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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A./TA/ NO. 164/2009
R.A./CP/NO..... 2015
E.P./M.P./NO. 85/2015

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Biju
17/7/2015
SECTION OFFICER (JUDL.)

17/7/2015

N : 1

FORM NO. 4
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :
ORDERSHEET

1. ORIGINAL APPLICATION No : 164 / 2009
2. Transfer Application No : -----/2009 in O.A. No.-----
3. Misc. Petition No : -----/2009 in O.A. No.-----
4. Contempt Petition No : -----/2009 in O.A. No.-----
5. Review Application No : -----/2009 in O.A. No.-----
6. Execution Petition No : -----/2009 in O.A. No.-----

Applicant (S) : Shri Girish Ch. Das M.P.S.

Respondent (S) : Union of India M.P.S.

Advocate for the : Mr. M. Chanda,
{Applicant (S)} Mr. S. Nath & Mrs. U. Dutt.

Advocate for the : -----
{Respondent (S)} BSNL.

| Notes of the Registry | Date | Order of the Tribunal |
|--|------------|---|
| <p>The application is in form is filed/C. F. for Rs. 50/- deposited vide IPO/BD No. <u>399 415096</u> Dated <u>23.8.09</u></p> <p><i>[Signature]</i> 21.8.09 Dy. Registrar <u>19/8/09</u></p> <p><u>19.8.09</u></p> <p><u>5 (Five) Copies of</u> <u>Application with envelope</u> <u>received for issue</u> <u>notices to the Respondents</u> <u>No. 1 to 5. Copy Served.</u></p> <p><u>19/8/09</u></p> <p><i>Revised M.R. Mohanty 9/9/09</i></p> | 24.08.2009 | <p>Heard Mr. M. Chanda, learned counsel appearing for the Applicant and Mrs. M. Das, learned counsel representing the BSNL and Mr. M. U. Ahmed, learned Addl. Standing Counsel, representing the Government of India/DOPT and perused the materials placed on record.</p> <p>For the reasons recorded separately, this O.A. stands disposed of</p> <p><i>[Signature]</i> <u>4</u> (M.K. Chaturvedi) Member(A)</p> <p><i>[Signature]</i> <u>4</u> (M.R. Mohanty) Vice-Chairman</p> <p>lm</p> |

28/8/2009

Judgment order dtd
24/8/2009 along with
Notice send to the
D/section for issuing
to the Applicant &
all Respects. by Regd
post.

D/No.9867 - ^{Recd}
9867 28/8/09

dtd. 31/8/09

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A No. 164 of 2009

DATE OF DECISION: 24.08.2009

Sri Girish Chandra Das & 5 others

.....Applicant/s.

Mr.M.Chanda

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

- Versus -

U.O.I. & Ors

.....Respondent/s

Mr.M.U.Ahmed, Addl.C.G.S.C. for Union of India

Mrs.M.Das for BSNL.

.....Advocate for the
Respondents

CORAM

**THE HON'BLE MR.MANORANJAN MOHANTY, VICE CHAIRMAN
THE HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)**

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

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

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

Judgment delivered by

Vice-Chairman/Administrative Member

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 164 of 2009

Date of Order: This, the 25th Day of August, 2009

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

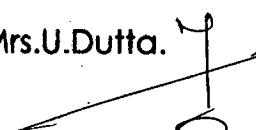
THE HON'BLE SHRI M.K.CHATURVEDI, ADMINISTRATIVE MEMBER

1. Shri Girish Chandra Das
Sub Divisional Engineer (Civil)
BSNL Unit, Sub-Division-III
Panbazar
Guwahati – 781 001.
2. Shri Diganta Kr. Dutta
Sub Divisional Engineer (Civil)
Office of the Superintendent Engineer
BSNL, Civil Circle, Panbazar
Guwahati – 781 001.
3. Shri Paresh Chandra Dutta
Sub Divisional Engineer (Civil)
BSNL (Civil), Sub Division-II
Jorhat, Assam
PIN: – 785 001.
4. Shri Jitangshu Sekhar Bhattacharjee
Sub Divisional Engineer (Civil)
BSNL Civil Sub-Division-I
Silchar – 788 003
Assam.
5. Shri Pradip Kumar Goswami
Sub Division Engineer (Civil)
BSNL Civil Sub Division
Karimganj, Assam-789 001.
6. Shri Shyamal Kumar Das
Sub Divisional Engineer (Civil)
BSNL Civil Sub Division-II
Silchar-788003, Assam.

... Applicants.

By Advocates : Mr.M.Chanda, Mr.S.Nath & Mrs.U.Dutta.

- Versus -



1. The Union of India
represented by the Secretary
to the Government of India
Ministry of Communications
Department of Telecom
Sanchar Bhavan, 20 Ashoka Road
New Delhi – 110 001.
2. The Bharat Sanchar Nigam Ltd.
(A Govt. of India Enterprise)
Represented by the Chairman and
Managing Director, BSNL
Registered Office- Statesman House
Barkhamba Road, New Delhi-110 001.
3. The Principal General Manager
Building Works Unit
BSNL Corporate Office
Chandralok Building, 10th Floor
36 Janapath
New Delhi-110 001.
4. The Chief General Manager
Assam Telecom Circle, (BSNL)
Admn. Building, 4th Floor
Panbazar, Guwahati-781 001.
5. The Chief Engineer (Civil)
BSNL Assam Zone
Admn. Building 6th Floor
Panbazar, Guwahati-781 001.

... Respondents.

By Mr.M.U.Ahmed, Addl. C.G.S.C. for Govt. of India
Mrs.M.Das for BSNL.

ORAL ORDER
24.08.2009

MANORANJAN MOHANTY, (V.C.):-

Applicants (6 in number) were engaged as Junior Engineers (Civil) in the Department of Telecommunications (on the dates specified below) when "Diploma in Civil Engineering" was the qualification required for recruitment to the post in question. Applicant No. 6 got promotion as Assistant Engineer (Rs.6,500-10,500/-) on 13.12.1996. Rest of the Applicants



were granted the benefits of 1st ACP (Rs. 6500-10,500/-) w.e.f. the date(s) specified below. Applicants, who were absorbed in BSNL w.e.f. 01.10.2000 completed 24 years of their services on the dates specified below:-

| Applicant No. | Appointed as Jr. Engineer | Recruitment Rules came into force w.e.f. 06.08.1994 | 1 st ACP/ Promotion | Presidential Order issued on 20.02.2004, absorbing them in BSNL w.e.f. 01.10.2000 | Completed 24 years of service – claim for 2 nd ACP |
|---------------|---------------------------|---|--------------------------------|---|---|
| 1. | 16.08.1980 | | 09.08.1999 | | 16.08.2004 |
| 2. | 18.08.1980 | | 09.08.1999 | | 18.08.2004 |
| 3. | 20.06.1980 | | 09.08.1999 | | 20.06.2004 |
| 4. | 20.08.1980 | | 09.08.1999 | | 20.08.2004 |
| 5. | 11.08.1980 | | 09.08.1999 | | 11.08.2004 |
| 6. | 19.07.1980 | | 13.12.1996 (P) | | 19.07.2004 |

2. On 24.04.2003, on 02.08.2003 and on 01.09.2003 Govt. of India granted 2nd ACP benefits (Rs.10,000-15,000/- to 138+20+103) to some Junior Engineers (on relaxation of conditions in the Recruitment Rules) on completion of their 24 years of service. This relaxation was granted to such of the Junior Engineers, those who were recruited prior to coming into force of new Recruitment Rules of 1994.

3. It appears, the relaxation, which were granted (at the time of grant of 2nd ACP benefits) to some of the Junior Engineers as aforesaid, are not being extended (after issuance of presidential order dated 20.02.2004; on the strength of which, the Applicants were absorbed in BSNL w.e.f. 01.10.2000) to the Applicants and, as a result of the same, the Applicants, although completed 24 years of services, are being denied the 2nd ACP benefits and, that is why, they have approached this Tribunal with the present Original Application filed (on 19.08.2009) under Section 19 of the Administrative Tribunals Act, 1985; wherein they have prayed as under:-



"8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned memorandum No.3-2/2006-CWG dated 30.03.2007 (Annexure-14) as well as impugned order bearing No.ACP/AD(BW-II)/2007(Pt) dated 11.02.2009 (Annexure-19) and impugned letter No.PF/Digamber Singh/AD(BW-I) dated 08.06.2009 (Annexure-20).

8.2 That the Hon'ble Tribunal be pleased to direct the respondents to grant the benefit of 2nd ACP to the present applicants in the scale of pay of Rs.10000-325-15200 from the date of completion of 24 years of service in terms of O.M. dated 09.8.1999 issued by the DOPT Govt. of India with arrear monetary benefit.

8.3 Costs of the application.

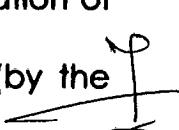
8.4 Any other relief(s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper."

4. It appears, under Annexure- 13 dated 18.01.2007, Corporate Office of BSNL issued a Time-bound, post based executive promotional policy for Group 'B' Officers. It appears from Annexure-11 dated 04.06.2008 that BSNL (Andhra Pradesh Circle) granted 2nd ACP benefit to SDE (C) from the date of completion 24 years of their services. Under Annexure -16 dated 15.12.2008 & Annexure- 17 dated 17.12.2008, the Applicant No. 4 & Applicant No. 5, respectively, submitted representations seeking 2nd ACP benefit. Under Annexure- 18, the Executive Association of the Applicants also submitted a representation.

5. Heard Mr. M. Chanda, learned counsel appearing for the Applicants, Mr. M.U. Ahmed, learned Addl. Standing Counsel for Govt. of India and Mrs. M.Das, learned counsel for BSNL (to whom copies of this O.A. have already been supplied) and perused the materials placed on record.



6. It is argued on behalf of the Applicants that there were no reason not to extend the relaxation (of the Rules) in favour of the Applicants (who completed 24 years of their services after 20.02.2004) and that the cut-off date (20.02.2004) is an unreasonable one and that when the Rule came into force long after the recruitment of the Applicants, in all fairness of things, relaxation ought to have been extended to all those who were recruited as J.E. prior to coming into force of the Rules of 1994 i.e., 06.08.1994, and that, instead of granting relaxation only up to 20.02.2004, the relaxation ought to have been extended to (the entire class) all those who were recruited as J.E. prior to 06.08.1994. It is argued, further, that in the facts & circumstances, a reasonable stand ought to have been taken by the Respondents (DoT) and they ought not to have tried to create an unreasonable classification within a class of persons and that the Respondents (DoT) ought to have granted relaxation to all those personnel recruited prior to coming into force of the Rules of 1994 i.e., 06.08.1994 and ought to have granted 2nd ACP benefits (at the end of 24 years of their service) to all those who were recruited prior to 06.08.1994.

7. Since the representations of some of the Applicants and their Service Association are pending, without entering into merits, we, hereby, dispose of this case by remitting this matter to the Respondents (especially to Respondent Nos. 1 & 2) to give reconsideration in the matter of granting 2nd ACP benefits to the Applicants (and all those who were recruited as J.E. prior to 06.08.1994) with effect from the date on which they have completed 24 years of their services with grant of relaxation of the Rules of 1994. The entire exercise ought to be undertaken (by the 

Respondents) by end of December 2009. Result of the said consideration are be intimated (to the Applicants) by the Respondents within the said time.

8. Send copies of this order to the Applicants and the Respondents (along with copies of this O.A.) in the address given in this O.A.

9. Free copies of this order be supplied to the Advocates appearing for both parties.


(M.K. CHATURVEDI)
ADMINISTRATIVE MEMBER


(MANORANJAN MOHANTY)
VICE-CHAIRMAN
24/08/09

/BB/

केन्द्रीय प्रशासनिक न्यायपीठ
512 19 AUG 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 164 /2009

*Recd copy
Brahma
Adroath for BSNL
17/8/09*

Shri Girish Chandra Das & Ors.
-Vs-
Union of India and Others.

SYNOPSIS OF THE APPLICATION

Applicants are working as Sub-Divisional Engineer (Civil) in Bharat Sanchar Nigam Ltd. They were initially appointed to the cadre of Jr. Engineer (Civil) in the department of Telecommunications in the year 1980 with recruitment qualification of diploma in Civil Engineering. They were granted 1st ACP w.e.f. 09.08.1999 and have attained eligibility for grant of 2nd ACP in the year 2004 after completion of 24 years of service. Govt. of India, Ministry of Communication granted benefit of 2nd ACP to the some of the employees vide order dated 16.09.2002, 24.04.2003, 01.09.2003 and 20.02.2004 respectively in relaxation to the condition of educational qualification as prescribed in the relevant recruitment rules. Present applicants are similarly situated employees who have completed 24 years of service in the month of June, July and August, 2004. As such they are also entitled to the benefit of 2nd ACP in the scale of Rs. 10,000-15,200/- (pre-revised) on completion of 24 years service in terms of O.M dated 09.08.1999 issued by the Govt. of India. However, the authority vide impugned order dated 30.03.2007 (Annexure- 14) have decided not to withdraw the 2nd financial upgradation already granted to the officers up to 20.02.2004 i.e. prior to issue of Presidential order for permanent absorption of Group 'B' officers in BSNL/MTNL. BSNL, Corporate office vide its impugned letter dated 11.02.2009 (Annexure- 19) informed all the Zonal offices that relaxation has been granted to other similarly situated employees while granting benefit of 2nd ACP vide order dated 16.06.02, 24.04.03, 02.08.03, 01.09.03 and 20.02.04 as an one time relaxation only and no further relaxation has been granted by the department of Telecommunication. Hence this Original Application.

LIST OF DATES

20.06.1980- Applicant No. 3 was initially appointed as Junior Engineer (Civil).
19.07.1980- Applicant No. 6 was initially appointed as Junior Engineer (Civil).

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11.08.1980- Applicant No. 5 was initially appointed in service as J.E (Civil).

16.08.1980- Applicant No. 1 appointed as Junior Engineer (Civil).

18.08.1980- Applicant No. 2 was initially appointed as Junior Engineer (Civil).

20.08.1980- Applicant No. 4 was initially appointed as Junior Engineer (Civil).
09.05.1991-
06.08.1994- Govt. of India, Deptt. of Telecommunication notified the "Posts & Telegraphs Building Works (Cr. A) Service Rules, 1994".
(Annexure-1)

13.12.1996- Applicant No. 6 promoted as A.E (Civil) on regular basis.
(Annexure- 3)

01.01.1997- Applicant No. 6 joined in the promotional post of A.E. (Civil).

09.08.1999- Govt. of India, DOPT issued Assured Career Progression Scheme-
providing 2nd financial upgradation on completion of 24 years of
service.
(Annexure- 2)

20.09.1999- Applicant No. 3 was promoted as A.E (Civil) on ad hoc basis.

30.12.1999- Ministry of Communication extended benefit of ACP schemes to Gr.
'C' and 'D' employees.
(Annexure- 6)

03.03.2000- Ministry of Communication intimated to all the telecom circles that
financial upgradation on completion of 5/15 years of service
introduced vide office order dated 09.05.91 have been ceased to be
operative w.e.f. 09.08.1999.
(Annexure- 7)

01.10.2000- All the applicants were absorbed in BSNL on permanent basis
although Presidential orders giving permanent absorption w.e.f.
01.10.2000 were issued in the year 2004.
~~✓~~

27.12.2000- Applicant No. 1 and 2 promoted as A.E. (Civil) on ad hoc basis.

09.01.2001- Applicant No. 4 promoted as A.E (Civil) on ad hoc basis.

17.01.2001- Applicant No. 5 promoted as A.E (Civil) on ad hoc basis.

03.05.2001- Applicant No. 1 to 5 were granted first financial up gradation from
the scale of Rs. 5000-8000 to Rs. 6500-10,500/- w.e.f. 09.08.1999.
(Annexure- 4)

24.04.2003- Ministry of Communications granted the benefit of 2nd ACP in
relaxation of the rule to as many as 138 similarly situated J.E in the
scale of pay of Rs. 10,000-15,200/- from the date of completion of 24
years of service.
(Annexure- 8)

02.08.2003- Ministry of Communications granted the benefit of 2nd ACP in
relaxation of the rule to as many as 20 similarly situated J.E in the
scale of pay of Rs. 10,000-15,200/- from the date of completion of 24
years of service.
(Annexure- 9)

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01.09.2003- Similarly situated 103 Junior Engineers were granted benefit of 2nd ACP in the scale of pay of Rs. 10,000-15,200/- from the date of completion of 24 years of service. (Annexure- 10)

24.09.2003- Office of the Chief Engineer, BSNL Assam Circle communicated order dated 01.09.2003. (Annexure- 10A)

16.01.2004- Applicant No. 2, 3 and 4 were absorbed in BSNL w.e.f. 01.10.2000.
20.02.2004- (Annexure- 5A-C)

31.03.2004- Applicant No. 6 was absorbed in BSNL w.e.f. 01.10.2000. (Annexure-5D)

08.04.2004- Applicant No. 5 was absorbed in BSNL w.e.f. 01.10.2000. (Annexure-5E)

05.05.2004- Applicant No. 1 was absorbed in BSNL w.e.f. 01.10.2000. (Annexure- 5F)

20.06.2004- Applicant No. 3 completed 24 years of regular service.

19.07.2004- Applicant No. 6 completed 24 years of regular service.

11.08.2004- Applicant No. 5 completed 24 years of regular service.

16.08.2004- Applicant No. 1 completed 24 years of regular service.

18.08.2004- Applicant No. 2 completed 24 years of regular service.

20.08.2004- Applicant No. 4 completed 24 years of regular service.

01.10.2004- BSNL granted IDA scales to the applicants on regular basis. ✓

09.06.2006- Applicants No. 1 to 5 regularized in the post of SDE (Civil). (Annexure- 12)

08.11.2006- Govt. of India, Ministry of Communication issued a notice for withdrawal of benefit of 2nd ACP granted vide DOT order dated 16.09.2002, 24.04.2003, 01.09.2003 and 20.02.2004 to Civil Wing officers not meeting the educational qualification as prescribed in the relevant recruitment rules.

18.01.2007- Corporate Office of BSNL issued time bound post based executive promotional policy for Group-B officers. ✓ (Annexure- 13)

30.03.2007- Govt. of India, Ministry of Communication issued impugned Office memorandum, stating that the authority have decided not to withdraw the 2nd financial upgradation already granted to the officers up to 20.02.2004 i.e. prior to issue of Presidential order for permanent absorption of Group 'B' officers in BSNL/MTNL. (Annexure- 14)

25.06.2007- Corporate Office, New Delhi informed to all Chief Engineers (Civil) that all the time bound promotion cases shall be reviewed at the circle level on a time bound basis. It is also requested that no case of ACPs may be forwarded to the corporate office in future. (Annexure- 15)

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Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

04.06.2008- RSNI, Andhra Pradesh Circle granted 2nd financial up gradation to the similarly situated SDE (C) from scale of pay of Rs. 11875-17275 to Rs. 14500-18700 from the date of completion of 24 years of service.
(Annexure- 11)

15.12.2008, 17.12.08- Applicant No. 4 and 5 submitted representations for grant of 2nd ACP.
(Annexure- 16 and 17)

10.02.2009- General Secretary, Sanchar Nigam Executive Association (India) submitted representation to General Manager (SP), Chairman ACP Committee, BSNL Corporate Office, New Delhi for implementation of the ACP scheme as per the existing hierarchy.
(Annexure- 18)

11.02.2009- DGM (BW-I) vide its impugned letter informed all the Zonal offices that the executives can opt for ACP scheme upto eligibility criteria laid down in recruitment rule 1994.
(Annexure- 19)

08.06.2009- DGM (BW-I) vide its impugned letter dated 08.06.09 requested all the field units to implement the ACP scheme in true spirit.
(Annexure- 20)

P R A Y E R S

1. That the Hon'ble Tribunal be pleased to set aside and quash the impugned memorandum No. 3-2/2006-CWG dated 30.03.2007 (Annexure- 14) as well as impugned order bearing No. ACP/AD(BW-II)/2007 (Pt) dated 11.02.2009 (Annexure- 19) and impugned letter No. PF/Digamber Singh/AD (BW-I) dated 08.06.2009 (Annexure- 20).
2. That the Hon'ble Tribunal be pleased to direct the respondents to grant the benefit of 2nd ACP to the present applicants in the scale of pay of Rs.10000-325-15200 from the date of completion of 24 years of service in terms of O.M dated 09.8.1999 issued by the DOPT Govt. of India with arrear monetary benefit.
3. Costs of the application.
4. Any other relief (s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicants pray for the following interim relief: -

1. That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicants for providing relief as prayed for.

19 AUG 2009

Guwahati Bench
गुवाहाटी बैचIN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

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

Title of the case

: O.A. No. 164 /2009

Shri Girish Chandra Das & Ors.

: Applicants.

-Versus-

Union of India & Ors.

: Respondents.

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Filed By:

Dutta

Advocate

Date: - 17.08.09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

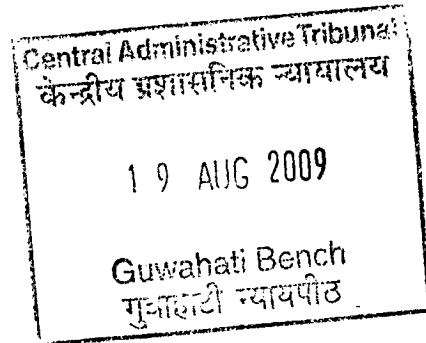
(An application under Section 19 of the Administrative Tribunals Act, 1985)

O.A. No. 164 /2009

22
Filed by Sri applicant
through U.Dutta, advocate
on 17.08.09

BETWEEN:

1. **Shri Girish Chandra Das,**
Sub Divisional Engineer (Civil)
BSNL Unit, Sub-Division-III,
Panbazar, Guwahati- 781001.
2. **Shri Diganta Kr. Dutta,**
Sub Divisional Engineer (Civil)
Office of the Superintendent Engineer,
BSNL Civil Circle,
Panbazar, Guwahati- 781001.
3. **Shri Paresh Chandra Dutta,**
Sub Divisional Engineer (Civil)
BSNL (Civil), Sub Division-II,
Jorhat, Assam, PIN- 785001.
4. **Shri Jitangshu Sekhar Bhattacharjee.**
Sub Divisional Engineer (Civil)
BSNL Civil Sub Division-I,
Silchar- 788003, Assam.
5. **Shri Pradip Kumar Goswami.**
Sub Divisional Engineer (Civil),
BSNL Civil Sub Division,
Karimganj, Assam- 789001.
6. **Shri Shyamal Kumar Das.**
Sub Divisional Engineer (Civil)
BSNL Civil Sub Division-II,
Silchar- 788003, Assam.

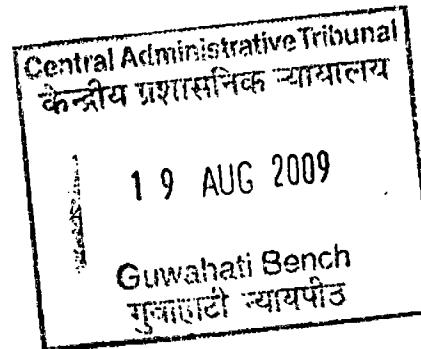


-AND-

1. **The Union of India,**
Represented by the Secretary to the Government of India,
Ministry of Communications, Department of Telecom,
Sanchay Bhawan, 20 Ashoka Road,
New Delhi-110001.
2. **The Bharat Sanchar Nigam Ltd.**
(A Govt. of India Enterprise)
Represented by the Chairman and
Managing Director, BSNL,
Registered office- Statesman House,
Barkhamba Road, New Delhi-110001.

Applicants.

Girish Chandra Das



3. The Principal General Manager,
Building Works Unit,
BSNL Corporate Office,
Chandralok Building, 10th Floor,
36 Janapath, New Delhi- 110001.

4. The Chief General Manager,
Assam Telecom Circle, (BSNL)
Admn. Building, 4th Floor,
Panbazar, Guwahati-781001.

5. The Chief Engineer (Civil)
BSNL Assam Zone,
Admn. Building 6th Floor,
Panbazar, Guwahati- 781001.

..... Respondents.

DETAILS OF THE APPLICATION

1. Particulars of the order (s) against which this application is made:

This application is made against the impugned order issued vide Department of Telecommunication order No. 3-2/2006-CWG dated 30.03.2007 (Annexure- 14), impugned order bearing No. ACP/AD(BW-II)/2007 (Pt) dated 11.02.2009 (Annexure- 19) and order dated 08.06.2009 (Annexure- 20) issued by the BSNL Corporate office, New Delhi vide No. PF/Digambar Singh/AD (BW-I) and also praying for a direction upon the respondents to grant benefit of 2nd ACP contained in the O.M. dated 09.08.1999 issued by the Govt. of India, Ministry of Finance, New Delhi with all consequential benefit with arrear monetary benefit as already granted to other similarly situated employees of the respondent department.

2. Jurisdiction of the Tribunal:

The applicants declare that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation:

The applicants further declare that this application is filed within the limitation prescribed under Section- 21 of the Administrative Tribunals Act 1985.

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4. Facts of the case:

4.1 That the applicants are citizen of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

4.2 That the applicants pray permission to move this application jointly in a single application under Sec 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 as the relief's sought for in this application by the applicants are common, therefore, they pray for granting leave to approach the Hon'ble Tribunal by a common application.

4.3 That your applicant No. 1 Sri Girish Chandra Das working as SDE (Civil), Bharat Sanchar Nigam Limited (for short BSNL) Civil Sub-Division III, Guwahati, Panbazar. He was initially entered in service as Junior Engineer (Civil) on 16.08.1980. He has got promotion as A.E. (Civil) on ad hoc basis w.e.f. 27.12.2000 and subsequently re designated as SDE (Civil) w.e.f. February 2002 and regularized in the post of SDE (Civil) w.e.f. 09.06.2006. The applicant No. 1 entitled to benefit of 2nd ACP w.e.f 16th August 2004 in terms of O.M dated 09.08.1999 issued by the Govt. of India.

4.4 That your applicant No. 2 Sri Diganta Kr. Dutta working as SDE (Civil), office of the SE (Civil) BSNL Civil Circle, Guwahati, Panbazar, he was initially appointed as Junior Engineer (Civil) on 18.08.1980. He has got promotion as A.E (Civil) on ad hoc basis w.e.f. 23.12.2000 and subsequently re designated as SDE (Civil) w.e.f. February 2002 and regularized in post of SDE (Civil) w.e.f. 09.06.2006. The applicant No. 2 completed 24 years of regular service on 18.08.2004 and entitled to the benefit of 2nd ACP w.e.f. 18.08.2004.

4.5 That your applicant No. 3, Sri Paresh Chandra Dutta is working as SDE (Civil), Civil Sub-Division, Jorhat. He was initially appointed as Junior Engineer (Civil) on 20.06.1980. He has got promotion as A.E (Civil) on ad hoc basis w.e.f. 20.09.1999 and subsequently re designated as SDE (Civil) w.e.f. February 2002 and regularized in the post of SDE (Civil) on

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09.06.2006. The applicant No. 3 completed 24 years of regular service on 20.06.2004 and entitled to the benefit of 2nd ACP w.e.f. 20.06.2004.

4.6 That your applicant No. 4 Sri Jitangshu Sekhar Bhattacharjee working as SDE (Civil), BSNL Civil Sub Division, Silchar. He was initially appointed as Junior Engineer (Civil) on 20.08.1980 in the erstwhile P & T Deptt., Civil Wing. He has got promotion as Asstt. Engineer (Civil) on ad hoc basis w.e.f. 09.01.2001 and subsequently re designated as SDE (Civil) w.e.f. February 2002 and regularized in the post of SDE (Civil) w.e.f. 09.06.2006. The applicant No. 4 entitled to the benefit of 2nd ACP w.e.f. 20.08.2004 after completion of 24 years of service in terms of O.M dated 09.08.1999.

4.7 That your applicant No. 5 Sri Pradip Kr. Goswami working as SDE (Civil) Sub-Division, Karimganj was initially appointed in service as Junior Engineer (Civil) on 11.08.1980. He has got promotion as A.E. (Civil) on ad hoc basis w.e.f. 17.01.2001 and subsequently redesignated as Sub-Divisional Engineer (Civil) and regularized in the post of SDE (Civil) w.e.f. February, 2002. The applicant No. 5 entitled to the benefit of 2nd ACP w.e.f. 11.08.2004 in terms of O.M dated 09.08.1999.

4.8 That your applicant No. 6 Sri Shymal Kr. Das working as SDE (Civil), BSNL Civil Sub-Division II, Silchar was initially entered in service as Junior Engineer (Civil) on 19.07.1980. He had already passed the departmental qualifying examination for promotion to the post of A.E (Civil) during 1988 as per the recruitment rules prevailing at that time. He has got promotion as A.E (Civil) on regular basis w.e.f. 01.01.1997 and subsequently re designated as SDE (Civil) on regular basis w.e.f. February 2002. The applicant No. 6 is entitled to the benefit of 2nd ACP w.e.f. 19.07.2004 since he has completed 24 years of service on 19.07.2004 in terms of O.M dated 09.08.1999 issued by the Govt. of India.

4.9 That all the applicants having recruited to the cadre of Jr. Engineer (Civil) with recruitment qualification of diploma in Civil Engineering and presently they are all working as Sub-Divisional Engineer (Civil) in the scale of pay of Rs. 11,875-300-17,275/- per month As such they have attained eligibility to the benefit of 2nd ACP in the scale of Rs. 10,000/-

15,200/- (pre-revised) in August, 2004 for grant of 2nd ACP in terms of O.M dated 09.08.1999 issued by the Govt. of India, D.O.P.T.

4.10 That it is stated that the Govt. of India, Deptt. of Telecommunication, under Ministry of Communication notified on 06.08.1994 in the Gazette of India the recruitment rules called as "Posts & Telegraphs Building Works (Gr. A) Service Rules, 1994". As per the aforesaid RR in schedule IV, the method of recruitment, field of selection and minimum qualifying service for promotion have been prescribed. It is specifically stated one must acquire degree in Civil Engineering from a recognized university with other terms and conditions and the fixed residency period of 5 years regular service in the scale of pay of Rs. 2200-4000/- or equivalent or with 8 years regular service in the posts in the scale of pay of Rs. 2000-3500/- or equivalent and at least 5 years experience in design and constitution of building are eligible for consideration of promotion to the cadre of Executive Engineer (Civil) and equivalent. Be it stated that the applicants in the instant application have been initially recruited in the cadre of Jr. Engineer (Civil) with recruitment qualification having diploma in Civil Engineering, as such in view of the existing RR of 1994, the present applicants shall not be considered for further promotion of Executive Engineer in view of the recruitment qualification prescribed for Group A services in the RR. However in clause 16 of the RR 1994, power of relaxation has been granted to the Govt. of India for relaxation of any of the provisions of 1994 RR to any class or category of persons provided if the Govt. is of the opinion that it is necessary or expedient so to do, then the Govt. is at liberty to relax any of the provisions after recording the reasons in writing, in consultation with the UPSC.

Therefore, it appears that the Govt. of India is vested with the power of relaxation of any of the provisions of the aforesaid RR including the recruitment qualification prescribed in schedule IV for recruitment in Group A service i.e. in the cadre of Executive Engineer.

But in department of Telecommunication, neither the recruitment rules were amended in respect of those recruited before 1994 nor the benefit of passing the Departmental Qualifying Examination by JE's (till 1990) has been extended. The recruitment rules "P&T Bldg Works Group-A Service

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Rules, 1994" were framed arbitrarily/unilaterally (with retrospective effect) by overlooking the career Progression of employees who were recruited under "P&T Civil Engineer (Gazetted Officers) Recruitment Rules, 1976", according to which a Junior Engineer (Civil) having diploma in Civil Engineering was eligible to be promoted up to the post of Superintending Engineer (Civil).

In view of recruitment rule, 1994 the present applicants have been denied the promotion opportunity in the grade of Executive Engineer as because degree in Engineering have been prescribed as recruitment qualification for promotion to the cadre of Executive Engineer. It is specifically stated that applicants does not possess the recruitment qualification of degree in Engineering.

So far as Assured Career Progression Scheme is concerned, the basic feature of the policy is to allow financial up gradation to those, who could not get promotion on regular basis by the cut-off dates i.e. residency period of 12/24 years.

Copy of the recruitment rules notified on 06.08.1994 is enclosed as Annexure- 1.

4.11 That the applicants having recruited to the cadre of Jr. Engineer (Civil) under the terms and condition of Recruitment Rule 1976 which prescribes a Departmental Qualifying Examination for the posts of AE (Civil). The quota of promotion from JE to AE was 50% of the posts of AEs and 50% by direct recruitment, the quota of promotion from AE to EE was 1/3rd of the posts of EEs, because 2/3rd posts of EEs were filled by AEEs (Class-I direct recruits). Thus the chances of career progression of JEs were nominal and a number of JEs who passed the qualifying examination during 1986 to 1990 were waiting for promotion. Therefore as a result of dissatisfaction among the JEs, the Recruitment Rules for the post of AE (Civil) and also scrapped the Departmental Qualifying Examination without giving any weightage of passing the then qualifying Examination for promotion to the post of AE (Civil) in force at that time.

If the promotion to the post of AE (Civil) be given at that time as per the then prevailing rule of RR 1976 after passing the qualifying

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examination, then the criteria for promotion to the post of EE (Civil) would have been fulfilled long back.

4.12 That it is stated that Govt. of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) issued an O.M Office Memorandum No. 35034/1/97-Estt. (D) dated 09.08.1999 dated 09.08.1999 in terms of said assured career progression scheme, wherein, it has been provided that the civilian Central Govt. employees shall be entitled to at least 2 financial upgradation on completion of 24 years of service provided if they have not availed any promotion during the aforesaid period of service. However it is further provided that in the event of availing one promotion during the span of 12 years or thereafter, in that case the civilian employees would be entitled to benefit of 2nd ACP on completion of 24 years of regular service in the grade. The said scheme of ACP was issued by the Govt. of India following the recommendation of the 5th CPC.

It is categorically submitted that in the instant case, the present applicants praying for grant of 2nd ACP in the scale of Rs. 10,000-15,200/- in terms of O.M dated 09.08.1999 issued by the Govt. of India.

Copy of the O.M dated 09.08.1999 is enclosed herewith as Annexure- 2.

4.13 That the Lt. DDG (BW), BSNL, New Delhi vide his order dated 03.05.2001 granted first financial upgradation in terms of O.M dated 09.08.1999 to as many as 209 Junior Engineers placing them from the scale of Rs. 5000-8000 to Rs. 6500-10,500/- w.e.f. 09.08.1999. In the said order applicant No. 3 was placed at Sl. No. 6, applicant No. 5 placed at Sl. No. 45, applicant No. 1 at Sl. No. 47, applicant No. 2 at Sl. No. 48, applicant No. 4 at Sl. No. 49 and they were granted 1st ACP in the scale of Rs. 6500-10,500/-. Be it stated that applicant No. 6 was promoted from the post of J.E. to the post of A.E. (C) vide order dated 13.12.1996 in the scale of Rs. 6500-10500/-.

Copy of order dated 13.12.96 and extract of order dated 03.05.2001 are enclosed herewith and marked as Annexure- 3 and 4 respectively.

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4.14 That the applicants were permanently absorbed in BSNL vide Presidential order issued under orders dated 16.01.04, 16.01.04, 16.01.04, 31.03.04, 08.04.04 and 05.05.04 and the effect of their absorption is given w.e.f. 01.10.2000. In this connection it is relevant to mention here that the applicants have been granted IDA scales as a regular measure w.e.f. 01.10.2004.

Copies of the orders dated 16.01.04, 16.01.04, 16.01.04, 31.03.04, 08.04.04 and 05.05.04 are enclosed herewith and marked as Annexure- 5A, 5B, 5C, 5D, 5E and 5F respectively

4.15 That it is stated that other similarly situated employees who are having similar recruitment qualification like the present applicants who fall in the same class or category and completed 24 years of regular service have been granted benefit of 2nd ACP w.e.f 09.08.1999 or from the date on which they completed 24 years of regular service whichever is earlier. The said order was issued vide letter No. 3-1/2000-CWG dated 24.04.2003, whereby as many as 138 officers have been granted the benefit of 2nd ACP in relaxation of the rule quoting the reference of order bearing No. 2-1/99-GSE dated 03.03.2000 read with DOPT O.M No. 35034/97-Estt (D) dated 09.08.1999. Similarly by another order bearing No. 3-1/2000-CWG dated 01.09.2003 as many as 103 similarly situated officers having similar recruitment qualification were granted the benefit of 2nd ACP by way of financial upgradation in the scale of pay of Rs. 10,000-325-15,200/- w.e.f 09.08.1999 or the date on which they completed 24 years of regular service whichever is later. In the said order also Govt. of India quoted the reference of DOPT, O.M dated 09.08.1999. It is pertinent to mention here that by the letter dated 03.03.2000 the earlier scheme of financial upgradation on completion of 5/15 years of service which was introduced vide office order No. 6-8/87-CSE dated 09.05.1991 have been ceased to be operative w.e.f 09.08.1999. However in para 3 of the letter dated 03.03.2000 it is specifically stated that conditions stipulated in letter dated 30.12.1999 read with DOPT O.M dated 09.08.1999 should be strictly followed. Therefore it appears that Govt. of India, DOT have adopted the ACP scheme dated 09.08.1999 issued by the DOPT.

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It is relevant to mention here that the 2nd ACP was granted by various circles viz; Kerala and Andhrapradesh vide letter No. 1 (44)/2007/CEE/1684 dated 25.09.2007 and TA/STA/70/4 upgradation of IDA pay scales/CE Civil dated 04.06.2008 respectively upto 29.08.2004 and stated that the 2nd ACP already granted vide letter dated 20.02.2004 was final and no further order will be issued in respect of grant of 2nd ACP for Diploma Holder Engineers, but the same DOT has granted the 2nd ACP in respect of Diploma Engineers up to 31.03.2004 vide order No. DOT New Delhi vide No. 3-6/2001-EW dated 02.08.2003.

Copy of the letter dated 30.12.99, 03.03.2000, order dated 24.04.03, 02.08.03, 01.09.03, 24.09.03 and 04.06.08 are enclosed as Annexure- 6, 7, 8, 9, 10, 10 A and 11 respectively.

4.16 That the Asstt. Director (BW-II), Corporate Office, New Delhi vide his order bearing No. 2-2/2006/AD (BW-I) Pt. dated 09.06.2006 granted promotion to the applicants No. 1 to 5 on regular basis to the grade of SDE (Civil).

Copy of the order dated 09.06.2006 is enclosed herewith and marked as Annexure- 12.

4.17 That it is stated that all the applicants have completed their 24 years of regular service in the year 2004, since they have got only one promotion during their service carrier, as such they are eligible for grant of at least 1 more promotion immediately after completion of 24 years regular service as per law laid down by the Hon'ble Supreme Court in the case of State of Tripura -Vs- K. K. Roy reported in (2004) 9 SCC 65 or alternatively applicants are entitled to benefit of 2nd ACP in terms of the O.M dated 09.08.1999, otherwise it will cause irreparable loss and injury to the applicants.

4.18 That it is stated that the Corporate Office of BSNL has issued office memorandum bearing letter No. 400-61/2004-Pers-1 dtd 18.01.2007, whereby time bound post based executive promotion policy for Group-B level officers of BSNL have been issued, wherein provision for 2nd financial

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upgradation have been provided on completion of fixed residency period in the IDA scale of pay. Be it stated that this promotion policy issued by the BSNL on 18.01.2007, whereas the O.M dated 09.08.1999 have been issued by the DOPT, Govt. of India providing benefit of at least 2 ACP and the same has been adopted by the Deptt. of telecom services which is evident from the letter dated 03.03.2000 issued by Sri A.K. Nagar, Director (DW), as such the present applicants are entitled to benefit of 2nd ACP in terms of O.M dated 09.08.1989, since the ACP scheme dated 09.08.1989 was in force and there is no order till filing of this original application for withdrawal of the scheme dated 09.08.1999 by the Corporate Office, BSNL, New Delhi. As such respondents are duty bound to extend the benefit of 2nd ACP to the present applicants since they have attained their eligibility way back in August, 2004.

In the circumstances as stated above the financial upgradation scheme issued by the BSNL on 18.01.2007 has no relevancy in the instant case of the applicants.

A copy of the promotion policy dated 18.01.2007 is enclosed as Annexure- 13.

4.19 That Govt. of India, Ministry of Communication vide impugned Office memorandum issued under No. 3-2/2006-CWG dated 30.03.2007 stated that vide O.M dated 08.11.2006 a notice was issued for withdrawal of benefit of 2nd ACP granted vide DOT order dated 16.09.2002, 24.04.2003, 01.09.2003 and 20.02.2004 respectively, to Civil Wing officers not meeting the educational qualification as prescribed in the relevant recruitment rules. However the authority after examining the representations from the adversely effected employees have decided not to withdraw the 2nd financial upgradation already granted to the officers up to 20.02.2004 i.e. prior to issue of presidential order for permanent absorption of Group 'B' officers in BSNL/MTNL. However it is indicated that the decision is taken as a one time measure to mitigate the hardship to the officers on withdrawal of benefit of 2nd ACP at this stage and not to be construed as general relaxation.

In para 3 of the O.M dated 30.03.2007 it has been stated that if the officers absorbed in BSNL, opt to avail 2nd financial upgradation under ACP

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scheme granted by DOT, in that event they will have to forgo the first IDA pay scale upgradation as on 01.10.2004 or later in terms of para 7 of promotion policy for Group B level of officers of BSNL circulated vide O.M dated 18.01.2007. It is also decided that on acceptance of 2nd ACP, those officers would be considered for subsequent IDA pay scale service in the current IDA scale as provided in para 1 (I) (b) (3.2) of the Executive promotional Policy of BSNL for subsequent IDA pay scale upgradation. The relevant portion of para 3 and 4 of the O.M dated 30.03.2007 is quoted below for perusal of the Hon'ble Court.

"3. Accordingly, in respect of the officers covered under para 3 above, the 2nd financial upgradation under ACP scheme granted by DOT shall be regulated as under:-

- i) If the officer absorbed in BSNL opts to avail 2nd financial upgradation under ACP scheme granted by DOT, he/she shall have to forego the 1st IDA pay scale upgradation as on 1.10.2004 or later in terms of para 7 of promotional policy for Group 'B' level officers of BSNL circulated vide O.M No. 400-61/2004-Pers.I/308 dated 18.1.2007.
- ii) On acceptance of 2nd ACP these officers will be considered for subsequent IDA pay scale upgradation only after completion of 5 year service in the current IDA scale as provided in para 1 (I) (b) (3.2) of the Executive Promotional Policy of BSNL for subsequent IDA pay scale upgradation.

4. In respect of officers absorbed in MTNL, the same shall be regulated as per the Executive Policy of MTNL".

This decision of the BSNL authority is highly arbitrary, illegal, unfair and also discriminatory as because other similarly situated employees who has acquired eligibility for grant of 2nd ACP till 20.02.2004 have been granted the benefit of ACP in relaxation of the RR whereas present applicants have acquired eligibility in the month of June/August 2004 have been denied the benefit of 2nd ACP, whereas IDA scale have been provided by the BSNL authority to all the executive officer including the applicants as on

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01.10.2004, or later in terms of para 7 of promotional policy dated 18.01.2007. As such fixing of cut off date as on 01.10.2004 has no reasonable nexus with the grant of benefit of 2nd ACP to the present applicants. It would be evident from the order dated 24.04.03 and 02.08.03 that the batch of similarly situated employees have been granted the benefit of 2nd ACP who have acquired eligibility till 31.03.2004 i.e. prior to 4/5 months approximately when the 1st IDA pay scale upgradation granted as on 01.10.2004, whereas the present applicants have attained their eligibility much ahead of granting the 1st IDA pay scale i.e. in the month of June/August, 2004. As such there cannot be any cogent reason to deny the legitimate benefit of 2nd ACP to the present applicant, when the DOPT scheme of 09.08.1999 for grant of ACP have implemented vide order No. 2-1/99-CSE dated 03.03.2000 in respect of JTO's. Moreover, the condition No. (II) incorporated in para 3 of the impugned O.M dated 30.03.2007 is not sustainable in the eye of law in view of the reasoning assigned herein above. Therefore the O.M No. 3-2/2006-CWG dated 30.03.2007 is liable to be declared as void-ab-initio.

In view of the reason cited above, the present applicants are legally entitled to benefit of 2nd ACP in terms of DOPT O.M dated 09.08.1999 which is very much in force in the respondent Corporation more so at the relevant point of time when the present applicants attained the eligibility in August 2004, there was no promotion policy or financial upgradation. As such applicants are entitled to benefit of 2nd ACP in terms of O.M dated 09.08.1999.

Copy of the impugned letter dated 30.03.2007 is enclosed herewith and marked as Annexure- 14.

4.20 That it is stated that the Corporate Office, New Delhi vide its letter No. ACP/AD (BW-II)/2007/Pt. dated 25.06.2007, it was informed to all Chief Engineers (Civil), that consequent upon the promotion policy dated 18.01.2007, a number of representations of SDE /JTO have been forwarded to the Corporate office and also invited attention towards para (1) (d) (4) of the time bound executive promotion policy. According to their promotion policy the up gradation cases shall be reviewed at the circle level on a time bound basis. It is also stated in the said letter that implementation of ACP scheme, under paras (1) (d) (7) & (1) (d) (8) also falls under the up gradation

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scheme and is thus to be reviewed by the respective circles. Lastly it is informed in the said letter dated 25.06.2007 that no case of ACPs may be forwarded to the corporate office in future.

Copy of the letter dated 25.06.2007 is enclosed herewith as Annexure- 15.

4.21 That it is stated that the present applicants repeatedly approached the competent authorities for grant of benefit of 2nd ACP through their representations. However, the respondent did not take any further action for grant of 2nd ACP to the present applicants.

Copy of representation dated 15.12.08 and 17.12.08 are enclosed herewith and marked as Annexure- 16 and 17 respectively.

4.22 That it is stated that the General Secretary, Sanchar Nigam Executive Association (India) Central Head Quarters, New Delhi also submitted a representation addressed to General Manager (SP), Chairman ACP Committee, BSNL Corporate Office, New Delhi. In the said representation dated 10.02.2009 the Secretary General inter alia prayed for implementation of the ACP scheme as per the existing hierarchy, however it appears from the impugned letter dated 08.06.2009 that the request of the Association has not been considered and it has been confirmed by the impugned letter dated 11.02.2009 that the benefit of the 2nd ACP would be processed as per eligibility criteria of DOPT, P&T building work services Group A, RR 1994 and it is also further confirmed that the executives who are requesting for granting of 2nd ACP without fulfillment of the educational qualification, their cases would be governed and shall be reviewed as per condition laid down in the BSNL impugned letter dated 25.06.2007, in fact the prayer of the present applicants for grant of 2nd ACP have been rejected, hence the present applicants has no other alternative but to approach this Hon'ble Tribunal for redressal of their grievances. Be it stated that all the applicants are members of the executive association.

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Copy of the representation dated 10.02.2009 is enclosed as

Annexure- 18.

4.23 That the Corporate office vide its letter No. ACP/AD (BW-II)/2007 (Pt.) dated 11.02.2009 informed all the Zonal offices that in view of representations received from the executive working in the field units requesting for 2nd Financial upgradation under the ACP scheme by relaxing the educational qualification as required under the terms and conditions of ACP schemes now it has been decided that the executive can opt for ACP scheme as per eligibility criteria laid down in DOT, P& T building works services for Group-A RR 1994 are required to be followed. It is specifically indicated in clause 6 that relaxation has been granted to other similarly situated employees while granting benefit of 2nd ACP vide order dated 16.06.2002, 24.04.2003, 02.08.2003, 01.09.2003 and 20.02.2004 as an one time relaxation only and no further relaxation has been granted by the department of Telecommunication.

It is further stated that such cases if available should be reviewed at your level as per office letter dated 25.06.2007.

The above decision of the respondents communicated through impugned letter dated 11.02.2009 was again reiterated through impugned letter No. PF/Digamber Singh/AD (BW-I) dated 08.06.2009 quoting the reference of executive promotion policy dated 18.01.2007 and also DOPT clarification No. 14 on the ACP scheme issued vide letter dated 10.02.2000.

On a mere reading of the impugned letter dated 08.06.2009, it would be evident that the BSNL authority now insisting upon fulfillment of recruitment qualification laid down in RR 1994, whereas the same authority in fact granted the benefit to other similarly situated employees till 20.02.2004 without insisting for recruitment qualification. However when the same came to the notice of the authority, the BSNL authority decided to continue the benefit of 2nd ACP granting one time relaxation to some of those who already availed the benefit of 2nd ACP.

It is pertinent to mention here that the RR 1994 framed by the DOT which is still in force even after absorption of the applicants in the corporation, and the BSNL authority consciously granted the relaxation to similarly situated employees till 20.02.2004 in respect of recruitment

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qualification. But the applicants who have attained eligibility by August 2004 but much ahead of their introduction of IDA scale with the BSNL authority i.e. prior to 01.10.2004 as such there is no justifiable reason to deny the benefit of 2nd ACP to the present applicants by relaxing the recruitment qualification laid down in RR 1994. The decision communicated by the BSNL authority through impugned letter dated 25.06.2007 and 11.02.2009 and 08.06.2009 are highly arbitrary, illegal and discriminatory and the same are liable to be set aside and quashed.

Copies of the impugned letter dated 11.02.09 and letter dated 08.06.09 are enclosed as Annexure- 19 and 20 respectively.

4.24 That it is stated that on a mere reading of the impugned O.M dated 30.03.2007, it is evident that the Department of Telecommunication has decided not to withdraw the benefit of 2nd ACP already granted to the similarly situated employees vide order dated 16.09.2002, 24.04.2003, 02.08.03, 01.09.2003 and 20.02.2004 on the ground that the benefit has been extended prior to issue of order of Presidential order of Gr. 'B' officer of BSNL/MTNL as one time measure to mitigate the hardship to the officers on withdrawal at this stage which should not be construed as general relaxation. In this context it is relevant to mention here that the Presidential order of absorption as indicated in the impugned order dated 30.03.2007 has no relevancy with the extension of benefit of 2nd ACP as because all the employee of DOT were absorbed in the BSNL w.e.f. 01.10.2000 although Presidential order have been issued on subsequent dates for absorption of the employees in BSNL. Therefore the Presidential order of absorption in BSNL has no nexus with the extension of benefit of 2nd ACP to the applicants in terms of O.M dated 09.08.1999.

It is to be noted here at this stage that the department of Telecommunication vide office order dated 24.04.2003 and 02.08.2003 have granted benefit of 2nd ACP even to the employees who have attained their eligibility during the month of March, 2004. Therefore, there is no justification to deny the said benefit of 2nd ACP to the present applicants w.e.f. August, 2004 that is prior to the date of introduction of 1st IDA pay scale on 01.10.2004. As such the contention of the respondents as stated in

the impugned order dated 30.03.2007 and dated 11.02.2009 has no valid reason for denial of benefit of 2nd ACP to the present applicants in the facts and circumstances as stated above. Therefore extension of benefit of 2nd ACP to a group of similarly situated employees who were absorbed in BSNL w.e.f. 01.10.2000 like the present applicants and denial of the same to the present applicants attracts violation of Article 14 and 16 of the Constitution of India.

In the facts and circumstances as stated above the Hon'ble Tribunal be pleased to declare that the present applicants are entitled to the benefit of 2nd ACP in terms of O.M dated 09.08.1999 in the scale of pay of Rs. 10,400-15,200 with arrear monetary benefits.

4.25 That it is stated that all the applicants except applicant No. 6 were promoted in the cadre of Assistant Engineer (Civil) on ad-hoc basis, during the year 2000/2001. Thereafter they were promoted on regular basis as SDE (Civil) in the year 2006. It is specifically stated that even during the year 2000/2001 applicant No. 1 to 5 were fully qualified and eligible for regular promotion to the cadre of Asstt. Engineer (Civil) and interestingly at the time of their ad hoc promotion regular vacancies were available but the respondents in spite of availability of vacancies granted ad hoc promotion to the cadre of Asstt. Engineer (Civil) and after an abnormal delay granted regular promotion in the cadre of Assistant Engineer (Civil) during the year 2006 i.e. after a lapse of about 5/6 years. Detail particulars of the applicants are furnished hereunder with date of completion of 24 (twenty four) years of regular service.

| Sl. No | Name of applicants | Date of entry service | Date of promotion to the cadre of A. E (Civil) on ad hoc basis | Date of completion of 24 years of regular service | Date of regular promotion to the post of A.E (Civil) |
|--------|--------------------|-----------------------|--|---|--|
| 1. | Girish Ch. Das | 16.08.1980 | 27.12.2000 | 16.08.2004 | 09.06.2006 |
| 2. | D. K. Dutta | 18.08.1980 | 23.12.2000 | 18.08.2004 | 09.06.2006 |
| 3. | P.C. Dutta | 20.06.1980 | 20.09.1999 | 20.06.2004 | 09.06.2006 |
| 4. | J.S. Bhattacharjee | 20.08.1980 | 09.01.2001 | 20.08.2004 | 09.06.2006 |
| 5. | P.K. Goswami | 11.08.1980 | 17.01.2001 | 11.08.2004 | 09.06.2006 |
| 6. | S.K. Das | 19.07.1980 | | 19.07.2004 | 01.01.1997 |

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4.26 That it is stated that the decision of the respondents not to extend the benefit of 2nd ACP to the present applicants in terms of OM dated 09.08.1999 without assigning any valid reasons, such decision of the respondents is highly arbitrary and also in violation of the principles laid down in Article 14 of the Constitution of India as because the other similarly situated persons have been granted the benefit of the 2nd ACP till March, 2004 in relaxing the recruitment qualification prescribed in the relevant recruitment rules, as such there is no cogent reason to deny the benefit of the 2nd ACP to the present applicants.

4.27 That it is stated that the applicant in spite of their best efforts could not collect the office order bearing letter No. 3-1/2000-CWG dated 16.09.2002, 01.09.2003, 20.02.2004 and order No. 2-1/99-CSE dated 03.03.2000 as well as O.M dated 08.11.2006. Therefore the Hon'ble Tribunal be pleased to direct the respondents to produce the aforesaid documents for proper adjudication of the case of the applicants.

4.28 That it is stated that the applicants have no alternative remedy except approaching this learned Tribunal for redressal of their grievances, it is a fit case for this learned Tribunal to interfere with to protect the right and interest of the present applicants.

4.29 That this application is made bona fide and in the interest of justice.

5. Grounds for relief (s) with legal provisions:

5.1 For that, the denial of benefit of 2nd ACP to the present applicants in fact hits Article 14 of the Constitution of India as because similar benefit of 2nd ACP has already been extended to the other similarly situated employees of the respondents Corporation relaxing the recruitment qualification prescribed in the relevant recruitment rule.

5.2 For that, other similarly situated employees of the corporation have been extended the benefit of 2nd ACP in terms of OM dated 09.08.1999 relaxing the recruitment qualification till March, 2004 following the DOT order dated 16.06.2002, 24.04.2003, 02.08.2003, 01.09.2003 and 20.02.2004 as an one

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time relaxation as such there is no cogent reason to deny the said benefit to the present applicants who have attained their eligibility by August 2004.

- 5.3 For that, the applicants have attained eligibility by August 2004, i.e. prior to introduction of IDA pay scale which was introduced only on 01.10.2004 and as such applicants got eligibility for grant of 2nd ACP prior to the cut off date of 01.10.2004, hence the denial of benefit of 2nd ACP to the applicants is arbitrary and illegal.
- 5.4 For that the Presidential order of absorption of Gr. 'B' officers in BSNL/MTNL was issued on different dates giving effect of absorption from 01.10.2000, as such Presidential order of absorption has no nexus in fixing a cut off date for grant of 2nd ACP in terms of Govt. of India O.M dated 09.08.1999.
- 5.5 For that, no valid reason has been assigned for denial of benefits of 2nd ACP to the applicants while passing the impugned order dated 30.03.2007 as well as impugned order dated 08.06.2009 and 11.02.2009 and on that score alone the aforesaid impugned orders are liable to be set aside and quashed.
- 5.6 For that, fixing of cut off date as on 01.10.2004 has no reasonable nexus to grant the benefit of 2nd ACP to the present applicants when the other similarly situated employees of the respondent corporation have been extended the benefit relaxing the relevant recruitment qualification by the order dated 16.06.2002, 24.04.2003, 02.08.03, 01.09.2003 and 20.02.2004.
- 5.7 For that all the applicants have completed 24 years of service and thereby acquired eligibility for grant of benefit of 2nd ACP in terms of OM dated 09.08.1999 as such the denial of the said benefit to the present applicants will led to hostile discrimination.
- 5.8 For that the respondents Corporation have adopted the OM dated 09.08.1999 issued by the DOPT Government of India for extending the benefit of Assured Career Progression and the said OM dated 09.08.1999 was in force in the respondent corporation till issuance of promotion policy

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dated 18.01.2007 as such it is obligatory on the part of the respondents corporation to extend the benefit the 2nd ACP to the present applicants with all consequential monetary benefit.

5.9 For that when the cut off date was fixed on 01.10.2004 by the respondent Corporation for extending the benefit of ACP and accordingly other similarly situated employees have been granted the benefit till March 2004 therefore there is no justifiable reason to deny the benefit of 2nd ACP to the present applicants who have attained eligibility by August 2004, i.e. prior to introduction of IDA scale on and w.e.f. 1.10.2004 to the employees of Corporation.

5.10 For that as a result of denial of benefit of 2nd ACP in terms of OM dated 09.08.1999 to the present applicants, they are incurring huge financial loss each and every month while receiving their pay and allowances and as such there is a recurring cause of action till settlement of the claim of the applicants.

6. **Details of remedies exhausted.**

That the applicants declare that they have exhausted all the remedies available to and there is no other alternative remedy than to file this application.

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

The applicants further declare that they had not previously filed any application, Writ Petition or Suit before any Court or any other Authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

8. **Relief (s) sought for:**

Under the facts and circumstances stated above, the applicants humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief (s) sought for in this application shall not be granted and on

Girish Adhikar Dm

perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief (s):

- 8.1 That the Hon'ble Tribunal be pleased to set aside and quash the impugned memorandum No. 3-2/2006-CWG dated 30.03.2007 (Annexure- 14) as well as impugned order bearing No. ACP/AD(BW-II)/2007 (Pt) dated 11.02.2009 (Annexure- 19) and impugned letter No. PF/Digamber Singh/AD (BW-I) dated 08.06.2009 (Annexure- 20).
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to grant the benefit of 2nd ACP to the present applicants in the scale of pay of Rs.10000-325-15200 from the date of completion of 24 years of service in terms of O.M dated 09.8.1999 issued by the DOPT Govt. of India with arrear monetary benefit.
- 8.3 Costs of the application.
- 8.4 Any other relief (s) to which the applicants are entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicants pray for the following interim relief: -

- 9.1 That the Hon'ble Tribunal be pleased to direct the respondents that the pendency of this application shall not be a bar for the respondents for consideration of the case of the applicants for providing relief as prayed for.

10.

11. Particulars of the I.P.O

| | |
|-------------------|---------------------|
| i) I.P.O No. | : 39 G 415096 |
| ii) Date of issue | : 23.07.09. |
| iii) Issued from | : G. P. O. Guwahati |
| iv) Payable at | : G. P. O. Guwahati |

12. List of enclosures:

As given in the index.

Central Administrative Trib
केन्द्रीय प्रशासनिक न्यायालय

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I Shri Girish Chandra Das, S/o- Late Raseswar Das, aged about 53 years, working as SDE (Civil), BSNL Unit, Sub-Division-III, Panbazar, Guwahati-1, applicant No. 1 in the instant application, duly authorized by the others to verify the statements in the instant original application, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 2nd day of August, 2009.

Girish Chandra Das

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

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गुवाहाटी न्यायपीठ

रजिस्ट्री संख्या डी. प्र. - 33001/94

REGISTERED NO. DL-3300



भारत का राजपत्र The Gazette of India

प्रापिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 32
No. 32]

नई दिल्ली, रानियार, अगस्त 6, 1994/धावन 15, 1916
NEW DELHI, SATURDAY, AUGUST 6, 1994/SAKANA 15, 1916

इस भाग में भिन्न पृष्ठ संख्या वाली जाती है जिससे कि पृष्ठ असंग हक्केन के रूप में रखा जा सके।
Separate listing is given to this Part in order that it may be filed as a
separate compilation.

भाग II—संख्या 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

भारत सरकार के मंवालय (रखा मंवालय को छोड़कर) और केन्द्रीय अधिकारियों (संघ राज्य भवन प्राप्तियों को छोड़कर) द्वारा विधि के प्रत्यंगत बनाए और जारी किये गए साधारण सांविधिक नियम (जिनमें साधारण प्रकार के आदेश, उपनियम आदि सम्मिलित हैं)

General Statutory Rules (including Orders, Bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by the Central Authorities (other than the Administration of Union Territories)

Attested
Mukta
Adw

THE GAZETTE OF INDIA : AUGUST 6, 1994/SRAVANA 15, 1916 (PART II.—SEC. 3(i))

1 2 3 4

समूह "क" अधिकारियों की प्रोफ्रति के लिए

5. अधेष्ठ काल वेतनमान

- (i) सदस्य (उत्पादन) —प्रधानमंत्री नाम नहीं होता।
- (ii) अधेष्ठ उप महानिदेशक (निर्माण कार्य) —सदस्य
- (iii) मुख्य इंजीनियर (सिविल/विद्युत)/मुख्य वास्तुविद—सदस्य

(प्रत्येक प्रवासर पर सदस्य (उत्पादन) द्वारा उनमें से एक को नामनिर्दिष्ट किया जाएगा।

समूह "ख" अधिकारियों की प्रोफ्रति के लिए

6. अनिष्ट काल वेतनमान लागू नहीं होता। (i) अधेष्ठ उपमहानिदेशक (निर्माण कार्य) —प्रधानमंत्री

- (ii) मुख्य इंजीनियर (सिविल)/मुख्य इंजीनियर (विद्युत) मुख्य वास्तुविद—सदस्य
- (iii) निदेशक (निर्माण कार्य) —सदस्य

* (प्रत्येक प्रवासर पर सदस्य (उत्पादन) द्वारा उनमें से एक को नामनिर्दिष्ट किया जाएगा।

टिप्पणी : शीर्षी भर्ती किए गए व्यक्ति को पुष्टि से संबंधित विभागीय ग्रोन्टरि याविति की कार्यवाहिता, संघ नोक़ सेवा आयोग के अनुमोदनाथैं भेजी जाएंगी। किन्तु, यदि आयोग उनका अनुमोदन नहीं करता है तो विभागीय ग्रोन्टरि समिति ने वैठक संघ नोक़ सेवा आयोग के प्रधानमंत्री सदस्य की घटावता में पिर से होगी।

[नं० 24-2/91-सी०रस्य०]
कै०प० चन्द्रहासन, राज्यालय महानिदेशक (सोडस्य०)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 15th July, 1994

C.S.R. 395.—In exercise of powers conferred by the provision in article 209 of the Constitution and in supersession of the Posts and Telegraph Civil Engineering [Civil Gazetted Officers] Recruitment Rules, 1976, the Posts and Telegraph Civil Engineering [Electrical Gazetted Officers] Recruitment Rules, 1978 and Posts and Telegraph Department Civil Engineering Wing, Architects [Gazetted] Recruitment Rules, 1973 in so far as they relate to the posts mentioned in Schedule 1 to this notification except as respects things done or omitted to be done before such supersession, the President hereby makes the following rules regulating the method of recruit-

ment to certain Group 'A' posts relating to Posts and Telegraph, namely :—

1. Short title and commencement :—(1) These rules may be called the 'Posts & Telegraph Building Works (Group 'A') Service Rules, 1994.'
- (2) They shall come into force on the date of their publication in the Official Gazette.
2. Definitions :—In these rules, unless the context otherwise requires :—
 - (a) "Commission" means the Union Public Service Commission;
 - (b) "Controlling Authority" means the Government of India in the Ministry of Communications;

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[বন্ধ ১]-৬৪ ৩ (১))

বিত্ত কাৰ্যালয়: মার্চ ৬, ১৯৫৪/ক্ষেত্ৰ ১৫, ১৯৫৪

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(c) "Departmental Promotion Committee" means a Group 'A' Departmental Promotion Committee specified in Schedule-VI;

(d) "Duty Post" means any post included in Schedule-I;

(e) "Government" means the Government of India;

(f) "Grade" means a grade of the Service;

(g) "Regular Service" in relation to any grade means the period of service in that grade rendered after selection on a regular basis according to the prescribed procedure for long-term appointment to that grade and includes any periods :—

(i) taken into account for purposes of seniority of those appointed at the initial constitution of the Service;

(ii) during which an officer would have held a duty post in that grade but for being on leave or otherwise not being available for holding such post;

(h) "Schedule" means a schedule annexed to these Rules;

(i) "Scheduled Castes and Scheduled Tribes" shall have the same meaning as assigned to them respectively in Clauses (24) and (25) of Article 366 of the Constitution;

(j) "Service" means the Posts & Telegraph Building Works (Group 'A') Service.

3. Constitution of the Posts & Telegraph Building Works (Group 'A') Service :—(i) There shall be constituted a Service known as "the Posts & Telegraph Building Works (Group 'A') Service" consisting of persons appointed to the Service under rules 6 and 7.

(2) Notwithstanding anything contained in sub-rule (i) the classified as Group 'A' posts.

(3) The Service shall have three sub-cadres, viz: Civil Engineers, Electrical Engineers and Architects.

4. Grade, strength and its review :—(1) The duty posts included in the various grades, their numbers and scales of pay on the date of commencement of these rules shall be as specified in Schedule-I.

(2) Notwithstanding anything contained in sub-rule (i), the Government may :—

(a) from time to time, make temporary additions or alterations to the duty posts in various grades;

(b) in consultation with the Commission, include in the Service such posts as can be deemed to be equivalent to the posts included in the Service in status, grade, pay scale and professional content or exclude from the Service a duty post already included in the Service; and

(c) in consultation with the Commission, appoint an officer in a duty post included in the Service under clause (b) to the appropriate grade in a temporary capacity or in a substantive capacity and fix his seniority in the grade after taking into account continuous regular service in the analogous grade.

5. Members of the Service :—(1) The following persons shall be the members of the Service :—

(a) persons appointed to duty posts under rule 6; and

(b) persons appointed to duty posts under rule 5.

(2) A person appointed under clause (a) of sub-rule (1) shall, on such appointment, be deemed to be the member of the Service in the appropriate grade applicable to him in Schedule-I.

(3) A person appointed under clause (b) or sub-rule (1) shall be the member of the Service in the appropriate grade applicable to him in Schedule-I from the date of such appointment.

6. Initial Constitution of Service :—(1) All existing officers holding Group 'A' duty posts on regular basis in the Post & Telegraph Civil Wing on the date of commencement of these rules shall be members of the Service in the respective grade.

(2) The regular continuous service of officers referred to in sub-rule (1) before the commencement of these rules shall count for purpose of probation, qualifying service for promotion, confirmation and pension in the service.

(3) To the extent the Controlling Authority is not able to fill authorized regular strength of various grades in accordance with the provisions of this rule, the same shall be filled in accordance with the provisions of rules 7 and 8.

7. Future maintenance of the Service :—(1) The vacant duty posts in any of the grades referred to in Schedule-I, after the initial constitution under rule 6, shall be filled in the manner provided in this rule.

(2) All the vacancies in the grade of Assistant Executive Engineer in the Civil and Electrical sub-cadres shall be filled by direct recruitment on the basis of the results of the Combined Engineering Services Examination conducted by the Commission, on the basis of educational qualification and age limit specified in Schedule-II.

(3) The vacancies in the grade of Deputy Architect shall be filled by direct recruitment through Union Public Service Commission from amongst persons who possess the minimum educational qualifications and age limit specified in Schedule-III.

(4) Appointments in the Service to the posts in the Senior Time Scale (Executive Engineer/Architect) and above shall be made by promotion from amongst the officers in the next lower grade with minimum qualifying service as specified in Schedule-IV. The promotion from one grade to another shall be within the respective sub-cadres upto and including the S.A.G. level i.e. Chief Engineer/Chief Architect.

(5) The selection of officers for promotion shall be made by selection on merit except in the following cases :—

(a) Promotion of Assistant Executive Engineer (Civil/Electrical) and Deputy Architect to the post of Executive Engineer (Civil/Electrical) and Architect respectively shall be in the order of seniority subject to the rejection of the unfit.

(b) Selection of Superintending Engineer (Civil/Electrical) and Senior Architect for promotion to the post of Superintending Engineer (Selection Grade) and Senior Architect (Selection Grade) shall be made in the order of their seniority based on their suitability taking into account, the overall performance, experience and other related matters, as per the guidelines issued by the Government from time to time.

(c) The selection in each case under sub-rule (5) shall be on the recommendations of the Departmental Promotion Committee constituted in accordance with Schedule-VI.

If any officer appointed to any post in the service is considered for the purpose of promotion to the higher post, all persons senior to him in the grade shall also be considered notwithstanding that they do not fulfil the prescribed eligibility service, if the shortfall is not more than one year and provided they have successfully completed their probation period.

8. Filling of Duty Posts by deputation or short-term contract.—(a) Notwithstanding anything contained in rule 7, where the Government is of the opinion that it is necessary or expedient so to do, it may for reasons to be recorded in writing and in consultation with U.P.S.C. fill a duty post in any grade by transfer or deputation including short-term contract for a period not exceeding 3 years which may in special circumstances be extended upto 5 years as the Government may fit. The qualifications, experience and the eligibility service required in each case and the sources from which officers will be taken are specified in Schedule-V.

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The officers appointed to any grade by deputation or part-contract will not be included in the seniority list of the respective grade nor will they be eligible for being considered for promotion under rule 7.

9. Seniority.—(1) The relative seniority of members of the Service appointed to a grade in the respective sub-cadres, at the time of initial constitution of the Service under rule 6, shall be as obtaining on the date of commencement of these rules.

Provided that if the seniority of any such member had not been specifically determined on the said date, the same shall be as determined on the basis of the rules governing the fixation of seniority as were applicable to the members of the Service prior to the commencement of these rules.

(2) The seniority of persons recruited to Service after the initial constitution shall be determined in accordance with the general instructions issued by the Government in the matter from time to time.

(3) In cases not covered by sub-rules (1) and (2) seniority shall be determined by the Government in consultation with the Commission.

10. Probation:—(1) Every officer on appointment to the Service by direct recruitment in the grade of Assistant Executive Engineer (Civil/Electrical) and Deputy Architect shall be on probation for a period of 2 years. Every Assistant Engineer and Assistant Architect promoted as Executive Engineer (Civil/Electrical) and Architect respectively shall also be on probation for a period of 2 years.

Provided that the Controlling Authority may extend the period of probation in accordance with the instructions issued by the Government from time to time in this behalf;

Provided further that any decision for extension of probation period shall be taken immediately after the expiry of initial period of probation and ordinarily within eight weeks and communicated in writing to the concerned officer together with the reasons for so doing within the said period.

(2) On completion of the period of probation or of any extension thereof, officers shall, if considered fit for permanent appointment, be confirmed in terms of the extent orders of the Government.

(3) If, during the period of probation or any extension thereof, as the case may be, Government is of the opinion that an officer is not fit for permanent appointment Government may discharge the officer or revert him to the post held by him prior to his appointment in the Service, as the case may be.

(4) During the period of probation or any extension thereof, an officer may be required by Government to undergo such courses of training or to pass such examinations or tests (including examination in Hindi) as the Government may deem fit, as condition for satisfactory completion of probation.

(5) As regards other matters relating to probation, the members of the Service will be governed by the orders or

Instructions issued by the Government in this regard from time to time.

11. Appointment to the Service.—All appointments to the Service shall be made by the Controlling Authority for all the duty posts in various sub-cadres and grades of the Service.

12. Posting.—Officers appointed to the Service shall be liable to serve anywhere in India or abroad.

13. Liability to serve for Defence Services or posts connected with Defence:—Any officer appointed to the Service, if so required, shall be liable to serve in any Defence Service or post connected with the defence of India, for a period of not less than four years including the period spent on training, if any. Provided that such officer—

(a) shall not be required to serve as aforesaid after the expiry of ten years from the date of appointment to the Service or from the date of his joining prior to the initial constitution of the Service;

(b) shall not ordinarily be required to serve as aforesaid if he has attained the age of forty years.

14. Disqualification:—No person:—

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment in the Service.

Provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

15. Other conditions of Service:—The condition of service of members of the Service in respect of matters for which no specific provision has been made in these rules, shall be the same as are applicable, from time to time, to officers of equivalent rank of the Central Government.

16. Power to relax:—Where the Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons.

17. Saving:—Nothing in these rules shall affect reservations, relaxation in age limit and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Government from time to time in this regard.

18. Interpretation:—If any question arises relating to the interpretation of these rules, it shall be decided by the Government in consultation with the Commission.

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(b) At least 5 years experience in Architectural planning and design of institutional and technical buildings.

Note :—

1. The period of deputation including the period of deputation in another ex-cadre post held immediately preceding the appointment, in the same or some other organisation/Dept. of the Central Government shall ordinarily not exceed :—

- (i) 5 years if the post held is Sr. Deputy Director General (Building Works) or Chief Engineer (Civil/Electrical) or Chief Architect.
- (ii) 4 years if the post held is Superintending Engineer/Superintending Surveyor of Works (Civil/Electrical) or Senior Architect.
- (iii) 3 years if the post held is Executive Engineer/Surveyor of Works (Civil/Electrical) and Architect.

SCHEDULE- I

[See rule(7(5))]

Composition of Group 'A' Departmental Promotion Committee for considering cases of promotion and confirmation of Group 'A' posts included in the P&T Building Works [Group 'A'] Service.

| Sl. No | Grade | Group 'A' DPC [for considering promotion] | Group 'A' DPC [for considering confirmation] |
|--|--------------------------|--|--|
| 1. | Sr. DDG(BW) | (i) Chairman or Member of UPSC (ii) Member [Production] (iii) Member [Services] | —Chairman —Member —Member |
| 2. | S.A.G. | (i) Chairman or Member of UPSC (ii) Member [Production] (iii) Sr. D.D.G (BW) | —Chairman —Member —Member |
| 3. | J.A.G. [Selection Grade] | (i) Member [Production] (ii) Sr. D.D.G. [BW] | —Chairman —Member |
| 4. | J.A.G. | (i) Chairman or Member of UPSC (ii) Member [Production] (iii) Sr. D.D.G (BW) | —Chairman —Member —Member |
| 5. | S.T.S. | For Promotion of Group 'A' Officers (i) Member [Production] (ii) Sr. D.D.G (BW) (iii) Chief Engineer [Civil/Elect.] Chief Architect* | —Chairman —Member —Member |
| *[One of them being nominated by Member (Production) on each occasion] | | | |
| For promotion of Group 'B' Officers | | | |
| | | (i) Chairman or Member of UPSC (ii) Sr. D.D. G (BW) (iii) Chief Engineer [Civil/Elect.] Chief Architect* | —Chairman —Member —Member |
| *[One of them being nominated by Member (Production) on each occasion] | | | |
| 6. | Junior Time Scale | Not Applicable | (i) Sr. DDG [BW] (ii) Chief Engineer [Civil/Electrical] Chief Architect* (iii) Director [BW] |
| | | | —Chairman —Member —Member |
| *[One of them being nominated by Member (Production) on each occasion] | | | |

Note :—The proceedings of the DPC relating to confirmation of a direct recruit shall be sent to the Commission for approval. If however, these are not approved by the Commission a fresh meeting of the DPC to be presided over by the Chairman or a Member of the UPSC shall be held.

[No. 24-2/91-C.W.G]

K.S. CHANDRAHASAN, Assistant Director (Civil) (C.W.)

Central Adminis
केन्द्रीय प्रशासनिक
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[পাতা ১১-ষষ্ঠী (১)]

ভাৰত কাৰ্যসূচী সমষ্টি ১৪৯৪/১০১৫, ১০১০

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SCHEDULE I

[See Rule 4(1)]

Number, Number and Scale of Pay of Duty Posts included in the P&T Building Works (Group 'A') Services.

| Name of post | No. of Posts* | Total | | Scale of Pay |
|---|---------------|----------------------|------------------|-------------------------------|
| | | Dept. of Telecom. | Dept. of Post | |
| 1 | 2 | 3 | 4 | 5 |
| [A] Senior Deputy Director General (Building Works). | 1 | — | — | Rs. 7300-100-7600. |
| [B] Civil Engineers: | | | | |
| 1. Chief Engineer (Civil)/Arbitrator | 6 | 2 | 8 | Rs. 5900-200-6700. |
| 2. Superintending Engineer (Civil)/Superintending Surveyor of Works (Civil)/Superintending Engineer (HQ)/Director (Building Works) (Selection Grade). | | | | Rs. 4500-150-5700. |
| 3. Superintending Engineer (Civil)/Superintending Surveyor of Works (Civil)/Superintending Engineer (HQ)/Director (Building Works). | 27 | 9 | 36 | Rs. 3700-125-4700-150-5000. |
| 4. Executive Engineer (Civil)/Surveyor of Works (Civil) | 94 | 32 | 126 | Rs. 3000-100-3500-125-4500. |
| 5. Assistant Executive Engineer (Civil). | — | — | 49 | Rs. 2200-75-2800-EB-100-4000. |
| [C] Electrical Engineers: | | | | |
| 1. Chief Engineer (Electrical) | 2 | — | 2 | Rs. 5900-200-6700. |
| 2. Superintending Engineer (Electrical)/Superintending Surveyor of Works (Electrical) (Selection Grade). | | | | Rs. 1500-150-5700. |
| 3. Superintending Engineer (Electrical)/Superintending Surveyor of Works (Electrical). | 11 | 2 | 13† | Rs. 1700-125-4700-150-5000. |
| 4. Executive Engineer (Electrical)/Surveyor of Works (Electrical). | 54† | 6 | 62 | Rs. 1000-100-3500-125-4500. |
| 5. Assistant Executive Engineer (Electrical). | — | — | 12 | Rs. 2200-75-2800-EB-100-4000. |
| [D] Architects: | | | | |
| 1. Chief Architect | 2 | — | — | Rs. 5900-200-6700. |
| 2. Senior Architect (Selection Grade). | | | 2 | Rs. 4500-150-5700. |
| 3. Senior Architect | 6 | 3 | 9† | Rs. 3700-125-4700-150-5000. |
| 4. Architect | 20 | 8 | 28 | Rs. 3000-100-3500-125-4500. |
| 5. Deputy Architect | 14 | 6 | 20 | Rs. 2200-75-2800-EB-100-4000. |

*In 1992, subject to variation dependent on workload.

† One post held in abeyance.

Includes Selection Grade posts also.

The Junior Administrative Grade (Selection Grade) is Non-Functional Grade and the maximum number of posts in this Grade shall be equal to 15% of the Senior Duty posts (i.e. all duty posts at the level of Senior Time Scale and above in the cadre) and the number of posts in the Selection Grade will be limited to the number of posts sanctioned in Junior Administrative Grade.

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SCHEDULE II

(See Sub-rule (2) of Rule 7)

Minimum educational qualifications and age limits for direct recruitment to posts of Assistant Executive Engineer (Civil) (इंजिनियर) included in the Posts and Telegraphs Building Works (Group 'A') Service on the results of the competitive examination to be conducted by the Union Public Service Commission.

A candidate—

1. Shall possess a Degree in Engineering from :—
 - (i) a University incorporated by an Act of the Central or State Legislature in India; or
 - (ii) an educational institution established by an Act of Parliament or declared to be deemed as a University under Section 2 of the University Grants Commission Act, 1956; or
 - (iii) possessing such other qualifications as have been recognised by Government of India for the purpose of admission to the examination; or
 - (iv) a Degree/Diploma in Engineering from such foreign Universities, Colleges or Institutions and under such conditions as may be recognised by Government for the purpose from time to time.
2. Shall have attained the age of 20 years and must not have attained the age of 28 years as on first day of August of the year in which the examination is held.

Note 1.:

In exceptional cases, the Commission may admit a candidate not possessing any of the above qualifications as educationally qualified provided that the Commission is satisfied that he has passed examinations conducted by other institution, the standard of which, in the opinion of the Commission, justifies his admission to the Examination.

Note 2.:

A candidate who is otherwise qualified by virtue of his having taken a Degree from a foreign University which is not recognised by Government, may also apply to the Commission and may be admitted to the examination at the discretion of the Commission.

SCHEDULE-III

(See rule 7(3))

(1) A candidate for the post of Deputy Architect shall—

- (1) possess Bachelor's degree in Architecture or equivalent professional qualifications of recognised University or Institution; and
- (2) be registered as Architect with the Council of Architecture under the Architects Act, 1972.

Note 1.:

A candidate who possesses a degree from a foreign University which is not recognised by Government may also apply provided he is registered as Architect with Council of Architecture under the Architects Act, 1972.

Note 2.:

The qualifications are relaxable at the discretion of the Commission in case of candidates otherwise well qualified.

[B] Age of such candidates shall not exceed 35 years (relaxable for Government servants, upto 5 years in accordance with the instructions or orders issued by the Government).

Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (and not the closing date prescribed for those in Assam, Meghalaya, Arunachal Pradesh, Mizoram, Manipur, Nagaland, Tripura, Sikkim, Ladakh Division of J&K State, Lahul & Spiti district and Paong sub-division of Chamba district of Himachal Pradesh, Andaman and Nicobar Islands and Lakshadweep).

SCHEDULE-IV

(See Rule 7(4))

Method of recruitment, field of promotion and minimum qualifying service in the next lower grade for appointment of officers on promotion to duty posts included in the various grades of the Posts and Telegraphs Building Works (Group 'A') Service.

| Sl. No. | Grade (Duty posts) | Method of Recruitment | Field of selection and minimum qualifying service for promotion |
|------------|-----------------------|-----------------------|---|
|------------|-----------------------|-----------------------|---|

PART-I SENIOR DEPUTY DIRECTOR GENERAL (BW)

1. Sr. Deputy Director General (BW)
Rs. 7300-100-7600
By promotion.

Officers in Senior Administrative Grade in all the 3 subgrades viz; Civil, Electrical and Architectural with 3 years regular service in the grade.

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| 1 | 2 | 3 | 4 |
|----|---|---|--|
| 2. | Chief Engineer [(C)/ Arbitration]. | Degree in Civil Engg. from a recog- nised University | Officers under the Central Govt. failing which officers of the State Governments :— (a)(i) Holding analogous posts on regular basis; or (ii) with 8 years of regular service in posts in the pay scale of Rs. 3700-5000; and (b) At least 15 years experience in design and construction of buildings. |
| 3. | Superintending Engineer [Civil/Superintending Surveyor of Works (Civil)/Director [Building Works]. | Degree in Civil Engg. from a recogni- sed University. | Officers under the Central Govt. failing which officers of the State Governments :— (a)(i) Holding analogous posts on regular basis; or (ii) with 5 years of regular service in the pay scale of Rs. 3000-4500 or equivalent; and (b) At least 8 years experience in design and construction of buildings. |
| 4. | Executive Engineer; (Civil)/Surveyor of Works(Civil)/Deputy Director [Trg.],-Advanced Level-Telecommunication Training Centre. | Degree in Civil Engg. from a recogni- sed University. | Officers under the Central Govt. failing which officers of the State Governments :— (a)(i) Holding analogous posts on regular basis; or (ii) with 5 years of regular service in posts in the pay scale of Rs. 2200-4000 or equi- valent; or (iii) with 8 years regular service in posts in the pay scale of Rs. 2000-3500 or equi- valent; and (b) At least 5 years experience in design and construction of buildings. |
| 5. | Chief Engineer (Electrical). | Degree in Electrical Engineering from a recognised University. | Officers under the Central Govt. failing which officers of the State Government :— (a)(i) holding analogous posts on regular basis or (ii) with 8 years of regular service in JAG; and (b) At least 15 years experience in design and installation of electromechanical ser- vices such as AC plant, Lifts, sub-stations generating sets; etc. |
| 6. | Superintending engineer (Elect./Superintending Surveyor of Works(E). | Degree in Electrical Engineering from a recognised University. | Officers under the Central Govt. failing which officers of the State Govern- ments :— (a)(i) holding analogous posts on regular basis; or (ii) with 5 years of regular service in the pay scale of Rs. 3000-4500 or equivalent and (b) At least 8 years experience in design and installation of electromechanical ser- vices such as AC plant, Lifts, sub-stations, generating sets etc. |

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THE GAZETTE OF INDIA : AUGUST 6, 1994/SRAVANA 15, 1916 (PART II—SEC. 3(i))

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PART-III ELECTRICAL ENGINEERS

1. SAG [Chief Engineer
(Electrical)].
Rs. 5900-200-6700.

By promotion.

Officers in the JAG [SE(E)/SSW(F)] with 8 years regular service in the grade including service, if any, in the non-functional selection grade or 17 years regular service in Group 'A' posts in the Service out of which at least 4 years regular service should be in JAG.

2. JAG [Selection Grade]
Rs. 4500-150-5790.

By appointment on the basis of seniority based on suitability taking into account the overall performance, experience and any other related matters.

(i) Officers in JAG who have entered the 14th year of Group 'A' service as on 1st July of the year following the year of selection through which the member was appointed/recruited to Group 'A' posts.
(ii) Officers in JAG who have entered into STS Group 'A' by promotion from a Group 'B' post with 9 years of combined regular service in STS and JAG.

3. JAO [SE(E), SSW(E)]
Rs. 3700-125-4700-
150-5100.

By promotion.

Officers in the Sr. Time Scale [EE(E)/
SW(E)] with 5 years regular service in the grade.

4. Sr. Time Scale [EE(E)/
SW(E)] Rs. 3000-100-
3500-125-4500.

By promotion.

(i) 50% from Asstt. Executive Engineers (Elect.) who have completed probation and have rendered not less than 4 years regular service in the grade on the basis of seniority-cum-fitness;
(ii) 50% from Asstt. Engineers (Elect.)/
Asstt. Surveyor of Works (Elect.)/Engineering Assistant (Elect.) who have completed probation and have rendered not less than 9 years regular service in the grade and possess a degree in engineering or equivalent.

Note : However, the existing incumbents holding the post of Asstt. Engineer (Elect.) on a regular basis on the date of notification of these recruitment rules shall continue to be eligible for promotion to the post of Executive Engineer (Elect.) if they possess a Diploma in Elect. Engg. from a recognised University/Institution or equivalent and 8 years regular service in the grade.

5. JTS [Asstt. Executive
Engineer (Elect.)].
Rs. 2200-125-2800-100-
100-4000.

By direct recruitment through Engineering services Examination conducted by the Commission.

1. SAG [Chief Architect]
Rs. 5900-200-6700.

By promotion

PART-IV ARCHITECTS

Officers in the JAG [Sr. Architect] with 8 years regular service in the grade including service, if any, in the non-functional selection grade or 17 years regular service in Group 'A' posts in the Service out of which at least 4 years regular service should be in JAG.

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(संग्रहीत दिनांक)

प्रकाशित दिनांक: १०.१.२०१०/प्रकाश १६-१८१०

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PART-II CIVIL ENGINEERS

1. SAG [CE (Civil)]
Rs. 5900-200-6700

By promotion

Officers in JAG [SE(Civil)/SSW (Civil)/
SE (HQ)/Dir. (BW)] with 8 years regular
service in the grade [including service if
any in non-function selection grade] or 17
years regular service in Group 'A' posts in
the service out of which atleast 4 years
regular service should be in JAG.

2. JAG (Selection Grade)
Rs. 4500-150-5700.

By appointment on the basis of seniority
based on suitability taking into
account the overall experience and
other related matters as fixed by the
Government.

(i) Officers in JAG who have entered the
14th year of Group 'A' service as on
1st July of the year calculated from the
year following the year of selection
through which the member was
appointed/recruited to Group 'A' posts.

(ii) Officers in JAG who have entered
into STS Group 'A' by promotion
from a Group 'B' post, with 9 years
of regular combined service in STS
and JAG.

3. JAG [SE(C)/SSW(C)/SE
(HQ)/Dir(BW)].
Rs. 3700-125-4700-
150-5000.

By promotion.

Officers in the Sr. Time Scale (Executive
Engineer (C)/Surveyor of Works(C) with 5
years regular service in the grade).

4. STS (Executive Engi-
neer (C)/Surveyor of
Works (Civil)).
Rs. 3000-110-7500-
125-4500.

By promotion

(i) 50% from Asstt. Executive Engineers
(Civil) who have completed probation and
have rendered not less than 4 years regular
service in the grade on the basis of seniority-
cum-fitness;

(ii) 50% from Asstt. Engineers (Civil)
Asstt. Surveyor of Works ((Civil) Engg.
Asstt.(Civil) who have completed probation
and have rendered not less than 8 years
regular service in the grade and possess a
degree in engineering or equivalent.

Note : However, the existing incumbents
holding the post of Assistant Engineer
(Civil) on a regular basis on the date of
notification of these recd. rules shall
continue to be eligible for promotion to the
post of Executive Engineer if they possess
a Diploma in Civil Engg. from a recognised
University/Institution or equivalent and 8
years regular service in the grade.

5. JTS Asstt. (Executive
Engineer (Civil))
Rs. 2200-7-2800-EB-
100-4000.

By direct recruitment through Engineering
Services Examination conducted
by the Commission.

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[प्राप्ति II-वर्ण 3(i)]

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2. JAG (Selection Grade)
Rs. 4500-120-5700.

By appointment on the basis of seniority based on suitability taking into account the overall performance, experience and any other related matters.

(i) Officers who have entered the 14th year of service as on 1st July of the year calculated from the year following the year of selection through which the member was appointed/recruited to group 'A' posts.

(ii) Officers in JAG who have entered into STS Group 'A' by promotion from a Group 'B' post, with 9 years of combined regular service in STS and JAG.

Officers in the Sr. Time Scale [Architects] with 5 years regular service in the grade.

3. JAG [Sr. Architect]
Rs. 3700-125-4700-
150-5000.

By promotion.

(i) 50% from Deputy Architects with 4 years service in the grade.
(ii) 50% from Asstt. Architects Group 'B' with 8 years regular service in the grade and who possess a degree in Architecture or equivalent.

Note : However, the existing incumbents holding the post of Asstt. Architect on a regular basis on the date of notification of these Recruitment Rules shall continue to be eligible for promotion to the post of Architect if they possess a Diploma in Architecture or equivalent from a recognised University/Institution and 8 years regular service in the grade.

4. STS [Architect]
Rs. 3000-100-3500-
120-4500.

By promotion

5. Deputy Architect.
Rs. 2200-75-2800-EB-
100-4000.

By direct recruitment through UPSC.

SCHEDULE-V

[See Rule 8]

Sources of deputation and the recruitment of qualification and experience of the deputationists.

| Sl. No. | Name of post | Minimum educational qualification | Eligibility recruitment |
|---------|---|--|--|
| 1. | Sr. Dy. Director General [Building Works] | Degree in Civil Engg./Electrical Engg./ Architecture from a recognised Uni- versity. | Officers under Central Government :— (a)(i) Holding analogous posts on regular basis; or (ii) With 3 years regular service in posts in the scale of Rs. 5900-6700; and (b) Atleast 20 years experience in building construction activities such as architectural planning and designs, structural design, execution of works, electro-mechanical services, etc. |

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General Report

[क्रम II-प्रति (i)]

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|--|--|---|
| 7. Executive Engineer (Electrical)/Surveyor of Works(E). | Degree in Electrical Engineering from a recognised University. | Officers under the Central Govt. failing which officers of the State Governments :— (a)(i) holding analogous posts on regular basis; or (ii) with 5 years of regular service in the pay scale of Rs. 2200-4000 or equivalent; or (iii) With 8 years of regular service in the pay scale of Rs. 2000-3500 or equivalent; and (b) At least 5 years experience in design and installation of electro mechanical ser- vices such as AC plant, Lifts, sub-stations, generating sets etc. |
| 8. Chief Architect | Degree in Architecture from a recog- nised University or equivalent and re- gistration as Architect with the Council of Architects. | Officers under the Central Govt. failing which officers of the State Governments— (a)(i) holding analogous posts on regular basis; or (ii) with 8 years of regular service in JAG; and (iii) At least 15 years experience in Archi- tectural planning and design of institutional and technical buildings. |
| 9. Senior Architect | Degree in Architecture from a recog- nised University or equivalent and registration as Architect with the Council of Architects. | Officers under the Central Govt. failing which officers of the State Governments :— (a)(i) holding analogous posts on regular basis; or (ii) with 5 years of regular service in the pay scale of Rs. 3000-4500 or equivalent; and (b) At least 8 years experience in Archi- tectural planning and design of institutional and technical buildings. |
| 10. Architect | Degree in Architecture from a recog- nised University or equivalent and re- gistration as Architect with the Council of Architects. | Officers under the Central Govt. failing which officers of the State Governments :— (a)(i) holding analogous posts on regular basis; and (ii) with 5 years of regular service in the pay scale of Rs. 2200-4000 or equivalent; or (iii) with 8 years regular service in the pay scale of Rs. 2000-3500 or equivalent; and |

Attested
Anita
Pawar

No.35034/1/97-Estt(D)
 Government of India
 Ministry of Personnel, Public Grievances and Pensions
 (Department of Personnel and Training)

North Block, New Delhi 110001

August 9, 1999

OFFICE MEMORANDUM

**Subject:- THE ASSURED CAREER PROGRESSION SCHEME FOR
 THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.**

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in all Ministries/Departments. The ACP Scheme needs to be viewed as a 'Safety Net' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain *modifications* as indicated hereunder:-

2. GROUP 'A' CENTRAL SERVICES

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

**3. GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED
 POSTS IN GROUP 'A', 'B', 'C' AND 'D' CATEGORIES**

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant two financial upgradations [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)] under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of 12 years and 24 years (subject to condition no.4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the conditions mentioned in Annexure-I.

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Attested
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Central Administrative Tribunal
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3.2 'Regular Service' for the purpose of the ACP Scheme shall be interpreted to mean the eligibility service counted for regular promotion in terms of relevant Recruitment/Service Rules.

4. Introduction of the ACP Scheme should, however, in no case affect the normal (regular) promotional avenues available on the basis of vacancies. Attempts needed to improve promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre reviews, etc as per prescribed norms should not be given up on the ground that the ACP Scheme has been introduced.

5. Vacancy based regular promotions, as distinct from financial upgradation under the ACP Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

6. SCREENING COMMITTEE

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The composition of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modification as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year – preferably in the first week of January and July for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January 1999 would process the cases that would attain maturity during the period April 1, 1999 to September 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authorities shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

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Guwahati Branch
Tribunal of India

Ministries/Departments are advised to explore the possibility of effecting savings so as to minimise the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

9. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of doctors. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-I).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground situation obtaining in services/cadres/ posts within their administrative jurisdiction;

13. Hindi version would follow.

Arbo

(K.K. JHA)

Director(Establishment)

To

1. All Ministries/Departments of the Government of India
2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/
3. Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/
4. UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi
5. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions
6. Secretary, National Commission for Minorities
7. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
8. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
9. All Staff Side Members of the National Council (JCM)
10. Establishment (D) Section - 1000 copies

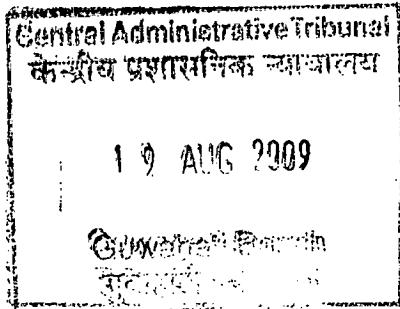
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Central Administrative Tribunal
केन्द्रीय अधिकारी विभाग नियन्त्रण बोर्ड

19 AUG 2009

CONDITIONS FOR GRANT OF BENEFITS
UNDER THE ACP SCHEME

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;
2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;
3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;
4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;
- 5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;
- 5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;
6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with retention of old designations, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;



Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay-scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay.I dated July 5, 1997. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade;

.....6 ..

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

19 AUG 2009

Guwahati Bench

नगर नियन्त्रण बोर्ड

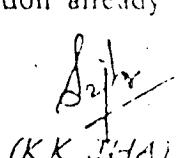
11. In the matter of disciplinary/penalty proceedings, grant of benefits under the Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;

12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in-promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;

13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

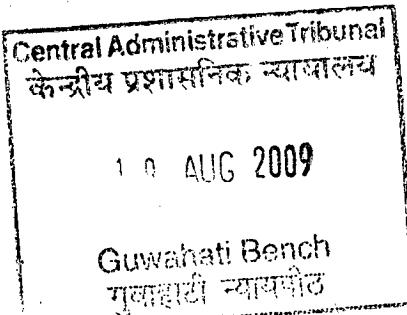
14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and

15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.



(K.K. JHA)

Director(Establishment)



ANNEXURE-II

62

STANDARD/COMMON PAY-SCALES

As per Part-A of the First Schedule Annexed to the Ministry of Finance
(Department of Expenditure) Gazette Notification dated September 30, 1997

[REFERENCE PARA 7 OF ANNEXURE I OF THIS OFFICE; MEMORANDUM]

| S.No. | Revised pay-scales (Rs) | |
|-------|-------------------------|----------------------|
| 1. | S-1 | 2550-55-2660-60-3200 |
| 2. | S-2 | 2610-60-3150-65-3540 |
| 3. | S-3 | 2650-65-3300-70-4000 |
| 4. | S-4 | 2750-70-3800-75-4400 |
| 5. | S-5 | 3050-75-3950-80-4590 |
| 6. | S-6 | 3200-85-4900 |
| 7. | S-7 | 4000-100-6000 |
| 8. | S-8 | 4500-125-7000 |
| 9. | S-9 | 5000-150-8000 |
| 10. | S-10 | 5500-175-9000 |
| 11. | S-12 | 6500-200-10500 |
| 12. | S-13 | 7450-225-11500 |
| 13. | S-14 | 7500-250-12000 |
| 14. | S-15 | 8000-275-13500 |
| 15. | S-19 | 10000-325-15200 |
| 16. | S-21 | 12000-375-16500 |
| 17. | S-23 | 12000-375-18000 |
| 18. | S-24 | 14300-400-18300 |

Central Administrative Tribunal
केन्द्रीय अधिकारी न्यायालय

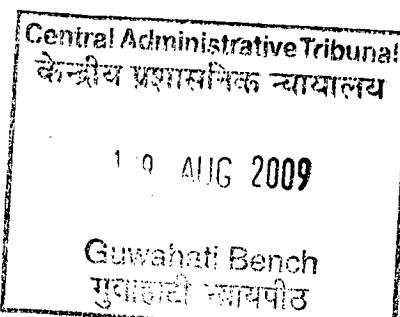
19 AUG 2009

Chairman Bench
Chairman, 12th Bench

MAIN FEATURES OF THE ASSURED CAREER PROGRESSION SCHEME

The main features of the Assured Career Progression Scheme are:-

- (i) It is financial upgradation not promotion.
- (ii) It has no relation with vacancies.
- (iii) Normal (Regular) promotion on the basis of vacancies will continue to be granted as per relevant rules, when vacancies in higher grade arise.
- (iv) Cadre Review will not cease.
- (v) The benefit is on personal basis.
- (vi) Two financial upgradations under the ACP Scheme shall be available on completion of 12 years and 24 years of regular service respectively.
- (vii) If the first upgradation gets postponed on account of the employee not found fit due to Departmental proceedings etc. this would have consequential effect on the second upgradations.
- (viii) If an employee has already got one regular promotion, he shall qualify for the first financial upgradation on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on regular basis have already been received by an employee, no financial benefit under the scheme shall accrue to him.
- (ix) Departmental Screening Committees (same as DPCs) to process cases.
- (x) Screening to be held twice a year - Jan and Jul in advance. First screening to be done within one month of the issue of the order for cases maturing upto 31 March 2000.
- (xi) Scheme to be operational w.e.f. 09 Aug 99.



(xii) Upgradation to be given to the next higher grade in accordant with existing hierarchy in the Cadre. In case of isolated posts where there is no hierarchy, upgradation should be given in the next higher scale as per standard pay scales recommended by Fifth CPC.

(xiii) On financial upgradation, the concerned employee will continue to retain old designation and perform such duties as entrusted to the employee.

(xiv) The ACP Scheme will be restricted to financial and certain other benefits like House Building Advance, Allotment of Government Accommodation, Advances etc. only. This will not confer any privilege related to higher status e.g. deputation to higher posts etc.

(xv) On upgradation under ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I)(a)(1) subject to a minimum financial benefit of Rs.100. The financial benefit allowed under the ACP Scheme shall be final and no fixation benefit will accrue at the time of regular promotion.

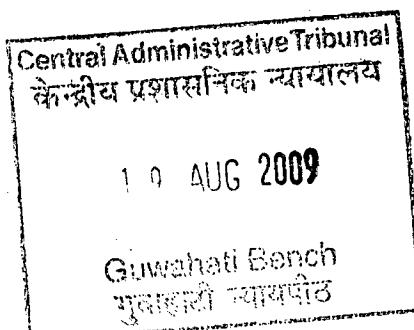
(xvi) In the matter of Disciplinary Penalty proceedings, grant of benefits under the ACP Scheme will be subject to rules governing normal promotion.

(xvii) Orders regarding reservation in promotion are not applicable to ACP Scheme.

(xviii) Existing In Situ Promotion Scheme will not run concurrently with the ACP Scheme.

(xix) In cases where employees have already completed 24 years of regular service with or without a promotion, second financial upgradation under the Scheme shall be granted directly.

Attaled
Dutta
AdW



- 43 -

GOVT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF ENGINEER(C):TELECOM N.E.ZONE
G U W A H A T I

ANNEXURE-3

No. 1(13)94/CE-NEZ/GH/1438.

Dt. 13.12.96

O R D E R

Consequent upon their promotions from JE(c) to the grade of AE(c), vide order No. 3-1/6-CWG dt. 6.12.96 from D.O.T, New Delhi, further postings are ordered as below:-

| S1. No. | S1. No. in pro- motion order. | Name(S/Shri) | Place of Posting | Remarks. |
|----------|-------------------------------------|--|---|--|
| 1. 49. | B.K.Mahanta | AE(c), TCSD, North Lakhimpur. | Against existing vacancy. | |
| 2. 50. | G.C.Mahanta | ASW(c), TCC, Guwahati. | - do - | Central Administra- केन्द्रीय प्रशासन |
| 3. 52. | Arup Chowdhury | ASW(c), O/o CE(c) NE Zone, Guwahati. | - do - | 19/1 |
| 4. 53. | R.S.Choudhury | AE(Bldg), O/o CGMT, Guwahati. | - do - | Central Administra- केन्द्रीय प्रशासन |
| 5. 112. | D.C.Deka | AE(c), TCSD, Tezpur(NER). | - do - | |
| 6. 115. | D.K.Debnath | AE(c), TCSD, Dharmanagar. | - do - | |
| 7. 116. | M. Haque | AE(c), TCSD, Dhubri. | - do - | |
| 8. 117. | S.Chakraborty | AE(c), PCSD, Silchar. | Vice Shri B.R. Saikia transferred | |
| 9. 120. | T. DasGupta | AE(c), TCSD No.II Imphal. | Against Existing vacancy. | |
| 10. 126. | A.K.Dutta Gupta | AE(c), TCSD, Aizawl. | Vice Shri D.Chakra- borty transferred by Directorate. | |
| 11. 127. | D. Rajbonshi | AE(c), TCSD, Dibrugarh. | Vice Shri B.K.Ma- hanta transferred. | |
| 12. 128. | Phool Singh | ASW(c), O/o CE(c), NE Zone, Guwahati. | Vice Shri A.K.Sur transferred by Directorate. | |
| 13. 131. | A.C.Das | ASW(c), TCC, Guwahati. | Against existing vacancy. | |
| 14. 145. | Shyamal K.Das | ASW(c), TCC, Silchar. | Vice Shri R.K.Ghosh transferred by Directorate. | |
| | | Joined on 01/01/97 and Regularized w.e.f that date. | | |

*Attested
Dutta
A.S.W.*

15. 147. P.K.Saikia AE(c), TCSD, ice Shri M.R.Pang-
Kohima. ing transferred.. 66

16. 148. H.K.Mondal ASW(c), O/o CE(c) Vice Shri A.K.Ghosh
NE Zone, Guwahati. transferred by
Directorate.

17. 152. S.N.Saha ASW(c), TCC, Silchar. Again existing
vaccy.

18. 159. N.Deka Baruah AE(c), TCSD, Tu'a. - do

19. 160. Utpal Sonowal ASW(c), TCC, Silchar. Vice Shri R.K.Bor-
thakur transferred.

2.0 The officials should be relieved immediately and should join their duty at their respective posting places within a period of 30 days failing which the promotion is liable to be cancelled without assigning any reason.

3.0 Before relieving the above mentioned officials it may please be ensured that there should not be pending any vigilence/disciplinary case against any of them. In case any vigilence/disciplinary case is pending against any of them, the concerned official should not be relieved to join duty in the grade of A.E.(Civil) and the Directorate as well as this office may please be informed about it immediately.

4.0 It may also please be ensured that officials at Sl.No. 1 to 5 and 8 already working in local officiating arrangement in the grade of A.E(Civil) stand reverted on 13.12.96 as ordered vide No. 1(33)94/CE-NEZ/GH/1433 dt. 12.12.96.

S. N.

W.

P. A. to S. N.

O/S

1428
12/12/96

(B.N.Behara)
(B.N.Behara)
Executive Engineer(HQ)
O/o the Chief Engineer(c)
Telecom N.E.Zone,
Guwahati.

Copy to The ADG(CW), Deptt. of Telecom, Sanchar Bhawan, New Delhi.

2-3. The CGMT, Assam/NE circle, Guwahati/Shillong.

4. The CPMG, Assam/NE Circle, Guwahati/Shillong.

5. The Chief Engineer(c), Deptt. of Posts, Bangalore.

6. The Chief Engineer(c), Telecom, Calcutta/Mumbai.

7. The SE(c), TCC, Guwahati/Jorhat/Shillong/Silchar.

8. The SE(c), PCC, Calcutta.

9. The SSW(c), O/o CE(c), Telecom, Guwahati.

10. The EE(c), TCD, Guwahati/Jorhat/Shillong/Itanagar/Dimapur/Silchar I & II.

11. The Accounts Officer, TCD, Guwahati/Jorhat/Shillong/Itanagar/Dimapur/Silchar I & II.

12. The EE(c), PCD, Guwahati/Shillong.

13. The Accounts Officer, PCD, Guwahati.

14. Concerned officials through SE(HQ) of respective zone.

Central Administrative Tribunal
सेन्ट्रल अधिकारीक न्यायालय

(B.N.Behara)
Executive Engineer(HQ)

19 AUG 2009

Guwahati Bench
गुवाहाटी न्यायालय

Order of 1/99 CSE

ORDER

Dated: 3-5-2001

In accordance with Order No. 2-1/99 CSE dated 03.03.2000 read with DOP&T O.M. No.35034/1/97-Estt(D) dated 09.08.99 regarding introduction of ACP Scheme, the competent authority is pleased to grant the first financial upgradation from Rs.5000 -6000 to the next higher pay scale of Rs.6500-10,500/- to the following officers with effect from 03.03.99 or the date on which they complete 12 years of regular service, whichever is later:

| S. No. | AIEE 96 No. | NAME (S/Sl.) | Date of Joining as JE |
|--------|-------------|----------------------------|-----------------------|
| 1. | 36 | K.K. Pawar (S.I.) | 09.09.87 |
| 2. | 310 | M. Ahluw | 11.10.79 |
| 3. | 362A | M.A. Rehman (Postal Optee) | 19.06.80 |
| 4. | 363 | Smt. A. Gayatri | 19.06.80 |
| 5. | 364 | T.A. Avirachan | 20.06.80 |
| 6. | 365 | P.C. Dulla | 20.06.80 |
| 7. | 366 | Smt. S. Begum | 20.06.80 |
| 8. | 367 | George Thomas | 26.06.80 |
| 9. | 368 | N.R. Lega | 23.06.80 |
| 10. | 369 | K.R. Yadav | 23.06.80 |
| 11. | 370 | S. Ayyappan | 23.06.80 |
| 12. | 371 | C. Chandrashekhar Rao | 27.06.80 |
| 13. | 372 | S. Mohandas | 02.07.80 |
| 14. | 373 | V.M. Meenan | 30.06.80 |
| 15. | 374 | R.S. Mishra | 30.06.80 |
| 16. | 375 | Y.L. Rao | 01.07.80 |
| 17. | 376 | A.D. Dailwadi | 01.07.80 |
| 18. | 377 | C.A. Birny | 02.07.80 |
| 19. | 378 | Rajvir Singh | 02.07.80 |
| 20. | 379 | V. Khachane | 04.07.80 |
| 21. | 380 | A. Narsimha Rao | 08.07.80 |
| 22. | 381 | Digamber Singh | 08.07.80 |
| 23. | 382 | B. Satyanarayana | 10.07.80 |
| 24. | 383 | U.K. Ghosh | 09.07.80 |
| 25. | 386 | P.K. Biswas | 11.07.80 |
| 26. | 387 | Prasenjit Mitra | 14.07.80 |
| 27. | 388 | N.K. Chakraborty | 14.07.80 |
| 28. | 389 | R.N. Roy | 14.07.80 |

Attested
Neeta
AN

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

10 AUG 2009

Guwahati Bench
गुवाहाटी न्यायालय

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| | | | | |
|----|-----|----------------------|----------|----|
| 39 | 390 | A. Guha | 14.07.80 | 67 |
| 40 | 391 | Suroj Nath | 14.07.80 | 68 |
| 41 | 392 | D. J. Goswami | 15.07.80 | 69 |
| 42 | 393 | H. P. Chowdhury | 15.07.80 | 70 |
| 43 | 400 | T. K. Roy | 15.07.80 | 71 |
| 44 | 401 | D. Sen Gupta | 15.07.80 | 72 |
| 45 | 402 | U. K. Das | 15.07.80 | 73 |
| 46 | 409 | T. K. Biswas | 16.07.80 | 74 |
| 47 | 404 | Prahaboli Deb | 19.07.80 | 75 |
| 48 | 405 | P. G. Chowdhury | 21.07.80 | 76 |
| 49 | 406 | D. K. Saha | 28.07.80 | 77 |
| 50 | 410 | P. K. Sinha | 07.08.80 | 78 |
| 51 | 411 | Nirmal Kumar Datta | 08.08.80 | 79 |
| 52 | 412 | B. P. Payne | 08.08.80 | 80 |
| 53 | 413 | R. P. Mukherjee | 08.08.80 | 81 |
| 54 | 415 | M. B. Deb | 08.08.80 | 82 |
| 55 | 416 | Pradip Kr. Goswami | 11.08.80 | 83 |
| 56 | 417 | N. L. Choudhury | 11.08.80 | 84 |
| 57 | 418 | G. C. Das | 16.08.80 | 85 |
| 58 | 420 | D. K. Datta | 18.08.80 | 86 |
| 59 | 421 | J. S. Bhattacharjee | 20.08.80 | 87 |
| 60 | 423 | A. K. Roy | 22.08.80 | 88 |
| 61 | 424 | C. K. Shore | 01.09.80 | 89 |
| 62 | 426 | A. M. D. Noor Bashia | 04.10.80 | 90 |
| 63 | 427 | K. Pitchai | 04.10.80 | 91 |
| 64 | 428 | R. Vadivelu | 06.10.80 | 92 |
| 65 | 429 | M. Rangaswamy | 08.10.80 | 93 |
| 66 | 433 | K. Serigullavan | 13.10.80 | 94 |
| 67 | 431 | N. Ravendran Nair | 14.10.80 | 95 |
| 68 | 435 | T. Poornusamy | 14.10.80 | 96 |
| 69 | 437 | K. Balakrishnan | 21.10.80 | 97 |
| 70 | 438 | T. Palanisamy | 22.10.80 | 98 |
| 71 | 439 | T. Jeevaralhnam | 30.10.80 | 99 |
| 72 | 440 | N. Narayanaswamy | 03.11.80 | 50 |
| 73 | 442 | S. A. Gafdar | 13.11.80 | 50 |
| 74 | 444 | A. K. Maiti | 15.11.80 | 50 |
| 75 | 445 | P. Sekar | 17.11.80 | 50 |
| 76 | 446 | Guvind Singh | 24.11.80 | 50 |

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

ANNEXURE-5APresidential Order

GOVERNMENT OF INDIA

DEPARTMENT OF TELECOMMUNICATION

NO: 27.1/ASSAM/civil/wing 1/SL. NO. 06

dated: 16-01-04

ORDERSubject: Permanent absorption of Shri/Smt. Digamta Kr. DuttaDesignation..... A.E. (c) Staff No. ASSAM/CEC(c)/Gr. C/PEC(c) /pd-hoc/40015

in Bharat Sanchar Nigam Limited.

1. Pursuant to letter No.BSNL/4/SR/2000 dated 2.1.2001 on the above subject and in accordance with the provisions of Rule 37-A of CCS (Pension) Rules, as amended from time to time sanction of the president is hereby conveyed to

the permanent absorption of Shri/Smt/Kumari Digamta Kr. Dutta a permanent/temporary employee of the Department of Telecommunications, in BSNL, with effect from the date and under the terms and conditions as indicated below :

2. Date of effect : The permanent absorption shall take effect from 01.10.2000 forenoon.

3. Pension/Gratuity : Shri/Smt./Kumari Digamta Kr. Dutta shall be eligible for pensionary benefits including gratuity as per the provisions of Rule 37-A of the CCS(Pension) Rules as amended from time to time.4. Family Pension : The family of Shri/Smt./Kumari Digamta Kr. Dutta

shall be eligible for family pension as per provision of Rule 37-A read with Rule 54 (13-B) of CCS (Pension) Rules 1972 as amended from time to time.

5. Regulation of Pay on absorption : To be regulated in terms of para 4 of DOP & PW O.M. No. 4/18/87-P&PW (D) dated 5.7. 1989.

6. Leave : The Earned leave and Half Pay Leave at the credit of Shri/Smt./Kumari Digamta Kr. Dutta

..... stand transferred to BSNL, on the date of absorption as provided for under sub-rule 24(b) of Rule 37-A of the CCS (Pension) Rules.

7. Provident Fund: The amount of subscription together with interest there on standing to the credit of Shri / Smt / Kumari Digamta Kr. Dutta

..... in the General Provident Fund account will be transferred to his /her new Provident Fund account under the BSNL as provided for under Sub - rule 24 (a) of Rule 37-A of the CCS (Pension) Rules, as amended from time to time.

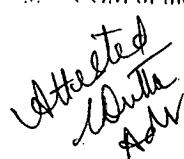

 (A. D. Sahu)
 Director (Estt.) Assam DOT.

To

Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
20, Ashoka Road, New Delhi

Copy to:

1. SSA/officer in-charge for maintaining the service book for keeping this order in the service book along with suitable entries.
2. Officer concerned. Sri Digamta Kr. Dutta, A.E (c) - pd-hoc
3. CGM of the concerned recruiting Circle.



 Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

19 AUG 2009

Guwahati Bench
गুৱাহাটী বৰ্ষাপৰী

ANNEXURE-5B

Presidential Order
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATION
No: 22-1/ASSAM/civil-wing/SLN-05

dated 16-01-01

ORDER

Subject: Permanent absorption of Shri/Smt. Parvesh ch. Dutta

Designation..... AE CO

Staff No ASSAM/CECO/As. c/PECO/ad-hoc/4004

in Bharat Sanchar Nigam Limited.

1. Pursuant to letter No. BSNL/4/SR/2000 dated 2.1.2001 on the above subject and in accordance with the provisions of Rule 37-A of CCS (Pension) Rules, as amended from time to time sanction of the president is hereby conveyed to

the permanent absorption of Shri/Smt/Kumari Parvesh ch. Dutta, a permanent/temporary employee of the Department of Telecommunications, in BSNL, with effect from the date and under the terms and conditions as indicated below :

2. Date of effect : The permanent absorption shall take effect from 01-10-2001 forward.

3. Pension/Gratuity : Shri/Smt/Kumari Parvesh ch. Dutta shall be eligible for pensionary benefits including gratuity as per the provisions of Rule 37-A read with Rule 54 (13-B) of CCS (Pension) Rules 1972 as amended from time to time.

4. Family Pension : The family of Shri/Smt/Kumari Parvesh ch. Dutta shall be eligible for family pension as per provision of Rule 37-A read with Rule 54 (13-B) of CCS (Pension) Rules 1972 as amended from time to time.

5. Regulation of Pay on absorption : To be regulated in terms of para 4 of DOP & PW O.M. No. 4/887-P&PW (D) dated 5.7.1989.

6. Leave : The Earned leave and Half Pay Leave at the credit of Shri/Smt/Kumari Parvesh ch. Dutta stand transferred to BSNL on the date of absorption as provided for under sub-rule 24(b) of Rule 37-A of the CCS (Pension) Rules.

7. Provident Fund: The amount of subscription together with interest there on standing to the credit of Shri / Smt / Kumari Parvesh ch. Dutta in the General Provident Fund account will be transferred to his/her new Provident Fund

account under the BSNL as provided for under Sub - rule 24 (a) of Rule 37-A of the CCS (Pension) Rules, as amended from time to time.

To

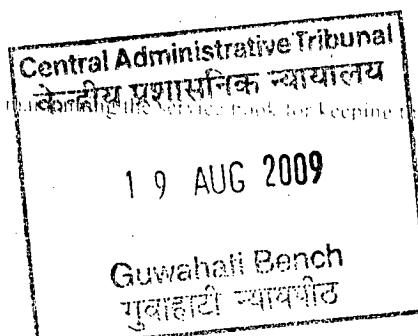
Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
20, Ashoka Road, New Delhi

AKS
A.K.Sahu
Director (Estt.) Assam-DOE

Copy to:

- ✓ 1. 1/2 the CEC (06) SSA-officer in-charge for maintaining the service book for keeping this order in the service book along with suitable entries.
2. Officer concerned.
3. CGM of the concerned recruiting Circle.

*Attested
Parvesh ch. Dutta
ACW*



ANNEXURE-SC

Presidential Order
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATION
 NO: 2.1 1/ASSNAM/civil-wing/1st No-04

dated: 16.1.64

ORDER

Subject: Permanent absorption of Shri/Smt. Jitangshu Sekhar Bhattacharyee

Designation..... IT (C) Staff No ASSPAN/CEC/Gr.C/AF.C/1d.hc - 4007

in Bharat Sanchar Nigam Limited.

1. Pursuant to letter No.BSNL/4/SR/2000 dated 2.1.2001 on the above subject and in accordance with the provisions of Rule 37-A of CCS (Pension) Rules, as amended from time to time sanction of the president is hereby conveyed to

the permanent absorption of Shri/Smt/Kumari Jitangshu Sekhar Bhattacharyee a permanent/temporary employee of the Department of Telecommunications, in BSNL, with effect from the date and under the terms and conditions as indicated below :

2. **Date of effect :** The permanent absorption shall take effect from 01.10.2000 forenoon.

3. **Pension/Gratuity :** Shri/Smt/Kumari Jitangshu Sekhar Bhattacharyee shall be eligible for pensionary benefits including gratuity as per the provisions of Rule 37-A of the CCS(Pension) Rules as amended from time to time.

4. **Family Pension :** The family of Shri/Smt/Kumari Jitangshu Sekhar Bhattacharyee shall be eligible for family pension as per provision of Rule 37-A read with Rule 54 (13-B) of CCS (Pension) Rules 1972 as amended from time to time.

5. **Regulation of Pay on absorption :** To be regulated in terms of para 4 of DOP & PW O.M. No. 4/18/87-P&PW (D) dated 5.7.1989.

6. **Leave :** The Earned leave and Half Pay Leave at the credit of Shri/Smt/Kumari Jitangshu Sekhar Bhattacharyee stand transferred to BSNL, on the date of absorption as provided for under sub-rule 24(b) of Rule 37-A of the CCS (Pension) Rules.

7. **Provident Fund:** The amount of subscription together with interest there on standing to the credit of Shri / Smt / Kumari Jitangshu Sekhar Bhattacharyee in the General Provident Fund account will be transferred to his /her new Provident Fund account under the BSNL, as provided for under Sub - rule 24 (a) of Rule 37-A of the CCS (Pension) Rules, as amended from time to time.

To

Chairman and Managing Director,
 Bharat Sanchar Nigam Limited.
 20, Ashoka Road, New Delhi

(A.Pab)
 (A.K.Sahu)
 Director (Estt.) Assam DOT.

Copy to:

1. SSA/officer in-charge for maintaining the service book for keeping this order in the service book along with suitable entries.
2. Officer concerned, Shri J. S. Bhattacharyee - 01 (C) - 1d.hc
3. CGM of the concerned recruiting Circle.

*Attested
 Dutta
 Pab*

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

10 AUG 2009

Guwahati Bench
 गुवाहाटी न्यायालय

Government of India
 Ministry of Communications & IT
 Department of Telecommunications
 10th floor, Chandralok Building, 36 Janpath, New Delhi-110001.

ANNEXURE-5D

No: 12/20/2003-CWG

Dated the March, 2004

31 MAR 2004

ORDER

Sub: Permanent absorption of Shri **Shyamal Kumar Das**, Sub Divisional Engineer(Civil) Staff No.:91223, in **BHARAT SANCHAR NIGAM LTD.**

1.0 Pursuant to BSNL letter No. BSNL/11/SR/2003 dated 02-9-2003 on the above subject and in accordance with the provisions of Rule 37-A of CCS (Pension) Rules, as amended from time to time, sanction of the President is hereby conveyed to the permanent absorption of Shri **Shyamal Kumar Das**, a permanent employee of Department of Telecommunications, in **BHARAT SANCHAR NIGAM LTD** with effect from the date and under the terms and conditions as indicated below.

2.0 Date of effect: The permanent absorption of Shri **Shyamal Kumar Das** shall take effect from 01.10.2000 (forenoon).

3.0 Pension/Gratuity: Shri **Shyamal Kumar Das** shall be eligible for pensionary benefits including gratuity as per the provisions of Rule 37-A of the CCS (Pension) Rules, 1972, as amended from time to time.

4.0 Family Pension: The family of Shri **Shyamal Kumar Das** shall be eligible for family pension as per provisions of Rule 37-A read with Rule 54 (13-B) of CCS (Pension) Rules, 1972 as amended from time to time.

5.0 Regulation of Pay on absorption: To be regulated in terms of para 4 of DOP&PW OM No. 4/18/87-P&PW (D) dated 05.07.1989.

6.0 Leave: The earned leave and half pay leave at the credit of Shri **Shyamal Kumar Das** stands transferred to BSNL on the date of absorption as provided for under Sub-rule 24(b) of Rule 37-A of CCS (Pension) Rules.

7.0 Provident Fund: The amount of subscription together with interest thereon standing to the credit of Shri **Shyamal Kumar Das** in the General Provident Fund account will be transferred to his/her new Provident Fund Account under the BSNL as provided for under sub-rule 24(a) of Rule 37-A of the CCS (Pension) Rules, as amended from time to time.

✓
 (Sunil Kumar Chugh)
 Under Secretary to the Govt. of India

To
 The Chairman & Managing Director
 BSNL, NEW DELHI.

Copy to:

1. Officer in-charge maintaining the service book for keeping this order in service book along with suitable entries.
2. Officer concerned
3. DDG(SR), BSNL, CO, NEW DELHI.
4. CGMT concerned.
5. Concerned AO(Pay Bill)
6. Sr. DDG(BW) BSNL, Delhi
7. Concerned PCE/CE(C)BSNL/CE(BW)MTNL/CE(C) DOP

✓
 (Sunil Kumar Chugh)
 Under Secretary to the Govt. of India

*Attended
 Datta
 ADW*

Central Administrative Tribunal
 केन्द्रीय प्रशासनिक न्यायालय

19 AUG 2009

Guwahati Bench
 गुवाहाटी न्यायालय

PRESIDENTIAL CIRCLE
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

No: 27-I/NE-I/Civil/ 047/2001,

Dated at Shillong on the 8th April 2001

ORDER

Sub:- Permanent absorption of Shri Pradip Kumar Goswami, a permanent temporary employee of the Department of Telecommunications in BSNL, with effect from 01-10-2000.

1. Pursuant to letter No. BSNL/4/SR/2000 Dated 02-01-01 on the above subject, and in accordance with the provisions of Rule 37-A of -CCS (Pension) Rules, as amended from time to time sanction of the President is hereby conveyed to the permanent absorption of Shri Pradip Kumar Goswami, a permanent temporary employee of the Department of Telecommunications in BSNL, with effect from the date and under the terms and conditions as indicated below.
2. **Date of effect:-** The permanent absorption shall take effect from 01-10-2000, Forenoon.
3. **Pension/Gratuity:-** Shri Pradip Kumar Goswami shall be eligible for Pensionary benefit including gratuity as per provisions of Rule 37-A of the CCS (Pension) Rules, as amended from time to time.
4. **Family Pension:-** The family of Shri Pradip Kumar Goswami shall be eligible for family pension as per provisions of Rule 37-A read with Rule 54 (13 - B) of CCS (Pension) Rules, 1972, as amended from time to time.
5. **Regulation of Pay on absorption:-** To be regulated in terms of Para 4 of DOP&PW O.M. No. 4-18-87-P&PW (D) dated 5-7-1989.
6. **Leave:-** The Earned Leave and Half Pay Leave at the credit of Shri Pradip Kumar Goswami stands transferred to BSNL on the date of absorption as provided for under Sub-rule 24(b) of Rule 37-A of the CCS(Pension) Rules.
7. **Provident Fund:-** The amount of subscription together with interest thereon standing to the credit of Shri Pradip Kumar Goswami in the General Provident Fund account will be transferred to his/her new Provident Fund account under the BSNL as provided for under Sub-rule 24 (a) of Rule 37-A of the CCS (Pension) Rules, as amended from time to time.

Sdf
(D.Govt)
Director (Estt. NE-I)
Department of Telecommunications

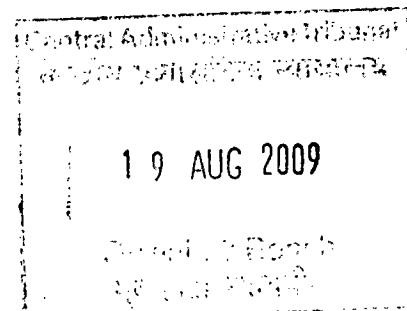
To,
Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
20, Ashoka Road, New Delhi-110 001.

Copy to:-

1. The Chief Engineer (Civil), BSNL, Shillong for maintaining the service book for keeping this order in the service book along with suitable entries.
2. The Officer concerned.
3. The CGMT, N.E-I Telecom Circle, Shillong-1.

CGMT
Director (Estt. NE-I)
Department of Telecommunications

*Attested
Dutta
Adv*



ANNEXURE-5F

PRESIDENTIAL ORDER
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

No. 27-I/NE-I/Civil/ 053/2001,

Dated at Shillong, the 8th May 2004.ORDER

Sub:- **Permanent absorption of Shri Girish Chandra Das, J.E.(C) in Bharat Sanchar Nigam Limited.**

1. Pursuant to letter No.BSNL/SR/2000 dated 2-1-2001 on the above subject, and in accordance with the provision of Rule 37-A of -CCS (Pension) Rules, as amended from time to time sanction of the President is hereby conveyed to the permanent absorption of **Shri Girish Chandra Das**, a permanent/temporary employee of the Department of Telecommunications in BSNL, with effect from the date and under the terms and conditions, as indicated below.
2. **Date of effect:-** The permanent absorption shall take effect from 01-10-2000, forward.
3. **Pension/Gratuity:-** **Shri Girish Chandra Das** shall be eligible for pensionary benefits including gratuity as per provisions of Rule37A of the CCS (Pension) Rules, as amended from time to time.
4. **Family Pension:-** The family of **Shri Girish Chandra Das** shall be eligible for family pension as per provisions of Rule 37-A read with Rule 54 (13 - B) of CCS (Pension) Rules, 1972, as amended from time to time.
5. **Regulation of Pay on absorption:-** To be regulated in terms of para 4 of DOP&PW O.M. No. 4/18/87-P&PW (D) dated 5-7-1989.
6. **Leave:-** The Earned Leave and Half Pay Leave at the credit of **Shri Girish Chandra Das** stands transferred to BSNL on the date of absorption as provided for under Sub-rule 24(b) of Rule 37-A of the CCS(Pension) Rules.
7. **Provident Fund:-** The amount of subscription together with interest thereon standing to the credit of **Shri Girish Chandra Das** in the General Provident Fund account will be transferred to his/her new Provident Fund account under the BSNL as provided for under Sub-rule 24 (a) of Rule 37-A of the CCS (Pension) Rules, as amended from time to time.

Sd/-
(D. Giri)

Director (Estt. NE-1)
Department of Telecommunications

To,

Chairman and Managing Director,
Bharat Sanchar Nigam Limited,
20, Ashoka Road, New Delhi.

Copy to:-

1. The Chief Engineer (Civil), BSNL, Shillong for maintaining the service book for keeping this order in the service book along with suitable entries.
2. Officer concerned.
3. CGM N.E-I Telecom Circle, Shillong-I.

Sd/-
(D. Giri)

Director (Estt. NE-1)
Department of Telecommunications

*Accepted
M. Datta
Adv*

| |
|---|
| Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय |
| 10 AUG 2009 |
| Guwahati Bench गुवाहाटी न्यायालय |

10 AUG 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

(Typed copy)

Government of India
Ministry of Communications
Department of Telecom Services
Sanchar Bhawan, 20, Ashoka Road, New Delhi- 1.

ANNEXURE- 6

No. 2-1/99-CSE

Dated: 30th December, 1999

To,

All Heads of Telecom Circles/CCM (NTR), New Delhi
Principal Chief Engineer (C), Deptt. of Telecom Services, Lucknow
All CEs (C/E)/Chief Archs. of Deptt. of Telecom Services
All SEs (C/E) of Deptt. of Telecom Services.

Subject: The Assured Career Progression Scheme for Central Government Civilian Employees.
Introduction of the scheme in the Civil Wing of Department of Telecom Services.

Sir,

I am directed to refer to DOP&T's O.M No. 35034/1/97-Estt (D) dated 09.08.99 on the above subject and to say that it has been decided to extend the scheme to all eligible officials in Group C&D cadre/posts in the Civil Wing (Civil/Electrical/Architectural) of Department of Telecom Services which are not covered under the existing time-bound promotion scheme (OTBP/BCR) except Junior Engineer (C/E) and Architectural Assistants. Assistant Engineer (C/E), Assistant Architect who are directly recruited will not be covered under this order.

2. Group "D" officials who have opted for conversion into Regular Mazdoors and are covered under the OTBP/BCR Scheme shall not be covered under this Scheme. The existing OTBP/BCR Scheme shall continue to be applicable to them.

3. A copy of DOP&T O.M No. 35034/1/97-Estt (D) dated 09.08.99 is enclosed herewith for guidance. You are requested to immediately implement the ACP Scheme in respect of the eligible officials strictly following the guidelines of DOP&T referred to above. If any clarification/guidance in implementation of the Scheme is required the matter may be referred to this office and there should not be any case of wrong implementation of the Scheme.

4. The Screening Committee for the purpose of processing the cases for grant of the benefits under the scheme to the Group C&D cadre as referred to in para 6 of the DOP&T O.M dated 9.8.1999 instructed the authority immediately to consider the cases of C&D officials which have already matured or would be maturing up to March 31, 2000.

5. It may be noted that financial upgradation as per the scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of post without creating any new posts for the purpose and in a case of isolated posts in the absence of defined hierarchical grades, financial

Attested
Bulla
A.W

upgradation shall be given in the immediately next higher (standard/common) pay scales as indicated in Annexure-II of DOP&T O.M dated 9.8.1999.

6. You are requested to ensure that the contents of para 5.1 in Annexure to DOP&T's O.M dated 9.8.1999 should be strictly followed while giving the financial upgradation under the scheme.

7. Orders for implementation of ACP Scheme in respect of Junior Engineers (C/E) and Architectural Assistants and directly recruited Group 'B' Assistant Engineers (C/E), Assistant Architects will be issued separately.

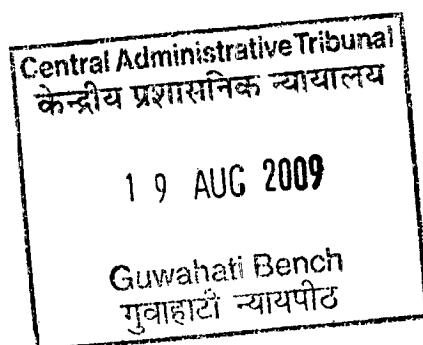
8. This issues with the concurrence of Telecom Finance Vide Dy. No. 3987/FA-I/99 dated 30/12/1999.

Sd/-
(A.K. Nagar)
Director (BW)

Copy to:-

1. APS to Chairman (TC)
2. All members/Advisors Telecom Commission, New Delhi.
3. Sr. DDG (BW)/(Elect.)/(Arch.), DOTS, New Delhi.
4. DDC (E)/DDC (Pers)/DDC(SR), DOTS, New Delhi.
5. DS (CW)/Dir (MPP)/Dir (Elect)/Dir (Arch)/Dir (SR)/Dir (FA-I), DOTS, New Delhi.
6. All Staff Unions/Federations/Association.
7. ADC (TE)/ADC (STN)/ADC (FA-I), DOT, New Delhi.
8. CWG/A&E/Budget/FA-I/TE-II/STN/NCG Sections of DOT, New Delhi.

Sd/-
Section Officer (CSE)



Government of India
Ministry of Communications
Department of Telecom Services
Sanchay Bhawan, 28 Ashoka Road, New Delhi

NO. 2-1/99-CSE

Dated: March 03, 2000

To,

All Heads of Telecom Circle/DCM(NTT), New Delhi
Principal Chief Engineer(C), Deptt. of Telecom Services, Lucknow/Delhi
All CEs(C/E)/Chief Architects, Deptt. of Telecom Services.
All SEs (C/E)/ Senior Architect, Deptt. of Telecom Services.

Sub : The Assured Career Progression Scheme for Central Government Civilian Employees – Introduction of the scheme in the Civil Wing of Department of Telecom Services.

I am directed to refer to this office letter of even number dated 30.12.1999 regarding implementation of Assured Career Progression Scheme (ACPS). It has now been decided to extend the ACPS to the Junior Engineers (Civil/Electrical/Agriculture) and Architectural Assistants (Grade I & II) who are directly recruited to the respective grade. Assistant Engineers (Civil/Electrical) and Assistant Architects, who have been directly recruited, will not be covered under this order.

2. The existing scheme of placement of Junior Engineers (Civil/Electrical) in the scale of 5500-8000/8500-10500 on completion of 6/15 years of service respectively introduced vide this Office Order No. 6-8/87-CSE dated 09.05.1991 shall cease to be operative w.e.f 09.03.1999. Accordingly, the pay of those Junior Engineers (Civil/Electrical) who have been placed in the scale of Rs. 5500-8000 on completion of 5 years shall now be fixed in the scale of Rs 5000-8000. However fall in pay resulting out of this shall be protected by granting personal pay in the direct entry grade to be adjusted against future increments.

3. While implementing in the scheme the conditions stipulated in this office letter of even number dated 30.12.1999 read with DOP&T GM No. 35034/1/97-Ent.(D) dated 09.03.1999 should be strictly followed.

4. This issues with the concurrence of Telecom Finance v/s Dy. No. T26/2000/FA-I dated 03.03.2000.

(A.K. Nagar)
(A.K. Nagar)
Director (BM)

Copy to:

1. PPS to Secretary DTS, New Delhi.
2. All Members/Advisors/Technical Commission, New Delhi.
3. Sr. DDC (BW)/Elect./Arch., DOTS, New Delhi.
4. DDC (E)/DDG (Pers)/DDG (SR), DOTS, New Delhi.
5. DS (CW)/Dir (MAP)/Dir (Elect.)/Dir (Arch.)/Dir (SR)/Dir (FA-I), DOTS, New Delhi.
6. All Staff Unions/Federations/Association.
7. ADG (TE)/ADG (STN)/ADG (FA-I), DOTS, New Delhi.
8. PWG/A&E/Budget/FA-I/TE-II/STN/NCG Sections of DOTS, New Delhi.

(Gervasis Kulampallil)
(Gervasis Kulampallil)
Section Officer (CSE)

*Attested
Biju
Adv*

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

19 AUG 2009

Gwalior Bench
न्यायालय
ग्वालियर

GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS
10TH FLOOR CHANDERLOK BUILDING, 36 JANPATH NEWDELHI

33

| | |
|-----|--|
| EE | |
| ASW | |
| AO | |

No. 3-1/2000-CWG

Dated: 24-04-2003

ORDER

| | |
|------|--------|
| DYN. | 531 |
| Did. | 875/03 |

In accordance with order No. 2-1/99-CSE dated 3-3-2000 read with DOP&Tg. O.M. No. 35034/1/97-Estt.(D) dated 9-8-1999 regarding introduction of Assured Career Progression Scheme (ACP) the Competent Authority is pleased to grant second Financial upgradation in the next higher pay scale of Rs. 10000-325-15200/- to the following officers w.e.f. 9-08-1999 or the date on which they complete 24 years of regular service whichever is later:-

24.4.2003

| S. No | STAFF No | NAME OF OFFICER S/SHRI | DATE OF BIRTH | DATE OF JOINING AS (JE) | PRESENT PLACE OF POSTING (ZONE) |
|-------|----------|------------------------|---------------|-------------------------|---------------------------------|
| 1 | 2 | 3 | 4 | 5.. | 6.. |
| 1 | 80314 | MODI J. D. | 02.10.43 | 11.03.64 | DELHI |
| 2 | 90428 | CHAND PURAN | 21.11.46 | 04.09.67 | DELHI |
| 3 | 90662 | SINGH P.N. | 12.07.49 | 01.03.73 | ORISSA |
| 4 | 90823 | KUMAR JAGDISH | 27.01.59 | 12.09.77 | DELHI |
| 5 | 90862 | MISTRY P. K. (SC) | 08.12.53 | 01.04.78 | KOLKATA ZONE |
| 6 | 90899 | GHOSH A.K. | 26.07.58 | 03.04.78 | KOLKATA ZONE |
| 7 | 90900 | BOSE S.K. | 10.02.67 | 03.04.78 | KOLKATA ZONE |
| 8 | 90901 | SUR A.K. | 20.12.50 | 05.04.78 | KOLKATA ZONE |
| 9 | 90902 | MONDAL A (SC) | 05.03.55 | 05.04.78 | KOLKATA ZONE |
| 10 | 90903 | GHOSH R.K. | 30.01.53 | 10.04.78 | KOLKATA ZONE |
| 11 | 90904 | CHAKRABORTY D | 31.12.66 | 10.04.78 | KOLKATA ZONE |
| 12 | 90906 | DEY K.O. | 09.04.63 | 12.04.78 | KOLKATA ZONE |
| 13 | 90906 | DUTTA T | 19.01.55 | 12.04.78 | KOLKATA ZONE |
| 14 | 90907 | MAJHEE R.K. | 16.02.66 | 12.04.78 | BHUBANESWAR |
| 15 | 90908 | MUTHURAJ M (SC) | 20.06.54 | 12.05.78 | CHENNAI ZONE |
| 16 | 90910 | PARKASH VED (SC) | 20.05.56 | 09.05.78 | DELHI ZONE |
| 17 | 90911 | RENGARAJ S (SC) | 08.03.57 | 24.05.78 | CHENNAI ZONE |
| 18 | 90913 | ANURAGI H D (SC) | 07.03.49 | 06.08.78 | JAIPUR ZONE |
| 19 | 91046 | BARTHAKUR R.K. | 01.03.53 | 13.01.78 | GONAHATI ZONE |
| 20 | 91046 | SARKAR M.K. | 26.10.52 | 14.04.78 | KOLKATA ZONE |
| 21 | 91047 | BISWAS S.N. | 18.09.63 | 14.04.78 | KOLKATA ZONE |
| 22 | 91048 | NEGI V.S. | 20.07.66 | 14.04.78 | DELHI ZONE |
| 23 | 91049 | KHANNA K. | 05.01.57 | 31.05.78 | DELHI ZONE |
| 24 | 91050 | KUMAR ASHWANI | 26.07.58 | 27.05.78 | CHANDIGARH ZONE |
| 25 | 91051 | GOEL S.K. | 29.03.57 | 30.05.78 | DELHI ZONE |
| 26 | 91052 | VADHERA ARUN KUMAR | 01.09.67 | 02.06.78 | DELHI ZONE |
| 27 | 91053 | JINDAL SATYA NARAIN | 03.03.54 | 01.05.78 | DELHI ZONE |
| 28 | 91054 | KUMAR RAMESH | 01.04.57 | 03.05.78 | CHANDIGARH ZONE |

(Signature)

A-II

Attested
Deputy
M.A.D.

89

| | | | | | |
|----|-------|----------------------|----------|----------|-----------------|
| 29 | 91055 | DUTT ISHWER | 16.09.57 | 14.04.78 | CHANDIGARH ZONE |
| 30 | 91056 | LAL AMRIT | 23.05.53 | 19.04.78 | CHANDIGARH ZONE |
| 31 | 91057 | JOSHI D K | 20.06.56 | 14.04.78 | CHANDIGARH ZONE |
| 32 | 91058 | ARORA M R | 02.09.56 | 17.04.78 | DELHI ZONE |
| 33 | 91059 | DUBEY M P | 01.04.53 | 27.04.78 | BHOPAL ZONE |
| 34 | 91060 | SAINI R S | 15.10.54 | 27.04.78 | BHOPAL ZONE |
| 35 | 91063 | SRIVASTAVA A K | 18.10.54 | 28.04.78 | BHOPAL ZONE |
| 36 | 91064 | MUKHERJEE S C | 20.01.51 | 01.05.78 | KOLKATA ZONE |
| 37 | 91065 | CHOURHARY S D | 22.04.64 | 01.05.78 | KOLKATA ZONE |
| 38 | 91066 | THAPA B K | 01.03.57 | 01.05.78 | GOWAHATI ZONE |
| 39 | 91067 | MUKHERJEE S | 04.03.54 | 05.03.78 | KOLKATA ZONE |
| 40 | 91068 | N. AJAYA KUMAR | 28.05.59 | 25.05.78 | TRIVANDRUM ZONE |
| 41 | 91069 | KRISHNADAS K | 08.10.54 | 16.05.78 | TRIVANDRUM ZONE |
| 42 | 91070 | VENKATASUBRAMANIAN M | 04.07.47 | 12.05.78 | CHENNAI ZONE |
| 43 | 91071 | CHANDRIKA B (Smt.) | 30.04.68 | 06.05.78 | TRIVANDRUM ZONE |
| 44 | 91072 | SANTHARAM K | 18.01.54 | 10.05.70 | CHENNAI ZONE |
| 45 | 91074 | GURUVARAJA | 03.01.57 | 12.05.78 | CHENNAI ZONE |
| 46 | 91075 | ANNADURAI R | 18.01.58 | 18.05.78 | CHENNAI ZONE |
| 47 | 91076 | KANDASAMY P | 15.06.63 | 20.05.78 | CHENNAI ZONE |
| 48 | 91077 | RAI J M | 04.02.53 | 22.05.78 | BGL. ZONE |
| 49 | 91078 | SINGH A K | 19.02.55 | 22.05.78 | PATNA ZONE |
| 50 | 91079 | VERMA N P | 01.07.83 | 23.05.78 | PATNA ZONE |
| 51 | 91080 | PRASAD R P | 02.01.54 | 26.05.78 | PATNA ZONE |
| 52 | 91081 | SINGH D D | 01.01.54 | 27.05.78 | PATNA ZONE |
| 53 | 91082 | ROY B K | 15.01.57 | 30.05.78 | PATNA ZONE |
| 54 | 91083 | SARASWATHY K K | 04.08.54 | 31.05.78 | TRIVANDRUM ZONE |
| 55 | 91084 | SAFI ABDUL | 16.01.53 | 01.06.78 | PATNA ZONE |
| 56 | 91085 | SHARMA AJOY SHANKAR | 01.01.55 | 01.06.78 | PATNA ZONE |
| 57 | 91086 | CAS K P | 07.01.55 | 01.06.78 | DEHRADUN ZONE |
| 58 | 91087 | PRASAD RAJENDRA | 08.07.55 | 01.06.78 | BANGALORE ZONE |
| 59 | 91088 | SINGH RAJNANDAN | 01.10.55 | 01.06.78 | PATNA ZONE |
| 60 | 91089 | MATHEW GEORGE | 01.12.57 | 01.06.78 | BANGALORE ZONE |
| 61 | 91090 | SINGH M P | 02.02.53 | 02.06.78 | PATNA ZONE |
| 62 | 91091 | KUMAR BINAY | 05.09.54 | 03.06.78 | PATNA ZONE |
| 63 | 91092 | KIRAN S B | 15.03.55 | 03.06.78 | BANGALORE ZONE |
| 64 | 91093 | MUNIKRISHNAPPA T N | 22.11.54 | 05.06.78 | BANGALORE ZONE |
| 65 | 91094 | VAYATH SIVADASAN | 05.10.54 | 08.06.78 | TRIVANDRUM ZONE |
| 66 | 91095 | ABDULLAH V N | 20.10.67 | 11.09.78 | TRIVANDRUM ZONE |
| 67 | 91096 | KRISHNAMOORTHY R | 30.04.57 | 05.06.78 | TRIVANDRUM ZONE |
| 68 | 91097 | NAGARAJ K H | 28.11.57 | 06.06.78 | BANGALORE ZONE |
| 69 | 91098 | SUBRAMANYA T N | 02.02.57 | 07.06.78 | BANGALORE ZONE |
| 70 | 91099 | RAJPUROHIT S K | 05.08.55 | 03.06.76 | BANGALORE ZONE |
| 71 | 91100 | MEHTA P D | 10.03.45 | 12.06.78 | DELHI ZONE |
| 72 | 91101 | SUNDARAM N | 10.03.54 | 12.06.78 | CHENNAI ZONE |
| 73 | 91102 | BATTIWALA R K | 29.09.54 | 12.06.78 | AHMEDABAD ZONE |
| 74 | 91103 | AMPESHWAR D | 29.01.68 | 12.06.78 | BANGALORE ZONE |
| 75 | 91104 | ARUNACHALAM S | 01.08.54 | 14.06.78 | CHENNAI ZONE |
| 76 | 91105 | NATESHAN K K | 12.08.52 | 15.06.78 | CHENNAI ZONE |
| 77 | 91106 | RAMASWAMY A | 20.07.54 | 15.06.78 | CHENNAI ZONE |
| 78 | 91107 | KRISHNA K | 01.07.58 | 17.06.78 | BANGALORE ZONE |

Final

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

19 AUG 2009

Guwahati Bench

| | | | | | |
|-----|-------|--------------------|----------|----------|-----------------|
| 79 | 91108 | JANARDHANA VK | 11.10.63 | 20.06.78 | BANGALORE ZONE |
| 80 | 91109 | DHIVER IL | 12.05.54 | 20.06.78 | AHMEDABAD ZONE |
| 81 | 91110 | REHMAN ABDUL | 05.05.58 | 21.06.78 | BANGALORE ZONE |
| 82 | 91111 | VENKATESHACHAR P | 15.07.58 | 21.06.78 | BANGALORE ZONE |
| 83 | 91112 | CHINNATHAMBI N | 15.05.55 | 26.06.78 | CHENNAI ZONE |
| 84 | 91113 | MADHUSUDHANA LA | 13.09.55 | 29.06.78 | BANGALORE ZONE |
| 85 | 91114 | JADAV SD | 14.03.53 | 01.07.78 | MTNL, MUMBAI |
| 86 | 91115 | GOUDAN KL | 07.06.53 | 01.07.78 | CHENNAI ZONE |
| 87 | 91116 | PATEL SN | 01.06.54 | 01.07.78 | MTNL, MUMBAI |
| 88 | 91117 | RAULKAR KD | 01.11.58 | 01.03.78 | MUMBAI ZONE |
| 89 | 91118 | PUSHPARAJU D | 15.10.55 | 01.07.78 | CHENNAI ZONE |
| 90 | 91119 | YADAV IPS | 20.06.55 | 19.07.78 | LUCKNOW ZONE |
| 91 | 91120 | DUBEY PK | 25.12.57 | 15.07.78 | LUCKNOW ZONE |
| 92 | 91121 | KUMAR ASHOK-I | 19.08.54 | 27.07.78 | LUCKNOW ZONE |
| 93 | 91122 | DEV NC | 30.06.55 | 17.07.78 | DEHRADUN ZONE |
| 94 | 91123 | PANDEY TC | 15.02.56 | 17.07.78 | LUCKNOW ZONE |
| 95 | 91124 | RAIZADA RS | 05.07.53 | 15.07.78 | DEHRADUN ZONE |
| 96 | 91125 | RAGGA BS | 15.08.54 | 07.07.78 | LUCKNOW ZONE |
| 97 | 91126 | RAWAT BS | 20.08.53 | 24.07.78 | DEHRADUN ZONE |
| 98 | 91127 | SAXENA RC | 11.07.56 | 14.07.78 | LUCKNOW ZONE |
| 99 | 91128 | VERMA SC | 06.08.53 | 28.07.78 | LUCKNOW ZONE |
| 100 | 91129 | GUPTA UC | 27.01.64 | 16.07.78 | DEHRADUN ZONE |
| 101 | 91130 | SINGH GURMIT | 11.01.45 | 08.08.78 | MTNL, DELHI |
| 102 | 91131 | SRIVASTAVA JP | 01.06.56 | 20.07.78 | LUCKNOW ZONE |
| 103 | 91132 | ARYA VK | 15.05.57 | 28.08.78 | LUCKNOW ZONE |
| 104 | 91133 | SRIVASTAVA VK | 23.12.55 | 13.07.78 | LUCKNOW ZONE |
| 105 | 91134 | SOUDAGAR ISHAQ M. | 04.06.54 | 24.07.78 | BANGALORE ZONE |
| 106 | 91135 | ALLAGI CA | 03.07.55 | 28.07.78 | BANGALORE ZONE |
| 107 | 91136 | KUMAR VIRRNDR | 07.08.59 | 29.07.78 | DELHI ZONE |
| 108 | 91137 | MAHANTA BK | 13.08.56 | 03.08.78 | ASSAM/GOVAHATI |
| 109 | 91138 | MAHANTA GC | 01.08.57 | 07.08.78 | GOWAHATI ZONE |
| 110 | 91139 | DAS US (SC) | 20.10.55 | 10.08.78 | GOWAHATI ZONE |
| 111 | 91140 | JAYARAMAN N | 13.04.54 | 11.08.78 | CHENNAI ZONE |
| 112 | 91141 | CHOWDHURY ARUP | 04.02.57 | 14.08.78 | KOLKATA ZONE |
| 113 | 91142 | CHAUDHURI RE | 20.01.67 | 18.08.78 | KOLKATA ZONE |
| 114 | 91143 | AGARWAL BK | 01.07.63 | 29.03.78 | MTNL, DELHI |
| 115 | 91144 | SHARMA RD | 02.08.52 | 05.09.78 | MTNL, DELHI |
| 116 | 91145 | BAJAJ AS | 15.10.54 | 16.08.78 | MTNL, DELHI |
| 117 | 91146 | NAYEE JM | 03.03.54 | 16.08.78 | AHMEDABAD ZONE |
| 118 | 91147 | SHETH SB | 25.07.56 | 22.08.78 | DELHI ZONE |
| 119 | 91148 | SARKAR AK | 01.03.53 | 03.09.78 | KOLKATA ZONE |
| 120 | 91149 | SINGH BHUPINDER | 15.10.56 | 12.09.78 | DEHRADUN |
| 121 | 91150 | PATEL GP | 14.07.51 | 15.09.78 | EHOPAL ZONE |
| 122 | 91151 | KUMAR HARISH | 20.01.54 | 16.09.78 | DELHI ZONE |
| 123 | 91152 | KUMAR VIJAY | 18.10.53 | 16.09.78 | CHANDIGARH ZONE |
| 124 | 91153 | PATTIHAL CR | 01.03.49 | 10.09.70 | BANGALORE ZONE |
| 125 | 91154 | PATEL HK | 30.07.55 | 22.09.78 | AHMEDABAD ZONE |
| 126 | 91155 | PANEERSELVAM A | 11.05.57 | 25.09.78 | CHENNAI ZONE |
| 127 | 91156 | VERMA SUSHIL KUMAR | 31.12.52 | 26.09.78 | DEHRADUN ZONE |
| 128 | 91157 | MUTHUKARUPPAN N KR | 02.03.57 | 30.09.78 | CHENNAI ZONE |

(Signature)

| | | | | | |
|-----|----------|--------------------|----------|----------|----------------|
| 129 | 91169 | RAO RAMA S. | 12.03.49 | 28.01.77 | MAHARASHTRA |
| 130 | 90719 | CHAND BHAG (SC) | 28.03.67 | 11.05.78 | SIMLA ZONE |
| 131 | 90819 | CHAND ROOP (SC) | 01.12.56 | 08.06.78 | DELHI ZONE |
| 132 | 90820 | PARKASH OM (SC) | 07.06.55 | 19.06.78 | SIMLA ZONE |
| 133 | | G. JAGADESWARA RAO | 15.07.44 | 03.01.67 | HYDERABAD ZONE |
| 134 | 90914 | MOHAN DASS R. | 03.05.50 | 30.09.78 | CHENNAI |
| 135 | | SEKARAN R.M. | 01.06.51 | 19.11.77 | CHENNAI |
| 136 | | CHENNIYAPPAN R. | 21.00.55 | 18.11.76 | CHENNAI |
| 137 | JE-19 | ALOK MITTAL | 01.01.54 | 22.02.77 | DELHI MTNL |
| 138 | AIEL-157 | MOIZUDDIN K. | 05.04.63 | 13.07.77 | HYDERABAD ZONE |

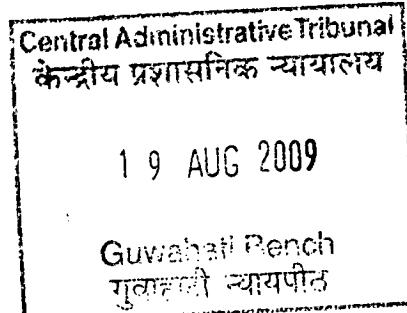
2. The financial upgradation under the Assured Career Progression Scheme shall be purely personal to the above officers and shall have no relevance to their seniority positions.

3. The upgradation is further subject to the conditions stipulated in this office order No. 2-1/99-CSE dated 3.3.2000. It is also clarified that the financial upgradation under ACP Scheme is applicable to those officials who were directly recruited as Junior Engineer (Civil) in the Department. Any such official included in the above list who was not directly recruited as Junior Engineer (Civil) in the Department, should not be given financial upgradation and such cases be reported to this office. The Principal Chief Engineer/Chief Engineer may issue necessary order accordingly. This is further subject to the conditions laid down in the DOPT OM No. 22011/4/91-Estt.(A) dated 14-9-92. The benefit of ACP Scheme will not be extended to the officers undergoing currency of penalty. Likewise the benefit of the scheme will not be given for the period the penalty was in vogue. In other words the benefit of ACP scheme will be available only after completion of the penalty. The cases where doubt arises, this order may not be implemented and such cases may be referred to this office.

4. On upgradation, the pay of the concerned officers shall be fixed under the provisions of FR 22(1) (a) (1) subject to minimum financial benefit of Rs. 100/- as per DOP & T.O.M. No. 1-6/97-Pay-1 dated 5-7-99. The fixation under ACP Scheme will be final, and no pay fixation benefit shall accrue at the time of regular promotion to the higher grade i.e. posting against a functional post.

Chugh
24/4/2003
(Sunil Kumar Chugh)
Under Secretary (CWC)

*Attested
Mitali
Adv*



Government of India
Ministry of Communications & Information Technology
Department of Telecommunications
10th Floor, Chandralok Building, 36-Janpath, New Delhi-110001

60
3 (2) 82
ANNEXURE-9

Dated: 2.08.2003

No.3-6/2001-EW

OFFICE ORDER

In accordance with order no. 2-1/29-CSE dated 3.3.2000, the competent authority is pleased to grant the 2nd financial upgradation in next higher scale of pay Rs. 10,000-325-15,200/- under the ACP Scheme circulated under DOP&T OM no. 35034H/97-Esslt.D dated 9.8.99 to the following officers, who entered the department in the feeder cadre of JE (E), on their completion of 24 years of regular service with effect from the dates indicated against their names:

| SI No. | Name (S/Shri)/ Staff No. | Staff No. | Date of effect of the 2nd financial upgradation |
|--------|---------------------------|-----------|---|
| 1. | O.P. Sharma | 95346 | 06.10.2003 1979 |
| 2. | P.R. Sharma | 95347 | 16.10.2003 |
| 3. | Dharam Raj Ram (SC) | 95269 | 15.11.2003 |
| 4. | R.K. Gautam (SC) | 95270 | 03.12.2003 |
| 5. | G.S. Prasad (SC) | 95271 | 03.12.2003 |
| 6. | M.K. Pareek | 95349 | 05.12.2003 |
| 7. | Ramesh Chandia (SC) | 95272 | 07.12.2003 |
| 8. | D.N. Verma | 95350 | 10.12.2003 |
| 9. | M.K. Sharma | 95351 | 12.12.2003 |
| 10. | J.S. Bhati (SC) | 95308 | 12.12.2003 |
| 11. | M. Asokan | 95382 | 13.12.2003 |
| 12. | Mangla Ram (SC) | 95309 | 13.12.2003 |
| 13. | Raj Kumar (SC) | 95310 | 24.12.2003 |
| 14. | S.K. Diwakar (SC) | 95311 | 09.01.2004 |
| 15. | Saty Prakash (SC) | 95312 | 11.01.2004 |
| 16. | Bhoop Singh (SC) | 95313 | 18.01.2004 |
| 17. | D.B. Aich | 95384 | 19.03.2004 |
| 18. | R.K. Bhardwaj | 95385 | 20.03.2004 |
| 19. | Kailash (SC) | 95302 | 25.03.2004 |
| 20. | V.K. Gupta | 95386 | 31.03.2004 21-4-2004 (2) |

2. The financial upgradation under the Assured Career Progression Scheme shall be purely personal to the above officers and shall have no relevance to their seniority position.

| | |
|--------------|------------|
| C.S. (E.) | AHMEDABAD |
| DAIRY NO. | 3 |
| DATE | 10/08/2009 |
| REMARKS | 1.1.1.1 |
| CC. (E.) | |
| S. & D. (E.) | |

On upgradation, the pay of concerned officers shall be fixed under the provision of FR.22 (1) (a) (I) subject to minimum financial benefit of Rs. 100/- as

Cont-D. 2.

Central Administrative Tribuna
संघीय नियन्त्रण निकाय

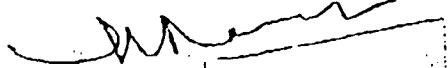
19 AUG 2009

Attested
Dutta
ADW

-2-

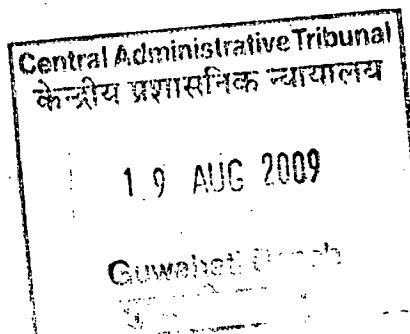
per DOP&T OM No. 1-6/97-Pay-1 dated 5.7.99. The fixation under ACP Scheme will be final and no fixation benefit shall accrue at the time of regular promotion to the higher grade i.e. posting against a functional post.

4. Actual placement of the officers in the higher scale of Rs. 10,000-325-15,200/- shall be made provided no vigilance/disciplinary case is pending against the concerned officer as on the date of effect of the financial upgradation mentioned above against his/her name and it will be the responsibility of the respective controlling officer to ensure the same.


(P.K. Panigrahi)
Dy. Director General (Electrical)

Copy to:

1. Sr. DDG(Elect), BSNL Corporate Office, New Delhi.
2. DDG(Estt.), BSNL Corporate Office, New Delhi.
3. All PCE (E)/CE (C), BSNL.
4. CE(C), DOP, New Delhi / Bangalore.
5. All SEs (E), BSNL/DOP.
6. CAOs Concerned.
7. Officials concerned through respective CEs (E), BSNL/DOP.
8. Order bundle.



GOVERNMENT OF INDIA
MINISTRY OF COMMUNICATIONS
DEPARTMENT OF TELECOMMUNICATIONS
10TH FLOOR CHANDERLOK BUILDING, 36 JANPATH NEWDELHI

No: 3-1/2000-CWG

Dated: 01-03-2003

Central Administrative
केन्द्रीय प्रशासनिक व्यापार

10 AUG 2003

ORDER

In accordance with order No. 2-1/99-CSE dated 3-3-2000 read with DOP&Trg. O.M. No. 35034/1/97-Estt.(D) dated 9-8-1999 regarding Introduction of Assured Career Progression Scheme (ACP), the Competent Authority is pleased to grant second Financial upgradation in the next higher pay scale of Rs. 10000-325-15200/- to the following officers w.e.f. 9-08-1999 or the date on which they complete 24 years of regular service whichever is later.

| S.NO | STAFF NO. | NAME S/SHRI | DATE OF JOINING AS JE(C) | ZONE ALLOTTED |
|------|-----------|---------------------|--------------------------|---------------|
| 1 | 90915 | VARADARAJAN P. (SC) | 04.10.78 | CHENNAI |
| 2 | 90916 | SURIYA S.C. (SC) | 06.10.78 | MTNL (D) |
| 3 | 90917 | MONDAL D.N. (SC) | 30.11.78 | KOLKATA |
| 4 | 91163 | BAJAJ M.L. | 06.11.78 | CHANDIGARH |
| 5 | 91164 | SHIVKUMAR G.P. | 10.11.78 | BANGLORE |
| 6 | 91165 | BALASUNDARAM R. | 17.11.78 | TRIVANDUM |
| 7 | 91167 | REDDY P.V. | 21.11.78 | HYDERABAD |
| 8 | 91170 | VERRANARAYANA P. | 25.11.78 | HYDERABAD |
| 9 | 91171 | BALASIDDIAH B. | 27.11.78 | HYDERABAD |
| 10 | 91172 | ROY K.P. | 27.11.78 | KOLKATA |
| 11 | 91173 | PARIAL S. | 27.11.78 | KOLKATA |
| 12 | 91174 | MURTHY SUNDARA B. | 27.11.78 | HYDERABAD |
| 13 | 91175 | REDDY P.K. | 28.11.78 | HYDERABAD |
| 14 | 91176 | HUSSAIN AHMED | 28.11.78 | HYDERABAD |
| 15 | 91177 | LAZARUS B. | 29.11.78 | HYDERABAD |
| 16 | 91178 | VIJAYA REDDY D. | 29.11.78 | HYDERABAD |
| 17 | 91179 | DEY A.K. | 29.11.78 | KOLKATA |
| 18 | 91181 | GHOSH A. | 30.11.78 | KOLKATA |
| 19 | 91182 | MURTHY P.V.T. | 30.11.78 | HYDERABAD |
| 20 | 91184 | BANERJEE SHYAMAL | 01.12.78 | KOLKATA |
| 21 | 91186 | BASU S.K. | 04.12.78 | CHENNAI |
| 22 | 91187 | MURTHY R.K. | 04.12.78 | KOLKATA |
| 23 | 91188 | BANDHOPADHYAY R.N. | 04.12.78 | JAIFUR |
| 24 | 91189 | ANIL SATPAL | 10.01.79 | |

Dr. Ramch.
AC (A-II)

24/3/03

Attested
Bella
Adv.

(j:linp)

21/10/2003
24-10-2003
24-10-2003

| | | | | |
|----|-------|------------------------|----------|------------|
| 25 | 91190 | SHARMA G.R. | 06.12.78 | JAIPUR |
| 26 | 91191 | LALA RAJU | 05.12.78 | JAIPUR |
| 27 | 91193 | PAL S.S. | 07.12.78 | KOLKATA |
| 28 | 91194 | JIT RAM | 08.12.78 | CHANDIGARH |
| 29 | 91195 | DAS NILRATAN | 08.12.78 | KOLKATA |
| 30 | 91196 | SINGH BALVIR (SC) | 12.12.78 | SHILLONG |
| 31 | 91197 | MAHATO D.N. (SC) | 14.12.78 | PATNA |
| 32 | 91199 | KUMAR DILIP (SC) | 13.02.79 | JAIPUR |
| 33 | 91200 | KHILARI RAM (SC) | 02.03.79 | JAIPUR |
| 34 | 91201 | SINGH CHATTAR (SC) | 19.03.79 | DELHI |
| 35 | 91202 | VERMA M.L. (SC) | 29.03.79 | DELHI (P) |
| 36 | 91315 | MODI D.P. | 4.10.78 | AHMEDABAD |
| 37 | 91316 | S.K. MITRA | 8.12.78 | KOLKATA |
| 38 | 91318 | B BARMAN | 29.11.78 | KOLKATA |
| 39 | 91320 | GOVIND P. (Smt.) | 13.12.78 | CHENNAI |
| 40 | 91321 | K.R. KAPSE | 13.12.78 | MUMBAI |
| 41 | 91322 | J C SAHA | 14.12.78 | KOLKATA |
| 42 | 91323 | B PUHAN | 15.12.78 | B'ESHWAR |
| 43 | 91324 | NILMANI NAYAK | 15.12.78 | B'ESHWAR |
| 44 | 91325 | D S DAS | 18.12.78 | KOLKATA |
| 45 | 91326 | D C DEKA | 20.12.78 | GUWAHATI |
| 46 | 91327 | SANTANAVALLY S. (Smt.) | 22.12.78 | TRIVANDRUM |
| 47 | 91328 | M GHOSH BASHA | 27.12.78 | HYDERABAD |
| 48 | 91329 | D K DEBNATH | 27.12.78 | KOLKATA |
| 49 | 91330 | M HAQUE | 30.12.78 | GUWAHATI |
| 50 | 91331 | S CHAKRABORTY | 30.12.78 | DELHI (P) |
| 51 | 91332 | T R SHARMA | 01.01.79 | MUMBAI |
| 52 | 91333 | Q NASIRUDDIN | 01.01.79 | KOLKATA |
| 53 | 91334 | T DAS GUPTA | 02.01.79 | DELHI (P) |
| 54 | 91335 | SURENDRA KR. VERMA | 05.01.79 | LUCKNOW |
| 55 | 91336 | RAJ PAL SINGH | 05.01.79 | MUMBAI |
| 56 | 91337 | SHARMA V K | 05.01.79 | MUMBAI |
| 57 | 91338 | P K AGARWAL | 05.01.79 | DELHI (P) |
| 58 | 91339 | U V SINGH | 05.01.79 | KOLKATA |
| 59 | 91340 | A K DUTTA GUPTA | 15.01.79 | MTNL (L) |
| 60 | 91342 | R K ARORA | 15.01.79 | MTNL (A) |
| 61 | 91343 | K.M. VENKATACHALAM | 28.08.78 | MTNL (M) |
| 62 | 91345 | A K SRIVASTAVA | 13.08.78 | MTNL (M) |
| 63 | 91346 | A A HUNDEKER | 03.07.78 | MUMBAI |
| 64 | 91347 | MOHAMAD ZAHEER | 15.09.78 | MTNL (M) |
| 65 | 91348 | S S SATHE | 24.02.79 | MUMBAI |
| 66 | 91349 | P A JOSEPH | 31.01.79 | LUKNOW |
| 67 | 91350 | J. P SINGH | 31.01.79 | BHOPAL |
| 68 | 91352 | S S BHALERAO | 03.02.79 | BHOPAL |
| 69 | 91353 | S K MISHRA | 08.02.79 | BHOPAL |

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

10 AUG 2009

Guwahati Bench
सदस्यालय गुवाहाटी

| | | | | |
|-----|-------|----------------------|---------------|------------|
| 70 | 91354 | M K KHEMANI | 09.02.79 | BHOPAL |
| 71 | 91355 | G N KOTIYAL | 12.02.79 | BHOPAL |
| 72 | 91356 | R K SRIVASTAVA | 14.02.79(AJN) | BHOPAL |
| 73 | 91357 | P KRISHNAN | 28.02.79 | MTNL (M) |
| 74 | 91358 | A MANOHARAN | 28.02.79 | CHENNAI |
| 75 | 91359 | R PANDIAN | 28.02.79 | CHENNAI |
| 76 | 91360 | MANIK | 28.02.79 | CHENNAI |
| 77 | 91361 | A KARUNANIDHI | 28.02.79 | MUMBAI |
| 78 | 91362 | P CHANDRAN | 01.03.79 | CHENNAI |
| 79 | 91363 | J K RAUT | 01.03.79 | CHENNAI |
| 80 | 91364 | T TARUL | 02.03.79 | MUMBAI |
| 81 | 91365 | N SUBRAMANIAN | 02.03.79 | MUMBAI |
| 82 | 91366 | C V AUTE | 02.03.79 | BHOPAL |
| 83 | 91367 | S SUNDERAMOORTHY | 03.03.79 | MTNL (M) |
| 84 | 91368 | SHYAM SUDHAKAR | 12.03.79 | LUCKNOW |
| 85 | 91369 | M AMARASU | 12.03.79 | MUMBAI |
| 86 | 91370 | T PALANI | 15.03.79 | CHENNAI |
| 87 | 91371 | C PALANIPPAAN | 15.03.79 | MUMBAI |
| 88 | 91372 | S C VERMA | 15.03.79 | BHOPAL |
| 89 | 91373 | R CHANDERASHEKARAN | 15.03.79 | MARSHTRA |
| 90 | 91374 | RAJ KUMAR | 19.03.79 | DELHI |
| 91 | 91375 | S JEEVAJOTHI | 19.03.79 | CHENNAI |
| 92 | 90715 | A.K.GUPTA | 23.07.76 | CHANDIGARH |
| 93 | 90912 | TEJ SINGH | 19.03.79 | LUCKNOW |
| 94 | A-254 | A.K.CHAURISIA | 27.03.73 | PATNA |
| 95 | A-257 | JOYDEEP DEB | 30.03.79 | GUWHLI |
| 96 | 90597 | SRIVASTVA M M | 27.06.73 | TCIL |
| 97 | 90657 | ASHOKAN K V | 31.07.74 | J&K |
| 98 | 90839 | PRADHAN S A (SC) | 15.09.76 | MUMBAI(P) |
| 99 | 90918 | MANDRAI E K | 02.12.78 | MUMBAI |
| 100 | 91073 | FADADU D G | 10.05.78 | AHMEDABAD |
| 101 | 91139 | DUBEY RAMESH | 07.06.78 | BHOPAL |
| 102 | 90729 | KOTESHWAR RAO N (SC) | 30.11.76 | HYDERABAD |
| 103 | 91303 | ROY A K | 27.10.70 | KOLKATA |

2. The financial upgradation under the Assured Career Progression Scheme shall be purely personal to the above officers and shall have no relevance to their seniority positions.

3. The upgradation is further subject to the conditions stipulated in this office order No. 2-1/99-CSE dated 3.3.2000. It is also clarified that the financial upgradation under ACP Scheme is applicable to those officials who were directly recruited as Junior Engineer (Civil) in the Department. Any such official included in the above list who was not directly recruited as Junior Engineer (Civil) in the Department, should not be given financial upgradation

and such cases be reported to this office. The Principal Chief Engineer may issue necessary order accordingly. This is further subject to the conditions laid down in the DOPT OM No. 2201/14/01-Et-II(A) dated 14-9-92. The benefit of ACP Scheme will not be extended to the officers still serving in currency of penalty. Likewise the benefit of the scheme will not be given for the period the penalty was in vogue. In other words the benefit of ACP scheme will be available only after completion of the penalty. The cases where doubt arises, this order may not be implemented and such cases may be referred to this office.

4. On upgradation, the pay of the concerned officers shall be fixed under the provisions of FR 22(1) (a) (1) subject to minimum financial benefit of Rs. 100/- as per DOP & T O.M. No. 1-6/97-Pay-1 dated 5-7-99. The fixation under ACP Scheme will be final, and no pay fixation benefit shall accrue at the time of regular promotion to the higher grade i.e. posting against a functional post.

Sunil Kumar Chugh
17/12/03

(Sunil Kumar Chugh)
Under Secretary to the Govt. of India

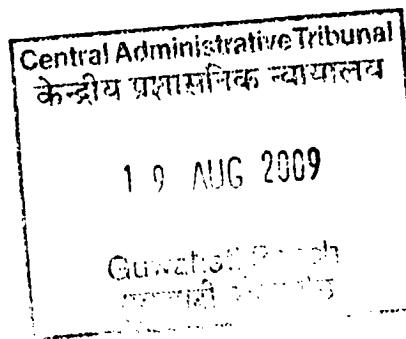
Copy to:

1. All PCE(C)/CE(C), BSNL.
2. -CE(C), Postal, Delhi/Bangalore.
3. CE(BW) MTNL, Delhi/Mumbai.
4. All SE(C), BSNL/MTNL/Postal.
5. All CGM(Telecom) BSNL/CGM ALTTC, Ghaziabad.
6. Sr. DDG(BW) BSNL, New Delhi.
7. Director(C) TCHQ.
8. Jt. DDG(BW), BSNL
9. CSE Section BSNL.
10. Guard File/Spare Copy.

Sunil Kumar Chugh
17/12/03

(Sunil Kumar Chugh)
Under Secretary : Govt. of India

*Attested
Bhutta
Adw*



BIHARAT SANCHAY NIGAM LIMITED

(A GOVERNMENT OF INDIA COMPANY)
OFFICE OF THE CHIEF ENGINEER (C.E.)
ASSAM CIVIL ZONE, 211111
BETWA BULBULIYA, NEAR JORHAT
ASSAM, INDIA

No:- 5(5)/2003/CE-ASM/GH/1119

Dated:- 24-09-2003.

To 1. The Superintending Engineer(c),
BSNL Civil Circle,
Guwahati.

2-3. The Executive Engineer(c),
BSNL Civil Division
Guwahati / Silchar.

4. The Executive Engineer(c),
Postal Civil Division,
Near Meghidoor Bhawan
Panbazar,
Guwahati.

| | | |
|---------|-------|--|
| EE | | |
| ASW | | |
| AO | | |
| Sec | | |
| Re. No. | 1172 | |
| Date | 13/09 | |

Sub:- Grant of Second financial up gradation to A.E.(c).-
regarding.

Kindly find enclosed herewith the copy of letter of under Secretary
to Govt. of India, Department of Telecommunication, New Delhi letter No.3-
1/2000-CWG dt. 01-09-2003 granting second financial upgradation to the
following Asstt. Engineer(c).

1. Sri D.C.Deka, O/o the SE(c), BSNL Civil Circle, Guwahati.
2. Md. M.Haque, O/o the EE(c), BSNL Civil Division, Guwahati.
3. Sri S.Chakraborty, O/o the EE(c) Postal Civil Division, Guwahati.
4. Sri Joydeep Deb, O/o the EE(c), BSNL Civil Division, Silchar.

for favour of taking further necessary action at your end.

Enclo:- As above.

(copy b/w given to concerned also)

for ref. (copy to concerned also)
for ref. 09/09/03

Attested
Dutta
A.E.W

① File No. 89/07

(P.K.CHOUDHURY)
Executive Engineer(Admin)
O/o the Chief Engineer(c),
BSNL, Assam Zone,
Guwahati.

Central Administrative Tribunal
केन्द्रीय नियंत्रित न्यायालय

| |
|-------------|
| 19 AUG 2009 |
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राज्य सरकार का उद्यम A Govt. of India Enterprises)

भारत संघार निगम लिमिटेड Bharath Sanchar Nigam Limited



(भारत सरकार का उद्यम A Govt. of India Enterprises)

पुरुष भारत सरकार का उद्यम A Govt. of India Enterprises)

पुरुष भारत सरकार का उद्यम A Govt. of India Enterprises)

पुरुष भारत सरकार का उद्यम A Govt. of India Enterprises)

पुरुष भारत सरकार का उद्यम A Govt. of India Enterprises)

Ltr. No. TA/STA/70/4/Upgradation of IDA Pay scales/ CE-CIVIL dated 04-06-2008.

The Chief General Manager Telecom, A.P. Circle, Hyderabad has been pleased to approve financial upgradation under the benefit of 2nd ACP to the following executives i.e SDE(C)s of BSNL Civil Zone, Hyderabad from the Pay Scale of Rs. 11875-300-17275 to Rs. 14500-350-18700 with effect from the dates mentioned against their names.

| S. No/ MR No. | Name of the Officer S/SrI | Designation | Working SSA | Effective date of 2nd Financial upgradation under ACP |
|---------------|---------------------------------|-------------|----------------------|---|
| 1 | 197000642 Silveramudy K | SDE(C) | BSNL Civil Zone, HYD | 03/05/2003 |
| 2 | 187905821 Shauuddin Khan | SDE(C) | BSNL Civil Zone, HYD | 01/05/2003 |
| 3 | 198010488 Venkata Raju K (Reid) | SDE(C) | BSNL Civil Zone, HYD | 07/04/2004 |

Before effecting the upgradation, the date of effect of upgradation should be verified with reference to the Service Book of the concerned Executive. It should also be ensured that there is no disciplinary/vigilance case pending or contemplated against the officer and the officer is not undergoing any currency of penalty on the date of effect of upgradation.

Sub divisional Engineer Staff -I
% CGMT AP Circle Hyderabad

To

1. The Chief Engineer (Civil), BSNL Civil Zone, # 4-1-971-974, 2nd floor, Triveni Complex, Abids, Hyderabad-50001 w.r.t their Ltr. No. 6.1/2007-Admiv/26 dated 15-4-2008
2. PS to CGM, AP Circle, Hyderabad
3. DGM(Vig), O/o CGMT, Hyderabad
4. CAO, DOTCELL, Triveni complex, Abids, Hyderabad

Attested
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ANNEXURE-12

SHARAT MANUFACTURING LIMITED
(Glove of India Enterprises)
(BW Unit : Corporate Office)
10th Floor, Chandrikar Building, 56 Janpath, New Delhi-1

No. 2-2/2008/AD(BW-I) P.

Dated : 09.08.2005.

Sub: Promotion in the grade of SDE/CIVIL on regular basis.

The following Employees are hereby promoted to the substantive
grade of SDE(CIVIL) in the pay scale of Rs. 11075-300-17275.

| Sl. No. | Name |
|---------|---------------------|
| 1 | C KUMARJEEV |
| 2 | B S DEVAL |
| 3 | SATISH V JOHRI |
| 4 | M KARUPPAN |
| 5 | RAJKUMAR SHARMA |
| 6 | D K SINHA |
| 7 | PK JAIN |
| 8 | S K VERMA |
| 9 | K VENKATA RAMA |
| 10 | C PANDURANGA CHARYA |
| 11 | K DURGA DAS |
| 12 | R P SINGH |
| 13 | AKSHYAGHAT MISRA |
| 14 | SANKAR LAL BAJA |
| 15 | N SURENDRAJ |
| 16 | C R SHOBHANA |
| 17 | M SUBRAMANIAN |
| 18 | V RAGHAVULU |
| 19 | A GAYATRI |
| 20 | T A AVIRACHAN |
| 21 | P C DUTTA |
| 22 | SIDDHESWAR BISWAL |
| 23 | N R LEGA |
| 24 | S AYYAPPA |
| 25 | S MOHAN DAS |
| 26 | V M MEERAN |
| 27 | RAM SUMAN MISHRA |
| 28 | Y LAKSHMAN RAO |
| 29 | A D DALWADI |
| 30 | C A BINNI |
| 31 | RAJIVR SINGH |
| 32 | VILAS KANCHANE |
| 33 | A NARSIMHA RAO |
| 34 | DIGAMBER SINGH |
| 35 | B SATYANARYALA |
| 36 | U K GHOSH |
| 37 | P K BIGWAN |

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

19 AUG 2009

Gurabati Bench

मुख्य वकील विभाग

Date 15
200920
19/10/09

Affected
Bulka
Adi

| | |
|----|-------------------------|
| 38 | PROSENJIT MITRA |
| 39 | NISHIKANTA CHAKRABORTY |
| 40 | RABINDRA NATH ROY |
| 41 | ASHISH GUHA |
| 42 | SURAJIT NATH |
| 43 | CHRUBA JYOTI GOBOWAMI |
| 44 | H PAL CHOWDHURY |
| 45 | T K ROY |
| 46 | DIPAK SEN GUPTA |
| 47 | J K DAS |
| 48 | TARUN RANTI BISWAS |
| 49 | PRANAB JYOTI DEV |
| 50 | RANJIT GHOSH |
| | CHOWDHURY |
| 51 | DILIP KUMAR BAHU |
| 52 | PRADIP KUMAR SINHA |
| 53 | NIRMAL KUMAR DUTTA |
| 54 | B P PAINE |
| 55 | MRIODU BISHNUPREKHA |
| 56 | PRADIP KUMAR GOBOWAMI |
| 57 | N L CHOWDHURY |
| 58 | GIRISH CHANDER DAS |
| 59 | DIGANTRA KUMAR DUTTA |
| 60 | J S BHATTACHARJEE |
| 61 | ANUP ROY |
| 62 | CHAPAL KUMAR SHIKHAR |
| 63 | K PITCHAI |
| 64 | R VADIVELLU |
| 65 | G M GANDHI (SC) |
| 66 | V K RATIESH KUMAR (SC) |
| 67 | GANGA RAM (SC) |
| 68 | ARBIND KUMAR (SC) |
| 69 | BHIKAM SINGH (SC) |
| 70 | S P SINGH (SC) |
| 71 | M U KUMAR (SC) |
| 72 | S RAJENDRAN (SC) |
| 73 | R SUDHAIKAR RAO (SC) |
| 74 | BHAGWAN SINGH (SC) |
| 75 | ASHWINI KUMAR BAHU (SC) |
| 76 | D S MONDAL (SC) |
| 77 | BARUN DUTTA (SC) |
| 78 | C B BHoyer (ST) |
| 79 | V HANUMANTHappa (ST) |
| 80 | JAYANTI INGOTI (ST) |
| 81 | CYRIL SOREN (ST) |
| 82 | MURARI LAL MEENA (ST) |
| 83 | K R MEENA (ST) |
| 84 | ACHYUTA KANHAR (ST) |
| 85 | G K SINGH (ST) |

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

19 AUG 2009

2. In the case of Executives who are already working as SDE(Civil) on adhoc basis, the promotions shall come into effect immediately.

Page No.
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P.U3

0118322829

T-17A P.004/004 F-728

2

No. 2-2/2008/AD(BW-II) H.E.

Dated : 09.06.2008.

Copy to :-

1. Sr.DDG(BW)/Jt.DDG(BW)-I & II)/Jt.DDG(C)BSNL CO/ SE(P&D)-II,
New Delhi.
2. All CGMs, BSNL.
3. All PCE(C)/CE(C) BSNL.
4. CE(C) Postal Delhi/Bangalore.
5. Genl.Secy, All India BSNL Executive Association/ Sanchay Nigam
Executive Association.
6. Officer concerned.
7. Order Bundle/Guard file.

Rakesh Kumar Gupta
(Rakesh Kumar Gupta)
Asstt.Director(BW-II)

AUG 2008

ANNEXURE-13

Bharti Sanchay Nigam Limited
(A Government of India Enterprise)
CORPORATE OFFICE
PERSONNEL-1 Section
S. No. 102/A, Statesmen House, 148, Barakhamba Road, New Delhi

No. 400-61/2004-Pers.1

Dated: 18 January, 2007

OFFICE MEMORANDUM

Subject: Time bound/post based executive promotional policy for Group 'B' level officers of BSNL, regarding.

1.0 Pursuant to absorption of Group 'G' officers of various services/cadres into BSNL, the BSNL Management had constituted a High Level Committee and subsequently a Sub-committee to sort out outstanding issues on account of absorption and to recommend the time bound/post based Executive Promotional Policy for Group 'B' level officers. The recommendations of these Committees have been duly considered by BSNL Board in consultation with the Department of Telecom. Accordingly, Approval of Competent Authority is hereby conveyed to time bound/post based executive promotional policy in respect of Group 'B' level Executives of BSNL, as per details given below:-

I Time Bound IDA Scale Up-gradation Policy

a. Scope:

Time Bound IDA scale up-gradations shall be provided to the Executives from Pay-Scale of Rs 9,850 - 250 - 14,600 (IDA) up to IDA pay scale of JAG Selection Grade (Rs. 17,900-400, 22,300).

b. Eligibility:

1. Due Date: The date on which the Executive fulfills the qualifying service conditions for upgradation to next higher IDA pay scale as defined in sub Para 3 below.

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1 of 9

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

19 AUG 2009

Guwahati Bench
सुनिधि न्यायालय

2. **Review Date:** As on October 1st of each year with the first review under the policy with reference to October 1st, 2004.

3. Qualifying Service Conditions:

3.1 **FIRST Upgradation:** The FIRST UPGRADATION of IDA Scale of individual Executive will be due for consideration on completion of 4 (four) years of Service in the current IDA scale subject to the condition that the Executive's basic pay in the current IDA scale has crossed / touched the lowest of the higher IDA scale for which he / she has completed 6 (Six) years of service in the current IDA scale, whichever is earlier.

3.2 **SUBSEQUENT Upgradation:** The subsequent upgradation of IDA scale to the next higher IDA scale will be due on completion of 5 (Five) years of service in the current IDA scale.

4. The qualifying service conditions indicated in sub Para 3 above will only enable the Executive for "consideration" for upgradation to next higher IDA scale. Completion of such period alone shall not entitle any Executive for automatic upgradation to the next higher IDA scale.

5. The service rendered by any Executive in existing IDA pay scale in BSNL will only be counted for upgradation to next higher IDA scale...

c. Upgradation criteria:

1. **Review:** The review for all Executives meeting the qualifying service conditions of sub Para b - 3 above will be done every year with reference to Review date i.e. on 1st October. On being found fit, the IDA scale upgradation will be effective from the due date.

2. The fitness for IDA pay scale upgradation to the next higher IDA scale of the eligible executives will be judged by prescribed Screening Committee on the basis of performance rating of ACRs, as per details given in sub Para 3 below, subject to necessary disciplinary / vigilance clearance and no punishment is current.

3. **Performance Ratings in ACRs:** The ACRs of the previous 5 (five) years shall be taken into consideration, for assessing fitness of eligible Executives of various grades on the basis of following fitness criteria:

| SN | Scale | Categ. | Grading criteria |
|----|----------------|--------|--|
| 1. | IIO to SDE | OC | No adverse, not more than four Average |
| | | SC/ST | No adverse |
| 2. | SDE to Sr. SDE | OC | No adverse, not more than two Averages. |
| | | SC/ST | No adverse, not more than three Average. |
| 3. | Sr. SDE to STS | OC | No adverse, not more than two Averages. |
| | | SC/ST | No adverse, not more than three Average. |
| 4. | STS to IAG | OC | No adverse, not more than one Average. |
| | | SC/ST | No adverse, not more than two Average. |
| 5. | IAG TO NFSG | OC | No adverse, not more than one Average |
| | | SC/ST | No adverse, not more than two Average. |

4. Sealed Cover proceedings, wherever applicable, shall remain in vogue as per Standing Instructions.

d. **General Principles:**

1. On being found fit for IIA Scale upgradation, fixation under FR 22 (1) (a) (1) shall be allowed.
2. Time bound IIA scale upgradations are not linked with availability of Posts and thus, the provisions relating to application of post based rosters are not applicable. However, as a concession to SC/ST executives, relaxed standards of evaluation, as indicated in sub para c -3 above, have been prescribed.

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Central Administrative Tribunal
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गुवाहाटी न्यायालय

3. For the purpose of counting the service in current IDA pay scale for any Time Bound Upgradation, Technical break periods in the Adhoc arrangements ordered by DoT / DTS / DIO / BSNL Corporate Office will be treated as continuous for the limited purpose of counting of current IDA scale service period only without any other benefit, monetary or otherwise. Further, IDA scale granted to any Executive by virtue of any local officiating arrangement will not count for the purpose of IDA pay scale upgradation.
4. Review to be done at Circle Level for all disciplines on a time bound basis & on being found fit as per concerned regulatory conditions, the IDA scale of the Executive will be upgraded to the concerned IDA scale from due date. On being found unfit, the next review will be due on next review date and the Screening Committee while judging the fitness of the executive, will also decide about the date of effect of upgradation of pay scale.
5. Consequent to upgradation of IDA pay scale, there will be NO CHANGE IN SUBSTANTIVE STATUS, designation and duties & responsibilities of the Executive, unless any change is ordered in any specific context.
6. Since time bound upgradation of IDA pay scale of any executive under the policy is personal to the executive concerned, no claim what-so-ever can be made by comparison on grounds of Seniority, Class, Community, Cadre, Stream etc. Further, except as provided in instant guidelines, no claim will lie on account of any of the other provisions of FRSR in the context of pay scale's, pay fixation, substantive status etc.
7. Since the first review under Executive upgradation policy is to be made with reference to 01.10.2004, any upgradation due to the Executive on or before 01.10.2004 based on earlier time bound policies, such upgradation will be granted to the executive on the basis of options as ONE TIME RELAXATION if he/she is willing for such promotion and adjudged fit in accordance with concerned regulatory conditions. OPTIONS ONCE EXERCISED, SHALL BE FINAL. The subsequent eligibility for IDA pay scale upgradation of such Executives will be governed by BSNL's Time Bound Upgradation scheme as provided in Para 1(I) (b) (3.2) above.

8. With the implementation of IDA TIME BOUND Pay Scale Upgradation scheme with effect from 01.10.2004, provisions with regard to arrangements like In-situ/ACP or any other time bound promotion / upgradation scheme of Government set up shall stand withdrawn, unless permitted in any specific context.

e. **Screening Committee:** The fitness of the eligible Executive for upgradation to next higher IDA scale shall be judged by a Screening Committee. The details of Screening Committee for various IDA scale upgradations will be as follows:-

| Sl. No. | Pay UPGRADATIONS | Scale | Constitution of Screening Committee |
|---------|---|---|--|
| 1. | Rs. 9,850 -250 14,600 to Rs. 11,875 300 to 17,275 | 14,600 to Rs. 11,875 300 to 17,275 | 1. DDG/General Manager 2. Lt. DDG /Deputy General Manager |
| 2. | Rs. 11,875 - 300 17,275 to Rs. 13,000 350-18,250 | 17,275 to Rs. 13,000 350-18,250 | 3. Lt. DDG / Deputy General Manager |
| 3. | Rs. 13,000-250-18,250 to Rs. 14,500-350- 18,700 | 14,500-350-18,700 | 1. Sr. DDG/Chief General Manager 2. DDG/General Manager |
| 4. | Rs. 14,500-350-18,700 to Rs. 16,000-400- 20,800 | 16,000-400-20,800 to Rs. 17,500-400- 22,300 | 3. DDG/General Manager |

One of the Members of the Screening Committee must belong to SC or ST category, else, one additional SC/ST member of STS/JAG level may be co-opted.

f. **Training:** Every Executive whose pay is upgraded to next higher IDA payscale will have to compulsorily undergo TWO weeks of training (One Week in Administration / Management / Customer Care and One week in latest developments in Core Competence Area) for being eligible for drawal of SECOND increment in the upgraded IDA scale, i.e. the training is to be completed within a period of two years from the date of the upgradation to the higher scale. The Executive who fails to successfully undergo the prescribed TWO weeks training will not be eligible for consideration of next IDA Scale upgradation even if he/she is

due for upgradation otherwise. The detailed instructions with regard to training shall be issued by the training branch of BSNL.

II. Post Based Promotion Policy

In order to bring uniformity in evaluation, judging suitability for promotion and consequent selection, following has been decided with regard to Post Based promotion:-

- (i) For all disciplines, the Post based promotions be made as per following uniform hierarchy levels:-
JTO / JAO / Assistant / PA → SOE / AD / SO / PS → DET / CAO / ADG / EE / Arch → JL DDG / DGM / SE / SA → DDG / GM / CE / CA → Sr DDG / CGM / PCE / PCA
- (ii) Post based regular promotions, in tune with above hierarchy levels, be regulated as per provisions of concerned already notified / to be notified R/Rs of BSNL.
- (iii) The Present quota of 25% earmarked for promotion of JTOs to the grade of SOE through LDCE in existing BSNL RRs for SOEs of various streams is increased to 33%. The relevant SOE level Recruitment Rules stand modified to this extent.
- (iv) All existing BSNL RRs will be reviewed by the concerned staff branch and the RR provisions rendered infelicitous on implementation of Executive Promotion policy may be rescinded. RRs to be notified in future must conform to above hierarchy levels. HR policy changes including changes in RRs in future will automatically become part of executive promotion policy from time to time.
- (v) Consequent to grant of any post based promotion, the officer's pay will be fixed under FR 22 (i) (a) (1) only in cases where such post carries higher scale from the current scale of the executive being promoted. Further, where executive's pay scale is the same as that of promoted post, benefit of one increment in the current scale of the executive shall be granted on promotion. However, in cases where the executive's pay is higher than that of promoted post, such post based promotions will be treated as placement with grant of 6 of 9

Central Administrative Tribunal
संघाधिकारिक न्यायालय

19 AUG 2009

Guwahati Branch
मानविकी विभाग

substantive status of the post. Further, except as provided in instant guidelines, no claim will be on account of any of the other provisions of FRSR in the context of payscale's, pay fixation, substantive status etc.

(vi) The provisions of Adhoc / officiating arrangements will cease to exist in the company consequent upon completion of Group "A" absorption and implementation of Promotional avenues in respect of Group "A" officers as well. Thus, only regular post based promotions, as per BSNL RRs (either notified or to be notified), and looking after arrangements under FR 49 will remain operational.

(vii) Reservations to SC / ST Executives will be provided as per standing instructions on the subject.

(viii) Eligibility, promotion criteria & CPC will be as prescribed in concerned Recruitment Rules. However, zone of consideration for promotions shall be three times the number of posts to be filled up or number of eligible candidates, whichever is less.

(ix) The fitness of the Executive for the post based promotion will be assessed on the basis of fitness criteria as indicated in the following table and meeting of selection-criteria-as-prescribed-in-concerned-RRs, subject to necessary disciplinary / vigilance clearance and no punishment is current.

| SN | Scale | Categ. | Criteria |
|----|--------------------|--------|--|
| 1. | JTO to SOE | OC | No adverse, not more than three Average. |
| | | SC/ST | No adverse, not more than less average. |
| 2. | SDE/Sr. SDE to STS | OC | Selection benchmark Good, no adverse, not more than one Average. |
| | | SC/ST | Selection benchmark Good, no adverse, not more than two Average. |
| 3. | STS to BAG | OC | Selection benchmark Very Good, No adverse, not more than one Average. |
| | | SC/ST | Selection benchmark Very Good, No adverse, not more than less Average. |

7 of 9

Central Administrative Section
Executive Generalized Department

19 AUG 2019

Chairman
TANMAYA BANERJEE

Sealed cover proceedings, whenever applicable, shall remain in vogue as per standing instructions.

(x)

Induction of Management Trainees: - Each year, the BSNL Management will decide about the total number of STS posts to be filled up from feeder cadre executives as well as from Management Trainees (both, internal as well as External). Fifty percent 50% of the total STS posts earmarked for filling up in any year be filled up by seniority-cum-fitness from amongst the feeder cadre executives and rest 50% by management trainees (with 50% reserved for internal Executives and remaining 50% for External candidates), as per BSNL RRs (to be notified). Thus, the induction of Management Trainees will be corresponding to STS level posts in the ratio of 50:25:25 through Departmental promotion, UDCE with internal candidates and Direct Recruits respectively.

(xi)

Training:- With every promotion resulting in change in substantive status, the concerned Executive shall have to compulsorily undergo TWO weeks of training (One week in Administration / Management / Customer Care and One week in latest developments in Core Competence Area) for being eligible for SECOND increment in the promoted post, i.e. the training is to be completed within a period of two years from the date of promotion. The Executive who fails to successfully undergo the prescribed TWO weeks training will not be eligible for consideration for next post based promotion even if he/she is found eligible for promotion otherwise. The detailed instructions with regard to training shall be issued by the training branch of BSNL.

2. Necessary action may immediately be taken for implementation of Time Bound based IOA scale upgradation policy as provided in Para 1(1) above on a time bound basis and all out efforts be made to complete the exercise by 31st March, 2007 for all eligible executives w.r.t. review due on 01.10.2004, 01.10.2005 and 01.10.2006. In so far as the implementation of Post based promotion policy is concerned, the same will be carried out by the Corporate Office in consultation with Circles for which instructions shall be issued in due course.

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Central Administrative Tribunal
संघीय प्रशासनिक व्याधालय

19 AUG 2009

Gurushankar
राजनीति विद्वान्

3. It is mentioned that the implementation of the Executive Promotion Policy is in anticipation of DoT's clarification regarding additional pension liability on the part of BSNL.
4. Clarification, if any, pertaining to implementation of Executive Promotional Policy can be had from the Personnel-I Section of BSNL Corporate Office.
5. This OM is issued with the concurrence of Department of Telecommunications.

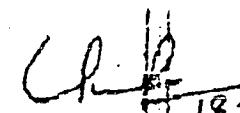

(S. K. CHAUDHARY)
Jt. Dy. Director General (Pers.)

To:

The All Head of Circles & Other Administrative Units of BSNL/
Sr. DDG (Pers.)/Sr. DDG (FP)/Sr. DDG (BW)/Sr. DDG (Arch)/Sr.
DDG (Elect.)/DDG (TF), BSNL CO, New Delhi.

Copy to:

1. PS to Secretary, DoT.
2. GMD/All Board Directors of BSNL
3. DDG (Estt.), DoT.
4. All Sr. DDG/DDG BSNL CO, New Delhi.
5. All Recognized Associations/Unions of BSNL
O/C


(V. K. SINHA)
Section Officer (Pers. -I)

Attested
Dutta
A/C

9 of 9

Central Administration Tribunal
19 AUG 2009

19 AUG 2009

No. 3-22100-CWG
Government of India
Ministry of Communications & Information Technology
Department of Telecommunications
Sanchar Bhawan, 20 Ashoka Road, New Delhi - 110 001

ANNEXURE - 14

Dated 5.8.2007

OFFICE MEMORANDUM

Subject: Grant of 2nd ACP to Civil Wing officers - notice no.

I am directed to refer to this office O.M. dated 8.11.2006, under which a notice has been issued for withdrawal of 2nd ACP granted by DOT vide Orders No.3-1/2000-CWG dated 16.09.2002, 24.04.2003, 01.09.2003 & 20.02.2004 respectively, to Civil wing officers, not meeting the educational qualifications as prescribed in the relevant Recruitment Rules.

2. The representations received have been carefully examined. Keeping in view of the fact that most of the officers have already availed the benefit, stand absorbed in BSNL/ MTNL and are PSU employees at present, it has been decided not to withdraw the 2nd financial upgradation under ACP scheme granted to the officers up to 20.2.2004 i.e. prior to issue of Presidential Order for permanent absorption of Group 'B' officers in BSNL/ MTNL. This is being ordered as one time measure to mitigate the hardship to the officers on withdrawal at this stage and not to be construed as general relaxation.

3. Accordingly, in respect of the officers covered under para 2 above, the 2nd financial upgradation under ACP scheme granted by DOT shall be regulated as under:-

- If the officer absorbed in BSNL, opt to avail 2nd financial upgradation under ACP scheme granted by DOT, he/ she shall have to forego the 1st IDA pay scale upgradation as on 1.10.2004 or later in terms of para 7 of promotional policy for Group 'B' level officers of BSNL circulated vide O.M. No. 400-61/2004-Pers. 1/308 dated 18.1.2007.
- On acceptance of 2nd ACP these officers will be considered for subsequent IDA pay scale upgradation only after completion of 5 year service in the current IDA scale as provided in para 1 (I) (b) (3.2) of the Executive Promotional Policy of BSNL for subsequent IDA pay scale upgradation.

4. In respect of officers absorbed in MTNL, the same shall be regulated as per the Executive Promotion Policy of MTNL.


(Vijendra Kumar)
Director (Civil)

Copy to:

- CMD, BSNL, New Delhi
- CMD, MTNL, New Delhi
- Director (HRD), BSNL, New Delhi
- Director (HR), MTNL, New Delhi
- Sr. DDG (Estt.) BSNL CO New Delhi
- Sr. DDG (BW), BSNL CO New Delhi
- DDG SR, DOT HQ New Delhi
- Guard File.

| |
|---|
| Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय |
| 19 AUG 2009 |
| Guwahati Bench गुवाहाटी न्यायालय |

*At the
Date
RDN*

BHARAT SANCHAR NIGAM LTD
(A Govt. Of India Enterprise)
(BW Unit: Corporate Office)
10th Floor, Chandratok Bldg., 36 Janpath, N Delhi 110001

No. ACP/AD(BW-II)/2007/Pt

Dated : 25.06.07.

To

All Pr. Chief Engineers(Civil),
All Chief Engineers(Civil),
Bharat Sanchar Nigam Limited.

Sub: Regarding grant of upgradation under ACP Scheme.

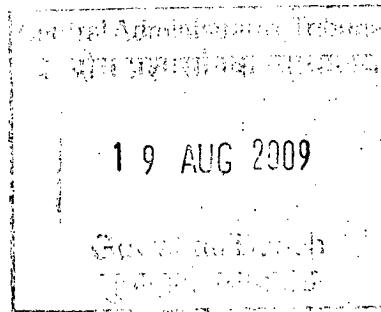
Consequent upon issue of the Promotion Policy for Group 'B' Executives vide letter No. 400-61/2004-Pers.I dated 18.01.2007, a number of representations of the SDE(C)/ JTO(C) have been forwarded to this office for grant of ACP.

In this regard, kind attention is invited towards Para (I) (d) (4) of the Time Bound Executive Promotion Policy. According to which all the upgradation cases shall be reviewed at the Circle level on a time bound basis. Implementation of ACP Scheme, under Paras (I) (d) (7) & (I) (d) (8) also falls under the upgradation scheme and is thus to be reviewed by the respective Circles.

Therefore, no case of ACPs may kindly be forwarded to this office in future.


(Chandra Bhushan)
St. DDG(BW-II)

Attested
R. Bhushan
A.D.



From:

Pradip Kumar Goswami
 Sub Divisional Engineer (Civil),
 BSNL Civil Sub Division
 Karimganj

To,

1. CGMT, BSNL,
 Adminstrative Building,
 Panbazar Guwahati.

//THROUGH PROPER CHANNEL//

Respected Sir,

Sub: Denial of Second ACP benefit to the SDEs (Civil) in Assam Circle – Reg.

Ref:- 1 Promotion policy notified Vide O.M No:400-61/2004-Pers-I/308, dated 18.01.2007

With due respect, I, P K Goswami, working as SDE (Civil) in BSNL Civil Sub Division Karimganj, submit the following few lines for your kind consideration and favorable orders. I have joined the P & T Department (Civil Wing) as Jr. Engineer (Civil) on 11.08.1980 and I got my first promotion as SDE (Civil) on 17.01.2001 i.e., after putting in a service of more than 20 years and I have already passed the Departmental Qualifying Examination for promotion to the grade of AE (Civil) during August'1988 as per the Recruitment Rules prevailing at that time.

As per Para No: 1 (I) (D) (7) of BSNL Executives promotion policy notified Vide O.M. No:400-61/2004-Pers-I/308, dated 18.01.2007 (Time Bound Promotion), I am eligible for 2nd ACP Scale of Rs.14500-350-18700 from 11.08.2004 (i.e., after completion of 24 years of regular service),, though the benefit of 2nd ACP scale of Rs.14500-350-18700 was granted to my colleagues *who have become eligible for 2nd ACP upto [REDACTED]*. Besides these in other circles i.e., Kolkatta, Chennai and Kerala the 2nd ACP scale of Rs.14500-350-18700 has been granted to the SDEs (Civil), *up to 30.08.2004. It shows that there is know any rationality in pay scale among the SDE(Civil). Our 4 years senior colleges are drawing the pay scale of Rs 16000-20000 & 4 years Junior are in the scale 13000-18000. but I am in the scale of Rs 11875 -17000 which is lowering my dignity.*

Vide order No 25-4/2006- Personal.II dated 20.08.08 by BSNL one time relaxation has been granted to Executive who opt for grant of 2nd ACP up to 01.10.2004. I am eligible for 2nd ACP scale by 11.08.2004 i.e prior to 01.10.2004.

In view of the above, I am constrained to bring to your kind notice the gross injustice met to me by way of denial of 2nd ACP benefit in an arbitrary manner.

Therefore I request your good self to grant the 2nd ACP w.e.f 11.08.2004 so that I can continue in the department with the same dignity of my Junior & Senior colleges.

Attested
 Mita
 Adw

19 AUG 2009

ANNEXURE-17

Date: 17.12.2008

From:
Jitangshu Sekhar Bhattacharjee
Sub Divisional Engineer (Civil),
BSNL Civil Sub Division-I
Silchar

To,
The CGMT, BSNL, Assam Circle
3rd Floor, Adminstrative Building,
Panbazar Guwahati.

Respected Sir,

THROUGH PROPER CHANNEL

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

19 AUG 2009

Guwahati Bench
Tribunal No. 2009

Sub: Grant of Second ACP benefit to the SDEs (Civil) In Assam Circle – Reg.
Ref:- Promotion policy notified Vide O.M No:400-61/2004-Pers-I/308, dated 18.01.2007

With due respect, I, J S Bhattacharjee, working as SDE (Civil) in BSNL Civil Sub Division-I Silchar, submit the following few lines for your kind consideration and favorable order please.

That sir, I have joined the P & T Department (Civil Wing) as Jr. Engineer (Civil) on 20.08.1980 and I got my first promotion as SDE (Civil) on 09.01.2001 i.e., after putting in a service of more than 20 years and I have already passed the Departmental Qualifying Examination for promotion to the grade of AE (Civil) during August'1988 as per the Recruitment Rules prevailing at that time.

As per Para No: 1 (I) (D) (7) of BSNL Executives promotion policy notified Vide O.M No:400-61/2004-Pers-I/308, dated 18.01.2007 (Time Bound Promotion), I am eligible for getting the benefit of 2nd ACP in the Scale of Rs.14500-350-18700 from 20.08.2004 (i.e., after completion of 24 years of regular service).

The benefit of 2nd ACP in the scale of Rs.14500-350-18700 was granted to my colleagues who have become eligible for 2nd ACP upto 01.09.2004 in other circles i.e., Kolkata and Kerala etc. (Copy of order enclosed as Annexure-I for your ready reference please).

It shows that there is no any rationality in pay scale among the SDE(Civil). Our 4 years senior colleges are drawing the pay scale of Rs 16000-400-20800 & 4 years Junior are in the scale of 13000-350-18250, but I am in the scale of Rs 11875 -300-17275 which is lowering my dignity. (Copy of order enclosed as Annexure-II for your ready reference please).

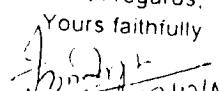
Vide order No 25-4/2006- Personal.II dated 20.08.08 by BSNL one time relaxation has been granted to Executive who opt for grant of 2nd ACP up to 01.10.2004. I am eligible for 2nd ACP scale by please).

In view of the above, I am constrained to bring to your kind notice the gross injustice met to me by way of non – granting of 2nd ACP benefit in an arbitrary manner.

Therefore I request your good self to be pleased enough to grant me the benefit of 2nd ACP w.e.f 20.08.2004 so that I can continue in the department with the same dignity of my Junior & Senior colleges

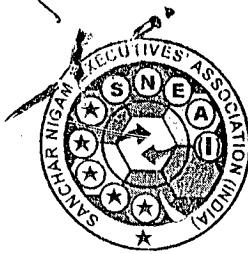
Thanking You in anticipation.

With regards,
Yours faithfully


J S Bhattacharjee, SDE(Civil)
BSNL Civil Sub Division-I
Silchar

Advance Copy submitted to save the delay:-
The CGMT, BSNL, Assam Circle Guwahati for kind information and necessary action please.

Witnessed
Munshi
A.S.W



**SANCHAR NIGAM EXECUTIVES' ASSOCIATION (INDIA)
CENTRAL HEAD QUARTERS**

All communications addressed to the
General Secretary

G.L.Jogi
General Secretary
7/55, Ramesh Nagar
New Delhi - 110 015
Ph. No. 011 25934899

SNEA(I)/GM(SP)& Chairman of the Committee/1/2-09

Dated 10th Feb., 09.

To

Shri. Pradeep Nagpal,
General Manager (SP),
Chairman, ACP Committee,
BSNL Corporate Office,
New Delhi.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

19 AUG 2009

Guwahati Bench
गুৱাহাটী বেচেন্স

Sub:- Implementation of ACP Scheme in the cadre of JTO(Civil/Electrical) etc.

Ref: Order no ACP/AD(BW-II)2007(Pt) dated 20.02.2008
Sir,

Serious anomalies have resulted in the Civil wing of BSNL as a consequence of issuing of a highly arbitrary and unwarranted order no ACP/AD(BW-II)/2007 (Pt) dated 20.02.2008 by the BW wing. We are, however, thankful to Director(HRD) for acceding to our request of getting the entire issue reexamined by way of constitution of a committee, and we are happy and confident that under your Chairmanship of the Committee the issue will be addressed in a comprehensive way. Basically, the issue needs to be looked at in a realistic and hard manner, keeping in view the entire background related to the issue in its totality like the various orders and clarifications issued by DOT on the scheme of ACP from time to time. Along with these orders and clarifications are to be closely connected other important relevant developments having taken place in BSNL with regard to Civil/Electrical executives like up gradation of their pay scales from a latter date than 1.10.2000, counting of their residency period for first financial up gradation in BSNL from 1.10.2000, (even though their pay scales are actually upgraded at a latter date), and other orders and clarifications issued by the BSNL Corporate office.

Hereunder, we are submitting a detailed brief of the entire issue, covering entire developments in DOT and BSNL, relating to the issue, so as to enable you and other members of the committee to appreciate the genuineness of the issue and an urgent need to address and resolve the serious anomalies that the aforesaid order under reference of BW wing have resulted in.

Since hundreds and hundreds of executives working in Civil/electrical wing of BSNL are facing the prospects of unjustified and illegitimate recovery as a consequence of issuing of the order under reference, we make, thus, a humble submission to the Committee that, before addressing the issue in its entirety, which shall, of course, take a little time, to keep the said order under reference under abeyance. We feel that would be a beginning in the right direction since committee's mandate is to examine the issue in totality.

BACK GROUND OF THE CASE

a) As per the recommendation of Vth Central Pay Commission, Govt. of India had implemented ACP scheme vide order no.35034/1/97-Estt (D) dated 9th August, 1999. The ACP scheme was implemented to deal with the problem of genuine stagnation and hardship faced by the

*Collected
Datta
Ach*

employees due to lack of adequate promotional avenues. The same scheme was implemented in the Civil Wing of Department of Telecom vide order no. 2-1/99-CSE Dated March 03, 2000 in order to overcome the acute stagnation in the cadre of JTO (C/E). The salient features of ACP scheme are attached as annexure.

b) Clarification no. 55 of ACP scheme says that the financial upgradation under ACP scheme is to be allowed under the hierarchy existing as on 09.08.1999 or at the time one becomes eligible whichever is later. Since a new hierarchy has come into being, the financial upgradation may be allowed only in the restructured hierarchy i.e. JTO->SDE->EE.

The hierarchy structure w.e.f 09.08.1999 is as under:

On 09.08.1999 the hierarchy was JE->AE->EE. On 01.10.2000 (formation of BSNL) the hierarchy was JE->AE->EE. On 01.12.2001 (JEs are Re-designated as JTO) hierarchy was JTO->AE->EE. On 01.03.2002 (AEs are Re-designated as SDE) hierarchy was JTO->SDE->EE.

The applicable hierarchy till date is remained same as JTO->SDE->EE.

AFTER FORMATION OF BSNL

a) In the terms and conditions for absorption in BSNL, it was decided vide order No BSNL/26/SR/2002.dated 07.08.2002 that the existing scheme of ACP will continue in BSNL till it is revised by an agreement or BSNL formulate its own promotion policy. The BSNL HQ has promoted JE (C/E) to AE(C/E) vide order No 2-2/2004-CSE dated 16-07-2004 under ACP Scheme in the pay scale of Rs 11875-300-17275. Above said promotion order & the above clarifications on ACP scheme has strong correlation in terms of the hierarchy i.e. "the then JE(C) now JTO (C) may be promoted in the grade of SDE (C)" may kindly be perused as stated in the above order. If the above promotions order is considered correct in terms of hierarchy, there shall not be any doubt that the Ist ACP granted JTOs prior to 01.10.2000, their pay scale shall also be equally placed as Rs 11875-300-17275 w.e.f. 01.03.2002 (The date of effect of RR's of SDE).

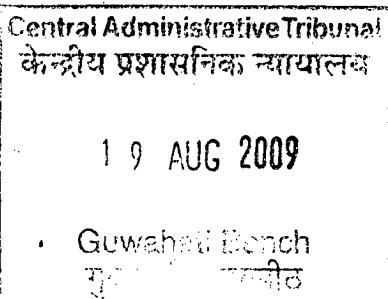
b) Now BSNL has issued its own Executive Promotion Policy vide No **400-61/2004-Pers.I/308 dated 18.01.2007**. As mentioned in para 1.0 I (d) 7 of BSNL Executive's Promotion Policy, one time relaxation will be granted to the executives who were upgraded on or before 01.10.2004 based on earlier time bound policies /upgradation i.e. ACP scheme in the case of Civil/Elect wing.

c) After issuing BSNL Executive's promotion policy when ACP scheme was about to implement as per para 1(I) (d)7, BSNL HQ personnel section issued an order No.25-4/2006-Pers-II dated 20-08-2007. The order states that the ACP will not be given on upgraded scale in BSNL, which explicitly violates the objectives of ACP scheme itself. Similar issue was there in the case of JTO (Telecom) when Vth pay commission report was implemented. The Lateral JTO was given the pay scale of SDE after 12 years of service from 1990 onwards. In the Vth pay commission JTO pay scale was upgraded from Rs 5500 -9000 to Rs 6500-10750 and SDE pay scale upgraded from Rs 6500 - 10750 to Rs 7500 -12000. Initially the JTOs and lateral JTOs after 12 years of service are placed in the same pay scale of Rs 6500-10750. Later on DOP clarified that the Lateral JTOs pay scale will be the same as that of the promotional cadre SDE ie. Rs 7500-12000.

d) The Jt. DDG BW section issued order No. ACP/AD(BW-II)/2007(Pt) dated 20.02.2008 that the JTO(C) who got first ACP prior to 1.10.2000 in the scale of 6500-10500 (CDA) will remain in the IDA scale of Rs 9850-14600 (IDA) even after 01.03.2002 (date of effect of RR's for SDE (C)).

ANOMALIES

a) The cadre of JE (C/E) was absorbed in BSNL as non-executive w.e.f 01.10.2000 & placed in the pay scale of Rs 5000 - 8000 (CDA). But those JE (C/E) who got their first ACP prior to 01.10.2000 & drawing pay scale of Rs 6500-10500 (CDA) were absorbed as Executive in BSNL and their pay fixed in the Executive pay scale of Rs 9850-14500 w.e.f. 1.10.2000 which explicitly exhibit that Ist ACP holder JEs in the pay scale of AE(C/E) were treated as Executives on 01.10.2000. Consequent upon re-designation of post of AE (C/E) to SDE(C/E) & also the implementation of upgraded pay scale of Rs 7500-12000 (CDA) w.e.f 01.03.2002, the Ist ACP holder JEs/JTOs were also to be placed in the pay scale of Rs 11875-300-17275. If Ist ACP holder JTOs are continued in the scale of Rs 9850-14500 even after 01.03.2002, then on their regular / functional promotion as SDE (C/E) they shall not be placed in the scale of Rs 11875-300-17275 as per principle laid



down in ACP scheme i.e. the financial benefit under ACP scheme is final and no financial benefit shall accrue at the time of regular/ functional promotion (condition no. 9 of rule 7).

b) The benefit under ACP scheme is to be given in the existing hierarchy of promotion. The promotional hierarchy after 01.03.2002 in BSNL is JTO>SDE>EE. The JTO eligible for first ACP after 01-3-2002 if placed in the scale of Rs 9850-14600 will violate the condition No.7 and subsequent clarification no 41 and 55 of ACP rule.

c) If order dated 20.08.2007 and dated 20-02-2008 are applied, the treatment under ACP scheme and regular promotion will be different and it would violate the clarification no 20 and 22 of ACP rule which clearly says that there shall be uniformity of treatment in case of ACP and regular promotion as for financial benefit is concerned and pay fixation shall be done under FR 22(1)(a)(1) at the time of ACP & not at the time of functional promotion.

d) If the JTO's who got first ACP prior to 01-10-2000 are not placed in the scale of Rs 11875-300-17275 as on 01.03.2002 the benefit earned under ACP scheme in DOT period will be nullified and those JTO's having more than 15 years of service will be placed at par with a fresh recruit JTO of BSNL on 01.10.2000.

e) Another anomaly will appear with the JTOs those have got their 1st ACP between 01.10.2000 & 01.10.2004. The Junior JTOs will draw more salary than the senior JTOs already got their 1st ACP prior to 1.10.2000 & rendered regular service even more than 25 years.

PRAYER

The stagnation in the cadre of JTO (C/E) is very much alarming as the JTO (C/E) of 1983 batch after putting a continuous regular service for 25 years are still waiting for their first functional promotion. In such circumstances ACP scheme was the only promotional avenue available for those JTOs to get rid of stagnation.

In the light of above explanations & submissions, we humbly request your honour and other committee members please examine the case and kindly recommend:

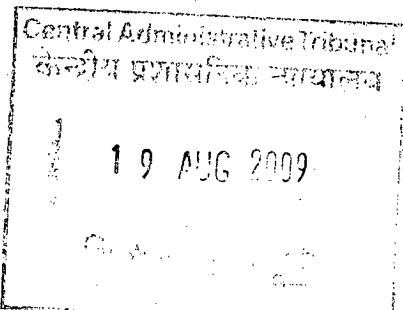
- a) Implementation of ACP scheme as per the existing hierarchy ie. JTO->SDE->EE.
- b) Implementation of ACP scheme in the upgraded pay scales w.e.f 01-03-2002 and thereby extending the scale of Rs 11875-300-17275 to the JTOs under 1st ACP.
- c) Continuation of ACP scheme till the first Time bound promotion. This will benefit those few JTOs having 14 years of service who are eligible to get 1st ACP after 01-10-2004 and prior to the first Time bound promotion on 01-10-2006.
- d) Recommend notional fixation in order to overcome the anomaly of same pay scale of Rs 9850-14500 for JTO and AE between 01-12-2001 to 01-03-2002.

With regards

Yours faithfully,

(G. L. Jogi)
General Secretary.

Copy to: All Committee members.



ANNEXURE

Salient features of ACP Scheme are:

- 1) the financial up gradation under ACP scheme is to be given to the next higher grade in accordance with the existing hierarchy in a cadre / category of post without creating new post for the purpose and the ACP benefit in their case shall be granted conforming to the existing hierarchical structure only (**condition no. 7 of ACP Scheme**).
- 2) under ACP scheme the pay of an employee shall be fixed under FR 22(I) (a)(1). The financial benefit under ACP scheme shall be final and no financial benefit shall accrue at the time of regular promotion i.e. posting against a functional post in higher grade (**condition no. 9**).
- 3) all eligibility condition for regular promotion has to be fulfilled for upgradation under ACP scheme (**clarification no. 16**).
- 4) the upgradation under ACP scheme shall be treated at par with the regular promotion in so far as pay fixation is concerned (**clarification no. 20**).
- 5) **Clarification no. 22 of ACP scheme** says that the procedure in case of ACP is to be followed in the same pattern as that in the case of regular promotion. The basic idea making the provision is that there shall be uniformity of treatment both in case of ACP and regular promotion.
- 6) If the feeder cadre and the promotional cadre become one grade due to rationalization of scale the mobility under ACP Scheme shall be in the hierarchy existing after merger of pay-scales by ignoring the promotion. An employee who got promoted from lower pay-scale to higher pay-scale as a result of promotion before merger of pay-scales shall be entitled for upgradation under ACP Scheme ignoring the said promotion as otherwise he would be placed in a disadvantageous position vis-à-vis the fresh entrant in the merged grade (**clarification No.1**).
- 7) **Clarification no. 41 of ACP scheme** says that if due to restructuring the feeder and the promotional post are merged to constitute one single level in the hierarchy then in such case next financial upgradation will be in the next higher grade above the merged grade. The same thing has also been clarified in the **clarification no.1**.
- 8) As per **clarification No. 52** it is incorrect to have a feeder grade and a promotional grade in the same scale of pay. In such cases, appropriate course of action is to review the cadre structure. If as a restructuring, feeder and promotional posts are merged to constitute one single level in the hierarchy, then in such a case, next financial upgradation will be in the next hierarchical grade above the merged levels and if any promotion has been allowed in the past in grades which stand merged, it will have to be ignored as already clarified in reply to point of doubt No. 1.
- 9) **Clarification no. 55 of ACP scheme** says that the financial upgradation under ACP scheme is to be allowed under the hierarchy existing as on 09.08.1999 or at the time one becomes eligible whichever is later. Since a new hierarchy has come into being, the financial upgradation may be allowed only in the restructured hierarchy i.e. JTO->SDE->EE.

Wrote
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A.D.W.

12 AUG 2009

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BHARAT SANCHAR NIGAM LIMITED
(A GOVT OF INDIA ENTERPRISE)
CORPORATE OFFICE : BW UNIT
10TH FLOOR, CHANDRALOK BLDG, NEW DELHI

ANNEXURE-19

No. ACP/AD(BW-II)/2007(Pt)

Dated : 11.02.09.

To

All PCE(C)/ CE(C)
BSNL Civil Zones.

Sub: Regarding grant of 2nd ACP.

Ref: 1. DOT letter No. 3-1/2000-CWG dated 08.11.2006.
2. DOT letter No. 3-2/200-CWG dated 30.03.2007.

This office has received representations from many Executives working in field units requesting for grant of 2nd financial upgradation under ACP Scheme, by relaxing the educational qualification as required under terms and conditions of ACP Scheme.

The brief history of the case is as follows :

1. DOT vide order's No. 3-1/2000-CWG dated 16.06.2002, 24.04.2003, 01.09.2003 & No. 3-1/2000-CWG (Vol.II) dated 20.02.04 granted 2nd financial upgradation under ACP Scheme to Civil Wing officers.
2. Before absorption of Gr'B' officers in BSNL from March, 2004, the cadre was handle by DOT and hence all the orders mentioned in Para 1 above were issued by DOT. After absorption, BSNL has decided to keep the implementation of the ACP Scheme in abeyance till finalization of its Promotion Policy.
4. In the meantime, DOT vide letter No.3-1/2000-CWG dated 08.11.2006 has decided to review grant of 2nd financial upgradation under ACP Scheme, issued vide order No. 3-1/2000-CWG dt 16.06.2002, 24.04.2003, 01.09.2003 & 20.02.04 and accordingly a notice was given to all officers covered under these orders.
5. DOT vide letter No. 3-2/2006-CWG dated 30.03.07 has decided not to withdraw the 2nd financial upgradation under ACP Scheme granted to officers covered under DOT orders No. 3-1/2000-CVG dated 16.09.02, 24.04.03, 01.09.03 & 20.02.04 not meeting the educational qualifications as prescribed in the relevant Recruitment Rules, subject to certain conditions as laid down in order dated 30.03.07.
6. BSNL has issued its Time bound/ Post based Executive Promotional Policy for Gr'B' level officers vide letter No. 400-61/2004-Pers.I dated 18.01.2007. Its para 1 (I)(d) 7 states that " Since the first review under Executive upgradation policy is to be made with reference to 01.10.2004; any upgradation due to the Executive on or before 01.10.2004 based on earlier time bound policies, such upgradation will be granted to the Executive on the basis of options as One time relaxation if he/she is willing for such promotion and adjudged fit in accordance with concerned regulatory conditions".

Thus the Executive can opt for ACP scheme upto 01.10.2004. Since 2nd ACP cases for SDE(C) are to be processed in the same manner as promotion to EE(C) grade are to be processed, therefore, all the eligibility criteria of DOT P&T Building Works Services Group'A' RRs'94 are required to be fulfilled.

6. The Executive's who are requesting for grant of 2nd ACP without fulfilling the educational qualification as required now under terms and conditions of ACP Scheme, are

C2.
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demanding to extend the relaxation given by DOT vide letter dated 30.03.07 to them also.

The case has been examined in the light of submissions mentioned above, and it is stated that DOT letter No.3-2/2006-CWG dated 30.03.2007 is valid only for those SDE(C)s who were granted 2nd ACP vide order dated 16.06.2002, 24.04.2003, 01.09.2003 & 20.02.04 as a one time relaxation only, and no general relaxation had been granted by DOT.

In view of above, it is requested that such cases, if available, shall be reviewed at your level as per this office's letter No. ACP/AD(BW-II)/2007(Pt) dated 25.06.07(Copy enclosed).

Encl.: As above.


(S C Garg)
DGM(BW-II)

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BHARAT SANCHAR NIGAM LIMITED
CORPORATE OFFICE : BW UNIT
10TH FLOOR, CHANDRALOK BLDG, NEW DELHI

ANNEXURE-20

No.PF/Digamber Singh/AD(BW-I)
 To

Dated : 08.06.09.

All PCE(C)/ CE(Civil)
BSNL Civil Zones.

Sub.: Implementation of ACP Scheme : Regarding grant of 2nd ACP.

A representation of an Executive from field units has been received wherein it has been mentioned that some Civil Zones have granted 2nd ACP to the Civil Executives without fulfilling the criteria's stated in ACP scheme. On examination of the same it has came to notice that at least one of the Civil Zone has not implemented the ACP scheme in true spirit in respect of grant of 2nd ACP to the Executive's.

The case is brief is as follows :

BSNL has issued its Time bound/ Post based Executive Promotional Policy for Gr'B' level officers vide letter No. 400-61/2004-Pers.I dated 18.01.2007. Its para 1 (I)(d) 7 states that

"Since the first review under Executive upgradation policy is to be made with reference to 01.10.2004, any upgradation due to the Executive on or before 01.10.2004 based on earlier time bound policies, such upgradation will be granted to the Executive on the basis of options as One time relaxation if he/she is willing for such promotion and adjudged fit in accordance with concerned regulatory conditions".

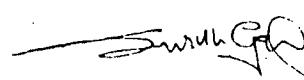
The ACP scheme under the erstwhile DOT scheme also falls under the category of earlier time bound policies. Thus, an Executive can opt for ACP scheme upto 01.10.2004. However, the ACP is to be provided under the erstwhile DOT Scheme.

Accordingly, for grant of 2nd ACP in EE(C) grade DOT's P&T Building Works Service Group 'A' RRs'94 shall be applicable. Since, ACP cases are to be processed in the same manner as promotion to EE(C) grade is to be processed, therefore, all the eligibility criteria are to be fulfilled while processing grant of 2nd ACP cases.

However, clarification No. 14 on the ACP scheme issued vide No. 35034/97-Estt(D)(Vol.IV) dated 10.02.2000 states that

"Upgradations under the scheme are to be allowed on completion of 12/24 years of service counted from direct entry in the Govt employment. If an employee gets first regular promotion on completion of 20 years of service, he will be entitled to second financial upgradation under ACPS on completion of 4 years of service after such regular promotion, though the Recruitment/ Service Rules prescribe higher length of service in the grade for next promotion".

I am directed to request all the field units to implement the ACP scheme in true spirit and process cases from Executives of Civil Wing as per instructions of competent authority issued in this regard and rectify the error, if any.



(S C Garg)
 DGM(BW-I)

*Attested
 Datta*

