

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A./TA/ NO.....109...2015  
R.A./CP/NO.....2015  
E.P./M.P./NO.....2015

1. Order Sheets.....1.....page.....1.....✓.....to.....X.....
2. Judgment/ order dtd. 11.06.2009.....page.....1.....to.....6.....✓.....
3. Judgment & Order dtd.....✓.....received from H.C. / Supreme Court.
4. O.A. 109/09.....page.....1.....to.....46.....✓.....
5. E.P/M.P. ....page.....to.....
6. R.A./C.P. ....page.....to.....
7. W.S. ....Page.....to.....
8. Rejoinder.....page.....to.....
9. Reply .....page.....to.....
10. Any other papers .....page.....to.....

SECTION OFFICER (JUDL.)

*com.  
29/5/2015*

*B.G. F. 2015  
BIA. F.*

*com.  
26.5.2015*

FROM NO. 4  
( See Rule 42 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: 109 /2009

2. Mise Petition No 1

3. Contempt Petition No 1

4. Review Application No 1.

Applicant(s) Sri Lalit Mohan Sanwal

Respondent(s) Union of India & Ors.

Advocate for the Applicant(s): Mr. B.S. Basumatary

Miss J. Mary

Miss M. Baishya

Advocate for the Respondant(s): Mr. G. Baishya

Mr. B. C. Pathak Advocate for BSNL.

Notes of the Registry	Date	Order of the Tribunal
11. The application is in form is filed on 11.6.09 deposited on 11.6.09 No. 39 G 409534 Dated 10.6.09	11.06.2009	Heard learned counsel for the parties. For the reasons recorded separately, this O.A. stands disposed of.
<i>11/6/09</i> Dy. Registrar <i>11/6/09</i>		<i>11/6/09</i> (M.R. Mohanty) Vice-Chairman

11.6.09  
Nine copies of application with envelope  
received for issue  
notices to the Respondants  
No 1 to 9. Extra charges  
for excess respondents  
No 6 to 9 deposited. Copy  
served to the Sr. CSC.

11/6/09 Received copy  
of application  
for service  
11/6/09

*11/6/09*  
12.6.09

12.6.09

Copy of the order  
alongwith the copy  
of the application  
issued to the Regd  
No 1 to 9 vide  
Df No 3/14 to 3/22  
and to the applicant  
vide Df No 3/13.

The copy of the order  
dated 11.6.2009 handed  
over to the H/Advs  
for the parties on  
11.6.2009 on 12.6.09  
respectively.

12.6.09

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

**Original Application No. 109 of 2009**

**Date of Decision : 11.06.2009**

**Shri Lalit Mohan Sanwal**

..... **Applicant/s**

**Mr. B.S. Basumatary**

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

**- Versus -**

**U.O.I & Ors.**

..... **Respondents**

**Mr. G. Baishya, Sr. CGSC**

**Mr. B.C. Pathak, for BSNL**

..... **Advocate for the  
Respondents**

**CORAM**

**THE HON'BLE MR. MANORANJAN MOHANTY, VICE-CHAIRMAN**

1. Whether reporters of local newspapers may be allowed to  
see the Judgment ? *Yes/No*

2. Whether to be referred to the Reporter or not ? *Yes/No*

3. Whether their Lordships wish to see the fair copy  
Of the Judgment ? *Yes/No*

**Vice-Chairman**

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.109 of 2009  
Date of Order: This the 11<sup>th</sup> Day of June 2009.

HON'BLE MR.MANORANJAN MOHANTY, VICE-CHAIRMAN

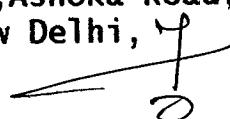
Shri Lalit Mohan Sanwal,  
S/O Shri Girish Chandra Sanwal  
General Manager, BSNL  
Eastern Telecom Region,  
Opposite to Super Market,  
Dimapur, Nagaland,  
Pin-797112

Mr.B.S.Basumatary, Miss J. Wary  
& Miss M.Baishya

Applicant

-Vs-

1. Union of India,  
Represented by the Secretary to the  
Govt. of India,  
Ministry of communications and information  
Technology,  
Department of Communication  
Sanchar Bhawan,  
20, Ashoka Road,  
New Delhi, Pin-110001
2. Bharat Sanchar Nigam Ltd.  
Represented by the Chairman-cum-Managing Director,  
Bharat Sanchar Bhawan, H.C.Mathur Lane,  
Janpath, New Delhi  
Pin-110001.
3. The Member (Services)  
Telecom Commission,  
Ministry of Communications and Information  
Technology,  
Department of Telecommunications,  
Sanchar Bhawan,  
20,Ashoka Road,  
New Delhi  
Pin-110001.
4. The Member (Finance),  
Telecom Commission,  
Ministry of communications and Information  
Technology,  
Department of Telecommunications,  
Sanchar Bhawan,  
20,Ashoka Road,  
New Delhi,



Pin-110001.

5. The Director (IR-11)  
Government of India,  
Ministry of Communications and  
Information Technology,  
Department of Telecommunication  
51 Sanchar Bhawan,  
20, Ashoka Road,  
New Delhi, Pin-110001.
6. The Secretary to the Government of India,  
Ministry of Personnel  
Public Grievances and Pensions  
(Department of Personnel and Training Division)  
Block-4, 3<sup>rd</sup> Floor,  
Old JNU Campus, New Delhi  
Pin-110067
7. The Chairman-Cum-Managing Director,  
Bharat Sanchar Nigam Limited  
Bharat Sanchar Bhawan,  
H.C.Mathur Lane, Janpath,  
New Delhi,  
Pin-110001.
8. The Chief General Manager  
Bharat Sanchar Nigam Limited.  
Eastern Telecom Region  
6<sup>th</sup> Floor, 34,BBD Bag,  
Kolkata,  
Pin-700001.
9. The Chairperson  
Post Graduate Programme  
On Public Policy and Management  
Indian Institute of Management  
Bangalore, Banner Ghatta Road,  
Bangalore, Karnataka,  
Pin-560076.

By Mr.G.Baishya,Sr.C.G.S.C, Mr.B.C.Pathak,  
For BSNL.

Respondents.

O.A. 109 of 2009  
ORDER(ORAL)  
11.06.2009

M.R.MOHANTY, V.C.:

On being mentioned by Mr. B. S. Basumatary, learned counsel for the Applicant (made in presence of Mr. G. Baishya, learned Sr. Standing Counsel for the Government of India, and Mr.B.Pathak, learned counsel for BSNL) this matter is taken up.

2. The Applicant is a Member of Indian Telecom Services. In response to a circular No. L-11013/01/2009/- LTT dated 18<sup>th</sup> March, 2009 of the Joint Secretary (Training Division) of DOPT/Ministry of PPPG and P of Government of India(inviting officers to join 8th Post Graduate Programme in public Policy and Management during 2009-2011 at the Center for Public Policy of Indian Institute of Management at Bangalore); the Applicant offered his candidature. At the relevant time the Applicant was GM(WL) of BSNL at Bhopal. His Application (to go for training in question) was submitted on 02.04.2009 to CGM (T) of M.P. Telecom Crcle, Bhopal. The Select list circulated by IIM, Bangalore was circulated on 05.05.2009; wherein the name of the Applicant was shown at Sl. No.22 of the merit list. DOPT of Government of India, wrote a letter to the Director (Training) of DOT disclosing the names of 10- ITS officers, selected for undergoing training in question. As it appears, out of the 10 officers named in DOPT's letter dated 12th May 2009, 9-officers were on deemed deputation

to BSNL/MTNL and as it appears, in the said premises, the DOT wrote a letter (on 22.05.2009) to MTNL/BSNL to do the needful relating to the 9 officers. Immediately thereafter, by D.O. letter dated 25<sup>th</sup> May 2009, the Chairman and Managing Director of BSNL wrote a letter to the Secretary to the Government of India, in the department of Telecommunication; wherein it was stated as under :

4. In view of that major current restructuring process being undertaken by BSNL and many running crucial pilot programmes, we are not in the position to depute any more officers at these levels. You would kindly appreciate that BSNL is currently passing through a critical phase of these transformation and continuity of services from our such officers is pivotal to the success of this critical exercise

5. In view of the above, I would request you to kindly review the decision for deputing any more officers for Long Term Management Programme as communicated vide DOT letter No.20-7/2002-IR(B) dated 22<sup>nd</sup> May 2009."

3. The Applicant on 29.5.2009 and on 02.06.2009 submitted representations before the Chairman and Managing Director of BSNL(Annexure-A-9) and to the Secretary to the Department of Telecommunication of Government of India (Annexure-A-10) respectively; requesting them to relieve him to report at the training Programme at IIM/Bangalore.

4. In his representation under Annexure-9 dated 29.05.2009 the Applicant has pointed out that as the age limit for the said Course is 50 years; this will be a last chance for him to take the programme. Apparently, the Applicant is going to attain 50 years of age soon.

5. In the aforesaid premises, since time was running against him, the Applicant has approached this Tribunal (by way of filing this present Original Application under Section 19 of the Administrative Tribunals Act 1985) with a prayer to direct the Respondents to relieve him immediately to attend the programme in question at IIM at Bangalore.

6. Copies of this O.A. have already been supplied to Mr.G.Baishya, learned Sr. Standing Counsel and to Mr.B.C.Pathak, learned counsel for BSNL.

7. Heard Mr. B. S. Basumatary, learned counsel appearing for the Applicant and the above named representatives of Government of India and that of BSNL and perused the materials placed on record.

8. It appears from Annexure-6 dated 25<sup>th</sup> May 2009 that the CMD of BSNL pointed out the genuine difficulties of BSNL Organization and requested the Secretary of the Department(DOT) of Govt. of India to review the matter of deputing officers on long tenure management programme. Since, the matter requires urgent review, the DOT of Government of India must be examining the matter with all anxiousness. While doing so, they should also look to the grievances of the officers like the Applicant; who pointed out that unless he goes for the training in the present batch of 2009-2011, he may become over aged to attend such programme in future batch. It appears from Annexure- A-7 dated 25.05.2009 of IIM/Bangalore that the course is going to start latest on 15<sup>th</sup> June 2009 and, therefore, the CMD of BSNL and Secretary of DOT of Government of India must be

expeditiously considering the matter pertaining to relieve of the Applicant to attend the programme in question. This being a case involving policy, the matter is hereby remitted to the Secretary of Government of India in the Ministry of Telecommunication (Respondent No.1) and to the CMD of BSNL (Respondent No.7) to take an expeditious decision to relieve the Applicant well before 15<sup>th</sup> June 2009.

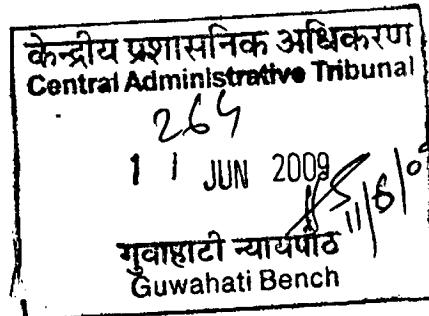
9. With the aforesaid observations and directions this O.A. is disposed of.

10. Send copies of this order to the Respondents (along with the copies of O.A.) and free copies of this order be also be supplied to the Applicant and the learned counsel appearing for the parties. The Applicant/Advocate for the Applicant shall remain free to Tele Fax a copy of this order to the Respondents; who should take immediate steps to resolve the problem in hand expeditiously, so that the grievances of the Applicant can be sorted out well before 15.06.2009.

*Mohanty*  
11/06/09

(MANORANJAN MOHANTY)  
VICE-CHAIRMAN

LM



DISTRICT : KAMRUP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI  
BENCH AT GUWAHATI

O.A. NO. 109 OF 2009

-BETWEEN-

SHRI LALIT MOHAN SANWAL,

.....APPLICANT

-AND-

THE UNION OF INDIA & ORS.

.....RESPONDENTS

: SYNOPSIS :

That the applicant belongs to ITS cadre and working as General Manager, BSNL, Eastern Telecom Region, Dimapur, Nagaland. He is duly selected by IIM, Bangalore to be sponsored by his Cadre Controlling Authority to undergo 2 years Post Graduate Programme in Public Policy and Management as envisaged by the policy decision of the Government of India through Circular dated 18-03-2009. However, the stand taken by the cadre controlling Authority i.e. the DoT not to bear expenditure towards domestic component and course fees of Rs.4,25,000.00 and also the stand taken by the BSNL not to relieve the applicant enabling him joining the 8<sup>th</sup> PGPPM, 2009-11 at IIM, Bangalore made the fate of the applicant very uncertain in respect of joining the aforesaid PG programme. It is pertinent to mention that the joining date in the aforesaid PG programme has

*Revised copy  
for BSNL  
for placement  
- 11/6/09*

*Finalized  
Guwahati Bench  
10.06.09*

केन्द्रीय प्रशासनिक अधिकार पर्ष  
Central Administrative Tribunal

11 JUN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

(2)

John Mohanta Samud  
12

been rescheduled to be 13<sup>th</sup> June, 2009 and latest by 15<sup>th</sup> June, 2009. Curiously, the cadre controlling authority i.e. the DoT has invidiously discriminated the applicant by sponsoring one Lopandra Mohanty presently working in the DoT being similarly situated with the applicant and allowing her to join the 8<sup>th</sup> PGPPM, 2009-11 at IIM, Bangalore and denying the same to the applicant on two counts one being the applicant serving in BSNL on deemed deputation and another being on the plea of shortage of manpower. In the circumstances the action and non-action of the cadre controlling Authority and BSNL is violative of Fundamental rights of the applicant guaranteed under Article 14, 16 of the Constitution of India, natural justice and policy decision of the Govt. of India. Moreover, the same is totally against the principle of justice, equity and administrative fair play. Hence this application has been filed for redressal of his grievances.

Filed by :

joyshree wari  
Advocate 10-6-09

11 JUN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

DISTRICT : KAMRUP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI  
BENCH AT GUWAHATI

O.A. NO. 109 OF 2009

-BETWEEN-

SHRI LALIT MOHAN SANWAL,

.....APPLICANT

-AND-

THE UNION OF INDIA & ORS.

.....RESPONDENTS

LIST OF DATES

Sl.No	Date	Particulars	Annexure
1.	18.03.2009	Circular issued by the DoPT regarding Sponsoring of Group-A Officers in PGPPM 2009-2011 at IIM, Bangalore alongwith terms and conditions	A-1
2.	02.04.2009	Forwarding of Application of the applicant for nomination in the 8 <sup>th</sup> PGPPM 2009-2011 at IIM, Bangalore	A-2
3	08-04-2009	Order dated 08.04.2009 passed by the Hon'ble CAT, Guwahati Bench disposing of O.A. No. 67/2009.	A-11

11 JUN 2009

(2)

गुवाहाटी न्यायालय  
Guwahati Bench

4.	05.05.2009	List of selected officers published by the IIM, Bangalore to participate in 8 <sup>th</sup> PGPPM 2009-2011 at IIM, Bangalore	A-3
5.	12.05.2009	List of 10 ITS officers selected by IIM, Bangalore serving in BSNL on deemed deputation	A-4
6.	22.05.2009	DO letter issued by the DoT to BSNL and MTNL requesting to pay domestic component/ course fees to the 9 ITS Officers serving in BSNL.	A-5
7.	25.05.2009	Letter from the BSNL to the DoT expressing inability to relieve the ITS officials to join 8 <sup>th</sup> PGPPM 2009-2011 at IIM, Bangalore	A-6
8.	25.05.2009	An intimation to one of the selected officers to participate in 8 <sup>th</sup> PGPPM 2009-2011 at IIM, Bangalore regarding reschedule of registration date fixing 13 <sup>th</sup> June, 2009 and latest by 15 <sup>th</sup> June, 2009.	A-7
9.	29.05.2009	Representation made by applicant to BSNL against the non-action of the Respondents.	A-9

15  
J. Mr. Mohan Das

10.	02.06.2009	Copy of the interim order passed by the CAT, Jabalpur filed in O.A. by the two selected ITS officers serving in BSNL against the action and non action of the Respondents creating setback in joining 8 <sup>th</sup> PGPPM 2009-2011 at IIM, Bangalore	A-8
11.	02.06.2009	Representation made by the applicant to the DoT against the non action of the Respondents.	A-10

Filed by :

Josephine Waey  
Advocate 10-6-09

11 JUN 2009

गुवाहाटी न्यायालय  
Guwahati Bench

DISTRICT : KAMRUP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI  
BENCH AT GUWAHATI

O.A. NO. 109 OF 2009

-BETWEEN-

SHRI LALIT MOHAN SANWAL,

.....APPLICANT

-AND-

THE UNION OF INDIA & ORS.

.....RESPONDENTS

: INDEX :

SL.NO.	PARTICULARS	PAGE
1. APPLICATION		... 1 - 21
2. VERIFICATION		... 22
3. ANNEXURE-A-1	Circular issued by the DoPT regarding Sponsoring of Group-A Officers in PGPPM 2009-2011 at IIM, Bangalore alongwith terms and conditions	... 23 - 29
4. ANNEXURE-A2	Forwarding of Application of the applicant for nomination in the 8 <sup>th</sup> PGPPM 2009-2011 at IIM, Bangalore	... 30
5. ANNEXURE-A3	List of selected officers published by the IIM, Bangalore to participate in 8 <sup>th</sup> PGPPM 2009-2011 at IIM, Bangalore	... 31

11 JUN 2009

(2)

गुवाहाटी न्यायालय  
Guwahati Bench

जल्दी प्रकाशित  
Jaldiri Prakashit

18

6. ANNEXURE-A4 List of 10 ITS officers selected by IIM, Bangalore serving in BSNL on deemed deputation ... 32-33

7. ANNEXURE-A5 DO letter issued by the DoT to BSNL and MTNL requesting to pay domestic component/course fees to the 9 ITS Officers serving in BSNL. ... 34

8. ANNEXURE-A6 Letter from the BSNL to the DoT expressing inability to relieve the ITS officials to join 8<sup>th</sup> PGPPM 2009-2011 at IIM, Bangalore ... 35

9. ANNEXURE-A7 An intimation to one of the selected officers to participate in 8<sup>th</sup> PGPPM 2009-2011 at IIM, Bangalore regarding reschedule of registration date fixing 13<sup>th</sup> June, 2009 and latest by 15<sup>th</sup> June, 2009. ... 36

10. ANNEXURE-A8 Copy of the interim order passed by the CAT, Jabalpur filed in O.A. by the two selected ITS officers serving in BSNL against the action and non action of the Respondents creating setback in joining 8<sup>th</sup> PGPPM 2009-2011 at IIM, Bangalore ... 37

11. ANNEXURE-A9 Representation made by applicant to BSNL against the non-action of the Respondents. ... 38

11 JUN 2009

गुवाहाटी बैचल्ट  
Guwahati Bench

(3)

18  
Juk Mukan Sank

12. ANNEXURE-A10 Representation made by the applicant to the DoT against the non action of the Respondents. 39

13. ANNEXURE-A11 Order dated 08.04.2009 passed by the Hon'ble CAT, Guwahati Bench disposing of O.A. No. 67/2009. 40-46

14. VAKALATNAMA

FOR USE IN THE TRIBUNAL OFFICE :

Date of Filing :

Registration No. :

Signature :

Filed by :-

joyshree waly  
Advocate

11 JUN 2009  
गुवाहाटी न्यायालय  
Guwahati Bench

DISTRICT : KAMRUP

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI

BENCH AT GUWAHATI

O.A. NO. 109 OF 2009

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE

TRIBUNALS ACT, 1985

-BETWEEN-

SHRI LALIT MOHAN SANWAL,

S/o Sri Girish Chandra Sanwal

General Manager, BSNL

Eastern Telecom Region,

Opposite to Super Market,

Dimapur, Nagaland,

Pin - 797 112.

.....APPLICANT.

-AND-

1. THE UNION OF INDIA,

represented by the Secretary to the

Govt. of India,

Ministry of Communications and

Information Technology,

Department of Communications,

Sanchar Bhawan,

20, Ashoka Road,

New Delhi, Pin-110001.

Filed by Advocate,   
J. D. Bhattacharya  
Advocate, 106-09  
Through - Jyoti Bhattacharya

11 JUN 2009

(2)

गुवाहाटी न्यायालय  
Guwahati Bench

2. BHARAT SANCHAR NIGAM LTD.

Represented by the Chairman-cum-

Managing Director, Bharat Sanchar

Bhawan, H.C. Mathur Lane,

Janpath, New Delhi,

Pin-110001. ✓

3. The Member (Services)

Telecom Commission,

Ministry of Communications and

Information Technology,

Department of Telecommunications,

Sanchar Bhawan,

20, Ashoka Road,

New Delhi, Pin-110001. ✓

4. The Member (Finance),

Telecom Commission,

Ministry of Communications and

Information Technology,

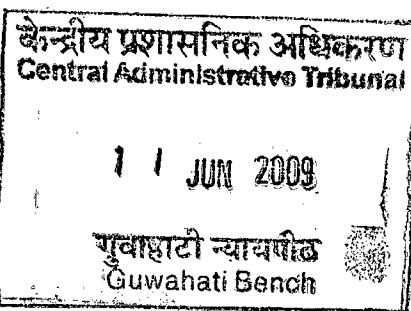
Department of Telecommunications,

Sanchar Bhawan,

20, Ashoka Road,

New Delhi, Pin-110001. ✓

John Mathur  
20



**5. The Director (IR-11)**

Govt. of India,

Ministry of Communications and  
Information Technology,

Department of Telecommunications,

51 Sanchar Bhawan,

20, Ashoka Road,

New Delhi, Pin-110001.

**6. The Secretary to the Govt. of India,**

Ministry of Personnel,

Public Grievances and Pensions

(Department of Personnel and

Training Division)

Block - 4, 3<sup>rd</sup> Floor,

Old JNU Campus, New Delhi

Pin-110067.

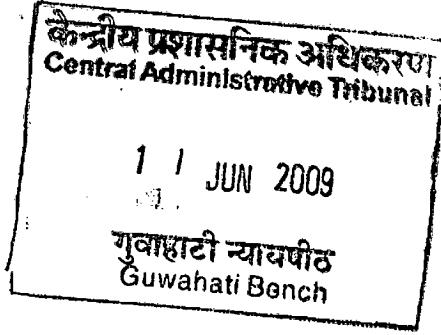
**7. The Chairman-cum Managing Director,**

Bharat Sanchar Nigam Ltd.

Bharat Sanchar Bhawan,

H.C. Mathur Lane, Janpath,

New Delhi, Pin-110001.



(4)

8. The Chief General Manager,

Bharat Sanchar Nigam Ltd.

Eastern Telecom Region,

6<sup>th</sup> Floor, 34, BBD Bag,

Kolkata, Pin-700001

9. The Chairperson,

Post Graduate Programme on Public

Policy and Management,

Indian Institute of Management

Bangalore, Banner Ghatta Road,

Bangalore, Karnataka,

Pin : 560076.

#### RESPONDENTS.

#### DETAILS OF APPLICATION :

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

This application is made against the order passed by the Govt. of India in the Ministry of Communications and IT, Department of Telecommunications intimated to the CMDs of both the MTNL and BSNL under the hand of the Director (IR-11) Govt. of India, Ministry of Communications and IT, Department of

Telecommunications vide DO No. 20-7/2002-IR (B) Dated 22-05-2009 (Annexure-A-5) and the view communicated to the Govt. of

India by the Chairman-cum-Managing Director of BSNL vide his Memo No.7-16/2004-Trg (Policy) dated 25-05-2009 (Annexure-A-4)

11 JUN 2009

(5)

गुवाहाटी न्यायालय  
Guwahati Bench

which have flouted the Govt. of India Policy in respect of sponsoring officers to ITS cadre in 8<sup>th</sup> Post Graduate Programme in Public Policy and Management during 2009-11 at the centre for Public Policy, Indian Institute of Management, Bangalore as circulated vide Memo No.L-11013/01/2009-LTT dated 18-03-2009 and also violated the fundamental rights of the applicant guaranteed under Article 14, 16 and 21 as well as principles of natural justice.

2. JURISDICTION :

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

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

4. FACTS OF THE CASE :

4.1 That the humble applicant is a citizen of India and has been serving in the Cadre of Senior Administrative Grade (SAG) of ITS Group-A of the Department of Telecom (DOT). Presently, he is working on deemed deputation to Bharat Sanchar Nigam Ltd. (BSNL) in the post of General Manager, BSNL, Eastern Telecom Region (ETR) at Dimapur under the control of the Chief General Manager, BSNL, ETR, Kolkata. It is

John Mathew's answer  
29

11 JUN 2009

(6)

गुवाहाटी न्यायालय  
Guwahati Bench

pertinent to mention here that, prior to that he had been working as GM (Wireless Planning) under the control of CGMT, M.P. Circle, Bhopal.

4.2 That the humble applicant respectfully states that after obtaining Degree in Electronic & Telecommunication he was selected through UPSC for ITS in the year 1986 at the disposal of the Department of Telecommunications and since his joining the service the applicant has been maintaining clean and unblemished service records.

4.3 That the Govt. of India in the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training (Training Division) have taken a policy decision for sponsoring a Post Graduate Programme in Public Policy and Management (PGPPM) at the Centre for Public Policy, Indian Institute of Management, Bangalore meant for serving officers of Group - "A" in the seniority of 7-20 years. As such by now as many as 7 batches of officers have undergone the aforesaid PGPPM and vide Circular No.L-11013/01/2009 LTT dated 18/03/2009 issued in the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training (Training Division) addressing to the

- i. Chief Secretaries to all the State Government

Jahir Mohan Sengupta

11 JUN 2009

(7)

गुवाहाटी न्यायघर  
Guwahati Bench

Joint Master  
Service

ii. Administrators of Union Territories  
iii. Secretaries (All Ministries/ Departments in  
Government of India)  
iv. DGs/Directors of State Training institutions.  
Inter alia, informed about the commencement of  
8<sup>th</sup> Post Graduate Programme in Public Policy and  
Management during 2009-11 at the Centre for Public  
Policy, Indian Institute of Management, Bangalore  
from 1-06-2009. Important paragraphs of the  
aforesaid circular are reproduced which run thus -

.....  
“ 3. ....We propose to select only 30  
participants for the 8<sup>th</sup> programme in order to  
ensure a high degree of excellence.

4. ....  
5. I am enclosing a copy of the terms and  
conditions for officers admitted to the  
programme. I would request you to kindly  
circulate the programme amongst your officers  
and encourage as many as possible to apply.

6. Course fee : The course fee will be paid as under:

a) The cost of the domestic component of the  
programme (Rs.4.25 lakhs - Rupees Four  
lakhs and Twenty five Thousand only) will  
be met by the respective cadre controlling

11 JUN 2009

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गुवाहाटी न्यायालय  
Guwahati Bench

authority (for example DOPT for IAS Officers, MHA for IPS officers etc.)

b) The cost of the international component of the programme will be met by DoPT for all the participants. For this purpose, the liability of the DoPT would be only towards payment of air fare, course fees, accommodation and admissible per diem at the slab rates prescribed. Any expenditure over and above this would be borne by the concerned sponsoring Ministry/Department.

7. The sponsoring organization, viz. the organization where the officer is currently posted, will also meet the cost of (a) pay and allowances during the training period (b) travel from place of posting to Bangalore and back (c) travel cost towards field visit of the participants for collection of data/information on their dissertation and visit to Bangalore for presentation of the dissertation and (d) a one time allowance of Rs. 1500 (Rupees Fifteen Hundred only) for stationery etc.

8. Nomination of suitable officers, in the enclosed proforma, after obtaining necessary clearances from Cadre Controlling Authority/ State

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11 JUN 2009

(9)

गुवाहाटी न्यायालय  
Guwahati Bench

Government (wherever necessary) may please be sent to this Department so as to reach as on or before 6<sup>th</sup> April, 2009. Nominations received after this date will not be considered. A copy of the application may also be sent to the Chairperson, Centre for Public Policy, Indian Institute of Management, Bangalore, Bannerghalla Road, Bangalore-560076. In order to save time, officers may send an advance copy of the application directly to this department. However, their selection will not be confirmed without the formal application duly recommended by their cadre Controlling authorities.

9. The nominations would be screened/scrutinized and suitable officers will be called for an interview.....”

A true photostat copy of the aforesaid circular dated 18/03/2009 is annexed herewith and marked as ANNEXURE-A-1 hereto.

4.4 That the applicant respectfully states that alongwith the aforesaid circular dated 18/03/2009 (ANNEXURE-A-1) a copy of “Terms and Conditions” was enclosed. Accordingly in paragraph 2 of the

11 JUN 2009

(10)

गुवाहाटी न्यायपोठ  
Guwahati Bench

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28

aforesaid Terms and Conditions" eligibility has been prescribed which runs thus -

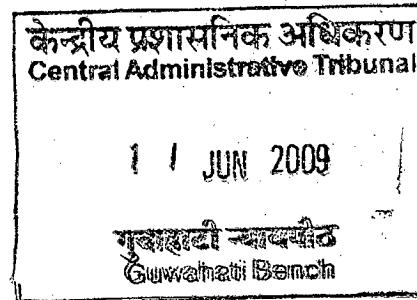
.....

**" 2. Eligibility :**

The Programme is open to officer of All India Services, Central Services organized and non-organised, technical & non-technical faculty members of State Administrative Training Institutes and also officers of the State Civil Services subject to the following eligibility conditions :

(i)	Length of Service	Officers of All India Services, Central Services should have put in 7 years of Group - 'A' service. The State Civil Service Officers should have put in at least 9 years of service in Group-A (Class-I)
(ii)	Age	The Officers should not be more than 50 years of age as on 1-6-2009 (53 years in case of officers belonging to Scheduled Caste and Scheduled Tribes)
(iii)	Earlier Training	.....

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29

3. Course Fees :

.....

4. Conditions for officers admitted to the programme:

In case of officers, sponsored by the Government of India for this programme, the following conditions will apply :-

- (i) The entire period of training (Institutional training of 12 months) will be treated as on duty under FR9 (6)(b) (i);
- (ii) The Ministries/ Departments/ State Governments may fill up vacancy caused by the deputation of the officers;
- (iii) .....
- (iv) .....
- (a) The Officers will be treated as on duty on tour. They will draw travelling allowances as on tour and allowances as per para 11(a) of the Ministry of Finance Department of Expenditure O.M. 19030/2/06-E-IV date 24.03.86 amended from time to time.

4.5 That the applicant respectfully states that pursuant to the aforesaid circular dated 18/03/2009 (ANNEXURE-A-1) he has routed his application through proper

11 JUN 2009

(12)

गुवाहाटी न्यायपीठ  
Guwahati Bench

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John Sarmah, 30

channel vide letter No. GM (WL-1) Admn./PF/Q-005/07-08 dated 02.04.2009.

A Photostat true copy of the aforesaid letter dated 02.04.2009 is annexed herewith and marked as

**ANNEXURE-A-2** hereto.

4.6 That thereafter he was called for interview conducted

by IIM, Bangalore for selection to undergo the aforesaid 8<sup>th</sup> PGPPM in IIM, Bangalore. Altogether 30 officers alongwith the applicant were duly selected who belong to various cadre through the interview and accordingly list of 30 selected officers for PGPPM 2009-2011 Batch was published by the said IIM, Bangalore in which the name of the applicant figures at 22<sup>nd</sup> position.

A true Photostat copy of the aforesaid select list is annexed herewith and marked as **ANNEXURE-A-3** herewith.

4.7 That thereafter the Ministry of Personnel, Public Grievances and Pensions Department of Personnel & Training (Training Division) vide their letter No. 1-11013/01/2009-LTT Dated 12.05.2009 informed the Department of Telecommunications that total 10 officers including the applicant belong to ITS Cadre have been selected by the IIM, Bangalore for 8<sup>th</sup>

11 JUN 2009

गुवाहाटी न्यायालय  
Guwahati Bench

(13)

PGPPM-2009-2011 at IIM, Bangalore. In the said communication, interalia, it was clearly added to follow the terms and conditions incorporated in the aforesaid circular dated 18.03.2009 (ANNEXURE-A-I), more particularly in respect of forwarding necessary clearance to the DOPT with a copy to IIM, Bangalore, latest by 22.05.2009 with clear indication to bear the expenses by the Cadre Controlling Authority for the domestic component/ course fees of the programme etc.

A true Photostat copy of the aforesaid letter dated 12.05.2009 is annexed herewith and marked as ANNEXURE-A-4 hereto.

4.8 That the applicant respectfully states that the Cadre Controlling Authority of the applicant, i.e. the DOT vide their DO No. 20-7/2002-IR (B) Dated 22.05.2009 expressed their happiness in selection of 10 officers for 8<sup>th</sup> PGPPM-2009-2011 at IIM, Bangalore serving in BSNL with request to BSNL to relieve them enabling to join the said programme scheduled to start from 1<sup>st</sup> June, 2009 at one hand and curiously with further request to pay the course fee ( domestic component of the payments @ 4.2 lakhs per officer) flouting the

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(14)

गुवाहाटी न्यायालय  
Guwahati Bench

92  
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extant circular dated 18/03/2009 (ANNEXURE-A-I) on the other hand.

A copy of the aforesaid DoT letter dated 22.05.2009 is annexed herewith and marked as ANNEXURE-A-5 hereto.

4.9 That in turn the BSNL have addressed a letter to the Secretary, Department of Telecommunication, Govt. of India vide No. 7-16/2004-Trg (Policy) Dated 25.05.2009 expressing inability to depute any officer of the ITS cadre in 8<sup>th</sup> PGPPM-2009-2011 at IIM, Bangalore and as such the BSNL have requested the DoT to review the Policy decision of the Govt. of India taken by the DOPT very absurdly.

A true Photostat copy of the aforesaid letter dated 25-05-2009 is annexed herewith and marked as Annexure-A-6 hereto.

4.10 That the applicant respectfully states that the Respondents have biasedly and discriminatorily singled out the applicant from the similarly situated officers presently who have been placed under the control of the DoT only on the ground that the applicant is placed under the control of the BSNL on deemed deputation. To wit it may be stated here that the Respondents have already given

11 JUN 2009

(15)

गुवाहाटी न्यायपीठ  
Guwahati Bench

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33

all clearance including payment of domestic component/course fee etc. to one Lopaudra Mohanty whose name figures at Sl.No.9 of the select list alongwith 29 other selectees prepared by IIM, Bangalore for PGPPM 2009-2011

4.11 That the applicant respectfully states that the commencement of the aforesaid PGPPM-2009-2011 at IIM Bangalore which was scheduled to start from 1<sup>st</sup> June, 2009, however, from the communication made by Administrative officer PGPPM, IIM Bangalore to one of the selectees Shri Avnish Kumar vide letter dated 25.05.2009 it is now learnt that the inauguration programme is now rescheduled for 13<sup>th</sup> June, 2009 and giving outer date latest by 15<sup>th</sup> June, 2009 for registration of joining the programme by the selectees.

A true copy of the aforesaid letter dated 25.05.2009 is annexed herewith and marked as Annexure-A-7 hereto.

4.12 That some of the other selectees being aggrieved on the action and non action of the Respondents have already filed O.A. in the Hon'ble CAT, Bangalore Bench which has been numbered as O.A. 221/2009 (Mrs. N.R. Philips & 3 others -vs- The Union <sup>and</sup> of India and other) the Hon'ble CAT, Bangalore Bench

*[Signature]*

11 JUN 2009

(16)

गुवाहाटी न्यायपीठ  
Guwahati Bench

34  
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while taking up the matter for adjudication has been pleased to pass an interim order directing the respondents to relieve the applicants in the said O.A. enabling them to join the PGPPM-2009-2011 in IIM Bangalore.

4.13 That the applicant respectfully states that some other selectees and similarly situated officers have also filed O.A. in the CAT at Jabalpur in the name of Shri Dinesh Sharma & others-Vs- BSNL & others. The Hon'ble CAT, Jabalpur entertaining the aforesaid O.A. is pleased to pass an interim order directing the Respondents to relieve both the applicant well in time to enable them to join the 8<sup>th</sup> Post Graduate Programme in Public Policy and Management (2009-2011)

A copy of the aforesaid interim order dated 02.06.2009 passed by the Hon'ble CAT, Jabalpur is annexed herewith and marked as Annexure-

A-8 hereto.

4.14 That the applicant respectfully states that being aggrieved by the action and non action of the Respondents has submitted a representation to the CMD, BSNL on 29.05.2009 requesting him to relieve the applicant to join the said post of PGPPM, 2009-

11 JUN 2009

(17)

गुवाहाटी न्यायालय  
Guwahati Bench

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305

2011 at IIM, Bangalore. In his said representation it was also informed the BSNL that since he is nearing to 50 years of age which is the maximum age limit, hence denial of his deputation to the said PGPPM as a last chance shall be once for all deprived from the chance of participating such highly sophisticated programme.

A copy of the aforesaid representation dated 29.05.2009 is annexed herewith and marked as  
ANNEXURE-A-9 hereto.

4.15. That the applicant finding no reply from the BSNL again submitted another representation directly to his cadre Controlling Authority i.e. the DoT with request to relieve him enabling joining the said PGPPM, 2009-2011 at IIM, Bangalore vide his representation dated 02.06.2009.

A copy of the representation dated 02.06.2009 is annexed herewith and marked as  
ANNEXURE-A-10 hereto.

4.16. That the applicant respectfully states that the Hon'ble CAT, Guwahati Bench had an occasion to deal with an O.A. No.67/2009 ( Shri Neeraj Naruka-vs- The Union of India & others) which was filed against the similar action and non action on the part of the Respondents

11 JUN 2009

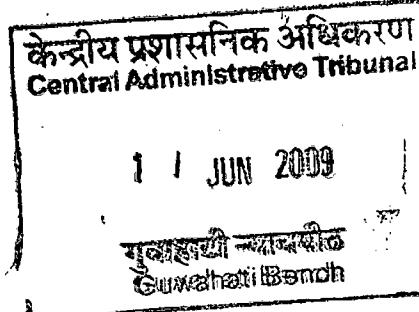
(18)

गुवाहाटी न्यायालय  
Guwahati Bench

in respect of relieving him to participate in 3rd PGPPMP at IIM, Ahmedabad (2009-2010) and also an denial of payment of domestic component/course fees of Rs. 2,50,000.00 ( Rupees Two Lakh Fifty Thousand) by his Cadre Controlling Authority i.e. the DoT. It is pertinent to mention here that the aforesaid O.A. was disposed of by this Hon'ble Tribunal vide order dated 08.04.2009 inter alia with the following directions :-

“17.....this matter is remitted to the authorities of the applicant [i.e. Respondent Nos. 1 to 7] ; who should expeditiously decide the matter relating to release of Rs. 2,50,000.00 (Rupees Two Lakh Fifty Thousand) in favour of IIM/Ahmedabad [in respect of the Applicant] in term of their action taken under office Memo dated 24.04.2008 of DoT and promise held out under DoPT Circular dated 20.02.2009 and, pending the said decision, they should do well and relieve the Applicant immediately so that he can report at IIM/Ahmedabad in order to participate in the “PG Programme in Public Management and Policy 2009-10” well before 12.04.2009.”

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A copy of the order dated 08-04-2009

is annexed herewith and marked as

**ANNEXURE-A-11** hereto.

- 4.17 That the impugned action and non action of the respondents is arbitrary, malafide and outcome of whim and caprice of some authority at some quarter with ill design to defeat the policy decision of the Government of India.
- 4.18 That there is no justification in not taking prompt action to relieve the applicant for joining the said post at par with similarly situated officer.
- 4.19 That the applicant is challenging the action and inaction of the Respondents on the following grounds.

**5. GROUNDS URGED:**

- 5.1 That the Respondents are bound by principles of promissory estoppel after having accepted the candidature of the applicant, selected him and after issuing the cadre clearance to him. The Respondents should have promptly relieved the applicant to enable him to join the relevant course at IIM, Bangalore.
- 5.2 That the inaction of the Respondents is arbitrary, unjust, unreasonable, unfair and runs contrary to their own scheme/ circular dated 18<sup>th</sup> March, 2009

**ANNEXURE-A-1.**

11 JUN 2009

(20)

गुवाहाटी बैचल बैठक  
Guwahati Bench

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5.3 That the impugned action is wholly unfair and against all cannons of justice. The applicant has a valuable legal right to prosecute the course for which he is selected and the inaction of the department in not relieving him is solely attributable to the Respondents.

5.4 That the order passed by the Guwahati Bench in O.A. No. 67/2009 is a judgment in rem and therefore the Respondents should have made it even otherwise, the inaction of the Respondents is bad in law and liable to be deprecated by this Hon'ble Tribunal.

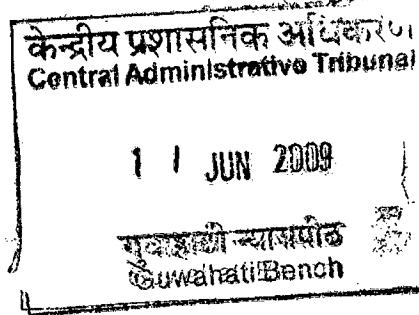
**6. DETAILS OF REMEDIES EXHAUSTED :**

The applicant hereby declare that he does not have any remedy against the impugned in-action. However, the applicant has preferred representations but to no avail. If an ad interim relief is not granted the O.A. may render infructuous.

**7. RELIEFS SOUGHT FOR :**

It is, therefore, prayed that this Hon'ble Tribunal may kindly be pleased to:

- i. Summon the entire relevant record from the Respondents for its kind perusal.
- ii. Command the Respondents to relieve the applicant for two years Post Graduate Programme in Public Policy and Management (2009-2011) commencing from June, 2009 and comply with the circular dated 18.03.2009.



iii. Any other order/orders, which this Hon'ble Tribunal deems fit and proper.

**9. INTERIM RELIEFS :**

In the interim pending disposal of this original application the Hon'ble Tribunal may be pleased to direct the Respondents to give provisional clearance to the applicant for sponsoring him by relieving him facilitating to join the 8<sup>th</sup> PGPPM, 2009-2011 at IIM, Bangalore on or before 13<sup>th</sup> June, 2009 in terms of the order dated 8.4.2009 passed by this Hon'ble Tribunal in O.A. 67/2009 (Annexure-A -11) taking into account of exigency of the situation and circumstances.

**10. MATTER NOT PENDING OR PREVIOUSLY FILED :**

The applicant further declares that the subject matter/order regarding which this application has been made is not pending or previously filed before any other court of law, Tribunal or any authority.

**11. PARTICULARS OF POSTAL ORDER :**

i) Indian Postal Order No. : 39 G 409534

ii) Date of issue of P.O.: 10.6.2009

iii) Name of the post office

from which P.O. is drawn : GUWAHATI

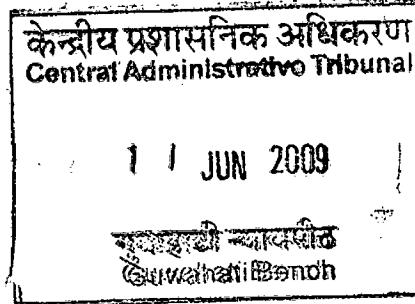
iv) Name of the post office at which payable : GUWAHATI.

**12. DETAILS OF INDEX :**

As per details enclosed

**13. LIST OF DOCUMENTS :**

An index containing particulars of the documents indicating its respective Annexure is enclosed herewith separately.



(22)

VERIFICATIONS

I, Shri Lalit Mohan Sanwal, aged about 49 years, S/o Shri Girish Ch. Sanwal presently working as General Manager, BSNL, Eastern Telecom Region, Dimapur, Nagaland under the control of CGM, ETR, Kolkata, and presently a resident of opposite to Super Market, Dimapur, Nagaland do hereby solemnly verify that contents of paragraph 2, 3, 4.1-4.2, 4.4, 4.10, 4.12<sup>4.17-4.19</sup> are true to the best of my knowledge and belief and paragraphs 1, 4.3, 4.5-4.9, 4.11, 4.13 to 4.16 are true to my belief made on legal advice and that I have not suppressed any material facts.

And I set my hand in this verification this the 10<sup>th</sup> day of June, 2009 at Guwahati.

*Lalit Mohan Sanwal*

**DECLARENT**

—23—  
11 JUN 2009

गुवाहाटी न्यायालय  
Guwahati Bench

## ANNEXURE - A-1

No.L-11013/01/2009-LTT  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training  
(Training Division)

Block-4, 3<sup>rd</sup> Floor, Old JNU Campus  
New Mehrauli Road  
New Delhi-110067

Dated: 18<sup>th</sup> March, 2009

To

1. The Chief Secretaries to all State Governments
2. Administrators of Union Territories
3. Secretaries (All Ministries/Departments in Government of India)
4. DGs/Directors of State Training Institutions

Subject: 8<sup>th</sup> Post Graduate Programme in Public Policy and Management during 2009-11 at the Centre for Public Policy, Indian Institute of Management, Bangalore – reg.

Sir/Madam,

The Department of Personnel and Training is sponsoring a Post Graduate Programme in Public Policy and Management (PGPPM) at the Centre for Public Policy, Indian Institute of Management, Bangalore every year. The 7<sup>th</sup> Programme had begun in June, 2008 and is currently in progress. Twenty eight officers from various services are participating in the Programme. The 8<sup>th</sup> Programme is scheduled to commence from 1<sup>st</sup> June, 2009.

2. The Programme is meant for serving officers of Group "A" service, in the seniority of 7-20 years. This has been designed as a high quality programme with a set of core courses as well as a range of electives. It includes an international module of about seven weeks' duration at Maxwell School of Citizenship and Public Affairs, University of Syracuse, USA.

3. Residential family accommodation has been built at IIM, Bangalore for the participants. We propose to select only 30 participants for the 8<sup>th</sup> programme in order to ensure a high degree of excellence.

4. During the course of training at Maxwell School, Syracuse, the participants are expected to stay at the accommodation arranged by the IIM-B and/or collaborating institution as the case may be. No requests for making alternate arrangements for stay by participants themselves will be entertained.

5. I am enclosing a copy of the terms and conditions for officers admitted to the programme. I would request you to kindly circulate the programme amongst your officers and encourage as many as possible to apply.

6. Course fee: The course fee will be paid as under:

(a) The cost of the domestic component of the programme (Rs 4.25 lakhs—Rupees four lakhs and twenty five thousand only) will be met by the respective cadre controlling authority (for example, DoPT for IAS Officers, MHA for IPS officers etc)

Page 1 of 12

*Certified to be  
true copy  
Jyoti Basu  
Advocate*

24  
11 JUN 2009

गुवाहाटी न्यायपाल  
Guwahati Bench

(b) The cost of the international component of the programme will be met by DoPT for all the participants. For this purpose, the liability of the DoPT would be only towards payment of air fare, course fees, accommodation and admissible per diem at the slab rates prescribed. Any expenditure over and above this would be borne by the concerned sponsoring Ministry/Department.

7. The sponsoring organizations, viz. the organization where the officer is currently posted, will also meet the cost of (a) pay and allowances during the training period (b) travel from place of posting to Bangalore and back, (c) travel cost towards field visit of the participants for collection of data/information on their dissertation and visit to Bangalore for presentation of the dissertation and (d) a one time allowance of Rs 1500 (Rupees fifteen hundred only) for stationery etc.,

8. Nomination of suitable officers, in the enclosed proforma, after obtaining necessary clearances from Cadre Controlling Authority/State Government (wherever necessary) may please be sent to this Department so as to reach us on or before 6<sup>th</sup> April, 2009. Nominations received after this date will not be considered. A copy of the application may also be sent to the Chairperson, Centre for Public Policy, Indian Institute of Management, Bannerghatta Road, Bangalore-560076. In order to save time, officers may send an advance copy of the application directly to this department. However, their selection will not be confirmed without the formal application duly recommended by their cadre controlling authorities.

9. The nominations would be screened/scrutinized and suitable officers will be called for an interview.

10. Further details with regard to this programme may be ascertained from PGPPM office, Indian Institute of Management, Bangalore (Phone No. 080-26993265/Fax No.080-26584050/E-Mail: [pgppmoffice@iimb.ernet.in](mailto:pgppmoffice@iimb.ernet.in)) and website of Ministry of Personnel, Public Grievances and Pensions ([www.persmin.nic.in](http://www.persmin.nic.in)).

11. It may also be mentioned that in anticipation of this circular, many officers have already applied for the course. A list of such officers, whose applications have been received in this Department is enclosed herewith. These will be taken as advance applications for the purpose of calling for interview by the IIMB, subject to the eligibility of the officers and that their selection will not be confirmed without receipt of the formal application duly recommended by their cadre controlling authorities.

Yours faithfully,

(Ajay Sawhney)  
Joint Secretary (Trg)  
Tel: 26106314  
Fax: 26107962

Encls: 1-Terms and conditions  
2-List of applications already received in DoP&T  
3-Proforma

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

11 JUN 2009

गुवाहाटी न्यायालय  
(Guwahati Bench)

Copy to:

1. The Comptroller and Auditor General of India, New Delhi
2. Secretary, Union Public Service Commission, New Delhi
3. The Election Commission of India, New Delhi
4. All Cadre Controlling Authorities
5. All State Training Institutes
6. Controller General of Accounts, New Delhi
7. Deputy Director General (Training), Department of Post, Dak Bhavan, New Delhi
8. Director (Training), Railway Board, Rail Bhavan, New Delhi
9. Director (Police), Ministry of Home Affairs for nomination of IPS Officers
10. Director General, CPWD Training Institute, Nirman Bhawan, New Delhi
11. Director, Bureau of Police Research and Development, CGO Complex, New Delhi
12. Establishment Officer, Department of Personnel & Training, North Block, New Delhi
13. Director (HRD), Ordnance Factory Board, 10-A, SK Bose Road, Kolkatta
14. Director, Indian Institute of Management, Bannerghatta Road, Bangalore
15. Chairperson, Centre for Public Policy, Indian Institute of Management, Bannerghatta Road, Bangalore. He is requested to announce the last date for receipt of applications as 6<sup>th</sup> April, 2009 and to consider all such applications received on or before 06.04.2009 for calling for the interview.

11 JUN 2009

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Guruvaratti Eamkhan

Terms and conditions

8<sup>th</sup> Post Graduate Programme in Public Policy and Management 2009-11 at Centre for Public Policy,  
Indian Institute of Management, Bangalore

The Training Division of Department of Personnel & Training is sponsoring Post Graduate Programme in Public Policy and Management (PGPPM) at Centre for Public Policy Indian Institute of Management, (IIM-B) Bangalore. The 8<sup>th</sup> Programme will commence from 1<sup>st</sup> June, 2009.

2. Eligibility:

The programme is open to officers of All India Services, Central Services—organized & non-organized, technical & non-technical, faculty members of State Administrative Training Institutes and also officers of the State Civil Services subject to the following eligibility conditions:

(i)	Length of service	Officers of All India Services, Central Services should have put in 7 years of Group 'A' service. The State Civil Service Officers should have put in at least 9 years of service in Group A (Class-I).
(ii)	Age	The officers should not be more than 50 years of age as on 1.6.2009 (53 years in case of officers belonging to Scheduled Caste and Scheduled Tribes)
(iii)	Earlier Training	The officers should not have undergone a training Programme of 12-weeks or more duration in India during a period of 5 years preceding the date of commencement of this Programme. Further the officer should not have undergone a Programme of training abroad of more than 2-weeks in preceding 2-years, more than one month in preceding 3-years or more than six months in the preceding 5-years.

3. Course Fees:

(a) DoPT will meet the cost of the international component of the programme (including travel) for all the participants. The cost would be met out of the Scheme of Domestic Funding of Foreign Training.

(b) The cost of the domestic component of the programme (Rs. 4.25 lakh—Rs four lakhs and twenty five thousand only) will be met by the respective cadre controlling authority (for example, DoPT for IAS officers, MHA for IPS officers etc.).

(c) The sponsoring organizations, namely the organization where the officer is currently posted, will meet the cost of [a] pay and allowances during the training period [b] travel from place of posting to Bangalore and back, (c) travel cost towards field visit of the participants for collection of data/information on their dissertation and visit to Bangalore for presentation of the dissertation and (d) a one time allowance of Rs 1500 (Rupees fifteen hundred only) for stationery etc.,

(d) During international training, the daily allowance will be paid to the participants on the basis of extant approved rates for short-term training programmes under the Scheme of 'Domestic Funding of Foreign Training' of DoPT. No representation will be entertained in this regard. The approved rates are as under:

11 JUN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

Per diem

Duration/Period	Approved rate per diem
0-14 days	US\$ 56.25
15-28 days	US\$ 42.00
More than 28 days	US\$ 900 per month

The per diem entitlement of the participants would be determined w.r.t. the slab rates approved, irrespective of whether the international component involves training in one country or spread over more than one country. The international component will be treated as a single unit and cannot be split into separate visits for the purposes of per diem entitlement.

All arrangements for stay abroad during the international component of the programme will be arranged by IIMB and/or collaborating institution as the case may be and no participant will be permitted to make his/her own arrangements of stay during the training abroad.

The cost of Visa fees (if any), medical insurance etc will be met by the sponsoring authority on actual basis.

**4. Conditions for officers admitted to the programme:**

In case of officers, sponsored by the Government of India for this programme, the following conditions will apply:

(i) The entire period of training (institutional training of 12 months) will be treated as on duty under FR 9(6)(b)(i);

(ii) The Ministries/ Departments/ State Governments may fill up the vacancy caused by the deputation of the officers;

(iii) For the grant of special pay/ Central deputation (Tenure allowance) (CDTA), the participants will be regulated as under:-

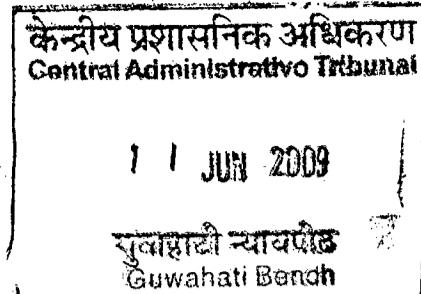
(a) The officers who proceed for training during their tenure of central deputation will continue to receive CDTA for the period of their entitlement against Central deputation tenure. If any period of training falls beyond the tenure of Central deputation or the officers proceed for training at the end of their tenure at the Centre, CDTA will not be admissible.

{Note-The tenure of central deputation in so far as it relates to this program, would also include the period of leave upto 2 months that may be granted by the central Ministry/ Department to the officers before their repatriation to the parent cadre}

(b) The officers not on central deputation and also not in receipt of CDTA, whether they proceed on training from Delhi, or outside Delhi will not be entitled to any Special pay drawn before proceeding for the training.

(iv) Officers of the Central Government, State Government and Union Territories coming from outside Bangalore to participate in the program will be allowed one of the following two options by the sponsoring authorities:-

(a) The officers will be treated as on duty on tour. They will draw travelling allowance as on tour and allowances as per para II(a) of the Ministry of Finance, Department of Expenditure O.M. 19030/2/86-E-IV dated 24.3.86 amended from time to time.



OR

(b) The officers will be treated as on transfer. They will not be entitled to the Government accommodation at the original place of posting.

(v) In case an officer proceeding on training is a *bona fide* occupant of Government accommodation in the general pool controlled by the Directorate of Estates, he could retain the residential accommodation for the full period of training at his place of posting provided the residence is required for *bona fide* use of members of his family.

(vi) Officers of the Central Government entitled to facility of residential telephone at the time of joining this programme will be allowed to retain the residential telephone sanctioned to them on usual terms for six months and thereafter on the condition that the officers will pay all calls in excess of the free calls allowed by the Telecommunication Department as stipulated in Ministry of Finance (Department of Expenditure) O.M.No. 7(10)E(Coord)/79 dated 1<sup>st</sup> August, 1979 as amended from time to time.

(vii) The salary and other claims of the officers be paid by the Ministry/Department/Office where they were last working before joining this programme.

5. **Bond to be executed by the officer:**

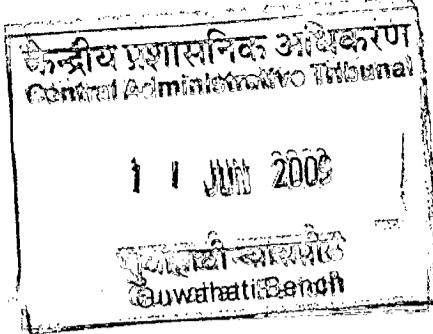
Before joining the programme, the officer is required to execute a Bond to the extent that "in the event of his/her failing to resume duty or resigning or retiring from service or otherwise quitting service, without returning to duty after expiry or termination of the period of the long term training programme or failing to complete the training programme, or quitting the service at any time within a period of FIVE (5) years after his/her return to duty, the officer shall forthwith pay to the Government or as may be directed by the Government, on demand all charges and expenses that shall or may have been incurred by the Government for the training i.e. all monies paid to him/her or expended on his/her account during training such as pay and allowances, leave salary, cost of fee, travelling and other expenses, cost of international travel and cost of training abroad met by the Government/agency concerned together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or if payment is made in a country other than India, the equivalent of the said amount in currency of that country converted at the official rate of exchange between that country and India and together with all costs between the attorney and the client.

6. **Hostel Facilities**

This is a fully residential programme. IIM, Bangalore will provide rent-free furnished family residential accommodation in the Institute to the participants.

7. **Selection procedure and forwarding of nominations**

The Cadre Controlling Authority (CCA) should recommend names of only those Group 'A' officers who are likely to stay with the CCA for some more time. Officers whose names have been recommended for central deputation should not be nominated for the PGPP&M programme. Failure to withdraw the names of officers on offer who are nominated for programme, may result in debarment of officers for central deputation for five years.



Officers on deputation to Government of India under the Central Staffing Scheme must complete at least two years of their tenure on deputation on the date of this notification to become eligible to apply for this programme.

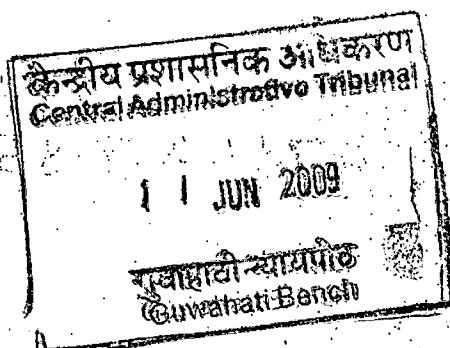
The faculty members of the State ATIs who have completed at least three years on the date of starting of the program are also eligible to apply for the programme. However, those faculty members who belong to state civil services need not necessarily fulfil this condition. The selected faculty members, however, would be required to stay in the ATI for next three years after completion of the programme.

**8. Forwarding of nominations**

Concurrence of State Governments, wherever necessary would have to be obtained by the sponsoring authority before sending the nominations to DOP&T. Nomination of suitable officers (who are clear from vigilance angle) may be forwarded to this Department in the prescribed proforma as per IIMB brochure (may be accessed on IIMB website) through the appropriate cadre controlling authority so as to reach us on or before 6<sup>th</sup> April, 2009. Nominations received after this date will not be considered. A copy of the application may also be sent to the Chairperson, Centre for Public Policy, Indian Institute of Management, Bangalore, Bannerghatta Road, Bangalore-560076. In order to save time, officers may send an advance copy of the application directly to this Department. However, their selection will not be confirmed without their formal applications being duly recommended by their cadre controlling authorities. The nominations would be screened / scrutinized and suitable officers will be called for an interview.

certified to be  
true copy  
Joydipree Wary,  
Advocate

30  
ANNEXURE-A-2



## BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

OFFICE OF THE GENERAL MANAGER (WL-I), M.P. TELECOM CIRCLE, BSNL  
BHAWAN, 1<sup>ST</sup> FLOOR, BHOPAL

To,

The Chief General Manager Telecom,  
M.P.Telcom,Circle, Bhopal.

BY ENTRY

No:- GM(WL-I)/Admn./PF/Q-005/07-08 Bhopal dt.2.4.09.  
Sub:- Participation in programme for public policy & Management Case  
Of Shri L.M. Sanwal GM(WL)Bhopal.

OOO

Please find enclosed here with an application along with the notification for participation in programme of public policy and management being conducted by IIM Bangalore. The same is forwarded for further necessary action at your end please.

Encl:- AS Above.

*S. Shukla*  
SDE(Admn.)  
o/o GM(WL-I) Bhopal.

Certi feed to be  
true copy  
Joyshree Wally,  
Advocate

P.1

HP LASERJET FAX

Jun 09 2009 12:22

11 JUN 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

INDIAN INSTITUTE OF MANAGEMENT BANGALORE  
PGPPM 2009-2011 BATCH LIST

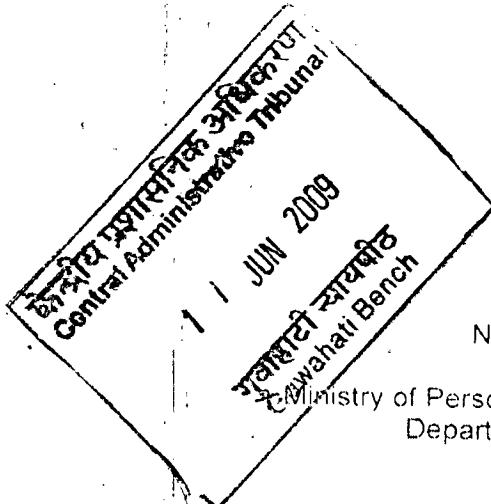
ANNEXURE - A-3

*Selected Candidates List*

Sl. No.	Appn No.	Name	Service	Rank
1	G 17	Prateek Motilal Rathi	GOM	1
2	G 48	Dinesh Sharma	ITS	2
3	G 23	Asvini Kumar Yadav	IAS	3
4	G 21	Mukesh Lal	ITS	4
5	G 45	Jyotsna Sitling	IFS	5
6	G 06	Sibendu Moharana	IRS	6
7	G 53	Debjyoti Roychowdhury	CES	7
8	G 43	K. Manohar Raja	IRSSE	8
9	G 66	Lopaudra Mohanty	IP&TAFA	9
10	G 47	Vipin Kumar	IFS	10
11	G 31	Anish Kumar	IRSE	11
12	G 57	Jitendra Khare	ITS	12
13	G 67	Supriya Devasthali	ICAS	13
14	G 58	Prakash Chandra Maithani	GCS	14
15	G 44	Gawali Sudam Ramakrishna	SCS	15
16	G 34	Neelima Rebecca Phillips	ITS	16
17	G 24	Natarajan G	IPS	17
18	G 41	P.M. Saravanan	IPOS	18
19	G 13	M.A. Saleem	IPS	19
20	G 12	Devendra Dutta Mishra	IRSEE	20
21	G 50	Arpita Khare	MPSC	21
22	G 60	Lalit Mohan Sanwal	ITS	22
23	G 37	YGSC Kishore Babu	ITS	23
24	G 26	T.V. Venkatram	ITS	24
25	G 63	Sandhya Singh	ISS	25
26	G 46	Laxman Singh Ropia	ITS	26
27	G 25	Palamala Radhika	ITS	27
28	G 56	Samundra Singh	IDSE	28
29	G 33	Gupta Chandra Bidika	ITS	29
30	G 27	Pawan Kumar Kalarwal	IRSSE	30

HBR 5/5/2009

Certified to  
be true copy.  
Jyoti Bhattacharya,  
Advocate



## ANNEXURE-A-4

No L-11013/01/2009-LTT  
Government of India  
of Personnel, Public Grievances and Pensions  
Department of Personnel & Training  
(Training Division)

Block IV, Old JNU Campus  
New Mehrauli Road, New Delhi-110067  
Dated: May 12, 2009

To

The Director (Training),  
Department of Telecommunications,  
Ministry of Communications & IT,  
Sanchar Bhawan,  
20, Ashoka Road,  
New Delhi-110001

Subject: 8<sup>th</sup> Post Graduate Programme in Public Policy and Management, 2009-2010 commencing from 1.6.2009 at Indian Institute of Management, Bangalore – seeking sponsorship from the Cadre Controlling Authority for the selected officers – req.

Sir/Madam,

I am directed to inform you that the under-mentioned officer/s working in your organization has/have been selected by the Indian Institute of Management, Bangalore (IIMB) based on his/her advance application submitted to IIMB for admission to the above programme. The selection was made by IIMB on the basis of personal interview.

S.No.	Name	Service	Designation
1.	Shri Dinesh Sharma	ITS	SE(E), Bhopal
2.	Shri Mukesh Lal	ITS	DGM(IN)
3.	Shri Jitendra khare	ITS	TDM Vidisha, (NFSG JAG)
4.	Ms. Neelima Rebecca Phillips	ITS	Area Manager, Bangalore
5.	Shri Lalit Mohan Sanwal	ITS	GM(WP), Bhopal
6.	Shri YGSC Kishore Babu	ITS	DGM(DLS)
7.	Shri T.V. Venkatram	ITS	GM (T), BSNL
8.	Shri Laxman Singh Ropia	ITS	GM(T), Ahmednagar
9.	Ms. Palamala Radhika	ITS	DGM(Bangalore)
10.	Shri Chandra Gupta Bidika	ITS	Area Manager(SC), Bangalore

2. I am also directed to refer to a copy of this Department's circular No. L-11013/01/2009-LTT dated 18.3.2009 (which can be accessed at [http://persmin.gov.in/WriteData/CircularNotification/ScanDocument/Circular\\_18032009\\_01.pdf](http://persmin.gov.in/WriteData/CircularNotification/ScanDocument/Circular_18032009_01.pdf)) containing the eligibility conditions and the terms and conditions for sponsoring the officer to the Programme by the Cadre Controlling Authority. I am further directed to request you to furnish necessary clearances as indicated in the circular to this Department with a copy to IIM Bangalore latest by 22<sup>nd</sup> May 2009. If such sponsorship clearly indicating to bear the expenses by the Cadre Controlling Authority for the domestic component/course fees of the programme etc., as indicated in the above circular is not received by the stipulated date, the candidature of the officer is liable to be rejected for want of necessary sponsorship in his/her favour. The domestic component/course fees of the programme etc., in case of IAS officers

Certified to  
be true copy.  
Josephine May,  
Associate

will be borne by DoPT, in the case of IPS officers will be borne by M/o Home and in the case of IFS officers will be met by Ministry of Environment & Forests.

3. The candidature of the selected officer is provisional and would be strictly subject to all necessary clearances from the State Governments/Cadre Controlling Authorities. An early response is requested.

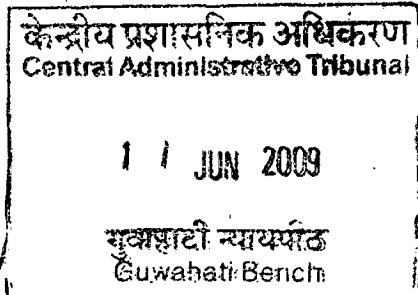
Yours faithfully,

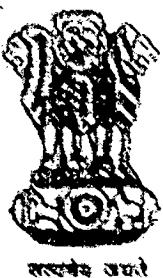
*M.P. Rama Rao*  
(M.P. Rama Rao)  
Under Secretary (Training)

Telephone: 26194167/Fax: 26107962

Copy to :

1. Prof. A Damodaran, Chairperson, PGP-PPM, Indian Institute of Management, Bannerghatta Road, Bangalore-560076.		
2. Shri Dinesh Sharma	SE(E), Bhopal	(E-mail: eee_m2@yahoo.com)
3. Shri Mukesh Lal	DGM(IN)	(E-mail: dgmin@bol.net.in)
4. Shri Jitendra Khare	TDM Vidisha, (NFSG JAG)	(E-mail: jeetendra.khare@gmail.com)
5. Ms. Neelima Rebecca Phillips	Area Manager, Bangalore	(E-mail: neelimaphillips71@gmail.com)
6. Shri Lalit Mohan Sanwal	GM(WP), Bhopal	(E-mail: lmsanwal@bsnl.co.in)
7. Shri YGSC Kishore Babu	DGM(DLS)	(E-mail: kishore.ygsc@gmail.com)
8. Shri T.V. Venkatram	GM (T), BSNL	(E-mail: tvvenkatram@gmail.com)
9. Shri Laxman Singh Roparia	GM(T), Ahmednagar	(E-mail: lsroparia@gmail.com)
10. Ms. Palamala Radhika	DGM(Bangalore)	(E-mail: pradhika@bsnl.co.in)
11. Shri Chandra Gupta Bidika	Area Manager(SC), Bangalore	(E-mail: guptabidika@gmail.com)





## हिन्दी का भाषा : राष्ट्र का राष्ट्रभाषा

Parmod Kumar  
Director (IR-II)  
Tel No. +91 11 23741211  
Fax +91 11 23355711  
Mobile 9868133431

DD No 20-7/2002-IR(B) May 22 2009

Dear Sir

भारत सरकार  
राष्ट्रीय और राष्ट्रीय प्रौद्योगिकी मंत्रालय  
दूरसंचार विभाग  
राष्ट्रीय मयन, 20, अशोक रोड  
नई दिल्ली-110 001  
Government of India  
Ministry of Communications & IT  
Department of Telecommunications  
Sancheti Bhawan, 20 Ashok Road  
New Delhi-110 001  
WEBSITE : [www.dotindia.com](http://www.dotindia.com)  
[www.investinindiatelecom.com](http://www.investinindiatelecom.com)

We are happy to informate you that the following nine officers, presently posted to BSNL and MTNL have been granted cadre clearance by the Department of Telecommunications to enable them to join 13<sup>th</sup> post Graduate Programme in Public Policy and Management (Session 2009-2011) at IIM, Bangalore as per their selection conveyed by Department of Personnel & Training vide letter no. L 11013/01/2009-IT dated 12<sup>th</sup> May, 2009

1. Shri Dinesh Sharma	SE(EI) Bhopal, BSNL
2. Shri Mukesh Lal	DGM(IN) MTNL
3. Shri Jitendra Khare	TDM, Vidisha, BSNL
4. Ms. Neelima Rebecca Phillips	Area Manager, Bangalore, BSNL
5. Shri Lalit Mohan Sanwal	GM(WP) Bhopal, BSNL
6. Shri YGSC Kishore Babu	DGM(DLS) BSNL
7. Shri Laxman Singh Ropra	GM(T), Ahmednagar, BSNL
8. Ms Palamala Radhika	DGM, Bangalore, BSNL
9. Shri Chandra Gupta Bidika	Area Manager (SC), Bangalore, BSNL

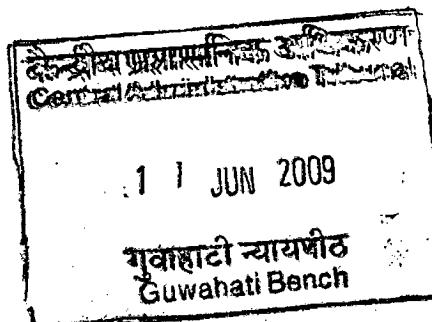
I have been directed to convey that officers be relieved to enable them to join the course which is scheduled to start from 1<sup>st</sup> June, 2009. Besides, the pay and allowances and other expenditure the respective PSUs viz. BSNL & MTNL are required to pay the course fee (domestic component of the payments @ 4.2 lakhs per officer) as per the decision taken by the DOT. Respective officers may execute the necessary bond to serve the government for the period of 5 years after his/her return to duty as applicable. Since the participation of the above selected officers in the long term DOPT sponsored training course is as per the policy of Government of India, the respective organizations are hereby requested to take suitable action at their end and enable the officers to join the course on time and send necessary compliance to DOT to this effect.

Regards

certified to be  
true copy  
Date: 11/06/2009

Shri R.S.P. Binha  
(CMD, MTNL)

Shri Kuldip Goyal  
(MD, BSNL)



Yours sincerely,  
( Parmod Kumar )

Copy to all the officers selected for the course.

भारत संचार निगम लिमिटेड  
भारत संचार निगम  
Bharat Sanchar Nigam Limited

केन्द्रीय प्रशासनिक अदायी  
Central Administrative Tribunal

111 JUN 2009

Re. T-16/2004-Tra Petition  
25 May 2009

गुवाहाटी न्यायपीठ  
Guwahati Bench

Respected Sir

This is regarding Sponsorship of Officers at GM/DGM level working in BSNL for 8 PGP-PPM 2009-11 at IIM Bangalore

1. In this connection it is to inform that as per instructions issued via DoT letter no 20-T/2002-IR-B dated 22 May 2009 6 BSNL officers (3 GM and 3 DGMs) have already been deputed to IIM Ahmedabad during this year to pursue the Public Policy and Management programme for the year 2009-10

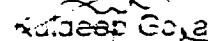
2. Further via DoT letter no 20-T/2002-IR-B dated 22 May 2009 on the subject 8 working officers (2GMs and 6 DGMs) of BSNL have been asked to be relieved for pursuing the Long Term Management Programme on Public Policy & Management at Indian Institute of Management Bangalore for the 2009-11 session

3. In view of the major current restructuring process being undertaken by BSNL and many running crucial part of programmes we are not in the position to depute any more officers at these levels. You would kindly appreciate that BSNL is currently passing through a critical phase of these transformation and continuity of services from our such officers is critical to the success of this crucial exercise

4. In view of the above I would request you to kindly review the decision for deputing any more officers for Long Term Management Programme as communicated via DoT letter no 20-T/2002-IR-B dated 22 May 2009

With profound regards

Yours sincerely

  
Randeep Goyal

Secretary  
Department of Telecom  
Sanchar Bhawan, 20 Ashoka Road  
New Delhi

पंजीकृत एवं नियमित कार्यालय भारत संचार अदायी इयम इन ग्रन्थ तेज, जनपथ, नई दिल्ली-110 001  
Regd & Corporate Office : Bharat Sanchar Bhawan, H.C. Mathur Lane, Janpath, New Delhi-110001

*Certified to be true copy  
by [Signature]  
Advocate*

ANNEXURE - A-7.

एन.जी. लक्ष्मीनारायण राव

प्रशासनिक अधिकारी (पीजीपीपीएम)

N.G. Lakshminarayana Rao

Administrative Officer (PGPPM)



भारतीय प्रबंध संस्थान बैंगलूर

बन्नेरघटा रोड, बैंगलूर - 560 076, भारत

Indian Institute of Management Bangalore

Bannerghatta Road, Bangalore - 560 076, India

May 25, 2009

Mr. Avnish Kumar Jha

Assistant Manager

National Bank for Agriculture and Rural Development (Nabard)

Assam Regional Office, G.S. Road

Opp. Assam Secretariat, Dispuri

Gowahati - 781006

Dear Avnish Kumar Jha,

We are in receipt of your willingness letter, bond on non-judicial stamp paper accepting our terms and condition along with a DD for Rs.2.00 lakhs to join the Post Graduate Programme in Public Policy and Management at Indian Institute of Management Bangalore.

Please note that the completion of the admission process requires the following formalities to be completed by you

1. You need to formally register for the course on 13<sup>th</sup> June 2009. At the time of registration you need to produce our letter of admission and relieving letter from your organization in original. The Orientation/Inauguration Programme is scheduled for 13th June 2009. In case you are not registering on 13<sup>th</sup> June 2009, you have to register latest by 15th June 2009, before 9.30 am. The details on Orientation/Inauguration Programme will be sent to you later.
2. You have been allotted a leased in accommodation on shared basis at Ajmera Green Acres, Kalena Agrahara, Bannerghatta Road, Bangalore 560 076 (outside IIMB campus) and the same will be made available for occupation from 11<sup>th</sup> June 2009 onwards.

Looking forward to seeing you.

With best regards

N.G. Lakshminarayana Rao  
Administrative Officer, PGPPM  
25/5/09

1 - 25/5/2009

Encl: Joining instructions

दूरभाष Phone : +91-80-2699 3749, फैक्स Fax : +91-80-2658 4050, ई-मेल E-mail : lnrao@iimb.ernet.in

Certi fied to be  
true wpt  
Josephine Wray,  
Advocate

2009.6.29

Registration No. ....

Shri...Dinesh Sharma...& another...applicant)

## VERSUS

B. S. H. L. & others..... Resumption, 63

2.6.2009

T<sub>0</sub>.

36.6.2019

Coram: Hon'ble Shri Ranbir Singh (3)

Shri S.Paul, Counsel for the applicants. He is heard.

2. Issue notice to the respondent to join him in the application under Rule 20 of the Rules of the Administrative Tribunal, dated 10-6-1993.

3. The applicants urge that the court should rule in their favour. Upon carefully considering the matter, in view of the arguments advanced by the learned counsel for the applicants, the respondents are directed to relieve both the applicants, in time to enable them to join the 7<sup>th</sup> term Graduate Programme in Public Policy and Management (2909-2611) for which they are required to report on 14<sup>th</sup> June 2009 at IIMI, Bangalore.

4. Issue notice to the respondents under Section 24(a & b) of the Arbitration and Tribunals Act, 1965.

5. Both notices should be issued in accordance with rule 13(1) of the Central Administration Tribunals (Procedure) Rules 1967.

6. The case is listed for trial on the 24<sup>th</sup> of January, 1951, at the conclusion of interim proceedings on the 24<sup>th</sup> of January, 1951.

- 34 -

### Adm. auth.

## सत्य प्रतिलिपि

Certified to be  
serve copy.  
Josephine West  
Associate Attorney  
2167-ay

To

ANNEXURE-A-9

The Chairman & Managing Director  
Bharat Sanchar Nigam Limited,  
New Delhi.

THROUGH PROPER CHANNEL

**Sub: Sponsoring to 8<sup>th</sup> Post Graduate Programme in Public Policy and Management 2009-2010 commencing from 1.6.2009 at Indian Institute of Management, Bangalore**

Respected Sir,

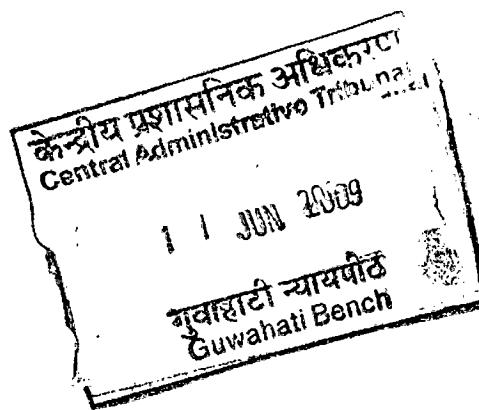
I have applied for 8<sup>th</sup> Post Graduate Programme in Public Policy and Management expected to commence from 1.6.2009 at IIM, Bangalore through proper channel in the month of March, 2009 while working as GM(Wireless) Bhopal. Subsequently I have joined as GMM ETR Dimapur w.e.f. 19.05.2009 under CGM ETR Kolkata.

Department of Personnel and Training vide Letter. No. L-11/01-03/01/2009/LTT Dtd 12th May, 2009 has communicated my selection for the said programme. DOT HQ vide its Letter No. 20-2002-IR dated 22th May, 2009 has also communicated the clearance for relieving me to join the said course.

The age limit for the said course is 50 years, therefore, this will be the last chance for me to join the PGPPP&M course at IIM Bangalore

I, therefore, request to you kindly sponsor my candidature to join the 8<sup>th</sup> Post Graduate Programme in Public Policy And Management at IIM Bangalore & relieve me to join the course in time.

Thanking you.



Yours Sincerely,

  
( L.M. SANWAL).  
G.M. Maintenance  
DIMAPUR  
Dated:- 29.05.2009.

Advance Copy to

1. C.M.D, BSNL CO, New Delhi

Copy to:

1. Director HRD, BSNL Corporate office New Delhi
2. GM (Training) BSNL Corporate office New Delhi

*Certified to be  
true copy  
by Jyoti Bhattacharya  
Advocate*

39

L. M Sanwal  
G.M. Maintenance (ETR)  
Microwave Compound, Dimapur (Nagaland)

51

ANNEXURE-A-10

To,  
**The Secretary**  
Department of Telecom  
Sanchar Bhawan, New Delhi

Respected Sir,

**Sub: Representation for relieving to join PGPPM program at IIM Bangalore**

Ref: 1. DoPT letter no. L-11013/01/2009-LTT dated May 12, 2009  
2. DO no. 20-7/2002 / IR (B) dated May 22, 2009 from DoT

I applied for PGPPM course at IIMB 2009-2010 through proper channel and after rigorous selection process got selected by IIM Bangalore (IIMB) vide under reference 1. Further DoT was kind enough to give cadre clearance for my candidature enabling me to pursue PGPPM course at IIM Bangalore in a schedule time period vide under reference 2. A request was made to Member (Services) & CMD BSNL on 29<sup>th</sup> May 2009 for relieving me to join the course

I am scheduled to join the above said course in the first week of June, but till today I have not been relieved from BSNL. It is understood that there are some constraints from BSNL in relieving me for the said program to IIM Bangalore.

In this regard I would like to present the following few lines to your kind notice.

- The program is **only for one year period in the campus**, and after one year I will have to join back to office to perform normal duties and complete the remaining.
- Further the selection process by IIM was very rigorous and having successfully qualified, **This selection is not valid for the further years. As I am already approaching 50 Years therefore I may not get next chance** to go through Fresh selection process.
- Further it is learnt that **10 ITS officers** from the previous batch deputed for IIMs / XLRI have **already joined back to BSNL**, with sound management knowledge from IIMs
- In BSNL we are working with external Management Consultants such as BCG. Deputing officers to such prestigious institutions like IIMB will strengthen the Internal Management skills in the Organisation to further take up new challenges in the competitive Telecom scenario. So, I getting trained will go a long way in my contribution to my work and organization.
- I request this opportunity to be given to me to train my self and sharpen my skills for the benefit of my organization.

In view of above I earnestly request you to support me in getting relieved from BSNL to enable me join the program to develop myself and contribute back to the organization.

Thanking You

Yours Sincerely

  
(L. M Sanwal)

GM Maintenance, ETR,

Dimapur, 02 June 2009

*Certified to be  
true copy  
in three ways,  
Joydeep  
Advocate*

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI  
O.A.No. 67 of 2009

8th day of April 2009

Present: The Hon'ble Shri Manoranjan Mohanty, Vice-Chairman

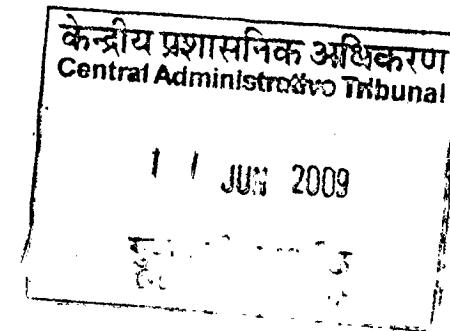
Shri Neeraj Naruka,  
S/o Late M.S. Naruka,  
Working as Deputy General Manager,  
N.E. Task Force, BSNL,  
Panbazar, Guwahati,  
Resident of V/202 BSNL, Quarters,  
Opp. Don Basco School,  
Panbazar, Guwahati,  
Dist. Kamrup, Assam- 781 001.

..  
By Advocate Mr. A.Das Gupta

Applicant

Versus

1. The Union of India,  
represented by the Secretary to the  
Govt. of India, Ministry of  
Communications & Information Technology,  
Department of Telecommunications,  
Sanchar Bhawan, 20, Ashoka Road,  
New Delhi- 110 001
  
2. The Member [Services]  
Telecom Commission,  
Ministry of Communications &  
Information Technology,  
Department of Telecommunications,  
Sanchar Bhawan, 20 Ashoka Road,  
New Delhi-110 001
  
3. The Member [Finance] Telecom Commission,  
Ministry of Communications &  
Information Technology,  
Department of Telecommunications,  
Sanchar Bhawan, 20, Ashoka Road,  
New Delhi- 110 001
  
4. The Director [IR-I], Govt. of India,  
Ministry of Communications &  
Information Technology,  
Department of Telecommunications,  
513, Sanchar Bhawan, 20, Ashoka Road,  
New Delhi-110 001



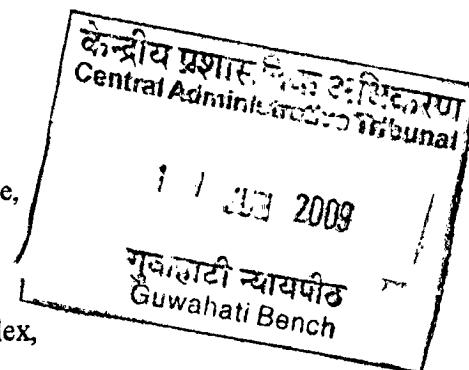
certified to be  
true copy  
Joyshree Ray  
Advocate

5. The Secretary to the Govt. of India,  
Ministry of Personnel, Public Grievances  
and Pensions, Department of Personnel  
and Training[Training Division]  
Block-4, 3<sup>rd</sup> floor, Old JNU Campus,  
New Delhi- 110 067

6. The Chairman-cum-Managing Director,  
Bharat Sanchar Nigam Ltd.,  
Bharat, Sanchar Bhawan, H.C. Mathur Lane,  
Janpath, New Delhi- 110 001

7. The Chief General Manager, N.E.  
Task Force, BSNL, Dr.N.N.Barman Complex,  
Panbazar, Guwahati, Dist. Kamrup  
Assam- 781 001

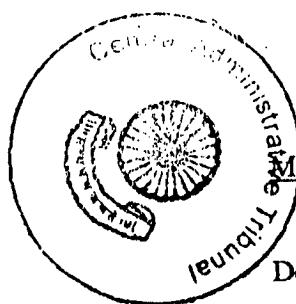
8. The Chairperson, PGP-PMP,  
Indian Institute of Management,  
Vastrapur,  
Ahmedabad- 380 015



**Respondents**

By Advocates: Mr. G.Baishya, Sr. C.G.S.C.  
Mr. B.C.Pathak for BSNL  
Mr. B.S. Basumatary for BSNL [Task Force]

O..A No.67/2009  
ORDER[ORAL]  
08/04/2009



Manoranjan Mohanty, Vice-Chairman:-

Applicant is an ITS Group-A Officer. By Order dated 18.07.2007 of Department of Telecom. of the Ministry of Communications & IT, he was promoted from "Senior Time-Scale" to "Junior Administrative Grade" with Group-A of ITS. Although he is an ITS Officer of Govt. of India, the Applicant is presently at Guwahati as Deputy General Manager [NE Task Force] in BSNL on deemed deputation.

2. It has been pointed out [by placing a copy of Office Memorandum No.20-I/2007-IR dated 24.04.2008 of Department of Telecommunications in the Ministry of Communications & IT of Govt. of India] that 4-Officers of DoT, who were posted in BSNL, were sanctioned deputation to undertake Post-Graduate Programme in Public Policy and Management at Indian Institute of Management [Bangalore] during 2008-10 on the following terms:-

“2. The officers will be treated as on duty on tour under FR9(6)(b)(I) will continue to draw his usual pay and allowances, TA and stationery charges etc. from the same office where he is drawing salary at present. He will not be entitled to any kind of Special Pay during training.

3. The following amounts are payable by DOT:-

(a) A sum of Rs.2,50,000 towards domestic component (course fee) to IIM, Bangalore for each candidate.

The expenditure will be debitible to the Major Head 34510009101 Directorate-DIC028-Professional Services.

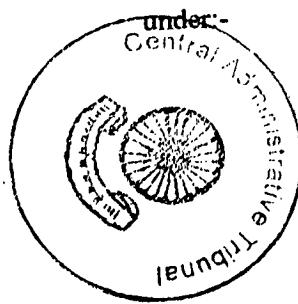
4. The following amount are payable by BSNL:-

(a) All Pay & allowance during the period of course

(b) A one time allowance of Rs.1500/- for stationery etc.

(c) cost of lodging facilities @ 6000/- per month per participant to be provided by IIM, Bangalore during the programme.”

3. Applicant has pointed out that the Govt. of India in the Department of Personnel and Training [Training Division] of the Ministry of Personnel, Public Grievances & Pensions issued a Circular No.L-11012/02/2009-LTT dated 20.02.2009 pertaining to deputation of Officers to 3<sup>rd</sup> PG Programme in public Management & Policy during 2009-10 [ scheduled to start from 01.04.2009] at Indian Institute of Management [Ahmedabad]; wherein it has been made clear as

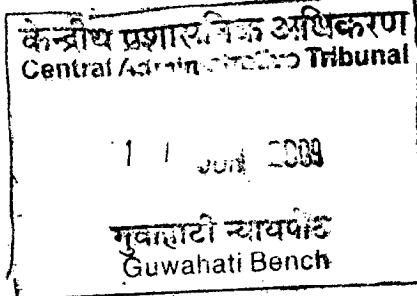


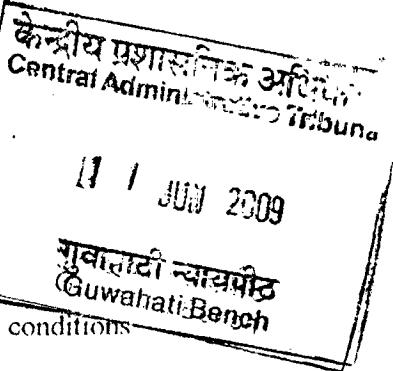
“6. Course fees: The course fees will be paid as under:

(a) DoPT will meet the entire cost of international component for all participants. They would be entitled for allowances for boarding and lodging as applicable for short duration foreign training programmes under the scheme of Domestic Funding of Foreign Training.

(b) The cost of domestic component of the programme @ Rs.2,50,000 per participant will be met by the respective cadre controlling/sponsoring authority of the participant in case of IAS officers, the DoPT being the Cadre authority of IAS will meet the cost of domestic component of the programme.

(c) For the international component, DoPT would pay an agreed amount to IIMA, towards the fees payable to the collaborating institute and also meet expenditure on travel, per diem and boarding and lodging in respect of the candidates sponsored by DoPT. Details regarding the rates of





43

per-diem allowances etc are given in the terms and conditions annexed.

7. The sponsoring organization, namely the organization where the officer is currently posted will have to meet the cost of (a) pay and allowances during the training period, (b) travel from place of posting to Ahmedabad and back, (c) a one time ad-hoc allowance of Rs.1500/- for stationery, and (d) cost of residential accommodation to be provided by IIMA during the training period."
4. By a communication dated 04.02.2009, the Applicant was given an offer [from IIM/Ahmedabad] of admission to "One-year PG Programme in Public Management and Policy for the batch 2009-10" commencing from 05.04.2009. As it appears, it was done on the basis of advance application submitted by the Applicant.
5. By his Communication No.L-11012/02/2009-LTT dated 17.03.2009, the Under Secretary [Training] of DoPT/MoPPGP of Govt. of India informed the Director [Training] of DoT/MoC&IT about the above said selection of the Applicant [and 8-other Officers] and reminded about the circular dated 20.02.2009[Supra] and requested them to send the Sponsorship and other clearance in respect of the Applicant [and other Officers] to DoPT [with a copy to IIM/Ahmedabad] by 25.03.2009. DoT, in the said letter dated 17.03.2009 of DoPT, was warned that unless sponsorship [clearly indicating to bear the expenses by the Cadre Controlling Authority, for the domestic component/course fees for the programme,etc.] is not given by the stipulated date, the candidature of the officers are liable to be rejected.
6. By a Letter No.7-35/2006-Trg. dated 30.03.2009 addressed to Director [IR-II] of DoT/GoI; the AGM[Trg.] of BSNL communicated the recommendation of the BSNL Management [about the sponsorship] pertaining to the Applicant & another Officer [named Rajesh Kumar Verma]; pending Vigilance clearance & approval of DoT/GoI.
7. In the meantime, the Director [IR-I] of DoT/GoI, on 30./31.03.2009, sent clearance [to the Joint Secretary [Training] of DoPT] in respect of G.S. Reddy/one of the nine-selected officers [by granting sponsorship in respect of that officer, who, at the relevant point of time, was directly under DoT] paving way for his joining in PGP-PMP Course at IIM/Ahmedabad during 2009-10.
8. And by his communication No.20-7/2007/IR[PE] dated 01.04.2009, [addressed to CMD of BSNL/MTNL] the Director [IR-II] of DoT/MCIT/GoI

asked the BSNL/MTNL to arrange payment towards the domestic Component to course fees also in respect of seven [7] Officers [of DoT, including the Applicant; who are on deemed deputation in BSNL/MNL] to be deputed for long-term training course at IIM/Ahmedabad. This action of DoT was, apparently inconsistent to their action of 24.04.2008 [Supra] and DoPT circular dated 20.02.2009 [Supra].

9. On 01.04.2009 the Applicant submitted a representation to Member [Service] of DoT/GoI, Secretary of DoT/GoI, Joint Secretary [Trg.] ToT/GoI and the DDG[IR] of DoT/GoI seeking relief.

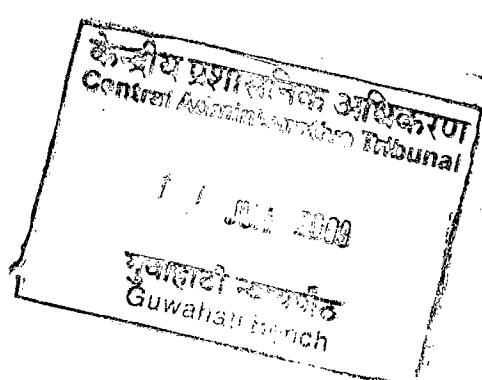
10. While the Officers of DoPT/GoI; of DoT/GoI and of the BSNL were engaged in exchanging their letters pertaining to deputation of the Applicant [and others] to the 3<sup>rd</sup> PGP-PMP Course of 2009-10 at IIM/Ahmedabad; time was running away; for which the Applicant moved the authorities of IIM/Ahmedabad seeking extension of time to join the P.G. Programme/Course in question during 2009-10.

11. In response to the above said request of the Applicant, the Manager of PGP-PMP of IIM/Ahmedabad has, virtually, granted extension of time till 12.04.2009 vide Communication dated 01.04.2009 [05.09 p.m.] of IIM/Ahmedabad.

12. Since time is running away, finding no way out, the Applicant has approached this Tribunal [with the present Original Application, filed under Section 19 of the administrative Tribunals Act, 1985] for an efficacious relief; so that he [Applicant] can joint the "Post-Graduate Programme in Public Management & Policy 2009-10 at IIM/Ahmedabad" on or before 12.04.2009 at the cost of his Cadre Controlling Authority i.e. the Department of Telecom in the Ministry of Communications & IT of Govt. of India.

13. Heard Mr A. Das Gupta, learned Counsel appearing for the Applicant, Mr G. Baishya, learned Sr. Standing Counsel for Govt. of India and Mr. B.C. Pathak, learned Counsel for BSNL and Mr. B.S. Basumatary, learned Counsel for Task Force of BSNL [to whom copies of this O.A. has already been supplied] and also perused the materials placed on record.

14. It is submitted by the advocate for the Applicant that [a] when the DoT/GoI took the responsibility of bearing the Course-fee/domestic component [a sum of Rs.2,50,000/-] of Post-Graduate Programme in Management [Bangalore] during 2008-10 in respect of 4 Officers of DoT/GoI [in deemed deputation in

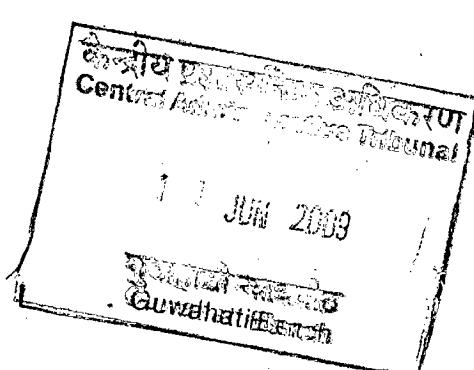


BSNL] under their Office Memo dated 24.04.2008 and [b] when the Govt. of India [in DoPT/MoPPGP] drew the Policy dated 20.02.2009 to sponsor Officers for PG Programme for Public Management & Policy during 2009-10 in IIM/Ahmedabad at the cost [of the domestic component of the Programme i.e. Rs.2,50,000/-] to be borne by the Cadre Controlling Authority and [c] since the Govt. of India [DoT of Mo&IT] is the Cadre Controlling authority of the Applicant [and other ITS Officers in deemed deputation in BSNL/MTNL], there should not be any quarrel between the DoT in one hand and BSNL/MTNL on the other for release of domestic component of the Programme in respect of Officers like the Applicant. He submitted that since the funds of DoPT, DoT & BSNL/MTNL are all out of the coffer of the Govt. of India/approved budget of Govt. of India, there should not be quarrel as who would bear the cost of the training, as that is only a clerical work of book adjustment. He brands the action of the DoT [and the Respondent Nos.1 to 7 of this case] to be highly discriminatory; because the Officer of DoT, who was not on deemed deputation, has got clearance to go for the PG Programme in question [with cost from DoT] and other officers of DoT [like the Applicant] who are on deemed deputation to BSNL/MTNL are being made shuttlecock between DoT & BSNL for want of cost of the PG Programme in question. It is being argued that discrimination is being caused among the officers of DoT in the matter of deputing them to PG Programme in question; especially when they [officers like the Applicant] had no choice left in working under BSNL/MTNL on deemed deputation.

15. Mr G. Baishya, Mr.B.C. Pathak and Mr. B.S.Basumatary, representing the Govt. of India and BSNL respectively are not in a position to give a clear picture of the matter. However, they have stated that without waiting for the resolution of the inter Departmental/Organisation issues [as to who, among DoT and BSNL, shall bear the cost of the Training Programme] the Applicant has rushed to this Tribunal prematurely.

16. To this, Mr. Das Gupta, learned Counsel appearing for the Applicant, submitted that, without any breathing time in hand, the Applicant had to approach this Tribunal without any waste of time.

17. In the above premises, this matter is remitted to the authorities of the Applicant <sup>i.e.</sup> Govt & in BSNL [i.e. Respondent Nos.1 to 7]; who should expeditiously decide the matter relating to release of Rs.2,50,000/- in favour of IIM/Ahmedabad [in respect of the Applicant] in terms of their action taken under



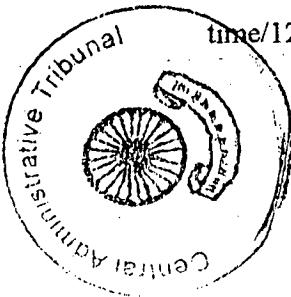
46

Office Memo dated 24.04.2008 of DoT and promise held out under DoPT Circular dated 20.02.2009 and, pending the said decision, they should do well and relieve the Applicant immediately so that he can report at IIM/Ahmedabad in order to participate in the "PG Programme in Public Management and Policy 2009-10" well before 12.04.2009.

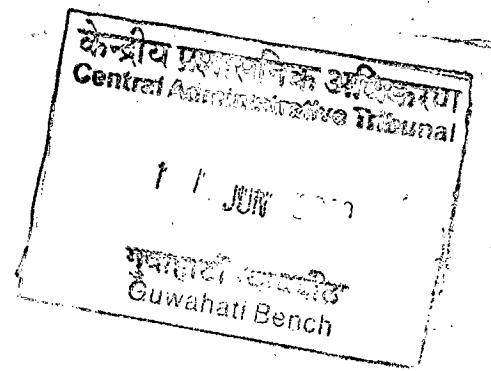
18. With the above observations and directions, this case stands disposed of.

19. Send copies of this order [along with the copies of the Original Application] to the Respondents [except the Respondent No.7] by Speed Post and to the Respondent No.7 by Special Messenger at the cost of the Applicant, to be deposited today. Free copies of this order be handed over to the Applicant and the Advocates appearing for both parties. Applicant shall remain free to transmit this order to all the Respondents by Tele-Fax; so that orders can be passed expeditiously to relieve him to join the PG Programme in question in time/12.04.2009.

Sd/-  
M.R. MOHANTY  
VICE CHAIRMAN



TRUE COPY  
प्रतिलिपि  
OK Rule  
अधिकारी  
Section Officer (Jdlt)  
Central Administrative Tribunal  
गुवाहाटी ब्यासान  
Guwahati Bench  
गुवाहाटी/Guwahati-5



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by  
Jyoti Basu  
Advocate