

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 203.....
R.A/C.P. No.....
E.P/M.A No. 60/12008.....

1. Orders Sheet..... O.A..... Pg..... to.....
M.P. 60/08 order Pg. 1 to 3
2. Judgment/Order dtd. 20.8.5. 2009 Pg. 2..... to.....
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 203/2007 Pg. 1..... to.....
5. E.P/M.P. 60/2009 Pg. 1 to 6 to.....
6. R.A/C.P..... Pg..... to.....
7. W.S..... Pg..... to.....
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Sahib
86/10/17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
ORDERS SHEET

1. Original Application No. 203/07

2. Mise Petition No. 1

3. Contempt Petition No. 1

4. Review Application No. 1

Applicant(s) Hukommoy Kakati -VS- Union of India & Ors
Case No. 1

Advocate for the Applicants: M.S. Sarma, B. Devi, H.K. Das

Advocate for the Respondents: Case. G. Baishya

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

<p>1. The application is in form is 1995 (supp. to 1995) C. 30/2007 2. Deposited with APG on 31.7.2007 No. B.H.R. 654792 3. Dated 28.7.07 4. Registered by <u>Registrar</u> on 28.7.2007 5. Date for hearing is 31.7.2007 <u>31.7.07</u></p>	<p>31.7.2007</p> <p>Let the case be posted on 2.8.2007.</p>	<p><u>Vice-Chairman</u></p>
<p>Petition is <u>not</u> dismissed Notices are received with envelope.</p>	<p>The Applicant who is working as Postmaster (HSG-I), Barpeta Head Office, vide impugned order dated 27.2.2007 (Annexure-G) is sought to be reverted to as Assistant Postmaster (HSG-II), Barpeta Head Office. Further the claim of the Applicant is also that the promotion that has been given to him to the cadre of LSG (Norm based) should have been given to him as early as from 1991, when his juniors were promoted. Hence, this O.A.</p>	<p>Heard Ms. B. Devi, learned counsel for the Applicant. Mr. G. Baishya, learned Counsel for the Respondents submitted that notice should be issued to the Respondents.</p>

RECORDED COPY

Contd.

QA. 203/07

- 2 -

Contd.

2.8.2007

Considering the issue involved I direct the Registry to issue notice to the Respondents, returnable by six weeks. Learned counsel for the Applicant insisted for an interim order staying the operation of the impugned order dated 2.7.2007 (Annexure-g), in so far as the Applicant is concerned, since the said order was passed in violation of the order of the Hon'ble High Court dated 11.05.2007 passed in Review Petition No.90/2006.

Considering the said submission and the materials placed on record I direct the Respondents to maintain status quo as on today shall be maintained in so far as the Applicant is concerned till the next date. In other words, Applicant will be permitted to work as Postmaster (HSG-I), Barpeta Road HO till the next date, if he is not already relieved.

Post the case on 03.09.2007.

Vice-Chairman

Notice of order sent to the Discretion to 2.9.07.
issuing to R-1, 12.8.07. ^{12.8.07}
by ~~Register~~ ^{12.8.07}
A/D post and R-2 ^{12.8.07}
sent to received ^{12.8.07}
by hand.

4/8/07. D/No - 861 to 863.

lm

DT = 81. ^{12.8.07}
5/9/07.

Notice duly served R-2.

iv

Vice-Chairman

iv

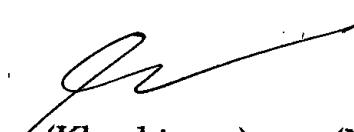
iv

11.10.07 No written statement has been filed by the Respondents, as yet, in this case. Mr G.Baishya, learned senior Central Govt. standing counsel ^{and} undertakes to file his appearance memo ^{and} seeks more time to file written statement. Prayer is granted.

Call this matter on 3.12.07; awaiting written statement.

Interim order to continue to remain in force till the next date.

Copy of this order be supplied to the counsel for the parties.


(Khushiram)
Member(A)


(Manoranjan Mohanty)
Vice-Chairman

Dt. 11.10.07.

Please supply order copy to the counsel for the parties and about interim order also.

PG

03.12.2007

0

No written statement has been filed in this case as yet. Mr.G.Baishya, learned Sr. Standing counsel for the Union of India, appearing for the Respondents, seeks four weeks time to file written statement.

Call this matter on 03.01.2008 awaiting written statement from the Respondents.

Interim order, that was granted earlier, to continue to remain in force till the next date.


(Khushiram)
Member (A)


(M.R.Mohanty)
Vice-Chairman

WLS not filed.

20.11.07.

31.11.07.

/bb/

22. com by.

order dt. 3/12/07 sent to D/Section for issuing to learned advocates for both the parties. (Ref) D/Nos- 1704 to 1707
Dt. 5/12/07

Dt. 5/12/07

203/07

W/Ls not filed.

20
2.1.08

03.01.2008 Mr.G.Baishya, learned Sr. Standing counsel for the Union of India seeks four weeks time to file written statement.

Call this matter on 04.02.2008 awaiting written statement from the Respondents.

DL 3.1.08

P.L. comby.

Khushiram

Interim order shall continue to remain in force till the next date.

M.R. Mohanty

(M.R.Mohanty)
Vice-Chairman

Order dt. 3/01/08
issuing to learned
advocate's for both
the parties.

/bb/

04.02.2008

Khushiram
Member (A)

Written statement is undertaken to be filed in course of the day.

Call this matter on 04.03.2008 awaiting rejoinder from the Applicant.

Interim order previously passed in this case, shall remain in force till the next date.

W/Ls not filed.

20
1.2.08.

/bb/

DL 1.2.08.

P.L. comby.

Khushiram

Khushiram
Member (A)

M.R. Mohanty
(M.R.Mohanty)
Vice-Chairman

order dt. 4/02/08
issuing to both the
parties. D/No- 975, 976.

6/2/08. Dt= 7/2/08.

11.2.08
W/Ls filed by the
Respondents, vindicating
given for Service.

Pras.
11/2/08

04.03.2008 Mr.H.K.Das, learned counsel appearing for the Applicant has filed a letter of absence. Written statement has been filed. Mrs. U.Dutta, counsel on behalf of Mr.H.K.Das, counsel for the Applicant requested four weeks time to file rejoinder. Prayer is granted.

Call this matter on 04.04.2008.

Khushiram
(Khushiram)
Member(A)

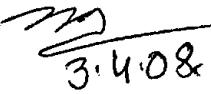
27.03.08

Call this matter on 04.04.2008.


 (M.R. Mohanty)
 Vice-Chairman

W/S filed.

lm


 3.4.08

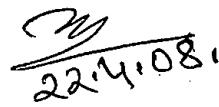
3.4.08
 M.P. No. 60/08 has been
 disposed of on 27.3.08
 granting interim order.

No rejoinder has
 filed in the OA.


 Dr.

Rejoinder not filed.

lm


 22.4.08

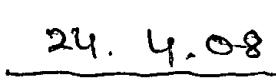
04.04.2008

No rejoinder has yet been filed in
 this case. None appears for the
 Applicant.

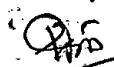
Call this matter on 23.04.2008
 awaiting rejoinder from the Applicant.


 (Khushiram)
 Member(A)


 (M.R. Mohanty)
 Vice-Chairman


 24. 4. 08

Rejoinder Submitted
 by the Applicant.
 Copy served.


 Dr.

lm

23.04.2008

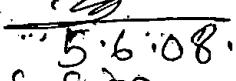
In this case reply and rejoinder
 have already been filed. Subject to the
 legal pleas to be examined at the time of
 hearing, this Original

Application is admitted.

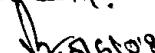
Call this matter on 06.06.2008 for


 (M.R. Mohanty)
 Vice-Chairman

The case is ready
 for hearing.


 5.6.08.
Dr. 6.6.08.

Pl. send a copy of this
 order to the Applicant.


 6.6.08

Order dt. 6/6/08 send
 to D/Section for
 issuing to applicant
 by post. D/No-2783

(6/6/08) D/13/6/08.


 12

06.06.2008

None appears for the Applicant nor
 the Applicant is present. In order to give
 one more chance to the Applicant to
 prosecute his case, the matter is adjourned
 to 23.07.2008.

Send a copy of this order to the
 Applicant who should come ready for
 hearing.


 (Khushiram)
 Member (A)


 (M.R. Mohanty)
 Vice-Chairman

nkm

The case is ready 23.07.2008 for hearing.

22/7/08

None appears for the Applicant nor the Applicant is present. Mr G. Baishya, learned Sr. Standing Counsel for the Union of India, is also absent.

Call this matter on 26.08.2008.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

pg

26.08.08

Mr H. Das, learned counsel is present for the Applicant and Mr G. Baishya, learned Sr. Standing counsel for the Respondents is also present. On the prayer of the counsel for both the parties call this matter on 23.09.2008 for hearing.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

pg

23.09.2008

The case is ready for hearing.

24/10/08


(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

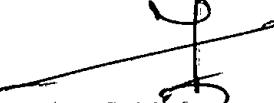
lm

O.A. 203 of 07

05.11.2008. None appears for the Applicant nor the Applicant is present. Mr.G.Baishya, learned Sr.Standing Counsel appearing for the Respondents is,however, present.

Call this matter on 18th November, 2008 for hearing.


(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

The case is ready for hearing.


17.11.08

lm

lm

18.11.2008

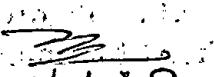
Call this matter on 2nd January, 2009.


(S.N. Shukla)
Member(A)


(M.R. Mohanty)
Vice-Chairman

lm

The case is ready for hearing.


01.12.09

02.01.2009

None appears for either of the parties.

Call this matter for hearing on 06.02.2009.

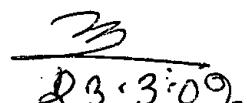
The case is ready for hearing.


5.12.09.

/bb/


(M.R. Mohanty)
Vice-Chairman

The case is ready for hearing.


20.3.09.

06.02.2009 Call this matter on 25.03.2009 for hearing.


(M.R. Mohanty)
Vice-Chairman

nm

O.A. No. 203 of 2009

25.03.2009 List on 14.05.2009 for hearing.


(Khushiram)
Member (A)


(A.K. Gaur)
Member (J)

/bb/

The case is ready
for hearing

14.05.2009 Call this matter on 20.05.2009 for
hearing.


19.5.09

~~Received
Utpalpana Bharadwaj
3/6/09~~

lm

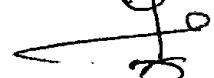
for
Ct. Baishy
Sr. C.G.S.C.

20.05.2009

For the reasons recorded
separately, this O.A. stands
disposed of.


(M.R. Mohanty)
Vice-Chairman


(N.D. Dayal)
Member(A)


(M.R. Mohanty)
Vice-Chairman

/pb/

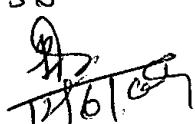
~~Received by
Haridip Kaur 11.6.09.~~

12.6.09

order dt. 20.5.09 in O.A
203/09. send to D.P.S. for
issue the same to the respondents
and also to the applicant.

D/No 3452 to 3456

dtel 23/6/09


12.6.09

v
o

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 203 of 2007

Date of Decision : 20.05.2009

Sri Hiranmoy Kakoti

..... **Applicant/s**

Mr. S. Sarma, Mrs. B. Devi & Mr. H.K. Das

..... **Advocate for the
Applicant/s**

- Versus -

U.O.I & Ors.

..... **Respondents**

Mr. G. Baishya, Sr. C.G.S.C.

..... **Advocate for the
Respondents**

CORAM

THE HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN

THE HON'BLE MR. N.D. DAYAL, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the Judgment ? **yes/No**
2. Whether to be referred to the Reporter or not ? **Yes/No**
3. Whether their Lordships wish to see the fair copy Of the Judgment ? **Yes/No**

Member


Vice-Chairman

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :**

Original Application No. 203 of 2007

Date of Order : This, the 20th of May, 2009

HON'BLE MR. M.R. MOHANTY, VICE-CHAIRMAN

HON'BLE MR. N.D. DAYAL, MEMBER (A)

Shri Hiranmoy Kakati
Post Master (IISG-1)
Barpeta Head Post Office
Barpeta

..... Applicant

(By Advocates : S. Sarma, B. Devi & H.K.Das)

-Versus-

1. Union of India
Represented by the Secretary to the Govt. of India
Ministry of Communication
Department of Posts
Dak Bhawan, New Delhi.
2. The Chief Post Master General
Department of Posts
Meghdoott Bhawan, Guwahati, Assam
PIN- 781 001.
3. The Superintendent of Post Offices
Department of Posts
Nalbari - Barpeta Division
Nalbari- 781 335.
4. Sri Rahimuddin Ahmed
Deputy Post Master, HSG - II
Barpeta I.I.O. Assam

..... Respondents

(BY Advocate : Mr. G. Baishya, Sr. C.G.S.C.)

+++++

✓

O.A.NO. 203 of 2007
ORAL ORDER
20.05.2009

HON'BLE MR. M.R. MOHANTY, VICE-CHAIRMAN

HON'BLE MR. N.D. DAYAL, MEMBER (A)

Heard Mr. H.K. Das, learned Counsel appearing for the Applicant, and Mr. G. Baishya, learned Sr. Standing Counsel representing the Government of India, and perused the materials placed on record.

2. Claiming to antedate his promotion, the Applicant (who has, in the meantime, retired from service since end of August, 2008) has filed the present O.A. under Section 19 of the Administrative Tribunals Act, 1985. Some of his juniors in Postal Assistant Cadre, having been shown senior to him, in the gradation list of the promotional post, the Applicant has prayed to antedate his promotion to the date of promotion of his juniors and, however, he has prayed to antedate his promotion notionally.

3. By way of filing a written statement, the Respondent Department has explained that one of the juniors of the Applicant (in cadre of Postal Assistant) having received promotion, after qualifying in Departmental Competitive Examination, he has been shown Senior to the Applicant; who has got a normal promotion, on the basis of his seniority only, on a later date.

✓
S

4. By way of filing a Rejoinder, the Applicant has contested the stand of the Respondents.

5. It has been pointed out (at the hearing) through the learned counsel for the Applicant that had DPCs been conducted every year, the Applicant would have got a timely promotion to remain senior to his juniors. To this Mr. G. Baishya, learned Sr. Standing Counsel for Government of India, pointed out that there were several seniors to him (Applicant) in Postal Assistant Cadre and had there been DPCs in time, they would have got the promotion to the prejudice of the Applicant.

6. The learned Counsel to the Applicant submitted that the Applicant had submitted a representation under Annexure-I dated 19th June, 2007 (well before his superannuation) and the authorities did not pass any order, on the said representation, till his retirement. It is stated that the Respondents have not yet passed any order on the said representation of the Applicant. Mr. H.K. Das, learned Counsel appearing for the Applicant, submitted that direction may be issued to the Respondents to consider his said representation (in which he had prayed to antedate his promotion) and pass a reasoned order.

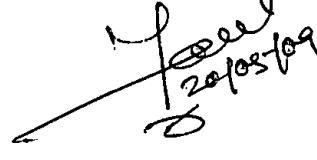
7. In the aforesaid premises, this O.A. is hereby disposed of with direction to the Respondents to consider the grievances of the Applicant and pass necessary orders, as due and admissible under



the Rules, within a period of 120 days from the date of receipt of a copy of this order.

8. Send copies of this order, by Registered Post, to the Applicant and the Respondents in the address given in the O.A. .
9. Free copies of this order be also supplied to the Advocates appearing for both parties.


(MR. N. D. DAYAL)
MEMBER (A)


(MR. M. R. MOHANTY)
VICE-CHAIRMAN

/PB/

30 JUL 2007

गुवाहाटी न्दायपीठ
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : O.A. No. 203 of 2007

Between

Shri Hiranmoy Kakati Applicant.

AND

Union of India & ors Respondents.

S Y N O P S I S

The core issue involved in the instant original application relates to the inaction on the part of the respondents in not convening the regular DPC year wise for the years from 1982 to 2004 for providing promotion to the eligible officers to the stage of Norm Based LSG. This has the issue for debate between the worker's union and the management for several years in uncounted rounds of talk and finally a guideline has been issued directing the divisional authorities to provide notional promotion in the said stage taking into consideration the date on which such promotion was due. In the instant OA the respondents vide order dtd. 20.2.2007 promoted the applicant to the stage of Norm Based LSG with prospective effect though he was eligible for such promotion even prior to 1.1.1995 and same has led to the consequential controversies in the form of seniority and other consequential benefits flowing from such fixation.

Though as per the rules he preferred representations but same yielded no result in positive. Hence, left with no option the applicant has come under the protective hands of the Hon'ble Tribunal seeking redressal of his grievances.

Hence, this application.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
18
GUWAHATI BENCH.

Title of the case : O.A. No. 203 of 2007

Between

Shri Hiranmoy Kakati Applicant.

AND

Union of India & ors Respondents.

LIST OF DATES

(1) 21.08.1968----- The applicant got his appointment in the post of P.A.

(2) 31.07.1991----- The applicant got the promotion to the stage of L.S.G(4500-7000) w.e.f 18.07.1986.

(3) 15.10.1993----- Respondent No. 4 joined the service as P.A on his initial appointment.

(4) 30.01.1995----- The applicant got the promotion to the rank of H.S.G-II (5000-8000) w.e.f 01.01.1995.

(5) ----- After 1.1.95 to 23.3.06 he had occasions to serve Norm Based LSG Posts and even higher posts.

(6) 24.03.2006----- The applicant was allowed to work in the HSG-I post (6500-10,500).

(7) 20.02.2007----- The impugned promotion order promoting the applicant to the stage of Norm Based LSG (4500-7000) with prospective effect.

(8) 11.05.2007----- Draft Gradation list of the Norm Based LSG published.

(9) 19.06.2007----- Applicant preferred representation against the Draft Gradation list.

(10) 22.08.2006----- The seniority list of the Postal Assistant.

(11) 11.05.2007----- Judgment and order passed by the Hon'ble high Court directing maintenance of status quo as regard the service of the applicant.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case : O.A. No. 203 of 2007

Between

Shri Hiranmoy Kakati Applicant.

AND

Union of India & ors Respondents.

I N D E X

Sl. No.	Particulars	Page No.
1.	Application	1 to 14
2.	Verification	15
3.	Annexure-A	16
4.	Annexure-B	17
5.	Annexure-C	18 - 23
6.	Annexure-D	24 - 25
7.	Annexure-E	26
8.	Annexure-F	27 - 29
9.	Annexure-G	30
10.	Annexure-H (Copy)	31 - 32
11.	Annexure-I	33 - 34

Filed by : Shri

Regn. No. :

File : WS7\hiran7

Date : 30.7.07

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

Filed by:-
The Applicant

Through
Hridip K. Das
Advocate

30.7.07.

O.A.No. 203 of 2007.

BETWEEN

Shri Hiranmoy Kakati,
Post Master (HSG-I),
Barpeta Head Post Office,
Barpeta.

..... Applicant.

VERSUS

1. Union of India,
Represented by the Secretary to the Govt. of India,
Ministry of Communication,
Department of Posts,
Dak Bhawan, New Delhi.
2. The Chief Post Master General
Department of Posts,
Meghdoott Bhawan, Guwahati-1,
Assam.
3. The Superintendent of Post Offices,
Department of Posts,
Nalbari-Barpeta Division,
Nalbari-781335.
4. Sri Rahimuddin Ahmed,
Deputy Post Master, HSG-II,
Barpeta H.O. Assam.

..... Respondents.

PARTICULARS OF THE APPLICATION

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

Hiranmoy Kakati.

This application is directed against the order dated 02.07.07 issued by the Superintendent of Post Offices, Nalbari-Barpeta Division, Nalbari. This application is also made praying for a direction to the respondents to recast the seniority of the applicant as indicated in the draft seniority list of the LSG, Norm Based Officials, Post Offices Assam Circle, dated 11.05.2007, by providing retrospective promotion to him in the stage of Norm Based LSG, prior to the respondent No.4, and to provide him the other related consequential service benefits, by modifying the order of promotion dtd. 20.2.2007.

2. LIMITATION:

The applicant declares that the instant application has been filed within the limitation period prescribed under Section 21 of the Central Administrative Tribunal Act.1985.

3. JURISDICTION:

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

4. FACTS OF THE CASE:

4.1. That the applicant in the present application 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 and the laws framed thereunder.

4.2. That the applicant entered the services under the respondents as Postal Asstt. way back in the year 1968, (



21.08.1968) and by dint of his sincere service he was promoted to the Lower Selection Grade (LSG) on introduction of the Time Bound One Promotion Scheme (TBOP). w.e.f. 18.7.1986. To that effect the respondents issued an order dated 30.07.1991 providing him the said benefit of the TBOP Scheme in the pay scale of Rs 4500.00-175-7000) with retrospective effect, i.e., w.e.f. 18.07.1986.

4.3. That the applicant was again promoted to the stage of Higher Selection Grade -II in the pay scale of Rs 5000 - 175 - 8000, w.e.f. 1.1.1995, in terms of the Biannual Cadre Review Scheme (BCR). It is stated that to that effect the respondents have issued an order under Memo No B/A-19/Ch-II dated 30.01.1995. Since then he has been drawing the said pay scale.

A copy of the said order dtd. 30.01.1995
is annexed herewith and marked as
Annexure- A.

4.4. That the applicant begs to state that since 1.1.1995, i.e., after receipt of the promotion to the stage of HSG - II he has been working in various posts having higher responsibility commensurating to his pay scale even higher than that. In this connection it is stated that after 1.1.1995, he had occasion to serve as Asstt. Post Master (A/C) (Norm Based LSG), Public Relation Inspector (PRI)(P) (Norm Based LSG), Asstt. Post Master (G) (Norm Based LSG); Deputy Post Master (Norm Based LSG * HSG -II) up to 23.3.2006, drawing the pay scale of Rs 5000 - 175 - 8000 . It is stated that the BCR Officials are required to hold the responsible posts and as such he has also been holding the said responsible posts.

4.5. That the applicant while was working as Postmaster (HSG - I) w.e.f. 24.3.06 in the pay scale of Rs. 6500 - 200 - 10500, he received the order issued under Memo No B/A - 60 dated 20.02.2007, whereby he was promoted to the post of APM(G) (Norm Based LSG) in the pay scale of Rs (4500 - 125 - 7000) belatedly. The applicant joined the said post with the hope that there will be subsequent order making the said promotion with retrospective effect. The respondents however, taking in to consideration the fact that he was drawing the pay scale of Rs 5000 - 8000 in HSG -II, he was ordered to hold the charge of Postmaster (HSG-I) considering his seniority as well as the pay scale.

A copy of the order dtd. 20.02.2007 is
annexed herewith and marked as Annexure-B

4.6. That the respondents subsequently introduced the system of providing national promotion in the stage of LSG i.e, (Norm Based LSG), holding DPC in the Division. Unfortunately in the Nalbari-Barpeta Division, no DPC was held for the aforesaid promotion and for such inaction the petitioner could not be given the national promotion though he was due for such promotion since 1982 to 2004. It was due to the aforesaid inaction on the part of the respondents the applicant has become junior to the respondent No 4. Md. Rahimuddin Ahmed, who joined the Department on 15.10.1993 only. Said Mr Ahmed got his promotion to the stage of Norm Based LSG w.e.f. 25.10.04.

4.7. That the applicant begs to state that the pay scale, nature of duties and responsibilities of officers in the grades of TBOP (LSG) and Norm Based LSG are same in all respect. The promotion in the stage of LSG under TBOP is made in Divisional



Basis where as the promotion under Norm Based LSG is made in circle basis. Had there been timely DPC, the applicant could have been promoted to the cadre of Norm Based LSG even prior to 2001 i.e., much earlier than the date when the promotion was offered to the respondent No 4. In such a situation the respondents would have resorted to review DPC and provided the promotion to the applicant to the cadre of Norm Based LSG prior to 2001, as has been done in case of other similarly situated officers, and this would have provided the applicant an early chance of getting the promotion to the stage of HSG -I.

4.8. That the applicant begs to state that the respondents vide communication dated 11.5.07 circulated the draft gradation list. The gradation list clearly goes to show that the incumbent who is similarly placed like that of the applicant got his Norm Based LSG w.e.f. 1.1.95. In fact the applicant who got his regular promotion to the stage of HSG-II in the pay scale of Rs 5000 - 8000 w.e.f. 1.1.1995 could not have been subsequently promoted to the post falling in the stage with the pay scale of 4500 - 7000 w.e.f 20.2.07. It was therefore the respondents have introduced the system of giving such promotion notionally in accordance with the relative pay scale of the employee. The applicant highlighting the same made an application against the said draft gradation list highlighting his grievances.

Copies of the gradation list and the representation of the applicant dated 19.06.07 is annexed herewith and marked as ANNEXURES - C & D.



4.9. That the applicant begs to state that admittedly in all respect he is senior to the respondent No 4, Md Rahimuddin Ahmed. Said Md Ahmed joined the services under the respondents in the year 1993, and at that relevant point of time the applicant was holding the post in the stage of LSG with the pay scale of Rs 4500 - 7000, w.e.f 18.07.1986. The applicant received his promotion to the stage of HSG - II w.e.f. 1.1.95 in the pay scale of Rs 5000 - 8000 and as such under any circumstances the said respondent No 4 can not be treated as senior to the applicant. It is stated that the respondents by a communication dtd. 22.08.2006 published the final gradation corrected up to 31.07.07 in the cadre of Postal Assistants, Postman and Gr. D officials under Nalbari-Barpeta Division wherein it is apparent that the applicant is the senior most incumbent in the cadre of P.A and Postman and his name has been reflected at SL. No. 2 where as the seniority position of the Respondent no. 4 is at SL. No. 80. The respondents have received the representation filed by the applicant but as on date he has not been provided with any positive reply.

A copy of the said communication dtd. 22.08.2006 is annexed herewith and marked as Annexure- E.

4.10. That the applicant begs to state that the Hon'ble Tribunal had an occasion to deal with an issue pertaining to his transfer and counting of the period of absence covered the stay order passed by the Hon'ble Tribunal in an earlier proceeding. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to allow the said OA (OA No 448/01) directing regularisation of the said period covered by the order of stay vide judgment and order dated 3.6.2002. The respondents being



aggrieved preferred a Writ Petition before the Hon'ble High Court which was numbered as WP(C) No. 1142/03. The Hon'ble High Court subsequently on recording the submission of the learned CGSC dismissed the said Writ Petition as infructuous vide judgment and order dated 19.08.05. The respondents thereafter filed a review application before the Hon'ble High Court (RA No 90/06) for review of the judgment and order dated 19.8.06. The Hon'ble High Court on 11.05.07 while entertaining the said Review Application was pleased to restore the Writ petition with the condition that the present status of the applicant should not be disturbed. It is stated that subsequently the said Writ Petition was disposed of by the Hon'ble High Court in favour of the applicant.

A Copy of the said order dated 11.05.07
is annexed herewith and marked as
Annexure- F.

4.11. That the respondents inspite of the aforesaid interim order passed by the Hon'ble High Court, have issued the impugned order dated 02.07.07, reverting the applicant from the post of HSG - I (Officiating Postmaster) to the post of Asstt. Postmaster (A/C) (HSG - II), declaring and treating the respondent No 4 as senior most LSG (Norm Based) on the basis of the draft gradation list which is yet to be made final without replying to the representations filed by the incumbents including the applicant.

A copy of the impugned order dated 2.7.07
is annexed herewith and marked as
Annexure- G.



4.12. That the applicant begs to state that the promotion order dated 20.02.07 given by the respondents to him to the stage of LSG (Norm Based) in the pay scale of Rs 4500 - 7000 is an illegal and arbitrary order. In fact same should have been made with retrospective effect at least prior to 1.1.95 i,e, the date when he was promoted to the rank of HSG - II in the pay scale of Rs 5000 - 8000, which is a post higher than that of LGS (Norm Based). The respondent should have replied to the representation filed by the applicant first providing him the promotion to the stage of LSG Norm Based with retrospective effect and then they should have rectified the impugned draft gradation list recasting the seniority of the respondent No 4 vis-a-vis the applicant and treat the applicant as the senior most Norm Based LSG, and thereafter to promote him further to the rank of HSG - I .

4.13. That the applicant highlighting the grievances have preferred representations to the respondents but same yielded no result in positive and as a last resort he has come under the protective hands of the Hon'ble Tribunal seeking redressal of his grievances.

Copies of the representations filed by the applicant are annexed herewith and marked as ANNEXURE-H(Colly).

4.14: That the applicant as stated above has preferred representations highlighting his grievances but same yielded no result in positive. On the other hand the respondents without answering to the representation filed by him, has made the draft gradation list final declaring the respondent No 4 as the senior most LSG Norm Based.



4.15. That the applicant begs to state that the All India Postal Employees Union (Gr. C) in fact took up the matter relating to granting of notional promotion to the Norm Based LSG Cadres enabling them to rectify the mistake committed by the respondents. In this context while referring to a communication of the Director General of Posts Offices dtd. 22.05.2007, the Union apprised the authority to rectify the mistakes committed by them in not providing notional promotion to the grade of Norm Based LSG. It is also stated that vide Directorate's letter dtd. 12.11.2002 it was made clear to all the circles to fill up the Norm Based LSG Cadres notionally from the year when the norm based promotions had not been carried out so as to enable the officers to get the benefit of upgraded posts in HSG (I). It was also emphasized in the said communication dtd. 22.05.2007 that the circle authorities should ensure that notional promotions be made in the level of Norm Based LSG Cadre from year to year without treating the same to be an one time exercise and on the basis of such notional promotion the gradation list may be finalized in the circle.

A typed copy of the communication dtd. 22.05.2007 is annexed herewith and marked as Annexure-I.

The applicant craves leave of this Hon'ble Court to produce the letter dtd. 12.11.2002 at the time of the hearing of the case.

4.16. That the applicant begs to state that the respondents in spite of there being clear cut direction to provide notional



promotions to the eligible officers for promotion to the rank of Norm Based LSG Cadre have not provided the applicant such promotion with retrospective effect though he was eligible to receive such promotion even prior to 01.01.1995. Delay in providing the said promotion to the applicant is nothing but the latches on the part of the official respondents and for that reason under any circumstances the applicant should not be made to suffer.

In a nutshell the grievance of the applicant as reflected in the OA is that the respondent did not convene the regular DPC for promotion to the rank of LSG Norm Based in time. Had there been regular DPC then he would have been promoted to the stage of LSG Norm Based prior to 1.1.95 and same would have entitled him with other consequential service benefits including seniority in the said cadre as well as subsequent promotion i.e. promotion to the rank of HSG-I. The mistake committed by the respondents in issuing the impugned order 20.02.87 in not making the same retrospective, had arisen all the related controversy as reflected in the OA.

It is under the fact situation of the case the applicant prays for an interim order directing the respondents not to give effect the impugned order dated 2.7.87 during the pendency of the OA, or to suspend the effect and operation of the said impugned order dated 2.7.87 so far it relates to the applicant.



5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents in issuing the impugned order dated 20.2.2007, impugned draft gradation list dtd. 11.05.2007 and the impugned order dtd. 02.07.2007 is per se illegal and arbitrary and same are required to be set aside and quashed.

5.2. For that the respondents have failed to take into consideration the guidelines issued by the respondents contained in the communication dtd. 22.05.2007 and 12.11.2002 while issuing the order of promotion dtd. 20.02.2007, and as such the said action on the part of the respondents are required to be interfered with.

5.3. For that the respondents have acted contrary to the settled proposition of law in not providing the notional promotion to the applicant in the stage of Norm Based LSG i.e. effecting the same to be prior to 1.1.1995, and as such appropriate direction need to be issued to the respondents to modify the order of promotion dated 20.02.2007 making it effective from a date prior to 01.01.1995 and thereafter to rectify the mistakes in the Draft Gradation list of Norm Based LSG and to provide all consequential benefits including the promotion to the stage of HSG- I.

5.4. For that the respondents have acted contrary to the rules holding the field in not making the necessary correction in the Draft Gradation list circulated vide communication dtd. 11.05.2007, more so when the applicant filed detailed representation ventilating his grievances and as such necessary



direction need be issued to the respondents to recast the seniority of the applicant and to treat him senior most Norm Based LSG and thereafter to provide other consequential service benefits flowing from such refixation of seniority applying the "Next below rule".

5.5. For that the respondents have acted in violation of the norms and guidelines adhered by the respondents themselves in issuing the impugned orders and as such same after treating to be unconstitutional are required to be set aside and quashed.

5.6. For that in any view of the matter the impugned action of the respondents is not sustainable in the eye of law and liable to be set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal and factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before



13

any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

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

8.1. To direct the respondents to promote the applicant to the stage of Norm Based LSG with retrospective effect notionally i.e prior to 01.01.1995 and to modify the order of promotion dtd. 20.2.2007 accordingly.

8.2. To make necessary correction in the Draft Gradation placing the applicant at the top of the same treating him to be the senior most Norm Based LSG in the Nalbari-Barpeta Division.

8.2. To set aside and quash the impugned order dtd. 02.07.2007.

8.3. Cost of the application.

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



9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant prays for an interim order directing the respondents not to give effect the impugned order dated 02.07.2007.

10.

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

1. I.P.O. No. : 34 G 654792
2. Date : 28.7.07
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.



VERIFICATION

I, Shri Hiranmay Kakati, son of Shri B.C.Kakati, aged about 51 years, at present working as Public Relation Inspector in Barpeta Head Post Office, Barpeta, do hereby solemnly affirm and verify that the statements made in paragraphs ... 4:7/4/14/..... are true to my knowledge and those made in paragraphs 4:2-4:6, 4:8-4:13, 4:15-4:16..... are also matter of records and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 20th day of July. of 2007.

Hiranmay Kakati

— 16 — 27
ANNEXURE-A

DEPARTMENT OF POSTS, INDIA
NATIONAL POSTAL CORPORATION
NATIONAL BARPSA DIVISION, NALBARI-781335

No. B/A-9/Ch. II.

Dated at Nalbari the 30.1.95.

The following LSG.PAs are promoted to the next higher grade HSG-II (BCR) in the scale of pay Rs. 1600-50-2300EB-60-2660 with the dates shown against each. The posting orders are also mentioned against their names.

The officials may exercise their option for choosing the dates for fixation of their pay under FR-22(i)(a)(i) within a period of one month of joining the new assignments enjoined in the Government of India under No. 18 below the id FR.

Name of the officials	Present posting	Posting after promotion.	Crucial date of promotion
1. Sri Sarat Ch. Das	SPM/Howly	SPM/Howly	1.7.94
2. Sri Rajendra Roy	SPM/Thamna	SPM/Thamna	1.7.94
3. Sri Mohan Ch. Kalita	SPM/Kalag	SPM/Kalag	1.1.95
4. Sri Pran Kanta Goswami	SPM/Koria	SPM/Koria	1.1.95
5. Sri Hiranmay Kakati	Acctt/Barpeta	Acctt/Barpeta H.O.	1.1.95

Kalita
Superintendent of Post Offices
Nalbari-Barpeta Division
Nalbari-781335

to :-

- (1-2) The Postmaster, Barpeta, Nalbari H.O. for information and necessary action.
- (3-6) The SPM, Howly/Thamna/Kalag/Koria for information.
- (7-11) Officials concerned.
- (12-16) P/Fs. O/ Kalita
- (17) The CPMG (staff Sec.) Assam Circle, Guwahati for favour of information w.r. to CO's No. staff/52-B/92/ Ch.I dtd 18.7.94.
- (18-20) Spare.

Kalita
Superintendent of Post Offices
Nalbari-Barpeta Division
Nalbari-781335

Attested

J. B. Kalita
Advocate.

DEPARTMENT OF POSTS, INDIA
Office of the Superintendent of Post Offices :: Nalbari Barpeta Division
Nalbari-781335

No. B/A-60

Dated at Nalbari the 20-02-07

In pursuance of CO'S/GH memo no. Staff/13-25/POs/06 dtd. 09-02-07 the following PA(PO) are approved for promotion to the cadre of LSG (Norm based) in the Scale of Rs. 4500-125-7000 with effect from the date of assumption of charge. The officials on promotion to LSG cadre are posted in the Posts (LSG) as shown again each.

PART-A

Sl No	Name of the Official	Present place of working	Office where posted on promotion	Remarks
1.	Sri Bipin Ch. Barman	SPM, Ghograpar SO	APM (G) Nalbari HO	Terminating temporary arrangement
2.	Sri Harimal Bhuyan	SPM Sarthebari SO	SPM (LSG), Tihu SOdo....
3.	Sri Sarat Ch. Barman	PA Nalbari HO	APM (A/Cs & Mails) Nalbari HOdo....
4.	Sri Hiranmoy Kakati	Offtg. APM(A/Cs) Barpeta HO	APM (G), Barpeta HOdo....

In pursuance of Dte's New Delhi letter no. 4-16/2002-SPB-II, dtd 15.04.05 & No. 137-42/2002-SPB-II dtd 13.07.05, HSG-I posts are to be filled up amongst regular HSG-II officials i.e those who have been appointed on regular basis amongst HSG-II norm based posts in the circle after observing the instructions relating to DPC.TBOP/BCR scheme is only financial upgradation. HSG-II norm based posts are to be filled up by regular LSG officials as per rules. If any officials declines joining against norm based LSG posts, he cannot claim for posting/promotion in the LSG cadre, HSG-II cadre, and subsequent promotion to HSG-I cadre in future.

On assumption in the new assignment, Sri Hiranmoy Kakati will also officiate as Postmaster (HSG-I), Barpeta HO purely on temporary basis in addition to his own duties. The arrangement for the post of APM(A/cs), Barpeta HO will be made separately.

PART-B

Consequent upon promotion/posting of officials at Part-A above, the following transfer/posting orders are issued to have immediate effect.

Sl No	Name of the Official	Present place of working	Office where posted	Remarks
1.	Sri Dwijendra Nath Talukdar	Offg. SPM, Tihu SO	PA, Nalbari HO	Vice vacant post.
2.	Sri Harish Ch. Sarma	Offg. APM(G) Barpeta HO	PA, Barpeta HO	Vice vacant post.
3.	Sri Santosh Kr. Sarma	Offg. APM(A/Cs & Mails), Nalbari HO	PA, Nalbari HO	Vice vacant post.
4.	Sri Srikanta Barman	Offg. APM(G) Nalbari HO	PA, Nalbari HO	Vice vacant post till receipt of posting order on promotion to LSG cadre from Guwahati Dn

Sd/-
(B. Bairagi)

Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335

Attested

Mr.
Advocate.

C-10-2

18

DEPARTMENT OF POSTS: INDIA
Office of the Superintendent of Post Offices, Nalbari Barpeta Division
Nalbari-781335.

No. B/A-60/ GL/LSG

Dated at Nalbari the 11-05-07.

To

The Postmaster
Barpeta H.O.

Sub:- Draft Gradation List of LSG Norm Based officials(Post Offices) in Assam Circle.

A copy of the draft gradation list in respect of LSG Norm Based officials (Post Offices) in Assam Circle is sent herewith for perusal/verify the correctness shown therein by the officials concerned and returned the same obtaining the signature of the officials as a token of having seen the Draft Gradation List within 3(three) days so that this office report to the CO/GH immediately.

In case of any omissions/ commissions noticed in the Draft Gradation list, this may be pointed out while returning the same. If no objection is received from your office within 3(three) days, it will be taken that the gradation list is in order.

Enclo:- As above.

W.M.
Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335.

Attested

John

Advocate

Seniority List of norm based LSG officials in Assam

Serial No.	Name of officials	Comm.	Date of birth	40 Date of entry	Date of norm based LSG	Division to which attached	Retired
1.	Jibon Kr. Nath	OC	4-8-48	1-9-68	1-1-95	Darrang	
2.	Swapna Chakraborty	OC	6-1-64	3-7-90	15-10-04	Nagaon	
3.	Rahimuddin Ahmed	OC	23-9-73	15-10-93	25-10-04	Nalbari	
4.	Subodh Ghosh	OC	1-3-47	18-6-60	16-5-06	Tinsukia	Retired
5.	Chinmoy Putkayastha	OC	1-4-47	10-9-70	16-5-06	-do-	Retired
6.	Maniram Mili	ST	1-7-51	24-7-72	16-5-06	-do-	
7.	A. Rahman Mazumdar	OC	1-3-48	8-6-67	16-6-06	Cachar	
8.	Jayanta Kr. Dey	OC	3-12-47	3-11-67	16-6-06	-do-	
9.	Supriti Choudhury	OC	3-3-48	8-11-67	16-6-06	-do-	
10.	Arun Kr. Deb	OC	1-12-46	11-11-67	16-6-06	-do-	Retired
11.	P. K. Brahmachary	OC	1-1-48	11-11-67	16-6-06	-do-	
12.	Premamoy Bhattacharjee	OC	1-10-48	10-3-68	16-6-06	-do-	
13.	Anima Routh	OC	1-11-47	29-3-68	16-6-06	-do-	
14.	Purnima Bhattacharjee	OC	1-10-47	11-6-68	16-6-06	-do-	
15.	Ananda Mohan Das	OC	1-7-46	10-7-68	16-6-06	-do-	
16.	Bharati Choudhury	OC	19-3-47	22-8-68	16-6-06	-do-	Retired
17.	Moloy Krishna Chakraborty	OC	1-10-47	26-7-69	16-6-06	-do-	
18.	Suparna Choudhury	OC	1-5-47	30-9-69	16-6-06	-do-	Retired
19.	Nikhil Kr. Dey	OC	1-11-46	28-10-69	16-6-06	-do-	Retired
20.	Mani Elkash Roy	SC	1-11-47	3-11-69	16-6-06	-do-	
21.	Narendra Kr. Das	SC	27-7-50	28-9-70	16-6-06	-do-	
22.	Maya Dey	OC	2-9-48	24-3-70	9-2-07	-do-	
23.	Dilip Kr. Dey	OC	1-5-48	30-6-70	9-2-07	-do-	
24.	Sitangshu Chanda	OC	14-1-48	23-7-71	9-2-07	-do-	
25.	Anita Sen	OC	3-2-51	17-3-72	9-2-07	-do-	
26.	Hiranmoy Kakati	OC	1-11-48	28-8-68	23-2-07	Nalbari	
27.	Bishnu Puzari	OC	15-4-47	23-10-69	23-2-07	Sivasagar	
28.	Bishnuram Boro	ST	1-6-51	9-6-72	23-2-07	Darrang	
29.	Toseswar Saikia	OC	5-3-48	5-10-68	26-2-07	Sivasagar	
30.	Eliza Ahmed	OC	1-3-48	2-12-68	26-2-07	Guwahati	
31.	Gurucharan Sarma	OC	1-9-47	13-12-68	26-2-07	-do-	
32.	Pratap Ch. Goswami	OC	1-3-49	17-8-69	26-2-07	-do-	
33.	Chaitrachar Sonowal	ST	11-7-50	11-2-72	26-2-07	Sivasagar	

		OC	11-3-47	4-7-68	27-2-07	Sivasagar	41
36.	Kalat Kr. Acharjee	OC	13-5-48	1-2-69	27-2-07	Tinsukia	-20
37.	Nagor Ch. Kalita	OC	2-3-48	10-8-70	27-2-07	Guwahati	
38.	Mafizur Rahman	OC	2-10-49	15-7-66	1-3-07	Dibrugarh	
39.	Lokeswari Thakuria	OC	1-12-47	8-4-68	1-3-07	Dibrugarh	
40.	Dibyadhar Sonowal	ST	1-11-47	31-3-70	1-3-07	-do-	
41.	Abdul Rahim	OC	1-1-50	23-8-69	1-3-07	Sivasagar	
42.	Rudra Pd. Sarma	OC	1-11-49	10-1-70	1-3-07	Dibrugarh	
43.	Subrata Deb	OC	1-4-48	29-1-71	1-3-07	Goalpara	
44.	Nripen Saikia	ST	1-12-49	2-3-73	1-3-07	Sivasagar	
45.	Premeswari Gogoi	OC	28-2-50	8-10-68	2-3-07	Tinsukia	
46.	Luhuram Kalita	OC	1-9-47	17-8-69	2-3-07	Guwahati	
47.	Stya Nath Sarma	OC	1-7-48	1-2-69	5-3-07	Nagaon	
48.	Jaineswar Bora	OC	17-7-48	1-8-69	5-3-07	Nagaon	
49.	Subrata Dey	OC	1-9-50	24-12-71	5-3-07	Nagaon	
50.	Ramanimohan Das	SC	1-2-51	9-10-72	5-3-07	Dibrugarh	
51.	Prafura Choudhury	ST	4-12-51	16-6-72	5-3-07	Dibrugarh	
52.	Manikam Basumatary	OC	31-12-47	21-10-69	6-3-07	Guwahati	
53.	Nirmalama Dey	OC	23-5-49	3-11-69	7-3-07	Dibrugarh	
54.	Sun. Kr. Saha	OC	1-1-49	29-3-70	7-3-07	Dibrugarh	
55.	Nagendra Nath Kalita	OC	11-2-50	18-9-70	9-3-07	Darrang	
56.	Narayan Ch. Nath	OC	15-3-48	13-3-72	9-3-07	Sivasagar	
57.	Harmohan Sutradhar	OC	1-12-48	25-9-68	10-3-07	Darrang	
58.	Jiban Ch. Das	OC	23-10-50	25-2-71	12-3-07	Guwahati	
59.	Mazibor Rahman	ST	29-12-48	25-7-72	13-3-07	Darrang	
60.	Gobinda Ch. Boro	OC	1-11-48	15-3-70	15-3-07	Goalpara	
61.	Ananda Charan Sarma	OC	1-9-48	19-10-68	19-3-07	Guwahati	
62.	Haizan Ali	ST	1-4-48	16-8-69	23-3-07	Darrang	
63.	Deben Ch. Patowary	OC	6-7-50	11-2-72	23-3-07	Sivasagar	
64.	Gokul Bora	OC	6-1-49	15-5-70	27-3-07	Darrang	
65.	Nagendra Ch. Rajbongshi	ST	16-7-49	1-1-72	28-3-07	Nagaon	
66.	Dehiram Patar	OC	28-5-48	24-8-68	14-07	Sivasagar	
67.	Uesif Rahman	SC	11-1-53	12-6-72	2-4-07	Tinsukia	
68.	Monoratna Ram	ST	1-3-50	2-7-70	3-4-07	Nagaon	
69.	Chhastal Patar	OC	1-1-50	14-8-69	5-4-07	Guwahati	
70.	Narendra Nath Talukdar	ST	18-10-47	16-9-71	9-4-07	Dibrugarh	
71.	Chirantan Mech	ST	27-5-48	22-6-70	18-4-07	Goalpara	
72.	Brahm Ch. Brahma	ST					

To,

The Chief Postmaster General, Assam Circle, Guwahati-781001.

through Proper Channel

Dated at Barpeta on the 19th June, 2007

SUB: DRAFT GRADATION LIST OF LSG NORM BASED OFFICIALS (POST OFFICES) IN ASSAM CIRCLE

REF: 1. SPO/ NALBARI NO. B/A- 60/CL/LSG DATED AT NALBARI THE 11-05-07.

Respected Sir,

I beg now respectfully to lay before you the following facts regarding the subject mentioned above for favour of your kind consideration and necessary action.

1) That sir, I had entered the Department of Posts as, P.A. on 21/08/68 and was promoted to LSG on introduction of time bound one promotion scheme to the scale of 1400 (now 4500-125-7000) w.e.f. 18-07-86 vide SPA/NLB No. B/A-1, dated 30-07-91.

2) That sir, I was promoted to HSG-II (under BCR scheme) to the scale of pay 1600-50-2800-EB60-2660 (Now 5000-175-8000) w.e.f. 01-01-95 as conveyed vide SPO/Nalbari memo No.B/A-19/Ch-II Dtd.30-01-95 and since then I have been drawing the scale.

3) That sir, I have been working w.e.f. 01-01-95 in various status and capacities i.e. as APM (A/Cs), (Norm Based LSG), PR(P) (Norm Based LSG), APM(G) (Norm Based LSG), DPM (Norm Based LSG & HSG-II) upto 23-03-2006, drawing scales of Rs5000-175-8000 as the official who enjoyed BCR scale on promotion should bear higher responsibility. I have been doing so.

4) That sir, I have been working as Postmaster(HSG-I) w.e.f. 24-03-06 drawing scale of Rs 6500-200-10500 while I got SPO/Nalbari memo No. B/A-60 Dated 20-02-07 whereby I was promoted to APM(G) (Norm Based LSG of scale Rs 4500-125-7000) belatedly. I joined APM(G) norm based LSG on 23-02-07 in honour of the SPO/Nalbari's Memo and as per instruction of the memo. Since there was no senior official in the office in HSG-II drawing Rs5000-8000. I was perhaps ordered by the said memo to officiate as Postmaster(HSG-I) considering seniority and to withstand financial implication.

5) That sir, I learnt from SPO/Nalbari No. B60 Dated 20-02-07 that promotion to LSG(TBOP) and HSG-II(BCR) are for up gradation of pay. The declaration is too late to admit. If LSG (TBOP) and BCR(HSG-II) are upgradation of pay, why so many officials were promoted to HSG-I in DPC and allowed to go on superannuation with scale of Rs.6500-10500. It is not understood.

Attested

Advocate

Cont - 2

6) That sir, the Directorate in the meantime, introduced the system of national promotion to LSG cadre (Norm Based LSG). According to the checklist annexed to Directorate letter No.4-16/2002-SPB-11 Dated 20-11-06, I should be promoted to norm based LSG holding DPC in the Division. But the DPC was not held and I was not promoted nationally during period 1982 to 2004. For the fault of the authority, now I became junior to Md. Rahimuddin Ahmed who joined on 15-10-93 the Department and was promoted on 25-10-04 on first track promotion to norm based LSG i.e. after passing LSG Examination.

7) That sir, the scale of TBOP (LSG) and norm based post of LSG is identical in all respects. The promotion to LSG under TBOP Scheme is made in Divisional basis and now promotion to norm based LSG in Circle basis. The national promotion to norm based LSG should be made divisional basis during 1982 to 2004. But if the authority of the Division would have held DPC and promoted me nationally even between over 2001-2003 as per rules and procedures, I become senior today to junior official Rahimuddin Ahmed who had the chance to officiate as DPM(HSG-i) only and my name would have been before Rahimuddin Ahmed in Circle Gradation. List of Norm based LSG officials. Further I would have been promoted to HSG-I cadre earlier also.

8) That sir, in the gradation list it is seen that Shri Liban Kr. Nath, Darang Division entered the Department on 01-09-68. He was promoted to norm based LSG w.e.f.01-01-95. Shri Nath must be promoted nationally in due time respectively. As a result, his name is on the top of Gradation list of Norm Based LSG officials. Likewise, I should be promoted retrospectively like Shri Nath to the norm based LSG nationally so that I can enjoy due Justice and must not be deprived of seniority. But it has not been done till now. The authority untouched and ignored the procedure of national promotion. The non-officials in promotion.

In the circumstances stated above you are requested kindly to consider my grievances and lay your fair hands in the matter so that I should not be deprived of my legitimate and justified status of promotion to LSG Cadre in time where it was due to me. And for this act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Hiramay Rabas
(Hiramay Rabas)
Officiating Postmaster,
Barpeta H.O.

DEPARTMENT OF POSTS: INDIA
Office of the Superintendent of Post Offices, Nalbari Barpeta Division
Nalbari-781335.

No. B/A-8/ GI.

Dated at Nalbari the 22-08-06.

To

Q M
P.S.E.

All PMs/ SPMs, under Nalbari Barpeta Division.

Kindly find herewith a copy of the Gradation list, corrected up to 31-07-06, in respect of PA, Postman and Group-D officials under Nalbari Barpeta Division for favour of information and circulation among the staff working in your office. Please obtain signatures from the officials against their name and resubmit with correction/ alteration / addition, if there be any, may be added in the space below the name of each official after consulting relevant service documents.

Enclo:- As above.

Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335.

Attested

J.D.

Advocate

GRADATION LIST OF OFFICIAL IN PA CADRE

NO OF POST=141
(As on 31-07-06)

Scale of Pay	T/S PA	4000-100-6000
	TBOP(LSG)	4500-125-7000
	BCR(HSG-II)	5000-150-8000.

Sl.No.	Name of official	Comm.	Date of birth	Date of entry	DO entry	Office attached in PA cadre
1	2	3	4	5	6	7

1.	Sti. Harimal Bhuyan	OC	01-03-47	21-03-66	21-03-66	Sarthebari SO <i>Revised</i>
2.	Hiranmoy Kakati	OC	01-11-48	22-08-68	28-08-68	Barpeta HO <i>Abst</i>
3.	Dhireswar Kalita	OC	04-07-48	03-02-69	03-02-69	Nalbari HO
4.	Jitendra Nath Sarma	OC	01-03-47	12-02-69	12-02-69	Sarupeta S.O.
5.	Dinesh Ch. Kakati	OC	01-03-50	22-10-69	12-02-69	Nalbari HO
6.	Harish Ch. Sarma	OC	01-01-50	07-01-70	07-01-70	Barpeta HO
7.	Hari Ch. Barua	OC	01-03-49	28-01-70	28-01-70	Morowa SO
8.	Bhubaneswar Nath	OC	01-03-50	22-12-70	22-12-70	Kazipara SO
9.	Jogendra Nath Das	ST	03-11-50	20-05-72	20-05-72	Bartola SO
10.	Dwijendra Nath Talukdar	OC	01-04-51	17-06-72	17-06-72	Tihu SO
11.	Debendra Nath Deka	OC	01-09-46	09-05-67	03-04-73	Nalbari HO
12.	Santosh Kr. Sarma	OC	01-05-51	07-02-74	07-02-74	Nalbari HO <i>✓</i>
13.	Upen Basumatary	ST	07-03-47	02-09-70	02-09-70	Barpeta Road
14.	Phulendra Nath Pathak	SC	01-12-46	16-06-72	16-06-72	Nityananda SO
15.	Rajani Kt. Das	SC	01-12-51	15-05-72	15-05-72	Jagra SO
16.	Mahesh Das	OC	01-06-51	27-08-71	27-08-71	Baganpara SO <i>✓</i>
17.	Mahesh Ch. Barman	OC	01-03-52	19-05-73	19-05-73	Barpeta HO
18.	Lankeswar Baro	ST	01-06-50	21-05-73	21-05-73	Dhanbil SO

Arrested

DR

Advocate.

19.,, Surjya Kt. Das	SC	01-06-49	12-07-72	12.07.72	Bhella SO
20.,, Bhagawan Das	OC	01-03-49	20-08-70	20.08.70	Tamulpur SO
21.,, Khagendra N. Das	ST	01-07-54	29-05-73	29.05.73	Jalahghat SO
22.,, Prajnode Barman	OC	01-03-43	01-04-70	01.04.70	Bongaon SO
23.,, Sarat Barman	OC	01-08-47	27-07-68	27.07.68	Nalbari HO
24.,, Karuna Kt. Das	SC	02-07-51	15-08-72	15.08.72	Barama SO.
25.,, Jitendra Nath Das	OC	21-08-46	11-11-64	20.05.74	Nalbari HO.
26.,, Bipin Barman	OC	01-04-47	21-03-66	21.03.66	Ghograpar SO
27.,, Akkas Ali	OC	22-11-50	21-03-72	21.03.72	Pathsala SO
28.,, S.K. Barman	OC	01-02-49	23-10-69	23.10.69	Nalbari HO
29.,, Eakin Ali Sikdar	OC	28-09-56	01-03-79	01.03.79	Barpeta HO
30.,, Ajit Medhi	OC	01-05-50	16-10-73	03.08.79	Nagrijuli SO.
31.,, Phulendra Nath Gayari	ST	01-03-58	12-04-80	12.04.80	Khatabari SO.
32.,, Gopal Chanda	OC	01-11-57	15-04-80	15.04.80	Simlaguri SO
33.,, Khagendra Rabha	ST	29-05-61	12-04-80	12.04.80	Kakilabari Farm SO
34.,, Chakradhar Gayan	OC	25-12-48	14-01-71	18.06.80	Santi Nagar SO
35.,, Abdur Rahman I.	OC	01-06-47	02-01-74	24.06.80	Kumari kata SO
36.,, Badan Kalita	OC	01-09-48	13-12-74	04.07.81	Milanpur SO
37.,, Kalyani Sarma	OC	05-11-55	16-02-81	16.02.81	Depn to Ghy
38.,, Chandi Kalita	OC	01-10-50	18-10-75	18.10.75	Makhibaha SO
39.,, Khagendra N Patowary	OC	01-10-52	17-06-78	21.07.82	Banagram SO
40.,, Anowar Hussain I.	OC	01-04-63	02-04-83	02.04.83	Mukalmua SO
41.,, Madan Ch. Barman	OC	01-02-59	04-04-83	04.04.83	Divl Office

42., Dibakar Barman	OC	01-10-61	20-07-83	20.07.83 Nizdhamdhama SO
43., Bharati Hazarika	SC	11-02-60	26-08-83	26.08.83 Haribhanga SO
44., Naren Ch. Baro	ST	01-02-63	16-11-83	16.11.83 Barpeta HO
45., Binay Kr. Sarma	OC	01-07-63	16-11-83	16.11.83 Depun to CO/GH
46., Bichitra Barman	OC	01-06-64	17-11-83	17.11.83 Tihu SO
47., Bhupan Pathak	SC	01-01-57	18-11-83	18.11.83 Barimakha SO
48., Haricharan Deka	OC	14-12-62	16-12-83	16.12.83 Nalbari HO
49., Basanta Sarma	OC	01-02-61	16-12-83	16.12.83 Gopalbazar SO
50., Anowar Hussain II	OC	10-03-62	17-12-83	17.12.83 Mandia SO
51., Hasmat Ali Sikdar	OC	01-02-64	17-12-83	17.12.83 Sorbhog SO
52., Hiteswar Batman	OC	01-04-63	15-04-85	15.04.85 Nalbari HO
53., Binod Barman	OC	01-01-55	07-08-85	07.08.85 Barpeta HO
54., Ranjit Saikia	OC	01-05-66	25-07-86	25.07.86 Divl office
55., Baloram Das I	OC	01-08-50	31-09-73	13.07.77 Nalbari HO
56., Kiran Kalita	OC	01-10-61	14-10-86	14.10.86 Pathsala SO
57., Baloram Das II	SC	01-08-60	29-01-87	29.01.87 Bidyapur SO
58., Bhaben Basumatary	ST	01-01-63	05-05-87	05.05.87 Divl. Office
59., Rajen Kalita	OC	21-10-60	07-05-87	07-05-87 Bhowanipur SO
60., Azizur Rahman	OC	01-01-59	07-05-87	07-05-87 Kalgachia SO
61., Dhrubajyoti Das	OC	01-01-60	20-05-87	20-05-87 Barpeta HO
62., Babulal Pd. Sah	OC	05-01-55	03.07.82	27-07-87 Barpeta Road MDG
63., Lehit Talukdar	OC	01-01-57	27-04-82	29-06-88 Assam Syntex SO
64., Bhagawan Sarma	OC	01-03-57	29-05-80	12-07-88 Belsor SO

65., Chandra Kt Rajbongshi	OC	01-03-53	24-09-80	18-07-88	Tihu SO
66., Sunanda deka	OC	01-06-51	01-05-74	25-06-89	Nalbari HO
67., Upendra N. Baruah	OC	01-07-60	07-07-80	07-06-89	Bajali College SO
68., Ratan Roy	OC	01-03-68	26-09-89	26-09-89	Divl office.
69., Binod Sarama	OC	01-01-62	06-11-91	06-11-91	Chowkbazar SO
70., Kamal Ramchiaray	ST	01-12-63	06-11-91	06-11-91	Doomni SO
71., Nilima Devi	OC	01-02-60	07-11-91	07-11-91	Barpeta HO.
72., Abdur Rahman II	OC	01-06-67	01-07-92	01-07-92	Divl office.
73., Mukut Sarma	OC	04-07-67	03-07-92	03-07-92	Nalbari HO
74., Jaleswar Swargiary	ST	28-03-67	03-07-92	03-07-92	Mussalpur SO
75., Pramode Ch. Das	SC	01-09-52	27-04-82	20-05-93	Tihu SO
76., Hemanta Sarma	OC	01-01-53	23-03-77	02-08-88	Patacharkuchi SO
77., Manmohan Nath	OC	01-04-54	23-01-79	28-07-88	Barpeta Rd
78., Anil Kr. Pathak	OC	01-03-57	04-05-82	04-05-82	Chamata SO
79., Nagendra N. Deka	OC	01-09-50	11-07-78	05-05-90	Kaithalkuchi SO
80., Rahimuddin Ahmed	OC	23-09-73	15-10-93	15-10-93	Barpeta HO
81., Dilip Kr. Haloi	SC	28-12-72	03-01-94	03-01-94	Barpeta HO
82., Dinesh Sing Brahma	ST	29-12-61	31-05-94	31-05-94	Sorbhog SO
83., Rbabendra Kr. Das	ST	13-08-66	21-02-91	12-12-94	Rampur SO
84., Paresh Malakar	SC	01-04-69	21-02-91	12-12-94	Nalbari HO
85., Bipul Kr. Dutta	OC	30-03-70	01-03-95	01-03-95	Nalbari HO
86., Manik Das	OC	31-08-47	18-03-77	03-08-88	Sanekuchi SO
87., Azmat Ali Ahmed	OC	01-03-73	11-07-95	11-07-95	Barpeta Bz SO

49

88., Nakajit Saad	OC	20-02-72	12-07-95	12-07-95	Barpeta HO
89., Jadav Bhuyan	OC	01-04-49	18-05-77	23-07-88	Kalag SO
90., Ganesu Deen	ST	01-03-70	09-04-93	09-04-96	Divl office
91., Ajit Rajbongshi	ORC	31-01-74	09-04-96	09-04-96	Divl office
92., Garga Ram Medhi	OBC	30-04-72	11-04-96	11-04-96	Barpeta Rd.
93., Bhakesh Barman	OBC	01-03-77	02-07-96	02-07-96	Nalbari HO
94., Kinkumani Dev Sarma	OC	08-12-75	03-07-96	03-07-96	Nalbari HO
95., Prankrishna Garkar	OC	25-09-49	14-12-74	04-02-81	Baharhat SO
96., Narayan Sarma	OC	01-04-63	30-04-82	30-04-82	Banekuchi SO
97., Binay Choudhury	OC	10-03-76	10-03-97	10-03-97	Nalbari HO
98., Mrinal Misra	OC	21-01-74	10-03-97	10-03-97	Divl office
99., Malin Chh. Nath	OBC	01-10-72	10-03-97	10-03-97	Divl office
100., Munindra Das	OBC	01-03-73	10-03-97	10-03-97	Nalbari HO
101., Bhagirath Das	ST	30-09-73	16-11-98	16-11-98	Divl office
102., Saumendra Sarma	OC	01-04-75	16-11-98	16-11-98	Divl office
103., Rup Talukdar	OC	28-07-71	10-12-94	10-12-94	Divl office
104., Haladhar Pathak	OC	01-03-63	13-05-82	13-05-82	Howly CO
105., K.R. Ray	SC	01-01-72	01-03-95	01-03-95	Chenga SO
106., Babita Das	OBC	01-02-74	24-01-2000	24-01-2000	Depn to CO
107., Arati Puzari	OC	01-10-59	05-02-2000	05.02.2000	Barpeta HO
108., Kalicharan Das	OC	01-10-61	19-02-96	28.07.2000	Barpeta HO
109., Niranjan Deka	OC	01-06-61	18-10-94	15.07.97	Kamarkuchi SC
110., Nabul Hussain	OC	01-07-49	07-07-78	20.07.88	Barpeta HO

111., Bishoy Kalita	OC	01-03-57	01-10-81	01.10.81	Karia SO
112., Kishor Kr. Talukdar	SC	01-01-71	16-11-93	16.11.93	Dept'n. To RC
113., Gajendra Barman	OC	01-01-60	15-02-96	21-11-2001	Tambulpur SO
114., Md. Mukhtar Ali	OC	01-03-52	12-12-97	31.11.02	Barpeta HO
115., Md. Pashan Ali	OC	01-08-54	17-12-97	31.11.02	Barpeta HO
116., Nagen Basumatary	ST	31-08-55	22-02-96	31.11.02	Barpeta Bazar SO
117., Abdul Hakim	OC	21-01-76	17-07-03	17.07.03	Barpeta HO
118., Gunindra Pathak	OC	31-12-79	17-07-03	17.07.03	Barpeta HO
119., Krishna Kt. Das	OC	24-12-77	17-07-03	17.07.03	Barpeta HO
120., Mintu Das	OBC	01-06-79	17-07-03	17.07.03	Nalbari HO
121., Phanidhar Medhi	OC	02-07-58	25-04-85	25-04-85	Baghmara BZ.
122., Abdul Khaleque Ahemd	OC	01-11-73	22-12-92	22-12-92	Mayanbari SO
123., Gautami Das	SC	01-05-71	05-11-95	05-11-95	Nalbari HO
124., Bijoy Sankar Barman	OC	01-04-80	29-05-04	29-05-04	Nalbari HO
125., Chandan Choudhury	OC	28-02-80	29-05-04	29-05-04	Pathsala SO
126., Dinesh Pathak	SC	01-01-61	31-12-98	01-03-04	Thamna S.O.
127., Dharanidhar Talukdar	OC	01-03-58	26-07-80	01-03-04	Nalbari HO
128., Ramen Barman	OBC	31-01-76	17-08-04	17-08-04	Nalbari HO.
129., Mahendra Talukdar	SC	01-01-61	19-05-82	19-05-82	Divl. Office.
130., Dilip Kr. Deka	OC	08-12-61	01-02-02	05-01-06	Barpeta Road
131., Sushil Kr. Sarma	OC	01-02-59	01-12-98	05-01-06	MDG Barpeta HO

IN THE GAUHATI HIGH COURT
(High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura,
Mizoram & Arunachal Pradesh)
CIVIL APPEALATE SIDE

Appeal from
Civil Rule

Review Petition No. 90 of 2006

Union of India

Appellant
Petitioner

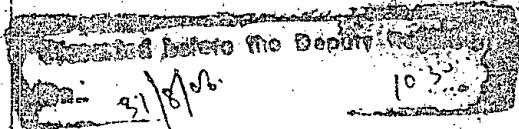
Versus
Sri Hiranmay Kakoti

Respondent
Opposite Party

Appellant
For
Petitioner
Mr. Nilupal Barua
Central Govt Counsel advocate.

Respondent
For
Opposite Party
Mr. S. Sharma, Advocate.

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports orders or proceedings with signature
	2	3	4



Copy Received 09
Noted & Signed

31.3.06

Entered by Officer or Advocate	Serial No.	Date	Officer, notes, reports, orders or opinion etc. with signature
			<p><u>Review Petition No.90 of 2006</u></p> <p>BEFORE THE HON'BLE MR. JUSTICE D. BISWAS THE HON'BLE SMT. JUSTICE ANIMA HAZARIKA</p> <p><u>11/05/2007</u></p> <p>Heard Mr. H. Rahman, learned Asst. Solicitor General of India and also Mr. Siddhartha Sarma, learned counsel for the opposite party.</p> <p>This review petition has been filed for review of the order dated 19.8.2005 whereby a Division Bench of this Court dismissed the Writ Petition (C) No.1142 of 2003 on the ground that it became infructuous. It may be mentioned here that the learned counsel for the Union of India made a submission that the petition had become infructuous. Mr. Rahman submits that the submission made on behalf of the Union before the learned Division Bench was on a wrong premises. No such instruction was given to the learned Counsel by the Union. Mr. Rahman submits that the aforesaid order of dismissal be recalled and the writ petition be heard on merit.</p> <p>Considering the submissions advanced, we think that a decision on merit is required to be given in the writ petition filed by the Union of India. Hence, we allow this review petition, recall the order dated 19.8.2005 and direct the Registry to list the writ petition for hearing in the week beginning 28th of May, 2007.</p> <p>It may be mentioned here that the present service status of the respondent shall not be disturbed in any manner till disposal of the writ petition.</p> <p>The review petition accordingly stands disposed of.</p>
			<p><i>Smt. A. Hazarika</i> JUDGE</p> <p><i>Smt. D. Biswas</i> JUDGE</p>

DEPARTMENT OF POSTS:INDIA

Office of the Superintendent of Post Offices, Nalbari Barpeta Division, Nalbari

No. PVA-19/Chilli

Dated at Nalbari the 02-07-2007.

In pursuance of CO, Guwahati's memo No. Staff/2-27/2001 dtd 25-06-07, the following arrangement in the post of Postmaster(HSG-I), Barpeta HO is made to have immediate effect terminating the temporary arrangement made by this office vide memo of even no. dtd 20-02-07, 20-03-07 and 17-04-07.

(i) Sri Rahimuddin Ahmed, senior moe: LSG (norm based) official & officiating DPM (HSG-II), Barpeta HO is ordered to work as Postmaster (HSG-I), Barpeta HO purely on adhoc & temporary basis for a period not exceeding 4(four) months or till regular arrangement is made whichever is earlier.

The following order is also issued in the interest of service in partial modification of this office memo of even no. dtd 20-03-07 and 17-04-07 to have immediate effect.

(ii) Sri Hiranmoi Kakati, LSG (norm based) official & officiating Postmaster (HSG-I), Barpeta HO on being relieved by Sri Rahimuddin Ahmed will work as APM (A/Cs) (HSG-II), Barpeta HO on purely adhoc & temporary basis for a period not exceeding 4(four) months or till regular arrangement is made whichever is earlier.

(ii) Sri Dilip Kr. Haloi, Acctt. Barpeta HO & officiating APM(A/Cs)(HSG-II) will work as DPM (HSG-II), Barpeta HO on purely adhoc & temporary basis for a period not exceeding 4(four) months or till regular arrangement is made whichever is earlier and on the condition that he will draw pay and allowances of LSG cadre during the said period.

The posting of the above officials in HSG-I and HSG-II cadre on adhoc basis will not bestow upon them any right or claim what so ever for regular appointment in the said post. The posting of above officials on adhoc basis is liable to be terminated at any time without assigning any reason. The service rendered on adhoc basis will not count for the purpose of regular promotion to the higher cadre for seniority in the said grade.

Relevant charge reports may be sent to all concerned.

Sd/-

(D. Dihingia)
Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335.

Copy to:-

1-3. The officials concerned.
4. The Chief PMG (Staff), Assam Circle, Guwahati for information and r/a.
An approval to this local arrangement is solicited.
5. The PM, Barpeta HO for information and r/a.
6-8. PI's of the officials.
9. OC/Spare.

Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335.

Attested

Signature

Address

Violation of order

To,

The Superintendent of post offices, Nalbari-Barpeta division, Nalbari-781335
Through Proper Channel.

Dated at Barpeta the 06/07/07

Sub: Termination of arrangement of Postmaster (HSG-I).

Ref: Your No. B/A-19/Ch-III Dated 02-07-07

Sir,

Respectfully I beg to lay before you the following few lines regarding subject in question for favor of your kind consideration and justified action.

That I have been officiating as Postmaster HSG-I in clear vacancy of the post of Postmaster HSG-I, Barpeta HO since 24-03-06 till now being seniormost official after Md. Mehbobb Ali, Postmaster retired on superannuation as per your office No. B340 dated 10-03-04.

That, now the arrangement is taken to be terminated vide your No. B/A-19/Ch-III Dtd. 02-07-07 and I have been ordered to work as APM A/Cs (HSG-II) forcibly and Md. Rahimuddin Ahmed LSG official (officiated as DPM) despite being junior to me in length of service has been ordered to work as Postmaster, Barpeta HO causing even financial implication. Because Md. Rahimuddin Ahmed has been drawing scale of pay in norm based LSG Rs4500-125-7000/- whereas I have been drawing scale of pay Rs.5000-175-8000 on HSG-II (BCR) since 01-01-95.

That, the former Supt. Of Post Offices, Nalbari-Barpeta Dn submitted a writ petition C No. 1142/03 in the Hon'ble Guwahati High Court against the Hon'ble CAT No. 88/99 Dtd. 10-03-2000 issued in favour of me. The writ petition was disposed of by the Guwahati High Court deeming it infuctious on 19-08-2005 and thus dismissed.

That, the former Supt. Of Post Offices, Nalbari-Barpeta Dn. Submitted a review petition N. 90/2006 in the Guwahati High Court again against the order of the Guwahati High Court Dtd. 19-08-05. the review petition was accepted and the Guwahati High Court intimated me vide memo No. 5203/RP Dtd. 21-05-07 (photocopy enclosed).

That, it has been clearly stated in thept order of Guwahati High Court Memo No. 5203/RP Dtd. 21/05/07 that the present status of me (as I am the respondent of the writ petition) shall not be disturbed in any manner till disposal of the writ petition.

That I have been holding the post of Postmaster HSG-I, Barpeta HO. This is my present status of service which cannot be refuted. Your honour submitted the review petition in the Guwahati High Court against the order of the dismissed writ petition expecting legality. Now you are going to violate the instruction of the Guwahati High Court as stated in memo No. 5203/RP Dtd. 21/05/07 shifting me from the Postmaster HSG-I to APM A/Cs (HSG-II) disobeying the instruction of the court. Your decision made so is nothing but a denial of natural justice and must be against the order/ instruction of the Guwahati High Court.

In the circumstances, you are requested to modify the order you passed dated 02-07-07 to allow me to maintain status quo honouring the order of the Hon'ble Guwahati High Court.

And for this act of your kindness I shall remain ever grateful to you.

Yours faithfully,

Hiranmay Kakati
(Hiranmay Kakati)
Postmaster (HSG-I),
Barpeta HO-781301.

Attest:

[Signature]

Advocate

To,

The Assistant Registrar (B), Guwahati High Court, Guwahati

Through, Proper Channel. *Re: Review Petition No. 90/2006*

Dated at Barpeta, the 10th July, 2007

Sub:

i) In the matter of Review Petition No. 90/2006 in between union of India versus Hiranmay Kakati.

ii) In the matter of services of Memo. No.5203/RP Dtd. 21/05/07 in the court of Hon'ble Justice Mr. B. Biswas and Hon'ble Justice Smt. Anima Hazarika.

Sir,

I beg to submit that as the order Dtd. 11-05-2007 in the last para it has been clearly mentioned that the present service status of the respondent shall not be disturbed in any manner till the disposal of the writ petition.

That, as a result on the disposal of the review petition No. 90/2006 ordered on 11-05-2007 the writ petition (c) No.1142 of 2003 and order Dtd.19-08-2003 have been recalled and the Registrar has been directed to list writ petition for hearing in the week beginning 28th of May, 2007.

That, in the meantime the Superintendent of Post Offices, Nalbari-Barpeta Division, Nalbari in his letter No. B/A-19/Ch-III Dtd. 02-07-07 has changed my present service status from Postmaster (HSG-I) to APM A/Cs (HSG-II), Barpeta HO in violation of the Hon'ble Guwahati High Court, Dtd 11-05-2007. The said officer has been informed and requested in my application Dtd.06-07-07 (Copy Enclosed) for reconsideration and modification of the order so issued keeping in view the provision of the direction of the Hon'ble High Court not to change the present service status of the respondent till the disposal of the writ petition.

Under the conditions and circumstances, I do hereby request you to bring the fact in the notice of the Hon'ble High Court during the hearing of the case to avert the situation as issued in the order of the Superintendent of Post Offices, Nalbari-Barpeta Division, Nalbari alleging in violation of the direction of the Hon'ble Guwahati High Court.

Yours faithfully,

Hiranmay Kakati

Postmaster (HSG-I),
Barpeta HO-781301

-35-

Filling up of Lower Selection Grade posts in Post Offices and RMS Offices

Copy of D.G. (P) Cir. Lr. No. 137-4/2006-SPB-II dated 22-05-2007

To

All Pr. Chief Postmasters General / Chief Postmasters General of Circles
All Postmasters General / The Controller, Foreign Mails, Mumbai

Sir/Madam,

It may please be recalled that as per this Directorate's letter No. 137-4/2006-SPB-II dated 30th May 2006, it was informed that like the HSG-I and HSG-II cadres the LSG cadre will also be a revised Circle Cadre and the posts in the said Grade should be filled up by promotion as per the revised Recruitment Rules notified on 18-05-2006.

2. In order to make promotions to LSG it was decided during the meeting, held by Dy. Director General (Personnel) with the Asstt. Postmasters General / Asstt. Directors (Staff) on 4th May 2007, that all the Circles will prepare and circulate the draft Gradation List of Postal Assistants / Sorting Assistants by the end of May 2007.

3. In this context it may be noted that prior to 30-05-2006, the LSG was a Divisional cadre and the posts in the said grade were required to be filled up accordingly.

4. It may be recalled that vide this Directorate's letter No. 4-16/2002-SPB-II dated 12-11-2002 all the Circles were advised that norm based LSG / HSG-II posts should be filled up notionally in terms of the relevant Recruitment Rules from the year when the norm based promotions had

Attested

Advocate

not been carried out so that promotions to upgraded posts in HSG-I could be made from amongst the eligible HSG-II officials. Accordingly, all the Circles were required to ensure that DPCs are convened to fill up the posts notionally so as to update the filling up of the norm-based posts.

5. It is essential to emphasize here that the notional promotion to norm-based posts as advised vide letter dated 12-11-2002 was not supposed to be one-time exercise but was to be carried out notionally from year to year with effect from the year the promotions had not been carried out. Therefore, a critical review may be carried out to ensure that notional promotions had been carried out at the Divisional level in the LSG cadre up to the year 2002 and vacancies which arose after the notification of revised Recruitment Rules notified on 07-02-2002 till 17-05-2006 have been filled up in terms of the provisions of the said revised Recruitment Rules. After latest revision of Recruitment Rules, notified on 18-05-2006, the vacancies in LSG are required to be filled by promotion as Circle cadre as intimate vide letter dated 30-05-2006 on the basis of the gradation lists being prepared by the Circles.

6. All the Circles are once again requested to ensure that the notional promotions have been given to the eligible officials to the LSG cadre so that only those officials figure in the Gradation List of PA / SA at Circle level who could not be given notional promotions / promotions by following the above-stated exercise for want of norm-based vacancies.

Yours faithfully,

Sd/-

(V.C. Kajla)
Director (SPN)

98

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
AT GUWAHATI.**

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

प्राप्ति - ACT 2000

OA No. 203/2007

गुवाहाटी न्यायपोठ
Guwahati Bench

Sr. **HIRANMAY KAKOTI**

.... **APPLICANT**

---- Vs ----

U. O. I. & Ors

.... **REPONDENTS**

INDEX OF THE WRITTEN STATEMENT

<u>SL. NO</u>	<u>PARTICULARS</u>	<u>PAGE NOS</u>
1.	WRITTEN STATEMENT	1- 11
2.	VERIFICATION	12
3.	ANNEXURE-A (Copy order dt. 12.8.2004)	13
4.	ANNEXURE- B (Copy order dt. 20.2.2007)	14-15
5.	ANNEXURE- C (Order dt. 25.6.2007)	16
6.	ANNEXURE- D (Copy order dt. 2.7.2007)	17
7.	ANNEXURE- E (Copy order dt. 30.1.1995)	18
8.	ANNEXURE- F (Copy of order dt. 10.3.2006)	19
9.	ANNEXURE- G (Copy of order dt. 28.1.2003)	20-27
10.	ANNEXURE- H (Copy of order dt. 19.2.2003)	28
11.	ANNEXURE - I (Copy of gazette Notification dt. 24.1.2002)	29-38

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

O. A. NO. 203 OF 2007

Sri Hiranmay Kakati

...Applicants

-Versus-

Union of India & Ors.

...Respondents

The written statement on behalf of
the Respondents above named-

WRITTEN STATEMENT OF THE RESPONDENTS

MOST RESPECTFULLY SHEWETH:

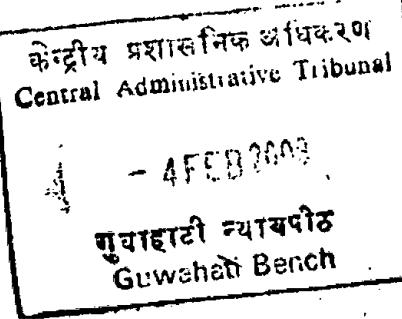
1. That with regard to the statement made in paragraph 1 of the instant application the Respondents beg to state that Sri Rahimuddin Ahmed (Respondent No. 4) got the promotion to LSG Cadre on 25.10.04 by virtue of merit examination vide No. B/A-13/Ch-IV dtd. 12.8.04. Sri Hiranmay Kakati, the applicant got the promotion LSG Cadre by virtue of seniority cum fitness on 23.2.2007 vide No. B/A-60 dtd. 20.2.2007. The order No. B/A-19/Ch-III dtd. 2.7.2007 issued by SPOs Nalbari was for making temporary arrangement in the post of Postmaster, Barpeta HO(HSG-I grade) for want of regular HSG-I official in Nalbari Barpeta Division and on the conditions that the arrangement is purely temporary/adhoc basis and will not bestow upon them any right or claim for regular appointment in the said post. The post in which the temporary

Contd... P/-

filed by

Dhaneswar Dikings
5

through Geeta Basu S/o Case
4. 2. 08



[2]

arrangement was ordered vide letter dtd. 2.7.07 is higher grade than that held presently by the applicant as well as the respondent No.4. In the event of a post in higher grade lying vacant due to non availability of regular grade official, there is provision for filling up the same temporary from lower grade official. Accordingly the order dtd. 2.7.07 was served posting the senior LSG official i.e. respondent No.4 in the higher post of Postmaster, Barpeta HO(HSG-I). the HSG-I is circle cadre post and so prior approval from CPMG, Guwahati vide letter dtd. 25.6.07 has been obtained.

The seniority of the officials in LSG cadre are based as per date of joining in the cadre post. The respondent No.4 joined in LSG post earlier than the applicant and so the respondent No.4 is senior. The respective promotion as claimed by the applicant was subject to approval from the Deptt. at that time. Their status in seniority in LSG cadre at that time were taken into account to issue order for temporary arrangement for Postmaster, Barpeta HO(HSG-I). The applicant urged for modifying the order of promotion dtd. 20.2.07. The order dtd. 20.2.07 was not for regular promotion but for temporary arrangement for temporary period.

The copies of the orders dtd. 12.8.04, 20.2.07, 25.6.07, 2.7.07 are annexed herewith as Annexure - A,B,C and D.

Contd... P/-

Dharmeswar Dikinger

- 4 FEB 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

[3]

2. That with regard to the statement made in paragraph 2 and 3 of the instant application the Respondents have no comment as the same is within the specific knowledge of the applicant.

3. That with regard to the statement made in paragraph 4.1 of the instant application the Respondents have no comment.

4. That with regard to the statement made in paragraph 4.2 of the instant application the Respondents beg to state that the applicant got TBOP w.e.f. 18.7.1986 under the scheme of Time Bound Promotion introduced w.e.f. 30.11.1983. The promotion meant here is the promotion of scale of pay (financial upgradation) timely bound at 16 years completion of service. The promotion to LSG cadre is different and it is cadre promotion to higher grade and the official promotion LSG is to hold LSG post. The applicant got TBOP and so he had not hold LSG post. The scale of pay of TBOP & LSG are the same. The TBOP is in situ promotion of scale and the promoted official got the benefit of upgraded scale of pay working in lower post.

5. That with regard to the statement made in paragraph 4.3 of the instant application the Respondents beg to state that the applicant was again financially upgraded vide No. B/A-9/Ch-II dtd. 30.11.95 in the pay

Contd... P/-

Debendra Dihingia

1 - 4 FEB 2018

[4]

गुवाहाटी न्यायपीठ
Guwahati Bench

scale of Rs.5000-175-8000 under BCR Scheme w.e.f. 1.1.95 after completion of 26 years qualifying service. His promotion was to HSG-II scale of pay; not HSG-II cadre. The applicant was working as Acctt. Barpeta HO in PA cadre post before getting financial upgradation to HSG-II scale or after HSG-II scale also. The PA cadre post is lower than LSG and HSG-II cadre.

A copy of the order dtd. 30.1.95 is annexed is annexed herewith as Annexure - E.

6. That with regard to the statement made in paragraph 4.4 of the instant application the Respondents beg to state that after giving financial benefit under BCR Scheme the applicant was ordered to officiate as PRI (Norm based LSG Post) at Barpeta H.O. and thereafter he was asked to work as APM, Accounts (Norm based HSG-II Post), Barpeta H.O. on purely temporary basis as there was shortage of regularly promoted staff in norm based LSG and HSG-II cadre. It did not mean that the applicant was entitie for regular promotion in norm based LSG/HSG-II and HSG-I post. The norm based LSG/HSG-II officials are only to hold norm based LSG/HSG-II post. But due to vacancy, the official was ordered for different period to officials in LSG/HSG-II post as for temporary arrangement.

Contd... P/-

Dhaneswar Dikengia

7. That with regard to the statement made in paragraph 4.5 of the instant application the Respondents beg to state that as there was shortage of regularly promotion staff in HSG-II and HSG-I cadre, the applicant was ordered to officiate as Postmaster (HSG-I), Barpeta HO Purely on temporary/adhoc basis vide this office memo No.B-340 dtd. 10.3.06 and when he approved in LSG(Norm based) cadre, he was posted permanently as APM (General), Barpeta HO (Norm Based LSG Post) vide this office memo No. B/A-60 dtd. 20.2.07 and where he joined on 23.2.07 without any objection. The applicant is neither a HSG-II nor HSG-I without any objection. The applicant is neither a HSG-II nor HSG-I official. But in practical purpose, he is equivalent to a regularly promoted HSG-II Official. Clearly two class of officials exist one the class of regularly promoted LSG officials and the other one are those who have the covered as part of the TBOP/BCR schemes. The differential between a regularly promoted LSG/HSG-II official and a TBOP/BCR official is that LSG/HSG-II promotion are against norm based posts while TBOP/BCR are in the form of a relief against stagnation.

(A copy of the order dated 10.3.06 is annexed herewith and marked as ANNEXURE - F)

8. That with regard to the statement made in paragraph 4.6 of the instant application the Respondents beg to state that as per the Department of Posts (Selection Grade Posts) Recruit (Department) Rules 2002

Contd... P/-

Dhanegowar Dihingia.

published in the Gazette of India did 24.01.2002 & Directorate New Delhi letter No. 137-10/96-APB-II dtd. 28.1.2003 and conveyed by CO/GH vide letter No. Staff/13-25/Corr dtd. 5.3.2002 & 19.2.03, 33.34% of vacancies to be filled up on the basis of selection cum seniority through DPC and remaining 66.66% vacancies to be filled up through examination. There are 5 norm based LSG posts are available in this Division. As such, 2 posts comes against 33.34% quota.

It is fact that no Departmental Promotion Committee was held during the year 2004 to 2005 for promotion to LSG due to some unavoidable reasons. In this connection, it is also mentioned that DPC is generally held during the month from May to October of every year. The matter of promotion to LSG cadre came to Circle level w.e.f. 30.5.06.

If DPC would have been held during the year 2004 to 2005 then the name of the applicant would have not been selected as there were more senior official at that time as mentioned below:

Sl. No. Senior most official Date of entry Date of

		Superannuation
1.	Harimal Bhuyan	21.3.66
		28.2.2007
2.	Bipin Barman	21.3.66
		31.3.2007
3.	Sarat Ch. Barman	27.8.68
		31.7.2007
4.	Hiranmay Kakati	28.8.68
		30.10.2008

If DPC for notional promotion would have been held in 2004 & 2005, then the officials at Sl. No. 1 & 2

Contd... P/-

Dhaneswar Jhingon

[7]

would have got preference first against 2 vacancy of 33.34% quota. Meanwhile the LSG have become Circle Cadre w.e.f. 30.5.06 and immediately the applicant got promotion to LSG Cadre w.e.f. 30.2.2007.

On the other hand, the respondent No.4 got promotion to LSG w.e.f. 25.10.04. That the respondent No.4 joined in Deptt. On 15.10.93 i.e. later than the applicant is not a matter. The respondent being eligible to appear in Deptl. examination for promotion to LSG (66.66% quota) became qualified and accordingly got the promotion to LSG cadre w.e.f. 25.10.04 which was earlier than the LSG promotion of the applicant.

Copies of Dte's letter No. 137-10/96-SPB-II dtd. 28.01.2003 CO's letter No. Staff/13-25/Corr dtd. 19.2.03 & the Gazette Notification dtd. 24.01.02 are annexed herewith as Annexure - G, H & I.

9. That with regard to the statement made in paragraph 4.7 of the instant application the Respondents beg to state that though the applicant mentioned that the pay scale, nature of duties and responsibilities of officer are same in TBOP scheme and Norm Based LSG but difference is clear that TBOP is only financial upgradation and LSG is promotion in grade. As such the matter of promotion to the cadre of LSG came to office of CPMG, Assam Circle, Guwahati w.e.f. 30.5.06 so no

Contd... P/-

Dhaneswar Dihingia

question arise regarding promoting the applicant to the cadre of Norm Based LSG prior to 2001.

10. That with regard to the statement made in paragraph 4.8 of the instant application the Respondents beg to state that the applicant himself claimed that he got his regular promotion to the stage of HSG-II in the scale of Rs.5000-8000 w.e.f. 1.1.95, in fact the applicant was promoted under BCR scheme and promoted to HSG-II cadre purely on adhoc and temporary basis. Though the pay scale is same it does not mean that post of HSG-II and BCR scheme is same as claimed by the applicant.

11. That with regard to the statement made in paragraph 4.9 of the instant application the Respondents beg to state that the applicant received his financial upgradation w.e.f. 1.1.95 not HSG-II in the pay scale of Rs.5000-8000/-Md. Rahim Uddin Ahmed though joined in the service in the year 1993, he passed the LSG Examination 2004 and joined in the LSG Grade on 25.10.2004. But the applicant was promoted to LSG grade by DPC on 2007 and joined in LSG cadre post on 20.2.07, therefore this it is clear that the applicant is junior than respondent No. 4.

12. That with regard to the statement made in paragraph 4.10 of the instant application the Respondents beg to state that the present status of the applicant was APM (G), Barpeta HO though he was promoted to

Contd... P/-

Dhaneswar Dikingsa

officiate as Postmaster, Barpeta HO due to shortage of HSG-II/HSG-I official in the Division.

13. That with regard to the statement made in paragraph 4.11 of the instant application the Respondents beg to state that the applicant was ordered to revert from the officiating arrangement i.e. from the post of Postmaster, Barpeta HO to the post of Asstt. Postmaster (A/Cs) (officiating HSG-II) as he got LSG promotion from his after existing post of APM (G), Barpeta HO.

14. That with regard to the statement made in paragraph 4.12 of the instant application the Respondents beg to state that the interpreted the cadre promotion and financial upgradation to be same meaning again and again, so he realised that by acquiring the BCR upgradation on 1.1.95 he got the promotion of HSG-II, the conception was purely wrong. As such his bargaining to make him senior to respondent No.4 is quite baseless.

15. That with regard to the statement made in paragraph 4.13, 4.14 and 4.15 of the instant application the Respondents have no comment.

16. That with regard to the statement made in paragraph 4.16 of the instant application the Respondents beg to state that norm based LSG cadre came to

Contd... P/-

Dhanwan Singh

effect from 2002 hence the promotion under LSG cadre in respect of the applicant does not arise prior to 1.1.95 as claimed by the applicant. As such no mistake was done by the department by issuing the order dated 20.2.07 in respect of the applicant.

17. That with regard to the statement made in paragraph 5.1 of the instant application the Respondents beg to state that from the above paras it is clear that the orders issued by this office dated 20.2.07 and dated 2.7.2007 in order.

18. That with regard to the statement made in paragraph 5.2 of the instant application the Respondents have no comment.

19. That with regard to the statement made in paragraph 5.3, 5.4, 5.5 and 5.6 of the instant application the Respondents beg to state that the respondents have already stated above paragraphs. The respondent further beg to state that all the orders issued by the department in respect of the applicant found in order not violating any Rules of the Department. Further the respondents beg to state that the grounds setforth by the applicant in the instant application are not good grounds and also not tenable in law as well as on facts and as such the instant application is liable to be dismissed.

Contd...P/-

Dharmeswar Dihingia

20. That with regard to the statement made in paragraph 6, 7 and 8 of the instant application the Respondents have no comment.

21. That with regard to the statement made in paragraphs 9 of the instant application the Respondents beg to state that the claim of the applicant is illegal and illfounded and far that the claimants are not entitled to get any interim relief.

22. That the Respondents submit that the instant original application has no merit and for that the same is liable to be dismissed.

Dharmeshwar Singh

केन्द्रीय दरानी न्याय न्याय
Central Administrative Tribunal

गुवाहाटी बृद्धी बैठक
Guwahati Bench

VERIFICATION

I, Shri. Dhaneswar Dihingia, S/o Late Dimeswar Dihingia
aged about 58 years, R/o. Tocklaignow, P.O. Rajabari-14
District Jorhat... and competent officer of the
answering respondents, do hereby verify that the state-
ment made in paras 2-4, 6, 9-22 are true
to my knowledge and those made in paras 1, 5, 7 & 8
being matters of record are true to my information
derived therefrom which I believe to be true and the
rests are my humble submission before this Hon'ble
Tribunal and I have not suppressed any material
fact. And I sign this verification on this 3rd day
of February 2008 at Guwahati.

Dhaneswar Dihingia

पोस्ट अधिकारी बाबापांडा बर

पोस्ट अधिकारी बाबापांडा-781234

Signature

Superintendent of Post Office

Nalbari Barpeta Division

Nalbari-781234

२००३/०४

गुवाहाटी २ अक्टूबर

Gr.

Department of Posts :: India

Office of the Supdt. of Post offices: Nalbari Barpeta Division
Nalbari-781335.

Annexure - A

NO: B/A-13/Ch-IV

Date: 12-08-2004

The following transfer and posting order has been issued in the interest of services to have immediate effect.

Sl no	Name of Officials	Present place of working	Place where transferred	Remarks
1	Smt. Nilima Devi	PA, Barpeta Rd. MDG	SPM, Barpeta Bazar SO	Vice Md. Azmat Ali Ahmed t/d.
2.	Md. Azmat Ali Ahmed	SPM, Barpeta Bazar SO	SPM, Santinagar SO	Vice Md. Rahim Uddin Ahmed t/d.
3.	Md. Rahim Uddin Ahmed	SPM, Santinagar SO	PRI(P), Barpeta HO	On promotion to LSG grade.
4.	Sri Ratan Roy	Offl SDI(P), Nalbari (E)	APM, Nalbari HO	On promotion to LSG grade.

Sl.No. 1 will move first to effect the chain and will not get any TA/TP.

Note: This office memo of even no. dtd 06-07-04 ordering Smt. Nilima Devi, PA, Barpeta Rd. MDG is hereby treated as cancelled.

Md. Rahim Uddin Ahmed, besides performing the duties of PRI(P), Barpeta HO, he will also perform as Supervisor in SO, SB/ RD/MIS/ TD / PPF and also other duties of emergent nature at any time as entrusted by the PM, Barpeta HO.

Attended
By
Parvati

Copied to -

- Officials concerned.
- The PM, Barpeta/Nalbari HO for information and necessary action.
- The SPM, Barpeta Rd.MDG/Barpeta Bazar/Santinagar for information and necessary action.
- PFs.
- Acctt., D.O., Nalbari.
- OC

(S.Das)
Supdt. of Post Offices
Nalbari Barpeta Division
Nalbari-781335.

Supdt. of Post Offices
Nalbari Barpeta Dn., Nalbari.

DEPARTMENT OF POSTS, INDIA
Office of the Superintendent of Post Offices :: Nalbari Barpeta Division
Nalbari-781335

20/02/07

No. B/A-60

Dated at Nalbari the 10-02-07

In pursuance of C.O.S./G.H memo no. Staff/13-25/POs/06 dtd. 09-02-07 the following PA(PO) are approved for promotion to the cadre of LSG (Norm based) in the Scale of Rs. 4500-125-7000 with effect from the date of assumption of charge. The officials on promotion to LSG cadre are posted in the Posts (LSG) as shown again each.

PART-A

Sl No	Name of the Official	Present place of working	Office where posted on promotion	Remarks
1.	Sri Bipin Ch. Barman	SPM, Ghograpar SO	APM (G) Nalbari HO	Terminating temporary arrangement
2.	Sri Harimal Bhuyan	SPM Sarthebari SO	SPM (LSG), Tihu SOdo....
3	Sri Sarat Ch. Barman	PA Nalbari HO	APM (A/Cs & Mails) Nalbari HOdo....
4	Sri Hiranmoy Kakati	Offtg. APM(A/Cs) Barpeta HO	APM (G), Barpeta HOdo....

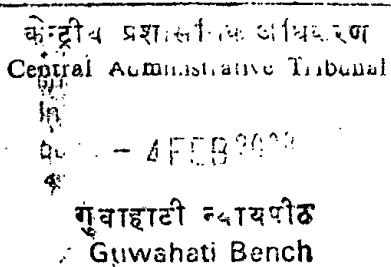
In pursuance of Dte's New Delhi letter no. 4-16/2002-SPB-II, dtd 15.04.05 & No. 137-42/2002-SPB-II dtd 13.07.05, HSG-I posts are to be filled up amongst regular HSG-II officials i.e those who have been appointed on regular basis amongst HSG-II norm based posts in the circle after observing the instructions relating to DPC.TBOP/BCR scheme is only financial upgradation. HSG-II norm based posts are to be filled up by regular LSG officials as per rules. If any officials declines joining against norm based LSG posts, he cannot claim for posting/promotion in the LSG cadre, HSG-II cadre, and subsequent promotion to HSG-I cadre in future.

On assumption in the new assignment, Sri Hiranmoy Kakati will also officiate as Postmaster (HSG-I), Barpeta HO purely on temporary basis in addition to his own duties. The arrangement for the post of APM(A/cs), Barpeta HO will be made separately.

PART-B

Consequent upon promotion/posting of officials at Part-A above, the following transfer/posting orders are issued to have immediate effect.

Sl No	Name of the Official	Present place of working	Office where posted	Remarks
1.	Sri Dwijendra Nath Talukdar	Offg. SPM, Tihu SO	PA, Nalbari HO	Vice vacant post.
2.	Sri Harish Ch. Sarma	Offg. APM(G) Barpeta HO	PA, Barpeta HO	Vice vacant post.
3.	Sri Santosh Kr. Sarma	Offg. APM(A/Cs & Mails), Nalbari HO	PA, Nalbari HO	Vice vacant post.
4.	Sri Srikanta Barman	Offg. APM(G) Nalbari HO	PA, Nalbari HO	Vice vacant post till receipt of posting order on promotion to LSG cadre from Guwahati Dn

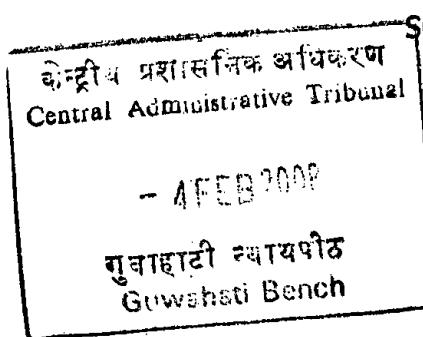


(B. Baruah)
Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335

Contd

Copy to:-

- 1-8. The officials concerned.
9. The PM, Nalbari HO for Information. He will depute one PA of his office to relieve Sri Bipin Ch. Barman, SPM Ghograpar SO immediately.
10. The PM, Barpeta HO for Information. He will depute one PA of his office to relieve Sri Harimal Bhuyan, SPM, Sarthebari SO immediately.
11. The Chief PMG(Staff), Assam Circle, Guwahati-1 w.r.t. above.
- 12-14. The SPM, Tihu/Sarthebari/Ghograpar SO for information and n/a.
- 15-22. PFs.
23. The Acctt, D. O. Nalbari.
- 24-25 OC/Spare.



Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335

Staff

473/26/6-16-

Annexure C
29

FAX

Department of Posts::India
Office of the Chief Postmaster General
Assam Circle::Guwahati

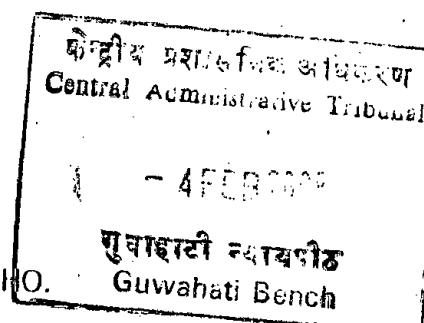
No. Staff/2-27/2001

Dated at Guwahati the June 25, 2007

To

The Supdt. of Post Offices
Nalbari-Barpeta Division
Nalbari - 781 335.

Subject:- Arrangement in the post of Postmaster (HSG-I), Barpeta H.O.
Re: Your letter No.B/A-19/Ch-III dated 12.6.2007.



The DPS(HQ), Assam Circle, Guwahati has instructed that the charge of Postmaster, Barpeta HO may be immediately handed over to Sri Rahim Uddin Ahmed as he is senior in the LSG Gradation List to Sri Hiranmoy Kakati. Further action may be taken accordingly at your end and compliance reported immediately.

The DPS(HQ), Assam Circle, Guwahati has also instructed that departmental Inquiry against Sri Hiranmoy Kakati be completed and necessary action taken accordingly and compliance complete in all respect reported to this office immediately.

Ansul
Bar
Pawar

Asstt. Director (A/Cs)
For Chief Postmaster General
Assam Circle, Guwahati-781001



DEPARTMENT OF POSTS: INDIA
Office of the Superintendent of Post Offices, Nalbari Barpeta Division, Nalbari

No. B/A-19/Ch-III

Dated at Nalbari the 02-07-2007.

In pursuance of CO, Guwahati's memo No. Staff/2-27/2001 dtd 25-06-07, the following arrangement in the post of Postmaster (HSG-I), Barpeta HO is made to have immediate effect terminating the temporary arrangement made by this office vide memo of even no. dtd 20-02-07, 20-03-07 and 17-04-07.

(i) Sri Rahimuddin Ahmed, senior most LSG (norm based) official & officiating DPM (HSG-II), Barpeta HO is ordered to work as Postmaster (HSG-I), Barpeta HO purely on adhoc & temporary basis for a period not exceeding 4(four) months or till regular arrangement is made whichever is earlier.

The following order is also issued in the interest of service in partial modification of this office memo of even no. dtd 20-03-07 and 17-04-07 to have immediate effect:

(i) Sri Hiranmoi Kakati, LSG (norm based) official & officiating Postmaster (HSG-I), Barpeta HO on being relieved by Sri Rahimuddin Ahmed will work as APM (A/Cs) (HSG-II), Barpeta HO on purely adhoc & temporary basis for a period not exceeding 4(four) months or till regular arrangement is made whichever is earlier.

(ii) Sri Dilip Kr. Haloi, Acctt. Barpeta HO & officiating APM(A/Cs)(HSG-II) will work as DPM (HSG-II), Barpeta HO on purely adhoc & temporary basis for a period not exceeding 4(four) months or till regular arrangement is made whichever is earlier and on the condition that he will draw pay and allowances of LSG cadre during the said period.

The posting of the above officials in HSG-I and HSG-II cadre on adhoc basis will not bestow upon them any right or claim what so ever for regular appointment in the said post. The posting of above officials on adhoc basis is liable to be terminated at any time without assigning any reason. The service rendered on adhoc basis will not count for the purpose of regular promotion to the higher cadre for seniority in the said grade.

Relevant charge reports may be sent to all concerned.

*Ansible
PPM
DPM*

D. Dihingia

(D. Dihingia)
Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335.

Copy to:-

1-3. The officials concerned.
4. The Chief PMG (Staff), Assam Circle, Guwahati for information and n/a.
Central Administrative Tribunal An approval to this local arrangement is solicited.
6-8. PPs of the officials.
OC/Spare.

Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335.

केन्द्रीय प्रशासन विधायक बोर्ड
Central Administrative Tribunal

The PM, Barpeta HO for information and n/a.

6-8.

- 4 FCB 2007

गुवाहाटी न्यायालय
Guwahati Bench

18-A.

ANNEXURE - E

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative TribunalDISPENSING OF POSITION
BALT BURSA DIVISION : HAILBARI - 781335

- 455276

No. B/4-9/Chit.

Intd at Hailbari the 30.3.1995
Gauhati Bench

The following LSG PAs are promoted to the next higher do HSA-II(BCH) in the scale of pay Rs. 1600-50-2300EB-60-2660 P.M. the dates shown against each. The posting orders are so mentioned against their names.

The officials may exercise their option for choosing the dates for fixation of their pay under FR-22(1)(a)(i) within a period of one month of joining to a new assignment or joined in the Government of India under No. 18 below the date.

Name of the officials	Present posting	Posting after promotion	Date
Sri Sankar Ch. Das	SPM/Howly	SPM/Howly	1.7.95
Sri Rejendra Roy	SPM/Theamura	SPM/Theamura	1.7.95
Sri Mohan Ch. Kalita	SPM/Kalag	SPM/Kalag	1.1.95
Sri Pran Kant Dasgupta	SPM/Koria	SPM/Koria	1.1.95
Sri Bhupanay Kakati	Acctt/Barpeta	Acctt/H.O. Barpeta	1.1.95

Dated
Bir
Date

Superintendent of Post Offices
Hailbari Barpeta Division
Hailbari-781335

1-2) The Postmaster, Barpeta Hailbari H.O. for information and necessary action.

(3-6) The SPM, Howly/Theamura/Kalag/Koria for information.

(7-11) Officials concerned.

(12-16) P/E. Dr. Kalita

(17) The OPMG(Staff Secy.) Assam Circle, Guwahati for favour of information re. to C.O's HQ. Staff/52-0/97/Ch.I dtd 10.7.94.

(18-20) SPMs.

Superintendent of Post Offices
Hailbari Barpeta Division
Hailbari-781335

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

कृत्यपूर्ण
कृत्यपूर्ण

Annexure E

DEPARTMENT OF POSTS: INDIA
Office of the Superintendent of Post offices, Nalbari Barpeta Division
Nalbari-781335.

No. B-340

Dated at Nalbari the 10-03-06.

Whereas, Md Mahboob Ali, Postmaster, Barpeta H.O. is under medical treatment and reported sick for 40 days w.e.f. 05-03-06, therefore the following order is issued to have immediate effect.

Sri Hiramoy Kakati, APM(A/Cs), Barpeta HO, will officiate as PM, Barpeta HO temporarily till joining of Md. Mahboob Ali terminating the present arrangement.

Sri Kakati will please look after the work of APM(A/Cs), Barpeta HO during his officiating period.

Sdy
(B. Bairagi)

Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335.

Copy to-

Private

1. Sri Mahesh Ch. Barman, offlg. Postmaster, Barpeta H.O. for information and n/a.
2. Sri Hiramoy Kakati, APM(A/Cs), Barpeta H.O. for information and necessary action.
3. The PM, Barpeta HO for information.
- 4-5. P/Fs
7. OC.

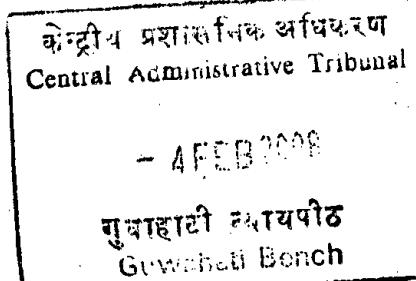
8/2
Superintendent of Post Offices
Nalbari Barpeta Division
Nalbari-781335.

~20~
 No. 137-10/96-SPB-II
 Government of India
 Ministry of Communications & IT
 Department of Posts
 Dak Bhavan, Sansad Marg
 Dated at New Delhi the 28th

Annexure 6

To

1. All Pr. Chief Postmasters General
2. All Chief Postmasters General
3. All Postmasters General
4. Controller, Foreign Mails, Mumbai



SUBJECT: Introduction of Fast Track Promotion to fill up LSG/HSG-II posts
 in PO&RMS Offices-Amendment to Recruitment Rules.

Sir/Madam.

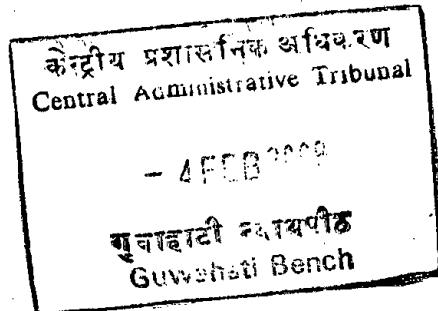
A.P(S)M
 I am directed to refer to this Department's letter of even number dated 11.2.2002 on the above subject. A copy of the revised Recruitment Rules for LSG/HSG-II Posts in PO&RMS Offices notified in the Gazette of India on 7.2.2002 was forwarded to Heads of all Circles by letter dated 19.2.2002. A number of Circles have sought clarifications relating to the Fast Track Promotion Scheme and other connected issues. The points raised by the various Circles are clarified as under:

Sl. No.	Points raised	Clarification
1.	LSG being a divisional cadre, in the absence of Circle seniority list for the feeder cadre, how to convene the DPC at Circle level for promotion to LSG.	As LSG is a Divisional cadre, there is no need of preparing any Circle seniority list for promotion to LSG. As regards promotion to HSG-II instructions contained in this Department letter No.6-19/82-SPB-II dated 13-03-86 and 02-06-86 may be followed.
2.	Since LSG/HSG-II posts were filled up by posting according to Divisional/Regional seniority respectively, whether all the posts filled up by posting can now be filled up by promotion by seniority cum fitness basis.	Vacancies in norm-based LSG and HSG-II posts which existed prior to the notification of the revised Recruitment Rules may be filled up notionally in terms of the relevant Recruitment Rules as envisaged in the instructions contained in the Department's letter No.4-16/2002-SPB-II dated 12-11-02. Vacancies in LSG and HSG-II posts that arose after the notification of the revised Recruitment Rules on 7.2.2002 will be filled up in terms of the provisions of the revised Recruitment Rules.
3.	Whether all the vacancies in LSG/HSG-II available prior to the date of issue of amendment of Recruitment Rules can be filled up now by seniority cum fitness without any apportioning of vacancies as 1/3 or 2/3.	Clarification given against item No.2 above may be referred to.

*Date
for
Ans.*

4.	<p>Service condition has been stipulated for promotion to HSG-II from LSG. Since all the vacancies were filled up by posting only, how the services in LSG is to be reckoned.</p>	<p>Instructions contained in this Department's No.4-16/2002-SPB.II dated 12-11-2002 may referred to. Clarification given against item No. above is also relevant.</p>
5.	<p>Some of the LSG norm based posts are already manned by earlier LSG 1/3 & 2/3 quota officials. After issue of order no. 137-55/96-SPB-II dated 28.7.99, the norm based LSG and HSG-II posts were filled up by BCR officials who have not been promoted to LSG/HSG-II through DPC. It needs clarification whether the norm based posts which are presently manned by BCR officials are to be treated as filled up or vacant.</p>	<p>Instructions contained in this Department's letter No.4-16/2002-SPB.II dated 12-11-02 may followed.</p>
6.	<p>Whether these amendments to Recruitment Rules will be applicable to SBCO staff.</p>	<p>Amendments to Recruitment Rules are applicable to SBCO staff as Recruitment Rules for LSG and HSG-II posts in Post Offices and RMS offices only have been amended.</p>
7.	<p>In respect of HSG-II the condition of eligibility for promotion through seniority-cum-fitness is shown 10 years service in LSG and for selection through aptitude test 8 years in LSG. It is not clear whether LSG means regular LSG selected against erstwhile 1/3 or 2/3 quota or also those in TBOP/BCR working against norm based LSG/HSG-II posts.</p>	<p>As per the instructions contained in Department's letter No.4-16/2002-SPB-II dated 12th November, 2002, norm based LSG/HSG-II posts are to be filled up notionally in terms of relevant Recruitment Rules from the year 2003. The norm based promotions have not been carried out. Notional seniority in LSG may be taken into account for reckoning eligibility for HSG-II.</p>

8.	<p>In the recruitment rules it is laid down that PA/SA having not less than 16 years of service are eligible for consideration for promotion against 1/3 LSG norm based posts. There is no maximum service limit prescribed in the Recruitment Rules. BCR officials can also claim against these posts. Otherwise, they will have to work as Postal Assistant under the supervision of LSG supervisor drawing less pay scale.</p>	<p>BCR is only a financial upgradation given whereas LSG is a sanctioned cadre. In future only service rendered in LSG including national service in LSG will be reckoned for promotion to HSG-II. In view of this an official who has been given BCR scale and who has not been formally appointed to LSG may be given the option for being considered for promotion to LSG. If he declines appointment in LSG he will not be considered for promotion to HSG-II and HSG-I when vacancies arise in these grades.</p>
9.	<p>Most of the PA/SA having 16 years of service are promoted to LSG grade under TBOP scheme. Whether selection of such officials against supervisory LSG posts will involve transfer/placement only or involve higher responsibilities warranting fixation of pay and benefit under FR 22 (1) (a) (i).</p>	<p>Selection of TBOP/BCR officials for LSG norm based posts is to be treated as placement. Benefit of fixation of pay under FR 22 will not be admissible. The financial benefit allowed under the TBOP/BCR scheme shall be final and no pay fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in LSG.</p>
10.	<p>On introduction of TBOP/BCR schemes the posts of A/Cs line had lost its entity. It is not known as to how the posts of APM (A/Cs) will be filled up on introduction of new Recruitment Rules.</p>	<p>APM (A/Cs) posts are to be treated as norm based LSG posts and are to be filled up strictly from among PAs/SAs who have qualified in PO & RMS Accountant examination.</p>



11.	According to recruitment rules of HSG-I posts, HSG-II officials having three years of regular service are eligible for consideration for promotion to HSG-I. The HSG-II posts are now being manned by HSG-II (BCR) officials in order of seniority. As contained in Recruitment Rules under consideration, minimum service condition in LSG has been prescribed for promotion to HSG-II. Therefore, it will take a couple of years for such HSG-II officials posted on regular basis to become eligible for promotion to HSG-I. It needs clarification whether during this transitional period HSG-I posts could continue to be filled up from amongst the officials promoted to HSG-II under BCR scheme.	Instructions contained in this Department's letter No.4-16/2002-SPB.II dated 12-11-2002 may be referred to.
12.	Whether officials promoted under BCR will rank <u>en bloc</u> senior to those promoted to HSG-II under new recruitment rules. Position regarding inter-se-seniority of BCR officials working in HSG-II grade since 1.10.91 and those to be recruited now also needs clarification.	Those officials who were promoted to HSG-II against norm based posts by following the provisions of the Recruitment Rules before introduction of BCR scheme will rank <u>en bloc</u> senior to those who were placed in BCR scale. Officials who were given BCR scale and promoted against norm-based HSG-II after the selection process as per the recruitment rules for HSG-II posts as directed in this Department's letter No. 4-16/2002-SPB.II dated 12-11-2002 may be ranked senior to those who are to be promoted in future in terms of the provisions of the revised Recruitment Rules.

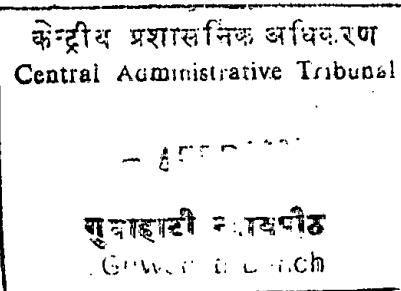
केन्द्रीय प्रशासनिक अधिकाराः
Central Administrative Tribunal

- 4 FEB 2009

गुरुवाराती दृष्टियन्ति
Guruvarati Drishyanti

13.	There will be two categories of LSG officials, those recruited under recruitment rules and those promoted under TBOP. Whether officials of both these categories would be eligible for promotion under the selection-cum-seniority basis and if so, how the inter-se-seniority is to be fixed and what should be the ratio to be maintained between these two categories for promotion to HSG-II.	This situation will not arise if the instructions contained in letter No. 4-16/2002-SPB.II dated 12-11-2002 are followed.
14.	Hitherto posting to norm based LSG posts was not done by selection by DPC. Since no official was posted to LSG post on regular basis, there will not be eligible officials for both 33.34% and 66.66% for promotion to HSG-II. Hence this condition needs to be relaxed for immediate implementation of the scheme.	Instructions contained in this Department's letter No.4-16/2002-SPB.II dated 12-11-2002 may be referred to.
15.	At present PO& RMS accountants in BCR or TBOP are being posted as APM (A/Cs)/AHRO (A/Cs). Whether same procedure is to be followed or any official who has been promoted under fast track scheme can be posted in these posts irrespective of whether he is a qualified accountant or not. If only qualified accountants are to be posted it may be intimated whether all such norm-based posts are to be kept out of purview of fast track promotion scheme.	For manning these posts, officials promoted to LSG having Accounts qualifications may be considered.

16.	It is presumed DPC is to be held on Regional basis (since in recruitment rules it is stated that DPC is to be convened by PMG).	Since HSG-II is a circle cadre, it will be necessary to hold DPC meetings at Circle level.
17.	At present no circle/regional seniority of officials in clerical cadre is available. Since selection to 33.34% LSG is on the basis of selection-cum-seniority, it is presumed that the seniority to be followed is the Circle /Regional seniority and as such a circle/regional seniority list of PAs/TBOP PAs is to be maintained. The criteria of fixing inter-se-seniority of TBOP and LSG officials who passed the merit exam need be clarified.	The question of fixation of inter-se seniority of those to be promoted to LSG under Fast Track scheme and TBOP officials will not arise as TBOP is only a financial upgradation and does not constitute a separate cadre.
18.	Senior BCR officials who were not promoted to HSG-II against norm-based posts are not eligible for promotion to HSG-I.	Instructions contained in letter No. 4-16/2002-SPB.II dated 12-11-2002 may be referred to.
19.	As per syllabus for promotion to HSG-II grade, 50 marks are allowed for record of service. It is presumed that the DPC constituted has to assess the ACRs of the officials and allot the marks (out of 50) which will be added to the marks secured in paper-I and paper-II to arrive at the aggregate marks.	This is confirmed.



- 1 FEB 2003

ગુજરાતી વાયરલ
Multi Bench

20.	At present 20% of the posts are reserved for Accounts line officials in RMS for promotion to HSG-II. Whether similar reservation also exists under fast track promotion scheme both in LSG and HSG-II and HSG-I posts.	There will be no reservation for Accounts line officials in Fast Track Promotion Scheme.
21.	It is presumed that only officials promoted to LSG under seniority cum fitness quota /after qualifying merit exam are eligible for promotion to HSG-II and HSG-I and TBOP/BCR officials cannot be considered for promotion to HSG-II and HSG-I.	Clarification given against items Nos.4, 5 and 11 may be referred to. The official promoted to LSG/HSG-II by the DPC either substantively or notionally with required length of service will be eligible for consideration for promotion to next higher grade.
22.	It is not mentioned whether departmental merit exam and aptitude test for LSG and HSG-II are with the aid of books or without books.	Examination for promotion to LSG will be with the aid of books (for papers PO guide & Postal Manuals III, IV, V, VI, VII and Financial Hand Book) and the test for promotion to HSG.II will be without aid of books.
23.	The orders do not indicate the level of officers (Group B/Group A/JAG etc.) who are to evaluate the answer scripts.	Answer scripts will be evaluated by group A(JTS/STS) and JAG officers.

4. For eligibility for promotion to HSG-II posts on selection cum seniority, officials have to put in not less than 10 years of "regular service in the Selection grade" whereas for promotion by means of an aptitude test the eligibility criteria is that the officials have to put in not less than 8 years of "regular service in norm based Lower Selection Grade Post". Thus apart from the length of service, there is difference between the eligibility criteria. It is presumed that the 10 years criteria for promotion on the basis of selection cum seniority is not necessarily in norm based LSG posts but an official who has put in 10 years of service in LSG/TBOP Grade, i.e. TBOP is eligible for consideration for promotion to the grade.

25. While promoting for the cadre based HSG-II posts, it may not be possible to get officials in LSG having 10 years of service. This is because no DPC for LSG was held or posts of TBOP were considered as good as LSG.

Clarification given against item nos. 4 and 5 may be referred to. The length of service in relevant grade including national service should be considered.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

- 4 FEB 2001

गुवाहाटी न्यायालय
Gauhati N.Y. Bench

Such instances may not arise in view of clarification given against item nos. 4 and 5.

Yours faithfully

Srinivasa 27.1.00

(R. SRINIVASA

ASSISTANT DIRECTOR GENERAL (SP)

Copy to:

1. PE-I/PE-II/SPB-I/SR/DE Sections.
2. All recognized Unions/Associations.
3. Officer-in-charge, APS Record Office, Kamptee

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL:ASSAM CIRCLE:
GUWAHATI-781001.

No.Staff/13-25/ Cont

Dated at Guwahati the 19.2.03

To

The PMG, Dibrugarh
All divisional heads/units in
Assam Circle/Dibrugarh Region.

SL/NZB

विद्युतीय प्रशासनिक अधिकरण
Central Administrative Tribunal

- 4 FEB 2003

गुवाहाटी न्यायपीठ
Guwahati Bench

Sub :- Introduction of Fast Track Promotion to fill up LSG/HSG-II posts in PO & RMS offices – Amendment to Recruitment Rules.

I am directed to forward herewith a copy of Directorate New Delhi letter No.137-10/96-SPB-II dtd. 28th January,2003 on the subject cited above for Information and necessary action. Directorate's letter of even No. dated 11.2.2002 and Gazette notification dated 7.2.02 were circulated vide this office letter of even No. dated 21.2.2002 and 5.3.2002 respectively.

Enclo :- (As stated above)

S. SHYAM
(S.SHYAM)
A.P.M.G.(STAFF)
For Chief Postmaster General,
Assam Circle, Guwahati-781001

After
B.M.
Done.

25/2/03
Put up to P.M.G. Promotional order
25/2/03

19/2/03
In Reg'd file
Done
25/2/03




 29
 ANNEXURE I
[Anexo I]

भारत का वार्ताला

The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—रूप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राप्तिकार से प्रकाशित

PUBLISHED BY AUTHORITY

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

— 4 FEB 2002

पुस्तकालयी व्याख्यान

ग्रन्थालयी व्याख्यान

स. 75]

नई दिल्ली, चृहस्पतिवार, फरवरी 7, 2002/माघ 18, 1923

No. 75]

NEW DELHI, THURSDAY, FEBRUARY 7, 2002/MAGHA 18, 1923

रांचार मंत्रालय

(डाक विभाग)

अधिकारी

नई दिल्ली, 24 जनवरी, 2002

सा.का.गि. 88(अ)— राष्ट्रपति एवं द्वारा संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए डाक एवं तार (चयन गेड पद) भर्ती नियमावली, 1976 का आगे संशोधन करने के लिए, ऐसे रांशोधन के पूर्व निष्पादित मामलों अथवा निष्पादित करने के लिए छोड़े गए मामलों के अलावा निम्नलिखित नियम बनाते हैं, अर्थात्:-

(i) इन नियमों को डाक विभाग (डाक एवं तार (चयन गेड पद) भर्ती (रांशोधन) नियमावली, 2002 कहा जाए ।

(ii) ये नियम राजपत्र में प्रकाशित होने की तारीख रो प्रभावी होंगे ।

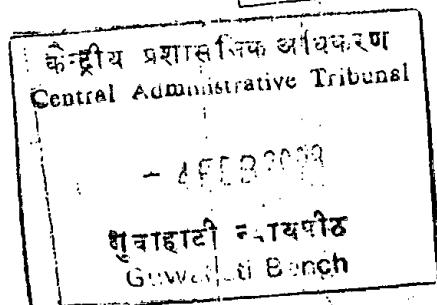
*ज्ञाते व्याख्या
प्राप्ति
प्राप्ति*

2. डाक एवं तार (चयन गेड पद) भर्ती नियमावली, 1976 की अनुयूची में :-

(i) क्रम संख्या 4 और 5 तथा तत्संबंधी प्रविष्टियों के रथान पर क्रमशः निम्नलिखित क्रम संख्या तथा प्रविष्टियां प्रतिरक्षित की जाएंगी, यथा :-

1	2	3	4	5	6
4	मुंबई को छोड़कर अन्य स्थानों में स्थित विदेश डाकघरों सहित अन्य डाकघरों ने उच्च चयन घेड-11	705	सामान्य केन्द्रीय सेवा अरापत्रित अनुमतिवार्य समूह "A"	5000-150- 8000	लागू नहीं
5	रेलवे डाक सेवा नज़ारतार्या ने उच्च चयन घेड-11	203	सामान्य केन्द्रीय सेवा अरापत्रित अनुमतिवार्य समूह "A"	5000-150- 8000	लागू नहीं

7	8	9	10	11
लागू नहीं	लागू नहीं	लागू नहीं	दो वर्ष	(व) 100 प्रतिशत प्रोत्तरि द्वारा (मुंबई को छोड़कर अन्य स्थानों पर स्थित विदेश डाकघरों के पदों के लिए) (छ) प्रोत्तरि द्वारा (अनुभवी वो पदों के लिए) (i) चयन-राह-चरिष्टा वो आधार पर 33.34%, और (ii) प्रकार्यात्मक आवश्यकताओं से संबंधित अपिलिंग परीक्षा के माध्यम से 66.66% टिप्पणी : परीक्षा वा पाइक्रम, विभाग द्वारा रामाय-ग्रम्य पर जारी प्रशासनिक अनुदेशों के अनुसार होगा।
लागू नहीं	लागू नहीं	लागू नहीं	दो वर्ष	प्रोत्तरि द्वारा (डाकघरों के पदों के लिए) (1) चयन-राह-चरिष्टा के आधार पर 33.34%, और (2) प्रकार्यात्मक आवश्यकताओं से संबंधित अपिलिंग परीक्षा के माध्यम से 66.66% टिप्पणी : परीक्षा वा पाइक्रम, विभाग द्वारा रामाय-ग्रम्य पर जारी प्रशासनिक अनुदेशों के अनुसार होगा।



12

जिन्होंने छोड़कर अन्य स्थानों में स्थित निदेशक डाकघरों के पदों के लिए :

डाकघरों में निम्न चयन पेड (सामान्य लाइन) और निम्न चयन पेड लोखाकार जिन्होंने अपने रावण घेडों में तीन चर्च को नियमित सेवा पूरी करकी है।

टिप्पणी: वे डाकघर और रेल डाक सेवा लोखाकार जिन्होंने डाक एवं तार निदेशालय ये दिनांक 24.2.81 के प्रारंभिक 31/56/79- पीई । के तहत 380-620/-रु. का पुराना वेतनमान रखने का अपना विकल्प दिया है तथा बाद में निम्न चयन पेड लोखाकार ये चारों पदोंका कार्यालय पात्र नहीं होंगे।

डाकघरों के पदों के लिए

- (i) 33.34% के लिए- डाकघरों के उन निम्न चयन पेड कार्यालयों से प्रोत्रति जिन्होंने निम्न चयन पेड में नियमित सेवा के दस चर्च पूरे कर लिए हों।
- (ii) 66.66% के लिए- डाकघरों के उन निम्न चयन पेड कार्यालयों से अभिस्थित परीक्षा ये द्वारा प्रोत्रति जिन्होंने मानदंड आपारित निम्न चयन पेड पदों में नियमित सेवा के 8 चर्च पूरे कर लिए हो।

- (i) 33.34% के लिए- रेल डाक सेवा कार्यालयों ये उन निम्न चयन पेड कार्यालयों से प्रोत्रति जिन्होंने निम्न चयन पेड में नियमित सेवा के दस चर्च पूरे कर लिए हों।
- (ii) 66.66% के लिए- रेल डाक सेवा कार्यालयों के निम्न चयन पेड कार्यालयों से अभिस्थित परीक्षा के द्वारा प्रोत्रति जिन्होंने निम्न चयन पेड पद आपारित मानदंड में नियमित सेवा के 8 चर्च पूरे कर लिए हों।

13

1. पोस्टमास्टर जनरल या यदि ऐसे योई अधिकारी नहीं हो, तो पोस्टमास्टर जनरल द्वारा नामित निदेशक डाक सेवाएं

2. डाक/रेल डाक सेवा पक्ष का एक समूह "क" अधिकारी अधिमानतः निदेशक डाक सेवाएं जो पोस्टमास्टर जनरल द्वारा नामित हो।

3. दूरसंचार पक्ष का एक समूह "क" अधिकारी

14

लागू नहीं

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

- 4FCB/2020

गुवाहाटी ब्यांकीठ
Guwahati Bench

1. पोस्टमास्टर जनरल या यदि ऐसे कोई

अधिकारी नहीं हो, तो पोस्टमास्टर जनरल द्वारा नामित निदेशक डाक सेवाएं

2. डाक/रेल डाक सेवा पक्ष का एक समूह "क" अधिकारी अधिमानतः निदेशक डाक सेवाएं जो पोस्टमास्टर जनरल द्वारा नामित हो।

3. दूरसंचार पक्ष का एक समूह "क" अधिकारी

लागू नहीं

(ii) ज्ञान संख्या 11 और 12 तथा तत्संबंधी प्रविष्टियों के स्थान पर क्रमशः निम्नलिखित क्रम संख्या तथा प्रविष्टियों प्रतिस्थापित की जाएंगी।

1	2	3	4	5	6
11	डाकघरों में निम्न चयन पेड़	12960	सामान्य केन्द्रीय सेवा अरापत्रित अनुसंचिचीय समूह "ग"	4500-125-7000	लागू नहीं
12	रेलवे डाक सेवा कार्यालयों में निम्न चयन पेड़	3302	सामान्य केन्द्रीय सेवा अरापत्रित अनुराधिचीय समूह "ग"	4500-125-7000	लागू नहीं

7	8	9	10	11
लागू नहीं	लागू नहीं	लागू नहीं	दो वर्ष	प्रोत्त्रति द्वारा (i) चयन-सह-वरिष्ठा के आधार पर 33.34%, और (ii) प्रकार्यात्मक आवश्यकताओं से संबंधित विमानीय मेरिट परीक्षा के माध्यम से 66.66% टिप्पणी: परीक्षा का पाठ्यक्रम, विमान द्वारा समय-समय पर जारी प्रशासनिक अनुदेशों के अनुसार होगा।
लागू नहीं	लागू नहीं	लागू नहीं	दो वर्ष	प्रोत्त्रति द्वारा (i) चयन-सह-वरिष्ठा के आधार पर 33.34%, और (ii) प्रकार्यात्मक आवश्यकताओं से संबंधित विमानीय मेरिट परीक्षा के माध्यम से 66.66% टिप्पणी: परीक्षा का पाठ्यक्रम, विमान द्वारा समय-समय पर जारी प्रशासनिक अनुदेशों के अनुसार होगा।

केन्द्रीय प्रशासनिक अदिक्षण
Central Administrative Tribunal

- 4 FEB 2017

गुवाहाटी न्यायपीठ
Guwahati Bench

MINISTRY OF COMMUNICATIONS

(Department of Posts)

NOTIFICATION

New Delhi, the 24th January, 2002

G.S.R. 88(E).— In exercise of the powers conferred by the proviso to article 109 of the Constitution, the President hereby makes the following rules further to amend the Posts and Telegraphs (Selection Grade Posts) Recruitment Rules, 1976, except as respects things done or omitted to be done before such amendments, namely:—

1. (1) These rules may be called the Department of Posts [(Posts and Telegraphs (Selection Grade Posts) Recruitment (Amendment) Rules, 2002.

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

2. In the Schedule to the Posts and Telegraphs (Selection Grade Posts) Recruitment Rules, 1976,—

(i) for Sl. Nos. 4 and 5 and the entries relating thereto, the following Sl. Nos and entries shall respectively be substituted, namely:—

1	2	3	4	5	6
4	Higher Selection Grade-II in Post Offices Including Foreign Post offices other than at Bombay.	705	General Central Services Non-Gazetted Ministerial Group 'C.'	5000-150-8000	Not applicable.
5	Higher Selection Grade-II in Railway Mail Services Offices.	209	General Central Services Non-Gazetted Ministerial Group 'C.'	5000-150-8000	Not applicable.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

— 4 FEB 2002

गुवाहाटी न्यायपीठ
Guwahati Bench

[भाग II—खण्ड 3(i)]

12	13	14
<p>(i) 33.34% ये लिए- उन डाक राहायकों से प्रोत्रति जिन्होंने घेड में नियमित सेवा के 16 वर्ष पूरे कर लिए हैं।</p> <p>(ii) 66.66% ये लिए- उन डाक सहायकों से रीमित विभागीय मेरिट परीक्षा के माध्यम से प्रोत्रति जिन्होंने घेड में नियमित सेवा के 10 वर्ष पूरे कर लिए हैं।</p>	<p>1. पोस्टमास्टर जनरल या यदि ऐसे कोई अधिकारी नहीं हो, तो पोस्टमास्टर जनरल द्वारा नामित निदेशक डाक सेवाएँ।</p> <p>2. डाकरेल डाक सेवा पक्ष का एक समूह "क" अधिकारी अधिमानतः निदेशक डाक सेवाएँ जो पोस्टमास्टर जनरल द्वारा नामित हो।</p> <p>3. दूरसंचार पक्ष का एक समूह "क" अधिकारी</p>	लागू नहीं
<p>(i) 33.34% के लिए- छंटाई सहायकों से प्रोत्रति जिन्होंने घेड में नियमित सेवा के 16 वर्ष पूरे कर लिए हैं।</p> <p>(ii) 66.66% के लिए- उन छंटाई राहायकों से रीमित विभागीय मेरिट परीक्षा के गायण से प्रोत्रति जिन्होंने घेड में नियमित सेवा के 10 वर्ष पूरे कर लिए हैं।</p>	<p>1. पोस्टमास्टर जनरल या यदि ऐसे कोई अधिकारी नहीं हो, तो पोस्टमास्टर जनरल द्वारा नामित निदेशक डाक सेवाएँ।</p> <p>2. डाकरेल डाक सेवा पक्ष का एक समूह "क" अधिकारी अधिमानतः निदेशक डाक सेवाएँ जो पोस्टमास्टर जनरल द्वारा नामित हो।</p> <p>3. दूरसंचार पक्ष का एक समूह "क" अधिकारी</p>	लागू नहीं

[पर. सं. 137-10/96-एसपीबी-II]

ए. के. दास, निदेशक (स्टाफ)

टिप्पणी :— मूल नियम भारत के राजपत्र में अधिसूचना संख्या 6/26/73-एसपीबी-II दिनांक 30.09.76 (जी एसआर 1643 दिनांक 20.11.76) द्वारा प्रकाशित किए गए और इनमें तत्पश्चात् संशोधन किए गए

अधिसूचना संख्या एवं तारीख

- (i) अधिसूचना सं. 202-30/78-एराटीएन दिनांक 13.03.79
- (ii) अधिसूचना सं. 4-10/79-एसपीबी-II दिनांक 19.06.79
- (iii) अधिसूचना सं. 4-10/79-एसपीबी-II दिनांक 16.1.80
- (iv) अधिसूचना सं. 6-61/79-एसपीबी-II दिनांक 11.02.82
- (v) अधिसूचना सं. 4-11/80-एसपीबी-II दिनांक 16.12.82
- (vi) अधिसूचना सं. 4-10/79-एसपीबी-II दिनांक 3.4.84
- (vii) अधिसूचना सं. 4-15/81-एसपीबी-II दिनांक 23.7.84
- (viii) अधिसूचना सं. 6-61/79-एसपीबी-II(पाटे) दि. 17.4.86
- (ix) अधिसूचना सं. 6-6/85-एसपीबी-II दिनांक 25.07.86
- (x) अधिसूचना सं. 4-3/92-एसपीबी-II दिनांक 15.4.93

राजपत्र अधिसूचना ओर तारीख

- जीएसआर सं. 460 दिनांक 24.3.79
- जीएसआर सं. 895 दिनांक 30.6.79
- जीएसआर सं. 131 दिनांक 26.1.80
- जीएसआर सं. 213 दिनांक 27.2.82
- जीएसआर सं. 148 दिनांक 06.10.83
- जीएसआर सं. 498 दिनांक 19.5.84
- जीएसआर सं. 873 दिनांक 18.8.84
- जीएसआर सं. 477 दिनांक 21.6.86
- जीएसआर सं. 628 दिनांक 16.8.86
- जीएसआर सं. 270 दिनांक 29.5.93

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

- 4 FEB 2009

गुवाहाटी बैठकघर
Guwahati Bench

[भाग II—खण्ड 3(i)]

भारत का राजपत्र : असामारण

7	8	9	10	11
Not applicable.	Not applicable.	Not applicable.	Two Years.	<p>(a) By 100 per cent promotion (for posts in Foreign Post offices other than at Bombay)</p> <p>(b) By promotion (for posts in post offices)</p> <p>(i) 33.34% on the basis of selection-cum-seniority; and</p> <p>(ii) 66.66% by means of an aptitude test relating to functional needs.</p> <p>Note: The details of the test shall be as per the administrative instructions issued by the Department from time to time.</p>
Not applicable.	Not applicable.	Not applicable.	Two Years.	<p>By promotion</p> <p>(i) 33.34% on the basis of selection-cum-seniority; and</p> <p>(ii) 66.66% by means of an aptitude test relating to functional needs.</p> <p>Note: The details of the test shall be as per the administrative instructions issued by the Department from time to time.</p>

केन्द्रीय प्रशासनिक अधिदरण
Central Administrative Tribunal

- 4 FEB 2008

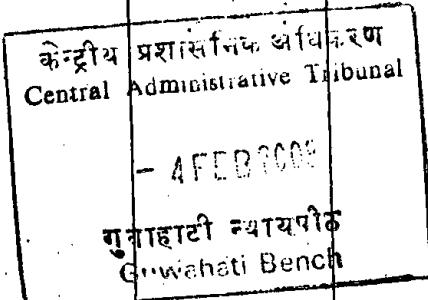
गुवाहाटी न्यूयर्पीठ
Guwahati Bench

12	13	14
<p>For posts in Foreign Post Offices other than at Bombay :</p> <p>Lower Selection Grade (General Line) and Lower Selection Grade Accountants in Post Offices, having completed three years regular service in their respective grades.</p> <p>Note: The Post Office and Railway Mail Service Accountants, who have exercised their option to retain the defunct scale of Rs.380-620 in terms of Posts and Telegraphs Directorate letter No.31/56/79-PE-I dated 24.2.81 and later on promoted as Lower Selection Grade Accountants shall not be eligible for consideration.</p>	<p>1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General.</p> <p>2. One group 'A' officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General.</p> <p>3. A group 'A' officer of Telecommunications side.</p>	<p>Not applicable</p>
<p><u>For posts in Post Offices</u></p> <p>(i) For 33.34% -- Promotion from Lower Selection Grade officials in Post Offices who have put in not less than ten years of regular service in the Lower Selection grade.</p> <p>(ii) For 66.66% -- Promotion through an aptitude test from Lower Selection Grade Officials in Post Offices who have put in not less than 8 years of regular service in norm based Lower Selection Grade Posts.</p>	<p>केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal</p> <p>- 4 FEB 2009</p> <p>गुवाहाटी बायपीठ Guwahati Bench</p>	
<p>i) For 33.34% -- Promotion from Lower Selection Grade officials in Railway Mail Service Offices who have put in not less than ten years of regular service in the Lower Selection grade.</p> <p>(ii) For 66.66% -- Promotion through an aptitude test from Lower Selection Grade Officials in Railway Mail Service Offices who have put in not less than 8 years of regular service in norm based Lower Selection Grade Posts".</p>	<p>1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General.</p> <p>2. One group 'A' officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General.</p> <p>3. A group 'A' officer of Telecommunications side.</p>	<p>Not applicable</p>

(ii) for Sl. Nos. 11 and 12 and the entries relating thereto, the following Sl. Nos and entries shall respectively be substituted, namely: -

1	2	3	4	5	6
"11	Lower Selection Grade in Post Offices.	12960	General Central Services. Non-Gazetted Ministerial Group 'C'.	4500-125-7000	Not applicable.
12	Lower Selection Grade in Railway Mail Service Offices.	3302	General Central Services Non-Gazetted Ministerial Group 'C'.	4500-125-7000	Not applicable.

7	8	9	10	11
Not applicable.	Not applicable.	Not applicable.	Two Years.	<p>By promotion</p> <p>(i) 33.34% on the basis of selection-cum-seniority; and</p> <p>(ii) 66.66% by means of promotion through a Departmental merit examination relating to functional needs.</p> <p>Note: The details of the examination will be as per the administrative instructions issued by the Department from time to time</p>
Not applicable.	Not applicable.	Not applicable.	Two Years.	<p>By promotion</p> <p>(i) 33.34% on the basis of selection-cum-seniority; and</p> <p>(ii) 66.66% by means of promotion through a Departmental merit examination relating to functional needs.</p> <p>Note: The details of the examination will be as per the administrative instructions issued by the Department from time to time.</p>



10	12	13	14
	<p>(i) For 33.34% -- Promotion from Postal Assistants who have put in not less than 16 years of regular service in the grade.</p> <p>(ii) For 66.66% -- Promotion through a Limited Departmental merit examination from Postal Assistants who have put in not less than 10 years of regular service in the grade.</p>	<p>1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General.</p> <p>2. One group 'A' officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General.</p> <p>3. A group 'A' officer of Telecommunications side.</p>	Not applicable.
केन्द्रीय प्रशासनिक अधिकार Central Administrative Tribunal	<p>(i) For 33.34% -- Promotion from Sorting Assistants who have put in not less than 16 years of regular service in the grade.</p> <p>(ii) For 66.66% -- Promotion through a Limited Departmental merit examination from Sorting Assistants who have put in not less than 10 years of regular service in the grade.</p>	<p>1. A Director of Postal Services to be nominated by the Postmaster General or if there are no such officers, the Postmaster General.</p> <p>2. One group 'A' officer of the Postal/Railway Mail Service side, preferably a Director of Postal Services to be nominated by the Postmaster General.</p> <p>3. A group 'A' officer of Telecommunications side.</p>	Not applicable.

IE No. 137-10/96-SPB

A. K. DASH, Director (Sta)

- 4 FEB 2008
गुवाहाटी न्यायपीठ
Guwahati Bench

Note:—The Principal rules were published in the Official Gazette vide Notification No. 6/26/73-SPB.II dated 30-09-76 (GSR 1643 dated 20-11-76) and subsequently amended by

No. and date of Notification

- (i) Notification No 202-30/78-STN dated 13-3-79
- (ii) Notification No.4-10/79-SPB.II dated 19-6-79
- (iii) Notification No.4-10/79-SPB.II dated 16-1-80
- (iv) Notification No.6-61/79-SPB.II/pt. dated 11-2-82
- (v) Notification No.4-11/80-SPB.II dated 16-12-82
- (vi) Notification No.4-10/79-SPB.II dated 3-4-84
- (vii) Notification No.4-15/81-SPB.II dated 23-7-84
- (viii) Notification No.6-61/79-SPB.II (pt) dated 17-4-86
- (ix) Notification No.6-6/85-SPB.II dated 25-7-86
- (x) Notification No.4-3/92-SPB.II dated 15-4-93

Particulars of Gazette
Notification and date

- GSR No.460 dated 24.3.79
- GSR No.895 dated 30.6.79
- GSR No.131 dated 26.1.80
- GSR No.213 dated 27.2.82
- GSR No. 148 dated 6.10.83
- GSR No.498 dated 19.5.84
- GSR No.873 dated 18.8.84
- GSR No. 477 dated 21.6.84
- GSR No. 628 dated 16.8.86
- GSR No.270 dated 29.5.93

File in Court No. 23/4/88

Court Officer

Filed by:
The Applicant

through
Hridip Kr. Das.

Advocate
23.4.88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:::
GUWAHATI BENCH

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

D.A.No. 203 of 2007.

Shri Hiranmoy Kakati.

..... Applicant.

VERSUS

Union of India and Ors.

..... Respondents

R E J O I N D E R

1. That the applicant has received a copy of the Written Statement filed by the respondents. The applicant has gone through the Written Statement and has understood the contents thereof. Save and except the statements which are admitted hereinbelow other statements may be treated as total denial and the respondents are put to the strictest proof thereof.

2. That with regard to the statements made in para 1 of the written statement the deponent while denying the contentions made therein begs to state that admittedly the posts of TBOP (LSG) and Norm Bases LSG are same and similar without there being any difference and the applicant though was eligible to be

Hiranmoy Kakati

23 APR

गुवाहाटी न्यायालय
Guwahati Bench

promoted to the rank of Norm Based LSG w.e.f. 1.1.95, but the respondents did not convene the regular year wise DPC for which the applicant has been superseded by his junior i.e. the Respondent No. 4. It is noteworthy to mention here that the Respondent No. 4 joined the services under the official respondents on 15.10.03, whereas the applicant joined the services under the respondents on 21.8.1968. Under any circumstances the Respondent No. 4 cannot be treated as senior to the applicant. Had there been regular DPC and timely action such controversy could not have been arisen.

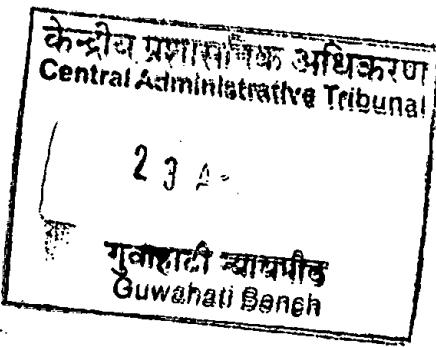
3. That with regard to the statements made in para 2 and 3 of the written statement the deponent does not admit anything contrary to the relevant records of the case.

4. That with regard to the statements made in para 4 of the written statement the deponent while denying the contentions made therein begs to state that the applicant by dint of seniority was eligible to be promoted to the rank of Norm based LSG way back in the year 1995. It is stated that during the years 1982 to 2004 there were no DPC for effecting such promotion and as such the respondents to minimize such an anomalous situation ought to have resorted to review DPC as on 1982 and onwards. It is noteworthy to mention here that under similar fact situation the respondents have promoted one Sri Jibon Kumar Nath to the rank of Norm Based LSG w.e.f. 1.1.95 notionally so as to get other consequential promotions in time. The respondents could have adopted similar method to resolve the situation that is being faced by the applicant. Discrimination meted out to him in the matter of promotion is illegal and same is not sustainable in the eye of law.

- 3 -

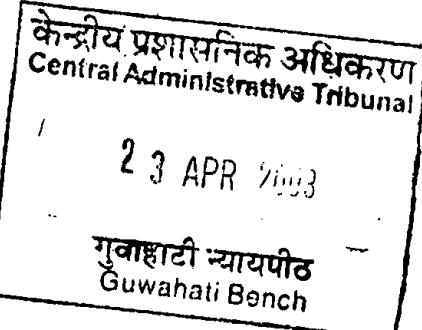
5. That with regard to the statements made in para 5 of the written statement the deponent while denying the contentions made, therein begs to state that taking into consideration the length of service and the eligibility criteria, the applicant was due for promotion to the rank of Norm Based LSG prior to 1.1.95. The delay in effecting the promotion of the applicant to the rank of Norm Based LSG is nothing but the inaction on the part of the respondents in not convening the year wise DPC. Had there been regular year wise DPC, the applicant could have got regular promotion to the rank of Norm Based LSG even prior to 1.1.95. In fact the respondents in similar fact situation promoted one Sri Jibon Kumar Nath of Darrang Division, who entered the services of the respondents on 01.09.68, was promoted to the rank of Norm Based LSG, notionally w.e.f. 1.1.95. The respondents having regard to the aforesaid fact situation ought to have issued necessary order promoting the applicant to the rank of Norm Based LSG, notionally w.e.f. 1.1.95.

6. That with regard to the statements made in para 6 of the written statement the deponent while denying the contentions made therein begs to state that admittedly there were no DPC for several years for promotion to the rank of Norm Based LSG and as a consequence there were large numbers of vacancies in the said cadre. The respondents instead of filling up the said vacancies regularly, continued to fill these posts by resorting to adhocism and same has caused serious prejudice to the services of the applicant and other similarly situated employees. In fact the respondents in some cases issued orders promoting similarly situated employees to the rank of Norm Based LSG, notionally w.e.f. 1.1.95. The applicant in the present case also praying for such an order from the respondents.



7. That with regard to the statements made in para 7 of the written statement the deponent while denying the contentions made therein begs to state that the applicant attained the eligibility to hold the post falling under Norm Based LSG, prior to 1.1.95 and that apart from having regard to the length of service was also eligible to get the benefit of TBOP Scheme. The respondents have granted him the benefit of TBOP Scheme but the regular promotion in the rank of Norm Based LSG has been denied to him, whereas under the similar fact situation others have been offered with the said benefit. It is therefore the applicant has prayed before the Hon'ble Tribunal for an appropriate order directing the respondents to provide similar benefit of promotion to the applicant.

8. That with regard to the statements made in para 8 of the written statement the deponent while denying the contentions made therein begs to state that no DPC held during the years 1982 to 2004 and as such the respondents have virtually broken down the quota rota maintained between the DR and PR. The respondents have admitted the fact that there were no DPC and had there been DPC along with others cases of the applicant could have been considered, but the respondents have stated that since the applicant is at Serial No. 4 and the vacancy being 2 only the probability of his such promotion is less. The respondents have failed to understand the fact that there may be reasons for rejecting the cases of the officers at Serial Nos 1, 2 and 3 and in such a situation his claim will be surfaced. The respondents in hypothetical situation should not have refused the consideration of the case of the applicant.

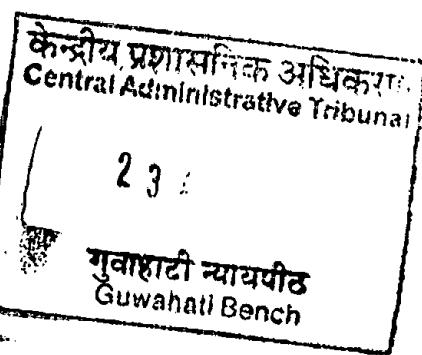


9. That with regard to the statements made in para 9 and 10 of the written statement the deponent while denying the contention made therein begs to state that the applicant having regard to the other eligibility criteria as well as the length of service was eligible to be promoted to the cadre of Norm based LSG as well as promotion under TBOP scheme prior to 1.1.95 like Sri Jiban Ch. Nath and as such he is entitled to get the similar benefit.

10. That with regard to the statements made in para 11 and 12 of the written statement the deponent while denying the contention made therein begs to state that due to non convening of year wise DPC the respondents have broken down the quota rota rule and as a consequence thereof the respondent No.4 superseded the applicant.

11. That with regard to the statements made in para 13 to 22 of the written statement the deponent while reiterating and reaffirming the statement made above as well as in the OA begs to state that having regard to the facts and circumstances of the case the applicant is entitled to get the relief as claimed in the application.

12. That in view of the above the OA deserves to be allowed with cost.



— 6 —

VERIFICATION

I, Shri Hiranmay Kakati, son of Shri B.C.Kakati, aged about 45
51 years, at present working as Public Relation Inspector in
Barpeta Head Post Office, Barpeta, do hereby solemnly affirm
and verify that the statements made in
paragraphs 1, 3, 4, 5, 6, 7, 9, 10 are true to
my knowledge and those made in
paragraphs 2, 8 are also
matter of records and the rest are my humble submission before
the Hon'ble Tribunal. I have not suppressed any material facts of
the case.

And I sign on this the Verification on this the ^{20th} day
of April ... of 2008.

Hiranmay Kakati

SIGNATURE

NOTICE

103

From,

H. K. Das.

Advocate

To,

Mr. G. Bishnu.

Sr. C.G.S.C. C.A.T.

Sub: O.A No. 203/07 (Hiramay Kanati - vs - U.O. & Ors)

Sir,

Please find enclosed herewith a copy of rejoinder being filed today. Kindly acknowledge the receipt of the same.

Thanking you.

Received copy.

Sincerely yours.

H. K. Das.
23.4.08

Advocate