

2

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 13/2007

R.A/C.P No.

E.P/M.A No. 13/2007

1. Orders Sheet..... OA Pg. / to
MP 13/2007 order Chrt Pg. 1 to 4

2. Judgment/Order dtd 22.07.2008 Pg. / to Accont. & Part. 8th order
Discarded with the case

3. Judgment & Order dtd..... Received from H.C/Supreme Court

4. O.A..... 13/2007 Pg. / to 5.0

5. E.P/M.P..... 13/2007 Pg. / to 7

6. R.A/C.P..... Pg. to

✓ 7. W.S..... Pg. / to 6

8. Rejoinder..... Pg. to

9. Reply..... MP 13/07 Pg. 1 to 5

10. Any other Papers..... Pg. to

11. Memo of Appearance.....

12. Additional Affidavit.....

13. Written Arguments.....

14. Amendment Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judl.)

Salil
20.9.2017

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

DATA SHEET

1. Original Application No. 18/07
2. Misc Petition No. /
3. Contempt Petition No. /
4. Review Application No. /

Applicant(s) Tapan Chaudhury vs Union of India & Ors

Advocate for the Applicant(s) S.K. Goswami,
R. Kulkarni, P.K. Saikia

Advocate for the Respondent(s) Cofl - Mrs. M. Dey

Notes of the Registry	Date	Order of the Tribunal
This application is in form is C.A.T.P. for Rs. 10/- and posted with I.P.C. No. No. 2809829942 Dated 24.1.07 <i>Normal Form</i> <i>24/1/07</i> <i>Dy. Registrar</i> <i>PK</i>	25.1.2007	Present: The Hon'ble Shri K.V.Sachidanandan Vice-Chairman. The Applicant was promoted to Stenographer Gr.-II in the year 1995 and 2000 and on both occasions was posted outside Guwahati but he could not join as his father was suffering from Cancer. In 2006, he was again promoted as such and posted at Guwahati itself. The Applicant joined as such. By that time his juniors have been promoted in supercession of the seniority of the Applicant. According to the Applicant, he became eligible for the post of Stenographer Gr. II in the year 1995 itself and as such, his seniority must be restored before his immediate juniors in the grade of Stenographer Gr. II.

Petition copy of the
Respondents for issue
which is submitted
alongwith the envelope

Q.D.M.

OA. 18/2007

Contd.

25.1.2007

Heard Mr. S. K. Goswami, learned counsel for the Applicant. Ms. U. Das, learned Addl. C.G.S.C. for the Respondents submitted that she would like to get instruction in the matter.

Received copy

of order dt 25.1.07

Parman Nathkanta
Advocate
25.01.07

Notice and order sent to
D/Section for issuing to
R. 1 to 4 day regd. A/D
post. D/No - 140 to 142

(cc) 31/1/07. dt - 7/2/07

28-2-07

Notice issued.
Service Report awaited.

la,

/bb/

Vice-Chairman

1.3.07.

Counsel for the respondents wanted to file written statement. Let it be done post the matter on 30.3.07. Interim order shall continue.

cc

Member

Vice-Chairman

1m

30.3.07.

Counsel for the respondents wanted time to file written statement. Let it be done. Post the matter on 4.5.07. Interim order shall continue.

Vice-Chairman

1m

Order dt - 1/3/07
issuing to learned
advocate's for both
the parties.

(cc) 29-3-07

(cc) 3/4. 30/3/07
order dt. 30/3/07 issuing to

4.5.07.

Counsel for the respondents wanted to file written statement. Let it be done. Post the matter on 9.5.07. Interim order shall continue.

Vice-Chairman

No Ws has been bld.

22
3.5.07.

1m

9.5.07.

Reply is being filed by the counsel for the respondents. Post the matter on 1.6.07. Liberty is given to the applicant to file rejoinder. Interim order shall continue.

Vice-Chairman

order dt. 4/5/07
issuing to learned
advocate for both
the parties.

1m

22
4.5.07.

1.6.2007

Learned counsel for the Applicant submitted that Applicant has no rejoinder. Since pleadings are complete post the case after three weeks on 26.6.2007 and thereafter the matter will be posted for hearing.

Interim order shall continue till such time.

Vice-Chairman

No Ws has been bld.

22
8.5.07.

/bb/

26.6.2007

Let the case be posted on 16.7.07.

Interim order will continue.

Vice-Chairman

order dt. 9/5/07
issuing to learned
advocate for both
the parties.

22
9.5.07.

/pg/

Ws submitted
by the respondents.

No rejoinder has
been filed.

22
31.5.07.

Recd
Rd.
28.6.07

17.7.2007

Post the case before the next

Division Bench for hearing.

~~No~~ 102
No rejoinder brief.

3
25.6.07.

Vice-Chairman

Rejoinder not
briefed. /bb/

2nd
13.7.07.

Received

Rej.
18.7.07

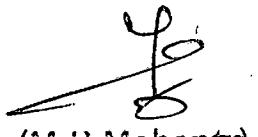
Rejoinder not
briefed.

3
1.6.08.

0.A.18/07 5

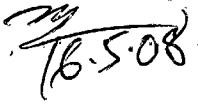
02.04.2008 Call this matter on 19th May, 2008
for hearing.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

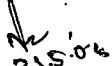
lm

Rejoinder not
filed.

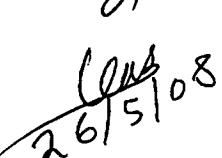

26.5.08

DL. 19.5. '08

Pl. send copies of
this order to the Re-
spondents

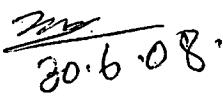

21.5.08

order dt. 19/05/08
Send to D/Section
for issuing to respondents
by post.


26/5/08. DT = 27/5/08

pg

Rejoinder not
filed.


30.6.08.

01.07.2008

Mr.S.K.Goswami, learned counsel for the
Applicant is present. Mrs. M.Das, learned Addl.
C.G.S.C. is absent being sick.

Call this matter on 02.07.2008.



(M.R. Mohanty)
Vice-Chairman

/bb/

02.07.2008 Heard Mr. S.K. Goswami, learned Counsel appearing for the Applicant and Mrs M. Das, learned Counsel appearing for the Respondent Organisation. In course of hearing of the matter, Mr. S.K. Goswami has expressed his desire to withdraw the present application in order to approach the Respondents to grant relief to the Applicant in terms of certain provisions of the C.P.W.D. Manual. Since the Applicant wishes to withdraw this case, he is permitted to do so.

Received copy of
order at 2-7-08

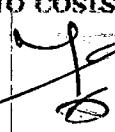
Panda
Advocate for Applicant
15.7.08

Received copy of order dtd 23.7.08

Mohanty Leka on behalf of
Manjula Das 23.7.08

Accordingly, this case stands dismissed being withdrawn. No costs.

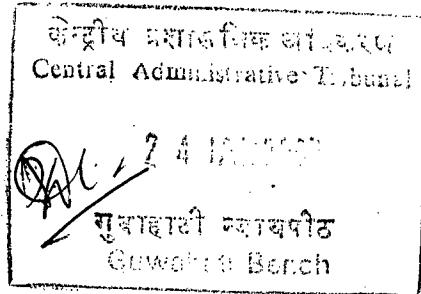
My auo
(R.C. Panda)
Member(A)


(M.R. Mohanty)
Vice-Chairman

12.8.08

Copy of the order
sent to the Adm Secy
for issue to the
parties. Copy of
the order dtd 2.7.08
already collected
by the Adm Secy from
the parties on
15.7.08 in 23.7.08
respectively.

nk



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH,
GUWAHATI

(An application under Section 19 of Administrative Tribunal Act, 1985)

O.A No. 18 of 2007

Shri Tapan Chowdhary,
..... Applicant

-Versus-

Union of India & Ors.

Respondents

LIST OF DATES & SYNOPSIS OF THE APPLICATION

05.05.83 : Applicant was offered appointment as Stenographer(OG) after Selection made by the Staff Selection Board and petitioner joined in the Service on 17.05.1983.(ANNEXURE - I).

27.03.95 : Office order regarding promotion of the applicant as Stenographer Gr.II and posting at Silchar.(ANNEXURE - II).

10.04.95 : Applicant submitted representation to the Superintendent Engineer, Co-ordination Circle(EZ) to consider his case of posting for Assam Central Circle, Guwahati as because petitioners father was suffering from Cancer. As a result he was not in a position to join at Silchar. (ANNEXURE - III)

20.10.97 : Applicant again filed a representation to the Superintendent Engineer, Co-ordination Circle (EZ) through proper channel to consider his case for posting at Guwahati due to family problems.(ANNEXURE - V)

28.04.00 : Applicant was again promoted to the post of Stenographer Gr.-II and posted at Tezpur.(ANNEXURE - VI)

25.01.00 : Applicant filed representation through proper channel to consider his case for posting at Guwahati due to problem of his family. (ANNEXURE- VII)

20.04.00 : Applicant's representation for posting at Guwahati. (ANNEXURE-VIII)

28.12.99 : Office Memorandum regarding sanction post of GR.-I, Gr.-II and Gr.-III Stenographers at different locations. (ANNEXURE-XI)

20.07.95 : Office Memorandum regarding direction not to utilize lower grade workers in a higher post. (ANNEXURE - XII)

11.09.00 : Order of posting of the applicant at ACC-I, Guwahati against sanctioned post of Stenographer Gr.-I. (ANNEXURE- XIII)

12.02.01 : Applicant representation stating that he was allotted response in a Gr.-I post though he was a Gr. II Stenographer. (ANNEXURE - XIV)

28.02.01 : Applicant representation forwarded by Superintendent Engineer for promotion to the Gr. II Stenographer. (ANNEXURE - XVI)

04.03.05 : Request for grant of Honorarium to the applicant for the year 2003-2004 and 2004-2005 for working in Gr.-I post. (ANNEXURE - XVIII)

19.08.01 : Applicant was granted Honorarium of Rs. 1,500/- (ANNEXURE - XIX)

20.04.05 : Applicant was granted Honorarium for working as a Gr.-I Stenographer for the year 2004-2005. (ANNEXURE - XX)

17.10.06 : Office order of promotion of the applicant to the post of Gr.-II Stenographer and posted at ACC -II, Guwahati. (ANNEXURE - XXI)

17.11.06 : Applicant's representation through proper channel for seniority in Gr-II Stenographer with consequential benefit. (ANNEXURE-XXII)

21.11.06 : Applicant representation was forwarded.

21.12.06 : Request for fixing seniority as stenographer Gr.-II was rejected by this office order. (ANNEXURE - XXIII)

Chowdhury
Dipan

P R A Y E R S

Under the facts and circumstances stated hereinabove, applicant begs to submit that the order by which applicant's representation for seniority and consequential benefit is rejected is liable to be quashed and authority may be directed to fix the seniority with consequential benefit above the juniors who were promoted to the Post of Gr.-II Stenographer.

INTERIM ORDER PRAYED FOR

Pending disposal of the application your Lordship may be graciously pleased to direct the authorities not to promote the junior to the applicant to the post of Gr.-I Stenographer who has joined earlier to the applicant in Gr.-II Post of Stenographer from Gr.-III Post.

Dipan Chawdhury

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH;
GUWAHATI

(An application under Section 19 of Administrative Tribunal Act, 1985)

Title of the case

O.A No. 18 of 2007

Shri Tapan Chowdhary :

Applicant

-Versus-

Union of India & Ors. :

Respondents

INDEX

Sl.No.	Annexure	Particulars	Page No.
01	-	Application.	1 - 12
02	-	Verification	13
03	I	Copy of the appointment letter dated 5.5.1983	14-16
04	II	Copy of the promotion order dated 27.03.1995	17-19
05	III	Letter of the Applicant dated 01.04.95.	20
06	IV	Copy of the promotion order dated 16.09.1997.	21-23
07	V	Letter of the Applicant dated 20.10.97 and its forwarding letter.	24 and 25
08	VI	A copy of the promotion order dated 28.04.2000.	26 and 27
09	VII	Letter of the Applicant dated 25.01.2000 written before issuance of the promotion order dated 28.04.2000.	28
10	VIII	Letter of the Applicant dated 20.04.2000 written before issuance of the promotion order dated 28.04.2000.	31
11	IX	Letter of the Applicant dated 01.05.2000.	32
12	X	The letter of the Executive Engineer, AAWD, dated 01.05.2000.	33
13	XI	Copy of the Office Memorandum dated 28.12.1999.	34-36
14	XII	Copy of the office memorandum dated 20.07.95.	37
15	XIII	Order posting dated 11.09.2000.	38
16	XIV	Copy of the letter of the Applicant dated 12.02.2001.	39
17	XV	Copy of the letter of the Applicant dated 20.06.2002.	40
18	XVI	Copy of the letter of the Superintendent	41

16

		Engineer dated 28.02.2001.	
19	XVII	Copy of the letter of the Executive Engineer dated 20.08.2002.	42
20	XVIII	Copy of the letter of the Executive Engineer dated 04.03.2005.	43
21	XIX	Office order dated 19.03.2001.	44
22	XX	Office order dated 20.04.2005.	45
23	XXI	A copy of the promotion order dated 17.10.2006.	46
24	XXII	Letter of the Applicant dated 17.11.2006.	47-49
25	XIII	Order of rejection i.e the impugned order dated 21.12.06.	50

Filed by

Rutam Kathuria

Date: 24.01.07

Advocate

Filed by
Rupan Rathore
Advocate
24-01-07
Tapan Chowdhury

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH;
GUWAHATI

(An application under Section 19 of Administrative Tribunal Act, 1985)

O.A No. 18 of 2007

Shri Tapan Chowdhury,
Stenographer Gr.II,
Assam Central Circle – II,
Central Public Works Department, Guwahati.

..... Applicant

-Versus-

1. Union of India
Through the Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi - 110011
2. The Director General of Works,
CPWD, Nirman Bhawan,
New Delhi - 110011.
3. The Additional Director General (ER)
CPWD, Nizam Palace,
Kolkata – 700 020
4. The Superintending Engineer, Co-ordination Circle (ER),
CPWD, 2nd MSO Building, Nizam Palace, 17th Floor,
234/4, A.J.C Road, Kolkata -700 020

..... Respondents

1. Details of Application against which the present Application is made:

Applicant was offered appointment in the post of Stenographer grade (O.G) by letter dated 5/5/83, after selection made by the staff

selection and according to the offer of appointment petitioner joined as stenographer (O.G.) on 17.5.83. Subsequently petitioner was offered promotion to the post of stenographer grade II, in the year 1995 and posted at SCC Silchar, against existing vacancy. After getting the promotion order petitioner has submitted representation to accommodate him at Guwahati as because petitioner father was suffering from cancer and there was non to look after him at Guwahati as because father of the petitioner was getting treatment at B.Barua cancer institute, after submission of the representation authority has cancelled the promotion order and again posted at AAWD/ Guwahati without considering the representation submitted by the petitioner. Finding no alternative petitioner has joined in the place of posting. Subsequently petitioner was again promoted to the post Stenographer Grade -II by order dated 23/7/97 and posted at Coochbihar. Then also petitioner submitted representation stating that petitioner's father was suffering from cancer and other family problems and requested to make posting at Guwahati. But authority in spite of the representations did not consider his case. In the year 2000 petitioner was again promoted to the post of Stenographer Grade II by office order dated 28/4/2000. This time also petitioner submitted representation but authority has not considered his representation. After these repeated representation petitioner earlier promotion order was cancelled and he was posted at ACC-I, Guwahati against sanction post of Gr-I and from this date on petitioner is working in the said post. In the year 2006, by Office order dated 17/10/06 petitioner was again promoted to the post of Stenographer Grade-II and posted at Acc-II, Guwahati. After getting the promotion order petitioner has joined in the present place of posting. That on 17/11/06, petitioner submitted representation to accord seniority as Stenographer grade II above the immediate juniors. But authority has rejected the prayer of the petitioner by ORDER NO. 21(603)/SE(C)/ER/CDN-VI/2006/887

Narpram
Chowdhury

dated 21.12.2006 issued by the Superintending Engineer, Co-ordination Circle (ER), CPWD, 2nd MSO Building, Nizam Palace, 17th Floor, 234/4, A.J.C Road, Kolkata -700 020 – impugned and Annexed as ANNEXURE – XXIII.

2. Jurisdiction:

The Applicant declares that the subject matter of the application is within the jurisdiction of the Tribunal.

3. Limitation:

The Applicant submits that the application has been filed within the limitation period as prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts:

4.1. That the applicant is a citizen of India by birth and as a citizen of India he is entitled to the right and privileges guaranteed by the constitution of India and entitled to all legal, fundamental and statutory rights and rules guaranteed by other acts and rules..

4.2. That the Applicant begs to state that he joined as Stenographer (OG) on 17th May, 1983 in the Assam Aviation Works Division under Assam Central Circle, CPWD, Bamunimaidam, Guwahati. He is still working under CPWD and all through these 23 years, his services were utilised by the department by conferring various responsibilities to him.

A copy of the appointment letter dated 05.05.1983 is enclosed herewith as Annexure – I.

4.3. That it is humbly stated that in the year 1995, while the Applicant was serving as Stenographer Gr. III under Assam Aviation Works Division, CPWD, Guwahati, he received his first promotion order dated 27.03.95, whereby he was promoted to the post of Stenographer Gr. II and his posting was made at Silchar. But the Applicant was not in a position to go to Silchar to accept the promotion order as because he had some personal responsibility towards his parents and his unmarried sisters, who were residing at Dibrugarh. His father was suffering from lung

20
Chowdhury
Lopamudra
cancer at that time (as a result of which he expired later on in the month of April, 1996) and was getting treatment at B. Barua Cancer Institute, Guwahati, by staying with the Applicant and as a result petitioner was not in a position to move from Guwahati. Moreover he has to make frequent travels to Dibrugarh and though during urgencies, these problems can be easily attended from Guwahati, it is equally difficult to do so from Silchar due to lack of proper communication facility. So, it can be seen that the Applicant's problems were of serious nature. The Applicant made a written request to the Superintendent Engineer, Co-ordination Circle (ER) vide letter dated 10.04.1995 to consider his posting order on promotion at Guwahati, so that he can perform his official responsibility efficiently with his family problems. But his request was not considered and as such he could not avail this opportunity. However, this is evident from the order dated 27.03.1995 that there was a vacant post of Stenographer Gr.II at Guwahati. But without considering request of the Applicant for posting on promotion at Guwahati, an employee from Agartala by the name of D. Roy Barman was shifted to Guwahati.

A copy of the promotion order dated 27.03.1995 and the letter of the Applicant dated 01.04.95 are enclosed herewith as Annexure -II and Annexure - III respectively.

4.4. That it is humbly stated that the Applicant received another promotion order dated 16.09.97 while he remained in the same post of Stenographer Gr. - III under Assam Aviation Works Division, CPWD, whereby he was promoted to the post of Stenographer Gr. II again and his posting was made at Coochbehar this time. But the Applicant's father, who was suffering from lung cancer, ultimately expired on April, 1996 and his widow mother along with his unmarried sister were staying at his hometown at Dibrugarh. Moreover, one of his unmarried sisters was staying with him at Guwahati for study. It is quite natural that a person, who could not avail his earlier promotion when he was posted at

21
Chowdhury
Japon

Silchar, would not be able to move to another place like Coochbehar under the abovementioned circumstances. And even if he does so, it would not be feasible from pecuniary point of view to maintain three establishment that is, Coochbehar, Dibrugarh and Guwahati with such a meager pay. Thus, the Applicant made a written request to the Superintendent Engineer, Co-ordination Circle (ER) vide letter dated 20.10.1997 to consider his posting order on promotion at Guwahati as and when the new post of Stenographer Gr. II is sanctioned. But his request was not granted for second consecutive time and he was compelled to remain at the post of Stenographer Gr. III.

A copy of the promotion order dated 16.09.1997 and the letter of the Applicant dated 20.10.97 are enclosed herewith as Annexure –IV and Annexure – V respectively.

4.5. That the Applicant received the third promotion order dated 28.04.2000, whereby he was promoted to the post of Stenographer Gr. II and posted at Tezpur. The Applicant was himself suffering from many diseases for which he was undergoing treatment and these treatments were possible only at Guwahati because of availability of doctors and other medical facilities. Moreover, he had to make frequent visits to his hometown at Dibrugarh as his widow mother and unmarried sister was residing there. Further, one of his unmarried sisters was staying with him at Guwahati, whom the Applicant has to look after. For all these reasons, the Applicant ~~had~~ regularly submitted representation to the Superintendent Engineer, Co-ordination Circle (ER) for a promotion order at Guwahati. Amidst all these, for the third consecutive time, he was ordered to accept the post at a place other than Guwahati even though he had been requesting for a promotion order at Guwahati. The reasons for his request were always reasonable enough but the department never considered it and he remained at the post of Stenographer Grade III even after 17 years of praiseworthy services towards the department. The Executive

22
Chandhury
Dipan

Engineer of his department also requested the Co-ordination department vide letter dated 27.01.2000 to consider the Applicant's posting on promotion at Guwahati.

A copy of the promotion order dated 28.04.2000 is enclosed herewith as Annexure-VI and the letters of the Applicant dated 25.01.2000 and 20.04.2000 written before issuance of the present promotion order and the letter dated 01.05.2000 are enclosed herewith as Annexure-VII, Annexure-VIII and Annexure-IX respectively. The letter of the Executive Engineer, AAWD, dated 01.05.2000 is also enclosed herewith as Annexure -X.

4.6. That the Applicant submits that he had been holding the post of the most senior Stenographer at Gr. III and as such if there were any vacancies at Guwahati, he has a right to claim posting at Guwahati. But for some unknown reasons, the department transferred the Applicant to Tezpur whereas employees who were junior to the Applicant were promoted and allowed to retain the vacant posts at Guwahati. This is apparent from the abovementioned promotion orders that Sri Praloy Kar and Shri S.K Laskar, who were juniors to the Applicant, were promoted along with the Applicant for the first time on 27.03.95 and second time on 16.09.1997 and they too had not availed the promotion on both these occasions. But by the promotion order dated 28.04.2000, both Sri Praloy Kar and Shri S.K Laskar were posted at Guwahati, whereas the Applicant was posted outside Guwahati even though he was senior to both of them. After the promotion order dated 28.04.2000, a post of Stenographer Gr. II was lying vacant at Guwahati and by a mala fide decision, the department promoted Smt Banani Chakraborty to that post by a separate order and thereby depriving the Applicant to avail his promotion. This prejudice action of the department not only cost the Applicant his seniority but also demoralised him by making him junior to such person who were junior to the Applicant. Instead of rewarding a person for his sincerity and efficiency in discharging the

25
Chinnadhar
Dapam

responsibility, the department penalised the Applicant by denying his bonafide rights before awarding the same to those employees who were junior to the Applicant as Stenographer Gr.III.

4.7. That it is humbly stated that the Applicant was compelled by the department to work against the sanctioned post of Stenographer Gr. II at Assam Aviation Works Division, CPWD from 28.12.1999 to 02.10.2000 even though he was posted as Stenographer Gr. III. The Applicant was forced by the department to work on the post of higher responsibility and no change in his duties was made even after his junior, Mr. S.K Laskar joined as Stenographer Gr. II at Assam Aviation works Division.

A copy of the Office Memorandum dated 28.12.1999 is enclosed herewith as Annexure – XI.

4.8. That the Applicant begs to submit that he was transferred to Assam Central Circle – I, Guwahati, vide order dated 11.09.2000, as Stenographer Gr. III in the sanction post of Stenographer Gr. I. As per norms and as per office memorandum dated 20/07/95, a junior cannot be transferred and posted in a higher rank but the authority has utilized the service of the petitioner in the higher grade i.e. grade-I post of Stenographer. As if the earlier prejudice actions of the department were not sufficient, it further hardened the duty of the Applicant by making him to work on a post of much higher responsibility and that to without the benefit of any promotion during his last 17 years of service. But as a dedicated, responsible and obedient employee, the Applicant discharged his duty in a devoted way to the best of his ability for almost six years from 03.10.2000 to 18.10.2006.

A copy of the office memorandum dated 20/07/95 and the order posting dated 11.09.2000 are enclosed herewith as Annexure – XII and XIII respectively.

4.9. That the Applicant requested co-ordination unit of the department vide letter dated 12.02.2001 and dated 20.06.2002 to post him at the vacant post of Stenographer Gr. III at Guwahati

Electrical Division No. 1. The request of the Applicant was supported by the Superintending Engineer (vide letter dated 28.02.01) and the Executive Engineer (vide letter dated 20.08.2002). But for reasons unknown, despite submission of representation by the Applicant, the department had not bothered to pay any heed to the request and the Applicant was compelled to continue discharging duty on a post of higher responsibility. The department thus continued with its non judicious action of posting of lower category staff to the responsibility and duty of higher category by assigning jobs which the Applicant was not entitled to perform while the post of the entitled category remained vacant.

A copy of the letters of the Applicant dated 12.02.2001 and dated 20.06.2002 are enclosed herewith as Annexure -XIV and Annexure – XV respectively. And the copy of the letter of the Superintendent Engineer dated 28.02.2001 and Executive Engineer dated 20.08.2002 are enclosed herewith as Annexure - XVI and Annexure – XVII respectively.

4.10. That the Applicant humbly submits that though he was at the receiving end of a prejudiced decision of the department, yet he continued to discharge his duty as an obedient and responsible employee and even the Executive Engineer, Assam Central Circle - 1, CPWD, Guwahati, in his letter to The Chief Engineer (NEZ) dated 04.03.05 recognised the merit of the Applicant which is beyond the sphere of a Grade III Stenographer. The Executive Engineer also requested in his letter for grant of Honorarium in respect of the Applicant. The department too accepted this recognition of merit by granting the honorarium vide order dated 19.03.2001 and 20.04.2005.

A copy of the letter of the Executive Engineer dated 04.03.2005 and the order dated 19.03.2001 and 20.04.2005 are enclosed herewith as Annexure - XVIII, Annexure - XIX Annexure - XX respectively.

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4.11. That the Applicant submits that he had been ultimately again promoted as Stenographer Gr. II vide order dated 17.10.2006 and posted at Guwahati and he had availed the promotion and joined Assam Central Circle No. II, Guwahati. The Applicant became eligible for the post of Stenographer Gr. II in the year 1995 when he received the first promotion order but he could avail the promotion order only in the year 2006 and as a result he lost his seniority by almost 11 years. The Applicant was not only denied seniority but all through these 11 years, the department exploited him by assigning responsibility of higher category. As such the Applicant made a request vide letter dated 17.11.2006 to restore his seniority as Stenographer Grade II before his immediate juniors and for allocation of his entitled promotion to the post of Stenographer Grade I. But the department denied his request vide impugned order dated 21.12.06.

A copy of the promotion order dated 17.10.2006 and the letter of the Applicant dated 17.11.2006 and order of rejection the impugned letter dated 21.12.06 are enclosed herewith as Annexure-XXI, XXII, and Annexure -XXIII respectively

4.12. That the Applicant humbly states that during his last 23 years of service, he had always tried to give his best to the department and his sincere and hard work had already been given recognition by the department. However, the Applicant was not only denied his entitled seniority but he was also exploited by forcing him to work in a post of higher responsibility by the department inspite of repeated request being made by the Applicant for posting him in his entitled post and all through this period that post was lying vacant at Guwahati. It must be mentioned here that as per Government Circular/ Office Memorandum, lower graded staff cannot be utilised to the upper graded post but the Applicant was compelled to do so by the department. As per CPWD Manual regarding seniority on promotion, "The procedure of determining of seniority on promotion to higher grades is explained in detail in

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the Ministry of Home Affairs O.M No. 9/11/55-RPS, dated 22.12.59. In general relative seniority of persons promoted to 'Selection posts' will be in the order in which they have been recommended for such promotion by the Departmental Promotion Committee; and for non-selection posts seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they have been promoted. When a person is superseded by his junior due to his/ her being found unfit at a particular time but promoted subsequently on being found fit, he/she will not count his/her seniority in the higher grade above the junior who had superseded him/her." Under the above facts, petitioner's application for seniority should be considered by the authority as because petitioner was recommended for promotion in the year 1995 and he was not denied promotion nor superseded by his junior due to his being found unfit at particular time. As such the petitioner is entitled to seniority in Grade II posts above his immediate juniors who were promoted to the Grade II posts on earlier occasions.

The impugned order dated 21.12.06, it is humbly submitted, is therefore, not legally sustainable in the eye of law and liable to be set aside and quashed and petitioner's seniority in Grade II posts should be restored with consequential benefits.

- 4.13. That the fairness of the Administrative justice is not observed by the respondent.
- 4.14. That under the facts and circumstances mentioned above, the Applicant most humbly and fervently prays that Your Lordship may be pleased to look into the matter sympathetically and also be pleased to do justice to the Applicant by decision and order for his grievances redressed by setting aside and quashing the impugned order dated 21.12.06 and for this act of kindness, this humble applicant shall remain ever grateful and be highly obliged.
- 4.15. That this petition has been filed bona fide and to secure ends of justice.

Dipan Choudhury

5. Grounds for relief:

- 5.1. For that the said decision has been taken in violation of the principles of natural justice by cryptic, non-speaking and arbitrary order.
- 5.2. For that the respondents have acted arbitrarily without examining the case of the Applicant on its true perspective and without considering his loss of 11 years of seniority and the fact that the department had exploited him by assigning responsibility of higher category.
- 5.3. For that the respondents have violated Government Circular/Office Memorandum by engaging lower category staff on post of higher responsibility/category.
- 5.4. For that the impugned order was unreasonable and without application of proper mind.
- 5.5. For that authority has violated the provision CPWD Manual regarding seniority on promotion.
- 5.6. For that authority has violated the established provision of law, as well as violated fundamental right guaranteed by Article 14 and 16 of the Constitution of India.
- 5.7. For that the action of the respondents stated in the impugned order has invited "miscarriage of justice" and "unfair play" of action.
- 5.8. For that there is no element of public interest in the impugned order.

6. Details of remedy exhausted:

The Applicant humbly declares that he has submitted representation but it was denied by order dated 21.12.06. Failing to get his grievances redressed he has come to this Honorable Tribunal for having justice which is efficacious and there remains no other alternatives to get justice.

7. Matters not previously filed or pending with any other Court:

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The Applicant declares that he has not filed any other application or case regarding the matter before any other Tribunal or Court and no such case is pending in any Tribunal or Court.

8. Relief sought for:

- i) The order dated 21.12.2006 is liable to be set aside and quashed.
- ii) To issue necessary directions to the respondents for fixing of seniority of the Applicant as Stenographer Grade II from the year when the department first adjudged the Applicant for that post, that is, the year 1995. And on the basis of his seniority, promote the Applicant to the post of Stenographer Grade I.
- iii) Cost of the application.
- iv) Any other relief(s) this Honorable Tribunal may deem fit and proper.

9. Interim relief:

Pending disposal of the application, the Applicant prays for following relief:

9.1 That the Honorable Tribunal may be pleased to direct the authority not to promote any other Grade II stenographer to the post of Grade I officer who were junior to the petitioner in Grade III post pending disposal of the application without considering the case of the petitioner.

10.....

This application is filed through Advocate(s)

11. Particulars of the I.P.O:

- i) I.P.O No. : 28Gc 987992
- ii) Date of Issue : 24. 01. 07
- iii) Issued from : GPO
- iv) Payable at : Guwahati.

12. List of enclosures:

As given in the index.

29

Tapan Chowdhury

VERIFICATION

I, Sri Tapan Chowdhury S/o Late A.R. Chowdhury, Aged about 45 years presently working as Stenographer Gr.-II Assam Central Circle No.2, D.S. Mansion, R.G. Baruah Road, Guwahati – 5, applicant in the instant original application, do hereby verify that the statements made in paragraphs are ...1 to 8..... true to my knowledge and those made in paragraph No. are true to my legal advice and I have not suppressed any material facts.

Tapan Chowdhury

(14)

Government of India
Central Public Works Department

No. 9(4)/ACC-E.II

Dated, Guwahati, the 5/5/83

ANNEXURE I 30

MEMORANDUM

Shri Tapan Chowdhury a nominee of the Staff Selection Commission (N.C.R.) Registration No. 42-50050 is hereby offered a purely temporary appointment as Stenographer (O.G.) until further orders conferring on him the right of confirmation on the following terms and conditions:-

1. An initial pay of Rs.330 p.m. in the scale of Rs.330-10-380-EB-12-500-EB-15-560/- plus usual allowances as admissible.
2. The appointment will take effect from the date he actually joins duty.
3. No travelling allowance will be paid for joining this appointment.
4. The appointment carries with it the liability to serve in any part of India or outside where the C.P.W.D. has an organisation.
5. His services are liable to be terminated by the Govt. at any time without assigning any reasons but ordinarily one month notice will be given. If, however, he/she wishes to resign, he will have to submit his resignation and wait for its acceptance by the Government. In case he goes away without its acceptance, he will be treated as having been dismissed from service with a disqualification for future employment under the Central Govt.
6. He is required to produce a certificate of character from a Stipendiary 1st Class Executive Magistrate (Magistrate) (including a District Magistrate or a Sub-Divisional Magistrate) or from two Gazetted Officers who are known to him for the last three years but not related to him before he is allowed to join the appointment.
7. Original certificate and testimonials in support of his qualification, experience and age should be produced before joining duty.
8. If he has been employed anywhere previously, he will have to submit a discharge certificate from his last employer.
9. In case it is proved after the acceptance of offer and appointment that he is dismissed employee of the Union or State Govt., disqualifying him for future employment under Government or that he has obtained employment by deceit he will be dismissed from service without any remuneration.
10. He is an Indian National.
11. He will not keep two wives at any time throughout his service.
12. His services will be terminated if he is found to be an alcoholic.
13. He will have to take an oath of allegiance to the Constitution of India, at the time of taking up of the appointment.
14. His appointment will be provisional subject to his character and antecedents being certified by the Police Authorities and he being declared medically fit.
15. He is requested to produce a medical certificate from Civil Surgeon or equivalent to the same status before taking up service.

Certified As To The Copy

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Rupan Kathkate
Advocate

16. He will be on probation for a period of 2 years and liable to be extended by the appointing authority.

17. On his assumption of duty, he must apply to the Estate Officer for Govt. accommodation in the prescribed form (wherever it exists) within a week in order to be eligible to draw House Rent Allowance as admissible under the Rules (in the event of such accommodation being not available) failing which no House Rent Allowance will be paid to him.

18. He will have to fill in a declaration of temporary service on joining the Department.

19. He will be governed by the Subordinate Services Disciplinary/Control & Appeal Rules etc. as framed by the Government of India from time to time.

20. He will have to give details of his movable & immovable property within 4 weeks from the date of his appointment. Similar information will have to be furnished in respect of his family members.

21. He will not leave the Department on an offer being received from any other Department where he might have applied before being nominated here. Also he will not apply direct for any post outside the CPWD.

22. He will have to give his Home Town declaration within 7 days.

23. Schedule Castes/Scheduled Tribes candidate will have to furnish a certificate in the prescribed form in support of candidate's claim to belong to a Scheduled Caste/Tribe.

24. His appointment will be governed by the relevant rules and orders of Govt. issued from time to time.

25. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information, he will be liable to be removed from service and such other action taken as Government may deem necessary.

26. If he accepts the offer on the terms given above he should report for duty to the Executive Engineer, Assam Aviation Works Division, C.P.W.D., Gauhati-15 on or before 20.5.83. If the candidate fails to report for duty by the prescribed date, the offer will be treated as cancelled.

27. The formal appointment order will be issued on his joining after completing required formalities by the Superintending Engineer of the Concerned Circle.

Enclo:- One proforma

No 2763

Date ... 9/5/83

(Dr. R.D.GUPTA)
Superintending Engineer,
Assam Central Circle,
C.P.W.D., Gauhati-21.

To
Shri Tapan Chowdhury,
C/O Shri Anulya Ranjan, Chowdhury,
New Master Para, Gobharupathan,
Near Naliapool Bazar,
P.O. Dibrugarh
Dist. Dibrugarh (ASSAM).

Contd....3

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Copy to:-

1. The Regional Director (I.M.R.), R.K.Choudhury Road, Bharalumukh, Gauhati-781 009 with reference to his No.88CG/HON/1/83-84/955 dt. 23.4.83
2. The Superintending Engineer(Coord.), Calcutta Central Circle No.1, C.P.W.D., Calcutta-20
3. The Executive Engineer, Assam Aviation Works Divn., C.P.W.D., Gauhati-15. He should report if the candidate joins or does not join by 20/5/83.

(Er. R.D.GUPTA)
Superintending Engineer,
Assam Central Circle,
C.P.W.D., Gauhati-21.

TDS

*asko
2.5.83/*

(17)

No.21(7)/Coord/Steno/439

Date. 27/3/95 37

OFFICE ORDER

Promotion/Posting order of the following Stenographer Grade.III in the post of Sr.Grade Stenographer issued vide T.O. order No.21(7)/Coord/Steno/813 dated 12.4.94 is hereby cancelled due to refusal/conditional acceptance/non-receipt of intimation within stipulated period.

Sl. No. Name Office to which attached
1. S/ Shri
1. S.N.Upadhyay CCED-V/Cal.
2. B.N.Bhattacharjee CCD-III/Cal.
3. A.K.Ghosal SSW(EZ)/Cal.
4. N.C.Debnath CCD-II/Cal.

Consequent on the above cancellation, the following Stenographer(Gr.III) is hereby promoted as Stenographer Gr.II on purely temporary basis in the scale of Rs.1400-40-1600-50-2300-EB-60-2600/- from the actual date of assuming charges to higher post until further orders. On promotion, they will be on probation for a period of two years.

Sl. No. Name Office to which attached
1. S/ Shri
1. Debashis Chatterjee CCD-IV/Cal
2. D.Roy Burman TCD/Agartala
3. Tapan Chowdhury AAWD/Guahati
4. Proloy Kar GED-I/Guahati
5. S.K.Laskar GCEC/Guahati

The promoted Stenographer Gr.III will have to intimate his acceptance/refusal of above promotion/posting within 15 days in respect of officials working at Calcutta and within 20 days in respect of officials working outside Calcutta from the date of ~~xxx~~ issue of this letter. The controlling officers are hereby requested to ensure delivery of the promotion order to the particular person and to obtain written acceptance/refusal of promotion from the promoted person and communicate the same to this office within the date specified above. No conditional acceptance of promotion will be entertained.

Contd. ..2.

Certified As True Copy

Ruplal Kathkata
Advocate

In case no intimation of acceptance/rejection of above promotion is received from the promoted person within the specified date his promotion is liable to be cancelled without making any further reference. The controlling officer is also requested if any vigilance/disciplinary case is pending or contemplated against the above promotee, the effect of promotion should not be given to him and the fact may please be communicated to this office forthwith for further action. The promotee who accepts promotion unconditionally may please be relieved immediately without waiting for substitute with a direction to move to their place of posting.

Consequent on above promotion, the following transfer/posting of promotees are hereby ordered immediate effect in the interest of public service.

SL. No.	Name S/ Shri	From	To	Remarks
1.	Debashis Chatterjee	CCD-IV Calcutta	MCC Berhampur	Against existing vacancy.
2.	D.Roy Burman	TCD Agartala	ACC Guwahati	-do-
3.	Tapan Chowdhury	AAWD Guwahati	SCC Silchar	-do-
4.	Proloy Kar	GED-I Guwahati	SSW(IBE) Siliguri	-do-
5.	S.K.Laskar	GCEC Guwahati	CCC Coochbehar	-do-

24/3/95
Superintending Engineer,
Coordination Circle(EZ)
C.P.W.D., Calcutta-20.

Copy to:-

24/3/95

1. The Superintending Engineer, Assam-Central Circle, CPWD, Guwahati.
2. The Superintending Surveyor of Works(EZ), CPWD, Calcutta.
3. The Superintending Engineer, Murshidabad Cent.Circle, CPWD, Berhampur.
4. The Superintending Engineer, Maldah Cent.Circle, CPWD, Maldah.
5. The Superintending Engineer, Coochbehar Central Circle, C.P.W.D., Coochbehar.
6. The Superintending Engineer, Silchar Central Circle, CPWD, Silchar.
7. The Superintending Engineer, ~~Sikkim~~ Siliguri Central Circle-I, CPWD, Siliguri.

Contd. ..3.

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8. The Superintending Surveyor of Works(IEB), CPWD, Siliguri.
9. The Superintending Engineer, Guwahati Cent.Elect.Circle, C.P.W.D., Guwahati.
10. The Executive Engineer, Calcutta Electrical Divn.-V, CPWD, Calcutta.
11. The Executive Engineer, Calcutta Central Divn.-III, CPWD, Calcutta.
12. The Executive Engineer, Calcutta Electrical Divn.-I, CPWD, Calcutta.
13. The Executive Engineer, Calcutta Central Divn.-II, CPWD, Calcutta.
14. The Executive Engineer, Calcutta Central Divn.-IV, CPWD, Calcutta.
15. The Executive Engineer, Tripura Central Divn., CPWD, Agartala.
16. The Executive Engineer, Assam Aviation Works Divn, CPWD, Guwahati.
17. The Executive Engineer, Guwahati Electrical Divn-I, CPWD, Guwahati.
18. Person concerned (6 Nos.).
19. Regional Secretary, CPWD Non-Gazetted Office Staff Association Calcutta.
20. Regional Secretary, CPWD Staff Association(EZ), Calcutta.

24/3/75

EA to Superintending Engineer,
Coordination Circle(EZ)
C.P.W.D., Calcutta-20.

24/3/75

20

Annexure III

Dated, Guwahati the, 10th April, 1995.

To

The Superintending Engineer,
Co-ordination Circle(EZ),
C.P.W.D., 234/4 Acharya J.C. Bose Road,
MSO Building, Nizam Palace,
Calcutta- 700 020.

(Through EE/AAWD/CPWD/Guwahati-15).

Sub.:-- Consideration of posting order on
promotion at Guwahati.

Respected Sir,

I would like to let you know that I am very much glad to receive the Office Order No.21(7)/Coord/Steno/ 439 dt.27.3.95 wherein it is clearly mentioned that I have been promoted as Stenographer Gr.II. Further, like to inform you that presently I am facing lots of problems with my parents and unmarried sister residing at Dibrugarh. Now, as and when any urgency arises at Dibrugarh, I can easily attend my family members because of easier communication facility. On the other hand, if I am posted at Silchar, it will not be possible on my part to attend them promptly for lack of communication facility.

Secondly, if my posting is considered for Assam Central Circle, Guwahati, Govt. will be benefitted by not paying extra T.T.A., Packing allowance, etc. to me.

Thirdly, it is pertinent to mention here that I have been working in Assam Aviation Works Division, which is 30 KM away from the Office building of Assam Central Circle, Guwahati.

In the light of the circumstances stated above, I fervently request your honour to kindly consider my posting atleast this tenure for Assam Central Circle, Guwahati so that my family problems will be over to some extent as well as Govt. works could be performed smoothly.

Thanking you in anticipation, Sir, and eagearly waiting for your valuable order please.

Yours faithfully,

ed my 10/4/95

Certified As True Copy

Rupanath Debnath

Advocate

(TAPAN CHOWDHURY)
Stenographer Gr.III
A.A.W.D., C.P.W.D., Guwahati-15.

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

(20) (21)

Annexure

IV

No. 21(7)/Coord/Steno/96/Cal/ 729

Date: 16/9/97
30/9/97

OFFICE ORDER

Promotion/Posting order of the following Stenographer Gr.III in the post of Sr. Grade Stenographer issued vide T.O. Order No. 21(7)/Coord/Steno/Cal/EZ/97/567 dated 23.7.97 is hereby cancelled due to refusal/conditional acceptance/non-receipt of intimation within stipulated period.

Sl.

No. Name
S/ Shri

Office to which attached

1. M.F.N. Sinha	PCD-I/CPWL/Fatna
2. Smt. Tapati Roy	CCD-VI/CPWL/Calcutta.
3. Supriya Chattapadhyay	CCD-V/Calcutta.
4. S.N.Upladhyay	CED-V/CPWL/Cal.
5. B.N.Bhattacharjee	CCD-III/CPWL/Calcutta.
6. A.K.Ghosal	SSW(EZ) CPWL/Calcutta.
7. N.U.Letnath.	CCL-II CPWL/Calcutta.

Consequent on the above cancellation, the following Stenographer Gr.III is hereby promoted as Stenographer Gr.II on purely temporary basis in the scale of Rs.1400-40-1600-50-2300-EB-60-2600/- from the actual date of assuming charges to his/her post until further orders. On promotion, they will be on probation for a period of two years.

Sl.

No. Name
S/ Shri

Office to which attached

1. G.S. Roy	GCL/CPWL/Gangtok
2. Tapan Chowdhury	AAWL/CPWL/Gauhati
3. Pralay Kar	GEL-I/CPWL/Gauhati.
4. S.K.Laskar	GCEC/CPWL/Gauhati.
5. J.K.Baidya	ACC/CPWL/Gauhati.
6. Arindu Dutta	GEL-II/CPWL/Gauhati.

The promoted Stenographer Gr.III will have to intimate his acceptance/refusal of above promotion/posting within 15 days in respect of officials working at Calcutta and within 20 days in respect of officials working outside Calcutta from

Contd...2.

Certified At Calcutta

Rudranath Karan

Advocate

(22)

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the date of issue of this letter. The controlling officers are hereby requested to ensure delivery of the promotion order to the particular person and to obtain written acceptance/refusal of ~~XXXXX~~ promotion from the promoted person and communicate the same to this office within the date specified above. No conditional acceptance of promotion will be entertained.

In case no intimation of acceptance/refusal of above promotion is received from the promoted person within the specified date his promotion is liable to be cancelled without making any further reference. The controlling officer is also requested if any vigilance/disciplinary case is pending or contemplated against the above promotee, the effect of promotion should not be given to him and the fact may please be communicated to this office forthwith for further action. The promotee who accepts promotion unconditionally may please be relieved immediately without waiting for substitute with a direction to move to this place of posting.

Consequent on above promotion, the following transfer/posting of promotees are hereby ordered immediate effect in the interest of public service.

Sl.

No. Name From To Remarks

S/ Shri

1.	G.S. Roy	GCL/Gangtok	SCC-II/Siliguri	Existing vacancy.
2.	Tapan Chowdhury	AAWD/Gauhati	CBCC/Coochbehar	-do-
3.	Pralay Kar	GLL-I/Gauhati	SSW(I&E) Siliguri	-do-
4.	S.K. Laskar	GCEC/Gauhati	SCC-I/Siliguri	-do-
5.	J.K. Baidya	ACC/Gauhati	SSW(I&E) Mtc. Rd. Siliguri	-do-
6.	Ardendu Dutta	GEL-II/Gauhati	SCC(I&E) Mtc. Rd. Silchar	-do-

X. Promotion order of Sl.No.1 to 6 should be made effective after received of vigilance clearance certificate from the Cb, vigilance CPWL, New Delhi by the controlling officer.

Superintending Engineer,
Coordination Circle(EZ)
C.F.W.E., Calcutta-20.

KM/101 10/10/1971

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- 3 -

Copy to:-

1. The Director General of Works, C.P.W.L., Nirman Bhawan, New Delhi.
2. The Chief Engineer(EZ), CPWD, Calcutta.
3. All Superintending Engineers/Superintending Surveyor of Works under Region 'B'.
4. All Executive Engineers under Region 'B'.
5. Regional Secretary, CPWD Non-Gazetted Staff Association, Calcutta.
6. Regional Secretary, CPWL Staff Association(EZ), Calcutta-20.
7. Person concerned through controlling Office,

Superintending Engineer
Coordination Circle(EZ)
15/09 C.P.W.D., Calcutta-20.

11/9/97

(24)

Annexure IV

Dated, Guwahati the 20th Oct., '97.

To
The Superintending Engineer,
Co-ordination Circle (EZ),
C.P.W.D., 234/4 Acharya J.C. Dose Road,
MSO Building, Nizam Palace,
Calcutta- 700 020.

(Through the ER/AAWD/CPWD/Guwahati-15)

Sub.:- Promotion/posting order in respect
of Tapan Chowdhury, Stenographer.

Respected Sir,

I am very glad to receive the Office Order
No. 21(7)/Coord/Steno/96/Cal/729 dt. 30.9.97 wherein I have
been promoted as Stenographer Gr.II. At the same time,
I would like to say the following few lines for my posting
at Guwahati as and when new post is sanctioned.

- (1) My father was suffering from lung Cancer
and ultimately expired in 4/95. My widow
mother alongwith my unmarried sister are
staying at my home town at Dibrugarh.
- (2) One sister is staying with me at Guwahati
for her study.
- (3) If I join at Coochbehar, I have to maintain
three establishments with such a meagre pay,
which is beyond my financial capacity.
- (4) Guwahati is the nearest station of my home
town, i.e. Dibrugarh, where I can easily
attend my family members as and when urgency
arises.

In the light of the above circumstances, I fervently
request your honour to kindly consider my posting on promotion
at Guwahati as and when new post of Stenographer Gr.II is
sanctioned.

Thanking you and eagerly waiting for your valuable
order please.

Yours faithfully,

Chowdhury 20/10/97

(TAPAN CHOWDHURY)
Stenographer
AAWD, CPWD, GUWAHATI-15.

Copy to :-

The Branch Secretary, All India Non-Gazetted Office
Staff Association, Guwahati Branch, Guwahati-21, for informa-
tion.

Chowdhury 20/10/97
(TAPAN CHOWDHURY)
STENOGRAHHER

Certified a True Copy

Rupan Kalita
Advocate

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POST

Govt. of India
Central Public Works Department

No. 21(1)/M/AAWD/97/ 1967

Dated, the, 20 Oct. '97.

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To

The Superintending Engineer,
Co-ordination Circle(EZ),
C.P.W.D., 234/4 Acharya J.C. Bose Road,
MSO Building, Nizam Palace,
Calcutta- 700 020.

Sub:- Promotion/posting order in respect
of Tapan Chowdhury, Stenographer.

One application dated 20th Oct. '97 received
from Shri Tapan Chowdhury, Stenographer, attached to this
Division is forwarded herewith for favour of your sympathetic
consideration.

Enclo.:- One application
dt.20-10-97.

See/-

(Er. R. Deori)
Executive Engineer,
Assam Aviation Works Division,
C.P.W.D., Guwahati-15.

Copy to :-

✓ Shri Tapan Chowdhury, Stenographer, AAWD, CPWD,
Guwahati-15, for information.

(ER. R. DEORI)
EXECUTIVE ENGINEER.

10/10/97

OFFICE ORDER

The under mentioned Stenographers Grade-III, are hereby promoted to the post of Stenographers Grade-II in the scale of Rs 5000-150-8000 from the date of assuming charges of higher posts.

SL. NO	NAME	DATE OF BIRTH	SL. NO	NAME	DATE OF BIRTH
1.	Subash Chandra Das	1.7.43	15	N.C Debnath	3.7.53
2.	K.Balakrishnan	23.5.45	16	A.K Ghosal	2.1.54
3.	P.S Bhattacharyya	18.1.48	17	Tapan Chowdhury	2.1.61
4.	Smt. P. Seetha	21.4.47	18	Pralay Kar	18.12.62
5.	Raja Gopal Banerjee	4.5.50	19	S.K Laskar	12.12.68
6.	Amal Kr. Bag	1.1.48	20	Indranath Naskar (SC)	16.11.62
7.	P.N Jana	1.7.48	21	J.K Baidya	1.2.54
8.	M.P.N Sinha	10.12.47	22	Madan Nandi	2.1.71
9.	Bibhas Chandra Das (SC)	19.1.67	23	P.Mutsuddy	1.12.69
10.	Smt. Tapati Roy	1.4.50	24	Kashinath Kundu	6.1.68
11.	Supriya Chatterjee	2.1.54	25	Subhasis Chowdhury	25.7.70
12.	S.N Upadhyay	11.9.47	26	Shibshankar Chowdhury (SC)	5.4.70
13.	B.N Bhattacharyya	31.3.50	27	Pratip Mazumdar	3.8.68
14.	P.K.Sarkar (SC)	7.4.83			

Consequent on the above, the transfer/posting of under-mentioned Stenographers Grade-II is hereby ordered with immediate effect in the interest of Public Service.

SL. NO	NAME	From	To	Remarks
1.	K.Balakrishnan (on promotion)	SE(P)/EZ-I/Cal	MCC/Malda	J.P.Pandey transferred
2.	P.S Bhattacharyya (on promotion)	SE(Co-ord)/Cal	CCD-V/Cal	Existing vacancy
3.	Smt. P. Seetha (on promotion)	CCEC-I/Cal	CCD/Dhanbad	Existing vacancy
4.	R.G.I Banerjee (on promotion)	CCC-III/Cal	SE(P)/IBBZ/Siliguri	Existing vacancy
5.	Amal Kr. Bag (on promotion)	CCC-II/Cal	SCC-I/IBBZ/Siliguri	Existing vacancy
6.	P.N Jana (on promotion)	CCED-III/Cal	SMC/IBBR/Siliguri	Existing vacancy
7.	M.P.N Sinha (on promotion)	PCD-I/Patna	PCC/Patna	Existing vacancy
8.	B. C. Das (SC) (on promotion)	JCD/Jalpaiguri	SCC/(EZ-J)/Siliguri	Existing vacancy
9.	Smt. Tapati Roy (on promotion)	CCD-VI/Cal	CCED-II/Cal	Existing vacancy
10.	Supriya Chatterjee (on promotion)	CCD-V/Cal	CCD-I/Cal	Existing vacancy
11.	S.N Upadhyay (on promotion)	CCED-V/Cal	CCED-I/Cal	Existing vacancy
12.	B.N Bhattacharyya (on promotion)	CCD-III/Cal	CCED-III/Cal	Existing vacancy
13.	P.K Sarkar (SC) (on promotion)	MCD-I/ Behrampur	MRMC/Behrampur	New post
14.	N.C Debnath (on promotion)	SE(P)/EZ-I/Cal	CCED-IV/Cal	Existing vacancy
15.	A.K Ghosal (on promotion)	SE(P)/EZ-I/Cal	CCD-II/Cal	Existing vacancy
16.	Tapan Chowdhury (on promotion)	AAWD/Guwahati	TCD/Tezpur	Existing vacancy
17.	Pralay Kar (on promotion)	GED-I/Guwahati	GCD/Gauhati	Existing vacancy
18.	S.K Laskar (on promotion)	GCEC-I/Guwahati	AAWD/Guwahati	Existing vacancy
19.	I. Naskar (SC) (on promotion)	SE(P&A)/EU/EZ	CCD-VI/Cal	Existing vacancy
20.	J.K Baidya (on promotion)	ACC-I/Guwahati	SE(P)/NEZ/Shillong	Existing vacancy
21.	Madan Nandi (on promotion)	CED-V/Cal	Co-Ord. Circle/Cal	Existing vacancy
22.	P.Mutsuddy (on promotion)	SCC/Silchar	SCD/Silchar	Existing vacancy
23.	S. Chowdhury (SC) (on promotion)	PCC/Patna	PCEC/Patna	Existing vacancy
24.	Pratip Mazumdar (on promotion)	CCEC-II/Cal	SE(P)/EZ/EL/Cal	Existing vacancy
25.	D. Roy-Barmati (on transfer)	ACC-I/Guwahati	TCD/Agartala	Existing vacancy
26.	J.P.Pandey (on transfer)	MCC/Malda	BFRC/Cal	Existing vacancy
27.	N.Jagadeswaran (on transfer)	CE/IBBR/Siliguri	CCD-IV/Cal	Existing vacancy
28.	Subhas Ch. Das (on promotion)	CCD-VII/Cal	CCED-V/Cal	Existing vacancy
29.	K.Kundu (on promotion)	BCD-I/Barasat	BCD-I/BBSR	Existing vacancy
30.	S.Chowdhury (on promotion)	KCD-I/Krishnanagar	BCC/BBSR	Existing vacancy

steno1

OFFICE OF THE SUPERINTENDING ENGINEER, CO-ORDINATION, CPWD, ER, NIZAM PALACE, CALCUTTA-20

Certified to be true

Ranu Chatterjee (Signature)
Advocate

No. 9(1)/2000/2000/190

28/4/2000

D/o the S. E., ACC-II

C. P. W. D., GUWAHATI-5

Diary No. 321

Date 15/5/2000

(X) R. Chatterjee (Signature)
EE/NA/WD, for the convenience
EE/NA/WD and 15/5/2000

27

42
The promoted Stenographers Grade-II will have to intimate their acceptance/refusal of promotion/posting within 7(seven) days at Calcutta and 15 (fifteen) days for out-stations from the date of issue of this order. The concerned Controlling Officer Shall obtain written acceptance/refusal of promotion from the promoted persons under their control and shall communicate the same to this Office positively within the date specified above. No conditional acceptance of promotion will be entertained.

It is further indicated that it will be the responsibility of the controlling officer to obtain written and dated acknowledgement of the receipt of the promotion/posting order from the promotees under them and their written acceptance/refusal of the promotion order and to send the same to this office for record and further necessary action so that future litigation are avoided.

In case no intimation about acceptance/refusal of above promotion/posting is received from the promoted officials within the above specified date, their promotion are liable to be canceled without further reference. It may be noted by the officials offered promotion that in case of refusal or non-receipt of intimation about their acceptance of promotion in time his/her name will be debarred from promotion for a period of one year or till vacancy arises whichever later.

The Controlling officer is also requested that if any Vigilance disciplinary case is pending or contemplated against any promotee, the effect of promotion shall not be given to him and the fact shall be communicated to this office forthwith.

Further, the Controlling Officer are requested to release the official who accept promotion without waiting for substitute as per instruction of higher authorities within 15(fifteen) days from the date of issue of this order.

In the event of refusal / non-acceptance of promotion by a promotee at his/her present station of posting, the post thus fallen vacant at that station will be offered, on the basis of tenure at that station, to those promotee(s), who has been posted outside the said station on promotion (shortest stayee shall get the first preference).

27/7/2000
(D.Hore)

Superintending Engineer, Co-ordination

Copy to :

1. The Director General Works, CPWD, New Delhi
2. The Addl. Director General (ER), CPWD, Cal.
3. All Chief Engineers, (Civil & Elec.), CPWD under Region "B"
4. All Supdtg. Engineers, (Civil & Elec.), i/c S.Es (P&A), CPWD under Region "B"
5. All Executive Engineers, (Civil & Elec.), CPWD under Region "B"
6. Person concerned through Controlling Officer b/ REGISTERED POST.
7. The Secretary, CPWD Staff Association, CPWD, Cal.
8. The Regional Secretary, CPWD Non-Gazetted Office Staff Assoc, CPWD, Cal.
9. Estt. Section of this Office.

27/7/2000
SE/ACCT, Ghp.

27/7/2000
SUPERINTENDING ENGINEER (CO-ORD.)

steno!

OFFICE OF THE SUPERINTENDING ENGINEER, CO-ORDINATION, CPWD, ER, NIZAM PALACE, CALCUTTA-20

2

Dated, the, 25th January, 2000.

To

(28)

The Superintending Engineer,
 Co-ordination Circle(EZ),
 C.P.W.D., MSO Building,
 Nizam Palace, 234/4 A.J.C. Bose Road,
 Calcutta- 700 020.

(through EE/AAWD/CPWD/Guahati-15)

Sub:- Posting on promotion at Guahati
 in respect of Shri Tapan Chowdhury,
 Stenographer Gr.III.

Sir,

With due respect, it is stated that 3 No. Stenographer Gr.II posts have been sanctioned at Guahati (1 No.- GCED, 1 No.- G.C.D. & 1 No.- A.A.W.D.) consequent upon restructuring of the cadre strength of Stenographers vide Deptt. of Personnel & Training O.M. No.22034 2 92-Estt(D) dated 6.8.99, which was conveyed to your goodself by the Dy. Director(Training), Nirman Bhawan, New Delhi vide No.9/3/99.EC.IV(c) dated 28.12.99. In this connection, the following few lines are furnished for favour of your sympathetic consideration for my posting at Guahati on promotion please :-

Sir, My home town is Dibrugarh. My father had been suffering from Cancer, ultimately expired in 1996. As a result, I have to look after my widow mother and unmarried sisters staying at Guahati & Dibrugarh. Guahati is the nearest as well as convenient place from my home town. Moreover, I have been suffering from so many diseases and taking treatment at Guahati, which is not possible from other town. At present, I am the senior most Stenographer Gr.III at Guahati.

Under the circumstances stated above, I fervently request your kindself to post me at Guahati on promotion out of the three posts sanctioned as stated above, for which I shall ever remain grateful to you.

Thanking you, in anticipation.

Yours faithfully,

Chowdhury
 (Tapan Chowdhury)
 Stenographer Gr.III
 Assam Aviation Works Division,
 C.P.W.D., Guahati-15.

Copy to :-

SPEED POST

- 1) Comrade Ranjan Bhadra, Regional Secretary, All India CPWD Non-Gazetted Office Staff Association, Regional Branch(EZ), Room No.2, Ground Floor, 2nd M.S.O. Building, Nizam Palace (Oppo. Generator Room), 234/4 A.J.C. Bose Road, Calcutta-20. He is requested to take up the matter with the competent authority so that my case is considered for Guahati.
- 2) Comrade D.K. Nag, Branch Secretary, All India CPWD Non-Gazetted Office Staff Association, Guahati Branch, Bamuni-maidan, Guahati-21. He is also requested to take up the matter with the competent authority for my posting at Guahati.

(Tapan Chowdhury)
 STENOGRAPHER

Certified AS THIS COPY
 Advocate

29

SPEED POST

44

Govt. of India
Central Public Works Department

-.-.-

No.5(10)/Conf/AAWD/2000/ 188 Dated, the, 27th Jan., 2000.

To

The Superintending Engineer,
Co-ordination Circle(EZ),
C.P.W.D., MSG Building,
Nizam Palace, 234/4 A.J.C. Bose Road,
Calcutta- 700 020.

Sub.:-- Posting on promotion at Guwahati
in respect of Shri Tapan Chowdhury,
Stenographer Gr.III.

One application dt. 25.1.2000 received from Shri Tapan Chowdhury, Stenographer Gr.III, attached to this Division, is enclosed herewith, which is self explanatory.

It is, therefore, requested that the posting on promotion at Guwahati in respect of Shri Tapan Chowdhury, Stenographer may be considered in view of the problems explained in his letter dt. 25.1.2000.

Enclo.:- As stated.
(Letter dt. 25.1.2000)

*Mr
T 27/01*
(Er. Hari Singh)
Executive Engineer,
Assam Aviation Works Division,
C.P.W.D., Guwahati-15.

Copy to :-

Shri Tapan Chowdhury, Stenographer Gr.III, AAWD, CPWD, Guwahati-15, with reference to his letter dt. 25.1.2000.

Mr
(ER. HARI SINGH)
EXECUTIVE ENGINEER

*Certified As
Copy
Advocate*

(30)

SPEED POST

Annexure

Govt. of India
Central Public Works Department

....

No.5(10)/AAWD/2000/ 1228 Dated, the, 20th April, 2000.

To

The Superintending Engineer,
Co-ordination Circle(EZ),
C.P.W.D., MSO Building,
Nizam Palace,
234/4, Acharya J.C. Bose Road,
Calcutta- 20.

Sub:- Posting in respect of Shri Tapan
Chowdhury, Stenographer Gr.III.

Sir,

One application dt.20th April,2000, received
from Shri Tapan Chowdhury, Stenographer Gr.III attached
to this Division, is enclosed herewith, which is self
explanatory. It is requested that the posting of Shri Tapan
Chowdhury at Guwahati as Stenographer Gr.III may kindly
be considered sympathetically.

Enclo.:- As stated.

Yours faithfully,

(Hari Singh)
Executive Engineer,
Assam Aviation Works Division,
C.P.W.D., Guwahati-15.

Copy to :-

✓ Shri Tapan Chowdhury, Stenographer Gr.III,
AAWD, CPWD, Guwahati-15, with reference to his application
dt. 20th April, 2000.

20/4/2000
(HARI SINGH)
EXECUTIVE ENGINEER

(31)

Dated, the, 26th April, 2000

VIII

46

To

The Superintending Engineer,
Co-ordination Circle(EZ),
C.P.W.D., M.S.O Building,
Nizam Palace,
234/4 Acharya J.C. Bose Road,
Calcutta- 700 020.

(Through the EE, AAWD, CPWD, Guwahati-15)

Sub:- Posting in respect of Shri Tapan
Chowdhury, Stenographer Gr.III.

Sir,

It is learnt that longest stayee Stenographer Gr.III, on promotion will be posted outside Guwahati. Accordingly, I will be posted outside Guwahati. In this connection, it is stated that I have been suffering from nerve problem and getting proper treatment at Guwahati. Therefore, if I am posted on promotion outside Guwahati, I will be unable to accept promotion outside Guwahati.

In view of above, I fervently request your kindself that I may kindly be posted as Stenographer Gr.III at Guwahati, for which act of your kindness I shall ever remain grateful to you.

Thanking you,

Yours faithfully,

(Tapan Chowdhury)
Stenographer Gr.III
Assam Aviation Works Division, CPWD,
Guwahati Airport,
Guwahati- 781 015.

Copy to :-

Com. Ranjan Bhadra, Regional Secretary, All India CPWD, Non-Gazetted Office Staff Association, Regional Branch(EZ) Room No.2, Ground Floor, 2nd M.S.O. Building, Nizam Palace, (Opp. Generator Room), 234/4, A.J.C. Bose Road, Calcutta-20, with the request to do the needful at his end please.

(TAPAN CHOWDHURY)
STENOGRAPHER GR.III
A.A.W.D, CPWD, GUWAHATI-15.

Certified As True Copy
R. Advocate

8/1 copy

32

Dated, the 1st May, 2000.

H
Annexure IX

To

The Superintending Engineer,
Co-ordination Circle(EZ),
C.P.W.D., 2nd MSO Building,
Nizam Palace,
234/4 Acharya J.C. Bose Road,
Calcutta- 20. (Through the EE, AAWD, CPWD, Guwahati-15)

Sub:- Posting in respect of Shri Tapan Chowdhury,
Stenographer Gr.III.

Ref.:- Your No.9(56)/Steno/SE(c)/ER/Cal/2000/378
dated 28.04.2000.

Sir,

With due respect, it is intimated that I am
not in a position to accept my promotion at Tezpur due
to family problems as well as my physical problems which
had already been expressed in my earlier representations.

Therefore, I request your kindself that I may
kindly be absorbed at Guwahati as Stenographer Gr.III, for
which act of your kindness I shall ever remain grateful
to you.

Thanking you.

Yours faithfully,

Chowdhury (S) 2000
(Tapan Chowdhury)
Stenographer Gr.III
A.A.W.D., C.P.W.D., Guwahati
Airport, Guwahati-15.

Copy to :-

1) Com. Ranjan Bhadra, Regional Secretary, All India
CPWD, Non-Gazetted Office Staff Association, Regional Branch
(EZ), Room No.2, Ground Floor, 2nd M.S.O. Building, Nizam
Palace(Oppo. Generator Room), 234/4 A.J.C. Bose Road,
Calcutta- 20, with the request to do the needful at his
end please.

2) Com. D.K. Nag, Branch Secretary, All India CPWD
Non-Gazetted Office Staff Association, Guwahati Branch, CPWD,
Bamunimaidan, Guwahati-21.

Certified As True Copy
Advocate

Chowdhury 15/5/2000
(TAPAN CHOWDHURY)
STENOGRAPHER GR.III
AAWD, CPWD, GUWAHATI AIRPORT
Guwahati - 15.

(33)

Attachment X 68

Govt. of India
Central Public Works Department

No. 21(1)/M/AAWD/2000/ 23

Dated, the, 1st May, 2000.

To

The Superintending Engineer,
Co-ordination Circle (EZ),
C.P.W.D., 2nd MSO Building,
Nizam Palace,
234/4, Acharya J.C. Bose Road,
Calcutta- 20.

Sub.: - Posting in respect of Shri Tapan
Chowdhury, Stenographer Gr.III.

Ref.: - Your No. 9(56)/Steno/SE(c)/ER/Cal/
2000/378 dt. 28.4.2000.

One application dt. 1st May, 2000, received from
Shri Tapan Chowdhury, Stenographer Gr.III attached to this
Division is sent herewith for favour of favourable considera-
tion at your/please. *enc*

Enclo.: - As stated.

- 2 -

Executive Engineer,
Assam Aviation Works Division,
C.P.W.D., Guwahati-15.

Copy to :-

✓ Shri Tapan Chowdhury, Stenographer Gr.III, AAWD,
CPWD, Guwahati-15, with reference to his letter dt. 1st May,
2000.

Open
EXECUTIVE ENGINEER.

Certified As True Copy
Dulal
Advocate

34

Annexure XI A

No. 9/3/99 EC.IV©
Government of India
Directorate General of Works
Central Public Works Department

Norman Bhawan, New Delhi
Dated the 28th December, 99

OFFICE MEMORANDUM

Subject:- Cadre Strength of Stenographers in various CPWD offices (Eastern Region) after restructuring as on 1.11.99.

Consequent on restructuring of the Cadre Strength of Stenographers vide Deptt. of Personnel & Training O.N.No.22034/2 92-Estt(D) dated 6.8.99, the unit wise revised sanctioned strength of Stenographers Gr.I.II & III of the Eastern Region is enclosed herewith. Superintending Engineer(Coord)EZ may please see for necessary action.

Encl:- As above.

S. Paul
(SURINDER PAUL)
DY. DIRECTOR(TRAINING)

To

The Superintending Engineer(Coord)
(Eastern Region)
CPWD, 234/4 AJC Bose Road.
Calcutta

Copy to:-

1. ADG(E.R)
2. CE(EZ.I II NEZ Elect(EZ).
3. All SEs EEs(Civil/Elect) under Eastern Zone.
4. PPS to DG(W) PS to ADG(S&P) PA to DA DW(S&P) DW(P&WA) DW(PM).

U.K. Sinha
(U.K. SINHA)
SECTION OFFICER

Ann Dr (PSSA in)
Copy to Stenographers
2/21

Certified

Copy
Dulal
Advocate

SANCTIONED STRENGTH OF STENOGRAPHER (GRADE.I, II & III) EASTERN
REGION.

Sl.No.	Name of the office	Proposed of sanctioned strength		
		Grade.I	Grade.II	Grade.III
1.	ADG(ER)			
	(i) DW	1	-	-
	(ii) SE (TLQA)	-	-	-
	(iii) SE(Coord)	-	1	-
2.	CE (EZ) I			
	(i) SE(P&A)	1	-	-
	(ii) EE(P&A)	-	-	2
	(iii) EE(Trg.)	-	-	-
	(iv) CCC.I	1	-	1
	a) CCD.VII	-	-	1
	b) CCD.VIII	-	-	-
	c) NLD	-	-	-
	v) CCC.II	1	-	1
	a) CCD.I	-	1	-
	b) CCD.IV	-	1	-
	c) CCD.VI	-	1	-
	vi) CCC.III	1	-	1
	a) CCD.II	-	1	-
	b) CCD.III	-	1	-
	c) CCD.V	-	1	-
	vii) Siliguri C.C.	-	1	-
	a) SCD Siliguri	-	-	-
	b) GKD Gangtok	-	1	-
3.	CE(EZ) II			
	(i) SE(P&A)	1	-	-
	a) EE(MIS)	-	-	-
	b) EE(P&A)	-	1	-
	iii) Patna C.C.	-	1	-
	a) PCD.I	-	-	1
	b) PCD.II	-	-	1
	c) DCD, Dhanbad	-	1	-
	d) RCD, Ranchi	-	1	-
	iii) BCC/BBSR	-	1	-
	a) BCD.I	-	1	-
	b) BCD.II	-	-	1
	BCD.III	-	-	-
4.	CE(NEZ)			
	i) SE(P&A)	1	-	-
	a) EE(P)	-	1	-
	ii) Assam CC.I	1	-	-
	a) GCD	-	1	-
	b) MEGH. CD	-	-	-
	c) Tejpur CD	-	1	-
	iii) Assam CC.II	1	-	-

36

✓

51	a) AAWD	-	1	-
	b) NAAPD	-	-	-
	c) PD.II	-	-	-
	iv) Silchar CC	1	-	-
	a) Silchar CD	-	1	-
	b) Tripura CD	-	1	-
	c) Manipur CD.I	-	1	-
	d) Manipur CD.II	-	1	-
5.	CE(Elect.)EZ			
	i) SE(P&A)	-	1	1
	ii) CCEC.I, Cal.	1	-	1
	a) CCED.IV	-	1	-
	b) CCED.V	-	1	-
	c) CCED.VI	-	-	1
	d) Bhasa Bhawan	-	-	-
	e) SCED, Stg.	-	-	1
	iii) CCEC.II,Cal.	-	1	1
	a) CCED.I	-	1	-
	b) CCED.II	-	1	-
	c) CCED.III	-	1	-
	iv) PCEC, Patna	-	1	-
	a) PCED	-	-	1
	b) BCED	-	-	1
	c) RCED	-	-	1
	GCEC, Guwahati	-	1	-
	a) GED.I	-	-	1
	b) GED.II	-	-	1
	c) Silchar ED	-	-	1
	d) Tejpur ED	-	-	-

37

NO. 34/3/95-EC-X
GOVERNMENT OF INDIA
DIRECTORATE GENERAL OF WORKS
CENTRAL PUBLIC WORKS DEPARTMENT
NTRMAN BHAVAR
8822286682625

ଅଧ୍ୟାତ୍ମିକ ପାଠ୍ୟ, ପାଠ୍ୟକାରୀ 6026
ପ୍ରକାଶକାରୀ ୩/୩/୭୩
କିମ୍ବା ମିଶ୍ର ପଟ୍ଟା ପାଠ୍ୟକାରୀ
ପ୍ରକାଶକାରୀ ପାଠ୍ୟକାରୀ ୧୦.୦୦ ଟଙ୍କା
ପାଠ୍ୟକାରୀ ପାଠ୍ୟକାରୀ

New Delhi, Dated: 20.7.95

OFFICE MEMORANDUM

SUBJECT: ENGAGEMENT OF LOWER CATEGORY STAFF ON POSTS OF HIGHER RESPONSIBILITY/CATEGORY.

Attention of all the Chief Engineers is invited to this Directorate's O.M. No. 19/9/96-EC-X dated 2.7.1987 (copy unclosed) and subsequent communications No.14/2/93-EC-X dated 6.4.94 and O.M. No. 34/3/95-EC-X dated 12.5.95 (copies enclosed) on the above subject and to say that inspite of repeated instructions issued on the subject, some of the field units have been defying the above instructions and have been engaging/utilising the services of lower category workers for higher responsibility/categories of workers. After accepting/performing the work of higher categories, the incumbents of lower categories of workers have been seeking extra payments for performing the higher categories/ responsibility and also regularisation/appointment in the higher category of posts by filing cases before the Courts. The Ministry has also viewed such action on the part of the field units very seriously as the Department does not have a position to justify such act of the field units before the courts of law.

With a view to obviate recurrence of such instances, it is again emphasized that in future no lower category worker should be assigned the job of higher category/responsible in any circumstances whatsoever without prior approval of this Directorate. If in future, any such case comes to the notice of this Directorate it will be viewed seriously and necessary disciplinary action will be taken against the officers responsible for it.

DET/16-88 15-1-8-15

These instructions should be followed scrupulously.

ASCE 14-16 / ASCE 14-16

(S. C. GUPTA)
DY. DIRECTOR OF ADMINISTRATION (IT)

EX-CHURCH OF BAPTISTS & Independents (by Name):

U.S. AIR FORCE EJECT. DIVISION NO. 1

GUANAJUATO.

Information and necessary action to
be taken by the DOD/ABO/ABOU.

2. Will you/SEN/ be available to
3. Committee on Urban Affairs and Employment.

RECORDED BY DG (IV)/ADG (S&T)/DDG (W).

15. *Stock file, stock file.*

Digitized by srujanika@gmail.com

300 V Section.

1. (S. K. GUPTA)
2. DIRECTOR OF ADMINISTRATION

328 24/9/00
38
GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT

Annexure XIII

No.21(7)/Steno/SE(C)/ER/CAL/2000/931

Dated: the 11-09-2000

OFFICE ORDER

The promotion order issued in favor of the under mentioned stenographer Grade-III vide this office order of even No. 762 dated 28.7.2000 is **hereby cancelled** due to non-receipt of acceptance.

1. Shri Debdan Bandopadhyay.

Further, the transfer /posting of the under-mentioned Stenographers, Gr. III are made :-

Sl. No	Name	From	To	Remarks
1	T.Chowdhury	AAWD,Ghy	ACC-I, Guwahati	Against sanction of Steno Gr-I
2.	Asis Das.	NAAP,GHY	GED-II, Ghy	Existing Vacancy
3.	Akinchan Dey	TCMD,AGT	SMD, Siliguri	Existing Vacancy
4.	Suman Dey	TCD,AGT	TCMD,AGT	Vice Shri Akinchan Dey
5.	J. K. Baiday	ACC-I, GHY	CEDVI, Salt Lake	Existing Vacancy.
6.	Gurudas Pal	CCC-I, Cal	SSW(EZ),Cal	Vice D.Bandopadhyay
7.	N.G.Bhattacharjee	BFRC,Cal	CCCI,Cal	Vice G.D.Paul
8.	R.K.Ghosh	NLD,Cal	BFRC,Cal	Vice N.G.Bhattacharjee
9.	D.Bandopadhyay	SSW(EZ),Cal	NLD,Cal	Vice R.K.Ghosh

No T.A. / D.A & Joining Time admissible to Sl. No. 1 to 5 above as transfers have been made on the basis of their own request.

(D. HORE) 819/2000
Superintending Engineer

Copy to :

1. The Director General Works, CPWD, New Delhi
2. The Addl. Director General (ER), CPWD, Cal.
3. Concerned Superintending Engineers (Civil/Elec.), CPWD of Eastern Region.
4. Concerned Executive Engineers, (Civil/Elec.) , CPWD of Eastern Region.
5. The person Concern through controlling Offices
6. The Secy., CPWD Staff Association, Cal
7. The Regl.Secy, CPWD Non-Gazetted staff Association,Cal.

(U.K Saha)

EA to Superintending Engineer, Co-ordination

Certified True Copy

Print.

Advocate

To

(39)

The Superintending Engineer
 Co-ordination Circle (EZ)
 CPWD, 2nd MSO Building,
 Nizam Palace, 234/4 Acharjee J.C. B. Road,
 Calcutta 20.

(Through Proper Channel)

Subject:- Request for posting in Guwahati Electrical Division
 No.I, CPWD, Guwahati 21.

Sir,

Most respectfully, it is stated that consequent upon restructuring of Stenographer of NEZ, I had been adjusted in Guwahati Electrical Division No.I but posted at Assam Central Circle No.I, CPWD, Guwahati 21 against the sanctioned post of Stenographer Gr.I vide your Order No.21(7)/Steno(C)/ER/CAL/2000/931 dt.11.09.2000 without considering my promotion at Guwahati. Subsequently I was relieved from Assam Aviation Works Division vide No.21(1)/M/AAWD/2000/2129 dt.30.09.2000. Accordingly, I joined in this office on 03.10.2000 and performing duties of Stenographer Gr.I in Assam Central Circle No.I, CPWD, Guwahati 21.

Therefore I request your kindself to kindly post me in Guwahati Electrical Division No.I, CPWD, Guwahati 21 against the sanctioned post of Stenographer Gr.III & oblige.

Thanking you in anticipation,

With regards,

Yours truly,
Chowdhury 10/2/2001

(Tapan Chowdhury)
 Stenographer Gr.III
 ACCI, CPWD
 Guwahati 21.

Advanced copy to the Superintending Engineer, Co-ordination Circle (EZ), CPWD, Nizam Palace, 2nd MSO Building, 234/4 A.J.C. Bose Road, Calcutta 20.
 Copy to :

The Regional Secretary, All India NGOS Association, CPWD, Nizam Palace, Calcutta 20, for doing the needful at his end please.

Chowdhury 10/2/2001
 (Tapan Chowdhury)
 Stenographer Gr.III

Certified At True Copy

Ranjan

Advocate

01

To

(40)

XV

The Superintending Engineer
Co-ordination Circle (EZ),
CPWD, 2nd MSO Building,
Nizam Palace, 234/4 Acharya J.C. Bose Road,
Kolkata 20.

(Through proper channel)

Subject:- Request for posting in Guwahati Electrical Division No.I,CPWD, Guwahati 21.

Ref. :- My representation dated 12.02.2001 addressed to your goodself (copy enclosed).

Sir,

Reference may kindly be made on the above ,which was duly forwarded vide SE/ACCI/Guwahati's letter No.21(3)/ACCI/EII/2001/625 dt.28.2.2001. It is regretfully stated that after a lapse of almost one and half years time, I have not been posted to my original place of posting i.e. Guwahati Electrical Division No.I CPWD, Guwahati 21. I have been posted in this office on request of the then Superintending Engineer, Assam Central Circle No.I,CPWD,Guwahati 21 as intimated by our Regional Secretary, Kolkata and since my joining ,I have been performing the duties of Stenographer Gr.I. In this connection, it is brought to your kind notice that as per Govt. Circular lower graded staff cannot be utilized to the upper graded post.

In view of above, I once again request your kindself to post me in Guwahati Electrical Division No.I,CPWD, Guwahati 21 so that further complicity is avoided in the matter at the earliest please.

Enclo.: As stated.

Yours faithfully,

Dated, Guwahati the, 20th June,2002.

(Tapan Chowdhury)
Stenographer Gr.III
ACCI,CPWD, Guwahati 21.

Copy to :-

The Regional Secretary ,All India CPWD N.G.O. Association(EZ),CPWD, Kolkata 20,
for needful action at the earliest please.

(Tapan Chowdhury)
Stenographer Gr.III

Certified
Ranu.
Advocate

41

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XVI

No.21(3)/ACCI/EII/2001/ 625

Govt. of India

Office of the Superintending Engineer

Assam Central Circle No.I

Central Public Works Department

Bamunimaidan, Guwahati - 781 021

Dated, the 28/2/01.

To

The Superintending Engineer,
Co-ordination Circle(EZ),
CPWD, 2nd MSO Building,
Nizam Palace, 234/4 Acharya J.C. Bose Road,
Kolkatta 20.

Subject:- Request for posting in Guwahati Electrical Division No I, CPWD,
Guwahati 21 - Representation of Shri Tapan Chowdhury.

Kindly find enclosed herewith a self explanatory representation dt.12/02/2001 received from Shri Tapan Chowdhury, Stenographer Gr.III of this Circle for further needful action at your end.

In this connection it is stated that on implementation of cadre restructure of stenographers, only one Stenographer Gr.I has been allotted to this Circle vide your O.M. NO. 9/3/99-EC-IV dt. 28/12/99 & Gr.I Stenographer is not posted to this Circle inspite of various reminders. However one Stenographer Gr.III has been posted against Gr.I Stenographer.

Now Shri Tapan Chowdhury has represented for his transfer to GEDI. In this regard the following proposals are submitted.

The post of Stenographer Gr.II under EE(p) in the office of SE(P) (NEZ), Shillong may be diverted to this Circle and Shri Chowdhury may be accommodated against the diverted post on promotion as Shri Chowdhury is the seniormost Gr.III Stenographer in NEZ. Alternatively, Shri Tapan Chowdhury, Stenographer may be promoted as Gr.II and posted to this Circle against the post of Gr.I Stenographer.

The above proposal may kindly be considered in view of heavy workload of this Circle. In case, the above said proposals are not acceded to, his representation for transfer to GEDI may be considered favourably and a suitable substitute posted to this office in his place.

Enclo.: One representation.

(K.P. Abraham)
Superintending Engineer

Copy to :

COPY

The Chief Enginner(NEZ), CPWD, Cleves' Colony, Dhankheti, Shillong 3, for favour of information. This Circle is heavily loaded and volume of correspondence is also high. In addition there are post of EE(A) and EE(P) under this Circle who also need services of Stenographer Gr.II. In the absence of Stenographer, the work of planning section is being affected. As such one more Stenographer Gr.II in addition to one Gr.I already allotted is required. Accordingly it is requested that the post of Stenographer Gr.II allotted to EE(P) in the office of SE(P)(NEZ), Shillong may kindly be diverted to Assam Central Circle No.I.

Certified As True Copy

Ranu

Advocate

Abraham
Superintending Engineer

42

No. 21(3)/ACC-VE.II/2002/2128/

Government of India

Office of the Superintending Engineer

Assam Central Circle No- I

Central Public Works Department

Bamunimaidan, Guwahati-21.

Dated, Guwahati, the 20th August, 2002.

To,

The Superintending Engineer,
 Co-ordination Circle(EZ),
 CPWD, Nizam Palace,
 234/4, A.J.C. Bose Road,
 Kolkata-700 020.

Subject: Request for posting in Guwahati Electrical Division-I, CPWD,
 Guwahati-21.

Enclosed please find herewith a representation in respect of Shri Tapan Choudhury, Steno Gr-III attached this office with request for his posting in GED-I, CPWD, Guwahati-21 which is self explanatory for favourable sympathetically consideration at your end please.

The request of Shri Tapan Choudhury needs sympathetic consideration and recommended for his posting to GED-I. However, one stenographer Grade-I may kindly be posted to this office on priority basis as the office is experiencing a lot of inconvenience in absence of Grade-I Stenographer.

Moreover, it is also requested that diversion of one additional post of stenographer Grade-II may be got sanctioned.

Enclo: As above,

20/8
 Executive Engineer(Admn).

Certified A. D. Deka
 Advocate

(43)

Annex. XVIII



Government of India
Central Public Works Department

No.2(14)/ACC-I/ EC/ 316

Dated,Guwahati.the 4-3-05

To

✓ The Chief Engineer(NEZ),
CPWD,Cleave's Colony,
Dhankheti,Shillong-793003

Subject:- Grant of Honorarium in respect of Shri Tapan Chowdhury,Steno,Gd.III

Shri Tapan Chowdhury,Steno,Grade-III attached to this office has applied for grant of honorarium . His case of honorarium may be examined as under :-

- 1) This Circle is a heavily loaded Circle. In fact, a post of Grade-I category is sanctioned for this Circle. Instead, a Steno of Grade-II (i.e. Shri Tapan Chowdhury) has been performing the assigned duties of the caliber of a Grade-I since 3.10.2000.
- 2) The incumbent has been performing the work so laboriously that a special merit is required for undertaking such works beyond the sphere of Grade-III Stenographer.
- 3) As and when required, services of Shri Chowdhury,Steno,Gd.III is readily available either beyond the office hours or on holidays.

Therefore, keeping in view of the above three factors and paying due regard to the principles enunciated in F.R.11, secondly and justifiably to the Rule 46(b) and GOI's decisions thereunder, it is recommended that Shri Tapan Chowdhury,Steno,Grade-II may be granted Honorarium by the competent authority as under:-

Honorarium of the year	Amount
2003-04	Rs.2500/-
2004-05	Rs.2500/-

This is for your necessary action please.

This issues with the approval of SE/ACC-I.

Certified As True Copy
Ranu
Advocate

Executive Engineer(Admin)
Assam Central Circle-I
CPWD,Guwahati-21.

44
A.M. 59(1)

Annexure XIX (6)

No. 10/1/2000-NER,
Government of India
Office of the Chief Engineer (NER)
Central P.W.D., Shillong - 93.

Date : 17/3/01

ORDER

Sanction of CH(NEZ), CPWD, Shillong is hereby conveyed for the grant of honorarium to the following officials as per amount shown against their names. S.E. ACC-I vice his letter No. 2(14)/ACC-I/2000/4603 dated 14.12.01 has certified that the duties performed by them were not removed by the Government part of their assigned duties and responsibilities for the year 2001-02.

Sl. No.	Name & Designation	Amount
1.	Sh. G.D. Prasad, JTR	Rs. 1500/-
2.	Sh. P.K. Sarker, LDC	Rs. 1500/-
3.	Sh. U.K. Paul, LDC	Rs. 1500/-
4.	Sh. Tarit Kr. Deb, LDC	Rs. 1500/-
5.	Sh. T. Chaudhury, Steno Gr.-III	Rs. 1500/-

While sanctioning the above honorarium due regard has been paid to principles enunciated in P.R.II.

Expenditure will be booked to salary head of persons concerned.

17/3/01
(JAMES VANDAHLIN)
DY.DIRECTOR OF ACC

Copy to :

1. PAO(NEZ), CPWD, Shillong.
2. S.E. ACC-I, CPWD, Guwahati. The belated request for sanction of honorarium for the year 2000-01 could not be considered.

Certified As True Copy

Ranu.

Advocate

495

Annexure XX 60

No.10/1/2000-Admn.
Government of India
Office of the Chief Engineer(NEZ)
Central Public Works Department
Shillong-03.

Dated, 20.4.2005

ORDER

Sanction of the CE(NEZ) CPWD, Shillong is hereby conveyed for the grant of honorarium for Rs. 1500/- (Rupees One thousand five hundred only) to Shri Tapan Chowdhury, Steno Grade-III attached to ACC-I, CPWD, Guwahati for the duties he performed as Grade-I Stenographer for the year 2004-05.

2. While sanctioning the above honorarium due regard has been paid to principles enunciated in F.R.II.

3. Expenditure will be booked to salary head of person concerned.

(James Vanlahlir)
Dy. Director of Admn.

Copy to:-

1. PAO(NEZ) CPWD, Shillong.
2. SE/ACC-I, CPWD, Guwahati.
3. Shri Tapan Chowdhury, Stenographer Gr.III.

Certified True Copy

Paul
Advocate

Shri P. Karan

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Альбом №XXI

GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE SUPERINTENDING ENGINEER COORDINATION CIRCLE (ER),
2ND MSO BUILDING, NEZAM PALACE, 17TH FLOOR, 2344 A.L.C. BOSE ROAD, KOLKATA - 20.
TEL: (033) 2287-7416. FAX NO. (033) 2281-3183.

No. 21(603)/SE(CYER/CDN-V1/2006/ 746

Dated: 17/10/2006

OFFICE ORDER NO. 75 OF 2006

The undermentioned Stenographer Gr.III is hereby promoted to the post of Stenographer Gr.II in the scale of Rs.5000-150-8000 from the date of actual assuming charges of higher post until further orders.

Sl.No.	Name	Category	Date of birth	Present Office
1.	Shri Tapan Chowdhury	UR	02.01.1961	ACC-I/Guwahati

Consequently the following transfer/posing of the following staff are hereby ordered with effect in the interest of public service.

immediate effect in the interest of public service.				
Sl.No.	Name Shri/Smt.	From	To	Remarks Vice-Shri/Smt.
1.	Shri Tapan Chowdhury	ACC-I/Guwahati	ACC-II/ Guwahati	Ex. Vacancy
2.	Shri Proloy Kar	Guwahati Cent. Divn./Guwahati	Guwahati Cent. Elect. Circle/ Guwahati	Against Smt. Banani Chakraborty
3.	Smt. Banani Chakraborty	Guwahati Cent. Elect. Circle/ Guwahati	Guwahati Cent. Divn./Guwahati	Against Shri Proloy Kar
4.	Shri Shyamal Kr. Laskar	AAWD/Guwahati	ACC-II/ Guwahati	Ex. Vacancy

The promoted officials will have to intimate his acceptance/refusal to the above said promotion/posting within 7 days for station at Kolkata and 15 days at our stations. The controlling officer is requested to obtain written acceptance/refusal from the concerned and forward the same to this office within the specified period as above. No conditional acceptance shall be entertained.

In case of no intimation of acceptance/refusal as above, the promotion is liable to be cancelled without making any further reference. It may also be noted that in case of refusal/non-receipt of their acceptance in time, they will be debarred from promotion for a period of one year or till vacancy arises whichever is later.

Controlling officer is also requested to ensure that in case any vigilance/disciplinary case is pending/contemplated against any of the above said officials being given promotion, benefit of promotion should not be given to such officials and the fact should be communicated to this office for further action.

17/11/2006 The official, who accept the promotion/posting unconditionally and are also clear from vigilance angle as above, may be relieved immediately without waiting for his substitute.

SE(A)

05

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SUPERINTENDING ENGINEER (COORD.) E.R.

① Mr. Tapan Chowdhury may be relieved on 10/10/06 (FN).
② Mr. Chowdhury may be directed to handover the F&P to Mr. S. Saha, GC.
③ Till Shri Basakar joins, Mr. S. Mandal may take over the files. ~~and~~ ~~and~~ confidential dispatch register
④ Confidential files be handed over to EE (A), Dhall 17/16.

Certified As True Copy

Reiner.

17.11.2006

(47)

To

(1) The Director General of Works
CPWD, Nirman Bhawan,
New Delhi 110 011.

(2) The Addl. Director General(ER)
CPWD, Nizam Palace,
Kolkata 700 020.

(3) The Superintending Engineer
Co-ordination Circle(ER)
CPWD, 17th Floor, 2nd MSO Bldg.,
Nizam Palace, 234/4 A.J.C. Bose Road,
Kolkata 700 020.

(Through proper channel - submitted in quaduplicate)

Subject :- Request for fixing of Seniority as Stenographer Grade II and according
Promotion to the post of Stenographer Grade I.

Sir,

I have been promoted as Stenographer Grade II and have been posted with
Assam Central Circle No.II, Guwahati.

I have availed promotion and have joined Assam Central Circle No.II.

In this regard I invite your kind attention to the various promotion orders
which were issued by the office of SE(Coord)ER in the past and my inability then to
accept them on account of his failure to post me at Guwahati. The details are as
hereunder :-

Sl. No.	SE(Co-ord) office order No.	Reference to my representation.
1.	21(7)/Co-ord/Steno/439 dt. 27.3.95 (Annexure 'A')	My letter dt. 10.4.95 (Annexure 'B')
2.	21(7)/Co-ord/Steno/96/Cal/729 16/30.9.97 (Annexure 'C')	My letter dt. 20.10.97 (Annexure 'D')
3.	9(56)/Steno/SEC/ER/Cal/2000/378 28.4.2000. (Annexure 'E')	My letter dt. 25.1.2000 (Annexure 'F'), dt. 20.4.2000 (Annexure 'G') written before issuance of your order dt.28.4.2000 and letter dt.1.5.2000 (Annexure 'H').
4.	21(603) SEC/ER/CDN-VI/2006/746 dt.17.10.2006. (Annexure 'I')	I have availed the promotion now.

Contd....p/2

Received on behalf of
CPWD, Guwahati
Date : 17/11/2006

Name of the Receiver :
S. K. Deka

Certified As True Copy
Ranu
Advocate

It may therefore be seen that I qualified to become Stenographer Grade II on 27.3.95 but could not avail it because I was never posted to Guwahati for which I requested SE(Co-ord)ER office on all occasions to consider my candidature sympathetically for allowing me to continue at Guwahati so that I could take care of my ailing parents and dependent young sisters but his office did not accede to my request. As a result, I have lost my seniority by 11 years.

To substantiate my agony I cite the reference of Shri Praloy Kar and Shri S.K. Laskar who too were promoted alongwith me for the first time on 27.3.95, second time on 30.9.97 and third time on 28.4.2000.

Whereas though I was senior I had first claim on the vacancies at Guwahati yet I was transferred to Tezpur and they were retained then at Guwahati thereby making them senior to me by almost six years. As if this was not sufficient Smt. Banani Chakraborty was also promoted as Stenographer Grade II and was posted at Guwahati without according promotion and posting to me at Guwahati.

It is, therefore, this prejudice action against me which has kept me away from my cherished promotion so far and in turn has rendered me junior to my juniors. They were allowed similar benefit that has been afforded to me now earlier than me even though they are junior to me as Stenographer Gr.III.

I, therefore, do not understand as to for what fault of mine I have been made to pay this price by loss of my seniority as Stenographer Grade II.

Not only Co-ordination unit failed to discharge judicious duty by denying my bonafide rights before awarding the same to my juniors, it made me to work on post of higher responsibility all through these years. From 27.3.95 to 2.10.2000 though I was posted as Stenographer Grade III at Assam Aviation Works Division. I was compelled to work against the sanctioned post of Stenographer Grade II. Even though my junior Shri S.K. Laskar joined as Stenographer Grade II at Assam Aviation Works Division, I was forced to continue there without any change in my duties(my duties remained same as they were before joining of Shri S.K. Laskar – my junior as Stenographer Grade III but made senior as Stenographer Grade II) for almost five months after joining of Stenographer Grade II at Assam Aviation Works Division.

The prejudice action did not stop here. I was transferred from Assam Aviation Works Division to Assam Central Circle No.I as Stenographer Grade III where the sanction post was that of Stenographer Grade I (Annexure 'J'). As a dedicated worker, devoted to my duties, being responsible and obedient, I bore these painful injuries from 3.10.2000 to 18.10.2006 i.e. for almost 6 years. As I discharged duties of Stenographer Grade I with best of my ability even though they were much higher to my assigned duties of Stenographer Grade I. I very humbly requested Co-ordination unit vide my letter dt. 12.2.2001 (enclosed as Annexure 'K') and dt. 20.6.2002 (enclosed as Annexure 'L') to post me to GED I as Stenographer Grade III where vacancy existed then but the unit did not heed to my request and continued

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to exploit my services by assigning me jobs of higher category than what I was entitled to perform and kept the post of my entitled category, within the same office complex and at the same station but in different office, vacant. I am enclosing copies of the correspondence substantiating my statement that I worked as Stenographer Grade I at Assam Central Circle No.I (Annexure M to O). I am not enclosing all correspondences to avoid making this document bulky.

This wisdom of Co-ordination unit is therefore beyond my comprehension. The Unit did not post me on promotion at Guwahati and allowed the same benefit to my juniors on one hand and yet exploited me at the same station by assigning responsibility of higher category on the other hand.

It may therefore be seen that Co-ordination Unit had played mischief and have jeopardized my career and the unit is therefore duty bound to restore it also.

I, therefore, request you to accord me seniority as Stenographer Gr. II before my immediate juniors i.e. Shri Praloy Kar and Shri S.K. Laskar. It may please be noted that if I do not receive any intimation regarding restoration of my seniority within 15 days I shall be compelled to strike at the doors of Hon'ble CAT, Guwahati bench for necessary relief and justice.

Enclo.: - Annexure 'A' to 'O'.

Chowdhury 17/11/06

(Tapan Chowdhury)
Steno/ACC-II/CPWD
Guwahati 5.

Advance copy alongwith enclosures to be by Speed Post :-

1. The Director General of Works, CPWD, Nirman Bhawan, New Delhi 110 011.
2. The Addl. Director General (ER), CPWD, Nizam Palace, 234/4 A.J.C. Bose Road, Kolkata 20.
3. The Superintending Engineer, Co-ordination Circle (ER), CPWD, 17th Floor, 2nd MSO Building, Nizam Palace, 234/4 A.J.C. Bose Road, Kolkata 700 020.

Chowdhury 17/11/06

(Tapan Chowdhury)
Steno/ACC-II/CPWD

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GOVERNMENT OF INDIA
CENTRAL PUBLIC WORKS DEPARTMENT
OFFICE OF THE SUPERINTENDING ENGINEER, COORDINATION CIRCLE (ER),
2ND MSO BUILDING, NIZAM PALACE, 17TH FLOOR, 234/4 A.J.C. BOSE ROAD, KOLKATA - 20.
TEL: (033) 2287-7416. FAX NO. (033) 2281-3183.

No. 21(603)/SE(C)/ER/CDN-VI/2006/ 887,

Date: 21-12-06

To
Shri Tapan Chowdhury,
Stenographer Gr.II,
Through the EE(P & A),
ACC-II, CPWD, Guwahati.

Sub: Request for fixing of Seniority as Stenographer Grade II &
according promotion to the post of Stenographer Gr.I.

With reference to your representation dated 17.11.2006, it is to state that the posting orders issued on promotion vide this office letter nos. (a) 21(7)/Coord/Steno/439 dt. 27.3.95, (b) 21(7)/Coord./Steno/96/Cal/729 dt. 16/30.9.97 & (c) 9(56)/ Steno/ SE(C)/ ER/Cal/ 2000/378 dt. 28.4.2000 , respectively were according to the availability of vacancies and departmental requirement. The Promotions were to be accepted unconditionally by you, but you failed to do so within stipulated time. Hence your promotion order was automatically forfeited for One year from the date of issue of the respective orders.

Now, you have been offered promotion vide this office no. 21(603)/ SE(C)/ ER/ CDN-VI/ 2006/746 dt. 17.10.2006 and the posting had been made as per availability & departmental requirement as on date of promotion.

Hence, the Promotion Order issued now is in order and your claim for retrospective seniority has no merits and your seniority in Grade II shall be counted from the date of issue of order i.e. 17.10.2006, since you have accepted your promotion against the order dt. 17.10.2006.

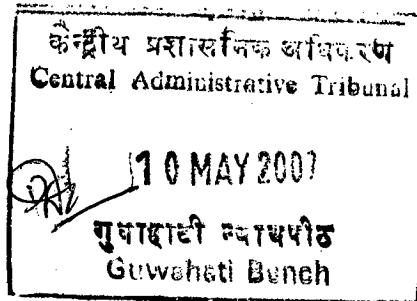
SUPERINTENDING ENGINEER(COORD.)ER

Copy to:

1. The Section Officer, Directorate General of Works, CPWD, Nirman Bhavan, New Delhi w.r.t. his letter no. F.No.05/81/2006-EC-IV(SC) dt. 4.12.2006.
2. The Executive Engineer(P & A), Assam Central Circle II, CPWD, Guwahati w.r.t. his letter no. 8(2)/ACC-II/2006-07/E-II/1888 dt. 20.11.2006.

SUPERINTENDING ENGINEER(COORD.)ER

*Certified As True Copy
Ranu
Advocate*



Filed by
the Respondents there
Lalita Das
Addl. Cuse
4/5/07
66

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

OA NO. 18/2007

SHRI TAPAN CHOUDHURY

.....APPLICANT

-VERSUS-

UNION OF INDIA & OTHERS

.....RESPONDENTS

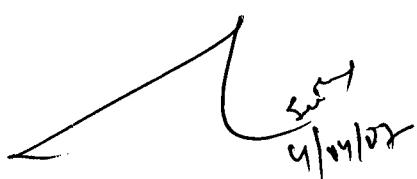
WRITTEN STATEMENT SUBMITTED BY
THE RESPONDENTS

- 1) That the respondents have received copy of the OA and have gone through the same and understood the contentions made thereof. Save and except, the statements, which are not specifically admitted herein below, rests may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.
- 2) That the present Original Application is hit by principle of Waiver, Estoppels and Acquiescence, hence liable to be dismissed.
- 3) That the present Original Application is barred by limitation hence liable to be dismissed.
- 4) That with regard to the statement made in paragraph 1 of the OA, the respondents beg to submit that Shri Tapan Chowdhury, was appointed and posted to AAWD at Guwahati as Steno O.G. and joined there on 17.5.1983. He was offered promotion as Steno Gr. II on 27.3.1995 ¹⁹⁹⁵ vide SE, Coordinator Circle (ER), CPWD, Kolkata's Office Order No. 21(7)/Coord. /Steno/439 with the posting at SCC, Silchar, but Shri Tapan Chowdhury did not accept the promotion. However, he was again offered promotion as Steno Gr. II vide SE, Coordination Circle (ER), CPWD, Kolkata's Office Order No. 21(7)/Coord./Steno/96/729 dated 16/30.09.1997, with the posting at CBCC, Coochbehar and he refused the promotion again. Again,

4/5/07

Shri Tapan Chowdhury was offered promotion in Steno Gr. II vide SE, Coordination Circle (ER), CPWD, Kolkata's Office Order 9(56)/Steno/SE(C). /ER/Cal/2000/378 dated 28.4.2004 with the posting at TCD, Tezpur for the 3rd. time but he refused to accept the same promotion order. Posting on promotion is decided based upon the available vacancies and priorities of the Department. He had been offered promotion as Steno Gr. II vide SE, Coord (ER), Kolkata's Office order No. 75 of 2006, issued vide letter No. 21(603)/SE(C)/ER/CDN-VI/2006/746 dated 17.10.2006 with the posting at ACC-II, Guwahati and he finally accepted the offer of promotion in ACC-II, Guwahati on 18.10.2006 as Steno Gr. II. This time he could be offered the promotion at Guwahati itself, as it was administratively feasible without affecting the interest of his peers.

- 5) That with regard to the statement made in paragraph 2, 3, 4.1 and .4 of the OA, the respondents beg to offer no comment.
- 6) That with regard to the statement made in paragraphs 4.3, 4.4 and 4.5 of the OA, the respondents while denying the contentions made therein beg to submit that transfer-posting is decided by the competent authority to take care of the Government interest primarily. Shri Chowdhury was promoted and posted to Silchar. In this connection it will not be out of place to mention here that as per the Terms & Conditions of the Offer of Appointment, every employee is liable to be transferred anywhere in India and outside where CPWD has an organization. Hence the Transfer-Posting at Silchar is justified. As per his own statement, the applicant Shri Chowdhury did not accept the Silchar posting on promotion due to his personal problems.
- 7) That with regard to the statement made in paragraph 4.6 of the OA, the respondents while denying the contentions made therein beg to submit that it is not matter of right to claim any particular post. Moreover, as per the provisions contained in CPWD Manual Vol. I, where need arises to fill up a post outside a popular station the transfer should be made on the basis of longest continuous stay of individuals in all grades, the longest stayee being transferred first, similarly in



4/4/07

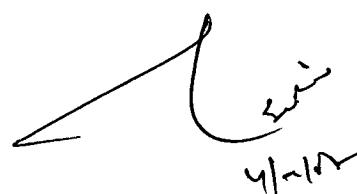
bringing person on transfer from an unpopular to popular station, the same rule will apply. In the instant case the following is the position of stay at Guwahati:

Name	Posted in Guwahati		Remarks
	From	To	
1. Shri Tapan Chowdhury	17.5.83	Till date	Longest Stayee at Guwahati
2. Shri Proloy Kar	27.6.84	Till date	
3. Shri S.K. Laskar	17.12.84	Till date	

Since the applicant Shri Chowdhury was the longest stayee, he was transferred out from Guwahati.

From the above it is evident that the contentions of the Paragraph are baseless and denied.

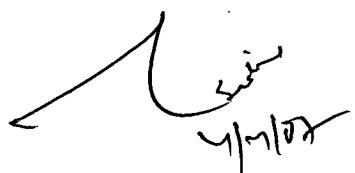
- 8) That with regard to the statement made in paragraph 4.7 of the OA, the respondents while denying the contentions made therein beg to submit that the Stenographer O.G./Gr. III is normally posted with the Executive Engineer Rank officers and the below this rank no officer is entitled for Stenographer. The sanctioned Strength of Steno Gr. II Grande III is an internal arrangement of the Department. The post of Steno at AAWD was upgraded as Steno Gr. II from 28.12.99. The applicant attached to Executive Engineer, Assam Aviation Works Division, CPWD, Guwahati and continued as Steno. Gr. III. Hence no question of higher responsibilities was involved.
- 9) That with regard to the statement made in paragraphs 4.8, 4.9 and 4.10 of the OA, the respondents beg to submit that the applicant joined ACC-I, CPWD, Guwahati on 3.10.2003 on transfer from AAWD, Guwahati. The applicant was posted to Guwahati in a different office, as he was unwilling to go out even on promotion. However, he was given honorarium (Annexure I, II and III).
- 10) That with regard to the statement made in paragraph 4.11 of the AO, the respondents beg to submit that the applicant was offered promotion as Steno Gr.



4/1/12

II vide SE, Coord(ER), Kolkata's Office order No. 75 of 2006, issued vide letter No. 21(603)/SE(C)/ER/CDN-VI/2006/746 dated 17.10.2006 (Annexure-IV) and he accepted the promotion and joined in ACC-II, CPWD, Guwahati on 18.10.2006 and his seniority in Gr. II shall be counted from the date of issue of order i.e. 17.10.2006. On earlier occasions, i.e. in the years 1995, 1997 and 2000 the Government had offered the promotion in the Grade of Steno Gr. II but he did not accepted the same. Thus it is a fault on his part, not the fault of the Government. Hence, question of restoring seniority since 1995 does not arise at all.

- 11) That with regard to the statement made in paragraph 4.12 of the OA, the respondents while denying the contentions made therein beg to submit that it is the responsibility of every employee to give the best to the department and the applicant is not the exceptional one.
- 12) That with regard to the statement made in paragraph 4.13 of the OA, the respondents beg to submit that all the administrative justice was observed.
- 13) That with regard to the statement made in paragraph 4.14 and 4.15 of the OA, the respondents beg to offer no comment.
- 14) That with regard to the statement made in paragraph 5.1 to 5.8 of the AO, the respondents while denying the contentions made therein beg to rely and refer upon the statement made above.
- 15) That with regard to the statement made in paragraph 6 and 7 of the OA, the respondents beg to offer no comment.
- 16) That with regard to the statement made in paragraph 8.i) of the OA, the respondents beg to submit that the order dated 21.12.2006 has been passed taking into consideration the rules guiding the field of Administrative Law. The order



A handwritten signature in black ink, appearing to read 'N. S. S. 4/1/07'.

dated 21.12.2006 has not been passed in violation of any law, Statutory Rules or guidelines hence same is not liable to set aside and quashed.

17) That with regard to the statement made in paragraph 8.ii), 8.iii) and 8.iv) of the OA, the respondents while denying the contentions made therein beg to submit that the since the applicant did not accept the promotion in the Year 1995 and in the subsequent years, he cannot claim seniority of Steno Gr. II from 1995. The applicant did not accept the promotion hence he is estopped from claiming the seniority from 1995. The department in no way can be held responsible for the action of the applicant.

18) That with regard to the statement made in paragraph 9 of the OA, the respondents beg to submit that the applicant is estopped from making such prayer. Since the applicant did not accept the promotion order in the year 1995, he cannot claim the seniority from that date. If the interim relief as sought by the applicant is granted, the career prospects of his other colleagues who have sincerely obeyed the transfer/posting orders in past will be jeopardized. In seeking this particular relief, the motive of the applicant is malicious in his attempt to hinder the routine promotion-transfer-posting cycle of the department, which in turn will harm the career prospects of his fellow colleagues.

19) That in view of the submissions made above it is respectfully prayed the Hon'ble Tribunal may not pleased to interfere with the order-dated 21.12.2006 as the same has been passed in conformity with the law guiding the field of promotion. The Hon'ble Tribunal may be pleased to dismiss the OA with cost.



A handwritten signature in black ink, followed by the date '4/4/07' written below it.

VERIFICATION

I CHANDRA SENGUPTA MITAL aged
about 44 years at present working as
..... Superintendent Engineer (Co-ord) F.R. Mollers
....., 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, 2, 3, 5, 1, 9 are true

to my knowledge and belief, those made in paragraph

4, 6 to 10, 11 to 18 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 - 4th day of APRIL 2007 at KOLKATA


04.04.07
Superintending Engineer,
DEPONENT Co ordination Circle (EZ)
C. P. W. D., Nizam Palace,
234/4, A. J. C. Bose Road
Kolkata-700020