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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓
O.A./T.A No. 265/2007

R.A./C.P No.

✓
E.P./M.A No. 109/2008

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SECTION OFFICER (Judl.)

Kahli
10.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 265/07
2. Miscellaneous Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(S) Smt. Farida Begum -VS- Union of India & Ors

Advocate for the Applicants:- Mr. S. Bhattacharya
Ms. M. Bhattacharya, Ms. M. Engipri

Advocate for the Respondents:- Addl. CG-SC. Lt-Dn

Notes of the Registry	Date	Order of the Tribunal
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Application in form

is filed/C.F. No. 07-09/10/07

deposited vide IPO No.

No. 326/042574

Dated 17.9.07

By Registrar

[Signature]

Petitioner's Gps for notices are received with envelopes; Copy served. Receipt of Rs 50 for copy No. 6 & enclosed.

Hear Mr. S. Bhattacharya - learned counsel appearing for the applicant.

Perused the materials are placed on record, in presence of Ms. Usha Das learned Addl. Standing Counsel appearing for the Central Government, on whom copy of the Original Application has

already been served.

Issue notice on the Respondents requiring them to file reply by 12.11.2007.

This matter is analogous with C.A. No. 260 of 2007.

Call this matter on 12.11.07.

(Khushiram)
Member(A)

(Manoranjan Mohanty)
Vice-Chairman

dt. 9.10.07

Pl. issue Notices.

lm

Notice & order sent to D/Section for issuing to resp. nos. 1 to 6 by regd. A/D post.

10/10/07. D/NO-984 to 989
Dt=12/10/07.

① Service report awaited

12.11.2007

Mr.S.Bhattacharjee, learned counsel is present. Learned Standing counsels for the Union of India appearing for the Respondents seek more time to file reply statement. Prayer is allowed.

24/11/07

Notice duly served on R-3.

Call this matter on 31.12.2007 expecting reply statements from the Respondents.

(M.R.Mohanty)
Vice-Chairman

22.11.07

The notice from Respondent No.6 returned without serve with comment that neither the applicant's Service Record Book nor payment of salary documents with that unit in same is maintained with Station Cell, H.Q.51 Sub Area C/O 99 APO. So we may issue fresh notice to above mentioned address vide their letter dated 20.10.07 (see at page 4)

/bb/

18.12.2007

Mr.S.Bhattacharya, learned counsel appearing for the Applicant, this matter is taken up.

The matter be laid before the Honble Court for further orders.

Notice issued to the Respondents No.6 was apparently duly received by him. He has returned those notices under his forwarding letter No.1632/2C/01/Sigs/Gen dated 20.10.2007; which was received in the Registry on 08.11.2007. The facts of the said letter read as under:-

22/11/07

S.O.(5)

"1. The following court notice in respect of CSBO as shown against their names of CSBO are returned herewith as neither their Service Record Book, payment of salary nor any documentation is done by this unit. The same is maintained with Station Cell, HQ 51 Sub Area, C/O 99 APO:-

(a) Case No.260/2007 filed by Smt. Sabita Paul Das vs Union of India and others

(b) Case No.265/2007 filed by Farida Begum vs Union of India and others

Contd.....

O.A. 264/2007

Contd.
18.12.2007

(c) Case No 264/2007 filed by Smt G Mahanta (Devi) Union of India and others.

2. In view of the above you are requested to address the same in favour of under mentioned address:-

Station Cell (Legal Cell)
HQ 51 Sub Area
PIN-908651
C/O 99 APO."

Notice to the aforesaid Respondent No.6 is hereby treated to have been made sufficient. As an abundant caution, Mr.S.Bhattacharya (learned counsel for the Applicant to whom a copy of the letter dated 28.11.2007 was sent) undertakes to take notice of this case to the Station Cell (Legal Cell), HQ 51 Sub Area PIN-908651 C/O 99 APO. Mr.S.Bhattacharya undertakes to file extra copy of this Original Application by day after tomorrow.

Registry to issue notice to the Officer I/C, Station Cell (Legal Cell) HQ 51 Sub Area PIN-908651 C/O 99 APO requiring him to file reply/counter/written statement by 31.01.2008.

Call this matter on 31.01.2008.

Copies of this order be sent to each of the Respondents (including Respondent No.6); who should take expeditious step to file reply/counter/written statement by 31.01.2008 and to learned counsel appearing for both the parties.

(M.R.Mohanty)
Vice-Chairman

Dt. 18.12.07.

copies of the order
be sent to each of
the respondents including
R-6.

1/12/07

Steps for resp. no-6
received on 27/12/07.

7/12/07.

Notice & order sent to
Section for issuing to
resp. no-6 by regd. A/D
post.

And order dt. 18/12/07
issuing to respondent nos
1 to 5 by post. D/No 1998 to 2002
Dt. 28/12/07.

31.01.2008

Written statement has already been filed in this case. A copy thereof has already been served on Mr .S. Bhattacharyya, learned counsel appearing for the Applicant.

On the request of Mr .S. Bhattacharyya, learned counsel appearing for the Applicant call this matter on 29th February, 2008.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

18.2.08

W/s filed
by the Respondents.
Copy served.

(M.R.Mohanty)

W/s filed.

29.02.2008

Mr. S. Bhattacharjee, learned counsel for the Applicant is present. Written statement has been filed.

Call this matter on 27.03.2008. awaiting

reply from Applicant if any.

(Khushiram)
Member (A)

Repointer not
filed

lm

26.3.08

27.03.2008

Call this matter on 31st March, 2008.

lm

(M.R.Mohanty)
Vice-Chairman

O.A. 265/07

31.03.2008

Heard Mr. S. Bhattacharya, learned Counsel

appearing for the Applicant and Ms. U.Das, learned

Additional Standing Counsel for the Respondents.

In terms of the order recorded separately, this

O.A. stands disposed of along with O.A. 260/07 and

other analogous OAs.

Dt. 7.5.08.

Original judgment
is kept in O.A. NO.
260/07

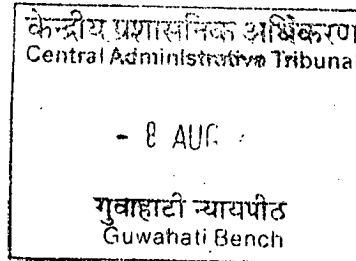
265/08

[Khushiram]
Member[A]

[Manoranjan Mohanty]
Vice-Chairman

Cm.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI



O.A.No. 260 of 2007
With

O.A.No. 263 of 2007
With

O.A.No.264 of 2007
With

O.A.No.265 of 2007
With

O.A.No.305 of 2007
With

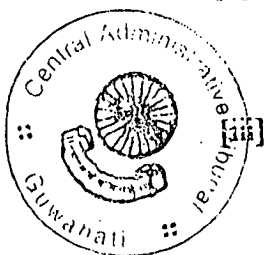
O.A.No.306 of 2007

Guwahati, this the 31st March, 2008

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

O.A.260 of 2007

- (i) Smt. Sabita Paul [Das]
Wife of Ritwik Ranjan Paul
Resident of Railway Line Bye Lane No.4
PO Udayan Vihar
Dist.Kamrup [Assam]
- (ii) Sri Indu Kumar Hazarika
Son of Sri Bega Ram Hazarika
Resident of Nagaon,
Dist. Nagaon, Assam.
Sri Jogeswar Nath
Son of Late Pawal Chandra Nath
Resident of Bihoguri, Tezpur
Dist. Sonitpur, Assam

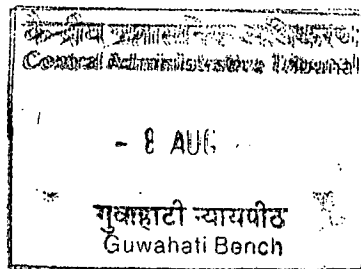


Applicants

By Advocates Mr. S. Bhattacharya and Ms. M. Bhattacharjee

- (i) Union of India
Represented by Secretary
Ministry of Defence
Govt. of India, New Delhi.
- (ii) Commander in Chief
Army Head Quarter
D.H.Q., New Delhi.
- (iii) Director General of Signal [Sigs-4[c]
General Staff Branch
Army Head Quarters
DHQ PO: New Delhi-110 011

- [iv] GOC IN-C
HQ Eastern Command
Kolkata
- [v] Chief Signal Record Officer
Signal Records
Post Bag No.5
Jabalpur-482001, Madhya Pradesh
- [vi] Commanding Officer
2 Coy. Signal Regiment
Army Exchange, Narengi Cantt.
C/O 99 APO



By Advocate Mr. M.U.Ahmed, Addl. Central Govt. Standing Counsel

Respondents

O.A.263 of 2007

Indu Kumar Hazarika
Son of Sri Bega Ram Hazarika
Resident of Vill-Bor Roidongia
PO-Aibhiti, Dist. Nagaon, Assam

Applicant

By Advocates: Mr. S. Bhattacharya and Ms.M.Bhattacharjee
versus

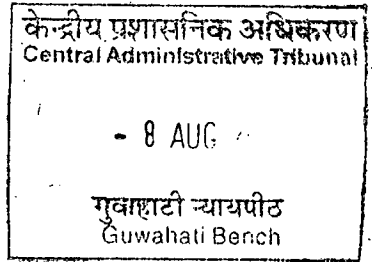
- I] Union of India
Represented by Secretary
Ministry of Defence
Govt. of India, New Delhi-1
- [ii] Commander in Chief
Army Head Quarter
D.H.Q., New Delhi-110 011
- [iii] Director General of Signal [Sigs-4[c]
General Staff Branch
Army Head Quarters
DHQ PO: New Delhi-110 011
- iv] GOC IN-C
HQ Eastern Command
Kolkata.
- [v] Chief Signal Record Officer
Signal Records
Post Bag No.5
Jabalpur-482 001, Madhya Pradesh
- [vi] Commanding Officer
Western Command, Composite Signal Regiment
Chandimandir
C/O-56 APO..

Respondents

By Advocate Mr.G. Baishya, Senior Central Govt. Standing Counsel

O.A.No.264 of 2007

Mrs. Gayatri Mahanta [Devi]
Wife of Saroj Kumar Mahanta
Resident of House No.62
Satgaon, Guwahati,
PO Udayan Vihar
Dist. Kamrup [Assam]



Applicant

By Advocates Mr. S. Bhattacharya and Ms. M.Bhattacharjee
versus

- [I] Union of India
Represented by Secretary
Ministry of Defence
Govt. of India, New Delhi.
- [ii] Commander in Chief
Army Head Quarter
D.H.Q., New Delhi.
- [iii] Director General of Signal [Sigs-4[c]
General Staff Branch
Army Head Quarters
DHQ PO: New Delhi-110 011
- [iv] GOC IN-C
HQ Eastern Command
Kolkata
- [v] Chief Signal Record Officer
Signal Records
Post Bag No.5
Jabalpur-482001, Madhya Pradesh
- [vi] Commanding Officer
2 Copy.Signal Regiment
Army Exchange, Narengi Cantt.
C/O 99 APO

Respondents

By Advocate Mrs. M.Das, Addl.Central Govt. Standing Counsel

O.A. No.265 of 2007

Smt. Farida Begum
Wife of Nijam Ali
Resident of Satgaon,
PO Udayan Vihar,
Narengi, Guwahati,
Dist. Kamrup, [Assam]

Applicant

By Advocates Mr. S.Bhattacharya and Ms.M.Bhattacharjee



- 8 AUG 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

versus

- 10
- [I] Union of India
Represented by Secretary
Ministry of Defence
Govt. of India, New Delhi-1
 - [ii] Commander in Chief
Army Head Quarter
D.H.Q., New Delhi-110011
 - [iii] Director General of Signal [Sigs-4[c]
General Staff Branch
Army Head Quarters
DHQ PO: New Delhi-110 011
 - [iv] GOC IN-C
HQ Eastern Command
Kolkata
 - [v] Chief Signal Record Officer
Signal Records
Post Bag No.5
Jabalpur-482001, Madhya Pradesh
 - [vi] Commanding Officer
2 Coy.Signal Regiment
Army Exchange, Narengi Cantt.
C/O 99 APO

By Advocate Ms. U. Das, Additional Central Govt. Standing Counsel

Respondents

O.A. 305 of 2007

Sri Jogeswar Nath
Son of Late Powal Ch. Nath
Resident of Vill-Balikuti
PO-Bapubheti
Dist.-Sonitpur, Assam.

By Advocates: Mr. S. Bhattacharya and Ms. M. Bhattacharjee

Applicant

Versus

- i] Union of India
Represented by Secretary
Ministry of Defence
Govt. of India, New Delhi-11 001
- [ii] Commander in Chief
Army Head Quarter
D.H.Q., New Delhi-110 011
- [iii] Director General of Signal [Sigs-4[c]
General Staff Branch
Army Head Quarters

- 8 AUG 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

- iv] DHQ PO: New Delhi-110 011
GOC IN-C
HQ Eastern Command
Kolkata-700 021
- [v] Chief Signal Record Officer
Signal Records
Post Bag No.5
Jabalpur-482 001, Madhya Pradesh
- [vi] Commanding Officer
Western Command, Composite Signal Regiment
Chandimandir
C/O-56 APO..

Respondents

By Advocate Ms. U .Das, Addl. Central Govt. Standing Counsel

O.A.No. 306 of 2007

Sri Saroj Kumar Mahanta
Son of Late K.C. Mahanta
Resident of Vill-Gatanga
PO-B.P.Tiniali, Dist. Sonitpur, Assam

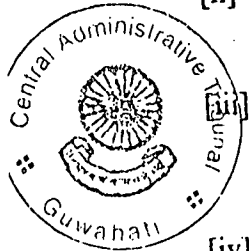
Applicant

By Advocate Mr.S.Bhattacharya and Ms.M.Bhattachajee
Versus

- [i] Union of India
Represented by Secretary
Ministry of Defence
Govt. of India, New Delhi-11 001
- [ii] Commander in Chief
Army Head Quarter
D.H.Q., New Delhi-110 011
Director General of Signal [Sigs-4[c]
General Staff Branch
Army Head Quarters
DHQ PO: New Delhi-110 011
- [iv] GOC IN-C
HQ Eastern Command
Kolkata-700 021
- [v] Chief Signal Record Officer
Signal Records
Post Box No.5
Jabalpur-482001, Madhya Pradesh
- [vi] Chief Record Officer,
Army Ordnance Corps.Records
900453, C/O 56 APO
- [vii] Officer Commanding
41, Veh.Coy.
C/O 99 APO.

Respondents

By Advocate Mr.M.U. Ahmed, Addl Central Govt. Standing



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18 AUG 2008

OAs No. 260/07, 263/07, 264/07, 265/07, 305/07 and 306/07

गुवाहाटी न्यायपीठ
Guwahati Bench

ORDER[ORAL] dated 31.3.2008

MANORANJAN MOHANTY, VICE-CHAIRMAN:-

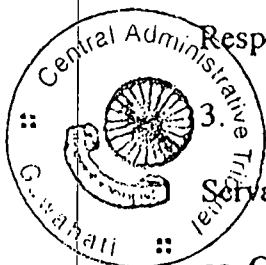
The Applicants named above were engaged as Civilian Switch Board Operators [CSBO] in Military Telephone Exchanges on temporary basis with effect from dates specified below:-

Table No.1

Applicants of	Date of temporary Engagements
OA 260/07	01.03.1985
OA 263/07	01.03.1985
OA 264/07	06.06.1987
OA 265/07	05.11.1986
OA 305/07	01.05.1985
OA 306/07	01.03.1985

2. Applicants have pointed out that only after approaching the Guwahati Bench of this Tribunal, they were regularized/treated as regular employees with effect from 17.11.1993 [and not from the dates of their initial temporary engagements] and that similarly placed other employees of the same Respondent Organisation [who were regularized with intervention of Calcutta Bench of this Tribunal] were, however, regularized with effect from the dates of their initial/temporary engagements and, as such, there were gross discrimination among the same class/grade of employees of the Respondents Organisation.

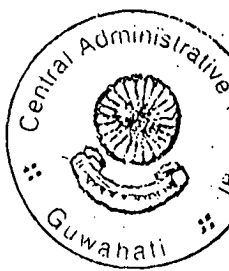
3. For the reason of stagnation [in the matter of promotion], Govt. Servants were/are to get certain stagnation benefits under a Scheme; known as One Time Bound Promotion Benefit/OTBP Scheme. Under the said



scheme, the Govt. Servants, being under stagnation, are to get the next higher pay scale at the end of 16 years of their services and to get next higher pay scale at the end of 26 years of their services.

4. As per the Applicants, they have completed 16 years of their services on the dates mentioned below; by computing the said period with effect from the date of their initial engagement on temporary basis:-

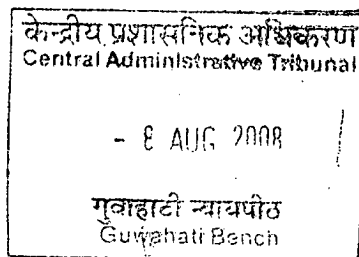
Table No.2



Applicants of	Date of completion of 16 years of Service From the date of their initial engagement
OA 260/07	01.03.2001
OA 263/07	01.03.2001
OA 264/07	06.06.2003
OA 265/07	05.11.2002
OA 305/07	01.05.2001
OA 306/07	01.03.2001

5. It is the case of the Applicants that though they have completed 16 years of service [on the dates mentioned in the above Table No.2], the Respondents are not extending the stagnation benefits [under the Scheme; known as OTBP Scheme] by computing their services [for grant of OTBP benefits only] with effect from the date of their regularization that was granted w.e.f. 17.11.1993.

6. In the above premises, the Applicants have approached this Tribunal with the present Original Applications filed under Section 19 of the Administrative Tribunals Act, 1985; wherein they have, virtually, prayed to direct the Respondents to compute the 16 years of their [Applicants] services with effect from the dates of their initial/temporary engagements [as given in Table No.1 Supra] and not from the dates of their regularization.



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7. By way of filing written reply, the respondents have disclosed [in O.A.No.263/2007] to the following effect:-

14. xxx xxx xxx

"Signals Records have collected the info of casual service of CSBOs from affected units/est to project their cases to higher authorities for counting of their casual service into regular service for calculation of 16 years service for grant of time bound promotion."

15. xxx xxx xxx

"On receipt of representation dated 08 Feb 2006 from affected CSBOs incl. Shri Indu Kumar Hazarika; Signals records have immediately called statement of case vide their letter No.3669/CA-6/3/ACP-TBP/60 dt 19 May 2006 for obtaining sanction from Min of Def alongwith estimated financial implication involved in this case. On receipt of statement of case from West Comd Comp Sig Regt vide their letter No.3045/C2/Revised Pay/Civ adm dt 20 Jun 2006, a case was projected to Min of Def through IHQ of MoD [Army] for their approval vide Signals Records letter No.3669/CA-6/T-3/MSN/75 dt.10 Aug 2006."

18. xxx xxx xxx

"However, to remove the anomaly and uniform pay scale to all similarly placed CSBOs, a case was projected to Min of Def through IHQ of Mod [Army] for approval vide Signals Records letter No.3669/CA-6/T-3/TBP/MSN/75 dt 10 Aug 2006 but Min of Def have advised to refer all the matters related to cadre review, proposal for upgradation/anomalies, new allowances or enhancement of existing allowance to sixth CPC. Accordingly the same was forwarded to AG/MP4 [Civ/PCC] for onward submission to sixth CPC vide IHQ of MoD [Army] Note No B/44572/TBP/Sigs 4[c]/211 dt 02 Mar 2007. The case for counting of service from the date of temp appt in respect of CSBOs is presently under consideration of Min of Def in consultation with DOP & T as intimated vide IHQ of MoD [Army] [AG/MP 4[Civ] PCC] vide their letter No.15608/5/MP 4[Civ] [PCC] dated 26 Oct 2007."

In O.A.No.264/07, the Respondents have disclosed that by an order dated 30.06.1995, the services of the Applicant therein [who was initially engaged on 06.06.1987] was regularized with effect from 17.11.1993 and that she is entitled to get 1st benefit under OTBP Scheme in

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

the pay scale of Rs.5000-8000/- after 16 years of service and that since she was regularized with effect from 17.11.1993, she is eligible to get 1st financial upgradation only on 17.11.2009. Stating so, the Respondents have disclosed in para 7 of the written reply [filed in said OA No.264/07] as under:-

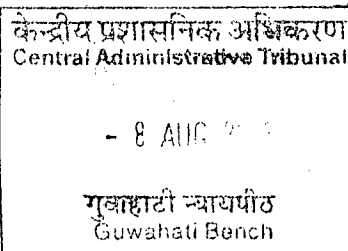
"7. That however, a separate consolidated proposal for counting of services from the date of temporary appointment of Civilian Switch Board Operators has been forwarded to the 6th Central Pay Commission which is presently under consideration of Ministry of Defence in consultation with Department of Personnel and Training."



In O.A.No.265/07, the Respondents have also contested the cases of the Applicant in the same way as that of above 2-cases.

8. We have heard Mr. S. Bhattacharya, learned Counsel appearing for the Applicants and the learned Senior/Additional Standing Counsels appearing in different cases, one after the other, and disposing of them by this common order.

9. At the hearing, the learned Counsel appearing for the Applicants stated that the Respondents ought not have discriminated the Applicants from that of their counterparts; who got the relief [of regularization with effect from the date of initial/temporary engagements] after approaching the Calcutta Bench of this Tribunal and that equal treatment ought to have been granted to all the similarly placed Civilian Switch Board Operators by regularizing all of them with effect from the dates of their initial/temporary engagements. He has relied upon the decision dated 30.11.2006 of the Hon'ble Supreme Court of India rendered in the case of Union of India &



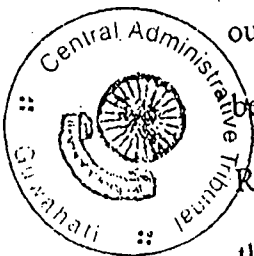
NO. 7008

गुवाहाटी न्यायपीठ
Guwahati Bench

others Vs. Carpenter Workers Union & others [reported in [2006] 12 CAT 435] in which case the Respondents implemented the Orders of this CAT in respect of similarly placed employees of one Zone and contested the matter, again, in respect of employees of another Zone. Hon'ble Apex Court, in that case, held that since the order of CAT was complied with by the Department in respect of East Zone Carpenters, there was no need to entertain SLP of the Department in respect of the grievances of the Carpenters of other Zone.

10. In the above premises, since the Respondent Organisation of the present case have already regularized the similarly placed SBCOs [who approached Kolkata Bench of this Tribunal, for their regularization] with effect from the dates of their initial/temporary engagements, they [Respondents] should not discriminate in the matter and treat the present Applicants to have been regularized with effect from the dates of their [Applicants] initial/temporary engagements as given in Table I Supra.

11. Applicants' side have also placed on records following few reported cases to say that, 'while computing periods for grant of stagnation benefits [like ACP benefits/OTBP benefits/BCR benefits] the entire period of experiences gathered [prior to inter-cadre transfers] should not be wiped out/ignored and that the said period should be counted for grant of such benefits'. Stating so, the Advocate for the Applicants has argued that the Respondents, for the purpose of granting OTBP benefits, should compute the entire period of service rendered, by the Applicants, prior to the regularization.



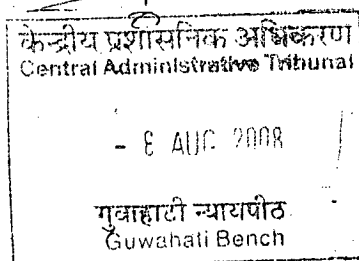
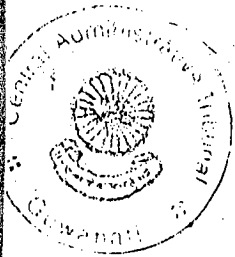
13

12. In the case of Dwijen Chandra Sarkar and another vs. Union of India & others [reported in 1999[2] SCC 119] the Hon'ble Apex Court held that the Govt. Servants would be entitled to time bound promotion to the higher grade from the date they completed 16 years of service by counting their service in previous/Rehabilitation Department also.

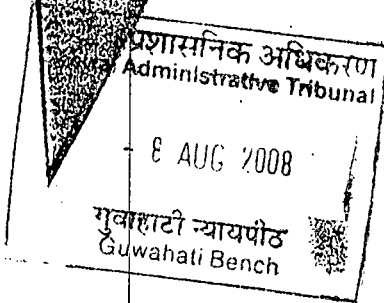
13. In the case of Union of India vs. V.N. Bhat [reported in 2004 SCC [L&S] 167]; it has been held as under,-

"4. The submission of the learned counsel for the appellants in short is that having regard to the admitted fact that the respondent herein has not completed 16/26 years in the postal service, the One Time-Bound Promotion Scheme or BCR Scheme is not applicable in his case. The fact that the respondent herein had completed 18 years of service in the Ministry of Defence is not disputed. The question, which, therefore, arises for consideration, is as to whether the period of service rendered by the respondent in the Ministry of Defence should be wiped off for all purposes. The well-settled principle of law that even in the case where the transfer has been allowed on request, the employee concerned merely loses his seniority, but the same by itself would not lead to a conclusion that he should be deprived of the other benefits including his experience and eligibility for promotion. In terms of the Schemes aforementioned, promotion is to be granted for avoiding stagnation only within the said parties. The said Schemes have been framed because they are beneficial ones and are thus required to be implemented. The Scheme merely perused that any person having rendered 16/26 years of service without obtaining any promotion could be entitled to the benefit therefore. It is, therefore, not a case where promotion to the higher post is to be made only on the basis of seniority. Even in a case where the promotion is to be made on selection basis, the employee concerned, even if he be placed at the bottom of the seniority list in terms of the order of transfer based in his favour, he cannot be deprived of being considered for promotion to the next higher post if he is eligible therefor. This aspect of the matter is clearly covered by the three decisions of this Court, namely, A.P.SEB v. R. Parthasarathi [1998] 9 SCC 425], Scientific Advisor to Raksha Mantri v. V.M. Joseph [1998] 5 SCC 305] and Renu Mullick v. Union of India [1994] 1 SCC 373].

5. The aforesaid decisions have been followed by this Court in Dwijen Chandra Sarkar v. Union of India [1999] 2 SCC 119] in the following paras: [SCC pp.124-25, paras 14 & 17]



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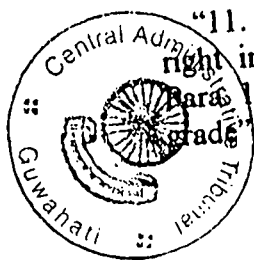
"14. The words 'except seniority' in the 1983 circular, in our view, mean that such a benefit of a higher grade given to the transferees will in no way affect the seniority of employees in the P&T Department when the turn of the P&T employees comes up for promotion to a higher category or post. The said words 'except seniority' are intended to see that the said persons who have come from another Department on transfer do not upset the seniority in the transferee Department. Granting them higher grade under the Scheme for time-bound promotion does not, therefore, offend the condition imposed in the transfer order. We are, therefore, of the view that the appellants are entitled to the higher grade from the date on which they have completed 16 years and the said period is to be computed on the basis of their total service both in the Rehabilitation Department and the P&T Department.

* * *

17. On the facts of the present case and especially in view of the aforesaid decisions, we are of the view that when the transfer is in public interest and not on request, the two employees transferred cannot be in a worse position than those in the above rulings who have been transferred on request and who in those cases accepted that their names could appear at the bottom of the seniority list. Even in cases relating to request transfers, this Court has held, as seen above, that the past service will count for eligibility for certain purposes though it may not count for seniority."

6. As the contention raised by the appellants herein is squarely covered by this Court in Dwijen Chandra Sarkar we do not find any merit in these appeals. They are, accordingly, dismissed. There shall be no order as to costs."

14. In the case of Union of India v. M. Mathivanan [reported in 2006[6] SCC 57] it has been held as under:-



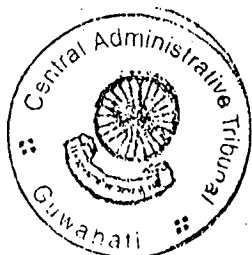
"11. The learned counsel for the respondent, in our opinion, is right in relying on para 1 of the Time-Bound Promotion Scheme. Para 1, which relates to placing of an employee in "next higher grade", reads thus:

"[1] The Scheme will come into effect from 30-11-1993. All officials belonging to basic grades in Group 'C' and Group 'D' to which there is direct recruitment either from outside and/or by means of limited competitive examination from lower

cadres, and who have completed 16 years of service in that grade, will be placed in the next higher grade. Officials belonging to operative cadres listed in Annexure A-1 to the agreement will be covered under the Scheme."

12. Para 2 speaks of "promotion" and reads as under:

"The Heads of Circles/Divisional Superintendents/Heads of other functional units will take immediate action to identify the officials who have completed sixteen years of regular service in the cadres covered under the Scheme as on 30-11-1983 as well as the officials who will complete 16 years of service from 1-12-1983 to 30-3-1984. Thereafter, action will be initiated by the Heads of Circles to convene Departmental Promotion Committee meetings to consider promotion of the officials in the operative cadres to the next higher scale pay. The Departmental Promotion Committee which will be constituted in accordance with the existing instructions applicable to the different cadres will assess the fitness of the identified officials for promotion to the higher scale of pay. The formalities in this regard should be complete within a period of three months. The promotion to the next higher scale of pay will be granted from the date following the date on which the identified officials complete sixteen years of regular service. In case of officials who have completed sixteen years of service before 30-11-1983, the promotions to the next higher scale of pay will take effect from 30-11-1983."



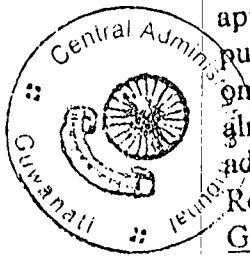
13. Reading of the above two paragraphs makes it abundantly clear that so far as placing of an officer in the "next higher grade" is concerned, what is relevant and material is that such official belonging to basic grades in Groups 'C' and 'D' must have completed "sixteen years of service in that grade". The said paragraph nowhere uses the connotation "regular" service. Para 2 which provides for the Departmental Promotion Committee and consideration of cases of officials for "promotion", provides for sixteen years of "regular" service. The Tribunal, therefore, rightly considered para 1 as relevant and held that basic eligibility condition for being placed in the next higher grade is that the officer must have completed sixteen years of service in the basic grade in Group 'C' and Group 'D'. Though in other paragraphs, the service was qualified by the adjective "regular", the said qualification was not necessary for the purpose of para 1. Since the employee wanted the benefit of placement in "next higher grade", what was required to be established by him was that he had completed sixteen years of service in the grade and the said requirement had been complied with in view of the fact that with effect from 30-9-1983 he was appointed as Warrant Officer. He was, therefore, entitled to the benefit of "next higher grade" under para 1 from 1999. The authorities were, therefore, not justified in rejecting

the claim and accordingly the petition was allowed. The High Court rightly upheld the direction of CAT.

14. The learned counsel for the respondent is also right in placing reliance on the decision of this Court in *Dwijen Chandra Sarkar v. Union of India*. Almost in similar circumstances, the Court considered the extent and applicability of Time-Bound Promotion Scheme and held that the benefit of the said Scheme would be available to a person who had completed "sixteen years of service" in the grade. In that case, two appellants were working in the Posts and Telegraphs Department and they had claimed the benefit of the Scheme. Initially, they were serving to the Rehabilitation Department of the Government of India, but were transferred to the Department of Posts and Telegraphs afterwards. The question before the Court was whether the appellants were entitled to count the services rendered by them earlier in the Rehabilitation Department of the Government of India and whether they would be entitled to the benefit of the Scheme by taking into account past services. The Court considered the scheme of December 1983 and held that what was required under the Scheme was contemplated of sixteen years of service in that grade. If the said requirement is complied with, an employee would be entitled to be placed in the next higher grade. It was observed two concepts, namely, [i] "time-bound promotion" and [ii] "regular promotion" were different. So far as the "time-bound promotion" was concerned, the Court observed that since there were large number of employees who were not likely to get promotion in the near future because of their comparatively low position in the seniority, the Government thought it necessary that in order to remove frustration, the employees should be placed in the "next higher grade" in terms of emoluments while retaining them in the same cadre. This is what is generally known as the "time-bound promotion". Such "time-bound promotion" does not affect seniority of those higher up.

15. The Court then stated: [SCC pp.123-24, para 12]

"12. If that be the true purpose of a time-bound promotion which is meant to relieve frustration on account of stagnation, it cannot be said that the Government wanted to deprive the appellants who were brought into the P&T Department in public interest-of the benefit of a higher grade. The frustration on account of stagnation is a common factor not only of those already in the P&T Department but also of those who are administratively transferred by the Government from the Rehabilitation Department to the P&T Department. The Government while imposing an eligibility condition of 16 years' service in the grade for being entitled to time-bound promotion, is not intending to benefit only one section of employees in the category and deny it to another section of employees in the same category. [emphasis supplied]. The

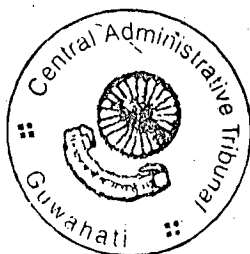


common factor for all these employees is that they have remained in the same grade for 16 years without promotions. The said period in a term of eligibility [emphasis in original] for obtaining a financial benefit of a higher grade."

The Court added that for the purpose of "regular promotions" to the higher cadre in the Department, their seniority should be counted only from the date of their transfer in the Posts and Telegraphs Department.

16. The Court, therefore, concluded: [SCC p.124, para 14]

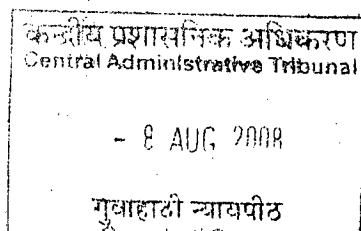
"14. The words 'except seniority' in the 1983 circular, in our view, mean that such a benefit of a higher grade given to the transferees will in no way affect the seniority of employees in the P&T Department when the turn of the P&T employees comes up for promotion to a higher category or post. The said words 'except seniority' are intended to see that the said persons who have come from another department on transfer do not upset the seniority in the transferee department. Granting them higher grade under the Scheme for time-bound promotion does not, therefore, offend the condition imposed in the transfer order. We are, therefore, of the view that the appellants are entitled to the higher grade from the date on which they have completed 16 years and the said period is to be computed on the basis of their total service both in the Rehabilitation Department and the P&T Department."



"17. It is no doubt true as observed by the High Court that Dwijen Chandra Sarkar was not an identical case, inasmuch as in that case, the appellants were transferred "in public interest", whereas in the instant case, the transfer was volunteered by the respondent employee for enrolment in army. That, however, in our opinion, does not make difference since to us, the language in para 1 of the Scheme is clear, unambiguous and leaves no room for doubt. That aspect was also considered in Dwijen Chandra Sarkar. But, in any case, even that point is also finally concluded by another decision of this Court in Union of India v. V.N. Bhat in which the employee was initially appointed in the Ministry of Defence and voluntarily transferred himself to the office of the Post Master General. The question which came up for consideration was as to whether he would be entitled to get benefit of the Scheme. Relying on Dwijen Chandra Sarkar this Court held that the employee would be entitled to the benefit of the Scheme on completion of sixteen years of service.

18. Relying on Dwijen Chandra Sarkar this Court observed: [V.N. Bhat case, SCC p.716, para 4]

"The well-settled principle of law that even in the case where the transfer has been allowed on request, the employee



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concerned merely loses his seniority, but the same by itself would not lead to a conclusion that he should be deprived of the other benefits including his experience and eligibility for promotion. In terms of the Schemes aforementioned, promotion is to be granted for avoiding stagnation only within the said parties. The said Schemes have been framed because they are beneficial ones and are thus required to be implemented. The Scheme merely perused that any person having rendered 16/26 years of service without obtaining any promotion could be entitled to the benefit therefor. It is, therefore, not a case where promotion to the higher post is to be made only on the basis of seniority."

19. Since the respondent had completed sixteen years of service in 1999, he would be entitled to the benefit of para 1 of the Time-Bound Promotion Scheme and the action of the authorities in not granting the said benefit was illegal and contrary to law. The Central Administrative Tribunal as well as the High Court were, therefore, right in setting aside the said action and by directing the authorities to extend the benefit of the Scheme to the respondent. We see no infirmity in the reasoning adopted and conclusion recorded by CAT or by the High Court and find no substance in the appeal of the appellants."

15. In the above view of the matter, the experiences of the Applicants [from the date of their initial engagement, till the date of their regularization] cannot totally be expunged and, as a consequence, the Applicants are entitled to OTBP benefits with effect from the dates mentioned in Table-2 of para 5 above. The Respondents should grant OTBP benefits to the Applicants with effect from the dates they completed 16 years of their initial engagements [mentioned in Table-2 of para 5 above] and such benefits should be extended to them within 90 days from the date of receipt of a copy of this order.

16. As a consequence, this case is allowed. No costs.

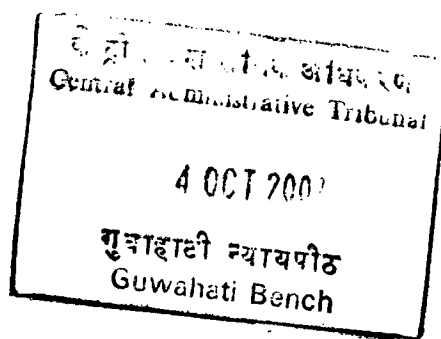
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

- 8 AUG 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

TRUE COPY
प्रतिरूप
अनुभाग अधिकारी
Section Officer (Judl)
Central Administrative Tribunal
गुवाहाटी न्यायपीठ
Guwahati Bench
गुवाहाटी न्यायपीठ

Sd/-
Manoranjan Mohanty
Vice Chairman
Sd/-
Khushiram
Member (A)



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

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

O.A. NO. 265 of 2007

Smt. Farida Begum.

-Vs-

.....Applicant

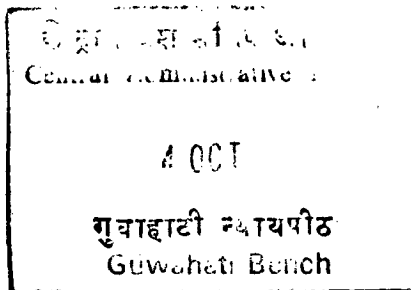
Union of India

..... Respondents

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Filed by
Madhusudan Chatterjee
Advocate



THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
AT
GUWAHATI

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

ORIGINAL APPLICATION. NO. 265 of 2007

Mrs. Farida Begum.
-Vs-Applicants
Union of India & Ors
..... Respondents

Synopsis

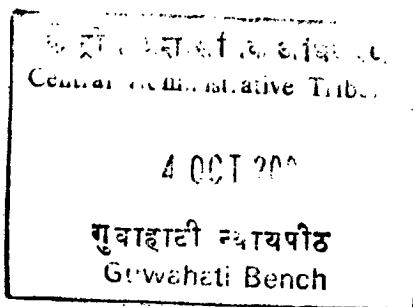
That the applicant is working as Civilian Switch Board Operator in Military Telephone Exchanges under the Director General of Signals of Indian Army.

The applicant is aggrieved by the willful denial of the time bound promotion and non-consideration of her service from the date of her initial appointment (05/11/1986) for the purpose of consideration of grant of time bound promotion as have been granted to similarly situated Civilian Switch Board Operators working in Military Telephone Exchange, Panagarh in West Bengal by the Respondent Authorities in implementing the Judgment and Order passed by CAT Kolkata Bench in O.A. No.668 of 2004 dated 06/05/2005.

Filed by

Madhuschandra Bhattacharya
Advocate

MRS Farida Begum



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

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

ORIGINAL APPLICATION. NO. 265 of 2007

Mrs. Farida Begum.

-Vs-

Union of India & Ors

.....Applicants

..... Respondents

LIST OF RELEVANT DATE OF EVENTS

1. 05.11.1986 : The Applicant was appointed as temporary Civilian Switch Board Operator in Military Telephone Exchanges
2. 26.02.1992 : Judgment and Order passed by CAT, Calcutta Bench directing the respondent authorities to appoint temporarily employed CSBO's working at Military Exchange at Panagarh, West Bengal in permanent post.
3. 21.02.1994 : Common Judgment and Order of CAT, Guwahati Bench passed in O.A. No.173 of 1991, 174/1991, 175/1991, 176/1991, 177/1991 directing the Respondent Authorities to appoint the present applicants who were working as Civilian Switch Board Operators as permanent employees.
4. 13.09.2002 : Judgment and order passed by CAT, Chandigarh Bench in O.A. No.150/HR/2002 directing the respondent authorities to grant the benefit of one time bound promotion as has been given to the employees of the Telecom Department to C.S.B.O's Military Exchanges.
5. 27.02.2004 : Sanction for grant of similar Three Pay Scales (which were given to Telephone Operators working in Telecom Department) to CSBO's working under General Staff Branch Common Roster of Defence Department w.e.f 01/01/1996.

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Mrs. Farida Begum

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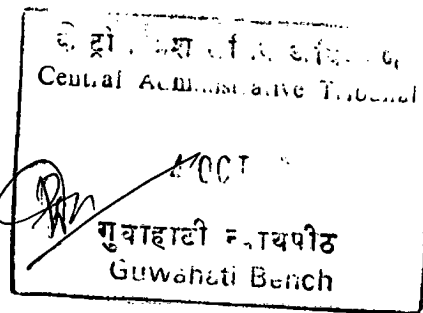
गुवाहाटी न्यायपीठ
Guwahati Bench

6. 28.04.2004 : **O.A. No. 668 of 2004** filed before **CAT, Calcutta Bench** by 3 nos of CSBO's working in Army Telephone Exchange at Panagarh claiming the benifit of one time bound promotion as CSBO Grade II in the Scale of Rs 5,000-8,000 on completion of 16 years of service counting from the date of initial date of appointment as Temporary CSBOs instead of 01/01/1996 as Ordered vide Ministry of Defence letter No. B/4457/Balraj/Sigs 4(c)/ 92/CC/D(QS)
7. 06.05.2005 : Judgment and Order passed by **CAT, Calcutta Bench** in **O.A. No. 668 of 2004** directing the Respondent Authorities to grant the benefit of time bound promotion to CSBO's working in Panagarh Military Exchange on completion of 16 years of service from the date of initial appointment as temporary CSBO's.
8. 10.05.2006 : Letter circulated by Senior Record Officer for OIC Records vide letter No.3669/CA6/3/ACP-TBP/60 to Army formations having Military Telephone Exchanges calling for statement of case for obtaining sanction from Ministry of Defence for giving time bound promotion in pay scale of Rs.5000-150-8000 considering her initial date of appt. on the same lime as has been given to Shri M.S. Nayak and two other CSBO's of Stn. HQ Panagarh.
9. 10.08.2006 : A Telegraphic message circulated vide Message No.DTG : 10, UNCLAS /CSBO's for grant of time bound promotion in persuant to the Judgment and order dated 06/05/2005 in O.A. No.668/2004 passed by **CAT, Calcutta Bench** granting time bound promotion and consequent financial benefits to CSBO's working at Military Telephone Exchange at Panagarh, West Bengal.
10. 08.03.2007 : Legal Notice sent by counsel of the present applicants for consideration of the present applicants grievence in the light of promotion and benefits given to similarly situated CSBO's in Panagarh at West Bengal.
11. 13.04.2007 : The Respondent authorities rejected the prayer of the applicants vide letter No.B/4572/Sigs/4(c)/23.

Filed by:-

Madhusunda Bhattacharya
Advocate

MRG Farida Begum



THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
AT
GUWAHATI

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

ORIGINAL APPLICATION. NO. 265 of 2007

Smt. Farida Begum
Wife of Nijam Ali
Resident of Satgaon,
P.O.-Udayan Vihar,
Narengi, Guwahati,
Dist.-Kamrup, (Assam)

.....Applicant

-Vs-

- (i) Union of India
Represented by Secretary
Ministry of Defence
Govt. of India, New Delhi - 1
- (ii) Commander in Chief
Army Head Quarter
D.H.Q., New Delhi - 110011
- (iii) Director General of Signal (Sigs - 4(c)
General Staff Branch
Army Head Quarters
DHQ P.O.: New Delhi - 110 011
- (iv) GOC IN-C
HQ Eastern Command.
Kolkata
- (v) Chief Signal Record Officer
Signal Records
Post Bag No.-5
Jabalpur - 482001, Madhya Pradesh
- (vi) Commanding Officer
2 Coy. Signal Regiment
Army Exchange, Narengi Cantt.
C/O 99 APO

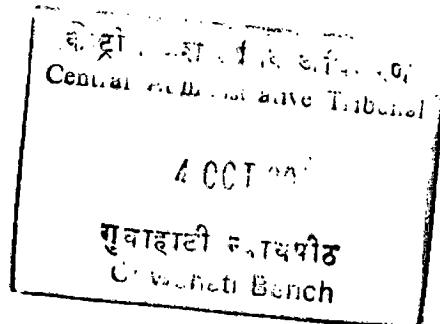
.....Respondents

Contd..

Through:-

Madhuchandra Chatterjee
Advocate
Filed by:-
Mrs Farida Begum
the Applicant
04-10-2007

[2]



56

MRS Ponder Begun

(1) PARTICULARS OF ORDERS FOR /AGAINST WHICH THE APPLICATION IS MADE:-

- (i) Letter No.-B / 44572 / Balraj / Signs4(c)/134 issued by Director General Signals, Signs 4(c) General Staff Branch Army HQ forwarding Govt. of India Ministry of Def Letter No.B/44572/Balraj/ Signs 4(c)/92/CC/D (OS) dtd. 27 Feb., 2004 in the subject matter of Implementation of Order of CAT Chandigarh in OA No.-450/HR/2003.
- (ii) Signal Records Message No.DTG:10, UNCLAS A-3562 Dtd. 10th August, 2006.
- (iii) Judgment & Order dated 13th Sept.,2002 in O.A. No.150/HR/2002 passed by CAT, Chandigarh Bench.
- (iv) Judgment & Order dated 06/05/2005 passed by CAT, Kolkata Bench in O.A. No.668/2004.
- (v) Letter No.B/4572/Signs/4(c)/23 dated 13th April, 2007.

(2) JURISDICTION :

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

(3) LIMITATION :

The applicant further declares that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

Contd..

[3]

केन्द्रीय प्रशासकीय न्यायालय
Central Administrative Tribunal

4 OCT

गुवाहाटी न्यायपीठ
Guwahati Bench

(4) BRIEF FACTS OF THE CASE :

(i) That, the present applicant most respectfully submits that she was appointed as Temporary Civilian Switch Board Operators in Military Telephone Exchanges on 05/11/1986.

(ii) That, since her appointment as Civilian Switch Board Operators, the present applicant has been rendering service in Military Telephone Exchanges regularly even though the Respondent Authorities had created intermittent artificial breaks in between.

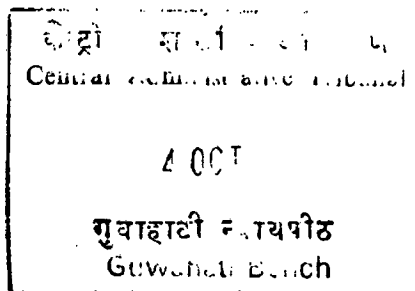
(iii) That, your humble petitioner begs to state that like her, in other Military Exchanges around the country, other similarly situated C.S.B.O.'s were also rendering continuous service with artificial breaks in between and a few of these C.S.B.O.'s being apprehensive about future regularization of their services had approached Central Administrative Tribunal in their respective areas.

(iv) That, your humble petitioner begs to state that a few similarly situated Civilian Switch Board Operators working in the Military Telephone Exchange at Panagarh in West Bengal had also approached the Central Administration Tribunal, Calcutta Bench with similar grievances through an Original Application which was numbered as O.A No.1102/88 and the Hon'ble CAT, Calcutta Bench vide its Judgment delivered on 26/02/1992 had delivered its Judgment and Order on the O.A. and in Para 7 of the aforementioned Judgement and Order had been pleased to pass the following directions to the Respondent authorities:

- " (a) The respondents should prepare a scheme for absorption of the applicants taking into account the requirements of any recruitment rule if, there be any;
- (b) The applicants should be given their due weightage for having worked as Switch Board Operators during the period from 01/03/85 till upto the last date of their work on casual basis;

Contd..

MRS Parida Begum



- (c) Till such scheme is prepared and the applicants are absorbed they should be appointed against temporary vacancies as and when they arise in preference to fresh persons."

A copy of the said Judgment and Order dated 26/02/92 in O.A. 1102/88 is annexed herewith as Annexure No. 1

- (v) That, before the Central Administrative Tribunal, Guwahati Bench also several of the similarly situated CSBOs had filed a number of Original Applications praying for regularization of their services and these Original Applications were numbered as O.A. 173/91, O.A. 174/91, O.A. 175/91, O.A. 176/91, O.A. 177/91 and the Hon'ble CAT, Guwahati Bench vide its common Judgment & Order dated 21st February 1994 allowed the application and directed the Respondent Authorities to regularise the services of the applicants for the post of CSBOs.

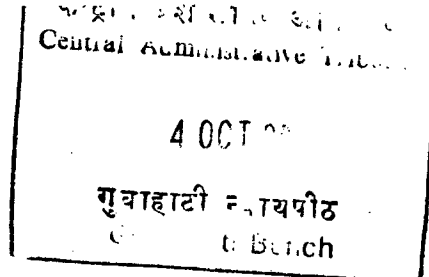
A copy of the said Judgment & Order dated 21st Feb. 1994 is annexed herewith as Annexure No. 2

- (vi) That, in pursuant to the Judgment & Order of the Hon'ble Central Administrative Tribunal, Guwahati Bench, H.Q., 101 Area passed Orders to Commanding Officer of Military Exchange at Station H.Q., Misamari where the petitioner was working to regularise her service as CSBO and accordingly Commandant of Station HQ, Misamari issued the following Order: -

"APPOINTMENT"

The following individuals have been appointed as CIVILIAN SWITCH BOARD OPERATORS with effect from 17th Nov.93 the date of Court Judgment decided in their favour.

- (vii) That in the said orders eventhough the dates of initial appointment were duly recorded yet the date of permanent regularization was shown as 17th November 1993, and the said order



remained silent on the question of conferment of seniority and consideration of the initial period of employment upto the date of regularisation as permanent employee for the purpose of considering the length of service.

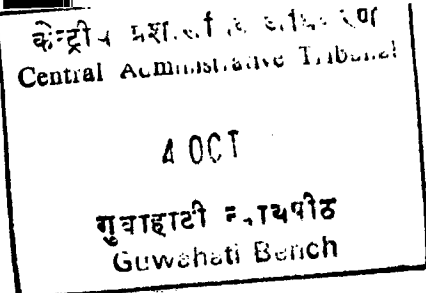
(viii) That the present petitioner has brought to the notice of the concerned Departmental Authorities this aspect of non-conferment of seniority and the non-consideration of the initial period of employment upto the date of regularization for the purpose of consideration of length of service on a number of occasions through written representations but the same remained unresolved till date.

(ix) That it is pertinent to mention here that in the Telecom Department of Government of India there were similarly placed temporary telephone Operators and these temporary telephone operators had been given time bound promotions. The Civilian Switch Board Operators working in the Military Exchanges in Chandigarh area filed an Original Application before the Chandigarh Bench of Central Administrative Tribunal wherein a prayer was made for conferment of similar time bound promotion as was granted to employees working in the Department of Telecom.

(x) That, the Hon'ble CAT, Chandigarh Bench admitted the O.A. filed by C.S.B.O's of Military Exchanges in Chandigarh area as O.A. No.150/HR/2002 and passed it's Judgement and Order on 13th September, 2002 wherein the Respondent Authorities were directed that the benefit of one time bound promotion as has been given to the employees of Telecom Dept. should also be granted to CSBOs of Military Telephone Exchanges.

**A copy of the Judgement and Order
passed by C.A.T. Chandigarh , is
annexed herewith as Annexure No. 3**

(xi) That against the aforementioned Judgment of CAT, Chandigarh Bench , the Departmental Authorities first filed a Writ Petition before the Hon'ble High Court of Punjab and Haryana as WP No.8759 and on dismissal of the W.P. by the Hon'ble Court,



Departmental Authority filed a Special Leave Petition before the Hon'ble Apex Court which was numbered as SLP No.CC 143/2004 but even this S.L.P. was also dismissed by the Hon'ble Apex Court.

A copy of the Judgement and Order of Supreme Court of India rejecting the S.L.P. (Civil) No.-143/2004 is annexed herewith as Annexure No - 4

(xii) That , on dismissal of the S.L.P. by the Apex Court , the present respondent authorities vide its letter No.B/44572/Balraj/ Sigs 4(c)/134 dated 27th February, 2004 passed an order for implementation of order of Hon'ble CAT Chandigarh Bench by proposing a scheme of three Pay Scales for Civilian Telephone Operator working in Military Exchanges .

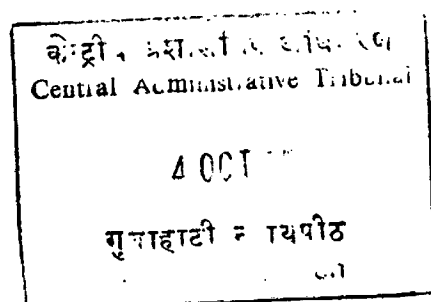
A copy of the said letter is annexed herewith as Annexure No. 5

xiii) That the categorization and pay scales and other ancillary related matters were conveyed through letter No.BN/44572/Balraj/ Sigs 4 (c)/92/CC/D (QS) dated 27th February, 2004 wherein it was conveyed that sanction has been given for the grant of three Pay Scales as mentioned here in below.

(a)	CSBO Gde-II	Rs.3200	-	4900
(b)	CSBO Gde-I	Rs.5000	-	8000
(c)	Tele/SB Supvr	Rs.5500	-	9000
(d)	After completion of 16 years service	Rs.5000	-	8000
(e)	After completion of 26 years service	Rs.5500	-	9000

A copy of the said letter dated 27th Feb., 2004 is annexed herewith as Annexure No. 6

xiv) That it is pertinent to mention here that the aforementioned Order passed by the Respondent Authorities fixed 01/01/1996 as the date from which the calculations will be made for determining the length of service for consideration of grant of time bound



promotion to salary scales as mentioned in the Para 1(d) and Para 1(e) of the Memo dated 27/02/2004.

(xv) That being aggrieved with the fixation of 01/01/1996 as the base date from which the length of service for consideration of time bound promotion instead of her original date of appointment, the CSBOs working at Military Telephone Exchange at Panagarh had approached the Central Administrative Tribunal, Calcutta Bench wherein the issue of non-consideration of her service from the date of initial appointment for the purpose of consideration of grant of one time promotion was raised.

(xvi) That vide its Judgment and Order dated 06/05/2005 the Hon'ble CAT Calcutta Bench allowed the Original Application and directed the Respondent Authorities to consider the grant of higher pay scale of Rs.5000/- - 8000/- to the applicant from the date of completion of 16 years of service from the date of her initial appointment in the grade with the consequential monetary benefits.

A copy of the said Judgment and Order passed by CAT, Calcutta Bench in OA. No.668 of 2004 dated 06/05/2005 is annexed herewith as Annexure No. 7

(xvii) That the respondent authorities in view of the Judgment of CAT, Kolkata Bench considering the temporary/casual service rendered by the CSBOs to be counted as regular service for the grant of time bound promotion circulated a list of CSBOs grade-II who have been appointed on temporary basis and subsequently absorbed in the regular EST under G.S. Branch, Common roster for grant of such benefit to all similarly placed CSBOs.

A copy of the said letter dated 10th August, 2006 is annexed herewith as Annexure No. 8

(xviii) That your humble petitioner has great expectation that in view of the aforementioned letter dated 10th August, 2006 she will also be granted the same financial upgradation and time bound

ms Farida Begum

promotion as has been granted to her colleagues in Panagarh in view of the order of the CAT, Kolkata Bench in O.A. No.668 of 2005.

(xix) That even after a wait of more than 6 (six) months when no action was taken by the respondent authorities the present petitioner through her counsel sent a legal notice to the Respondent Authorities for conferment of her due and legitimate claims.

A copy of the said Legal Notice dated 8th March, 07 is annexed herewith as Annexure No. 9

(xx) That to the utter surprise of your humble petitioner instead of uniformly implementing the Hon'ble CAT's Orders, vide its letter No.B/4572/Sigs/4 (c)/23 dated 13th April, 2007 the respondent authorities have intimated that their cases will now be sent to 6th (sixth) Pay Commission through AG's.

A copy of the said letter dated 13th April, 2007 is annexed herewith as Annexure No. 10

(5) GROUND'S FOR RELIEF WITH LEGAL PROVISIONS :

1. For that the respondent authorities can not indulge in discrimination as there can not be two sets of service terms and conditions for employees who are similarly situated and working in the same Organisation.
2. For that non-implementation of Judgment of the CAT, Kolkata Bench dated 6th May, 2006 in O.A. No. 668 of 2004 uniformly amongst similarly situated CSBOs violates administrative fairplay and equity and the principle of equal pay for equal work.
3. For that non-consideration of the Judgement and Order of CAT, Chandigarh Bench passed in O.A. No. 450/HR/2003 circulated vide letter No. B/44572/Balraj/ Sigs 4 (C)/134 dated 27th February, 2004 is discriminatory, biased and is violative of the Principles of natural justice.

(6) DETAILS OF REMEDIES EXHAUSTED :-

That the applicant declares that she has availed all Departmental Redressal forums for settlement of her grievances and has submitted numerous representations without any response and thus has exhausted all efficacious alternative remedies available to the applicant.

(7) MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT/TRIBUNAL :-

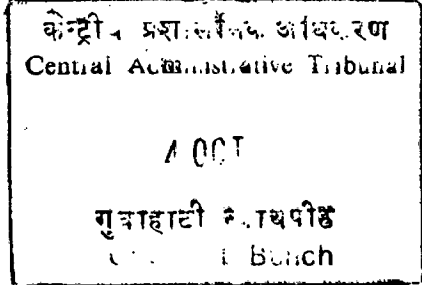
That the applicant further declares that she has not filed any application, writ petition, suits etc. except the Original Application referred above which was disposed off by this Hon'ble Tribunal and no case is pending in any Court of law with regard to the present grievances.

(8) RELIEF SOUGHT FOR :

In the facts and circumstances of the case as stated in Para 4 above and on grounds as stated in Para 5 the applicants prays for the following reliefs :-

- (i) That, the Respondent Authorities be directed to give effect to the 3 (three) pay scales as per the D.O. No. B/44572/Balraj/Sigs4(c)/92/CC/ D (QS) dated 27th February, 2004
- (ii) That, the Respondent Authorities be directed to give bound promotion to the applicant by considering her initial date of appointment (05/11/1986) as have been granted to Sri M.S. Nayak and 2 (two) other CSBOS, Station HQ, Panagarh in West Bengal implementing CAT, Kolkata Bench's Judgment & Order dated 6th May, 2006 in O.A. No. 668 of 2004.

67
Mrs. Parida Begum



- (iii) That, the Respondent Authorities be directed to grant the Pay Scale of Rs 5,000-
-Rs. 8,000 w.e.f. 05/11/2002 as they will be completing 16 (Sixteen) years of service on that particular date if her initial date of appointment (i.e. 05/11/1986) is taken as the date from which the number of years is calculated in terms of CAT, Kolkata Bench's Judgment & Order dated 6th May, 2006 in O.A. No. 668 of 2004.
- (iv) That, the Respondent Authorities be directed to pay arrear of salaries accruable to the applicant from the date of completion of 16 (Sixteen) years of service from the date of her initial appointment.
- (v) Any other such Order/Orders as the Hon'ble Tribunal may deem fit and proper for ends of justice.

(9) **INTERIM ORDER, IF ANY PRAYED FOR :**

The applicant declares that no Interim Order has been prayed for.

(10) The applicant further declares that the present Application is filed by her through her counsel before this Hon'ble Tribunal.

(11) **PARTICULARS OF POSTAL ORDER SUBMITTED AS APPLICATION FEE :-**

- (i) Postal Order No. :- **32G 042574**
- (ii) Date of Issue :- 17/09/2007
- (iv) Issued from :- G.P.O., Gauhati
- (v) Payable at :- Guwahati

(12) **LIST OF ENCLOSURES :-** AS PER INDEX.

VERIFICATION

I, **Smt. Farida Begum**, aged about 47 years, W/O Nijam Ali, a permanent resident of Satgaon P.O.- Udayan Vihar, P.S. - Noonmati, Guwahati - 781027, Dist- Kamrup, Assam and presently working at 2 Coy. Signal Regiment, Army Exchange, Narengi Cantt., C/O 99 APO in the District of Kamrup, Assam do hereby verify that the statements made in paragraphs 4, 1, iv, v, vi, x, xi, xii, xiii, xiv, xv, xvi, xvii, xviii, xx are true to information derived from records which, I believe to be true and the statements made in paragraphs 4, ii, iii, vii, viii, ix, xiv, xv, xviii are true to the best of my knowledge, and the rests are my humble submissions before this Hon'ble Court.

And I sign this verification on this 4th day of October, 2007 here at Guwahati.

MRS Farida Begum
Signature

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

O.A. 1102 of 1988

Present : Hon'ble Mr. J. C. Roy, Administrative Member
Hon'ble Mr. N. Sengupta, Judicial Member



MADHUSUDAN NAYAK & ORS

VS

UNION OF INDIA & ORS

For the applicants : Mr. P. K. Chatterjee, counsel

For the respondents : Mrs. Uma Bhattacharya, Addl. SC

Heard on : 12.2.92 : Judgement on : 26.2.92

J U D G E M E N T

N. Sengupta, J.M.

This is an application by five persons for a direction on the respondents to regularise their services as Civilian Switch Board Operators.

2. The case of the applicants is that after passing their Matriculation Examinations they underwent training in operating switch boards and responding to an advertisement they appeared at a test and interview for appointment as Civilian Switch Board Operators under the Ministry of Defence at Panagarh. They were registered in the Employment Exchange. After appearing at the test they were temporarily appointed on a casual basis as Switch Board Operators on 1.8.85 for a period of three months initially and subsequently with some breaks of one to three days, they were given further appointments for similar spells. The last of such order of appointment was issued on 8.10.88 which recited that they were being appointed temporarily from 9.10.88 to 27.12.88. But queerly

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M. Bhattacharya
Advocate

: 2 :

the Station Commander by a verbal order terminated their service on 4.12.88 and did not allow them to work till upto 27.12.88 till which date their temporary appointment was to last. They have further stated that in fact the requirement of 10 Switch Board Operators is there but the respondents with an improper motive were keeping the posts vacant without appointing qualified persons permanently.

3. The respondents in their reply besides traversing the material allegations in the application have taken the stand that it is not within the competence of the applicants to assess the requirements of Switch Board Operators, it is for the administration to assess. They have further stated in their reply that in accordance with the rules the applicants were given appointments for 89 days at a time and of necessity there have to be breaks. Since the applicants were merely casual workers, they cannot claim regularisation. Other facts averred in the reply need no mention.

4. Mr. P.K.Chatterjee, the learned counsel for the applicants has during the course of arguments produced a copy of a common judgement delivered by this Tribunal in O.A. 743/88 (Akhil Chandra Deb & Ors -vs- UOI) and O.A. 105/90 (Biswajit Bhaduri -vs- UOI) on 25.9.90. Those cases were filed by some civilian Switch Board Operators and as may be found from the copy of the judgement, the relief that was claimed by the applicants of those applications was to regularise their services as civilian Switch Board Operators. This Bench after noticing the case laws on the point allowed the applications and gave a direction to the respondents for preparation of a scheme on a rational basis for the absorption of the applicants, ^{of that case} as far as possible within six months from the date of delivery of that judgement, for payment of pay and allowances at the minimum of the scale mentioned in their appointment letters and to ignore the periods of breaks. The present case is a similar one. Therefore, unless any

: 3 :

distinguishing feature is shown by the respondents, similar directions are to be given in the present case. We would add a few more reasons for the directions on the respondents we propose to give.

5. The respondents have annexed a memorandum dated 22.3.82 as Annexure-A to the reply. This annexure is a model Standing Order for casual labour in Central Govt. offices. The relevant paragraphs of the model standing orders are para 6(1) and 6(2). Those paragraphs deal with the wage rates and it is recommended that either 1/30th of the monthly emoluments at the minimum of the scale or the minimum wages prescribed in the particular State, whichever is more, is to be paid to the casual workers. Para 15 deals with regularisation. Of course in that paragraph a reference has been made to Industrial Disputes Act and the term used in that paragraph is "a casual workman". It appears that even though a Switch Board Operator may not answer the description of a workman under the Industrial Disputes Act, yet the respondents treated them as if they were workmen and that is why they employed them only for 90 days at a stretch so as to deprive them of continuity of service or to claim regularisation on working continuously for 120 days. Therefore, even according to the model standing orders, the question of regularisation would arise.

6. Mrs. Uma Bhattacharya, the Id. Addl. Standing Counsel appearing for the respondents has urged that there is no permanent post of Civilian Switch Board Operator in the station headquarter at Panagarh. Therefore, the applicants cannot ask for regularisation of their services as such Operators. We do not find much of a necessity to examine as to whether there is any vacancy in the post of permanent Switch Board Operators at the station nor do we propose to examine whether there is any necessity for appointment of Switch Board Operators on a permanent basis, that is a matter which must be left to the Govt. for its consideration. However,

: 4 :

all that we can indicate is that in view of the fact that the five of the applicants, except for short artificial breaks, worked for more than three years, it would be better for the respondents to examine whether the creation of permanent additional posts of Switch Board Operators would be necessary.

7. In view of what has been stated above, we would dispose of this application by giving the following directions :

i) The respondents should prepare a scheme for absorption of the applicants taking into account the requirements of any recruitment rule, if there be any;

ii) The applicants should be given their due weightage for having worked as Switch Board Operators during the period from 1.8.85 till unto the last date of their work on casual basis;

iii) The respondents may, if not already done, fix the seniority amongst the applicants by making such test as they deem necessary in the circumstances of the case;

iv) The scheme etc. should be prepared as early as possible but in any case within 120 days from the date of receipt of a copy of this order;

v) Till such scheme is prepared and the applicants are absorbed, they should be appointed against temporary vacancies as and when they arise in preference to fresh persons.

8. O.A. 1102 of 1988 is disposed of accordingly leaving the parties to bear their own costs.

(J.C.ROY)
MEMBER (A)
26.2.92



(N. SENGUPTA)
MEMBER (J)
26.2.92

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Mrs. L.L. Bhatt Charga
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Suganya
COURT OFFICER
Central Administrative Tribunal
Calcutta Bench, Calcutta

CENTRAL ADMINISTRATIVE TRIBUNAL
GUJARATI BENCH
GUJARATI

Original Application Nos. 173/91, 174/91, 175/91, 176/91
and 177/91.

Date of Order:- This the 21st day of February, 1994.

Hon'ble Justice Shri S. Haque, Vice-Chairman
Hon'ble Shri G.L. Sanglyine, Member (Administrative)

O.A. 173/91

Shri Sahab Uddin Barbhuiya
son of Shri Sarafat Ali Barbhuiya,
Village, Saptagram, P.O. Dholai,
District, Cachar. Applicant

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn.
D.W. Sig. Regt., Station H.I., Silchar Cantt.,
C/o 99 A.P.O.

2. Union of India (Through Secretary, Defence,
Government of India).

.... Respondents.

By Advocates Shri G.N. Saheewalla, Shri N. Choudhury
and Shri M. Chanda on behalf of the applicant.

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C. on
behalf of the respondents.

O.A. No. 174/91.

Shri Babu Mia Choudhury, son of
Shri Nur Uddin Choudhury, Village, Moragang,
P.O. Sibpur, Dist. Cachar. Applicant.

By Advocates Shri G.N. Saheewalla, Shri N. Choudhury
and Shri M. Chanda.

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn. D.W.
Sig. Regt., Station H.I., Silchar Cantt.,
C/o 99 A.P.O.

2. Union of India (Through Secretary, Defence,
Government of India).

.... Respondents.

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.



Certified to be
true Copy

U. Bhattacharya
Advocate

contd. 2/-

-: 2 :-

O.A. 175/91

Miss Indrani Biswas, D/O Sub Maj K.C.
Biswas, Village, Assami Basti, P.O. Tarapur,
Pt. II, Silchar Dist. Cachar (Assam).

.... Applicant

By Advocates Shri G.N. Sahewalla, Shri N. Choudhury
and Shri M. Chanda.

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn.
D.W. Sig. Regt. Station H.I., Silchar Cantt.,
C/O 99 A.P.O.
2. Union of India (Through Secretary, Defence,
Government of India, New Delhi).

... Respondents.

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.

O.A. 176/91.

Mrs. Anita (Sharma) Bhattacharjee, wife of
Shri Nirmalendu Bhattacharjee, Chandmari Road,
Silchar-3, Dist. Cachar.

... Applicant.

By Advocates Shri G.N. Sahewalla, Shri N. Choudhury
and Shri M. Chanda.

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn. D.W.
Sig. Regt., Station H.I., Silchar Cantt.,
C/O 99 A.P.O.
2. Union of India (Through Secretary, Defence,
Government of India, New Delhi).

... Respondents.

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.

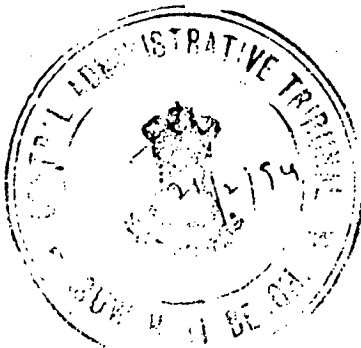
O.A. 177/91.

Shri Ranjit Kumar Dutta, son of late
Rabindra Chandra Dutta, P.O. & Village-
Koonapani, District, Cachar (Assam), presently
posted at Station H.I. Silchar Cantt.,
Dist. Cachar.

... Applicant.

By Advocates Shri G.N. Sahewalla, Shri N. Choudhury and
Shri M. Chanda.

contd. 3/-



-: 3 :-

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn. D.W. Sig. Regt. Station H.I., Silchar Cantt., C/O 99 A.F.O.
2. Union of India, (Through Secretary, Defence, Government of India, New Delhi).

...Respondents.

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.

O R D E RH A J U E, J.

All the above five applications are heard analogously for common cause of action and reliefs sought for by the five applicants serving as Civilian Switch Board Operators under respondent No.1 namely, Admn. Commandant, Signal Centre, 57, Mtn. D.W. Sig. Regt. Station H.I., Silchar Cantt., C/O 99 A.F.O. Applicant Mrs. Anita (Sarma) Bhattacharjee is serving since June, 1985 continuously with artificial breaks as temporary casual CSBOs. Applicants Shri Babu Mia Choudhury and Shri Ranjit Kumar Dutta are serving since, February, 1986 continuously with artificial breaks as temporary casual CSBOs. Applicant Miss Indrani Biswas is serving since August, 1986 continuously with artificial breaks as temporary casual CSBO. Applicant Shri Sahabuddin Barbhuiya is serving since October, 1989 continuously with artificial breaks as temporary casual CSBO. Presently, all the five applicants are serving continuously since last date of appointments pursuant to order dated 10.1.92 passed in Misc. Petition Nos. 3 to 7 of 1992. They have now prayed for directions on the

contd./-



respondents to regularise their services in the posts of CSBOs with effect from the date of their initial appointments. Perused statement of grievances common in the applications with similar prayers. The respondents have filed written statements in each case with similar pleas and stating mainly in para 20 that the unit concerned is on the move in short notice, as such, CSBO cannot be taken along with unit and therefore regular appointments are not made.

2. Learned counsel Mr M.Chanda on behalf of applicants submits that the grievances of the five applicants are similar to the grievances of the applicants of O.A.No.185/90 and series (three cases) and O.A.No.184/92 and series (three cases) disposed of on 25.5.93 and 17.11.93 respectively directing respondents to regularise the temporary CSBOs and prays for similar reliefs. Perused facts and law of the disposed of cases and found that the grievances of the present five applications are similar and therefore the present applicants deserve similar treatment and reliefs.

3. Learned Addl.C.G.S.C.Mr A.K.Choudhury submits with reference to para 20 of the written statement and the difficulties faced by respondents on that ground to regularise services of applicants. Mr Chanda submits that regular incumbents of some permanent establishments may also suffer for move of the establishments or parts thereof and for such anticipated situation process of regularisation of

cents.5/-



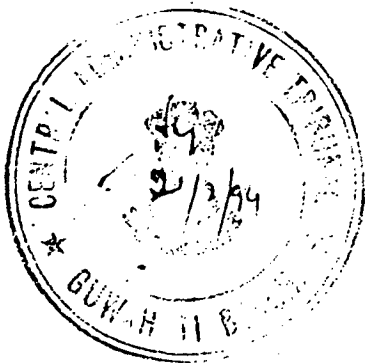
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temporary employees cannot be stopped. There is force in the submissions of Mr Chanda. Plea taken by respondents to defeat claim of applicants cannot be accepted.

4. All observations and findings of the previous judgments referred to above are aptly applicable in these cases. We also rely on the decision in the case Akhil Ch.Dev & Ors. -Vs- Union of India & Ors. reported in 1991(1)SLR 417 of CAT Calcutta Bench. That decision relates to temporary CSBO for regularisation and directions were given. It will be unjust for the applicants if their services are utilised by respondents like past years with artificial breaks without regularisation then they would suffer irreparable loss due to age bar to seek other employments. The service-employment ethics do not permit that they should be kept under uncertain expectation of regularisation after serving so many years. By now some of them have attained age bar for pursuit of other employments. The only recourse now left is to regularise them in the posts of CSBOs under the respondents to uphold the service-employment ethics and to safeguard their service career. We decide to award them similar reliefs granted in the earlier cases.

5. All the five applications are allowed. The five applicants are entitled to be regularised in their services as CSBOs under respondents.

contd. 1/



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Accordingly, the respondents are directed to regularise the services of the applicants in the post of CSBOs within a period of 90 days from the date of receipt copy of this Judgment/Order. Respondents are further directed not to interfere or terminate the services of the applicants before regularisation and in that view our interim orders dated 10.1.92 passed in Misc. Petition Nos. 3 to 7 of 1992 are made absolute.

Inform all concerned.



Sd/- S. Haque
VICE CHAIRMAN

Sd/- G.L. Sanglying
MEMBER (ADMN)

TRUE COPY

B. B. B. B.
Section Officer (Judicial)
Central Administrative Tribunal
Guwahati Bench, Guwahati.

9/12/94

OA 117/HR/2004

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH

O.A. No. 117/HR/2004

Date of Order: 01.09.2005

CORAM: HON'BLE SH. JASBIR S. DHALIWAL, MEMBER (J)
HON'BLE SH. L. M. MEHTA, MEMBER (A)

1. Mr. Hama Singh, Supervisor, No. 114271472
2. Mrs. Usha Bawa, Gr. I, 3176
3. Mrs. S. K. Nijhawan, Supervisor, 3179
4. Mrs. AGC Pagary, Gr-I, 14203067
5. Mr. Kulbir Singh, Gr-I, 14213916
6. Mrs. S. Bhargwa, Gr. II 14213920
7. Mr. Kuldeep Singh, Gr-I, 6275509
8. Mr. Dharam Paul, Gr-I 14271456
9. Mr. Ravinder Kumar, Gr. I, 14271467
10. Mr. Sohan Lal, Grade-I, 6226
11. Mrs. Gurnall Kaur, Grade-I, 14271663
12. Mrs. Kiran Chopra, Grade-II, 14271408
13. Mrs. Pushpa Sood, Grade-II, 14271455
14. Mrs. Shashi Kaushik, Grade-II, 14271462
15. Mrs. Vima, Grade-II, 6227
16. Minakshi Aggarwal, No. 14213923
17. Mr. Bhupinder Singh, Supervisor, 9850018
18. Mr. Sardara Singh, CSBO, Grade-I, 9850014
19. Mr. Subash Chander, CSBO, Grade-I, 9850029
20. Mr. Surjit Singh, CSBO, Grade-I, 9850026
21. Mr. Joginder Lal, CSBO, Grade-I, 9850029
22. Mr. Rachhpal Singh, CSBO, Grade-I, 14272382
23. Mr. Joginder Paul, CSBO, Grade-I, 9850030
24. Mrs. Prasanna Kr. Das, CSBO, Grade-I, 14272468 K
25. Narinder Kaur, CSBO, Grade-I, 9850030
26. Sh. Dinesh Kumar, CSBO, Grade-II, 6649
27. Smt. Indu Kumar Hazarika, CSBO, Grade-II, 14272469
28. Sh. Jogeshwar Nath, CSBO, Grade-II, 14272467

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true Copy

U. Mattar Chauri
Advocate

OA 117/HR/2004

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29. Sh. Madan Ch. Urma, CSBO, Grade-II, 14272476
30. Sh. Deepak Kumar, CSBO, Grade-II, 14272497
31. Shyashpaul Singh, CSBO, Grade-I, 9875757
32. Sh. Dharam Pal Chawla, CSBO, Grade-I, 99875759
33. Sh. Kishori Lal Mehta, CSBO, Grade-I, 9875761
34. Sh. Hans Raj pathania, CSBO, Grade-I
35. Mrs. Deepika Thapa, CSBO, Grade-II, SD-510503.

(all working under Nominal Roll of CSBO's of Mill-II Exchange
Chandigarh (western Command Composite Signal Regiment)

...Applicants

Versus

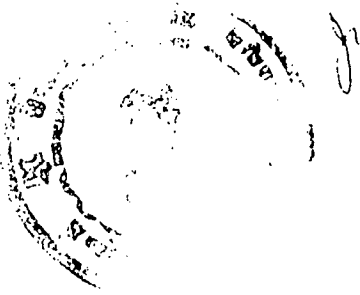
1. Union of India through Defence Secretary, Ministry of Defence, DHQ, Post Office, New Delhi.
2. The Signals Mahanideshalaya Sigs 4(c), General Staff branch, Sena Mukhyalaya
3. Dte. Gen. of Signals Sigs 4(c), General Staff Branch, Army HQ, DHQ, ~~PO~~ PO, New Delhi-110011
4. C.O. Western Command, COMP SIG REGT, Chandimandir.

...Respondents

Preset: Sh. S.K. Biriwal, Counsel for applicants
Sh. Sanjiv Sharma, Counsel for respondents

ORDER (Oral)HON'BLE SH. JASBIR S. DHALIWAL, JM

Thirty-five applicants have joined in this O.A., pleading that they are all working as Civil Switch Board Operators (CSBOs for short). They claimed that they have been working under the respondents ^{since} before 1.1.1986. Respondents had,



on representation of staff side, initially, decided to give the scale of Rs. 260-480 instead of Rs. 260-400, but later on it was withdrawn unilaterally. Some of persons similarly placed like the applicants had approached the Court in litigation which went up to the Special Leave Petition before Hon'ble Supreme Court. Ultimately, on the statement made by the Director General, it was decided that scale of Rs. 260-480 shall be given to the category of applicants who had been working prior to 01.01.1986. The decision of the department earlier to grant this scale was on the ground that applicants are performing duties similar to those of Telephone Operators in the Telecom Department. This scale had been denied to the applicants as they were not party to the earlier litigation. Applicants have prayed for grant of this scale like similarly placed other persons with all consequential benefits. They seek further direction to respondents that after completion of service of 16 years and 26 years, they should be placed in the scale of Rs. 6500-10,000/- as given to the employees of DOT and that applicants are entitled to promotion or otherwise to this scale.

2. Respondents have filed a detailed reply pleading therein that in view of the opinion expressed by the Hon'ble Supreme Court vide statement made by representative of UOI i.e. Attorney General, the scale of Rs. 260-480/- has already been extended to the CSBOs who are in service prior to 1.1.1986. They have also annexed with the written statement Annexure R-1, a copy of letter No. B/44572/Balraj/Siga4(c)/92/cc/D(QS) dated 27.2.2004 which conveys sanction of the President for grant of the three pay scales as given to telephone operators in the Telecom Department to the category of CSBOs under General Staff Branch working on roster of Defence department. The relevant portion of Annexure R-1 is reproduced herein below:-

".....I am directed to convey the sanction of the president of India for the grant of following three pay scales of telephone operators as prevalent in telecom department to CSBOs under General Staff Branch common roster of Defence department with effect from 1.1.96:-

1

OA 117/HR/2004

4

- | | | |
|-----|---|---------------|
| (a) | CSBO Gde II | Rs. 3200-4900 |
| (b) | CSBO Gde.I | Rs. 5000-8000 |
| (c) | Tele/SB Supvr | Rs. 5500-9000 |
| (d) | After completion of 16 years service | Rs. 5000-8000 |
| (e) | After completion of 26 years service... | Rs. 5500-9000 |

This is in satisfaction of the orders of CAT Chandigarh bench on O.A. No.450/HR/2002 passed on 13 Sep 2002, consequent to dismissal of CWP 8759 by High Court of Punjab & Haryana and dismissal of SLP No. CC 143/2004 filed by Union of India by Hon'ble Supreme Court.

Consequent to implementation of these orders, ACP scheme introduced vide GOI letter No.35034/1/97-Estt (D) dated 09 Aug 1999 will be treated as withdrawn in so far as CSBOs under General Staff Branch common roster are concerned, as both the schemes i.e. ACP scheme and time bound promotion scheme of Telecom Deptt as granted by CAT Chandigarh to all CSBOs cannot run concurrently. Hence the benefits granted to all CSBOs under ACP scheme will be withdrawn and benefits of time bound promotion scheme as per court order will be implemented.

Employees who feel that they will be adversely affected by these orders, may submit their representations to the Govt. through Signal Records, Jabalpur within two two months of issue of this order, which will be examined by Govt. on merits. In case no objection is received within two months, it will be considered that the employee(s) have no objection to implement this sanction in their case."

OA 117/HR/2004

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3. It appears that it is by way of implementation of the orders of Bench of Tribunal in the case of Balraj Singh & Ors. Vs. Union of India & Ors., O.A. No.450/HR/2002 decided on 13.9.2002 reference to which is made in Annexure R-1. Learned counsel for applicant, however, states that all the applicants have not been extended the benefit stipulated in the Judgment in the case of Balraj (Supra) whereas learned counsel for respondents asserts that this benefit has already been extended to all the CSBOs who were in fact in position prior to 1.1.1986 with the grant of revised scale of Rs. 260-480 which has been revised to the scale as mentioned in Annexure R-1. In our opinion, that should satisfy the claim made by the applicants in Para 8(i). However, as a matter of caution, we order that case of applicants or similarly placed like persons in case of Balraj Singh & Ors. (Supra) are not given the benefit of Judgment in case of Balraj (Supra), the same shall be immediately done within a period not exceeding three months from the date of receipt of copy of this order by showing the refixation of pay of each of the applicants strictly in terms as given in the Judgment in the case of Balraj Singh as taken up to the Hon'ble Supreme Court. We find on reading of the Judgment that the bench has been careful to define the meaning of consequential benefits also which means benefits of arrears of pay fixation in that case.

6. As per claim of applicants for grant of scale of Rs. 6500-10,000/- as by way of promotion or by way of next available scale of Rs. 5500-9000/- on completion of 26 years is concerned, we are of the opinion that this is a matter best left to the Expert Bodies like Pay Commission. The Courts are hardly equipped to go into the details of duties of persons working under DOT and the duties of the applicants for performance of detailed evaluation to arrive on finding as to same can be said to be identical or similar. We cannot forget that working in DOT has

OA 117/HR/2004

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gone under a sea change with improvement in technology. The applicants will be at liberty to make a representation to the respondents for further improvement in their career and pay scales which will be considered by the respondents. It has been so mentioned in letter dated 27th February, 2004. Respondents have taken a plea that for grant of scale of Rs. 6500-10,000/- respondents will be compelled to create new posts as neither the scale is available for the categories CSBOs nor such a post exists in their cadre. In these circumstances, the prayer made for a direction to respondents for grant of this scale cannot be allowed by this Tribunal and it is left to the decision of respondents, particularly respondent No.1. With these observations this O.A. is disposed of

(L.M. MEHTA)
MEMBER (A)

(JASBIR S. DHALIWAL)
MEMBER (J)

Dated: September 1, 2005

/SK/

Verified True Copy

Signature

Signature

(J)

Signature

Signature

Signature

Signature

Signature

28
Court No I

ANNEXURE-4
SECTION IVB 61

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition (s) for special Leave to appeal (Civil)...../2003
(CC 143/2004)

from the judgement and order dated 18/07/2003 in CWP 8759/03
The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

SHYAM SINGH & ORS.

petitioner (s)

VERSUS

SHYAM SINGH & ORS.

Respondent (s)

For appln (s), for c/delay in filing SLP and office report)

Dated : 19/01/2004 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S. B. SINHA
HON'BLE MR. JUSTICE S. H. KAPADIA

For petitioner (s)

Mr. Manish Singhvi, Adv
For Ms. Suslma Suri, Adv

For Respondent (s)

Mr. R.S. Hagde, Adv
Mr. Chandra Prakash, Adv
Mr. S. Pandey, Adv
for Mr. P.P. Singh, Adv

Upon hearing counsel the Court made the following

O R D E R

Delay condoned.

The special leave petition is dismissed.

Sd/-x-x-x
(Alka Dudeja)
Court Master

Sd/-x-x-x
(Janki Bhatia)
Court Master

Certified to be

true Copy

U. Bhattacharya
Advocate

334
Tele :-23373702

29

ANNEXURE - 5
92

Signals Mahanideshalaya Sigs 4 (c)
General Staff Branch
Sena Mukhyalaya
Die. Gen. Of Signals Sigs-4 (c)
General Staff Branch
Army Headquarters
DHQ PO, New Delhi-110 011

B/44572/Balraj/Sigs 4 (c)/134

27/Feb.2004

CGDA, RK Puram, New Delhi
CDA, Southern Command, Pune
CDA, Eastern Command, Patna
CDA, Western Command, Chandigarh
CDA, Central Command, Lucknow
CDA, Northern Command, Jammu
Signals Records, Jabalpur, (MP).

**IMPLEMENTATION OF ORDER OF HON'BLE CAT CHANDIGARH
IN OA No.450/HR/2003 FILED BY SH BALRAJ SINGH & OTHERS**

1. An ink signed copy of Govt. of India, Min of Def letter No.B/44572/Balraj/Sigs 4(c)/92/CC/D (QS) dated 27 Feb. 2004 is forwarded herewith for your info. and necessary action.
2. Please acknowledge receipt.

Sd/-
(PK Gera)
Dy Dir.
Sigs 4 (c)
For SO-in-C

Copy to :

HQ Delhi Area (legal Cell) (Supreme Court)
HQ Western Command (DJAG), Chandimandir
1 Army HQ Sig Regt.

A copy of ibid Govt. Letter is
enclosed for your info please.

*Certified to be
true Copy*

M. Mhattechandi
Advocate

Typed copy

B/44572/Balraj/Sigs. 4 (c)
Government of India
Ministry of Defence
New Delhi the 27th Feb. 2004

To,
The Chief of the Army Staff.

Subject : Implementation of Order of Hon'ble CAT Chandigarh Bench in OA No.450/HR/2002 filed by Shri Balraj Singh & Others.

Sir,

I am directed to convey the sanction of the President of India for the grant of following three pay scales of telephone operators as prevalent in telecom department to CSBOs under General Staff Branch common roster of defence department with effect from 1.1.96.

(a)	CSBO Gde II	Rs.3200-1900
(b)	CSBO Gde I	Rs.5000-8000
(c)	Tele/SB Super	Rs.5500-9000
(d)	After completion of 16 years service	Rs.5000-8000
(e)	After completion of 26 years service	Rs.5500-8000

2. This is in satisfaction of the orders of CAT (Chandigarh Bench on OA No.150/HR/2002 passed on 13 Sep. 2002 consequent to dismissal of CWP 8759 by High Court of Punjab & Haryana and dismissal of SLP NO.CC143/2004 filed by Union of India by Hon'ble Supreme Court.

3. Consequent to implementation of these orders, ACP scheme introduced vide GOI Letter No.36034/1/97-Estt. (D) dated 09 Aug, 1999 will be treated as withdrawn in so far as CSBOs under General Staff Bench Common roster are concerned as both the scheme i.e ACP scheme and time bound promotion scheme of Telecom Deptt. as granted by CAT Chandigarh to al CSBOs cannot run concurrently. Hence the benefits granted to al CSBOs under ACP scheme will be withdrawn and benefits of time bound promotion scheme as per court order will be implemented.

4. Employees who feel that they will be adversely effected by these orders may submit their representations to the Govt. through Signal Records Jabalpur within two months of issue of this order which will be examined by Govt. on merits. In case no objection is received within two months, it was be considered that the employee(s) have no objection implement this sanction in their case.

5. This issues with the concurrence of Defence (Finance) vide their U.O. No.417/GS/2004 dated 26 Feb, 2004

Yours faithfully,

(R Chaturvedi)

Under Secretary to Govt. of India

Copy to:

CGDA, New Delhi
FA (GS)
CDA, Western Command, Chandimandir
CDA, Southern Command, Pune
CDA, Eastern Command, Patna
CDA, Central Command, Lucknow
CDA, Northern Command, Jammu
1 Army HQ Sig Regt.
Signals Records, Jabalpur, (MP).

HQ Delhi Area (Legal Cell) (Supreme Court)
Western Command Signal Regiment
Western Command Comp Sig Regt.
HQ Southern Command (Sigs)
HQ Eastern Command (Sigs)
HQ Western Command (Sigs)
HQ Central Command (Sigs)
HQ Northern Command (Sigs)
GS Signals, Signals 4 (c)

*Certified to be
true Copy*

M. Omatacharya
6/2/2004

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA

NO. O.A.668 of 2004

PRESENT: HON'BLE MR. JUSTICE B. PANIGRAHI, VICE-CHAIRMAN
HON'BLE MR. N.D. DAYAL, ADMINISTRATIVE MEMBER

MADHU SUDAN NAYAK & 2 ORS.

VS.

1. Union of India, through the Secretary Ministry of Defence, Government of India, New Delhi-11.
2. The Director General of Signals 4(c) General Staff Branch, Army Head Quarters DHQ, New Delhi-66.
3. General Officer Commanding, Bengal Area, FORT WILLIAM, Kolkata-21.
4. Administrative Commandant, Station Head Qrs., Panagarh, P.O.- Panagarh, PIN-713419, Dist.- Burdwan.
5. Station Commander, Station Head Qrs., Panagarh Military Base, P.O. - Panagarh, (PIN 713 419), Dist. Burdwan.
6. Chief Record Officer, Signal Abhilekh Karyala Signal Records, Post Bag No.5, Jabalpur, M.P. -482 001.

For the Applicant : Mr. A.K. Banerjee, Counsel

For the Respondents : Mr. S. Choudhury, Counsel

Heard on: 19.4.05

Date of Order: 06-05-2005

ORDER

PER JUSTICE B. PANIGRAHI, V.C.:

This application has been filed jointly by three applicants claiming the benefit of one time bound promotion as Civilian Switch Board Operator Grade-II in the scale of Rs. 5000-8000/- w.e.f. 1.8.01 on completion of 16 years of service.

2. The applicants were initially appointed as Civilian Switch Board Operators (CSBO) in the Military Telephone Exchange at Panagarh against temporary posts on and from 1.08.85 after having been selected by the respondent authorities. They were also medically examined and were issued formal appointment orders. Their initial appointment was for three months but subsequently their appointments continued with

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true Copy*

U. Maiti
Advocate



occasional breaks. The last appointment order was issued on 8.10.1988 which was to expire on 27.12.88. However, before completion of the term of their appointment, their services were terminated verbally on and from 4.12.88. Being aggrieved, the applicants moved an original application before this Tribunal being O.A. No.1102 of 1988 which was decided on 26.2.92. The respondents in that OA contended that since the applicants were appointed on casual basis, they did not have any right to such appointment and that the respondents were free to terminate their services when the need for such casual employees was over. The Tribunal after considering the rival contentions directed the respondents to consider their absorption by giving weightage to their service from 1.8.85. It appears that thereafter the intermittent break periods of the applicants from the date of their initial appointments were regularized by grant of leave and as such their continuity of service was restored. Subsequently, when permanent posts were sanctioned for the unit in which the applicants were working, their services were formally regularized w.e.f. 05.01.94 and the applicants have been working as such without any interruption.

3. After the introduction of A.C.P. Scheme by the Government of India for Civilian Employees w.e.f. 9.8.99, the applicants preferred a claim for grant of financial upgradation under the ACP Scheme on completion of 12 years of service reckoning from the date of their initial appointment. However, their such prayer was not acceded to by the respondent authorities taking the plea that since the applicants were initially appointed on casual basis and were regularized only w.e.f. 05.01.1994, they could not get such financial upgradation as according to the ACP Scheme itself casual service or ad hoc service is not taken into consideration for grant of ACP benefit.

4. However, it appears that a case was filed before the Chandigarh Bench of this Tribunal wherein it was directed that the Civilian Switch Board Operators of the Military Telephone Exchange should be granted the benefit of one time bound promotion on completion of 16 years of service as is prevalent in the Department of Telecom. The matter was ultimately taken to the Hon'ble Supreme Court and the Hon'ble Supreme Court upheld the decision of the Tribunal vide their order dated 19.01.04. Consequently,



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the respondent authorities have withdrawn the benefit of financial upgradations under the ACP Scheme and introduced the scheme of one time bound promotion as is prevalent in the Department of Telecom vide order dated 27.2.04. It was provided that the Civilian Switch Board Operators (C.S.B.O) under the General Staff Branch of the Defence Department will be provided time bound promotions after completion of 16 years of service to the scale of Rs.5000-8000/- and the next higher scale of Rs.5500-9000/- after completion of 26 years of service. Consequently, the ACP Scheme would stand discontinued.

5. The case for the applicants is that since they were initially appointed as Civilian Switch Board Operators on 1.8.85, they had completed 16 years of continuous service as on 1.8.2001, and, therefore, they should be granted the scale of Rs. 5000-8000/- i.e. C.S.B.O. Grade-II w.e.f. that date.

6. However, the respondent authorities refused to grant such benefit to the applicants taking the ground that since the applicants were regularized as C.S.B.O. w.e.f. 05.01.94 and they would be eligible to get such benefit only after completion of 16 years from that date i.e. on 05.01.2006. It has further been contended that the casual service rendered by the applicants prior to 05.01.94 shall not be counted for grant of such benefit. In view of this decision, the applicants felt aggrieved and had filed this application for appropriate direction.

7. The respondents have filed a reply in which they have reiterated the stand stated above that the applicants having not completed 16 years of service from the date of their regularisation i.e. from 05.01.94, they cannot be granted such benefit. They have relied on a decision of this Tribunal in O.A. No. 1469 of 1998 dated 17.04.2001.

8. The applicants have filed a rejoinder reiterating their stand taken in the O.A.

9. We have heard the ld. counsel for both parties at length.

10. The only question for decision in this case is whether the service rendered by the applicants from 1.8.85 till 05.01.94 can be taken into account for the purpose of grant of one time bound promotion as has been introduced by the respondent authorities.



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11. Ld. counsel for the applicant has argued that the applicants were not appointed on casual basis as contended by the respondents. He has submitted that no doubt, the applicants were initially appointed for a fixed period of three months and their term of appointment was being extended regularly after giving artificial breaks of a few days. However, after the decision of this Tribunal in O.A. No.1102 of 1988, the respondent authorities regularized the break periods by grant of leave. Thus, applicants have been continuously working as C.S. B.O w.e.f. 1.8.85 and they were formally regularized against permanent posts in the centralized cadre w.e.f. 5.1.94. His contention is that a casual employee cannot get a regular scale of pay but, in the instant case, the applicants were granted regular increments in the time scale of Rs. 260-400/- all along and by virtue of getting regular increments for all these periods they have reached at a stage of stagnation and they have not yet received any promotional benefits and therefore they cannot be denied the benefit of one time bound promotion as has been introduced w.e.f. 1.1.96.

12. The ld. counsel for the respondents has mainly contended that the applicants were initially appointed on casual basis, therefore, their such casual service cannot be taken into consideration for the purpose of counting 16 years of service for grant of one time bound promotion.

13. Regarding the controversy whether the applicants were initially appointed on casual basis or not, we have gone through the appointment orders issued to the applicant No.1 Sri Madhusudan Nayak, a copy of which is available at Annexure-A, which is dated 25.7.1985. It reads as follows:-

**"APPOINTMENT LETTER FOR TEMPORARY POST
OF CENTRAL SWITCH BOARD OPERATOR IN
MILITARY TELEPHONE EXCHANGE**



1. You are hereby appointed in the temporary vacancy of Central Switch Board Operators in Military Telephones Exchange Panagarh Base in the pay scale of Rs. 200-6-290-EB-6-326-6-EB-8-390-10-400.
2. The terms and conditions of your appointment are as under:-
 - (a) Your employment is for a period of 3(three) months i.e. upto 29th Oct, 1985.

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- (b) You are not entitled for any kinds of leave during the period.
 - (c) You will work in shifts during day and night as per laid down charter.
 - (d) No accommodation (single/married) will be allotted to you.
3. You are requested to join your duty w.e.f. 01st Aug, 1985 (Thursday) at 08.30hrs."

Thus it appears that nowhere the term 'casual basis' was used by the respondents. In fact, the applicants were appointed against temporary posts in regular time scale of pay but their such appointment was for a fixed period of three months. However, as already pointed out, their such temporary appointment was extended from time to time with occasional breaks. Then again their such break periods were also regularized restoring continuity in service. They were also medically examined and after having been sponsored by the employment exchange, they were also interviewed by a selection committee before their appointment as will appear from interview letter dated 18.6.85 at page 23. Thus it appears that they were appointed after observing all formalities.

14. A casual employee is not appointed against a permanent or temporary post and normally in Group-'C' post no casual appointment is made. There may be contract appointment on fixed rate of pay which is also not the case here. In the instant case, the applicants were only appointed against temporary posts and not against any permanent posts. But such appointment can never be termed as casual.

15. The respondents have however drawn our attention to the decision of this Tribunal in O.A. No. 1469 of 1998 which was decided on 17.4.01. It appears that some such Civilian Switch Board Operators filed the aforesaid O.A. claiming regularisation w.e.f. their initial appointment. The Tribunal however rejected their claim and approved their regularisation from 05.01.1994. In the instant case, the question is not regarding regularisation. What the applicants are claiming is reckoning of the service rendered by them against temporary posts after having been selected by the respondent authorities themselves followed by their regularization against permanent posts in centralized cadre, for the purpose of grant of one time bound promotion which is not related to any



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seniority. According to OTBP/BCR scheme, a person, who has rendered 16 years of service in the grade is eligible to get such higher pay scale to avoid stagnation. It is true that the ACP Scheme introduced by the Government in 1999, there is a specific clause that only regular service which is counted for eligibility for promotion is only to be reckoned for the purpose of grant of financial upgradation under the ACP Scheme, but under the one time bound promotion scheme, as has been introduced by the respondents at par with the Department of Telecom as per order dated 27.2.04 (Annexure-I), it is clearly mentioned that after completion of 16 years of service, such higher scale will be admissible. There is no mention of "regular service".

16. In this context we may refer to a decision of the Hon'ble Supreme Court in the case of Dwijen Ch. Sarkar Vs. Union of India and Ors 1999 SCC (L &S) 486. In that decision, the Hon'ble Supreme Court examined the Time Bound Promotion Scheme introduced in the P & T department which is analogous to the present scheme, which has been made applicable to the applicants at par with Department of Telecom. This scheme was originally introduced in the P & T Deptt. on 17.12.83. The relevant portion of the scheme reads as follows:-



"The Scheme will come into effect from 30-11-1983. All official belonging to basic grades in Group 'C' and Group 'D' to which there is direct recruitment either from outside and/or by means of limited competitive examination from lower cadres, and who have *completed 16 years of service in that grade* will be placed in the next higher grade. Officials belonging to operative cadres listed in Annexure 'A-1' to the agreement will be covered under the Scheme."

17. The Apex Court has observed that the expression used is completion of "16 years of service in that grade". No doubt, the present applicants have completed 16 years of service in the grade of Rs.260-400/- now revised to Rs.3200-4900/-. It is also true that they were initially appointed against temporary posts but subsequently by an order dated 08.06.95, five additional posts of C.S.B.O. were created at Panagarh Station Head Quarter and against those posts the applicants were regularized from 05.01.1994 vide annexure-R/3.

18. The only ground for which the respondents have declined to extend the benefit of one time bound promotion is that the applicants were regularized only w.e.f. 05.01.94 and

that the service rendered by them prior to that date from 1.8.85 was not regular but casual. As we have seen above, in the appointment order of the applicants, there was no mention of the term 'casual' rather we have found that they were appointed against temporary posts. Whether the posts were temporary or permanent that may have some bearing on regularization or confirmation in service of an employee but the fact remains that the applicants have completed 16 years of continuous service from the date of their initial appointment, may be against temporary posts but they have all along got regular increments. It is pertinent to note here that although in their regularization order dt. 8.6.95 (annexure-RIII), in clause 4(b) it was indicated that service rendered on casual basis prior to appointment in regular establishment will not be counted for the purpose of pay fixation, but it appears that the applicants have been granted increments all along, that is to say such so called casual service was taken into consideration for the purpose of pay fixation in respect of the applicants as stated by them.

19. The applicants have also raised a ground of discrimination by stating that in case of one Shri Bhaskar Chakraborty, service was counted from the date of his initial appointment from 8.5.88. The respondents have replied that he was appointed on regular basis against an existing vacancy and brought on the GS Branch common roster with effect from the same date which is not the case of the applicants. It appears that the respondents are making the differentiation on the basis of inclusion in the common roster against permanent vacancy. But that does not mean that the past service of the rendered against temporary post before being brought on centralised common roster against permanent posts has to be wiped out. May be it may not be counted for seniority purpose.

20. The purpose of introducing time bound promotion is to remove frustration amongst the employees who may not get normal promotion in the higher grade due to their low seniority position. These applicants having worked for 16 years at a stretch without any interruption in the basic grade of Switch Board Operators, their break periods having been regularized, they cannot possibly be denied the benefit of higher pay scale under one time bound promotion scheme. Of course, they cannot claim any



Beatty

21. For the reasons stated above, we are unable to accept the stand taken by the respondents to deny the benefit of one time bound promotion to the applicants and accordingly their decision impugned in this O.A. is hereby set aside. We direct the respondents to consider grant of higher pay scale of Rs. 5000-8000/- to the applicants from the date they completed 16 years of continuous service from their initial appointment in the grade i.e. w.e.f. 1.8.01 without however any benefit of seniority, with all consequential monetary benefits. This order be implemented within three months from the date of communication of this order.

3d-
VICE-CHAIRMAN

✓✓✓✓✓

काठमाडौं नगरपालिका अधिकारी
Kathmandu Administrative Tribunal
काठमाडौं न्यायपीठ
Kathmandu Bench

- (a) Sl No of the Appln..... 3339.....
(b) Name of the applicant..... Mr. B. S. M. N.....
(c) Dt. of presentation of application for copy..... 27-7-77.....
(d) No. of pages..... 8.....
(e) Copying fee charged/urgent or ordinary..... Cost Extra.....
(f) Dt. of preparation of copy..... 28/8/77.....
(g) Dt. of delivery of the copy to the applicant..... 2-8-77.....

OP IMDT

DTG : 10

UNCLAS

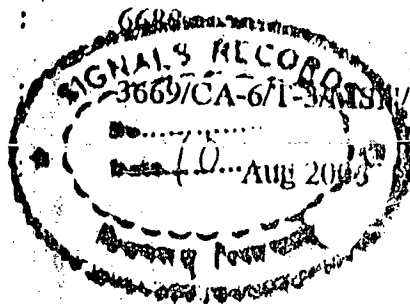
A - 3562

From : Sigrecords

To : Stn Cell HQ 101 Area
 Stn Cell HQ 51 Sub Area
 Stn Cell HQ 41 Sub Area
 Stn HQ Binnaguri
 Stn HQ Mishnamari
 Stn HQ Dinapur
 Stn HQ Silchar
 Stn HQ Bengdubi

Counting of seniority in respect of CSBOs who appointed initially on casual/oblique temp basis (.) CSBOs of Stn HQ Panagarh in view of a recent judgement of CAT Kolkata bench have got their temp/casual service counted as regular service for grant of Time Bound Promotion (.) a case is being projected by this office to Indarmy for grant of such benefits to all similarly placed CSBOs (.) request intimate name of all such CSBOs hold in your posted strength who were initially appointed on casual/temp basis with date of their casual oblique temp appt (.) date of temp appt these CSBOs when they initially appointed for 89 days prior to absorption in regular est is reqd urgently for inclusion in Statement of Case (.) request fwd details through Fax oblique Sig indtly

Drafter's Name : D N Sharma, VSM
 Rank : Lt Col
 Appt : Chief Record Officer
 Tele Mil :
 Case file No :
 Dated :



Lt Col:

TOR : h

Certified to be
 true Copy

M. Maitachouj
 Advocate

LIST OF CSBOs GDE- II WHO HAVE BEEN APPOINTED ON TEMP BASIS AND SUBSEQUENTLY
ABSORBED IN THE REGULAR EST UNDER GS BRANCH COMMON ROSTER

Ser No	Name of CSBO	Unit	Date of appt on temp basis	Date of appt on regular basis	Remarks
(a)	(b)	(c)	(d)	(e)	(f)
1.	Shri Prasanna Kumar Das (Now CSBO Gde-I)	West Comd Comp Sig Regt	01 May 85	25 May 93	* Please fill up correct dates on column (d). Where dates have already been filled, this may be checked again before forwarding to Signals Records
2.	Shri B K Mistry (Now CSBO Gde-I)	Sta HQ Binnaguri	*	11 Aug 93	
3.	Shri Ravi Lama (Now CSBO Gde-I)	Sta HQ Binnaguri	*	18 Dec 93	
4.	Smt Dhaneswari Deol (Now CSBO Gde-I)	Sta Cell HQ 101 Area	*	19 Dec 94	
5.	Shri Dhan Kumar Hazarika (Now CSBO Gde-I)	Sta HQ Dimapur	*	17 Nov 93	
6.	Shri Pranjit Baruah (Now CSBO Gde-I)	Sta HQ Dimapur	*	17 Nov 93	
✓ 7.	Shri Jogeshwar Nath	West Comd Comp Sig Regt	01 May 85	25 May 93	
8.	Kum Moon Moon Das	Sta HQ Binnaguri	01 May 85	25 May 93	
9.	Shri Madan Chandra Urmia	West Comd Comp Sig Regt	11 Nov 87	25 May 93	
10.	Shri Lakhinder Khosla	Sta HQ Dehradun	01 May 85	25 May 93	
11.	Smt Bedvati Das	Sta HQ Binnaguri	01 May 85	25 May 93	
12.	Shri Pulin Sharma	Sta HQ Cell Dehradun Cantt	01 May 85	25 May 93	
13.	Smt K D Gurung	East Comd Sig Regt	*	11 Aug 93	

(a)	(b)	(c)	(d)	(e)	(f)
14.	Shri A K Patnaik	Stn HQ Gopalpur	*	11 Aug 93	
15.	Smt Labanya Sekhawat	1 Army HQ Sig Regt	*	17 Nov 93	
16.	Smt Chandi Sarkar	Stn HQ Cell HQ 101 Area	*	17 Nov 93	
✓ 17.	Smt Savita Paul	Stn HQ Cell HQ 51 Sub Area	01 Mar 85	17 Nov 93	
18.	Kum Mina Sainia	Stn HQ Cell HQ 41 Sub Area	*	17 Nov 93	
19.	Smt Depali Kalita	Stn HQ Misamari	*	17 Nov 93	
20.	Smt Ratna Borah	Stn HQ Panagarh	*	17 Nov 93	
✓ 21.	Smt Gayatri Mahanta Devi	Stn HQ Cell HQ 51 Sub Area	06 Jun 87	17 Nov 93	
✓ 22.	Shri Indu Kumar Hazarika	West Comd Comp Sig Regt	01 Mar 85	17 Nov 93	
23.	Shri Satyajit Baruah	Stn HQ Gaya	*	17 Nov 93	
24.	Shri Biren Kumar Kalita	Stn HQ Dimapur	01 Mar 85	17 Nov 93	
25.	Shri Amal Chanda	Stn HQ Binnaguri	01 May 85	13 Dec 93	
26.	Shri Manoj Kumar Bisoyi	IMA Dehradun	*	13 Dec 93	
27.	Shri Vijaya Rajan D	Stn HQ Ramgarh	*	13 Dec 93	
28.	Shri Sunil Kumar Das	South Comd Sig Regt	*	13 Dec 93	
29.	Shri Anil Kumar Das	Stn HQ Binnaguri	27 Jan 86	05 Jan 94	
30.	Shri B L Narayana	Stn HQ Gopalpur	16 Sep 88	05 Jan 94	
31.	Shri Nk Rudra	Stn HQ Binnaguri	27 Jan 86	05 Jan 94	

(a)	(b)	(c)	(d)	(e)	(f)
32.	Shri AC Sarkar	Stn HQ Binnaguri	27 Jan 86	05 Jan 94	
33	Shri A Surya Narayana Rao	Stn HQ Gopalpur.	12 Sep 88	05 Jan 94	
34	Shri Bisweshwar Banik	Stn HQ Binnaguri	27 Jan 86	05 Jan 94	
35	Smt Farida Begum	Stn HQ Cell 51 Sub Area	05 Nov 86	05 Jan 94	
36.	Smt S Guha Roy	Bengal Area Sig Coy	27 Jan 86	05 Jan 94	
37.	Shri Biswajit Bhaduri	Stn HQ Binnaguri	27 Jan 86	05 Jan 94	
38.	Kum Anima Tigga	Stn HQ Bengdubi	*	05 Jan 94	
39.	Shri Deepak Nirala	Stn HQ Missamari	17 Dec 85	05 Jan 94	
40.	Shri Mohd Riazuddin Ahmed	Stn HQ Missamari	01 May 85	05 Jan 94	
41.	Smt A Lakshmi Mohanty	Stn HQ Gopalpur	14 Sep 88	05 Jan 94	
42.	Shri A K Shrivastava	Stn HQ Cell Allahabad Sub Area	01 Aug 85	05 Jan 94	
43.	Smt Alka Sharma	UB Area Sig Regt	10 Jan 89	05 Jan 94	
44.	Shri Sukanta Prusty	Stn HQ Gopalpur	09 Sep 88	05 Jan 94	
45.	<u>Shri Babu Mia Choudhary</u>	Stn HQ Silchar Cantt	*	21 Feb 94	
46.	<u>Smt Anita Bhattacharjee</u>	-do-	*	21 Feb 94	
47.	<u>Shri Ranjit Kumar Dutta</u>	Stn HQ Dimapur	*	21 Feb 94	
48.	<u>Shri Sahabuddin Barbhuiya</u>	CIJW School	*	21 Feb 94	
49.	Shri Kumar Pushkar	Bengal Area Sig Coy	*	18 Aug 94	

(a)	(b)	(c)	(d)	(e)	(f)
50.	Shri D N Bhorpujari	Stn HQ Jamnagar	11 Aug 86	19 Dec 94	
51.	Smt Bimla Dutta Mazumdar	Stn HQ Cell HQ 41 Sub Area	*	19 Dec 94	
52.	Smt Nani Sharma	Stn HQ Jalapahar	*	19 Dec 94	
53.	Shri Debabrata Das	Stn HQ Devlali	23 Jul 86	19 Dec 94	
54.	Smt Saieha Begum	Stn HQ Cell HQ 101 Area	*	19 Dec 94	
55.	Shri Shankar Bhowmik	Stn HQ Yol	*	19 Dec 94	
56.	Kum Manju Thakuria	Stn HQ Panagarh	*	19 Dec 94	
57.	Shri Subrata Purkayastha	Stn HQ Dimapur	*	19 Dec 94	
58.	Smt Mina Sharma Barhakur	MG & G Area Sig Coy	*	19 Dec 94	
59.	Shri Jayanta Kumar Dey	East Comd Sig Regt	*	19 Dec 94	
60.	Smt Seema Chakraborty	Stn HQ Cell HQ 41 Sub Area	*	19 Dec 94	
61.	Smt Rita Choudhary	Stn HQ Cell HQ 101 Area	*	19 Dec 94	
62.	Smt Bharti Das	-do-	*	19 Dec 94	
63.	Smt Biju Kalita Das	MG & G Area Sig Coy	*	19 Dec 94	
64.	Smt Nazia Begum	Stn HQ Cell HQ 51 Sub Area	*	19 Dec 94	
65.	Smt Sabita Kar	Stn HQ Cell HQ 101 Area	*	19 Dec 94	
66.	Smt Rita Singha	-do-	*	19 Dec 94	
67.	Shri Gulpada Chakraborty	Stn HQ Jalapahar	*	19 Dec 94	
68.	Smt Bhabeswari Devi	Stn HQ Cell 101 Area	*	19 Dec 94	

Siddhartha Bhattacharya. M. A. LL. B.

Advocate

GAUKATI HIGH COURT

HIGH COURT OF ASSAM, GUWAHATI, TRIPURA,
MIZORAM, MANIPUR, MEGHALAYA, ARUNACHAL PRADESH.

ANNEAURE - 9

Chamber Address

G. S. B. & Associates

G-1, Seventh Heaven Complex
P.O.-Ulubari, G.S.Road, Guwahati
Assam Pin - 781007

(Mobile) 94360 10719

(Chamber) 0361 - 2457906

(Residence) 0361 - 2528311

To,

1. Director General of Signals [Sigs-4 (c)]
General Staff Branch
Army HQs.
DHQ PO. New Delhi- 110011.

2. Col. Records
Signal Records
Post Bag No.-5
Jabalpur - 482001
Madhya Pradesh.

Our Ref. No. GSBA/LN/25/07
Dated : Guwahati 8 March, 2007

3. Admn. Commandant
Station Headquarter, Tezpur
4, Corps
C/o. 99 A.P.O.

4. Commanding Officer
2 Coy Signal Regiment
Army Exchange, Narangi Cant
C/o. 99 A.P.O.

Sub: - Legal Notice

Sir,

Take notice that the following individuals, namely (1) Indu Kumar Hazarika (2) Soroj Kr. Mahanta (3) Sabita Paul (4) Jogeswar Nath (5) Farida Begum (6) Gayatri Devi. who are working as Civilian Switch Board Operators in Military Telephone Exchanges under your jurisdiction have engaged me as their Legal Counsel by signing a Vakalatnama in my favour.

That on instruction of my above named clients I am to inform you,

1. That my above mentioned clients have been working in your department for a long time and as over the years their services had not been regularised, they had been compelled to approach the Hon'ble Central Administrative Tribunal, Guwahati Bench for redressal of their grievances through O.A. No. 176 of 1991, O. A. Nos 185 of 1990, 70 of 1992 and 104 of 1992

2. That the Central Administrative Tribunal, Guwahati Bench passed its Judgment & Order in the Original Applications filed by my clients on 17th Nov, 1993 and on 25th May, 1993 wherein interalia the Hon'ble CAT have directed the authorities to regularise their services along with certain other directions.

Certified to be
true Copy

M. Bhattacharya
Advocate

Contd..

(2)

3. That in pursuant to the aforementioned Judgment & Orders of the Hon'ble Central Administrative Tribunal, Guwahati Bench, the then Officiating Adm. Commandant of Station HQ. Tezpur Vide daily Order Part-II dated 30th June, 1995 issued the following Order.

“APPOINTMENT”

The following individuals have been appointed as CIVILIAN SWITCH BOARD OPERATORS with effect from 17th Nov, 93 the date of court Judgment decided in their favour.

Auth: Govt. of India, Min. of Def DO No. 3877/JS (O) 95 dt. 10th May 95 and Signals Records Jabalpur letter No. 3681/ 1/CA6/PE/EC/ 46 dt. 16 June, 95”.

4. That, in the said D.O. Part-II No. 01/CSBO/95 (SHEET 2) issued by Station Head Quarter, Tezpur dated 0th June, 1995 the date of permanent regularisation was shown to be 17th November, 1993 and in the column showing date of initial employment the following dates were shown against the names of present applicants.

Name	Date of Initial Appointment
(i) Indu Kr. Hazarika	01.03.1985
(ii) Seroj Kr, Mahanta	01.03.1985
(iii) Sabita Paul	01.03.1985
(iv) Jogeswar Nath	01.05.1985
(v) Farida Begum	05.11.1986
(vi) Gayatri Devi	06.06.1987

5. That, the question of confirmation of seniority and consideration of the initial period of employment upto the date of regularization as permanent employee for the purpose of consideration of length of Service was not settled by the aforestated Order.

6. That, my clients brought this aspect to the notice of the concerned departmental authorities on several occasions but the departmental authorities apart from time to time assurances of redressal of their grievances did not take any concrete steps to mitigate the grievance of my clients.

Contd...

(3)

7. That my clients were further aggrieved by the fact that similarly placed CSBO's working at Pannagarh in West Bengal have been given due seniority from their initial date of appointment by the Department but no such steps have been taken by you in case of my clients.
8. That in the aforestated facts and circumstances my client have instructed me to serve a legal notice on you to accord and consider their services from the date of their initial appointment in matters of determining length of service, seniority and such other related issues in the light of the Orders passed by you in the case of CSBO's working at Pannagarh in West Bengal, within four (4) weeks of receipt of this notice.
9. I am further instructed to inform you that in case of your failure to do so, my clients will be compelled to approach an appropriate forum of law for redressal of their grievances.
10. It is also to inform you that this notice is served without any prejudice to any of my clients legal rights and remedies.

Please acknowledge receipt of this notice.

Your's sincerely,

Siddhartha Bhattacharya

Siddhartha Bhattacharya,

Advocate.

GAUHATI HIGH COURT.

बीमा नहीं NOT INSURED

संगये गये डाक टिकटों का मूल्य रु. 22/-

Amount of Stamps affixed Rs. 22/-

एक रजिस्ट्रि * P. Gen of Signal

Received a Registered * Army Hqs

पानेवाले का नाम

Addressed to N. Delhi - 11

क्रमांक

No.

1407

तारीख मोहर

Date Stamp

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

बीमा नहीं NOT INSURED

संगये गये डाक टिकटों का मूल्य रु. 22/-

Amount of Stamps affixed Rs. 22/-

एक रजिस्ट्रि * Commanding Officer

Received a Registered * 2 Coy Signal Regt

पानेवाले का नाम

Addressed to Co - 99 B.P.O

क्रमांक

No.

1408

तारीख मोहर

Date Stamp

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

बीमा नहीं NOT INSURED

संगये गये डाक टिकटों का मूल्य रु. 22/-

Amount of Stamps affixed Rs. 22/-

एक रजिस्ट्रि * Arm. Command

Received a Registered * Station H. Q.

पानेवाले का नाम

Addressed to J. 3 pur

क्रमांक

No.

1409

तारीख मोहर

Date Stamp

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

बीमा नहीं NOT INSURED

संगये गये डाक टिकटों का मूल्य रु. 22/-

Amount of Stamps affixed Rs. 22/-

एक रजिस्ट्रि * Col. Records

Received a Registered * Signal Branch

पानेवाले का नाम

Addressed to Gabalpur - 1

क्रमांक

No.

1410

तारीख मोहर

Date Stamp

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

REGD BY POST
IMMEDIATE

Tele : 23333702

Dte General of Signals, Sigs 4 (c)
General Staff Branch
Integrated HQ of MoD (Army)
DHQ PO New Delhi - 110011.

B/44572/Sigs 4 (c)/23

13 Apr 07

Sh Sddhartha Bhattacharya, Advocate
The High Court of Assam, Nagaland, Tripura
Meghalaya, Manipur, Mizoram, Arunachal Pradesh
G.S.B. & Associates
G-1, Seventh Heaven Complex
PO-Ulubari, GS Road, Guwahati (Assam) 781007

LEGAL NOTICE

1. Reference your Notice No BSBA/LN/25/07 dated 08 Mar 2007.
2. The case for confirmation of seniority and consideration of the initial period of employment upto the date of regularization as permanent employee for the purpose of length of service in respect of the following CSBOs has been examined in detail :-
 - (a) Sh Indu Kumar Hazarika
 - (b) Sh Saroj Kumar Mahanta
 - (c) Smt Sabita Paul
 - (d) Shri Jogesh Nath
 - (e) Smt Farida Begum
 - (f) Smt Gatatri Devi
3. It is intimated that the case on the subject in respect of all affected CSBOs was projected by Signals Records and was further referred to Ministry of Defence. Ministry of Defence have returned the same unactioned stating that all matters related to cadre reviews (of all categories of employees) proposal for upgradation/anomalies, new allowances or enhancement of existing allowance should also be referred to Sixth CPC.
4. Therefore, as per the directions of Ministry of Defence, the case has now been forwarded to Sixth CPC through AG's Branch, Army HQ for their consideration.
5. Your clients may please be apprised accordingly.

(PK Gera)
Dy Dir
Sigs 4 (c)
For SO-in-C

Copy to :-

The Records Signals -
PIN-901124, C/O 56 APO

For info wrt your Sig No A 9488 dated 05 Apr 07.

Certified to be
true copy

M. Maitra
Advocate

File in Court on.....

Court Officer,

केन्द्रीय प्रशासनिक अपील बोर्ड
Central Administrative Tribunal

31 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

Title of the case :

OA No 265 of 2007

BETWEEN
Smti. Farida Begum.

.....Applicant

AND
UNION OF INDIA & ORS

.....RESPONDENTS

WRITTEN STATEMENT SUBMITTED BY THE RESPONDENTS

I N D E X

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4.	Annexure-II	12
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6.	Annexure-IV	16-18
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8.	Annexure- VI	20-25
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10.	Annexure-VIII	26-39
11.	Annexure-IX	40

Filed by : Usha Das
Miss Usha Das
Addl CGSC

Date : 31/1/2008

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

OA NO. 265/2007

Smti. Farida Begum

....APPLICANT

-VERSUS-

UNION OF INDIA & others

.....RESPONDENTS

-AND-

IN THE MATTER OF

Written Statement submitted by the Respondent No. 1 to

WRITTEN STATEMENT:

The humble answering respondents submitted their written statement as follows:

I(a) That I am Maj. T K Bamik, O c 2 Coy, FCSR

(F Composite Signal Regiment) of Narangi Cantt, Guwahati.

S/o Mr T K Bamik and respondent No. VI in

the above case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statements, the contentions and statements made in the application and authorized to file the written statement on behalf of all the respondents.

(b) The application is filed unjust and unsustainable both facts and in law.

(c) That the application is bad for non-joinder of necessary parties and misjoinder of unnecessary parties.

Recd copy
31/01/08

2 copy

Filed by

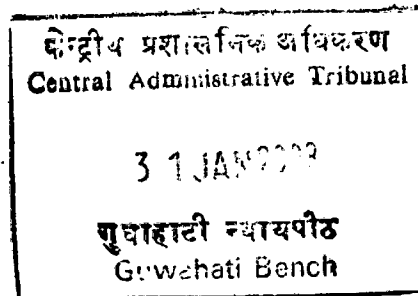
Tamara Kargabank

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Thaugh

Order Comm. Regt

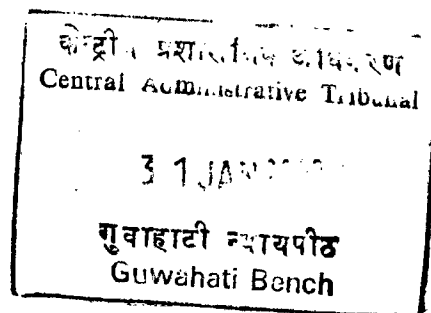
Alsha Das
Addl CHS
31/1/2008



- (d) That the application is also hit by the principles of waiver estoppels and acquiescence and liable to be dismissed.
- (e) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicants had suffered from vice of illegality.
- 1) That the respondents before giving the parawise reply would like give the Brief History of the case, which may be treated as part of the Written Statement.

Smt Farida Begum, CSBO Gde-II of Stn Cell HQ 51 Sub Area has filed the instant Application before CAT Guwahati bench for regularization of her appointment w.e.f 05 Nov 1986 (date of her appointment on casual basis) and claiming Time Bound Promotion after 16 years of service as sanctioned to CSBOs vide Govt. of India, Ministry of Defence letter No. B/44572/Balraj/sigs 4©/92/CC/D (QS) dated 27 Feb 2004 (copy annexed as Annexure 6 of OA). Smti Farida Begum was appointed as CSBO locally at Stn HQ Missamari on casual basis w.e.f. 05 Nov 1986. The post under which the applicant, Smti Farida Begum was appointed was of temporary nature as no CSBOs staff was authorized in the PE of Station of HQ Missamari. On creation of CSBOs post in the PE of Station HQ Missamari vide Ministry of Defence letter No. 58932/SD-7/22/C/D(GS-1) dated 05 January 1994 and on receipt of directions from HQ of Ministry of Defence (Army) vide letter No. B/44572/Sigs4(c) dated 27 April 1995, she was brought into regular est w.e.f 05 Jan 1994 vide Signals Records letter No. 3681/CA@-6/1/PE/01 dated 08 June 1995

Jagan Kangabamk
Ombudsman
2 Coy, 1st Bn, 1st Regt



3

The applicant was brought in GS Branch common roster against the regular vac w.e.f. 05 Jan 1994. CSBO category is eligible for two financial upgradations under Time Bound Promotion Scheme i.e. first after 16 years of service in the pay scale of Rs. 5000-150-8000 and second after 26 years of service in the pay scale of Rs. 5500-175-9000 vide Ministry of Defence letter No. B/44572/Balaraj/Sigs 4 (c) /92/CC/D(QS) dated 27 Feb 2004. Since service of the applicant was casual basis eligible for first financial upgradation only after completion of her required qualifying service of 16 years i.e. w.e.f. 05 Jan 2010.

PARAWISE REPLY

- 2) That with regard to the statement made in paragraph 1 of the OA, the answering respondents beg to offer no comment. However, the applicant CSBO is getting correct pay scale as sanctioned vide Govt. of India, Ministry of Defence letter No. B/44572/Balaraj/Sigs 4 (c) /92/CC/D(QS) dated 27 Feb 2004.
- 3) That with regard to the statement made in paragraphs 2, 3 and 4 (a) of the OA, the answering respondents beg to offer no comment.
- 4) That with regard to the statement made in paragraphs 4(ii) and 4(iii) of the OA, the respondents beg to submit that the contentions of the applicant are not correct. The applicant was initially appointed as CSBO on 05 Nov 1986 at Station Head Quarter Missamari on temporary basis for 89 days. There benign no authorization of CSBOs in the Peace Establishment (PE) of Station HQ Missamari, her service could not be regularized. She had served at Station HQ Missamari along with 09 other CSBOs based on temporary sanction recd by Station HQ Missamari from time to time. The applicant and two other CSBOs have been regularized in situ at Station HQ Missamari on creation of CSBOs post in the PE of Station HQ Missamari

Jasun Kangabamk

31 JAN 1998

गुवाहाटी न्यायपीठ
Guwahati Bench

w.e.f. 05 Jan 1994. She is presently serving at Station Cell HQ 51 Sub Area.

- 5) That with regard to the statement made in paragraphs 4(iv), 4(v) and 4(vi) of the OA the answering respondents beg to submit that the as far as the reference of Court cases are concerned the contentions of the applicant are correct. However, based on direction of different Courts, department has made efforts to get the authorization of CSBOs in units where CSBOs are serving on temporary/casual basis. Accordingly 27 posts of CSBOs have been created in the PE of five Station HQ including 05 posts at Station HQ Panagarh vide Govt. of India, Ministry pf Defence letter No. 58932/SD7/22/C/D(GS-I) dated 05 January 1994 (Copy annexed as Annexure- 1). Therefore on directions from IHQ of Ministry of Defence (Army) vide letter No. B/44572/Sigs 4 (c) dated 27 April 1995, the services of these temporary/casual CSBOs including the applicant have been regularized w.e.f. 05 January 1994 i.e. the dated of adoption of revised PE of Station HQ vide Signals Records letter No. 3681/1/CA-6/PE/01 dated 08 Jun 1995

Copies of the letter are annexed herewith and marked as Annexure- II and III respectively.

- 6) That with regard the statement made in paragraph 4(vii)^{and 4(viii)} of the OA, the answering respondents beg to submit that the contentions of the applicant is not correct as all the affected CSBOs including the applicant are eligible for seniority w.e.f. 05 January 1994. The applicant cannot claim her seniority w.e.f. 05 Nov 1986 as on this date she was initially appointed on casual/temporary basis at Station HQ Missanmari where no CSBOs post was authorized in their PE. She was kept there on temporary basis. However, on creation on CSBOs post on the PE of Station HQ Missamari, she was brought into the regular est by adjusting her in Situ w.e.f. 05

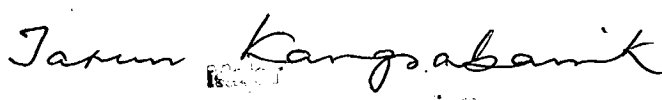
Jatun. Kangsabamk

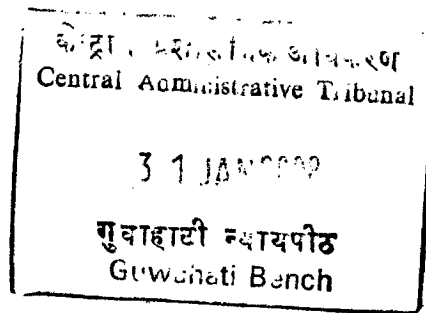
January 1994 vide Signals Records letter No. 3681/1/CA-6/PE/01 dated 08 Jun 1995. Therefore, claiming seniority by the CBSO w.e.f the date her initial appointment on casual/temporary basis i.e. w.e.f 05 Nov 1986 is incorrect and ill-conceived.

- 7) That with regard to the statement made in paragraph 4(IX) of the OA, the answering respondents beg to offer no comments. The applicant is giving the reference if Tele Com Department. The terms and conditions of Telephone Operators of Telecom Deptt and CSBOs are not similar.
- 8) That with regard to the statement made in paragraphs 4 (X) to 4(XIII) of the OA the respondents beg to no comment.
- 9) That with regard to the statement made in paragraph 4 (XIV) of the OA, the respondents deny the contentions made therein and further submit that the existing pay scale is applicable to all Central Govt. Employees w.e.f. 01 Jan 1996 vide CCS (RP) Rules, 1997. Therefore, the revised pay sanctioned to the CSBOs category vides Govt. Of India, Ministry of Defence letter No. B/44572/Balraj/Sigs 4 (c)/92/CC/D (QS) dated 27 Feb 2004 (copy annexed as Annexure-6 of the OA) in view of CAT Chandigarh Bench judgment dated 13 September 2002 on case No. OA No. 450/HR/2002 is effective w.e.f. 01 Jan 1996. The pay scale as sanctioned to the CSBOs w.e.f. 01 Jan 1996 has no relevance with their length of qualifying service for grant of Time Bound Promotion. The Time Bound Promotion is applicable to those CSBOs who have completed their 16 years/26 years of regular service respectively,.
- 10) That with regard to the statement made in paragraphs 4 (XV) to 4 (XVII) of the OA, the respondents beg to offer no comment.

Tarun Kangabamk

- 11) That with regard to the statement made in paragraph 4 (XVIII) of the OA, the respondents deny and contentions made therein and beg to submit that the Hon'ble CAT, Kolkata Bench judgment dated 06 May 2005 on case No. OA No. 668 of 2004 is applicable to that particular case and does not applicable to any other case of similar nature. Therefore, expectation of the applicant for such grant based on above Court's judgment is baseless. However Signals Records have collected the information of casual service of CSBOs from affected units/est to project their cases to higher authorities for counting of their casual service into regular service for calculation of 16 years service for grant of the Time Bound Promotion.
- 12) That with regard to the statement made in paragraphs 4(XIX) and 4(XX) of the OA, the respondents deny the contentions made therein and beg to submit that on receipt of representation dated 08 Feb 2006 from the affected CSBOs including the applicant, Signals Records have immediately called statement of case vide their letter No. 3669/CA-6/3/ACP-TBP/60 dated 19th May 2006 for obtaining sanction from Ministry of Defence along with estimated financial implication involved in this case. On receipt of statement of case from Station Cell HQ 51 Sub Area vide their letter No. 7201/EST/PE/CSBO dated 27 Jun 2006, a case was projected to Ministry of Defence through IHQ of Ministry of Defence (Army) for approval vide Signals Records letter No. 3669/CA-6/T-3/MSN/75 dated 10 Aug 2006. Therefore, allegations made by the applicant that no action has been taken by the respondents is unjustified. Legal Notice dated 08 March 2007 served by the advocate for the applicant has been correctly replied vide IHQ of Ministry of Defence (Army) letter No.44572/Sigs4 (c)/23 dated 13 April 2007 (copy annexed at Annexure-10 of OA). A separate consolidated proposal for counting of service from the date of temporary appointment in respect of CSBOs is presently under consideration of Ministry of Defence in consultation with DoP &T.


 Jasun Kangsabam
 2007-08-08 Sigs Regt

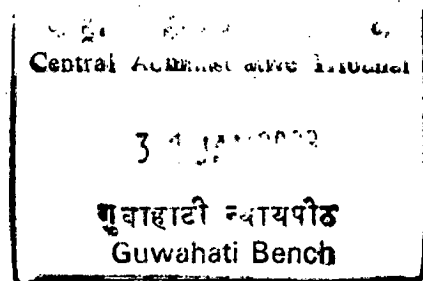


Copies of the representation dated 08 Feb 2006, letter dated 19 May 2006, letter dated 27 Jun 2006 and letter dated 10 Aug 2006 are annexed herewith and marked as Annexure- V, V, VI and VII respectively.

- 13) That with regard to the statement made in paragraph 5, Ground of Relief, of the OA, the answering respondents deny the contentions made therein and beg to submit that the contentions of the applicant are not correct. The applicant was appointed as CSBO locally at Station Missamri on casual basis w.e.f. 05 Nov 1986. Her post was of temporary nature as no CSBOs staff was authorized in the PE of Station HQ Missamari. However, on receipt of directions from IHQ of Ministry of Defence (Army) vide letter No. B/44572/Sigs 4(c) dated 27 April 1995, she was brought into regular est w.e.f. 05 Jan 1994 (i.e., on creation of CSBOs post in the PE of Station HQ Missamari) vide Signals Records letter No. 3681/1/CA-6/PE/01 dated 08 Jun 1995. She was given correct seniority and no discrimination and injustice has been done to her. However, Hon'ble CAT, Kolkata Bench judgment dated 06 May 2005 in OA No. 668/2004 considering length of service for grant of Time Bound Promotion w.e.f. date of their initial appointment on casual basis in respect of Shri Madhu Sudan Nayak and two other CSBOs of Station HQ Panagarh is applicable to the particular case and does not applicable to any other case. Therefore, it cannot be extended to the applicant, CSBO Gde-II as claimed. However, pay scale as laid down in Govt. of India, Ministry of Defence letter No. B/44572/Balraj/Sigs 4 (c) /92/CC/D (QS) dated 27 Feb 2004 which was issued based on Hon'ble CAT, Chandigarh Bench judgment have already implemented and it is equally applicable to all CSBOs (Under GS Branch common roster) and those who have completed their 16 years/26 years of regular service is entitled for financial upgradations

Jatin Kangsabamit

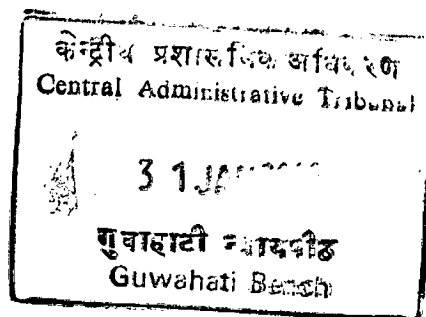
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under Time Bound Promotion. The applicant is completing 16 years of regular service on 04 Jan 2010 and therefore, she will be eligible for first financial upgradation in the pay scale of Rs. 5000-150-8000 w.e.f. 05 Jan 2010.

- 14) That with regard to the statement made in paragraph 6 of the OA, the respondents deny the contentions made therein beg to reiterate and reaffirm the statements made in paragraph 12 above.
- 15) That with regard to the statement made in paragraph 7 the OA; the answering respondents beg to offer no comment.
- 16) That with regard to the statement made in paragraph 8 of the OA the answering respondents beg to submit that the contentions of the applicant is not tenable and repetition of the same contentions which have already adequately replied to. However to remove the anomaly and uniform pay scale to all similarly placed CSBOs, a case was projected to Ministry of Defence through IHQ of Ministry of Defence (Army) for approval vide Signals Records letter No.3669/CA-6/T-3/TBP/MSN/75 dated 10 Aug 2006 but Ministry of Defence have advised to refer all the matters related to cadre review, proposal for upgradation/anomalies, new allowances or enhancement of existing allowance to sixth CPC. Accordingly, the same was forwarded to AG/MP 4 (Civ/PCC) for onward submission to sixth CPC vides IHQ of MoD (Army) Note No. B/44572/TBP/Sigs 4(c)/211 dated 02 Mar 2007. The case for counting of service from the date of temporary appointment in respect of CSBOs is presently under consideration of Ministry of Defence in consultation with DoP &T as intimated vide IHQ of Ministry of Defence (Army) (AG/MP 4 (Civ) PCC) vide their letter No. 15608/5/MP 4 (Civ) (PCC) dated 26th October 2007.

Tarun Kangrabam



Copies of the letter dated 02 March 2007 and 26th October 2007 are annexed herewith and marked as Annexure-VIII and IX respectively.

- 17) Those in view of the reasons and circumstances stated above the answering respondents pray that the Hon'ble Tribunal may be pleased to dismiss the instant Original Application.

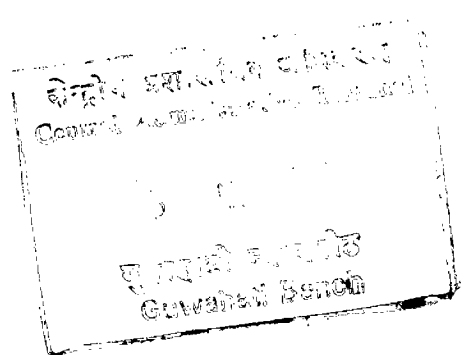
Tarun Kargabamk

Major

Officer Commanding

2 Coy, F Comp Sig Regt

- 10 -



VERIFICATION

I Maj TK Bantik, s/o Mr N C K Bantik, aged
about 35 years at present working as
OC 2 Coy, FC SR

....., who is one of the respondents and taking steps in this case, being
duly authorized and competent to sign this verification for all respondents,
do hereby solemnly affirm and state that the statement made in paragraph

1, 17 are true

to my knowledge and belief, those made in paragraph

2 to 16 being matter of records, are

true to my information derived there from and the rest are my humble
submission before this Humble Tribunal. I have not suppressed any material
fact.

And I sign this verification this 21th day of January 2008 at Guwahati

Tanum Kangsabamk



DEPONENT
2 Coy, FC SR Regt

9

3
Rach Bagesh

Annex-I

No 58932/SD 7/22 /C/D(GS-I)
Government of India
Ministry of Defence
New Delhi, the 5th Jan 94

20A
112

To

Chief of the Army Staff

SUB : AMENDMENT TO PE NO IV/226/1946/3 OF ADM COMDTS/SSOs
IN EASTERN COMMAND AND PE NO IV/245/1946/4 OF ADM COMDTS/
SSOs IN CENTRAL COMMAND

Sir,

I am directed to convey the sanction of the President to amend the PE No IV/226/1946/3 of Adm Comdts/SSOs in Eastern Command and PE No IV/245/1946/4 of Adm Comdts/SSOs in Central Command as under :-

(a) PE No IV/226/1946/3 of Adm Comdts/SSOs in Eastern Comd.

Details

(i) Under Station HQ Bengdubi

Add Switch Board Operators (Civ)

(ii) Under Stn HQ Panagarh

Add Switch Board Operators (Civ)

(iii) Under Station HQ Binnaguri

Add Switch Board Operators (Civ)

(iv) Under Station HQ Misamari

Add Switch Board Operators (Civ)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
3
31 JAN 2000
5 गुवाहाटी न्यायपीठ
Guwahati Bench.

11.

3 // ✓

(b) PE No IV/245/1946/4 of Adm Comdts/SSOs in Central Comd.

(i) Under Station HQ Gopalpur

Add Switch Board Operators (Civ)

5

2. The PEs will be amended accordingly.

3. The expenditure involved is debitable to the relevant Head of Defence Services Estimates.

4. This issues with the concurrence of the Ministry of Defence (Finance Division) vide their u.o. No 2692 /GS/94.

Suman Kargabamk

[Signature]

Officer Commanding

200ay/F Comp Sig Regt

Yours faithfully,

[Signature]
(Suman K Sharma)
Desk Officer

Copy to :-

All concerned.

Annex-II

56

Telephone : 3019874

Signal - Mahanideshyalaya (Sigs 4 (c))
General Staff, Shakha
Thal Sena Mukhyalaya
Directorate General of Sigs (Sigs 4 (c))
General Staff Branch
Army Headquarters
DHQ PO New Delhi - 110011

B/44572/Sigs 4 (c)

27 Apr 95

Signals Records
Jabalpur (MP)

केन्द्रीय प्रशासनिक अदालत Central Administrative Tribunal
31 JAN 2008
गुवाहाटी न्यायपीठ Ghatia Bench

REGULARISATION OF CSBOs IN EASTERN COMMAND AND CENTRAL COMMAND

P. 50 - 1. Reference your letter No 3681/1/CA6/PE/50 dated 8 Apr 95.

2. Confirmed. Clarifications sought vide para 2 (a) and (b) of your ibid letter are as under :-

16783
27-
PU (a) As per para 3 (f) of Govt of India letter No LMOD MF 4 (3)/89/D (Civ-II) dated 31 Jan 91, seniority of employees appointed to regular establishment will be reckoned with only from the date of regular appointment. Since PE of various stn HQs have been amended wef 05 Jan 94, these CSBOs have to be taken on GS Branch Common Roster wef that date only.

(b) As per para 3 (g) of above Govt letter, service rendered on casual basis prior to appointment in regular establishment shall not be counted for the purpose of pay fixation etc.

3. In view of above, you are requested to take these 27 CSBOs on GS Branch Common Roster and issue their posting orders accordingly.

SEEN BY	
CA - 6	
OIC OA	
OIC S	
Supd	
Task Clk	T-1

(KL Hans)
CSO
GSO 2 Sigs 4(c)
For SO-in-C

- ① 1 copy in R file
- ② Action.

FR/BR
P-57
62

Tele Mil : 2327

ANNEX-III

OP IMMEDIATE/REGD SDS
Signal Abhilekh Karyalaya
SIGNALS Records
Post Dag No-5
Jabalpur (MP)-482001

8 Jun 95

338.1/1/CA6/PE/01

Station Headquarters
Bengdubi, Darjeeling (WB)

Station Headquarters
Panagarh (W.B)-713420

Station Headquarters
Binnaguri (W.B)

Station Headquarters
Misamari, Assam-784506

Station Headquarters
Gopalpur Cantt
Ganjam (Orissa)

केन्द्रीय प्रशासनिक अपिलेशन
Central Administrative Tribunal

31 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

ADJUSTMENT/POSTING OF CSBOS ON REGULARISATION
OF POSTS AS CSBOS GDE-II IN EASTERN COMMAND
AND CENTRAL COMMAND

As per Govt of India, Min of Defence letter No 5892/SD-7/22/C/
(G-I) dated 05 Jan 94, the following additional posts of CSBOS have
been created in the PE of your Station HQ as shown against each :-

- | | |
|----------------------|------|
| (a) Stn HQ Bengdubi | - 03 |
| (b) Stn HQ Panagarh | - 05 |
| (c) Stn HQ Binnaguri | - 11 |
| (d) Stn HQ Misamari | - 03 |
| (e) Stn HQ Gopalpur | - 05 |

The following CSBOS have been taken into the GS Branch Common
pool against the regular vacancies after regularising their
services as CSBO Grade II wef 05 Jan 94 and accommodated/posted to
units/Stn HQ as shown against each :-

Name of the CSBO

Name of Present
Unit

Name of Unit/Stn HQ
where accommodated/
posted

(a)

(b)

(c)

(a) Shri Chandra
Mohan Maity

Stn HQ, Bengdubi

In Situ

(b) Alka Sharma

Kangsabank
Japin Major

In Situ

Officer Commanding

2 Coy, F Comp Sig Regt

...2/-

31 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

-2-

(a)	(b)	(c)
(c) Shri Madhusudan Naik	Stn HQ Panagarh	In Situ
(d) Shri Bikas Dutta	-do-	In Situ
(e) Shri SK Ghoshal	-do-	In Situ
(f) Shri AK Gangopadhyay	-do-	In Situ
(g) Shri AK Srivastava	-do-	In Situ
(h) Shri Bisweshwar Banik	Stn HQ, Binnaguri	In Situ
(j) Shri NK Rudra	-do-	In Situ
(k) Shri AK Das	-do-	In Situ
(l) Shri SN Choudhary	-do-	In Situ
(m) Shri SC Nandi — 540	-do-	In Situ
(n) Shri BC Das	-do-	In Situ
(o) Shri AC Sarkar	-do-	In Situ
(p) Smt S Guha	-do-	In Situ
(q) Shri Biswajit Bhaduri	Stn HQ, Bengdubi	Stn HQ Binnaguri
(r) Shri BL Narayana	Stn HQ, Gopalpur	In Situ
(s) Shri A Suryanarayana Rao	-do-	In Situ
(t) Shri Sukanta Prusty	-do-	In Situ
(u) Shri BK Naik	-do-	In Situ
(v) Kum A Laxmi Mohanty	-do-	In Situ
(w) Smt Farida Begum	Stn HQ, Misamari	In Situ
(x) Shri Md Riazuddin Ahmed	-do-	In Situ
(y) Shri Dipak Nirala	-do-	In Situ

3. Move of Shri Biswajit Bhaduri, CSEO shown at para 2 (Q) above will be treated as on public grounds and he will be eligible for TA/DA as per existing rules.

4. As regards, regularisation of posts and reckoning their seniority, the following is pointed out :-

(a) Their seniority to regular establishment will be reckoned only with effect from the date of regular appointment ie, 05 Jan 94 (date of adoption of amended PE).

(b) Service rendered on casual basis prior to appointment in regular establishment will not be counted for the purpose of pay fixation etc.

Auth :- (i) Army HQ (SD-7) Note No 58932/SD-7 dated 24 Mar 95; — P

(ii) Army HQ (Sigs 4(c) letter No B/44624/Sigs 4(c) dated 28 Mar 95; and

Officer Commanding

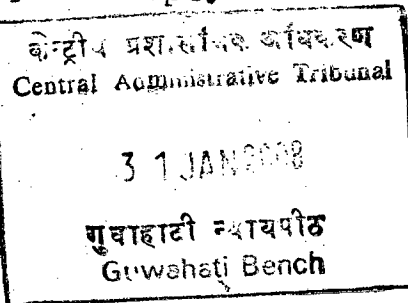
2 Coy, F Comp Sig Regt

....3/-

(14) Army HQ (Sigs 4(c)) letter No B/44572/Sigs 4(c) dated 27 Apr 95). - P 36

5. A copy of Part II Order promulgating regularisation of posts, taking them into the GS Branch Common roster and their adjustment/postings etc may please be forwarded to this office quoting this letter as reference for updating our records. Service cards (IAFY-2004) in their respects may also be forwarded duly completed for further retention by this office.

6. Please acknowledge receipt.



P A Nair
(P A Nair)
Lt Col
Chief Record Officer
For OLC Records

Copy to:-

Dte Gen of Signals, Sigs 4(c)
General Staff Branch
Army Headquarters
DHQ PO New Delhi-110011

1. Refer to Army HQ letter No B/44624/Sigs 4(c) dated 28 Mar 95 and B/44572/Sigs 4(c) dated 27 Apr 95.

2. As intimated by HQ East Comd (Sigs Br) vide their letter No 140085/CSBOS/Sigs 4/46 dated 22 May 95, the name of 3 CSBOS have not been included in the above order due to the reasons as shown against each :-

- | | |
|-----------------------------------|--------------------------------|
| (a) Shri Akhil Chandra - Resigned | ✓ |
| Dev (Stn HQ Dinnaguri) | from service |
| (b) Shri CP Sarker | do |
| (Stn HQ Dinnaguri) | |
| (c) Anima Tigga | - Service not yet regularised. |
| (Stn HQ Bengdubi) | |

HQ Eastern Command (Sigs Br)
Calcutta- 21

- For info with ref to their HQ letter No 140085/CSBOS/Sigs 4/46 of 22 May 95.

HQ Eastern Command (GS/SD)
Calcutta-21

Y
Y For info please.
Y
Y

HQ Central Command (Sigs Br)
Lucknow (UP)

Jasun Kargabank
Major
Officer Commanding
2 Coy, F Comp Sig Regt

1. Director General of Signals [Sigs - 4(c)]
General Staff Branch
Army HQs,
DHO, Po - New Delhi - 110011.

Annex-IV

Dated : Guwahati the
8th Feb. 2006

Col. Records
Signal Records
Post Bag No. 5
Jabalpur - 482004
Madhy Pradesh

केन्द्रीय प्रशासकीय न्यायिक न्यायाधीश
Central Administrative Tribunal

31 JAN 2006

गुवाहाटी न्यायपीठ
Guwahati Bench

3. Adm. Commandant
Station Headquarter, Tezpur
4, Corps
C/o. 99 A.P.O.
4. Commanding Officer
2 Coy Signal Regiment
Army Exchange
Norengi Cant
C/o. 99 A.P.O.

SIGNALS
RECORDS

08 MAR 2006

FWD | BACK

Sub : Non - Conferment of Seniority in service.

Sir,

With due respects we the below named individuals beg to submit this representation for your kind consideration and issual of necessary instructions in the matter mitigating the grievances and respectful prayers of the below mentioned individuals on amongst the following facts, circumstances and grounds as submitted herein below :

1. That, the undersigned most respectfully submit that they were engaged as Civilian Switch Board Operator in Military Telephone Exchanges in the years as shown against their names as herein below -

Name	Date of Initial Appointment
(i) Indu Kr. Hazarika	01.03.1985
(ii) Soroj Kr. Mahanta	01.03.1985-@
(iii) Sabita Paul ✓	01.03.1985
(iv) Jogeswar Nath ✓	01.05.1985
(v) Farida Begum ✓	05.11.1986
(vi) Gayatri Devi ✓	06.06.1987

2. That, the undersigned even after rendering services for a long span of continual services with artificial breaks in between were apprehensive about their future as they were kept under uncertainty of regularisation. Faced with such uncertainty with utmost reluctance they were compelled to approach the Hon'ble CAT, Guwahati Bench for its directions in the matter.

@ Postd Co 41 Vol B p 41

wef 06/3/04.

Major

Officer Commanding

2 Coy, F Comp Sig Regt

Contd.

100

17 -
118

That, the Central Administrative Tribunal, Guwahati Bench passed its Judgment & Orders in the Original Application filed by the present undersigned and directed the authorities to regularise their services alongwith certain other directions.

That, the respondent authorities were further directed not to interfere or terminate the services of the applicants before regularisation by making the interim Order of the Hon'ble CAT, Guwahati Bench absolute.

That, in pursuance to the Judgment & Order of the Hon'ble Central Administrative Tribunal, Guwahati Bench the then officiating Adm. Commandant of Stations HQ, Tezpur vide duly order part II dated 30th June, 1995 issued the following order

"APPOINTMENT"

The following individuals have been appointed as CIVILIAN SWITCH BOARD OPERATORS with effect from 17th Nov. 93 the date of Court Judgment decided in their favour.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

31 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

Auth : Govt. of India, Min of Def HQ No. 3877/JS(a) 93 dt. 10 May 95 circulated vide Army HQ letter No. B/44572/Sign 4(C) dt 18 May 95 and Signals Records Jabalpur letter No. 3681/1/CAG/PE/EC/46 dt. 16 Jun 95."

That, in the said D.O. Part II No. 01/CSBO/95 (SHEET 2) issued by Station Head Quarter, Tezpur dated 30th June, 1995 the date of permanent regularisation was shown to be 17th November, 1993 and in the column showing date of initial employment the following dates were shown against the names of present applicants.

<u>Name</u>	<u>Date of Initial Appointment</u>
(i) Indu Kr. Hazarika	01.03.1985
(ii) Soroj Kr. Mahanta	01.03.1985
(iii) Sabita Paul	01.03.1985
(iv) Jogeswar Nath	01.05.1985
(v) Farida Begum	05.11.1986
(vi) Gayatri Devi	06.06.1987

That, the question of confirmation of seniority and consideration of the initial period of employment upto the date of regularisation as permanent employee for the purpose of consideration of length of Service was not settled by the aforesaid letter of appointment.

Tarun Kargabam

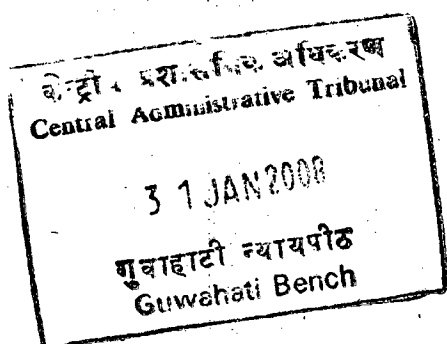
Officer Commanding
2 Coy, F Comp Sig Regt

Contd

49

That, this aspect was brought to the notice of the concerned departmental authorities on several occasions over the years by the undersigned but the departmental authorities apart from time to time assurances of redressal of their grievances have not taken any positive steps to mitigate the grievances of the other side.

9. That, the undersigned will beg to submit that similarly placed individuals of Pannagarh in West Bengal have been given due seniority from their initial date of appointment by Central Administrative Tribunal, Calcutta Bench.



In view of the above undersigned employees most respectfully beg to submit that the department may be graciously pleased to accord and consider their services from the date of their initial appointment in matters of determining length of service, seniority and such other related issues.

Thanking you.

Your's sincerely,

1. *[Signature]* (Indu Kr. Hazarika) WCCSR
2. *[Signature]* (Soroj Kr. Mahanta) WCCSR
3. *[Signature]* (Sabita Paul) Sd/- Cell 51 Sub Area
4. *[Signature]* (Jogeswar Nath) WCCSR
5. *[Signature]* (Farida Begum) Sd/- Cell 51 Sub Area
6. *[Signature]* (Gayatri Devi) Sd/- Cell HQ 51 Sub Area

[Signature] Jagann Kargabaink

Officer Commanding
2 Coy, F Comp Sig Regt

C NWR Posted to 41 vch
Depot wif 06/3/84.

Annex-V (60)
120
REGISTERED/SPS

Tele Mil : 6688

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

The Records Signals
Pin No - 901124
C/O 56 APO

3669/CA6/3/ACP-TBP/60

31 JAN 2008

May 2006

Stn Cell
HQ 51 Sub Area
C/O 99 APO

गुवाहाटी न्यायपीठ
Guwahati Bench

West Comd Comp Sig Regt
C/O 56 APO

COUNTING OF SENIORITY FROM THE THE DATE OF
THEIR INITIAL APPT BASED ON CAT KOLKATA
BENCH JUDGEMENT DT 06 MAY 2006 ON CASE NO
OA 668/2004

1. Refer to CAT Kolkata bench judgement dated 06 May 2006 on case No OA 668/2004 (Copy att).
2. In view of above judgement, Shri MS Nayak and two other CSBOs of Stn HQ Panagarh have given time bound promotion in Pay Scale of Rs 5000-150-8000 wef 01 Aug 2001 considering their initial appt wef 01 Aug 1985. The CSBOs of your unit have also represented vide their petition dated 08 Feb 2006 (Copy att) for counting of their initial appt for grant of time bound promotion. Accordingly, a case is required to be taken up with Army HQ for decision.
3. In view of the above, you are requested to fwd a statement of case for obtaining Sanction from Min of Def giving details of affected CSBOs of your unit alongwith estimated financial implication involved in this case for our necessary consideration and onward submission to Army HQ.
4. Please accord priority.

Jasun Kangabank

Major
Officer Commanding
2 Coy, F Comp Sig Regt

(Girish CT)

Maj
Senir Record Officer
for OIC Records

Encls : As above

18 18

164

43
50

18/5

Tele Mil : 6295

20 -
04 JAN 2006
FWD BACK

Annex-VI

HQ 51 Sub Area
C/O 99 APO
Pin Code- 900328

7201/EST/PE/ESBO

27 Jun 2006

The Record Signals
Pin No 901124
C/O 56 APO

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
31 JAN 2006
गुवाहाटी न्यायपीठ
Guwahati Bench

COUNTING OF SENIORITY FROM THE DATE OF THEIR INITIAL APPT
BASED ON CAT KOLKATA BENCH JUDGEMENT DT 06 MAY 2005
ON CASE NO OA 668/2004

1. Reference your letter No 3669/CAS/3/ACP-TEP/60 dated 19 May 2006.
2. Statement of case for counting seniority from the date of initial employment based on CAT, Kolkata Bench Judgments dated 06 May 2005 on case No OA/668/2004 in respect of following CSBOs are enclosed herewith for your necessary action please.
 - (a) Smt Sabita Paul
 - (b) Smt Farida Begum
 - (c) Smt Gayatri Mahanta Devi
3. Necessary sanction may please be obtained from the competent auth according at the earliest.
4. Please accord priority.

encl :- (one)



(KAK Singh)
Lt Col
Offg SSO
For Adm Comdt

Copy to :-

West Comd Comp Signal Regt
C/O 56 APO

- for info and necessary action please.

Tarun Kargabam
Major
Officer Commanding
2 Coy, F Comp Sig Regt
602 BR
68
60

RECEIVED BY	
CA - 8	
C/O OA	✓
C/O SSO	✓
Offg SSO	✓
For Adm Comdt	T-3

As per CAT, Kolkata Bench Judgment dated 06 May 06 on case No OA 688/2004 (Copy att) time bound promotion in pay scale of Rs. 5000 - 150 - 8000 wef 01 Aug 2001 considering their initial date of appointment as seniority, have been granted to Shri M S Nayak and two other CSBOs. Accordingly the following CSBOs presently serving in Stn Cell, HQ 51 Sub Area are also required to be granted inter say seniority for service, and pay on the same line:

Name

- (a) Smt Sabita Paul
- (b) Smt Farida Begum
- (c) Smt Gayatri Mahanta

केन्द्रीय प्रशासनिक बोर्ड
Central Administrative Tribunal

31 JAN 2008

Date of initial appt

01 - 03 - 1985
05 - 11 - 1986
06 - 06 - 1987

PROPOSAL

On the verdict of CAT, Kolkata Bench, Judgment dated 06 May 2006 on CAT OA NO 688/2004, time bound promotion in pay scale of Rs 5000 - 150 - 8000/- wef 01 Aug 2001, based on their initial date of appointment as their seniority, have been granted to Shri MS NAYAK and two others CSBOs Smt Sabita Paul (date of appt 01 - 03 - 1985), Smt Farida Begum (date of appt 05 - 11 - 1985) and Smt Gayatri Mahanta Devi (date of appt 06 - 06 - 1987) have applied for seeking their service seniority and pay wef their initial date by appointment.

Keeping in view of the similar circumstances, terms and conditions and the nature of work, the above CSBOs who have applied for seniority for service and Pay wef the date of their initial appointment may be considered favourably as the case is genuine and justified.

FINANCIAL EFFECT

The financial effect by granting time bound promotion after completion of 16 years service from the dates of initial employment of the following CSBOs are shown against each :-

Name

- (a) Smt Sabita Paul
- (b) Smt Farida Begum
- (c) Smt Gayatri Mahanta Devi

Approximate

Rs. 1,55,000/- Approx.
Rs. 1,28,000/- Approx.
Rs. 1,18,000/- Approx.

Jasun Kargabank

Major

Officer Commanding

2 Coy, F Comp Sig Reat

DETAIL JUSTIFICATION OF THE CASE

As per the Judgment given by CAT, KOLKATA Bench on case No oa 688/2004 on 06 May 2005 Shri MS Nayak and two CSBOs of the Stn HQ Panagarh have been granted seniority for service and pay wef the dates of initial appointment and time bound promotion to CSBOs grade - II with the pay of Rs. 5000 - 150 - 8000 from the date of completion of 16 years service.

Following Civillian Switch Board Operators have completed 16 years of physical service from the dates of initial appointment as per dates given against each :-

<u>Name</u>	<u>Dte of Initial Appt</u>	<u>Date of completion of 16 yrs</u>
(a) Smt Sabita Paul	(01 - 03 - 1985)	01 - 03 - 2001.
(b) Smt Farida Begum	(05 - 11 - 1986)	05 - 11 - 2002.
(c) Smt Gayatri Mahanta Devi	(06 - 06 - 1987)	06 - 06 - 2003.

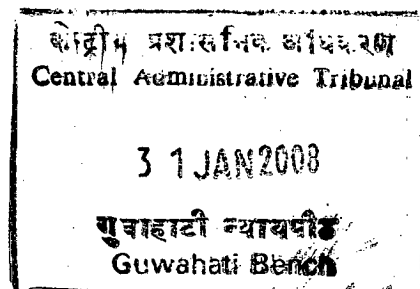
They have also represented vide their petition dated 08 Feb for counting of their initial dates of appointments for grant of time bound promotion to CSBO grade - II with the pay applicable to the promoted grade as the terms and conditions of the service rendered are the same as that of the CSBOs who have been granted time bound promotions by CAT Kolkata Bench (case No - CAT OA NO 668/2004 dt 06 May 2006)

Hence it is fully justified in considering grant of seniority for service/ time bound promotion and pay wef the respective dates of initial appointments to the above CSBOs at the earliest.

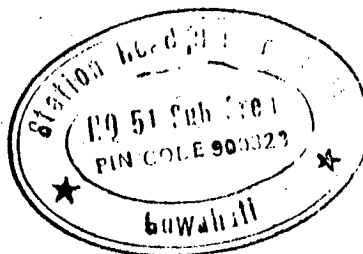
RECOMMENDATION

It is strongly recommended that following Civillian Switch Board Operators presently working under Stn Cell, HQ 51 Sub Area C/O 99 APO be given time bound promotion to CSBO Grade - II after completion of 16 years service from the respective initial date of appointment :-

- (a) Smt Sabita Paul
- (b) Smt Farida Begum
- (c) Smt Gayatri Mahanta Devi



Dated - 26/06/06
Guwahati.



(KAK Singh)
Lt Col
Offg SSO
for Adm Comdt

Tarun Karapabaink

Major
Officer Commanding
2 Coy, F Comp Sig Regt

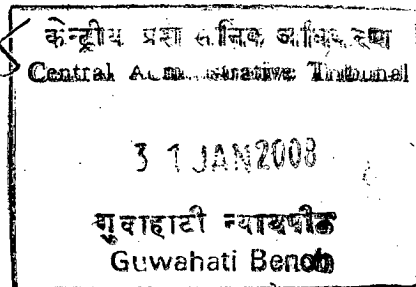
Tele Mil : 6688

REGISTERED SDS

The Records Signals
Pin Code No 901124
C/o 56 APO

3669/CA-6/T-3/TBP/MSN/ 7

Dte Gen of Sigs, Sigs 4 (c)
General Staff Branch
Army Headquarters
DHQ PO New Delhi - 110011



Aug 2006

NON CONFERMENT OF SENIORITY IN SERVICE : CSBOs

1. Refer to Army HQ letter No B/44519/CSBO/Sigs 4 (c) dated 28 Jul 2006.
2. Statement of case in respect of CSBOs who were initially appointed on casual/temp basis (excl those who have been retired from Service/died or permanently posted out from GS Branch common roster) for regularisation of their service wef date of their initial appt for grant of Time Bound Promotion in the Pay Scale of Rs 5000-150-8000 after completion of their 16 yrs of service on the basis of CAT Kolkata bench Judgement dt 06 May 2005 on Case No OA 668/2004 filed by Shri Madhu Sudan Nayak and two other CSBOs of Sqn HQ Panagarh is fwd herewith in triplicate as desired please.

To see please.

Col Records

Encls : As above

(D N Sharma)
Lt Col
Chief Record Officer
for OIC Records

Tatum Kargabank

Major
Officer Commanding
2 Coy, F Comp Sig Regt

FR/BR

P-153

P-10

P-11

P-21

P-74

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15

**STATEMENT OF CASE IN RESPECT OF CSBOs FOR GRANT OF TIME
BOUND PROMOTION ON ACCOUNT OF JUDGEMENT DT 06 MAY 2005
GIVEN BY CAT KOLKATA BENCH ON CASE NO OA 668 OF 2004**

31 JAN 2006

गुवाहाटी न्यायपीठ
Guwahati Bench

INTRODUCTION

1. The CSBOs mentioned at Appx 'A' were initially appointed against the temp post wef the dates as mentioned against their names. Their temp service were continued with some occasional breaks and lastly when terminated from service, being aggrieved with the decision, they moved to the different Tribunals for decision. On receipt of Judgement of the cases for regularization of their service, these temp CSBOs were taken in GS Branch common roster against the regular vac wef the date of Court Judgement decided in their favour/creation of CSBOs post in the PE of respective units/Est vide Signals Records letter No 3681/1/CA6/PE/01 dt 08 Jun 95 and 3681/1/CA-6/PE/EC/46 dt 16 Jun 95 (copies att at Annx-I & II).
2. CSBOs of Stn HQ Panagarh as mentioned at Appx 'B' were also initially appointed on temp basis have filed a Court case in CAT Kolkata bench vide Case No OA 668/2004 for regularization of their service wef 01 Aug 85 (ie, date of their temp appt) for grant of Time Bound Promotion. The above case decided in the favour of CSBOs of Stn HQ Panagarh vide CAT Kolkata bench Judgement dt 06 May 2005 (copy att at Annx -III). Time Bound Promotion in higher pay scale of Rs 5000-150-8000 have been sanctioned to the CSBOs wef 01 Jan 96 vide GOI, Min of Def letter No B/44572/MSN/Sigs 4 (c)/13/CC/ D (QS) dt 09 Jan 2006 (copy att at Annx - IV).
3. CSBOs of Stn HQ Panagarh in view of CAT Kolkata bench Judgment dt 06 May 2005 on the case No OA 668/2004 and Min of Def letter No B/44572/MSN/Sigs 4 (c)/13/CC/D (QS) dt 09 Jan 2006 (copies att at Annx-III & IV) have got their service counted from the date they initially appointed on temp basis and gtd Time Bound Promotion in the Pay Scale of Rs 5000-150-8000 wef 01 Aug 2001.
4. CSBOs of other units/Est who were initially appointed on temp basis have also represented for counting of their temp service into regular est for grant of Time Bound Promotion in the Pay Scale of Rs 5000-150-8000 from the date of their initial appt as given to CSBOs of Stn HQ Panagarh wef 01 Aug 2001 considering their initial appt wef 01 Aug 1985 instead of 05 Jan 94 (which was reckoned earlier wef date of adoption of revised PE). The list of CSBOs of Stn HQ Panagarh is given at Appx 'B'.

PROPOSAL

5. On the verdict of CAT Kolkata bench Judgement dt 06 May 2005 on Case No OA 668/2004 (copy att at Annx-III), Time Bound Promotion in the Pay Scale of Rs 5000-150-8000 wef 01 Aug 2001, based on their date of initial appt as has been given to Shri M S Nayak and two other CSBOs of Stn HQ Panagarh may also be extended to all such similarly placed CSBOs wef date of their initial appt.
6. Keeping in view of Similar Circumstances, terms and conditions and nature of work, the CSBOs as listed at Appx 'A' may also be given seniority for service wef the date of their initial appt for grant of Time Bound Promotion.

Tatam Kangabank
Major
Officer Commanding
2 Coy, F Comp Sig Regt

31 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

DETAILED JUSTIFICATION OF THE CASE

7. The CSBOs mentioned at Appx 'A' were initially appointed on temp basis. They were taken in GS Branch common roster against the regular vac wef date of Court Judgment decided in their favour/creation of CSBOs post in the PE of their units/Est.

8. As per CAT Kolkata bench Judgement dt 06 May 2005 on case No OA 668/2004, Shri M S Nayak and two other CSBOs of Stn HQ Panagarh have been given seniority wef the date of their initial appt on casual basis ie wef 01 Aug 85 and gtd Time Bound Promotion in the Pay Scale of Rs 5000-150-8000 from the date of completion of 16 Yrs of service.

9. The CSBOs as listed at Appx 'A' have completed 16 yrs of physical service from the date of their initial appt and being similarly placed, they may also be given seniority in service wef date of their initial appt for grant of Time Bound Promotion as given to CSBOs of Stn HQ Panagarh. The CSBOs although have not obtained Judgement from any Court in their favour but being similarly placed persons they are also entitled for financial upgradations in the pay scale of Rs 5000-150-8000 on completion of their 16 yrs of service from the date of their initial appt.

FINANCIAL EFFECT

10. The CSBOs as listed at Appx 'A' are presently serving in the Pay Scale of Rs 3200-85-4900. On sanctioning Pay Scale of Rs Rs 5000-150-8000 after completion of their 16 yrs of service, approximately Rs 1500/- pm will be increased in the basic pay of these CSBOs along with other benefits to include like DP, DA and HRA as applicable. The over all average financial effect by granting Time Bound Promotion to these CSBOs after completion of 16 yrs of service from the date of their initial appt will be approximately Rs 65000/- (Rupees sixty five thousand only) in each case.

CONCLUSION

11. As per GOI, Min of Def letter No B/44572/Balraj/Sigs 4 (c)/92/CC/D (QS) dt 27 Feb 2004 (copy att at Annx-V), CSBOs who have completed 16 yrs of service are eligible for Time Bound Promotion in the Pay Scale of Rs 5000-150-8000 wef the date of their appt. The applicants in question have also completed 16 Yrs of service and they should be gtd similar benefits as gtd to Shri M S Nayak and two other CSBOs of Stn HQ Panagarh by CAT Kolkata bench.

Station : Jabalpur (MP)

Dated : 10 Aug 2006

Major
Officer Commanding
2 Coy, F Comp Sig Regt

(D N Sharma)
Lt Col

Chief Record Officer
for OIC Records

21018

2 Mar 2007

SIGNALS MAHANIDESHALAYA/DTE GENERAL OF

SIGNALS

(Sigs 4 c)

Central Administrative Tribunal

31 JAN 2007

গুৱাহাটী কেন্দ্রীয়
Guwahati BenchRECOMMENDATION OF 6TH CPC

1. The CSBOs mentioned in Appx 'A' & 'B' of the Records Signals letter 3669/CA-6/T-3/TBP/MSN/153 dated 19 Sep 2006 (enclosed as per Appx 'A' & 'B'), were initially appointed against temp post. Their temp service was continued with some occasional breaks. Thereafter, they were terminated from service and being aggrieved with the decision, they moved to different CATs for decision. After regularization of their temp service in all cases as per CAT's decision, the CSBOs were taken in GS Branch common roster against the regular vacancies wef the date of court judgment decided in their favour or date of creation of CSBOs post in the PE of respective units/establishments, as per extent direction given in the court order.
2. CSBOs of Station HQ, Panagarh, Sh Madhu Sudan Nayak and two others, who were also initially appointed on temp basis, had filed a court case in CAT Kolkata vide OA No 668/2004 for regularization of their service wef 01 Aug 85 (date of their temp appointment). The case was decided in favour of the CSBOs of Station HQ, Panagarh vide CAT Kolkata judgement dated 06 May 2005 (copy enclosed as Appx 'C'). Time Bound Promotion in higher pay scale of Rs 5000-150-8000 has also been implemented to the CSBOs wef 01 Aug 2001 vide Govt of India, Min of Defence letter B/44572/MSN/Sigs 4(c)/13/CC/D(QS) dated 09 Jan 2006 (copy enclosed as per Appx 'D').
4. CSBOs of other units/establishments who were initially appointed on temp basis have also filed court cases and represented for granting similar benefits as granted to Sh Madhu Sudan Nayak & two others CSBOs of Station HQ, Panagarh vide CAT Kolkata judgement dated 06 May 2005.

Jasun Kangsabank

Major
Officer Commanding
2 Coy, F Comp Sig Regt

31 JAN 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

5. Keeping in view the similar nature of work, terms and conditions, it has been recommended by Signals Records that CSBOs mentioned in Appx 'A' & 'B' of Signals Records letter cited above in para 1, may be given seniority for service wef the date of their initial appointment for grant of Time Bound Promotion to avoid infructuous correspondence and representations and legal expenditure involved in court cases.

6. This Dte Gen had forwarded the case to Ministry of Defence vide our Part Case B/44572/TBP/Sigs 4(c)/211, Note No 1 dated 01 Nov 06, (copy enclosed as per Appx 'E') for their consideration and approval in consultation with Finance Division.

7. Ministry of Defence (Fin/GS) vide their Note 6 dated 21 Jan 07 (copy enclosed as per Appx 'F') have advised that all the matters related to cadre reviews (of all categories of employees) proposal for upgradation/anomalies, new allowances or enhancement of existing allowance should also be referred to Sixth CPC.

8. In view of the position explained above is submitted for onward submission to Sixth CPC for their consideration.

(PK Gera)
Dy Dir
Sigs 4 (c)

Encls: / 4 only

MP 4(Civ/PCC)

Copy to

Ministry of Defence/D(QS) - For information and necessary action
wrt their Diary No 554/D(QS)/07 dated
12 Feb 2007.

Jasim Kargabaink

Major
Officer Commanding
2 Coy. F Comp Sig Regt

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APX

LIST OF CSBOs GDE-II WHO HAVE BEEN APPOINTED ON TEMP BASIS AND SUBSEQUENTLY
ABSORBED IN THE REGULAR EST UNDER GS BRANCH COMMON ROSTER

Ser No	Name of CSBO	Name of Unit where initially recruited as casual/temp CSBO	Name of present Unit	Date of appt on temp basis	Date of appt on regular basis after regularisation of service	Remarks
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1.	Shri Prasanna Kumar Das (Now CSBO Gde-I)	Stn HQ Missamari	West Comd Comp Sig Regt	01 May 85	25 May 93	
2.	Shri B K Mistry (Now CSBO Gde-I)	Stn HQ Gangtok	Stn HQ Binnaguri	01 Oct 88	11 Aug 93	
3.	Smt Dhaneswari Deka (Now CSBO Gde-I)	Stn HQ Rangiya	Stn Cell HQ 101 Area	14 Aug 85	19 Dec 94	
4.	Shri Ravi Lama (Now CSBO Gde-I)	Stn HQ Gangtok	Stn HQ Binnaguri	01 Nov 87	13 Dec 93	
5.	Shri Dipen Kumar Hazarika (Now CSBO Gde-I)	Stn HQ Tezpur	Stn HQ Dimapur	01 May 86	17 Nov 93	
6.	Shri Pranjit Baruah (Now CSBO Gde-I)	-do-	Stn HQ Dimapur	01 Mar 85	17 Nov 93	
7.	Shri Jogeshwar Nath	Stn HQ Missamari	West Comd Comp Sig Regt	01 May 85	25 May 93	
8.	Kum Moon Moon Das	-do-	Stn HQ Binnaguri	01 May 85	25 May 93	
9.	Shri Madan Chandra Urmia	-do-	West Comd Comp Sig Regt	11 Nov 87	25 May 93	
10.	Shri Lakhinder Khosla	-do-	Stn HQ Dehradun	01 May 85	25 May 93	
11.	Smt Bedvati Das	-do-	Stn HQ Binnaguri	01 May 85	25 May 93	
12.	Shri Pulin Sharma	-do-	Stn HQ Cell Dehradun Cantt	01 May 85	25 May 93	
13.	Smt K D Gurung	Stn HQ Gangtok	East Comd Sig Regt	01 Oct 88	11 Aug 93	

Jasun Kargabam
Major

Officer Commanding
2 Coy, F Comp Sig Regt

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(a)	(b)	(c)	(d)	(e)	(f)	(g)
14.	Shri A K Patnaik	Stn HQ Gangtok	Stn HQ Gopalpur	01 Nov 87	11 Aug 93	
15.	Smt Labanya Sekhawat	Stn HQ Tezpur	1 Army HQ Sig Regt	01 Mar 85	17 Nov 93	
16.	Smt Chandi Sarkar	-do-	Stn HQ Cell HQ 101 Area	01 Mar 85	17 Nov 93	
17.	Smt Savita Paul	-do-	Stn HQ Cell HQ 51 Sub Area	01 Mar 85	17 Nov 93	
18.	Kum Mina Saikia	-do-	Stn HQ Cell HQ 41 Sub Area	01 Mar 85	17 Nov 93	
19.	Smt Depali Kalita	-do-	Stn HQ Misamari	01 Mar 85	17 Nov 93	
20.	Smt Ratna Borah	-do-	Stn HQ Panagarh	01 Mar 85	17 Nov 93	
21.	Smt Gayatri Mahanta Devi	-do-	Stn HQ Cell HQ 51 Sub Area	06 Jun 87	17 Nov 93	
22.	Shri Indu Kumar Hazarika	-do-	West Comd Comp Sig Regt	01 Mar 85	17 Nov 93	
23.	Shri Satyajit Baruah	-do-	Stn HQ Gaya	01 Mar 85	17 Nov 93	
24.	Shri Biren Kumar Kalita	-do-	Stn HQ Dimapur	01 Feb 87	17 Nov 93	
25.	Shri Amal Chanda	Stn HQ Gangtok	Stn HQ Binnaguri	01 Jul 85	13 Dec 93	
26.	Shri Manoj Kumar Bisoyi	-do-	IMA Dehradun	19 Feb 87	13 Dec 93	
27.	Shri Vijaya Rajan D	-do-	Stn HQ Ramgarh	01 Jul 85	13 Dec 93	
28.	Shri Sunil Kumar Das	-do-	South Comd Sig Regt	01 Oct 88	13 Dec 93	
29.	Shri Anil Kumar Das	Stn HQ Binnaguri	Stn HQ Binnaguri	27 Jan 86	05 Jan 94	
30.	Shri B L Narayana	Stn HQ Gopalpur	Stn HQ Gopalpur	16 Sep 88	05 Jan 94	
31.	Shri NK Rudra	Stn HQ Binnaguri	Stn HQ Binnaguri	27 Jan 86	05 Jan 94	

Jasun Kargabaink

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(a)	(b)	(c)	(d)	(e)	(f)	(g)
32.	Shri AC Sarkar	Stn HQ Binnaguri	Stn HQ Binnaguri	27 Jan 86	05 Jan 94	
33.	Shri A Surya Narayana Rao	Stn HQ Gopalpur	Stn HQ Gopalpur	12 Sep 83	05 Jan 94	
34.	Shri Bisweshwar Banik	Stn HQ Binnaguri	Stn HQ Binnaguri	27 Jan 86	05 Jan 94	
35.	Smt Farida Begum	Stn HQ Missamari	Stn HQ Cell 51 Sub Area	05 Nov 86	05 Jan 94	
36.	Smt S Guha Roy	Stn HQ Binnaguri	Bengal Area Sig Coy	27 Jan 86	05 Jan 94	
37.	Shri Biswajit Bhaduri	-do-	Stn HQ Binnaguri	24 Aug 87	05 Jan 94	
38.	Kum Anima Tigga	-do-	Stn HQ Bengdubi	19 Jun 89	05 Jan 94	
39.	Shri Deepak Kumar Nirala	Stn HQ Missamari	Stn HQ Missamari	17 Dec 85	05 Jan 94	
40.	Shri Mohd Riazuddin Ahmed	-dc-	Stn HQ Missamari	01 May 85	05 Jan 94	
41.	Smt Asha Laxmi Mohanty	Stn HQ Gopalpur	Stn HQ Gopalpur	14 Sep 85	05 Jan 94	
42.	Shri A K Shrivastava	Stn HQ Panagarh	Stn HQ Cell Allahabad Sub Area	01 Aug 85	05 Jan 94	
43.	Smt Alka Sharma	Stn HQ Bengdubi	UB Area Sig Regt	10 Jan 89	05 Jan 94	
44.	Shri Sukanta Prusty	Stn HQ Gopalpur	Stn HQ Gopalpur	09 Sep 88	05 Jan 94	
45.	Shri Babu Mia Choudhary	Stn HQ Silchar	Stn HQ Silchar Cantt	10 Feb 86	21 Feb 94	
46.	Smt Anita Bhattacharjee	-do-	-do-	17 Jun 85	21 Feb 94	
47.	Shri Ranjit Kumar Dutta	-do-	Stn HQ Dimapur	03 Feb 86	21 Feb 94	
48.	Shri Sahabuddin Barbhuiya	Stn HQ Silchar	CIJW School	06 Oct 89	21 Feb 94	
49.	Shri Kumar Pushkar	Stn HQ Bengdubi	Bengal Area Sig Coy	21 Feb 92	18 Aug 94	

Officer Commanding

2 Coy, F Comp Sig Regt

13)

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(a)	(b)	(c)	(d)	(e)	(f)	(g)
50.	Shri D N Bhorpujan	Stn HQ Panitola	Stn HQ Jamnagar	11 Aug 86	19 Dec 94	
51.	Smt Bimla Datta Mazumdar	Stn HQ Rangiya	Stn HQ Cell HQ 41 Sub Area	01 Jun 85	19 Dec 94	
52.	Smt Nani Sharma	-do-	Stn HQ Jalapahar	01 Jun 85	19 Dec 94	
53.	Shri Debabrata Das	Stn HQ Panitola	Stn HQ Devlali	23 Jul 86	19 Dec 94	
54.	Smt Saleha Begum	Stn HQ Rangiya	Stn HQ Cell HQ 101 Area	01 Jun 85	19 Dec 94	
55.	Shri Shankar Bhowmik	Stn HQ Panitola	Stn HQ Yol	17 Feb 86	19 Dec 94	
56.	Kum Manju Thakuria	Stn HQ Rangiya	Stn HQ Panagarh	01 Jun 85	19 Dec 94	
57.	Shri Subrata Purkayastha	Stn HQ Shillong	Stn HQ Dimapur	11 Jul 89	19 Dec 94	
58.	Smt Minu Sharma Borthakur	Stn HQ Rangiya	MG & G Area Sig Coy	06 Jun 89	19 Dec 94	
59.	Shri Jayanta Kumar Dey	Stn HQ Shillong	East Comd Sig Regt	09 May 88	19 Dec 94	
60.	Smt Seema Chakraborty	-do-	Stn HQ Cell HQ 41 Sub Area	04 Nov 83	19 Dec 94	
61.	Smt Rita Choudhary	-do-	Stn HQ Cell HQ 101 Area	21 Sep 87	19 Dec 94	
62.	Smt Bharti Das	Stn HQ Rangiya	-do-	06 May 90	19 Dec 94	
63.	Smt Biju Kalita Das	-do-	MG & G Area Sig Coy	01 Apr 90	19 Dec 94	
64.	Smt Nazia Begum	-do-	Stn HQ Cell HQ 51 Sub Area	07 May 90	19 Dec 94	
65.	Smt Sabra Kar	Stn HQ Shillong	Stn HQ Cell HQ 101 Area	09 May 88	19 Dec 94	
66.	Smt Rita Singha	-do-	-do-	09 Feb 91	19 Dec 94	
67.	Shri Gupada Chakraborty	-do-	Stn HQ Jalapahar	20 Apr 92	19 Dec 94	
68.	Smt Bhabeswari Devi	-do-	Stn HQ Cell 101 Area	21 Apr 92	19 Dec 94	
69.	Shri Shyamal Shome	Stn HQ Silchar	Stn HQ Silchar Cantt	12 Apr 87	*29 Nov 90	

*Appointed
on regular
basis on
PHC vac by
OIC Signals
Records

Jarun Kargabaink

Officer Commanding
2 Coy, F Comp Sig Regt

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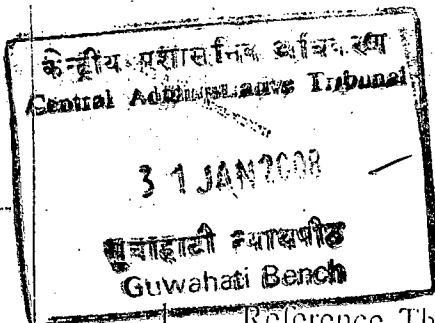
32 -

Apk B

LIST OF CSBO GET- II OF WHO HAVE BEEN RETIRED/DIED/
PERMANENTLY POSTED OUT AND REMOVED FROM SERVICE

Ser No	Name of CSBO	Date of appt on temp basis	Unit where initially recruited on temp basis	Date of appt on regular basis	Name of unit where accomodated on regular basis	Date and reasons for SOS from service
(a)	(b)	(c)	(d)	(e)	(f)	(g)
1.	Shri S K Ghosal	01 Aug 85	Stn HQ Panagarh	05 Jan 94	Stn HQ Panagarh	Resigned from service wef 27 Sep 96 (AN).
2.	Shri S N Choudhary	27 Jan 86	Stn HQ Binnaguri	05 Jan 94	Stn HQ Binnaguri	Retirement from service wef 30 Jun 96 (AN).
3.	Shri B C Das	27 Jan 86	Stn HQ Binnaguri	05 Jan 94	Stn Cell HQ 41 Sub Area	Retirement from service wef 31 Jan 97 (AN).
4.	Shri Vijay Kumar Nayak	14 Sep 88	Stn HQ Gopalpur	05 Jan 94	Stn HQ Gopalpur	Died on 13 Oct 97.
5.	Shri SC Nandi	27 Sep 83	Stn HQ Binnaguri	05 Jan 94	Stn HQ Binnaguri	Died on 28 Feb 98.
6.	Shri C M Maitra	27 Jan 86	Stn HQ Bengdubi	05 Jan 94	Stn HQ Bengdubi	Died on 08 May 99
7.	Shri S K Mohanta (Now Store Keeper)	01 Mar 85	Stn HQ Tezpur	17 Nov 93	West Comd Comp Sig Regt	Posted to 41 Veh Coy C/o 99 APO wef 06 Mar 2004 as Store Keeper
8.	Smt Indrani Bhattacharjee (Now LDC)	13 Aug 86	Stn HQ Silchar	21 Feb 94	Stn Cell HQ 101 Area	Posted to GE Silchar, DIV MES wef 01 Oct 2005 as LDC
9.	Smt Satwanti Thabah	20 Apr 92	Stn HQ Shillong	19 Dec 94	MB Area Sig Coy	Removal from service wef 20 May 2006.

Tarun Karapabank
Major
 Officer Commanding
 2 Coy, F Comp Sig Regt



33 -

B/44572/Sigs 4(c)/211

Sigs 4(c)

1

1 logged
Appx 'A' & 'B'

1. Reference The Records Signals letter No 3669/CA-6/T-3/TBP/MSN/153 dated 19 Sep 06 (PUC), vide which a detailed statement of case for grant of seniority to 79 CSBOs (serving & retired/died) from the date of their initial appointment has been received.

2. The CSBOs mentioned in Appx 'A' & 'B' of The Records Signals letter under reference, were initially appointed against temp post. Their temp service was continued with some occasional breaks. Thereafter, they were terminated from service and being aggrieved with the decision, they moved to different CATs for decision. After regularization of their temp service in all cases as per CATs decision, the CSBOs were taken in GS Branch common roster against the regular vacancies wef the date of court judgement decided in their favour or date of creation of CSBOs post in the PE of respective units/establishments. as per extent direction given in the court order.

3. CSBOs of Station HQ, Panagarh, Sh Madhu Sudan Nayak and two others, who were also initially appointed on temp basis, had filed a court case in CAT Kolkata vide OA No 668/2004 for regularization of their service wef 01 Aug 85 (date of their temp appointment). The case was decided in favour of the CSBOs of Station HQ, Panagarh vide CAT Kolkata judgement dated 06 May 2005. Time Bound Promotion in higher pay scale of Rs 5000-150-8000 has also been implemented to the CSBOs wef 01 Aug 2001 vide Govt of India, Min of Defence letter B/44572/MSN/Sigs 4(c)/13/CC/D(QS) dated 09 Jan 2006.

4. CSBOs of other units/establishments who were initially appointed on temp basis have also filed court cases and represented for granting similar benefits as granted to Sh Madhu Sudan Nayak & two others CSBOs of Station HQ, Panagarh vide CAT Kolkata judgement dated 06 May 2005. Copies of court cases and representation are enclosed.

5. Keeping in view the similar nature of work, terms and conditions, it has been recommended by Signals Records that CSBOs

Tarun Kargiabank

Major

Officer Commanding

2 Coy, F Comp Sig Regt

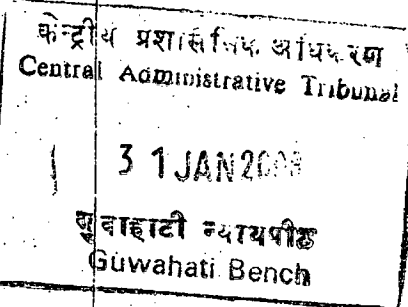
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mentioned in Appx 'A' & 'B' of Signals Records letter under reference may be given seniority for service wef the date of their initial appointment for grant of Time Bound Promotion to avoid infructuous correspondence and representations and legal expenditure involved in court cases.

6. The financial implication effect by granting Time Bound Promotion to these CSBOs after completion of 16 years of service from the date of their initial appointment will be approximately Rs 65,000/- (Rupees sixty five thousand only) in each case and a total expenditure of Rs 51,35,000/- (Rupees fifty one lac thirty five thousand only) is estimated in the case. The rationale for estimates Rs 65,000/- (Rupees sixty five thousand only) expenditure in each case is given at Signals Records Signal No A-0906 dated 05 Oct 06.

7. A draft Govt letter is also placed opposite for kind consideration and approval in consultation with Finance Division.



(PK Gera)
Dy Dir
Sigs 4(c)

01 Nov 06

Min of Def/D(QS)

Jasun Kargabaink

Major
Officer Commanding
2 Coy, F Comp Sig Regt

4066/2(65)/db
2-11-06

Sh. Shar
20/11/06

Sh. S. S.
20/11/06

4334/2(65)/db
20/11/06

35

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
गुवाहाटी न्यायपीठ
Guwahati Bench

E.No.B/44572/BG/Sigs 4C/211/4332/2006/DQS

-2-
MINISTRY OF DEFENCE
D(QS)

Reference preceding note:

2. The proposal relates to the ⁷⁹CSBOs of Signals Units/establishments for regularization of their service w.e.f. 01 Aug 1985 (date of their temporary appointment) on the same pattern as granted to the CSBOs of Station HQ, Panagarh, Shri Madhu Sudan Nayak and two others, vide OA No. 668/2004 in CAT Kolkata. The case was decided in favour of the CSBOs of Station HQ, Panagarh vide CAT Kolkata judgement dated 6 May 2005. Time Bound Promotion in higher pay scale of Rs.5000-150-8000 has also been implemented to the CSBOs w.e.f. 1 Aug 2001 vide Govt. of India, MOD letter No. B/44572/MSN/Sigs 4C/13/CC/D(QS) dated 9 Jan 2006.

3. CSBOs of others units/establishments who were initially appointed on temporary basis have also filed court cases and represented for granting similar benefits as granted to Shri Madhu Sudan Nayak and two others CSBOs of Station HQ, Panagarh vide CAT Kolkata judgement dated 6 May 2005. Army Hqrs. has stated that keeping in view the similar nature of work, terms and conditions of CSBOs of Signals mentioned in Appendix 'A' and 'B' may be given seniority for service w.e.f. the date of their initial appointment for grant of Time Bound Promotion to avoid in fructuous correspondence and representations and legal expenditure involved in court case.

4. The financial implication is estimated Rs.65,000/- (Rs. Sixty five thousand only) in each case and a total of Rs.51,35,000/- (Rs. fifty one lakh thirty five thousand only).

5. In view of the position explained in the preceding notes the proposal is submitted for approval please, before concurrence of D(Finance Division) is obtained.

29/11/06

US(QS)

29/11/06

Kangabank

Major
Officer Commanding
2 Coy. F Comp Sig Regt

Ref - A - Re. bring up
the case of CSBO Sigs,
Panagarh

'B' Ref - B - Why not
responsibility be fixed

Sigs 4(C)

29/11/06

Ref Note 3 ante.

2. PSL 'A' File No B/44572/MSN/Sigs 4(c)/181 pertaining to Shri Madhusudan Nayak and two others of Station HQ Panagarh is linked below.
3. PSL 'B'. As far as rules pertaining to seniority are concerned, there is no fault on part of any officer and staff and Govt policies have been implemented and correct seniority been granted to the staff. The proposal pertaining to grant of benefit of seniority to CSBOs, who were initially employed on temporary basis (which is normally not permitted under the rules but has been permitted as per Court judgment of Station HQ Panagarh vide judgment dated 06 May 2005) has been initiated to give equal treatment to similar CSBOs on the analogy of Panagarh case. As no Govt servant is defaulter in the case, so the fixation of responsibility in case under question does not arise.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

31 JAN 2006

गुवाहाटी बेंच
Guwahati Bench

(PK Gera)

Dy Dir

Sigs 4 (c)

21 Dec 06

Tel : 23333702

Min of Defence/D(QS)

Kangabam

Major

Officer Commanding

2 Coy, F Comp Sig Regt

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केन्द्रीय प्रशासकीय न्यायालय
Central Administrative Tribunal

File No. B/44572/130

31 JAN 2006

MINISTRY OF DEFENCE
D(QS)

गुवाहाटी बेंच
Guwahati Bench

Reference preceding notes.

2. The proposal relates to the 79 CSBOs of Signals Units/establishments for regularization of their service w.e.f. 01 Aug 1985 (date of their temporary appointment) on the same pattern as granted to the CSBOs of Station HQ, Panagarh, Shri Madhu Sudan Nayak and two others, vide OA No. 668/2004 in CAT Kolkata. The case was decided in favour of the CSBOs of Station HQ, Panagarh vide CAT Kolkata judgement dated 6 May 2005. Time Bound Promotion in higher pay scale of Rs.5000-150-8000 has also been implemented to the CSBOs w.e.f. 1 Aug 2001 vide Govt. of India, MOD letter No. B/44572/MSN/Sigs 40/13/CC/D(QS) dated 9 Jan 2006.

3. CSBOs of others units/establishments who were initially appointed on temporary basis have also filed court cases and represented for granting similar benefits as granted to Shri Madhu Sudan Nayak and two others CSBOs of Station HQ, Panagarh vide CAT Kolkata judgement dated 6 May 2005. Army Hqs has stated that keeping in view the similar nature of work, terms and conditions of CSBOs of Signals mentioned in Appendix 'A' and 'B' may be given seniority for service w.e.f. the date of their initial appointment for grant of Time Bound Promotion to avoid in fruituous correspondence and representations and legal expenditure involved in court case.

4. The financial implication is estimated Rs.65,000/- (Rs. Sixty five thousand only) in each case and a total of Rs.51,35,000/- (Rs. fifty one lakh thirty five thousand only).

5. In view of the position explained in the preceding notes the proposal is submitted for approval please, before concurrence of D(Finance Division) is obtained.

8/1/07
6. The clarification has been provided by Digs in respect of para 2 of note 5/ante. May pl see note 4 in this respect.

7. A precedent case in respect of Sh. Madhusudan Nayak and 2 others is also submitted for perusal please.

8. To give the benefit of judgement in the case of Sh. Madhusudan Nayak to other 79 similarly placed CSBOs is submitted for approval, before it is referred to D(Finance Division) for concurrence.

U.S.(PS)

8/1/07

Encl (as)

7/1/07

✓ Flag A

✗ Flag B

✗ Flag C

File of
Panagarh
CSBOs
submitted below

Major
Officer Commanding
2 Coy, F Comp Sig Regt

05/07
12/1/07

139 38 -
MINISTRY OF DEFENCE (FIN/GS)

Reference preceding note.

2. The proposal has been examined in this division. It is observed that before we process the case further MOD/AHQ are requested to clarify the following points:-

- (a) Since there is a financial implication of Rs. 51,35,000/- the proposal of 'Charged expenditure' should be approved at an appropriate level in the MOD.
- (b) Whether the court cases filed by the CSBOs of other units/establishments who were initially appointed on temporary basis have come out for any award.
- (c) Min of Fin (Deptt. of Expen.) has issued an O.M. dt. 21.12 (copy placed opposite) in r/o all the matters related to cadre reviews, (of all categories of employees) proposal for up gradation/ anomalies, new allowances or enhancement of existing allowance should also be referred to Sixth CPC. Whether the proposal may not be considered under the said O.M.

SO(GS)

AFA(GS)

g:
oth
date:

11/3

12.55

11/3

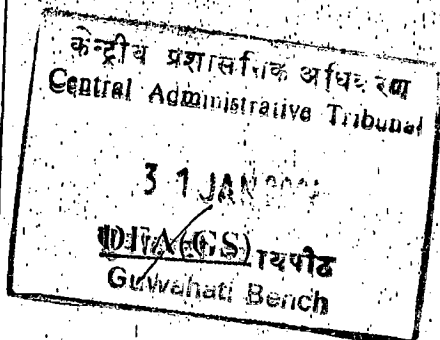
(Rajender Singh)
21.11.07

21/11/07

9-7

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In addition, MoD may be requested to apprise the specific reason on which basis the case of Shri Madhu Sudan Naik (CSRO) and 2 others of Station IIQ, Panagarh, is being quoted as a precedent case for the instant case. The court's judgement is applicable to that particular case and does not applicable for any other cases of similar nature. If MoD feels that the Govt. letter is required to be issued on the basis of Court's judgement as mentioned above for applicability of similarly placed officials, MoD may be suggested to take up the case with VI Pay Commission who is the appropriate authority to consider such proposal.



(K.S. PANCHIPAL)
AFA(GS)
6.2.2007

1825-DFA(GS) 7/2/07

~~Di (S) / M~~ M. examine

U.S.

1825-DFA(GS) 7/2

Officer Commanding
2 Coy, F Comp Sig Regt

Kangsabank

May M Comment on
X advice

1825-DFA(GS) 7/2
H. disch
14/12
ACSO

Sign 4(c)

12/15/07
13/1/07

Annex-XII

40 -
Tele : 23018096

15608/5/MP-4(Civ)(PCC)

26 Oct 2007

INTEGRATED HQ OF MIN OF DEF (ARMY)
AG/MP-4(Civ) (Pay Commission Cell)

RECOMMENDATION OF 6TH CPC

1. Reference your Note No. B/44572/TBP/Sigs-4(C)/211 dated 25 Oct 07.
2. The proposal received vide your Note No. B/44572/TBP/Sigs-4(C)/211 dated 02 Mar 07 was examined in this Cell for considering the feasibility of referring the same to the 6th CPC for their consideration. However, considering the fact that the Proposal was not falling within the ambit of terms and conditions of 6th CPC, it was decided against its reference to the 6th CPC.
3. Notwithstanding the above, it is intimated that a separate consolidated proposal for counting of service from the date of temporary appointment in r/o employees appointed in lieu of combatants, including the CSBOs mentioned in your note dated 02 Mar 07 ibid, is presently under consideration of Ministry of Defence in consultation with DoP&T. A decision in the matter, as and when received, will be communicated to all concerned.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

31 JAN 2008

गुवाहाटी न्यायपीठ
Guwahati Bench

GS/ Sigs-4(c)

Tahum Kangabaink
Major
Officer Commanding
2 Coy, F Comp Sig Regt

(Signature)
(Aaron Pamei)
Officer-in-Charge,
Pay Commission Cell and
Deputy Director (CP)(P)