

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 262/2007

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet..... OAPg. 1to X.....
2. Judgment/Order dtd 10.10.2007Pg. 1to 5 10.10.2007
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 262/2007Pg. 1to 38.....
5. E.P/M.P. 104/2007Pg. 1to 5.....
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.)

Shah
20.10.07

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

O R D E R S S H E E T

1. Original Application No. 262/07
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) Sri Umananda Desai^{and} -VS- Union of India & Ors

Advocate for the Applicants:- Adil Ahmed, Smti. S. Bhattacharya

Advocate for the Respondants:-

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BO No. 226.0.40.8.51 Dated. 20.8.07.....</p> <p>Registrar <i>Pri</i></p> <p>Petition's copy for issue notices are received with envelopes. Undertaking given for service copy</p> <p><i>Pri</i></p>		

✓

1.10.2007 Heard Mr.A.Ahmed learned counsel appearing for the applicants and Mrs. Manjula Das, learned Addl. Standing Counsel for the Central Government for Respondents No.1 to 4. For the reasons recorded in separate sheets this case is disposed of at the Admission stage.

Adl
8/10/07


(Khushiram)
Member(A)


(Manoranjan Mahanty)
Vice-Chairman

Lm

MJ
8/10/07

lm

10/10/07

Copy of the Dst. alongwith the copy of the application are sent to the office for issuing the name to the Respondents by post.

HT

21.11.07

Index sent vide D/Nos 1036 to 1043 on 16.10.07.

HT

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

OA No.262 of 2007

Date of order 01.10.2007

Shri Umananda Deori & another
By Advocate : Mr. Adil Ahmed

Applicants

Versus

The Union of India & others..

Respondents

By Advocate : Mrs. Manjula Das, Addl.Standing Counsel for Central
Govt.

CORAM: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman
The Hon'ble Shri Khushiram, Member [Administrative]

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 to be forwarded for
including in the Digest being
compiled at Jodhpur Bench and
other Benches? Yes/No
4. Whether their Lordships wish to see
the fair copy of the judgment? Yes/No


Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 262 of 2007

Date of order: This the 1st day of October, 2007

CORAM: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman.
The Hon'ble Shri Khushiram, Member[Administrative]

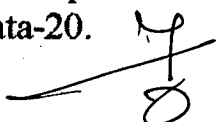
1. Shri Umananda Deori
Son of Shri Table Chandra Deori
Junior Engineer [Electrical]
Guwahati Central Electrical
Survey
Central Public Works Department
[In short C.P.W.D.]P.O.Bamunimaidan, Guwahati-21.
2. Shri Bhubaneswar Deori
Son of Chandra Kanta Deori
Junior Engineer [Electrical]
Central Public Works Department
[In short C.P.W.D.]
Electrical & Mechanical Sub-
Division, Doomdooma [Under
Guwahati Electrical division No.1]
P.O. Doomdooma
Dist: Tinsukia, Assam.

Applicants

By Advocate: Mr. Adil. Ahmed

Versus


1. The Union of India represented by
the Secretary to the Government of
India, Ministry of Urban Affairs,
Nirman Bhawan, New Delhi-11.
2. The Director General [Works]
Central Works Public Department
118-A, Nirman Bhawan
New Delhi-11.
3. The Superintending Engineer
[Coordination Circle]
Central Public Works Department
Nizam Palace, Kolkata-20.



4. The Superintending Engineer
[Electrical]
Guwahati Central Electrical
Circle, Central Public works
Department, Guwahati-21.
5. Shri Naval Kishore Meena
Assistant Engineer [Electrical]
Central Public Works Department
C/o Office of the Additional
Director General [N.R.]
Central Public Works Department
Sewa Bhawan
New Delhi.
6. Shri Arun Kumar Singh
Assistant Engineer [Electrical]
Central Public Works Department
C/o Office of the Additional
Director General [N.R.]
Central Public Works Department
Sewa Bhawan
New Delhi-66
7. Shri Jagadish Prasad Meena
Assistant Engineer [Electrical]
Central Public Works Department
C/o Office of the Additional
Director General [N.R.]
Central Public works Department
Sewa Bhawan
New Delhi-66.
8. Shri Jayanta Kumar Paul
Assistant Engineer [Electrical]
Central Public Works Department
C/o Office of the Additional
Director General [N.R.]
Central Public works Department
Sewa Bhawan
New Delhi-66

Respondents

By Advocate : Mrs. Manjula Das, Addl. Standing Counsel for the
Central Government.



ORDER**Manoranjan Mohanty, Vice-Chairman:-**

Claiming to have been appointed on 05.08.1991 and on 14.08.1991 as Junior Engineer [Elect.] in Central Public Works Department respectively, the Applicants Nos. 1 and 2 have stated that they were confirmed as such w.e.f. 05.08.1993 [vide order dated 03.09.1993] and 14.08.1993 [vide order dated 11.11.1993] respectively. It has been alleged by the Applicants that a Recruitment Rules for the post of Assistant Engineer [Elect.] was notified on 21.06.1997 providing therein different modes of recruitment; that while 50% posts were to be filled up through DPC on merit-cum-seniority basis, under said Rules 1997, rest 50% posts of Assistant Engineer [Elect.] were to be filled up through Limited Departmental Competitive examination; that Respondent no.1, on 10.05.2007, called for ACRs [up to 2005-06] of Junior Engineers [Elect.] and issued Provisional Gradation List of Junior Engineers [Elect.] of CPWD on 31.05.2005 [wherein the names of both the Applicants were missing; for which their representations were forwarded on 23.06.2006 & 26.06.2006 respectively] and that on consideration of their case, the names of the Applicants were placed at Sl.Nos. 689 and 697-A of the abovesaid Seniority/Gradation List of Junior Engineers [Elect.] on 03.08.2006/27.06.2007. It is the case of the Applicants that on 25.09.2007, the Respondents have granted promotions to several of their juniors [i.e. Respondent nos.5 to 8] and that being aggrieved by the said action of the Official Respondents, both the Applicants have straightway



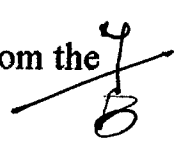
approached this Tribunal [with the present Original application filed under Section 19 of the Administrative Tribunals Act, 1985] without approaching the Official Respondents for redressal of their grievances.

2. Heard Mr. Adil Ahmed, learned Counsel appearing for both the Applicants and Mrs. Manjula Das, learned Additional Standing Counsel; on whom a copy of this OA had been served. We also perused the materials placed on record.

3. It is the case of the Advocate for the Applicants, at the preliminary hearing stage, that by depending upon the Provisional Seniority/Gradation List of Junior Elect. Engineers [in which the names of both the Applicants were missing] the Respondent-Authorities granted promotions to the juniors of the Applicants. In other words, it is his submission that while granting promotions, the Respondent-Authorities did not take the case of the Applicants into consideration at all; for the reason of the fact that the correction slips to the Provisional Gradation/Seniority List [by which the names of the Applicants were sought to be placed at Sl.Nos.689 and 697-A of the Seniority/Gradation List] were not taken into consideration, etc., etc.

4. On the other hand, learned Additional Standing Counsel for the Govt. of India pointed out that the Applicants have rushed to his Tribunal [on 28.09.2007 i.e. within three days of issuance of the impugned order dated 25.09.2007] without exhausting the alternate remedy; as required under Section 20[1] of the Administrative Tribunals Act, 1985.


5. Mere existence of grievances is not enough to approach the Court/Tribunal, without taking any steps to get the same redressed from the



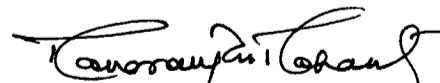
immediate authority. In the present case, both the Applicants have approached this Tribunal even without submitting any representation to their authorities; for which we are constrained to hold this Original Application/Case to be a premature one.

6. Thus, without entertaining into merits, this matter is remitted back to the Respondents [Nos. 1 to 4]; who should look to the grievances of both the Applicants, as raised in their Original Application, and pass appropriate reasoned orders thereon. While disposing of this Original Application/Case, liberty is hereby granted to both the Applicants to put up their representations, individually, by 15.10.2007 and, if such representations are filed by 15.10.2007, then the Respondents [Nos. 1 to 4] should take the same into consideration and pass reasoned orders by end of November 2007. With these observations and directions, this case stands disposed of.

7. Send copies of this order to the Applicants and to the Respondents [along with copies of the Original applications] in the address given in the Original application and free copies of this order be also supplied to Mr. A.Ahmed, learned Counsel appearing for the Applicants and Mrs. Manjula Das, learned Additional Standing Counsel for the Government of India.



[Khushiram]
Member [A]



[Manoranjan Mohanty]
Vice-Chairman

28 SEP 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

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

ORIGINAL APPLICATION NO. 262 / 2007

Shri Umananda Deori & Another ... Applicants

-Versus -

The Union of India & Others ... Respondents

LIST OF DATES AND SYNOPSIS

05-08-1991

& 14-08-1991

Applicant No. 1 and 2 were appointed as Junior Engineers (Electrical) in Central Public Works Department (in short CPWD) respectively.

21-06-1997

The Gazette of India published the Recruitment Rules for the post of Assistant Engineer (Electrical), which provides that 50% of the vacancies in Assistant Engineer are to be filled up through Departmental Promotion Committee (DPC in short) on merit-cum-seniority basis and 50% through Limited Departmental Competitive Examination (LDCE in short).

05-08-1993

& 14-08-1993

The services of the Applicant No. 1 and 2 as Junior Engineers (Electrical) were confirmed on vide Office Order No. 8(5)/GCEC/93/1277 dated 03-09-1993 and vide Office Order No.

Deori

Central Administration File No. 2895
12
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Guwahati Division

18

8(5)/GCEC/93/1621 dated 11-11-1993 respectively.

10-05-2007

The Respondent No. 1 vide his Departmental Circular No. 30/1/2007-EC-III dated 10-05-2007 requested all the Superintending Engineers (Co-ordination Circles)- Civil and Electrical to make available all ACRs of the Junior Engineers upto the period of 2005-2006 by 25-05-2007 positively.

31-05-2005

The Respondent No. 1 vide his O.M. No. A-23020/4/2005-EC VI dated 31-05-2005 issued the provisional Seniority List of Junior Engineer (Electrical) of the CPWD as on 31-12-2004.

20-07-2005

The Executive Engineer (Electrical), Guwahati Electrical Division No. 1, CPWD vide his letter No. 9(19)/GED-I/2005-06/1459 dated 20-07-2005 informed the Respondent No. 3 that the Applicants names were omitted by mistake in the Seniority List. As such he has provided the same to him.

10-08-2005

The First ACP were granted to the Applicants.

23-06-2006

& 26-06-2006

Applicants Representations were forwarded to the Respondent No. 2 for non-inclusion of their names in the Seniority List.

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13

28 SEP 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

03-08-2006

The name of the Applicant No. 2 was included as Serial No. 697A in the Seniority List.

27-06-2007

The name of Applicant No. 2 was included as Serial No. 689 in the Seniority List.

25-09-2007

The Promotion List to the post of Assistant Engineer (Electrical) under ST quota was issued, wherein Applicants names were not included. However junior person i.e. Respondent No. 5 to 8 were included.

Hence this Original Application for seeking justice in this matter.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

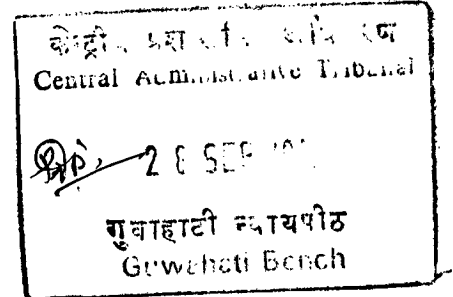
(AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 262 / 2007

Shri Umananda Deori & Another
... Applicants

-Versus -

The Union of India & Others
... Respondents



I N D E X

Sl.No.	Annexure	Particulars	Page Nos.
1	...	Application	1 to 14
2	...	Verification	15
3	A	Photocopy of the Recruitment Rules for the post of Assistant Engineer, which was published in the Gazette of India, June 21, 1997.	16-18
4	B & B1	Typed copy of Office Order No. 8(5)/GCEC/93/1277 dated 03.09.1993 and a photocopy thereof are annexed.	19-20
5	C	Photocopy of the Office Order No. 8(5)/GCEC/93/1621 dated 11.11.1993.	21
6	D	A typed copy of the circular No.30/1/2007-EC-III dated 10.05.2007 issued by the Respondent No.1.	22-23
7	E & E1	Photocopy of the letter No. 9(19)/GED-I/2005-06/1459 dated 20.07.2005 and the statement enclosed therein.	24-25
8	F	A photocopy of the Office Order No.172 of 2005 issued under Memo No.25/2/2005-EC-III dated 10.08.2005.	26-28
9	G & H	Photocopies of the representation dated 23.06.2006 and the forwarding letter dated 26.6.2006.	29-31
10	I	A photocopy of the Office Memorandum No. 22020/1/2006 EC	

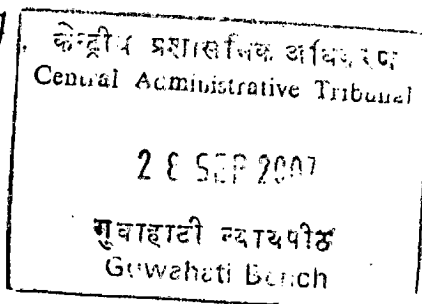
		Memorandum No.A-23020/1/2006-EC VI/759-58 dated 03.08.2006.	32
11	J	A photocopy of the aforesaid letter No.A-12021/11/2007-EC VI/880 dated 19.07.2007.	33
12	K	A photocopy of the order No.154 of 2007 issued under Memo No.30/1/2007-EC-III dated 25.09.2007.	34-38

Filed by :

Smita Bhattachajee

Date : 29-09-2007

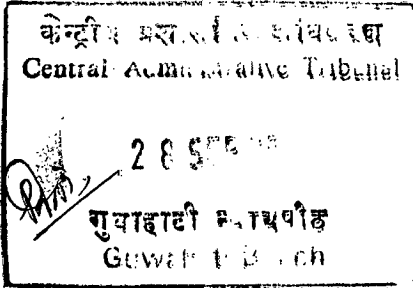
Advocate



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI

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

ORIGINAL APPLICATION NO. 262 / 2007



BETWEEN

1. Shri Umananda Deori
Son of Shri Table Chandra Deori
Junior Engineer (Electrical)
Guwahati Central Electrical
Survey
Central Public Works Department
(In short C.P.W.D.)
P.O: Bamunimaidan, Guwahati-21.
2. Shri Bhubaneswar Deori
Son of Chandra Kanta Deori
Junior Engineer (Electrical)
Central Public Works Department
(In short C.P.W.D.)
Electrical & Mechanical Sub-
Division, Doomdooma (Under
Guwahati Electrical Division No.1)
P.O: Doomdooma
Dist: Tinsukia, Assam.

..... Applicants.

- AND -

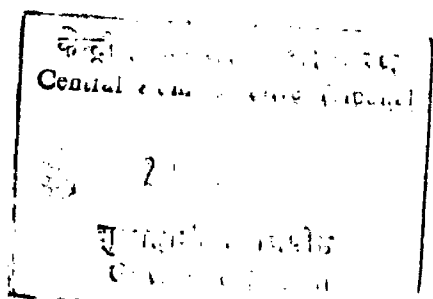
1. The Union of India represented by
the Secretary to the Government of
India, Ministry of Urban Affairs,
Nirman Bhawan, New Delhi -11.
2. The Director General (Works)
Central Works Public Department
118-A, Nirman Bhawan
New Delhi -11.
3. The Superintending Engineer
(Coordination Circle)
Central Public Works Department
Nizam Palace, Kolkata-20.
4. The Superintending Engineer
(Electrical)

FILED BY

Shri Umananda Deori

... Applicant- No-1
Through- Smita Bhattacharjee
(Advocate)

10/08/07



Guwahati Central Electrical
Circle, Central Public Works
Department, Guwahati-21.

5. Shri Naval Kishore Meena
Assistant Engineer (Electrical)
Central Public Works Department
C/o Office of the Additional
Director General (N.R.)
Central Public Works Department
Sewa Bhawan
New Delhi -66.
6. Shri Arun Kumar Singh
Assistant Engineer (Electrical)
Central Public Works Department
C/o Office of the Additional
Director General (N.R.)
Central Public Works Department
Sewa Bhawan
New Delhi -66.
7. Shri Jagadish Prasad Meena
Assistant Engineer (Electrical)
Central Public Works Department
C/o Office of the Additional
Director General (N.R.)
Central Public Works Department
Sewa Bhawan
New Delhi -66.
8. Shri Jayanta Kumar Paul
Assistant Engineer (Electrical)
Central Public Works Department
C/o Office of the Additional
Director General (N.R.)
Central Public Works Department
Sewa Bhawan
New Delhi -66.

..... Respondents.

DETAILS OF THE APPLICATION :

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

This Original Application is made against the impugned Office Order No.154 of 2007 in Memo No. 30/1/2007-EC-III dated 25.9.2007 issued by the Respondent No.1, i.e., Director General of Works, Central Public

10/2007

28 SEP 2000

3

गुवाहाटी न्यायपीठ
Guwahati Bench

Works Department, New Delhi, whereby Junior Persons i.e., Respondent Nos.5 to 8 were promoted (under ST Quota) to the post of Assistant Engineer (Electrical) from Junior Engineer (Electrical) by superseding the Applicants.

2. JURISDICTION OF THE TRIBUNAL

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

3. LIMITATION

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

4. FACTS OF THE CASE:

Facts of the case in brief are given below:

4.1 That your humble Applicants are citizen of India and as such they are entitled to all rights and privileges guaranteed under the Constitution of India.

4.2 That your Applicants beg to state that as the grievances and reliefs prayed in this application are common therefore, they have filed a separate Misc. Petition before this Hon'ble Tribunal praying for grant of permission under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 to move this application jointly.

4.3 That your Applicants beg to state that the Applicant No.1 belongs to Scheduled Tribe Community (in short ST). He has passed Diploma in Electrical Engineering and

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28 SEP 91

4

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Guwahati Bench

19

appointed as Junior Engineer (Electrical) in Central Public Works Department (CPWD in short) on 05.08.1991. Presently, he is aged about 40 years. The Applicant No.2 also belongs to ST Community. He has passed Diploma in Mechanical Engineering and appointed as Junior Engineer (Electrical) in CPWD on 14.08.1991. Presently, he is aged about 42 years.

4.4 That your Applicants beg to state that the next promotion from Junior Engineer (Electrical) CPWD is to the post of Assistant Engineer (Electrical). There are two channels for promotion to the post of Assistant Engineer (Electrical). The Recruitment Rules for the post of Assistant Engineer which was published in Gazette of India on June 21, 1997 provides that 50% of vacancies in Assistant Engineer are to be filled up through Departmental Promotion Committee (DPC in short) on merit-cum-seniority basis and 50% through Limited Departmental Competitive Examination (LDCE in short). For those seeking promotion to the grade of Assistant Engineer under DPC quota, minimum length of required regular service as Junior Engineer (Civil or Electrical) is 8 years, while for LDCE, the requirement is 4 years only.

Photocopy of the Recruitment Rules for the post of Assistant Engineer, which was published in the Gazette of India, June 21, 1997 is annexed hereto and marked as **Annexure-A**.

4.5 That the Applicants beg to state that the service of the Applicant No.1 as Junior Engineer (Electrical) was confirmed on 05.08.1993 vide Office Order No.8(5)/GCEC/93/1277 dated 03.09.1993 and the service of the Applicant No.2 as Junior Engineer (Electrical) was

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28 SEP 2000

गुवाहाटी न्यायपीठ
Guwahati Bench

5

20

confirmed on 14.08.1993 vide Office Order No.8(5)/GCEC/93/1621 dated 11.11.1993.

Typed copy of Office Order No. 8(5)/GCEC/93/1277 dated 03.09.1993 and a photocopy thereof are annexed hereto and marked as **Annexure-B & B1** respectively.

Photocopy of the Office Order No. 8(5)/GCEC/93/1621 dated 11.11.1993 is annexed hereto and marked as **Annexure-C**.

4.6 That the Applicants beg to state that the Respondent No.1 vide his departmental circular No.30/1/2007-EC-III dated 10.05.2007 requested all the Superintending Engineers (Coordination Circles)- Civil and Electrical to make available all ACRs of the Junior Engineers upto the period of 2005-2006 by 25.05.2007 positively.

A typed copy of the aforesaid circular No.30/1/2007-EC-III dated 10.05.2007 issued by the Respondent No.1 is annexed hereto and marked as **Annexure-D**.

4.7 That the Applicants beg to state that the Respondent No.1 vide his O.M. No.A-23020/4/2005-EC VI dated 31.05.2005 issued the provisional Seniority List of Junior Engineer (Electrical) of the CPWD as on 31.12.2004. In the aforesaid Seniority List the names of the Applicants were omitted by mistake. As such, the Executive Engineer (Electrical), Guwahati Electrical Division No.1, CPWD vide his letter No. 9(19)/GED-I/2005-06/1459 dated 20.07.2005 informed the Respondent No.3 i.e., the Superintending Engineer (Coordination Circle)

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28 SEP 2005

6

गुवाहाटी न्यायपीठ
Guwahati Bench

CPWD, Kolkata-20 that the qualification, date of enquiry in the grade, date of confirmation and office to which they were attached were omitted in the provisional Seniority List. By the said letter he provided the correct statement of the Applicants and others so as to include their names in the provision Seniority List.

Photocopy of the aforesaid letter No. 9(19)/GED-I/2005-06/1459 dated 20.07.2005 and the statement enclosed therein are annexed hereto and marked as **Annexures-E & E1** respectively.

4.8 That the Applicants beg to state that the Office of the Respondent No.2 vide his Office Order No.172 of 2005 issued under Memo No.25/2/2005-EC-III dated 10.08.2005 granted first financial upgradation under ACP Scheme to the Applicants on completion of twelve years of regular service in the grade of Junior Engineer.

A photocopy of the aforesaid Office Order No.172 of 2005 issued under Memo No.25/2/2005-EC-III dated 10.08.2005 is enclosed hereto and marked as **Annexure-F**.

4.9 That the Applicants beg to state that against the non-inclusion of his name in the provisional Seniority List even after the request made by the Executive Engineer (Electrical), Guwahati Electrical Division-I, CPWD, Guwahati, (Annexure-E) Applicant No.1 submitted a representation before the office of the Respondent No.2 through proper channel on 23.06.2006 for inclusion of his name in the seniority list. The aforesaid representation was duly forwarded by the Executive Engineer (Electrical), Guwahati Electrical Division No.1, CPWD,

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28 SEP 2006

7

22

गुवाहाटी न्यायपीठ
Guwahati Bench

Guwahati-21 to the Respondent No.3 for onward transmission on 26.06.2006.

Photocopies of the representation dated 23.06.2006 and the forwarding letter dated 26.6.2006 are annexed hereto and marked as **Annexures G & H** respectively.

4.10 That the Applicants beg to state that the office of the Respondent No.2 vide its Office Memorandum No.A-23020/1/2006-EC VI/759-58 dated 03.08.2006 informed the Executive Engineer, Guwahati Central Electrical Division-I, CPWD, Guwahati-21 that the name of the Applicant No.2 has been included in the seniority list at Sl. No.697A whereas no mention has been made in the memorandum regarding inclusion of the name of the Applicant No.1 in the seniority list of Junior Engineer.

A photocopy of the Office Memorandum No.A-23020/1/2006-EC VI/759-58 dated 03.08.2006 is enclosed herewith and marked as **Annexure-I**.

4.11 That the Applicants beg to state that the inspite of the request made by the Executive Engineer, Guwahati Central Electrical Division-I, CPWD, Guwahati-21 and the representation filed by the Applicant No.1 for inclusion of his name in the seniority list of Junior Engineer whose name was omitted mistakenly, the Respondent Authority did not respond anything. Failing to get any response from the Respondent Authority, the Applicant No.1 sought certain information from the Respondents under the Rights to Information Act, 2005. Pursuant to his application dated 27.06.2007 the office of Respondent No.2 vide its letter No.A-12021/11/2007-EC VI/880 dated 19.07.2007 informed the Applicant No.1 that his name has

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28 SEP 2007

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गुवाहाटी न्यायपीठ
Guwahati Bench

22

been included in the seniority list of Junior Engineer (Electrical) as on 31.12.2006 and he was placed at Sl. No.689.

A photocopy of the aforesaid letter No.A-12021/11/2007-EC VI/880 dated 19.07.2007 is enclosed herewith and marked as **Annexure-J**.

4.12 That the Applicants beg to state that a promotional order No.154 of 2007 has been issued by the Respondent No.2 under Memo No.30/1/2007-EC-III dated 25.09.2007 promoting number of Junior Engineers (Electrical) to officiate as Assistant Engineer (Electrical) in the Central Civil Engineering Group 'B' Service in the pay scale of Rs.6,500-10,500/-. However, to the utter shock and surprise to the Applicants, by the said Office Order four Junior Engineers (Respondent Nos.5 to 8) who are much junior the Applicants have been promoted to the post of Assistant Engineer (Electrical) under ST Quota without promoting the Applicants.

A photocopy of the order No.154 of 2007 issued under Memo No.30/1/2007-EC-III dated 25.09.2007 is enclosed hereto and marked as **Annexure-K**.

4.13 That the Applicants beg to state that though the names of the Applicants omitted form the seniority list, later on, it was rectified and their names were included in the seniority list of Junior Engineer (Electrical) which can be discernible from Annexure-I & J of this instant Original Application. Therefore, Respondent Authority should have considered their case for promotion to the grade of Assistant Engineer (Electrical) along with other candidates. However, their cases were overlooked by the Respondent Authority and the persons

Broni

28 SEP 2007

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27

गुवाहाटी ब्याचपीठ
Guwahati Bench

much junior to them were promoted for the reasons best known to them. Hence, finding no other alternative, the Applicants have approached this Hon'ble Tribunal by way of this Original Application seeking justice in the matter.

4.14 That your Applicants beg to state that since joining the Applicants have been rendering their unblemish services with full satisfaction of the higher authorities. Neither any adverse remarks were recorded nor any disciplinary/criminal proceedings are pending against them.

4.15 That the Applicants beg to submit that the Respondents have acted with a malafide intention only to deprive the Applicants from their legitimate rights.

4.16 That the Applicants beg to submit that the action of the Respondents is highly illegal, improper, and whimsical and also against the fair play of administrative justice.

4.17 That your Applicants submit that the Respondents have violated the fundamental rights of the Applicants.

4.18 That the Application is filed bonafide and for the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in details the action of the Respondents are in prima facie, illegal, mala-fide, arbitrary and without jurisdiction. Hence, the impugned promotion list (ST Quota) of Assistant Engineer (Electrical) vide Office Order No.154 of 2007 in Memo No. 30/1/2007-EC-III dated 25.9.2007 issued by the Respondent No.1 is liable to be set aside and quashed.

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28 SEP 2007

गुवाहाटी ब्याचपीठ
Guwahati Bench

10

5.2) For that, the Applicants cannot be held responsible for the mistake committed by the Respondents for non-inclusion of Applicants name in Seniority list of Junior Engineer (Electrical). Hence, the impugned promotion list (ST Quota) of Assistant Engineer (Electrical) vide Office Order No.154 of 2007 in Memo No. 30/1/2007-EC-III dated 25.9.2007 issued by the Respondent No.1 is liable to be set aside and quashed.

5.3) For that, the Applicants cannot be made to suffer for promotion to the post of Assistant Engineer (Electrical) due to negligence and lapse committed by the Respondents by not sending their name in time to appropriate Authority. Hence, the impugned promotion list (ST Quota) of Assistant Engineer (Electrical) vide Office Order No.154 of 2007 in Memo No. 30/1/2007-EC-III dated 25.9.2007 issued by the Respondent No.1 is liable to be set aside and quashed.

5.4) For that, denial of promotion to the Applicants in the post of Assistant Engineer (Electrical) is grossly illegal, arbitrary and discriminatory. Hence, the impugned promotion list (ST Quota) of Assistant Engineer vide Office Order No.154 of 2007 in Memo No. 30/1/2007-EC-III dated 25.9.2007 issued by the Respondent No.1 is liable to be set aside and quashed.

5.5) For that, Respondents cannot promote junior persons to the post of Assistant Engineer (Electrical) by superseding the Applicants without any cause or reason. Hence, the impugned promotion list (ST Quota) of Assistant Engineer (Electrical) vide Office Order No.154 of 2007 in Memo No. 30/1/2007-EC-III dated 25.9.2007 issued by the Respondent No.1 is liable to be set aside and quashed.

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- 5.6) For that, the Applicants having a un-blemish service with full satisfaction of Authority. Hence, the Applicants cannot be denied from their legitimate rights. Hence, the impugned promotion list (ST Quota) of Assistant Engineer (Electrical) vide Office Order No.154 of 2007 in Memo No. 30/1/2007-EC-III dated 25.9.2007 issued by the Respondent No.1 is liable to be set aside and quashed.
- 5.7) For that, the Respondents being a model employee cannot be allowed to adopt a differential approach towards the Applicants by not giving them due promotion. Hence, the impugned promotion list (ST Quota) of Assistant Engineer (Electrical) vide Office Order No.154 of 2007 in Memo No. 30/1/2007-EC-III dated 25.9.2007 issued by the Respondent No.1 is liable to be set aside and quashed.
- 5.8) For that, the action of the Respondents is violative of the fundamental rights guaranteed under the Article 14, 16, 21 and 309 of the Constitution of India.
- 5.9) For that, the manner and method in which the promotion to the post of Assistant Engineer (Electrical) under S.T. Quota was issued would clearly reflect the non-application of mind of the matter by the Respondents Authority. As such the impugned promotion order under S.T. Quota does not have any leg to stand on and is required to be set aside and quashed.
- 5.10) For that, the action of the Respondents is prima-facie, whimsical, mala-fide, illegal and with a motive behind and also in violation of principle of natural justice.

28 SEP 2007

12

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Guwahati Bench

5.11) For that, it is not just and fair to deprive the Applicants from getting their due opportunity for promotion to the post of Assistant Engineer (Electrical).

5.12) For that, the action of the Respondents is not maintainable under the eyes of law as well as fact.

5.13) For that in any view of the matter, the action of the Respondents is not sustainable in the eye of law.

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

6. DETAILS OF REMEDIES EXHAUSTED :

That there is no other alternative and efficacious and remedy available to the Applicants 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 BEFORE ANY OTHER COURT :

That the Applicants further declare that they have 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 PRAYD FOR :

Under the facts and circumstances narrated details in above the Applicants most respectfully prayed

Beon

28 SEP 2007

गुवाहाटी न्यायपीठ
Gowahati Bench

that your Lordships may be pleased to admit this application, call for the records of the case, issue notice to the Respondents as to why the relief or relief (s) sought for the Applicants may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relief (s).

8.1 That the Hon'ble Tribunal may be pleased to set aside and quashed the impugned Office Order No.154 of 2007 in Memo No. 30/1/2007-EC-III dated 25.9.2007 issued by the Respondent No.1, i.e., Director General of Works, Central Public Works Department, New Delhi, whereby Junior Persons i.e., Respondent Nos.5 to 8 were promoted (under ST Quota) to the post of Assistant Engineer (Electrical) from Junior Engineer (Electrical) by superseding the Applicants.

8.2) To direct the Respondents to promote the Applicant to the post of Assistant Engineer (Electrical) under S.T. Quota as per existing policy and guideline from the above date where the junior persons i.e. the Respondents No.5 to 8 were promoted.

8.3) To pass any other appropriate relief or relief (s) to which the applicant may be entitled as may be deem fit and proper by this Hon'ble Tribunal.

8.4) To pay the cost of the Application.

9. INTERIM ORDER PRAYED FOR :

Pending the final disposal of the Original Application the Applicants most humbly prays before your

10/09/07

28 SEP 2007

14

29

गुवाहाटी न्यायपीठ
Guwahati Bench

~~Lordships for issuance~~ of an Interim Order by directing the Respondents not to give effect to the promotion of the Respondent No.5 to 8 to the post of Assistant Engineer as per promotion order dated 25.09.2007.

10. APPLICATION IS FILED THROUGH ADVOCATE.

11. PARTICULARS OF I.P.O.

I.P.O. No. : 32G 040851
Date of Issue : 20-08-2007
Issued from : Guwahati GPO
Payable at : Guwahati GPO.

12. LIST OF ENCLOSURES :

As stated in index.

... Verification

Bem'

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

28 SEP 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

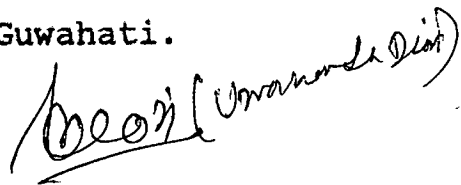
-15-

30

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

I, Shri Umananda Deuri, Son of Shri Table Chandra Deuri, aged about 40 years, working as Junior Engineer (Electrical), Guwahati Central Electrical Survey, Central Public Works Department (In short C.P.W.D.), P.O.-Bamunimaidan, Guwahati-21, Assam and the Applicant No. 1 of the instant application and as such, I am acquainted with the facts and circumstances of the case. I am also duly authorized by Applicant No.2 to sign this verification on his behalf. I do hereby solemnly verify that the statements made in paragraph nos. 4.1 to 4.3, 4.13 and 4.14 are true to my knowledge, those made in paragraph nos. 4.4 to 4.12 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 day of 29th September, 2007 at Guwahati.


...DECLARANT

Annexure-

THE GAZETTE OF INDIA : JUNE 21, 1997/JYAISTHA 31, 1919

writing and in consultation with the Union public Service Commission relax any of the provisions of these rules with effect to any class or category of persons.

5. Saving - Nothing on them rules and direct reservations, relaxation of age limit and other concessions requirement to be provided for the Scheduled Castes, the Tribes, the ex-serviceman and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

SCHEDULE

Name of Post	Number of Post	Classification	Scale of Pay Rs.	Whether Selection or Non-Selection post
(1)	(2)	(3)	(4)	(5)
Assistant Engineers (Civil)	1768 (1997) Subject to variation dependent on work.	General Civil Service Group B Gazetted Non-Ministerial.	2000-69-2300 EB-75-32 -3200	Selection

ATTESTED

S. Shetty
ADVOCATE

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21

Age limit for direct recruits

Whether benefit of added years of service admissible

Education & other qualification required for direct recruits

Whether age & edu. quali. prescribed for direct recruits will apply in the case of promotees.

Period of Probation if any.

(6)

(7)

(8)

(9)

(10)

Not applicable

Not applicable

Not applicable

Not applicable

Two years

Method of recruitment whether by direct recruitment or by deputation/transfer and percentage of vacancies to be filled by various methods.

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

If a Departmental Promotion Committee exists, what is its composition.

Circumstances in which Union Public Service Commission to be consulted in making recruitment.

(11)

(12)

(13)

(14)

Promotion

Fromotion:

- (i) Fifty percent from for Junior Engineers (Civil) with eight years regular service in the grade and

ATTESTED

Sheth
ADVOCATE

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32

(ii) Fifty percent be limited departmental competitive examination to be conducted by the Central Public Works Department Training Institute, any other Institute duly recognised by the Central Government, the Central Government (illeg.)

- Group B Departmental Promotion Committee (for promotion) :
1. Additional Director General Works, Central Public Works Department - Chairman.
 2. Chief Engineer, Central Public Works Department - Member.
 3. Director of Administration, Directorate Central of Works, Central Public Works Department - Member.

Consultation with Union Public Service Commission not necessary.

[No. 30/2/93-EC.I/EW.I]
S.K. Shatnagar, Under Secy.

ATTESTED
Shatnagar
ADVOCATE

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37

Government of India
Central Public Works Department

No.8(5)/GCEC/93/1277

Dated Guwahati 3.9.1993

Office Order

In pursuance of OM No.18011/1/86-Estt.(a) dated 28.3.08 issued by the Ministry of Home Affairs Department P & T New Delhi received under O.G.(W)CPWD, New Delhi O.M. No.13.1.88-ECIV/Coord. Dt. 27.5.88 the following J.E.(E) whose particulars are noted below are declared confirmed JE (E) by the D.P.C. at Circle level on its meeting held on 27.8.-- in the scale of 1400-40-1800-EB-50-2300/- with effect from the date as shown each.

Sl. No.	Name & Designation	Date of Confirmation	Office which attached
1	D. Deka, J.E.(E)	8.1.92	G.C.E.
2	R.K.Dey	5.4.93	GED-I
3	U. Deori, J.E. (E)	5.8.93	GED-I

Sd/-
(A. Majumdar)
Superintending Engineer (Elec.)
Guwahati Central Electrical Division
C.P.W.D., Guwahati-21.

Copy to :-

1. The Director General of Works, CPWD, Nirman Bhawan, New Delhi-11.
2. The Chief Engineer (NEZ), CPWD, Dhankheti, Shillong
3. The Chief Engineer (E1) East, CPWD, Calcutta-20.
4. The Superintending Engineer, (Coordn.), Co-ordination, Calcutta-20.
5. The Executive Engineer (E) Guwahati Elect. Divn.
6. Person Concerned.

ATTESTED

Shatto
ADVOCATE

Sd/-
SUPERINTENDING ENGINEER

Government of India
Central Public Works Department

No. 8(9)/GCBC/93/ 1277

Dated Guwahati, the 3/9/93.

Office Order

In pursuance of OM No. 18011/1/86-Estt. (A) dated 29.3.88 issued by the Ministry of Home Affairs Department, P.W.D. New Delhi received under D.O. (W) CPWD, New Delhi, O.D. No. 13.1.88-ECIV/Coord. dt. 27.5.88, the following J.E. (B) whose particulars are noted below are declared confirmed JE (B) by the D.P.C. at Circle level on its meeting held on 27.3.93 in the scale of 1400-4(1-1800-50-2300) with effect from the date as shown each.

Sl. No.	Name & Designation	Date of Confirmation	Circle
1.	J.B. (E)	8.1.92	Guwahati
2.	P. K. Das, JE (B)	5.4.92	Guwahati
3.	U. Deori, JE (E)	5.8.93	Guwahati

(A. Majumdar)
Superintending Engineer (El)
Guwahati Central Electrical
C.P.W.D., Guwahati

Copy to:-

- The Director General of Works, CPWD, Nixon Bhawan New Delhi - 11.
- The Chief Engineer (NEZ), CPWD, Dhankehl, Shillong
- The Chief Engineer (El) East, CPWD, Calcutta - 20.
- The Superintending Engineer, (Coord), Co-ordination CPWD, Calcutta - 20.
- The Executive Engineer (B) Guwahati Block, Divn. HQ and Elcher Central Block, Divn., CPWD,
- Person concerned.

[Signature]
SUPERINTENDING ENGINEER

ATTESTED
[Signature]
ADVOCATE

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT.

No. B(S)/CCEC/93/621

Date 11/11/93

OFFICE ORDER.

In pursuance of OM No. 10011/1/HC-Subst(a) dated 18-3-93 issued by the Ministry of Home Affairs Department of P & I New Delhi, Government of India, the following JAs (E) whose particulars are stated below are declared confirmed as JAs (E) by the D.P.C. at Central level on the meeting held on 1.11.93 in the scale of Rs. 1,000/- with effect from the date as shown each.

Name and designation	Date of Confirmation	Office to which attached
Mr. [Name]		
Mr. [Name], JE (E)	08-04-93	OM-11, Guwahati
Mr. [Name], JE (E)	14-08-93	OM-I, Guwahati

Superintending Engineer (E)
Guwahati Central Electrical Circle,
C.P.W.D., Guwahati-21

Copy to:-

- The Director General of Works, CPWD, Upper House, New Delhi-1
- The Chief Engineer (WZ), CPWD, Shantipur, Dillioy-3
- The Chief Engineer (E) Zonal, CPWD, Mintu Palace, Calcutta-20
- The Superintending Engineer (Coord), Coordination Circle, CPWD, Calcutta-20
- The Executive Engineer (E), Guwahati Electrical Division No. I, CPWD, Guwahati-21
- The Executive Engineer (E), Guwahati Electrical Division No. XI, CPWD, Guwahati-11
- The Executive Engineer (E), Silchar Central Electrical Division, CPWD, Silchar-3

B. Devi, etc.

[Signature]
Superintending Engineer (E)

ATTESTED

[Signature]
ADVOCATE

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

37

No. 845) / GCEC/93/1621

Date:- 11/11/93

OFFICE ORDERS

In pursuance of OM No. 10011 / 1/86-Estd(a) dated 28.3.88 issued by the Ministry of Home Affairs Department of P & T New Delhi received under B.G.(W) CPWD, New Delhi OM.No. 13-1-887 EC IV/Coord dated 27.5.88 the following JEs(E) whose particulars are noted below are declared confirmed as JEs (E) by the DPC at Circle level on its meeting held on 4.11.93 in the Scale of 1400-40-1000-EB-50-2300/- with effect from the date as shown each.

Sl.No.	Name&Designation	Date of confirmation	Office to which attached
1.	Asim Kr. Ghosh JE(E)	08-04-93	GRD-II, Guwahati
2.	Bhubaneswar Deori JE(E)	14-08-93	GRD-I, Guwahati.

Sd/-
Supperintending Engineer(E)
Guwahati Central Electrical Circle
C.P.W.D. Guwahati - 21.

Copy To:-

1. Director General Of Works, C.P.W.D. Nirman Bhawan, New Delhi- 1.
2. Chief Engineer (NEZ) , C.P.W.D. Dhankehi, Shillong -3.
3. The Chief Engineer (E) East. C.P.W.D. Nizam Palace, Calcutta -20.
4. The Superintending Engineer (Coord) Coordination Circle, C.P.W.D. Calcutta- 20.
5. Executive Engineer(E), Guwahati, Elecetrical Division No. I, C.P.W.D. Guwahati- 21.
6. The Executive Engineer(M), Guwahati Electrical Devision No. II, C.P.W.D, Guwahati- 15.
7. The Executive Engineer(E), Silchar Central Electrical Division C.P.W.D, Silchar- 2.
8. Person Concerned.
B. Deori.

Sd/-
SUPERINTENDING ENGINEER (E)

ATTESTED

-illegible/4.11.93

Bhatta
ADVOCATE

-Typed copy-

DEPARTMENTAL CIRCULARS

Time Bound, Most immediate

NO.30/1/2007-EC-III
GOVERNMENT OF INDIA, DIRECTORATE GENERAL OF WORKS,
CPWD

Nirman Bhawan, New Delhi, dated 10.05.2007.

To :

All SE, Coordination Circle (Civil & Electrical)

Sub :- Call for Complete ACRs Dossier of JEs to consider for promotion to the Post of AE (C & E).

Sir,

Please refer to earlier letter of even number dated 16.04.07 on the subject mentioned above. Now, it has been decided to call for complete ACRs Dossier consisting up to the period 2005-06 in respect of Junior Engineers (C & E) as under:

Civil

UR Seniority No.356 to 450 SC Seniority No.997 to 1027
ST Seniority No.1103 to 1537

Electric

UR Seniority No.133 to 208 SC Seniority No.253 to 306
ST Seniority No.625 to 954

All SEs, Coordination Circle, are requested to kindly make available the requisite ACRs latest by 25.5.2007 positively. Please indicate Seniority Nos as mentioned in the seniority list issued on 31.5.2005 on all ACRs folder. ACRs received after 25.5.07 will not be included in the list to be prepared for promotion.

- Sd/- (Gopal Lal), Section Officer

ATTESTED

S. Shalva
ADVOCATE

DEPARTMENTAL CIRCULARS

Time Bound, Most Immediate

NO. 30/1/2007-EC-III

GOVERNMENT OF INDIA, DIRECTORATE GENERAL OF WORKS, CPWD

To:

All SE, Coordination Circle (Civil & Electrical)

Sub :- Call for Complete ACRs Dossier of JEs to consider for promotion to the Post of AE (C&E).
Sir,

Please refer to earlier letter of even number dated 16.4.07 on the subject mentioned above. Now, it has been decided to call for complete ACRs Dossier consisting up to the period 2005-06 in respect of Junior Engineers (C&E) as under :

Civil

UR Seniority No. 356 to 450 SC Seniority No. 997 to 1027 ST Seniority No. 1103 to 1537

Electric

UR Seniority No. 133 to 208 SC Seniority No. 253 to 306 ST Seniority No. 625 to 954

All SEs, Coordination Circle, are requested to kindly make available the requisite ACRs latest by 25.5.2007 positively. Please indicate Seniority Nos as mentioned in the seniority list issued on 31-5-2005 on all ACRs folder. ACRs received after 25.5.07 will not be included in the list to be prepared for promotion.

Sd/- (Gopal Lal), Section Officer

ATTESTED

Bhatter

ADVOCATE

GOVERNMENT OF INDIA
Central Public Works Department
GUWAHATI ELECTRICAL DIVISION No. 1
Bamuni Maidan, Guwahati - 781 021

e-mail : ped1@silfy.com
Phone : 0361-2550315

Sl. No. CPD-1/2005 (U.S.)

Dated, Guwahati the 23/11/2005

To,

The SI (Coordn.),
Coordinating Circle
CPWD, Hazra Palace
Kolkata - 70

Sub: Issue of the provisional seniority list of JE (Elect.)
of CPWD as on 31-12-2004.

Ref: DG (V), CPWD, New Delhi O.M. No. A-23020/4/2005-ECVI
Dated 31-12-2005.

The provisional seniority list of JE's (Elect.) under this division has been checked and after verification with the respective service books, the following observations are made herewith.

1. That the name of JE's (Elect.) (T) Shri Umamanda Deori, JE (Elect.) and Shri Bhubaneswar Deori, JE (Elect.) are omitted from the list of provisional seniority list of JE's (Elect.) of CPWD as 31-12-2004.
2. That the qualification, date of entry in the grade, date of confirmation and office to which attached has been omitted against the JE's (Elect.) for which a correct statement as per service book of all the six JE's (Elect.) under this division is enclosed herewith for further correction / addition in the above cited seniority list at your end please.

Encl.: As stated above.

Executive Engineer (Elect.)
Guwahati Electrical Division No. 1
C.P.W.D., Bamunimaidan
Guwahati - 781 021

Copy for information to :-

1. The Superintending Engineer (Elect.), GCFC, CPWD, Guwahati - 21.
2. Shri N. Kalita, JE (Elect.), GCFSI, CPWD, Guwahati - 21.
3. Shri U. Deori, JE (Elect.), ECSD, CPWD, Guwahati - 23.
4. Shri B. Deori, JE (Elect.), E & M SD, CPWD, Doom Dooma.
5. Shri M.C. Dhakai, JE (Elect.), GCFSI, CPWD, Guwahati - 21.
6. Shri P.M. Haik, JE (Elect.), E & M SD, CPWD, Doom Dooma.
7. Shri G. Kaung, JE (Elect.), ECSD, CPWD, Guwahati - 23.

Executive Engineer (Elect.)

ATTESTED

Shetty
ADVOCATE

LISTED AS PER SERVICE BOOK OF JES (ELECT) UNDER
 THIS DIVISION AS ON 31.12.2004.

Sr No	Emp No.	Name & Designation	Qualification	Date of Birth	Date of entry in the grade	Date of confirmation	Circle	Division
1	2	Umananda Deori, JE (Elect.)	DDE	1/1/67	5/8/91	05-08-93	GCEC	GED-I
2		Bhubaneswar Deori, JE (Elect.)	DME	1/9/65	14/8/91	14-08-93	GCEC	GED-I
3	641	Narayan Kalita, JE (Elect.)	DDE	23/10/68	8/1/90	08-01-92	GCEC	GED-I
4	831	Milan Chandra Dhakai, JE (Elect.)	DME	3/6/70	3/5/02	03-05-04	GCEC	GED-I
5	905	Pabitra Mohan Naik, JE (Elect.)	B. Tech (E)	25/1/73	9/8/03	---	GCEC	GED-I
6	957	Gollo Katung, JE (Elect.)	DDE (E)	10/5/80	28/4/03	---	GCEC	GED-I

[Signature]
 Executive Engineer (Elect.)
 Guwahati Electrical Division No. 1
 C.P.W.D., Bamunimaidan
 Guwahati - 781 021

ATTESTED
[Signature]
ADVOCATE

GOVERNMENT OF INDIA
DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT

Office of the S. E. (Elect.)
Government of India, Delhi
E. O. No. 172/2005
Date: 22/8/05

No. 172/2005-EC-III

Nirman Bhawan, New Delhi
Dated the 10th August, 2005

ANNEXURE-- F

OFFICE ORDER No. 172 / 2005

Consequent upon the introduction of Assured Career Progression Scheme in the Department, on completion of 12 years' service from initial appointment in the grade of Junior Engineer (Elect.), the Director General (Works) is pleased to grant Assured Career Progression in the pay scale of Rs.6500-10500 with effect from 9th August 1999 or after completion of 12 years of service from the date of initial appointment, as the case may be, to the 18 (Eighteen) Junior Engineer: (Elect.) whose names have been given in the enclosed Annexure.

2. In case any of the officers in the enclosed list has taken voluntary retirement, resigned or expired, on or before the date of ACP becomes due, the financial upgradation may not be given to them by Controlling Officers. Before financial benefit is given, they may also ensure that no vigilance case is either pending or contemplated against the officer to whom the ACP has been granted vide this order. It may also be ensured that no charge-sheet is pending against them/no penalty has been awarded to them. In such an event, the fact may be brought to the notice of this Directorate immediately for a decision.

3. Further action may be taken by the Controlling Officer for financial upgradation in terms of Department of Personnel & Training OM No.35034/1/97-Est.D dated 9th August 1999 & 10th February 2000.

4. On upgradation under ACP Scheme, pay of an employee shall be fixed under the provisions of FR-22(1)a(1). The financial benefit allowed under ACP Scheme shall be final and no pay fixation benefit shall accrue at the time of regular promotion. In other words, upgradation under ACP Scheme shall be treated on par with regular promotion in so far as pay fixation is concerned. Therefore, the option of pay fixation in the next higher grade based on the date of increment in the lower grade of pay may also be allowed. This fact may please be brought to the notice of all the officials concerned who may like to exercise such an option.

Handwritten notes:
copy for...
for...
for...

(Signature)
(DIWAN CHAND)
Deputy Secretary (Admin.)

All Pay & Accounts Officer, CPWD/PWD.
no. 172/2005/1/05/1/172
copy to...
विद्युत आरेखी के क्षेत्र में विद्युत आरेखी - 21

ATTESTED
(Signature)
ADVOCATE

(Signature)
असंपन्नक अभियन्ता (स.स.)
Executive Engineer (E) E.C.
मोहाटी केन्द्रीय विद्युत परिचालन
Mohabati Central Elect. C.
को.सो.वि.वि. मोहाटी-781021
CPWD, Mohabati-781021

PROV. ...
2

Copy to :

1. All ADGs CPWD/ Engineer-In-Chief, PWD
2. All Chief Engineers(Elect.) (CPWD/ PWD/ Valuation/ Environment & Forest).
3. All Superintending Engineers(Elect.).
4. Person concerned.
5. CPWD Junior Engineers' Association, A-wing GF, I.P. Bhawan, New Delhi-110002.
6. PPS/PS/PA to DG(W)/ADG(S&P)/CE(P&S)/DA/DS(A)
7. SO - EC-IV / EC-VI / Hindi Shakha / Stock File / Notice Board.

(Signature)
(GANESH MAHATO)
 Section Officer-EC-III

ATTESTED

(Signature)
ADVOCATE

ANNEXURE

LIST OF JUNIOR ENGINEERS (ELECT.) WHO WERE FOUND FIT FOR GRANT OF 1st ACP ON COMPLETION OF 12 YEARS REGULAR SERVICE IN THE GRADE IN THE PAY SCALE OF Rs. 6500-10500 BY THE SCREENING COMMITTEE HELD ON 18.7.2005 FROM THE DATES INDICATED AGAINST THEIR NAMES

(The grant of 1st ACP would be subject to the conditions stated in the covering office order)

S. No.	Name of Govt. Servant (S/Shri) & Seniority No.	Date of Birth	Date from which ACP granted
1	Narayan Kalita (933)	23.10.68	08.01.02
2	U. Deori (936A)(ST)	01.01.67	05.08.03
3	B. Deori (936A)(ST)	01.09.65	14.08.03
4	Anil Kumar Sahu (939)	19.07.71	22.02.05
5	Richar Meena (943)(ST)	05.07.63	29.11.00
6	Maharra Mishra (943)	11.09.68	12.02.05
7	Nitesh Mishra (944)	08.06.70	11.02.05
8	Jayesh Hara (949)(SC)	05.01.66	18.11.03
9	Ajay Chokroborty (955)	15.06.64	05.01.01
10	Sandeep Ganguli (1005)(EXM)	06.12.59	05.02.05
11	Shiv Murty Singh (943)	25.08.68	06.09.03
12	Hernant Flavaladar (991)	17.05.69	10.12.04
13	M. Govindaswamy (1001)	10.10.57	05.02.05
14	Manik Chandra Paul (764)	21.04.62	31.05.00
15	Saamyendu Bhattacharya (911)	30.01.66	09.11.02
16	Sanjeev Kumar (Redeployed in CPWD from AIR)	24.09.69	14.02.04
17	S. Suresh Kumar (779)	14.02.67	09.03.01
18	O.P. Mishra (1000)	16.12.68	11.01.05

[Handwritten Signature]

ATTESTED

[Handwritten Signature]
ADVOCATE

To
Deputy Secretary
O/o the Director General of Works
CPWD, Section EC- VI
Nirman Bhawan
New Delhi -II

Dated: 23/6/2006

Through Proper Channel

Sub:- Missing the name of Shri U. Deori, JEs (E) from the Seniority list.

Ref:- You Office O.M No A - 23020/4/2005-ECVI dated :- 31/5/2005

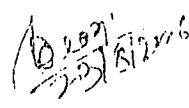
Sir,

With reference to above, it is informed that my name was not published in the Seniority list circulated vide above referred O.M No . At that time Executive Engineer (E) Guwahati Electrical Division - I, CPWD, Guwahati -21 vide letter No . 9(19)/GED-I/2005-06/159 was inform the discrepancy (copy enclosed). Though all most one year has lapse, my name has not included in the seniority list. Therefore once again I have requested you to include my name in the seniority list. Photocopy of service Book (Page No. 1) A.C.P. & confirmation order are enclosed herewith for your ready reference.

Thanking You

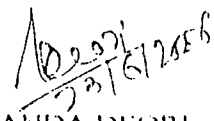
Encl :- As stated above

Your,s faithfully


UMANANDA DEORI
GED -I, CPWD, Guwahati -21

Copy to :-

1. SE (Coordn) Eastern region, Kolkata for information and necessary action please.
2. Deputy Director, (EC-I Section) O/o the DG (W) for information and necessary action please.
3. Deputy Director, (EC- III Section), O/o the DG (W) for information and necessary action please.
4. General Secretary, CPWD, JE's Association, A wing Ground floor, IP Bhawan, New Delhi -110002


UMANANDA DEORI

ATTESTED

Bhalla

ADVOCATE

GOVERNMENT OF INDIA
Central Public Works Department
GUWAHATI ELECTRICAL DIVISION No. 1
Mariani Bhaban, Bamunimaidan, Guwahati - 781 021

e-mail : ged1@sify.com

Phone : 0361-2550313

Fax: 0361 - 2654390

No. 9(4)/GED-1/E-1/06-07/ 868

Dated, Guwahati the 26-6-2006

To,

The BE (Coordn.),
Coordination Circle (EZ)
CPWD, Mirani Palace
Kohima - 780.

Sub:

Missing the names of Shri U. Deori, JE(Elect.)
& Shri B. Deori, JE(Elect.) from the Seniority List.

Applications received from the above staffs on the subject are
forwarded herewith for your perusal and onward transmission, please.

Encl: As stated above.

Executive Engineer (Elect.)
Guwahati Electrical Division No. 1
C.P.W.D., Guwahati - 781 021.

Copies for information to:-

1. The SE (Elect.), GCEC, CPWD, Guwahati - 21.
2. Shri B. Deori, JE (Elect.), E&MSD, CPWD, Doda Dooima.
3. Shri U. Deori, JE(Elect.), ECSD, CPWD, Guwahati - 21.

ATTESTED

S. Shetty
ADVOCATE

[Signature]
Executive Engineer (Elect.)

FORM FOR INCLUSION OF NAME IN THE SENIORITY LIST OF JUNIOR ENGINEER (ELECT.)

Name : SHRI U. DEORI.
 Father's Name : Shri T. Ch. Deori
 Permanent Address : Ching Chapori, Deori Para
 P.O. : Dibrugarh (Assam)
 Pin : 786 001.
 Date of appointment : 05-08-1991.
 Appointment Order No. : 8(21)/SE(Coord.) /JE(C)(E)/1199
 Dated 25-07-1991.
 Whether SC / ST : S.T
 Qualification : D.E (Electrical)

*f the DG w
 17.2/2005, 13th sub. job.
 No. 95/2/2005 EC - IT
 10.3.2005
 (S. Ch. and)*

Ref to Form ACP

*copy of O/O No 17.2/2005
 Letter No 95/2/2005 EC - IT
 Deori*

Signature of JE(Elect.)

informing above

Certified that, given, by Shri U. Deori, JE(Elect.) working under this Division has been verified from the service records available with this office and found to be correct.

*HR name wrongly mentioned in inc. list
 ACP
 S. Ch. and
 L.D. - S*

Executive Engineer (Elect.)
 Guwahati Electrical Division No. 1
 C.P.W.D., Guwahati - 781 021.

ATTESTED
Shetty
ADVOCATE

No. A-23020/1/2006-EC VI / 757. 08

Government of India
Directorate General of Works
Central Public Works Department
Nirman Bhavan

09/07/06

New Delhi, dated the August 2, 2006.

OFFICE MEMORANDUM

Subject: Inclusion of name of Shri U.Deori, JE(Elect.) and B. Deori, JE (Elect.) in current Seniority list of Junior Engineer (Elect.).

CPWD Junior Engineers' Association (India) has intimated that the names of S/Shri U. Deori and B. Deori, both Junior Engineers (Elect.) are omitted in the seniority list.

2. In this connection, it is informed that the name of Shri B. Deori, Junior Engineer (Elect.) has been included in the seniority list at Sl. No. 697A. For inclusion of name of Shri U. Deori, Junior Engineer (Elect.), the information in the enclosed annexure may please be furnished.

3. Shri B. Deori, Junior Engineer (Elect.) may be informed accordingly.

(Signature)
(ANIL GAIROLA)
SECTION OFFICER

To

The Executive Engineer,
Gowabati Central Elect. Division-I,
CPWD, Cuttack.

Copy to:-

Shri T.M. Dancy, General Secretary, CPWD, Junior Engineers' Association (India), 'A' Wing, Ground Floor, I.P. Bhavan, New Delhi-110002 with his letter No. JEA/CENT/F-26/14, dated 29.6.2006.

(ANIL GAIROLA)
SECTION OFFICER

ATTESTED

(Signature)
ADVOCATE

No.A-12021/11/2007 -EC VI/880
GOVERNMENT OF INDIA
DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT

.....
NIRMAN BHAVAN, NEW DELHI,

Dated 19/7/2007.

To

✓ Shri U. Deori, JE (E)
GCEC, CPWD,
Guwahati-21.

Subject:-Application for seeking information regarding the seniority of Sh. U. Deori, JE(E), CPWD under section 9(1) of Right to information Act,2005.

I am directed to refer to your letter No. nil dated 27-06-2007 on the above said subject and to say that as per Provisional Seniority List of Junior Engineer (Elect) As on 11-12-2006 your seniority No is 689.



(SURESH CHNDRA)
DY. DIRECTOR OF ADMN.

ATTESTED

Shatto
ADVOCATE



Typed copy
(Relevant portion typed)

GOVERNMENT OF INDIA
DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT

No.30/1/2007-EC-III

Nirman Bhawan, New Delhi
Dated the 25.09.2007

OFFICE ORDER No.154 of 2007.

The Director General of Works, CPWD is pleased to appoint the following Junior Engineers (Electrical) to Officiate as Assistant Engineer (Electrical) in the Central Civil Engineering Group 'B' Service temporarily on ad-hoc basis in the scale of Rs.6500-10500/- from the date they take over the charge of the post of Assistant Engineer (Electrical) for a period of one year or until further orders whichever is earlier and subject to the final outcome of the Writ Petitions pending in the Delhi High Court W.P.(C)840/2003 in the matter of Gurbaaj Singh and others versus Union of India and others, etc. as informed by ECI Section vide their Office Order No.74, 99 and 122 dated 21st April, 12th May and 31st May 2006 respectively.

2. This ad-hoc promotion will not confer any right on him to any claim either for regular appointment as Assistant Engineer (Electrical) or for determining seniority in the grade of Assistant Engineer (Electrical) or any incidental benefits of regular promotion.

(LIST OF ELECTRICAL (General) CANDIDATES PROMOTED)

Sl.	Seniority No.	Names (S/Shri)	Dates of Birth
1	74	V.K.SETHI	04.06.59
..
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.	.	.	.
11	146	ANUP BHUTANI	06.03.59
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.	.	.	.
.	.	.	.

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Shetty
ADVOCATE

(LIST OF SC CANDIDATES PROMOTED)

Sl.	Seniority No.	Names (S/Shri)	Category	Dates of Birth
.
2	256	PRIYA BRATA ROY	SC	.
.
.

(LIST OF ST CANDIDATES PROMOTED)

Sl.	Seniority No.	Names (S/Shri)	Category	Dates of Birth
1	628	CHAUDHURI TUSHI RAM BHENDUJI	ST	03.07.67
2	738	NAVAL KISHORE MEENA	ST	12.07.66
3	776	ARUN KUMAR SINGH	ST	25.07.68
4	777	JAGDISH PRASAD MEENA	ST	02.12.67
5	811	JAYANTA KUMAR PAUL	ST	08.03.68

2. The Director General of works is further pleased to decide the transfer posting of the above mentioned Junior Engineers (Electrical) on their promotion as Assistant Engineer (Electrical) with immediate effect in public interest as under:

(LIST OF ELECTRICAL (General) CANDIDATES PROMOTED)

Sl.	Seniority No.	Names (S/Shri)	Category	Dates of Birth
1	74	V.K.SETHI	JE, NR	NR, Further posting will be decided by ADG (NR)
2	123	PRAMOD KUMAR SHARMA	JE, NR	NR, Further posting will be decided by ADG (NR)
3	134	AJAY VERMA	JE NR	NR, Further posting will be decided by ADG (NR)

ATTESTED

Bhette
ADVOCATE

GOVERNMENT OF INDIA
DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT

ANNEXURE--

No.30/1/2007--EC-III

Nirman Bhavan, New Delhi.
Dated the 25-09-2007

OFFICE ORDER No. 154 of 2007

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This ad-hoc promotion will not confer any right on him to any claim either for regular appointment as Assistant Engineer (Electrical) or for determining seniority in the grade of Assistant Engineer (Electrical) or any incidental benefits of regular promotion.

LIST OF ELECTRICAL (General) CANDIDATES PROMOTED)

Sl.	Seniority No.	Names (S/Shri)	Date of Birth
1	74	M. S. SETHI	04.06.59
2	123	MOHIT KUMAR SHARMA	14.03.60
3	131	ANIL VERMA	15-07-58
4	137	TEJESH BHUSHAN	11.09.58
5	138	ANAND KUMAR RAI	01.04.60
6	139	RAJESH KUMAR	15-08-58
7	140	RAJESH KUMAR BAHL	19-11-57
8	141	DIPRAM VEER SINGH	06.08.56
9	144	SANJEEV KUMAR DEORA	04.12.59
10	145	TEJESHWAR KUMAR	13.02.56
11	146	ARUN SHUKLANI	06-03-59

ATTESTED
[Signature]
ADVOCATE

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12	147	PREM PRAKASH JOHRI	01.07.60
13	148	TARANJIT SINGH	23.06.60
14	149	RADHEY SHYAM	01.07.58
15	150	RAJESH KUMAR HARJAI	10.06.58
16	152	PRADIP KUMAR DUVEDI	21.01.59
17	153	AMARJEET SINGH	13.11.59
18	154	ASHWANI SHARMA	10.12.59
19	155	ANIL BARANKUNDU	25.02.56
20	156	RAKHI CHAND PRASAD	02.08.56
21	157	RASHOK KUMAR	23.07.57
22	158	CHANG PAL	28.02.57
23	159	DEVENDER KUMAR	21.01.60
24	160	ANIL KUMAR YASHISTH	21.07.59
25	161	PRINAL KANTI BISWAS	14.07.58
26	162	MAHENDER KUMAR JAIN	01.12.53
27	163	SUNINDER KUMAR AHUJA	15.08.59
28	164	SATISH KUMAR KHICWAL	06.11.58
29	165	PRAMOD KUMAR GUPTA	31.12.59
30	166	MOHAN SHARMA	15.09.58
31	167	NARENDER .S. THAKUR	09.12.58
32	169	RAM AVTAR MITTAL	29.06.57
33	170	JAI PAL SINGH	10.03.59

[Handwritten Signature]

ATTESTED

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ADVOCATE

24	171	ATUAL RANJAN	01.11.59
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(LIST OF SC CANDIDATES PROMOTED)

Sl.	Seniority No.	Names (S/Shri)	Category	Date of birth.
1	255	PRATAP SINGH LOHMORH	SC	15.9.60
2	255	PRIYA BRATA ROY	SC	02.06.59
3	251	S.P. DOHREY	SC	29.09.56
4	256	SAHADEB DAS	SC	05.06.57

(LIST OF ST CANDIDATES PROMOTED)

Sl.	Seniority No.	Names (S/Shri)	Category	Date of birth
1	628	CHAUDHARY TULSHI RAM BHENDUJI	ST	03.07.67
2	738	NAVAL KISHORE MEENA	ST	12.07.66
3	776	ARUN KUMAR SINGH	ST	25.07.68
4	777	JAGDISH PRASAD MEENA	ST	02.12.67
5	811	JAYANTA KUMAR PAUL	ST	08.03.68

2. The Director General of works is further pleased to decide the transfer posting of the above mentioned Junior Engineers (Electrical) on their promotion as Assistant Engineer (Electrical) with immediate effect in public interest as under:

(LIST OF ELECTRICAL (General) CANDIDATES PROMOTED)

Sl.	Seniority No.	Names (S/Shri)	From	To
1	74	V.K. SETHI	JE, NR	NR. Further posting will be decided by ADG(NR)
2	123	PRAMOD KUMAR SHARMA	JE, NR	NR. Further posting will be decided by ADG(NR)
3	134	AJAY VERMA	JE, NR	NR. Further posting will be decided by ADG(NR)

ATTESTED

Sharma
ADVOCATE

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

28 SEP 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

DISTRICT: KAMRUPT

-VAKALATNAMA-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

OA NO. of 2007

Shri Umanand Deori & Another

APPLICANT/S

PETITIONER/S

-Versus-

The Union of India & Others. Respondent/s
Opposite party/parties

Know all men by these presents that above named. Umananda Deori & Bhubaneswar Deori do hereby nominate, constitute and appoint Shri. Adil Ahmed, Ms. S. Bhattacharjee Advocate and such of the under mentioned Advocates as shall accept this Vakalatnama to be my/our true and lawful Advocates to appeal and act for me/us in the matter noted above and in connection therewith and for that purpose to do all acts whatsoever in that connection including depositing of drawing money, filing in or taking out deeds of composition, etc. for me/us and on my/our behalf and I /We agree to ratify and confirm all acts so done by the Advocates as mine/ours to all intents and purpose. In case of non-payment of the stipulated fee in full, no Advocate will be bound to appear and on my/our behalf.

In witness whereof I/We hereunto set my/our hand this the 29th day of September 2007.

ADVOCATES

A.R. Barooah

J.M. Choudhry

A.S. Bhattacharjee

~~N.M. Lahiri~~

G.K. Joshi

✓ Adil Ahmed

S.A. Laskar

M.H. Choudhry

Sanjoy Mudoj

Sukumar Sarma

S. Jain

A.J. Atia

✓ Ms. Smita Bhattacharjee

Received from the executants and accepted.

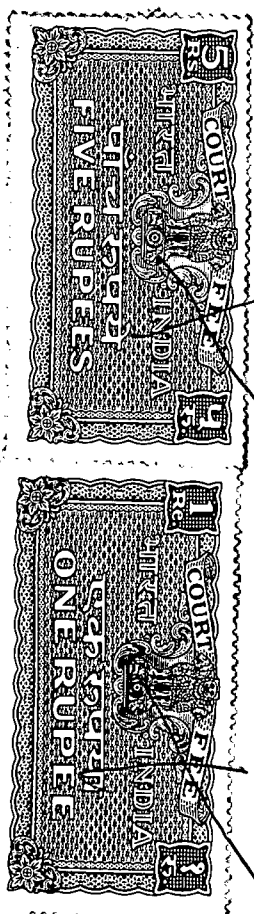
Advocate

(Adil Ahmed)

(Accepted)
Smita Bhattacharjee
(Advocate)

51

Deori (Umananda Deori)
Deori (Bhubaneswar Deori)



Dated - 29-09-2007 56

To

The Senior CGSC
Central Administrative Tribunal
Guwahati Bench, Guwahati

Subject :- Supply of copy of Original Application

Sir,

Please find herewith a copy of Original Application No. _____ of 2007 filed by Shri Umananda Deori and another, the Applicants through me, which will be moved before this Hon'ble Tribunal in due course. Kindly acknowledge the receipt of the same. Thanking you

Received Copy:-

I undertake to serve a copy of the O.A. to the counsel for the Respondents

Bhatter
Smita Bhattacharjee
Advocate
29-09-2007.

Yours faithfully
Smita Bhattacharjee
Advocate.