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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 215/2007

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SECTION OFFICER (Judl.)

Karita
11.10.17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. 315/07

2. M/s Petition No. /

3. Contempt Petition No. /

4. Review Application No. /

Applicant(s) Indrani Bhattacharya VS Union of India & Ors

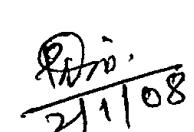
Advocate for the Applicants. Mr. S. Bhattacharya, Ms. M. Bhattacharya

Advocate for the Respondent(s): CASL

Notes of the Registry	Date	Order of the Tribunal
This application is in form. is filed/C. F. for the J. deposited v/s. No. 66F849394, 66F849395, No. 70E049056	09.01.2008	Heard learned counsels for the parties.
Dated. 27.12.07		For the reasons recorded separately, this Original Application is disposed of.
Registrar		 (Khushiram) Member (A)


(M.R. Mohanty)
Vice-Chairman

Petitioner's legal fees for 1/bb/
issue notices one
received with envelope.
copy served.


2/1/08

On the Respondent's
address no pin number are
given


2/1/08

7.2.08
copy of the brief alongwith
application sent to the
spec. for issuing the
to the Respondents and
free copy to the A/SAR
for the parties.

3

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. No.315 of 2007

DATE OF DECISION: 09.01.2008

Sri Indrani Bhattacharjee **Applicant/s**
Mr. S. Bhattacharya **Advocate for the
Applicant/s.**

- Versus -

U.O.I. & Ors **Respondent/s**
Mrs. M. Das, Addl. C.G.S.C **Advocate for the
Respondents**

CORAM

**THE HON'BLE MR. MANORANJAN MOHANTY, VICE CHAIRMAN
THE HON'BLE MR. KHUSHIRAM, ADMINISTRATIVE MEMBER**

4. Whether reporters of local newspapers may be allowed to see the Judgment?	Yes/No <input checked="" type="checkbox"/>
5. Whether to be referred to the Reporter or not?	Yes/No <input checked="" type="checkbox"/>
6. Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench & other Benches ?	Yes/No <input checked="" type="checkbox"/>
7. Whether their Lordships wish to see the fair copy of the Judgment?	Yes/No <input checked="" type="checkbox"/>


Vice-Chairman/Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 315 of 2007

Date of Order: This, the 09th Day of January, 2008

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE SHRI KHUSHIRAM, ADMINISTRATIVE MEMBER

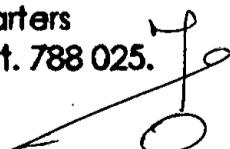
Sri Indrani Bhattacharjee
Wife of Sri Sudip Bhattacharjee
Resident of Silchar
P.O: Arunachal, Dist: Cachar, Assam.

..... Applicant.

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

- Versus -

1. The Union of India
Represented by the Secretary
Ministry of Defence
Government of India
New Delhi-110 001.
2. Commander in Chief
Army Head Quarter
DHQ, New Delhi-100 011.
3. Director General of Signal (Sigs-4(c))
General Staff Branch
Army Head Quarters
DHQ P.O: New Delhi-110 011
4. GOC IN-C
HQ Eastern Command
Kolkata-700 021.
5. Chief Signal Record Officer
Signal Records
Post Bag No.-5
Jabalpur-482 001
Madhya Pradesh.
6. DDC SIG-4
Army HQ (GS Branch)
Sena Bhawan, New Delhi - 110 011.
7. Adm. Commandant
Station Headquarters
Mashimpur Cannt. 788 025.



8. Officer-in-Charge
MES Records
Jabalpur - 482 001.

9. Garrison Engineer
MES, Silchar
P.O: Masimpur Cantt.
Silchar, Cachar - 788 025.

..... Respondents.

Mrs. M. Das, Addl. C.G.S.C.

ORDER (ORAL)

09.01.2008

MANORANJAN MOHANTY, (V.C.)

Heard Mr. S. Bhattacharya, learned counsel appearing for the Applicant, and Mrs. M. Das, learned Addl. Standing counsel for the Union of India; to whom a copy of the Original Application has already been supplied.

2. The Applicant was appointed as temporary Civilian Switch Board Operator (CSBO) in Military Telephone Exchange with effect from 13.08.1986. At the intervention of this Tribunal, in an earlier round of litigation, she has been taken on regular establishment with effect from 21.02.1994. Claiming one time bound promotion (OTBP in short) benefits from the Respondents, the Applicant submitted representations; last one of which was done on 21.11.2006. She claims to get OTBP benefits with effect from 13.08.2002 and she seeks computation of the entire period between 13.08.1986 to 21.02.1994 for granting her OTBP benefits with effect from 13.08.2002. It is the positive case of the learned counsel appearing for the Applicant that entire period of her service from 13.08.1986 to 21.02.1994 should not be wiped out and should be computed for the purpose of granting her OTBP benefits.



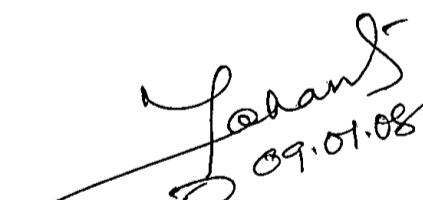
3. Since the grievance of the Applicant, as raised in her representation dated 21.11.2006, is stated to be still pending for redressal with the Respondents, this Original Application is, hereby, disposed of with a direction to the Respondents to consider the grievances of the Applicant as raised in this present Original Application and grant her necessary relief, as due and admissible under the Rules, by end of March, 2008. The Respondents should give in writing, by a reasoned order, to the Applicant about the fate of her representation well before 31st March 2008.

4. With the aforesaid observations and directions, this Original Application stands disposed of at the admission stage itself.

5. Send copies of this order to the Applicant and also to the Respondents (along with copies of this Original Application) in the address given in the Original Application. The Respondents should treat the copy of the Original Application as a representation (of the Applicant) to the Respondents and consider all the points raised therein before passing any order. Copies of this order should also be given to the counsels appearing for the parties.



(KHUSHIRAM)
MEMBER (A)



Manoranjan
09.01.08

(MANORANJAN MOHANTY)
VICE-CHAIRMAN

/bb/

OA in 2+9 copies is filed today by a
res. M. Bhattacharjee, Advocate in 1 P.O
envelopes. Extra charges of Rs. 20.00 for four
respondents paid vide Receipt No. _____ . To be
posted on d-1-08.

(Signature)
27/12/07

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

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

O.A. NO. 315 of 2007

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

27 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

Sri Indrani Bhattacharjee

-Vs- **Applicant**

Union of India & Ors.

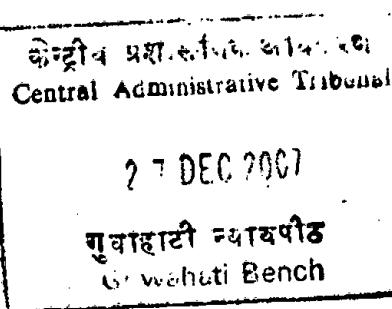
..... **Respondents**

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Filed by

M. Bhattacharjee
Madhuchandra Bhattacharjee
Advocate
GAUHATI HIGH COURT



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

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

ORIGINAL APPLICATION. NO. 315 of 2007

Sri Indrani Bhattacharjee
-Vs-Applicant
Union of India & Ors
..... Respondents

S y n o p s i s

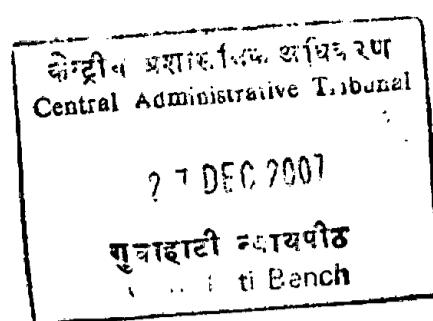
That the applicant was working as Civilian Switch Board Operator in Military Telephone Exchanges under the Director General of Signals of Indian Army and presently posted with MES as L.D.A.

The applicant is aggrieved by the willful denial of the time bound promotion and non-consideration of her service from the date of his initial appointment (13/08/1986) for the purpose of consideration of grant of time bound promotion as has 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
M. Bhattacharya
Madhuchandra Bhattacharjee
Advocate
GAUHATI HIGH COURT

Indrani Bhattacharjee

- (1) When Per Temp. were reorganized, services to OTRP have been ~~admitted~~ at all 3 now
- (2) In



THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
AT
GUWAHATI

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

ORIGINAL APPLICATION. NO. 315 of 2007

Sri Indrani Bhattacharjee

-Vs-Applicant

Union of India & Ors

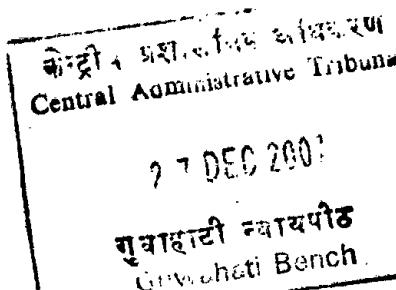
..... Respondents

LIST OF RELEVANT DATE OF EVENTS

1. 13.08.1986 : 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 of 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.

Contd.

Indrani Bhattacharjee



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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.

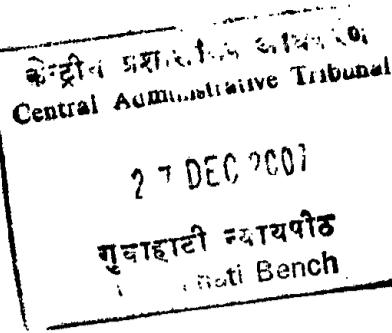
8. 12.09.2005 10.05.2006 : Letter circulated by Senior Record Officer for OIC Records vide letter No.3669/CA6/3/ACP-TBP/60 to Army formations having Military Telephone Exchanges calling for statement of case for obtaining sanction from Ministry of Defence for giving time bound promotion in pay scale of Rs.5000-150-8000 considering his initial date of appt. on the same line 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. 21.11. 2006 : Submits a representation to the Chief Signal Record Officer, Signal Records on 21st Nov, 2006.

M. Bhattacharjee
Madhuchandra Bhattacharjee
Advocate
GAUHATI HIGH COURT

Indranei Bhattacharjee



2
Through:-

M. Bhattacharjee
Madhuchandra Bhattacharjee
Advoc.^{te}

GAUHATI HIGH COURT
Indrani Bhattacharjee the Applicant
Filed by:-
Indrani Bhattacharjee

THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH
AT
GUWAHATI

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

ORIGINAL APPLICATION. NO. 315 of 2007

Sri Indrani Bhattacharjee

Wife of Sri Sudip Bhattacharjee

Resident of Silchar

P.O.- Arunachal, Dist.-Cachar, Assam.

.....*Applicant*

-Vs-

(i) **Union of India**

Represented by Secretary

Ministry of Defence

Govt. of India, New Delhi - 110001

(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 - 700021

(v) Chief Signal Record Officer

Signal Records

Post Bag No.-5

Jabalpur - 482001, Madhya Pradesh

(vi) DDC SIG-4

Army HQ (GS Branch)

Sena Bhawan, New Delhi - 110011

(vii) Adm. Commandant

Station Headquarters

Mashimpur Cantt. - 788025

Contd..

27 DEC 2007

गुवाहाटी न्यायालय
Guwahati Bench

(viii) Officer-in-charge
MES Records,
Jabalpur-482001

(ix) Garrison Engineer,
MES, Silchar,
P.O.-Masimpur Cantt.
Silchar, Cachar.-788025

.....*Respondents*

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

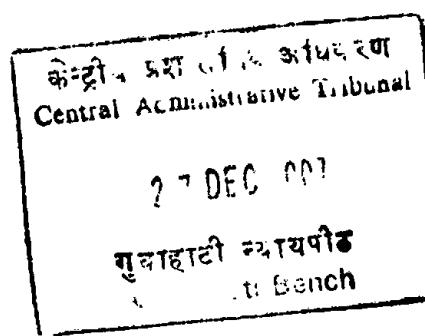
- (i) Letter No.-B / 44572 / Balraj / Signs4(c)/134 issued by Director General Signs, Signs 4(c) General Staff Branch Army HQ forwarding Govt. of India Ministry of Def Letter No.B/44572/Balraj/ Signs 4(c)/92/CC/D (OS) dtd. 27 Feb., 2004 in the subject matter of Implementation of Order of CAT Chandigarh 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.

(2) JURISDICTION :

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

Contd.

Bhattacharyya
Indraji



[3]

(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.

(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 13/08/1986.

(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 him, 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;

27 DEC 1997

गुवाहाटी बैचायनी
Guwahati Bench28
Indranil Bhattacharjee

- (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;
- (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 his 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.

27 DEC 2002

गुरुहाटी बैचनी
Chandigarh Bench

(vii) That, in the said orders even though 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 W.P. No.8759 and on dismissal of the W.P. by the Hon'ble Court,

27 DEC 2001

[6]

गृवाहाटी न्यायपीठ
Bench

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 lenght 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.

Contd.

Indranil Bhattacharjee

27 DEC 2007

[7]

गुरुहाटी बैच

Bench

(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 his 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 his 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 his initial appointment in the grade with the consequential monitory 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 he will also be granted the same financial upgradation and time bound promotion as has been granted to his colleagues in Panagarh in view of the order of the CAT, Kolkata Bench in O.A. No.668 of 2005.

Contd.

Bhattacharya
Indrajeet

२२ डिसेम्बर २००७

[8]

गुजराती नाम पीठ
Gujarati Name
Branch

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(xix) That in the year 2005, your humble petitioner was transferred from Stn. H.Q. 101 Area Shillong where she was posted as **L.D.C.** to Garrison Engineer, Silchar on prayers and representations submitted by her due to her unavoidable family problem.

(xx) That as there was no post of CSBO under Garrison Engineer, Silchar to accomodate your humble petitioner vide letter No.15984/SEP/1/2005/MP-4 (Civ) (b) dated 12th September, 2005, she was given posting as a LDA in the Military Engineer Services and was posted to Garrison Engineer, Silchar.

(xxi) That, it is pertinent to mention here that with the aforestated transfer order two major changes has been effected with is follows:-

- a) That service of your humble petitioner was transferred from Corps. of Signals to Military Engineer Services.
- b) The service designation of your humble petitioner was changed from CSBO to that of '**Lower Division Assistants**' (LDA).

(xxii) That, your humble petitioner begs to submit that apart from these aforementioned changes there was no change in her Scale of Pay and other service condition and your humble petitioner continued to get the same Scale of Pay as she used to get as CSBO and her other service conditions also continued to be same as that of her earlier trade.

(xxiii) That, your humble petitioner begs to submit that when the order of O.A. Calcutta Bench was published and a seniority list was circulated by Chief Record Officer of OIC Records, Signals, in 10th August 2006 the name of your humble petitioner was not included in the said seniority list as her service has been transferred from Corps. of Signals to MES but surprisingly OIC Records Signals did not inform the OIC Records, MES about the eligibility of your humble petitioner to get the same financial upgradation in terms of the Judgment and Order of CAT Kolkata Bench in O.A. No.....

Contd.

Dr. Bhattacharjee
G. Bhattacharjee

२७०८०००
गुरुवारात्रि = आदपीठ
1-1-2007

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(xxiv) That your humble petitioner submitted a representation to Chef Signal Record Officer Signal Records on 21st Nov. 2006 wherein she had prayed that the aforementioned factual aspects of her Service in the light of CAT, Kolkata Bench Judgment may be intimated to the Office of OIC Records of MES where his service Records has been transferred in view of her change in trade so that the organisation where he has been transferred can implement the Order passed by the CAT, Kolkata Bench.

**A copy of the said representation is
annexed herewith as Annexure No. 9**

(xxv) That, even after a wait of more than 6 (six) months when no action was taken by the respondent authorities, the present petitioner being aggrieved has filed this application before this Hon'ble Tribunal praying for a direction to the Respondent Authorities for conferment of his due and legitimate claims.

(5) GROUND 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 Judgment 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.

Indrajeet Bhattacharya

27 DEC 2007

गृहाधारी न्यायपीठ
CAT Bench

(6) DETAILS OF REMEDIES EXHAUSTED :-

That the applicant declares that he has availed all Departmental Redressal forums for settlement of his 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 (13/08/1986) 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.

Indranil Bhattacharyee

27 DEC 2007

[11]

गुवाहाटी न्यायपीठ
ti Bench

(iii) That, the Respondent Authorities be directed to grant the Pay Scale of Rs 5,000-Rs. 8,000 w.e.f. 13/08/2002 as they will be completing 16 (Sixteen) years of service on that particular date if his initial date of appointment (i.e. 13/08/1986) 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 date of 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. :- 66F 849394, 66F 849395, 70E 049056.

(ii) Date of Issue :- 27-12-2007

(iv) Issued from :- G.P.O., Gauhati

(v) Payable at :- Guwahati

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

Indrani Bhattacharyee

27 DEC 2007

गुवाहाटी न्यायपीठ
Guwahati Bench

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VERIFICATION

I, Sri Indrani Bhattacharjee, aged about 39 years, Wife of Sudip Bhattacharya, a permanent resident of Silchar P.O.- Arunachal, Dist- Cachar, Assam do hereby verify that the statements made in paragraphs E-i, iv, v, vi, x, xi, vii, xiii, xvi, xvii, xxiv are true to information derived from records which, I believe to be true and the statements made in paragraphs E-ii, iii, viii, viii, x, xii, xv, xviii, xix, xx, xxii, xxiii, xxiv are true to the best of my knowledge, and the rests are my humble submissions before this Hon'ble Tribunal.

And I sign this verification on this 26th day of December, 2007 here, at Guwahati.

Indrani Bhattacharjee

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 MemberMADHUSUDAN NAYAK & ORS
VS
UNION OF INDIA & ORS

देशद्रोण प्रशासनिक अधिकारण
Central Administrative Tribunal

27 DEC 1992

गुवाहाटी न्यायपीठ
Guwahati Bench

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

JUDGEMENTN. Sengupta, J.M.

This is an application by five persons or 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

M. Chatterjee
Certified to be
true Copy

M. Chatterjee
Advocate

27 DEC 2007

गुवाहाटी बैचायपीठ
Guwahati Bench

: 2 :

the Station Commander by a verbal order terminated their services 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 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

27 DEC 2007

गुवाहाटी न्यायालय
Guwahati Bench

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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 1st. 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 another question which must be left to the Govt. for its consideration. However,

27 DEC 2001

गुवाहाटी न्यायालय
Guwahati Bench

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in view of all that we can indicate is that 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 upto 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.

sd/-
(J. C. Roy)
MEMBER (A)
26.2.92

sd/-
(N. Sengupta)
MEMBER (J)
26.2.92

Case No. 1102	1122
Decided on	26.2.92
Reason for disposal	1.
Reason for discharge	Free
Reason for discharge	26.2.92

CERTIFIED TO BE TRUE COPY

Sugorita Roy
COURT OFFICER
Central Administrative Tribunal
Guwahati Bench, Gauhati

CENTRAL ADMINISTRATIVE TRIBUNAL
GUJAHATI BENCH
GUJAHATI

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

केन्द्रीय प्रशासन विधायक बोर्ड
Central Administrative Tribunal

27 DEC 1993

गुवाहाटी व्यायामी
Guwahati Bench

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

...Applicant

-Versus-

1. Admin. 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. Sahewalla, 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. Sahewalla, Shri N. Choudhury and Shri M. Chanda.

-Versus-

1. Admin. 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.

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M. Bhattacharya
Advocate

contd. 2/2

27 DEC 1991

गुवाहाटी बैचली

Guwahati Bench

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.J., 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) Chattacharjee, 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.J., 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
Babuindra Chandra Dutta, P.C. & Village-
Koonspani, District, Cachar (Assam), presently
posted at Station H.J. Silchar Cantt.,
Dist. Cachar.

... Applicant.

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



contd. 3/-

27 DEC 1992

गुवाहाटी बायपीठ
Guwahati Bench

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn. D.W.
Sig. Regt. Station H.L., 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.

ORDER

HAILU, 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.L., Silchar Cantt., C/O 99 A.F.O. Applicant Mrs. Anita (Sarma) Ghattacherjee is serving since June, 1985 continuously with artificial breaks as temporary casual CSBCs. 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 CSBC. Applicant Shri Sahabuddin Farbuiya 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



27 DEC 2001

गुवाहाटी न्यायपीठ
Guwahati Bench

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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 want of the establishments or parts thereof and for such anticipated situation process of regularisation of

contd. 5/-



- 21 -
- 5 :-

27 DEC 1991

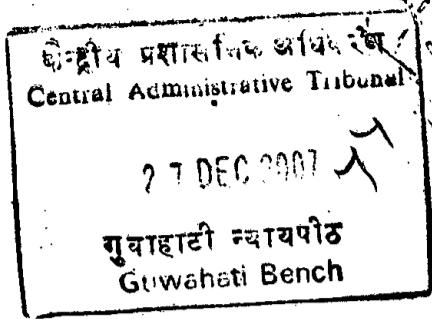
गुवाहाटी न्यायपीठ
Gauhati Bench

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 CSOs 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 CSOs 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 CSOs under respondents.





-: 6 :-

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. Sangliyana
MEMBER (ADMN.)

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AB-287284
Section Officer (Judicial)
Central Administrative Tribunal
Guwahati Bench, Guwahati.

केन्द्रीय विधायिका नियन्त्रण
Central Administrative Tribunal

27 DEC 2005

गुवाहाटी न्यायपीठ
Guwahati Bench

OA 117/HR/2004

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
CHANDIGARH

OA 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. Hawa Singh, Supervisor, No. 114271472
2. Mrs. Usha Bawa, Gr. I, 3176
3. Mrs. S. K. Nijhawan, Supervisor, 3179
4. Mrs. AGC Pagarly, Gr-I, 14203067
5. Mr. Kulbir Singh, Gr-I, 14213916
6. Mrs. S. Bhardwaj, 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. Gurmail 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. Vibha, Grade-II, 6227
16. Manakshi 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, 9850028
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, 6249
27. Smt. Indu Kumar Hazarika, CSBO, Grade-II, 14272469
28. Sh. Jageshwar Nath, CSBO, Grade-II, 14272467

Certified to be
true Copy

M. Bhattacharya
Advocate

27 DEC 2004

गुवाहाटी न्यायपीठ
Guwahati Bench

OA 117/HR/2004

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

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

Versus

Applicants

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, New Delhi-110011
4. C.O. Western Command, COMP SIG REGT, Chandimandir.

Respondents

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

HON'BLE S. I. JAS BIR S. DHALIWAL, JM
ORDER (Oral)

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 1.1.1996. Respondents had,

OA 117/HR/2004

27 DEC 2004

गुवाहाटी न्यायालय
Guwahati Bench

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/Sig&1(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:-

OA 117/HR/2004

(a)	CSBO Gde II	Rs. 3200-4900
(b)	CBSO 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

देशी प्रशासनिक अधिकारण
Central Administrative Tribunal

27 DEC 2007

गुवाहाटी न्यायपाठ
Guwahati Bench

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 CIOI 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 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."

27 DEC 2007

गुवाहाटी न्यायालय
Guwahati Bench

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.

As far as 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

27 DEC 2004

गुवाहाटी न्दायणी
Guwahati Bench

OA 117/HR/2004

6

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. 6,500-10,000/-, respondents will be compelled to create new posts as neither the scale is available for the categories CSBOs nor such 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

(LM MEHTA)
MEMBER (A)

JASBIR S.DHALIWAL
MEMBER (J)

Dated: September 1, 2005

/SK/

Verified True Copy चार्जर नंबर रिफर्म

Guwahati and Dibrugarh Bench

Guwahati and Dibrugarh Bench

Guwahati and Dibrugarh Bench

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

27 DEC. 2003

Petition (s) for special Leave to Appeal (Civil), /2003
(CC 143/2004)

Gujarat Bench

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

WON OF INDIA & ORS.

Petitioner (s)

VERSUS

Respondent (s)

RAJ SINGH & ORS.

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

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

COURT :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE S.H. KAPALI

For petitioner (s)

Mr. Manish Singhvi, Adv.

For Ms. Susma Suri, Adv.

For Respondent (s)

Mr. R.S. Hagle, 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 Dideja)
Court Master

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

Certified to be
true Copy

M. Bhattacharya
Advocate

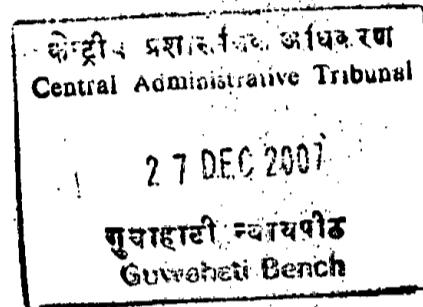
Tele :-23373702

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. Bhattacharya
Advocate*

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 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.

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. D. Shattock
Advocate

**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 Abnilekhi Karyala Signal Records, Post Bag No.5, Jabalpur, M.P. -482 001.

केन्द्रीय प्रशासनिक अधिकारपा.
Central Administrative Tribunal

27 DEC '04

गुवाहाटी न्यायालय
Guwahati Bench

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

O R D E R

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

Shanti Das

Shanti Das

M. Bhattacharya

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.

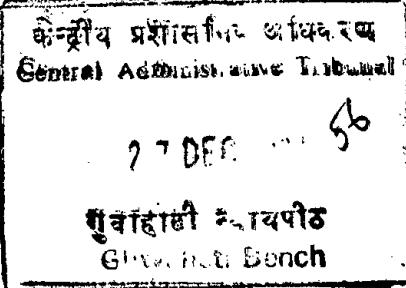
4. However, it appears that a case was filed before the Chandigarh Bench of this Tribunal wherein it was directed that the Civilian Switch Board Operators of the Military Telephone Exchange should be granted the benefit of one time bound promotion on completion of 16 years of service as is prevalent 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,

केन्द्रीय प्रशासनिक अधिकार राज्य
Central Administrative Tribunal

27.12.2011

गुरुहारी न्यायपीठ
Chandigarh Bench





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 regularization 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.



27 DEC 1985

गुवाहाटी बायपोठ
Guwahati Bench

11. Id. 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 Id. 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.




(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."

27 DEC 1991

गुवाहाटी न्यायपोङ
Guwahati Bench



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 regularization w.e.f. their initial appointment. The Tribunal however rejected their claim and approved their regularization from 05.01.1994. In the instant case, the question is not regarding regularization. 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

27 DEC

গুৱাহাটী নথ্যপুতৰ
Guwahati Bench

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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 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."

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

[Handwritten signature]

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 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 grade under one time bound promotion scheme. Of course, they cannot claim any

केन्द्रीय प्रशासन अधिकारी
Central Administrative Tribu

27 DEC 2001

गुवाहाटी न्यायपीठ
Guwahati Bench



Baruipuram

seniority on account their placement in such higher pay scale as the time bound promotion itself provided that it is not related to seniority.

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.

22. With the above observations/directions, the application is disposed of. No costs.

Sd/-
MEMBER(A)

Sd/-
VICE-CHAIRMAN

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

27 DEC 2001

गुवाहाटी न्यायालय
Guwahati Bench



अन्वापित नक्ति प्रमाणित
Certified to be true copy
V. M. D.
Court Officer
गुवाहाटी न्यायालय अधिकारी
Central Administrative Tribunal
कलकत्ता न्यायालय
Calcutta Bench

(a) S. No of the Appn..... 3339
(b) Name of the applicant Mr. Bishwajit Kumar
(c) Dt. of presentation of
application for copy..... 27.12.01
(d) No. of pages..... 8
(e) Copying fee charged/..... Cost of 1st copy
..... Rs. 10/- ordinary..... 10/-
(f) Dt. of preparation of copy. 27.12.01
(g) Dt. of delivery of the copy
to the applicant..... 28.12.01

- 40 - ANNEXURE - 8

OPIMDT

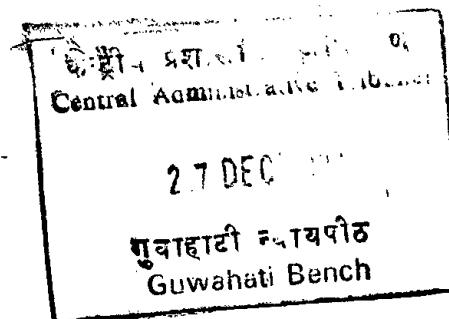
DTG : 10

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 Bhamaguri
Stn HQ Morigaon
Stn HQ Dibrugarh
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 Judgment of C.A.U. 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 held 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 imdly

Drafter's Name : D N Sharma, VSM

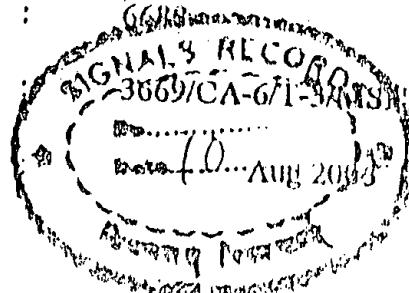
Rank : Lt Col

Appt : Chief Record Officer

Tele Mth

Case file No

Dated



Lt Col : _____

TOR : _____

Certified to be
true Copy

M. Dhalachary
Advocate

27 DEC

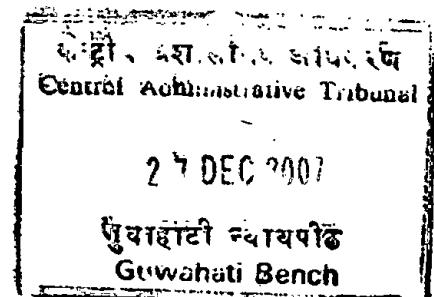
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Guwahati Bench

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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 Misry (Now CSBO Gde-I)	Stn HQ Binnaguri	*	11 Aug 93	
3.	Shri Ravi Lala (Now CSBO Gde-I)	Stn HQ Binnaguri	*	18 Dec 93	
4.	Smt Dhaneswari Deo (Now CSBO Gde-I)	Stn Cell HQ 101 Area	*	19 Dec 94	
5.	Shri Dipen Kumar Hazarika (Now CSBO Gde-I)	Stn HQ Dimapur	*	17 Nov 93	
6.	Shri Pranjit Baruah (Now CSBO Gde-I)	Stn HQ Dimapur	*	17 Nov 93	
7.	Shri Jageshwar Nath	West Comd Comp Sig Regt	01 May 85	25 May 93	
8.	Kurn Moon Moon Das	Stn HQ Binnaguri	01 May 85	25 May 93	
9.	Shri Madan Chandra Urma	West Comd Comp Sig Regt	11 Nov 87	25 May 93	
10.	Shri Lakhindar Khosla	Stn HQ Dehradun	01 May 85	25 May 93	
11.	Smt Bedvati Das	Stn HQ Binnaguri	01 May 85	25 May 93	
12.	Shri Pulin Sharma	Stn 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)
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 Bhattachari	Stn HQ Binnaguri	27 Jan 86	05 Jan 94	
38.	Kum Anima Tigga	Stn HQ Bengdubi	*	05 Jan 94	
39.	Shri Deepak Nizala	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.	Shri Babu Mia Choudhary	Stn HQ Silchar Cannt	*	21 Feb 94	
46.	Smt Anita Bhattacharjee	-do-	*	21 Feb 94	
47.	Shri Ranjit Kumar Dutta	Stn HQ Dimapur	*	21 Feb 94	
48.	Shri Sahabuddin Barbhuiya	CDW School	*	21 Feb 94	
49.	Shri Kunwar Pushkar	Bengal Area Sig Coy	*	18 Aug 94	



(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.	Kurni Meena Saikia	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 Dibrugarh	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	

केन्द्रीय प्रशासन आयोग राष्ट्र
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(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 36	19 Dec 94	
54.	Smt Saleha 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 Panagath	*	19 Dec 94	
57.	Shri Subrata Purkayasha	Stn HQ Dimapur	*	19 Dec 94	
58.	Smt Mina Sharma Barakur	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 Naria Begum	Stn HQ Cell HQ 51 Sub Area	*	19 Dec 94	
65.	Smt Sebita Kar	Stn HQ Cell HQ 101 Area	*	19 Dec 94	
66.	Smt Rita Singha	-do-	*	19 Dec 94	
67.	Shri Gupinda Chakraborty	Stn HQ Jalapahar	*	19 Dec 94	
68.	Smt Bhabeswari Devi	Stn HQ Cell 101 Area	*	19 Dec 94	

To,

✓ Chief Signal record officer
Signal records
Post bag No-5
Jabalpur-482001
Madhya Pradesh

केंद्रीय प्रशासनिक आयोग
Central Administrative Tribunal

27 DEC 2001

गुवाहाटी न्यूनी
Guwahati Bench

DDG SIGNAL -
Army HQ (GS Branch)
SENA BHAWAN
NEW DELHI

(Through GE Silchar)

(SUB:-NON-CONFIRMANT OF SENIORITY IN SERVICE)

Ref:- (a) My letter addressed to DG Signal dated 28 July 2006 (Copy of the aforesated letter sent to CSRO by Regd. post on 04-08-06)

(b) My letter dated 28 August 2006 sent through Garrison Engineer Silchar -

(c) Case file No 3669/CA-6/T-3 QOP IMDT UNCLASS Msg from A-3562 Signal Records dt 10 August 2006.

Sir,

In reference to above I beg to submit the following few lines for your kind consideration.

1. That, I was appointed as CSBO on temporary/casual basis on 13th August 1986 Vide Station Head quarter Morigaon letter No ADM/07/42/18/13 August 1986 and subsequently my service was regularized as CSBO Gde II w.e.f 21Feb 1994.
2. That, consequent to regularization of my service I was transferred to Sbu IIHQ Shillong 101 Area HQ w.e.f July 1995.
3. That, in the year 2005, I was transferred from Station HQ Shillong to Garrison Engineer Silchar , vide letter No 15984/SEP/1/2005/MP-4(Civ)(b) dt 12 September 2005.
4. That, it is pertinent to mention here that with the aforesated transfer order two major changes have been affected namely;

- (i) I have transferred from Signals to serve under GE Silchar , which is under Military Engineer Services.
- (ii) My Cadre has been changed from CSBO Gde II to LDC as no CSBO vacancy was vacant in Morigaon Signal Centre.

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27 DEC 2006

ગુજરાતી સાથેનીઠ
Gujarati Branch

5. That, recently vide case file referred to above, 68 CSBO's similarly placed like me have got their temporary/Casual Services counted as regular service for grant of time bound promotion as per judgement of CAT Kolkata Bench. Unfortunately my name has erroneously not been included in the same list.

6. That, vide my letter dated 28 August 2006 I had made a prayer for the same consideration as has been granted to other 68 similarly placed CSBO's who have got their temporary/Casual service counted as regular service for grant of time bound promotion.

7. That, it is my humble's prayer that as I am also eligible to get the same benefit as the above mentioned 68 Nos. of CSBO's as such, the same may kindly be initiated to the MES records Office so that the same may be corrected and entered into my Service Records and I can also granted the same consideration of getting my temporary/casual service counted as regular for grant of time bound promotion as per judgement of CAT Kolkata Bench.

And for this act of your kindness as in duty bound I shall ever pray.

Thanking you,

Yours Sincerely

Abhijit

(INDRANI BHATTACHARJEE)
C/O GE Silchar
Military Engineer Service
PO: Anwachal
Dist. Cachar
Pin: 788025

Station:- Silchar
Dated:- 21 Nov 2006

Advance copy to

1. DDG SIGNAL-4
Army HQ (GS Branch)
SENA BHAWAN
NEW DELHI
2. Adm Commandant
Station Head Quarters
Masiimpur
3. Chief Signal record officer
Signal records
Post bag No. 6
Jabalpur - 482001
Madhya Pradesh

{ Xerox copy of Initial Appointment letter
enclosed)

{ Xerox copy of Initial appointment letter
enclosed)