

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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 26/2007

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Kalita
21.9.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 26/2007
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Md. M. Islam vs Union of India & Ors

Advocate for the Applicant(s) Mr. Adil Ahmed
Ms. S. Bhattacharya

Advocate for the Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed C.R. Reg. No. 0- deposited with Reg. B.R. No. 28/6/07/30/503 Dated..... 4/2/07.....	6.2.07.	Judgment delivered in open Court Kept in separate sheets. Application is disposed of. "o costs. Vice-Chairman
<i>Dy. Registrar</i>	1m	

steps taken for
Respondent's side action
Cost Rs. 20/-
Airport ride 5.2.07
Receipt No. 2169 dt 5.2.07

JL
(Constituted)
7-2-07

Amrit M. M.
13/2/07
Solicitor

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 26 of 2007

DATE OF DECISION : 06.02.2007

Md. Mahibul

..... Applicant/s

Shri A. Ahmed

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

- Versus -

U.O.I & Others

..... Respondent/s

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

..... Advocate for the
Respondents

CORAM

HON'BLE MR K.V. SACHIDANANDAN, VICE-CHAIRMAN

1. Whether reporters of local newspapers may be allowed to see the Judgment ?
2. Whether to be referred to the Reporter or not ?
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench & Other Benches ?
4. Whether their Lordships wish to see the fair copy of the Judgment ?

Yes/No

Yes/No

Yes/No

Yes/No

Vice-Chairman

AK/2P

4

**CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH**

Original Application No. 26 of 2007.

Date of Order: This the 6th Day of February, 2007.

HON'BLE MR.K.V.SACHIDANANDAN, VICE-CHAIRMAN

Md. Mahibul Islam
Son of Late Ataur Rahman
Diesel Engine Driver
Office of the Superintending Engineer,
(HPT), All India Radio, Guwahati-14.

By Advocate Mr.A.Ahmed.

-Versus-

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Information & Broadcasting
A-Wing, Shastri Bhawan
New Delhi-1.
2. The Director General
All India Radio, Sansad Marg
New Delhi-110001.
3. The Station Director
All India Radio
Guwahati-3.
4. The station Director
All India Radio,
Itanagar,
Post Office-Itanagar,
Arunachal Pradesh
5. The Chief Engineer(NEZ)
All India Radio & Doordarshan
Dr.P.Kakoti Building
Near Ganeshguri Flyover
Ganeshguri, Guwahati-6
6. Shri M.Zirdo
Diesel Technician,
Office of the Station Director,
All India Radio, Itanagar,
Post Office Itanagar
Arunachal Pradesh
7. Shri K.N.Das,
All India Radio,
Kokrajbar, Post Office-Kokrajhər, Assam

8. Shri B. Borah
 Diesel Technician,
 Office of the Station Director,
 All India Radio, Itanagar,
 Post Office-Itanagar,
 Arunachal Pradesh

9. Shri Tomi Riba,
 Diesel Technician
 Office of the Station Director,
 All India Radio, Itanagar.
 Post Office-Itanagar,
 Arunachal Pradesh

Respondents

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

ORDER(ORAL)

K.V.SACHIDANANDAN,V.C:

The applicant was appointed to the post of Helper in the All India Radio in the year 1984. Thereafter, the applicant was promoted as Diesel Engine Driver in the Office of the Superintendent Engineer (HPT), All India Radio, Guwahati. The next promotion from Diesel Engine Driver is Diesel Technician. The posts of Diesel Technicians are filled up through 100% promotion on seniority/fitness basis failing which by direct recruitment. The Diesel Engine Drivers with three years service experience are eligible for promotion to the post of Diesel Technician. The Respondent No.5 informed all the Heads of All India Radio Stations Tawang, Tura, Agartala, Dibrugarh, Shillong, Guwahati, Gangtok, Kohima Imphal, Passighat, Silchar, Aizwal and the Chief Engineer East zone,(AIR & T.V) Calcutta about filling up the two posts of Diesel Technicians at All India Radio, Itanagar. But the Respondents No.6, 7,8 and 9 were promoted to the said post at Itanagar although they are junior to the applicant.

I have heard Mr.A.Ahmed learned counsel for the applicant and Mr. G. Baishya, Sr.C.G.S.C. for the Respondents. When the matter came up for consideration, the learned counsel for the applicant has

submitted that he will be satisfied if direction is given to the Respondent No.2 to consider the applicant and promote him to the post of Diesel Technician either at All India Radio, Guwahati, Kohima, Tawang and Aizwal where the aforesaid posts are lying vacant. The learned counsel for the respondents has submitted that he has no objection if such direction is given to the respondent.

Considering the facts and circumstances of this case, this Court directs the applicant to file comprehensive representation before the 2nd respondent within one month from to-day. If such representation is filed by the applicant, the Respondent No.2 shall consider and dispose of the same within three months and pass appropriate orders thereon.

O.A. is accordingly, disposed of. There shall be no order as to costs.



(K.V.SACHIDANANDAN)
VICE-CHAIRMAN

LM

- 5 FEB 2007

N.S

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO.

OF 2007.

Md. Mahibul Islam

...Applicant

- Versus -

The Union of India & Others

...Respondents

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Date: 5-2-2007.

Filed By:

Smita Bhattacharjee
Advocate



4

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

ORIGINAL APPLICATION NO.

oF 2007.

Md. Mahibul Islam

...Applicant

- Versus -

The Union of India & Others

...Respondents

LIST OF DATES AND SYNOPSIS:

17-4-1984 The Applicant was appointed to the post of helper in the All India Radio.

12/15-09-1990 The Applicant was Appointed as Diesel Engine Driver in the Office of the Superintendent Engineer (HPT), All India Radio, Guwahati- 14.

29-04-1994 The Respondent No. 7 Shri K.N. Das was appointed as Diesel Engine Driver under the Respondents.

29-09-1994 The Respondent No. 6 Shri M. Zirdo was appointed as Diesel Engine Driver under the Respondents.

19-10-1994 The Respondent No. 8 Shri B. Borah was appointed as Diesel Engine Driver under the Respondents.

15-02-1995 The Respondent No. 9 Shri Tomi Riba was appointed as Diesel Engine Driver under the Respondents.

13-12-1999 The Applicant offered himself as a candidate to the post of Diesel Technician at AIR, Itanagar through his willingness letter before the Chief Engineer All India Radio, East Zone Calcutta.

09-02-2000 The Office of the Respondent No. 5 vide Circular No. Ita-1 (9)/2000-S/4126 informed all the Heads of All India Radio Stations Tawang, Tura, Agartala, Dibrugarh, Shillong, Guwahati, Gangtok, Kohima, Imphal, Pasighat, Silchar, Aizwal and the Chief Engineer East Zone (AIR & T.V.) Calcutta, about filling up of two vacant posts of Diesel Technicians at All India Radio, Itanagar.



22-05-2000 &
20-06-2000

The Applicant filed representations before the Chief Engineer (East Zone), Calcutta for non-appointing him as Diesel Technician

26-03-2001

The Deputy Director of (Admn.) All India Radio on behalf of the Director General All India Radio vide letter No. 4/1/2001-S-IV (A) 216, requested the Chief Engineer to appraise the latest position of the case of the applicant to the post of Diesel Technician.

01-05-2001

The Deputy Director Engineering for the Chief Engineer (East Zone) vide his letter No. 1(35)/2001-S(D-Tech), appraised the Director General All India Radio, that the case of the Applicant could not be considered for promotion to the post of Diesel Technician, because the Diesel Engine Driver and Diesel Technicians are of local cadre and promotion from Diesel Engine Driver to Diesel technicians is dealt at Station level.

29/31-05-2001

The Assistant Station Director on behalf of the Station Director vide his memorandum, informed the Applicant that he has not been considered eligible for promotion to the post of Diesel Technician at All India Radio, Itanagar.

The posts of Diesel Technician are now lying vacant at AIR, Guwahati, Kohima & Aizwal. The applicant being the senior most person amongst the Diesel Engine Drivers can easily be accommodated by the Respondents. However, no steps has been taken for appointment of the applicant as Diesel Technician.

Hence this Original Application filed before this Hon'ble Tribunal for seeking justice in to this matter.



1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH, GUWAHATI.

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

ORIGINAL APPLICATION NO. OF 2007.

BETWEEN

Md. Mahibut Islam
Son of Late Ataur Rahman
Diesel Engine Driver
Office of the Superintending Engineer
(HPT), All India Radio, Guwahati-14.

... Applicant

-AND-

- 1) The Union of India
Represented by the Secretary to the
Government of India,
Ministry of Information & Broadcasting,
A- Wing,
Sashtri Bhawan,
New Delhi-1.
- 2) The Director General
All India Radio, Sansad marg
New Delhi-110 001.
- 3) The Station Director
All India Radio
Guwahati-3.
- 4) The Station Director
All India Radio,
Itanagar,
Post Office - Itanagar,
Arunachal Pradesh.
- 5) The Chief Engineer (NEZ)
All India Radio & Doordarshan
Dr. P. Kakoti Building
Near Ganeshguri Flyover
Ganeshguri, Guwahati-6.
- 6) Shri M. Zirdo,
Diesel Technician,
Office of the Station Director,

15/9/90

M. Islam

All India Radio, Itanagar,
Post Office – Itanagar,
Arunachal Pradesh.

7) Shri K. N. Das,
All India Radio,
Kokrajhar,
Post Office- Kokrajhar,
Assam.

8) Shri B. Borah
Diesel Technician,
Office of the Station Director,
All India Radio, Itanagar,
Post Office – Itanagar,
Arunachal Pradesh.

9) Shri Tomi Riba,
Diesel Technician,
Office of the Station Director,
All India Radio, Itanagar,
Post Office – Itanagar,
Arunachal Pradesh.

... Respondents

1994 Date by Dinesh *UWS*

1) DETAILS OF THE APPLICATION PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE:

The Application is not made against any particular order but against the discriminatory treatment made by the Respondents to the Applicant by not promoting him to the post of Diesel Technician whereas junior persons were promoted to the post of Diesel Technicians.

2) JURISDICTION OF THE TRIBUNAL

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

3) LIMITATION

The Applicant further declares that the subject matter of the instant application is within the limitation prescribed under Section 21 of the Administrative Tribunal Act 1985.

W. S. Dinesh

4) FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1) That your humble Applicant is a citizen of India and as such he is entitled to all rights and privileges guaranteed under the Constitution of India and the laws framed thereunder from time to time.

4.2) That your Applicant begs to state that he was appointed to the post of Helper in All India Radio at Guwahati vide Order No. 21(6)/84-S dated 23/24 April 1984 w.e.f. 17-4-1984. He was appointed as Diesel Engine Driver vide Order No. 1(11)/90-S/2495 dated 12/ 15.09.1990. Since then he is working as Diesel Engine Driver. Now he is working as Diesel Engine Driver in the Office of the Superintendent Engineer (HPT), All India Radio, Guwahati-14.

Photocopy of the Order No. 21(6)/84-S dated 23/24-4-1984 is annexed hereunto and marked as **ANNEXURE-A.**

Photocopy of Order No. 1/(11)/90-S/2495 dated 12/15-09-1990 is annexed hereunto and marked as **ANNEXURE-B.**

4.3) That your Applicant begs to state that the next promotion from Diesel Engine Driver is Diesel Technician. The Diesel Technician is a Group 'C' post (Non-Gazetted) Non-Ministerial post. The posts of Diesel Technicians are filled through 100 % promotion on seniority / fitness basis failing which by direct recruitment. The Diesel Engine Drivers with three years service experience are eligible for promotion to the post of Diesel Technician.

Photocopy of the relevant portion of Recruitment Rules for Diesel Technician in All India Radio is annexed hereunto and marked as **ANNEXURE-C.**

Wesham

4.4) That your Applicant begs to state that the Respondent No. 6 Shri M. Zirdo was appointed as Diesel Engine Driver under the Respondents on 29-9-1994, the Respondent No.7 Shri K.N. Das was appointed as Diesel Engine Driver under the Respondents on 29-4-1994. The Respondent No. 8 Shri B. Borah was appointed as Diesel Engine Driver under the Respondents on 19-10-1994 and the Respondent No.9 Shri Tomi Riba was appointed as Diesel Engine Driver under the Respondents on 15-2-1995. It is to be stated that the Applicant is senior to the Respondent Nos. 6 to 9 in the post of Diesel Engine Driver.

4.5) That your Applicant begs to state that he got an information in the last part of December 1999 that two vacant posts of Diesel Technicians are going to be filled up through Departmental candidate at All India Radio, Itanagar and he offered himself as a candidate to the post of Diesel Technician at AIR, Itanagar through his willingness letter dated 13-12-1999 before the Chief Engineer All India Radio East Zone Calcutta. The Office of the Respondent No.5 vide their Circular No. Ita-1 (9)/2000-S/4126 dated 9-2-2000 informed all the Heads of All India Radio Stations Tawang, Tura, Agartala, Dibrugarh, Shillong, Guwahati, Gangtok, Kohima, Imphal, Pasighat, Silchar, Aizwal and the Chief Engineer East Zone (AIR & T.V.) Calcutta, about filling up of two vacant posts of Diesel Technicians at All India Radio, Itanagar.

Photocopy of the Applicant's willingness letter dated 13-12-1999 is annexed hereunto and marked as **ANNEXURE-D.**

Photocopy of Circular No. Ita-1(9)/2000-S/4126 dated 9-2-2000 is annexed hereunto and marked as **ANNEXURE- E.**

4.6) That your Applicant begs to state that even though his submission of willingness letter dated 13-12-1999 before the



Respondents for consideration of his case to the post of Diesel Technician in All India Radio at Itanagar, the Respondents had selected two persons namely, Shri Shri M. Zirdo i.e. Respondent No.6 and Shri Khagen Das i.e Respondent No.7 to the post of Diesel Technician, who were juniors to the applicant. Being aggrieved by this injustice applicant filed representations dated 22-05-2000 and 20-06-2000 before the Chief Engineer (East Zone), Kolkata.

Photocopy of representation dated 22-05-2000 is annexed hereunto and marked as **ANNEXURE- F**.

Photocopy of representation dated 20-06-2000 is annexed hereunto and marked as **ANNEXURE- G**.

4.7) That your Applicant begs to state that the Deputy Director of (Admn.) All India Radio on behalf of the Director General All India Radio vide his letter No. 4/1/2001-S-IV (A) 216 dated 26-3-2001, requested the Chief Engineer to apprise the latest position of the case for promotion of the applicant to the post of Diesel Technician. Accordingly, the Deputy Director Engineering, for Chief Engineer (East Zone) vide his letter No. 1(35)/2001-S(D-Tech) dated 1-5-2001 has appraised the Director General, All India Radio, that the case of the Applicant could not be considered for promotion to the post of Diesel Technician, because the Diesel Engine Driver and Diesel Technicians are of local cadre and promotion from Diesel Engine Driver to Diesel Technicians is dealt at Station level. Accordingly, the Assistant Station Director on behalf of the Station Director vide his memorandum dated 29/31-05-2001 informed your applicant that he has not been considered eligible for promotion to the post of Diesel Technician at All India Radio, Itanagar. It is worth to mention here that the other related Group 'C' Cadre promotions in All India Radio are made on Zonal Seniority basis by the Respondents.



Photocopy of letter No. 4/I/2001-S-Iv(A)/216 dated 26-3-2001, issued by the office of the Director General All India Radio, New Delhi is annexed hereunto and marked as **ANNEXURE- H.**

Photocopy of letter No. 1(35)/2001-S (D.Tech) dated 01-05-2001 issued by the office of the Deputy Director Engineering for Chief Engineer (East Zone) is annexed hereunto and marked as **ANNEXURE- I.**

Photocopy of memorandum dated 29/31-05-2001, issued by the office of Assistant Station Director for Station Director is annexed hereunto and marked as **ANNEXURE-J.**

4.8) That your Applicant begs to state that the Respondent No.8 Shri B. Borah and the Respondent No.9 Shri Tomi Riba were also promoted to the post of Diesel Technician from Diesel Engine Driver in the year 2001 without issuing any Office Memorandum or Circular by the Respondents.

4.9) That your Applicant begs to state that the posts of Diesel Technicians are lying vacant in All India Radio, Guwahati, Kohima, Tawang and Aizwal. In the aforesaid post of Diesel Technician, the Applicant can be easily accommodated, as he is the one of the senior most persons among the Diesel Engine Driver. Now your Applicant apprehends that the Respondents may again promote the junior persons to the post of Diesel Technician by depriving the Applicant. Hence finding no other alternative your Applicant is compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

4.10) That your Applicant submits that the Respondents have acted in whimsical manner with a mala fide intention only to deprive him from his legal rights.



4.11) That your Applicant submits that the action of the Respondents is violative of the Article 14, 16 and 21 of the Constitution of India as well as the principles of Natural Justice.

4.12) That your Applicant submits that the action of the Respondents is highly illegal, improper, colourable exercise of power and also against the fair play of Administrative justice.

4.13) That your application submits that he demanded justice and the same has been denied to him by the Respondents.

4.14) That this application is filed bonafide and for the interest of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents are in *prima facie* illegal, malafide, arbitrary and without jurisdiction.

5.2) For that, the recruitment rules for Diesel Technician in All India Radio provides that these posts are 100 % filled through promotion by the Departmental Candidates on the basis of seniority / fitness and failing which by the direct recruitment. As such non-consideration of the Applicant's case is illegal, improper and not sustainable in the eye of law.

5.3) For that, the action of the respondents is arbitrary, mala-fide and discriminatory with an ill motive.

5.4) For that the Applicant being a senior person in the Grade of Diesel Engine Driver should be promoted to the post of Diesel Technician. However, in the instant case junior persons were promoted to the post of Diesel Technician from Diesel Engine Driver by depriving the Applicant.



5.5) For that, other similarly situated Group 'C' posts in All India Radio are generally filled on the basis of Zonal seniority list. However, in the instant case the Respondents without considering the Zonal seniority have promoted the Diesel Engine Driver to the post of Diesel Technician only on local station seniority basis. As such the action of the Respondents are illegal, whimsical, mala-fide and arbitrary.

5.6) For that, the Applicant has submitted his willingness to serve at Itanagar before filling up those posts. But the Respondents in a whimsical manner did not consider the case of the Applicant and promoted junior persons to the said post.

5.7) For that, there are sufficient posts of Diesel technician are lying vacant at All India Radio, Guwahati, Kohima, Tawang and Aizwal where the Applicant can be easily accommodated.

5.8) For that the Respondents have violated the Article 14,16 & 21 of the Fundamental rights guaranteed under the Constitution of India as well as the principles of Natural Justice.

5.9) For that being a model employer the Respondents cannot deny the benefit to the Applicant, which he is legally entitled to.

5.10) For that due to non-consideration of his case of promotion to the post of Diesel Technician, the Applicant is suffering from mental anxiety and frustration.

5.11) For that the Applicant is running from pillar to post for consideration of his case but the same has not been considered by the respondents.

5.12) For that in any view of the matter the action of the respondents is not sustainable in the eye of law as well as of facts.



The Applicant craves leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the Applicant except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

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

That the Applicant further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, writ petition or suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicant most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the applicant may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to consider the case of the Applicant and promote him to the post of Diesel Technician either at



All India Radio, Guwahati, Kohima, Tawang and Aizwal.

- 8.2) To Pass any other relief or relieves to which the applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.
- 8.3) To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:

Pending final decision of this application the Applicant seek an interim order from the Hon'ble Tribunal:

9.1 That the Respondents may be directed by this Hon'ble Tribunal to keep one post of Diesel Technician vacant for the Applicant till the final disposal of this Original Application.

10) Application is filed through Advocate.

11) Particulars of I.P.O.:

I.P.O. No. 28G 980503

Date of Issue 6 - 1 - 2007

Issued from Guwahati GPO

Payable at Guwahati GPO

12) LIST OF ENCLOSURES:

As stated above.

Verification



VERIFICATION

I, Md. Mahibur Islam, Son of Late Ataur Rahman, Diesel Engine Driver, Office of the Superintending Engineer (HPT) All India Radio, Guwahati-14 do hereby solemnly verify that the statements made in paragraph nos. 4.1, 4.4, 4.8 and 4.9 _____ are true to my knowledge, those made in paragraph nos. 4.2, 4.3, 4.5, 4.6 and 4.7 _____ are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 5th day of February 2007 at Guwahati.



DECLARANT

GOVERNMENT OF INDIA
ALL INDIA RADIO :::: GAUHATI

No. 21(6)/84 - S.

Dated Gauhati, the 23rd April 1984.

24 APR 1984

O R D E R

With reference to his letter dated 17-4-84 intimating acceptance of the offer conveyed vide this office Memo. No. 1(12)/84-S dated 12-4-84, Md. Mahibul Islam is appointed to the post of Helper at All India Radio, Gauhati in a temporary capacity with effect from the forenoon of 17th April, 1984 in the scale of pay of Rs. 210-4=250-SB-5-270/- plus other allowances as admissible.

SD/

(G. Subrahmanyam)
Station Director.

Copy to :-

1. Md. Mahibul Islam, Helper, All India Radio, Gauhati. He will be on probation for a period of 2(two) years from 17-4-84 which period may be extended or curtailed at the discretion of the appointing authority.
2. The Employment Officer, District Employment Exchange, Kumarpara, Gauhati for information. The Registration No. of Md. Mahibul Islam is 1500/83.
3. The Accountant, All India Radio, Gauhati (2 copies).
4. PA to SD.
5. Shri T. Sarma, Clerk Grade-II.
6. Shri M. Bezbaruah, Clerk Grade -II.
7. File No. 1(12)/84-S.


(G. Subrahmanyam)
Station Director.

S. Brahma/
23/4/84/

03009

ATTESTED

Bhatte
ADVOCATE

GOVERNMENT OF INDIA
ALL INDIA RADIO:::GUWAHATI- 781003.

No.1(11)/90-S. 2495

15 SEP 1990
Guwahati, the 12.09.90.

O R D E R

With reference to his letter dated 06.09.90 intimating of the acceptance of the offer of appointment to the post of Diesel Engine Driver conveyed vide this office letter No.1(11)/90-S dated 06.09.90, Md.Mohibul Islam, who is holding the post of Helper, is appointed to the post of Diesel Engine Driver at this station in a temporary capacity with effect from the forenoon of 06.09.90 in the scale of pay of Rs.950-20-1150-EB-25-1500/-.

Md.Islam will be on probation for a period of two years w.e.f.06.09.90(FN) which period may be extended or curtailed at the discretion of the competent authority.

Mohibul Islam
(P. K. SINGH)
STATION DIRECTOR.

Md.Mohibul Islam,
Diesel Engine Driver,
All India Radio,Guwahati.

ATTESTED

Ghatala
ADVOCATE

SCHEDULE 7

ANNEXURE-- C

1. S. No. 65
 2. Name of the post Diesel Technician
 3. Classification, character and General Central Services Group 'C'
 status of the post (non-gazetted) non-ministerial
 4. Scale of pay of the post Rs. 380-12-500-EB-15-560 (now re-
 vised to Rs. 1320-30-1560-EB-40-
 2040)

Method of recruitment and percentage of vacancies to be filled up

5. Direct recruitment Not applicable
 Selection
 6. Promotion on selection 100% by promotion failing which
 by direct recruitment
 7. Promotion on seniority/fitness Not applicable
 Below 27 years
 8. Transfer A national Trade Certificate issued
 by the National Council for Trai-
 ning in Vocational Trades (Min.
 of Labour Employment & Re-
 habilitations) in the trade of
 Machine/ Internal Combustion
 Engines A trade certificate in
 Craftsmanship awarded by Dir-
 ectorate General, Employment &
 Training in the trade of Mechanic
 (Internal Combustion Engines)

or

Six years experience in the operation
 and maintenance of Diesel Engi-
 nes in a reputable factory, work-
 shop or generating station, duly
 supported by a certificate

11. Period of probation, if any
 12. Whether age and educational
 qualifications for directs will
 apply in case of recruitment by
 promotion/transfer
 13. Grades/sources from which
 promotion/transfer is to be
 made

From amongst diesel engine drivers
 with three years service

Authority: Notified vide Min. of I&B Notification No. 16/20/69-B(D)
 dated 30.3.1970 circulated vide DG, AIR Memo No. A-12018/
 3/70-SIV dated 8/28/4/1970.

ATTESTED

Shetha
ADVOCATE

Extract of supplementary instructions issued by DG, AIR

The Ministry of Labour/Directorate General (Employment & Training) have advised that the certificate with the nomenclature "Mechanic (Diesel)" is the only qualification that is being issued by the National Council for Training in Vocational Trade (NCTV1), after having discontinued the certificate being issued in the nomenclature 'Internal Combustion Engine Mechanic' and as such they are at par with each other (DG, AIR Memo No. 4/4/78-STV dated 12.10.1979)

ATTESTED

Sharma
ADVOCATE

To,

The Chief Engineer(E&)(Kind attn:(Sri S.K.Arora,DDE)
A.I.R.Mainteance wing.
Akashvani Bhawan(4th Floor)
Eidga Garden, Calcutta - 700001.

(Through proper channel)

SUB: Filling up of vacant post of Diesel Technician.

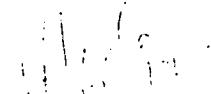
Sir,

With the due respect I would like to draw your kind attention for the following facts for your kind & sympathetic consideration.

Sir, I sri M.Islam,Diesel Driver at present posted to H.P.T.All India Radio,Guwahati,came to know from a reliable source that two post of Diesel Technicians is carrying vacant at A.I.R.Itanagar.By my seniority I am expecting my promotion to the post of Diesel Technician near future & I am also interested to be posted at A.I.R.Itanagar if I may kindly given a chance for the same.

In view of above, may I, therefore pray to your goodself to kindly review the case & promoted me to the post of Diesel Technician & posted also to A.I.R.Itanagar for which I shall remain ever grateful to you.

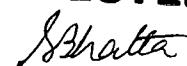
Yours faithfully,


(M.ISLAM)
Diesel Driver
H.P.T.
Guwahati

Copy to :

- i) The Superintending Engineer
All India Radio, Itanagar, Arunachal Pradesh
- ii) Vice President (By name :Sri A.K.BURA GOHAIN)
NEZ,TEA .All India Radio Guwahati.

ATTESTED



ADVOCATE

114-
ANNEXURE-E

Pran Bhattacharya
(Broadcasting Corporation of India)
All India Radiotransmitter

No.IIA-1(9) /2000-S/4126

Date : 09-02-2000.

Copy to:

Two vacant posts of Diesel Technician at AIR, Itanagar.

It is requested that the vacancy may kindly be circulated amongst the Diesel Technician working in the offices of All India Radio and the applications of these incumbent willing to be transferred in the same capacity forgoing T.A / D.A. and who can be relieved without waiting for substitute may be sent to this station latest by 13-3-2000 for necessary action at this end.

In case, no reply is received by the stipulated date, it will be presumed that nobody is willing for transfer and the process of Promotion will be held at this station.

Copy to:
Drawing & Disbursing Officer
For Station Director
All India Radio, Itanagar.

Copy to:-

1. The Chief Engineer(S/Z), AIR, 11/1/1, Dushyant Bhawan, Eden Garden, Calcutta-1.
2. All Heads of AIR Stations TIRUPATI, JURA, AGARTALA, DIBRUGARH, SHILLONG, GUWAHATI, GANGTOK, KOIHEM, KUTIA, DANTAPUR, SILCHAR, AJEWAL.
- 3.
4. Office copy.

ATTESTED

Bhattacharya
ADVOCATE

To

-18-

The Chief Engineer (East Zone)
(Kind attn. : Sri S.K. Arora, DDE)
All India Radio & Television, Guwahati
Akashvani Bhawan (4th floor)
Eden Gardens
Calcutta 700 001

ANNEXURE F 27

Date : 22/5/2000

Sub : Anomaly noticed during promotion from Diesel Engine Driver to the post of Diesel Technician during March 2000 at AIR, Itanagar

Sir,

With due respect I beg to draw your kind attention for the following discrimination followed at AIR Itanagar in respect of promotion to the cadre of Diesel Technician from Diesel Engine Driver in recent past, i.e., in March, 2000.

From the reliable source I came to know that there were two posts of Diesel Technicians lying vacant at AIR Itanagar. Soon I have opted for the same in December, 1999 as I was expecting promotion in near future as a Sr. Diesel Engine Driver. Also I have given my willingness for posting at AIR, Itanagar if I am given chance on promotion.

But it is quite sorry to say that without giving chances to willing senior candidates from AIR Itanagar only chosen for promotion as it has happened with Sri Khagen Das and Sri M. Dibra who are both DED and promoted to Diesel Technician is appears to be illegal as they are junior to me, thus depriving me from a legitimate claim.

May I, therefore, pray to your goodself to kindly look into the matter and do the needful so that I may kindly not be deprived from consideration of post to the Diesel Technician as a low paid employee. The xeroxcopy of my earlier representation and copy to Sg. Eng., AIR Itanagar are enclosed herewith for your kind reference.

Yours faithfully,

(M. ISLAM)
Diesel Engine Driver
HPT : AIR, GUWAHATI

Copy to -

- ✓1) The Superintending Engineer, A.I.R., Guwahati
- 2) The Superintending Engineer, A.I.R., Itanagar
- 3) Vice President, (By name : Sri A.K. Buragohain) NEZ, A.I.R.&D.D.T.E.A;
A.I.R., Guwahati
- 4) Vice President, (By name : Sri Subhas Chakraborty), A.I.R.&D.D.T.E.A;
P.Box GPO 2607, Calcutta 700 001
- 5) Unit Secretary, TEA, AIR, Guwahati

ATTESTED

S. Bhatta
ADVOCATE

To

- 19 -

ANNEXURE - G 28

The Chief Engineer (East Zone)
(Kind attm. : Sri S.K. Arora, DDE)
All India Radio & Television,
Akashvani Bhawan (4th floor)
Eden Gardens
Calcutta 700 001

Date : 20/6/2000

Sub : Anomaly noticed during promotion from Diesel Engine
Driver to the post of Diesel Technician during March
2000 at AIR, Itanagar

Sir,

With due respect I beg to draw your kind attention for
the following discrimination followed at AIR Itanagar in
respect of promotion to the cadre of Diesel Technician from
Diesel Engine Driver in recent past, i.e., in March, 2000.

From the reliable source I came to know that there were
two posts of Diesel Technicians lying vacant at AIR Itanagar.
Soon I have opted for the same in December, 1999 as I was
expecting promotion in near future as a Sr. Diesel Engine
Driver. Also I have given my willingness for posting at AIR,
Itanagar if I am given chance on promotion.

But it is quite sorry to say that without giving
chances to willing senior candidates from AIR Itanagar only
chosen for promotion as it has happened with Sri Khagen Das
and Sri M. Dibra who are both DED and promoted to Diesel
Technician is appears to be illegal as they are junior to me,
thus depriving me from a legitimate claim.

May I, therefore, pray to your goodself to kindly look
into the matter and do the needful so that I may kindly not be
deprived from consideration of post to the Diesel Technician ~~at~~
anywhere in Northeast States. The xerocopy of my earlier
representation and copy to Sg. Eng., AIR Itanagar are enclosed
herewith for your kind reference.

Yours faithfully,


M. ISLAM
(M. ISLAM)
Diesel Engine Driver
HPT : AIR, GUWAHATI

Copy to -

- 1) The Superintending Engineer, A.I.R., Guwahati
- 2) The Superintending Engineer, A.I.R., Itanagar
- 3) Vice President, (By name : Sri A.K. Buragohain) NEZ, A.I.R. & D.D.T.E.A.
A.I.R., Guwahati
- 4) Vice President, (By name : Sri Subhas Chakraborty), A.I.R. & D.D.T.E.A.
P.Box GPO 2607, Calcutta 700 001
- 5) Unit Secretary, T.E.A., AIR, Guwahati

ATTESTED


Bhattacharya
ADVOCATE

AKASHVANI BHAVAN
(Broadcasting Corporation of India)
DIRECTORATE GENERAL ALL INDIA RADIO
Akashvani Bhawan, Sessa Bagh,
New Delhi-110001

No. 4/1/2001-S.IV(A)/276

Dated, the 26th March, 2001.

Sub:- Promotion of Shri N. ISLAM, D.E.D., AIR, Guwahati,
to the cadre of Diesel Technician - regarding.

REPLY

Reference this Directorate's letter No. 4/1/2001 S.IV(A)/11, dated 8th Jan., 2001,
on the above mentioned subject.

2. It is regretted to state that nearly 3 months have passed, information asked for by the
Directorate has not been received so far. (F(S7) is, therefore, once again requested to
kindly apprise the Directorate about the latest position of the case at the earliest possible
date so as to enable this Directorate to inform the Association, accordingly.

Yours
(M.P. SWAN)
Dy. Director of Admin.

Chief Engineer (EZ),
(Kind attn: Shri N. Srinivasan, IY)
AIR & TV,
Akashvani Bhavan,
Eden Gardens,
KOLKATA.

ATTESTED

Bhattacharya
ADVOCATE

GRAM AIRWORKS
Reg. No. 2489131

h2 No. 1 (35) / 2001 - S (D.Tech.)

l) Inform
In Islam a case of
8n Islam a case of
The Director General,
All India Radio,
(By name : Shri M.P.Swan, Swan, DDA),
Akashvani Bhavan,
Parliament Street,
New Delhi-110001.

PRASAR BHARATI
(BROADCASTING CORPORATION OF INDIA)
OFFICE OF THE CHIEF ENGINEER (EAST ZONE)
ALL INDIA RADIO & TELEVISION

Akashvani Bhavan,
4th floor,
Kolkata-700001,
Dated: 01.05.2001.

ALL INDIA RADIO

GUW

Diary No. 204

File No.

Date ... 23/5/01

Sub. :- Promotion of Shri M. Islam, DED, AIR, Guwahati to the post of Diesel Tech.

Ref. :- DG, AIR letter No. 4/1/2001 - S (IV(A)/216 dated 08.01.2001 & dt. 26.03.2001.

Sir,

The view expressed in this office earlier letter that Diesel Engine Driver & Diesel Technician are of local Cadres and promotion from DED to D.Tech. is dealt at station level, was based on the Directorate General, AIR Office Memo. No. 14/6/90-SIV(A) dated 09.04.1991. The xerox copies of the same is enclosed herewith.

It states very clearly in para II that there is no need to zonalise the cadres. The proposal for zonalisation is untenable.

It states in para III that promotion is required to be made under the recruitment rules and for that issue of seniority list is on local basis.

Accordingly Shri M. Islam, DED, AIR, Guwahati was not eligible for consideration for promotion to the post of Diesel Tech. at AIR, Itanagar.

The only eligible candidates for this promotion were those who were working at AIR, Itanagar as DED at that time. Thus the action taken/procedure followed by station for promotion of DEDs to the post of D.Tech. was correct and in compliance to the existing Recruitment Rules and Directorate's instructions.

However, if there is any amendment to those rules/instruction, the same may please be intimated to this office for further necessary action.

ATTESTED

S. K. AROPA
ADVOCATE

Yours faithfully,

Shri S. K. AROPA
(S. K. AROPA)
DY. DIRECTOR ENGINEERING
FOR CHIEF ENGINEER (E.Z.)

Enclosed As above.

No. 1(11)/2001-S/ 5175

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

(@)(@)(@)(@)(@)(@)(@)(@)

31 MAY 2001

Dated, Guwahati the May 29, 2001

MEMORANDUM

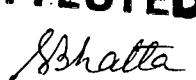
With reference to his representation dated 22/05/2000, Md. M Islam, Diesel Engine Driver of this station is informed that he had not been considered eligible for promotion to the post of Diesel Technician at AIR, Itanagar.

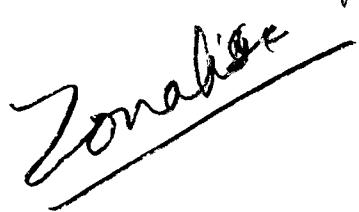
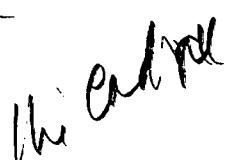
This is as per communication of Chief Engineer (EZ), AIR & TV, Kolkata (copy attached).


(Gautam Sengupta)
Asstt. Station Director,
For Station Director.

Md. M Islam,
Diesel Engine Driver,
AIR, Guwahati.

ATTESTED


Shanta
ADVOCATE


Zonaline

The Censor