India seniority list.

It was also pleaded that seniority of Superintendents are maintained on All India basis in the Geological Survey of India, computing the seniority on the basis of the date of appointment in the cadre of Superintendent.

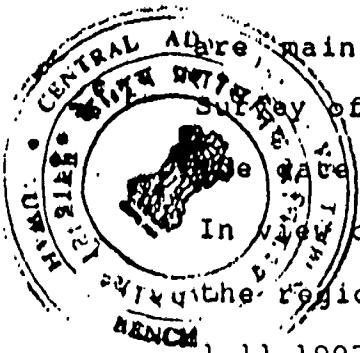
In view of the fact of that the posts were filled in all the regions excluding the N.E. Region by holding DPC on 1.11.1997 the present applicants of the N.E. Region

apprehend that they were likely to suffer loss in their seniority in the matter of their promotion in future.

Accordingly the applicants submitted representation before the authority. The applicants in this application

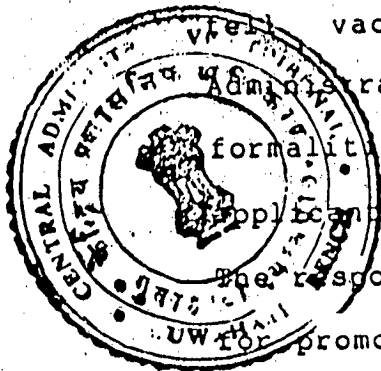
pleaded that their seniority in the grade of Superintendent is to be computed by taking into account

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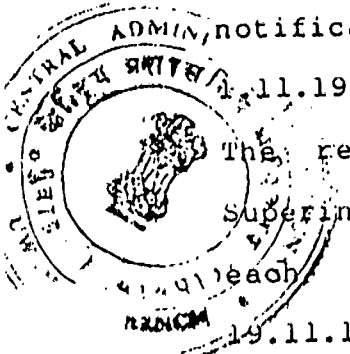


as if DPC was held on 1.11.1997 instead of March 1998 and fix their seniority in the merged seniority list of Superintendents considering their seniority position in their respective feeder grade, i.e. Assistant/Stenographer Grade II.

3. The respondents in the written statement opposed the claim of the applicants and stated that the process of promotion by holding DPC was initiated right in time only when promotional vacancies arose. In the written statement the respondents pleaded that four Superintendents from the N.E. Region were offered promotion to the post of Administrative Officer vide O.M. dated 5.11.1997 on the recommendation of the DPC. On their acceptance of the offer of promotion and their joining in the post of Administrative Officer, four posts of Superintendent fell vacant in the N.E. Region on 10.11.1997, 11.11.1997, 17.11.1997 and 19.11.1997 respectively. Accordingly steps were taken for convening a DPC for filling up the posts of Superintendent that were vacant due to promotion to the post of Administrative Officer. On completion of the necessary formalities the DPC was held on 4.3.1998 in which the applicants were promoted to the post of Superintendent. The respondents stated that instructions for holding DPC for promotion to the post of Superintendent on the same date throughout the country as a whole started on 3.7.2001. The respondents further stated that since Group 'B' Non Gazetted posts as per revised classification are treated as feeder grade for Group 'B' Gazetted post, the DPC for promotion from Non Gazetted post.....



post to Group 'B' Gazetted post was decided to be held on the same date to facilitate availability of equal opportunity for all for furtherance of their career prospect. Accordingly by O.M. dated 22.6.2001 it was decided that henceforth all DPC for Group 'B' (Non Gazetted) posts which are the feeder grade for Group 'B' (Gazetted) posts would be held on the same date throughout Geological Survey of India as a whole. Prior to reclassification of posts in the Geological Survey of India the post of Superintendent was classified as Group 'C' (Ministerial). The respondents also asserted that the recruitment rules for promotion to the post of Superintendent envisages 90% from the grade of Assistant with four years regular service and 10% from the grade of Stenographer Grade II with four years regular service. The ratio of promotion was 9:1. Denying the contention of the applicants for a common date for holding of DPC, the respondents asserted that a common date of holding DPC was initiated only from 3.7.2001 onwards on reclassification of the post. There was no notification issued for holding a common DPC on 1.11.1997 for promotion to the post of Superintendent. The respondents further stated that five posts of Superintendent fell vacant in the N.E. Region, one on 10.11.1997, 11.11.1997, 17.11.1997 and 19.11.1997 due to the promotion of four Superintendents to the post of Administrative Officer and one post fell vacant on 31.12.1997 due to retirement of one Superintendent. After following due procedure, the DPC meeting was held on 4.3.1998. The respondents reiterated that since there was no vacant post of Superintendent as on 1.11.1997. Therefore, the question of fixing the seniority of the applicants from 1.11.1997 did not arise.



4. We have heard Mr M. Chanda, learned counsel for the applicants and Mr A. Deb Roy, learned Sr. C.G.S.C. at length. Admittedly, the DPC for filling up the posts of Superintendent was not held simultaneously. The DPC in other places except the N.E. Region was held on 1.11.1997. The DPC for filling up the posts of Superintendent in the N.E. Region was held in March 1998. Admittedly, the post of Superintendent is a feeder post and an employee can aspire to be an Administrative Officer from the post of Superintendent. There is one common seniority list of Superintendents on All India level. Therefore, date of promotion for career advancement is a crucial factor. The frequency of holding DPC meeting is one of the essence of good administration in conformity with the policy laid down in the equality clause enshrined in the Constitution of India. The Executive in its own wisdom also formulated a policy for holding DPC meeting frequently. As per the policy the appointing authority is to initiate action to fill up the existing as well as the anticipated vacancies well in advance of the expiry of the previous panel by collecting relevant documents for being placed before the DPC. As per one of the administrative instructions DPC is to be convened once in every year, if necessary on a fixed date, i.e 1st April or May. The Ministries/Departments are to lay down time schedule for holding DPC under their control and need to monitor by making one of their officers responsible for keeping a watch over the various cadre authorities to ensure that they are held regularly. As per the scheme a vacancy is to be filled in accordance in accordance with

the.....



The recruitment rules in force on the date of vacancy, unless rules made subsequently have been expressly given retrospective effect. The department, as a matter of fact by its communication dated 28.11.2001 clarified the position and issued the following instructions:

"It has been decided to hold the DPC meeting for promotion to the post of Gr 'B' Non-Gazetted post in the scale of Rs.5500-9000/- against the resultant vacancies for the year 2001 arising out of promotion/death, if any or any other unforeseen circumstances on 10th December, 2001 (Monday) simultaneously all over India.

Since a common date for conveying D.P.C. in the Gr. 'B' Non-Gazetted grade (which are the feeder grade for Gr. 'B' Gazetted) has been fixed in order to facilitate equal opportunity to all for their furtherance of career prospect, all Heads of Department of regions/Special Wings/ Training Instt are requested to hold the D.P.C. on 10.12.2001 and take necessary action for effecting promotions against the vacancies in their respective region etc, if any."

The aforesaid policy was issued as a guidance to the department to meet the requirement of the equality clause enjoined in Articles 14 and 16 of the Constitution.

5. As alluded earlier in the instant case the vacancies of Superintendent from the N.E. Region also surfaced in November 1997. The authority was well aware about the vacancies, so much so the DPC for filling up of posts Administrative Officer on promotion was held prior to November 1997 and promotion orders of the Administrative Officers were issued as far back as 5.11.1997. In the circumstances there was no justification for not holding the DPC for filling up the posts of Superintendent in the N.E. Region also as on 1.11.1997. The delay in holding DPC in the instant case, on the face of the vacancies resulted in delayed promotion of these applicants, which in its turn affected

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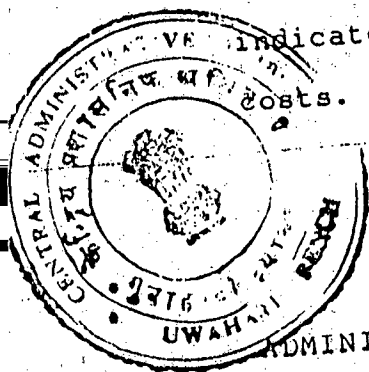
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in their inter se seniority.

6. On consideration of all the aspects of the matter we, therefore, hold that for the ends of justice a direction needs to be issued to the respondents to revise the seniority list by antedating the date of DPC meeting to 1.11.1997 so as to avoid injustice to the applicants and consider their case for promotion on the basis of the DPC on 1.11.1997 as per rules. The respondents are directed to complete the above exercise as early as possible, preferably within two months from the date of receipt of the order.

The application is allowed to the extent indicated. There shall, however, be no order as to



Sd/ VICE CHAIRMAN  
Sd/ MEMBER (A)

VICE-CHAIRMAN

ADMINISTRATIVE MEMBER

Certified to be true Copy  
প্রমাণিত প্রতিলিপি

*[Signature]*  
5/9/03

Section Officer (J)

C.A.T. GUWAHATI BENCH  
Guwahati-781005

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