

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 273/2009-2008  
R.A./CP/NO..... 2015  
E.P./M.P./NO..... 2015

1. Order Sheets..... 01 ..... pg..... 01 ..... to..... 01 ✓
2. Judgment/ order dtd. 20/12/2009 pg..... 01 ..... to..... 03 ✓
3. Judgment & Order dtd..... received from H.C. /Supreme Court.
4. O.A. .... 273/09 ..... page..... 01 ..... to..... 17 ✓
5. E.P/M.P. .... 7 ..... page..... to.....
6. R.A./C.P. .... page..... to.....
7. W.S. .... Page..... to.....
8. Rejoinder..... page..... to.....
9. Reply ..... page..... to.....
10. Any other papers ..... page..... to.....
11. Memorandum Appearance pg. 01 ✓

SECTION OFFICER (JUDL.)

21.7.2015

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

1. ORIGINAL APPLICATION No : 273 / 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) : Sri Tanjau Sarma more

Respondent (S) : Union of India more

Advocate for the : -----  
(Applicant (S)) Dr. J. L. Sarkar  
Mr. S. N. Tamuli

Advocate for the : -----  
(Respondent (S)) B S N L

Notes of the Registry	Date	Order of the Tribunal
<p>Application No. 273 is filed/C. F. for O.A. deposited via D.P. (22) No. <u>396. 433362</u> Dated <u>19/12/09</u></p> <p><i>Harish 21/12/09 Dy. Registrar 21/12/09</i></p>	22.12.2009	<p>Heard for both sides. For the reasons recorded separately O.A. stands disposed of.</p> <p><i>✓</i> (Madan Kumar Chaturvedi) Member (A)</p>
<p><u>21/12/09</u> <u>Five (5) copies of</u> <u>application with envelope</u> <u>received for issue and is</u> <u>to the Respondents. Copy</u> <u>served.</u></p> <p><i>21/12/09</i></p> <p>Received on behalf of Mrs. M. Das S. C. S. C. Meeka, Advocate 26.12.09</p>	/LM/	

R copy

Advocate  
29/12/09

6-1-2010

Judgment / Final Orders

Dated 22/12/09 Prepared  
and sent to the Dispatch  
Section for issuing the all  
the judgments by Post

vide No 129 to 133

Dated 06-01-2010

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI:

O.A. No. 273 of 2009

Date of Decision : 22.12.2009

Shri Tanjan Sarma & Ors.  
.....

Applicant/s

Dr.J.L.Sarkar  
.....

Advocates for the  
Applicant/s

- Versus -

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

Respondent/s

Mrs. M.Das, B.S.N.L.  
.....

Advocate for the  
Respondents

CORAM :

HON'BLE MR.MADAN KUMAR CHATURVEDI, MEMBER (A)

1. Whether reporters of local newspapers may be allowed  
to see the Judgment ?

Yes/No

2. Whether to be referred to the Reporter or not ?

Yes/No

3. Whether their Lordships wish to see the fair copy  
of the Judgment ?

Yes/No

Judgment delivered by

*Madan Kumar Chaturvedi*  
MEMBER(A)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 273 of 2009

Date of Order: This, the 22<sup>nd</sup> Day of ~~December~~, 2009

HON'BLE SHRI MADAN KUMAR CHATURVEDI, MEMBER (A).

1. Sri Tanjau Sarma
2. Sri Bhaben Kumar Sarma
3. Sri Kamala Kanta Thakuria
4. Sri Ajay Kishore Dey
5. Sri Manindra Kumar Dey
6. Mrs. Bina Pani Nath
7. Sri Anil Chandra Sarma
8. Abdur Rahman
9. Sri T.B. Choudhury

All the Applicants are retired  
BSNL employee working under  
the General Manager, BSNL  
Kamrup Telecom District, Guwahati - 1.

...Applicants.

By Advocate: Dr. J.L. Sarkar & Mr. S.N. Tamuli.

-Versus-

1. The Union of India represented  
By the Secretary Ministry of  
Communication Department of  
Telecom, Sanchar Bhawan  
New Delhi, Pin – 110001.
2. The Chief Managing Director  
Bharat Sanchar Nigam Limited  
Corporate Office 102-B  
Statesman House, 148 Barahhumba Road  
New Delhi, Pin – 110001.
3. The Chief Managing Director  
B.S.N.L. Corporate Office  
102-B Statesman House, 148 Barahhumba Road  
New Delhi, Pin – 110001.
4. The Chief General Manager  
Bharat Sanchar Nigam Limited  
Assam Telecom Circle, Guwahati, Pin – 781007.
5. The General Manager  
Bharat Sanchar Nigam Limited  
Kamrup Telecom District  
Pan Bazar, Guwahati, Pin – 781001.

...Respondents

By Advocate: Mrs.M.Das, for BSNL

By this O.A. the Applicants makes a prayer for grant of Grade-IV promotion (10% BCR grade) as per order No.GMT/EST-382/Gr.IV/SSS,CSS/07-08/74 dated 25.2.2008 and GMT/EST-382/Gr.IV/SSS,CSS/07-08/75 dated 25.02.2008 .

Dr.J.L.Sarkar, learned counsel for the Applicant submitted that all the applicants are retired employees of Bharat Sanchar Nigam Limited. All of them initially joined service under Indian Post and Telegraphs Department, N.E.Circle, Shillong on different dates. Subsequently with the bifurcation of N.E.circle in to Assam Circle and N.E.Circle, all the applicants falls under Assam Telecom circle. With the corporatisation of Telecom Department/Service in the year 2001 i.e on 1/10/2000 applicants were absorbed in the BSNL. After serving in the Department of Post and Telegraph, than Department of the Telecom and ultimately B.S.N.L., applicants retired from services on various dates without any blemish or stigma.

Applicants were granted 1<sup>st</sup> promotion on completion of 16 years of service as per the Scheme formulated by DOT Known as One Time Bound Promotion Scheme to grant promotion from basic Grade to TS Clerk Grade II. This Scheme, inter alia, provides for promotion to grade II post on the basis of departmental examination. Grade II promotion were given from amongst eligible staff on completion of 16 years of service.

In 1990, Department of Telecommunication introduced another scheme of promotion i.e. 2<sup>nd</sup> time bound promotion on completion of 26 years of service. This scheme



provides promotion for those staff for whom OTBP is applicable on completion of 16 years. Under BCR scheme applicants were granted 2<sup>nd</sup> promotion i.e. from Grade II to Grade III, on completion of 26 years against 10% BCR quota. Vide Memo dated 27.3.2008, the promotion order of the Applicants were kept in abeyance.

It was submitted by the Dr.J.L.Sarkar, that till this date the matter is in limbo and no decision is being taken on this issue. All the Applicants are retired persons, as such it should not be prolonged and justice be done.

Mrs.M.Das, Sr. Standing Counsel appeared for the BSNL. The learned Standing counsel clearly stated that there is absolutely no objection if direction be rendered for expediting the matter within three months to meet the ends of justice.

I have heard learned counsel for both sides. It is a policy of the State that law suits be not protracted otherwise great oppression might be done under the colour and pretence of law. Lord coke put it in a latin tag: "interest republica ut sit finis litum."

Having regard to the fact that the Applicants are retired person and considerable time has elapsed, I direct the Respondents to expedite the matter within a period of three months by passing a reasoned order.

O.A. is accordingly, disposed of. No costs.

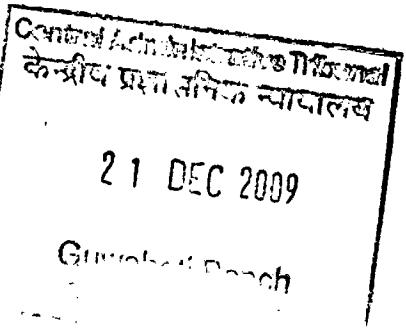
*Administrative Member*  
(MADAN KUMAR CHTURVEDI)  
ADMINISTRATIVE MEMBER

LM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :

O.A. NO. 273 Of 2009

Sri Tanjau Sarma & Others  
\_Vs-  
Union of India & Others



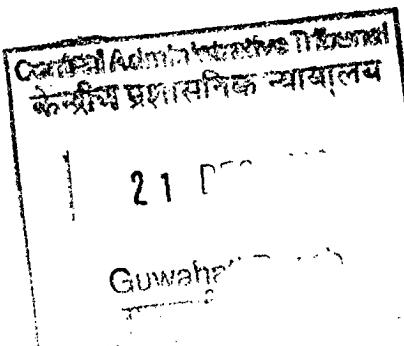
SYNOPSIS

Applicants in this O.A. joined Department of post and Telegraph as T.S. Clerk Grade I. Subsequently they were absorbed in B.S. N.L. with the formation of B.S.N.L.. As per the Time Bound Promotion Committee i.e OTBT (One Time Bound Promotion Scheme) and BCR i.e. Biennial Cadre Review Scheme Applicants were given promotions to TS clerk Grade II and Grade III respectively on completion of 16 and 26 years of Service. Their next promotion is to the post of TS Clerk Grade IV i.e. 10% BCR Quota. Initially promotions order were issued for promotion of the Applicants against 10% BCR quota on 25/2/08 (Annexure 3&4) of this application. But surprisingly vide order dated 27.03.2008 the above promotion orders were kept in abeyance while doing so Resondents did not give any opportunity of hearing to the Applicants. Applicant No.1 submitted representation to GM, Kamrup Telecom District which is still pending. Being aggrieved by such arbitrary action of the Departments the Applicants filed this O.A.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :

O.A. NO. Of 2009

Sri Tanjau Sarma & Others  
\_Vs-  
Union of India & Others

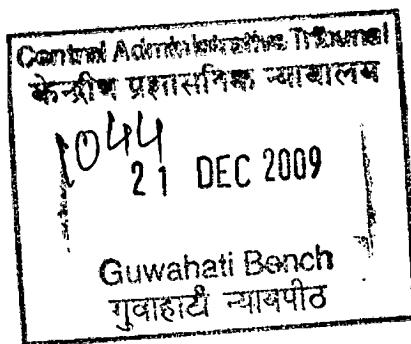


INDEX

Sl. No.	Particulars	Page Nos.
1	Original Application	1-9
2	Verification	10
3	Annexure 1	11
4	Annexure 2	12-13
5	Annexure 3	14
6	Annexure 4	15
7	Annexure 5	16
8	Annexure 6	17

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

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



O.A. No. .... 273 ...../2009

- (1) Sri Tanjau Sarma
- (2) Sri Bhaben Kumar Sarma
- (3) Sri Kamala Kanta Thakuria
- (4) Sri Ajay Kishore Dey
- (5) Sri Manindra Kumar Dey
- (6) Mrs. Bina Pani Nath
- (7) Sri Anil Chandra Sarma
- (8) Abdur Rahman
- (9) Sri T.B. Choudhury

All the Applicants are retired BSNL employee working under the General Manager, BSNL, Kamrup Telecom District, Guwahati-1.

.....Applicants

-Vs-

- (I) The Union of Indian represented by the Secretary Ministry of Communication Department of Telecom, Sanchar Bhawan New Delhi, Pin-110001.

- (II) The Chief Managing Director, Bharat Sanchar Nigam Limited Corporate Office 102-B Statesman House. 148 Barahhumba Road New Delhi, Pin -110001

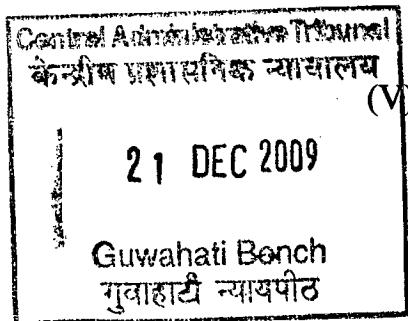
Filed by the Applicant  
Through S. N. Tumuli  
Advocate Date: - 1/12/09

COPY Received by  
S. P. Upadhyaya on  
behalf of Mr. B. C. Pathak  
Advocate for BSNL on  
21/12/09 at about 2.00 PM.

Tanjau Sarma

(III) The Chief Managing Director  
 B.S.N.L Corporate office  
 102-B statesman House  
 148 rahhumba Road  
 New Delhi, Pin-110001.

(IV) The Chief General Manager  
 Bharat Sanchar Nigam Limited  
 Assam Telecom Circle  
 Guwahati, Pin-781007



The General Manager.  
 Bharat Sanchar Nigam Limited  
 Kamrup Telecom District  
 Pan Bazar, Guwahati  
 Pin 781001

.....Respondents

#### DETAILS OF THE APPLICATION:

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

This application is made against order No GMT/EST-382/Gr. IV/SSS,CSS/Loose/07-08/7 dated 27.03.08 issued from the office of the General Manager, Kamrup Telecom District (BSNL) informing that the Memo No GMT/EST-382/SSS, CSS/07-08/74 and even no 75 dated 25.02.08 issued by the same office was kept in abeyance until further order. And for grant of 10% BCR Grade IV promotion to the applicants as per the orders No GMT/EST-382/Gr. IV/SSS,CSS/07-08/74 dated 25.02.08 and GMT/EST-382/Gr. IV/SSS,CSS/07-08/75 dated 25.02.08 for grant of consequential benefits including pension.

*Tanjan Sarma*

## 2. JURISDICTION OF THE TRIBUNAL:

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

## 3. LIMITATION:

The applicants further declare that the application is within the limitation period prescribed in Section 21 of the Administrative Tribunal Act-1985

## 4. FACTS OF THE CASE:

4.1 That the applicants are citizens of India and as such they are entitled to the rights and privileges guaranteed by the Constitution of India and Laws framed there under from time to time.

4.2 That all the applicants are retired employees of Bharat Sanchar Nigam Limited (herein after referred as B.S.N.L in short), and have a common cause of action and have a common relief prayed for and as such pray before your Lordships to grant permission to move a joint Original Application under Rule (5) (a) of Central Administrative Tribunal (Procedure) Rules – 1987

4.3. That all the applicants initially joined service under Indian Post and Telegraphs Department, N.E. Circle, Shillong on different dates as given in the chart given below as Time Scale Clerk (TS Clerk in short), Gr.C posts. Subsequently with the bifurcation of N.E. circle in to Assam Circle and N.E. Circle all the applicants falls under Assam Telecom Circle. With the Corporatisation of Telecom Department/Service in the year 2001 i.e. on 1/10/2000 applicants were absorbed under B.S.N.L. and become the employee of B.S.N.L. After serving in the Department of Post and Telegraph, than Department of the Telecom and ultimately B.S.N.L. applicants

*Tanjau Sarma*

retired from services on various dates without any blemish or stigma in their service life.

21 Dec 2009  
Guwahati Bench  
গুৱাহাটী চৰক্ষণীৰ

4.4 That the applicants were granted 1<sup>st</sup> promotion on completion of 16 Years of service as per the scheme formulated by DOT Known as One Time Bound Promotion Scheme (herein after referred as OTBP Scheme in short) to grant promotion from basic Grade to TS Clerk Grade II. . The scheme inter alia provide that promotion to grade II post on the basis of departmental examination was be abolished ultimately Grade II promotions were green from amongst eligible staff on completion of 16 years of service. Applicants were also promoted by following this OTBP Scheme on completion of 16 years of service.

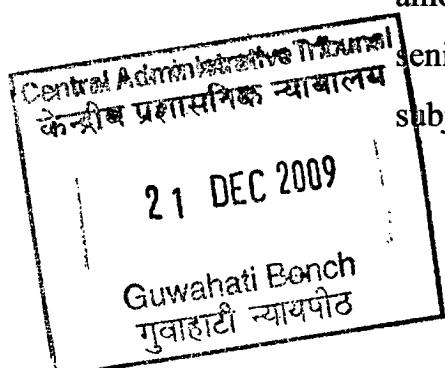
4.5. That in the year 1990 Department of Telecommunication (DOT in short) introduced another scheme of promotion i.e. 2<sup>nd</sup> time bound promotion on completion of 26 years of service in basic grade vide latter No: DOT No 224/87-TE II (1) dated 16/10/1990. This scheme provider that those staff for whom OTBP is applicable on completion of 16 years and entered service on or before 1/1/1990 will be governed by this scheme. This scheme provider that Biennial Cadre Review (once in two year) will be conducted in respect of eligible cadres at the circle level and at the time of review the number of officials who have completed and would be completing 26 years of service in the basic grade (including time spent in higher scale/OTBP) will be ascertained and promotion will be granted by up-graduation of posts on the basis of functional justification. This scheme is called Biennial Cadre Review (herein after referred as BCR scheme in short). Applicants in the present O.A. were granted promotion initially on completion of 16 years of service as per OTBP Scheme on various dates. Subsequently under BCR scheme dated 16/10/1990 applicants were granted 2<sup>nd</sup> promotion i.e. from Grade II to Grade III, on completion of 26 years in basis grade.

A copy of the letter dated 16/10/1990 is enclosed as Annexure 1

*Tanjun Sarma*

4.6 That next promotion of the T S Clerk Grade III which includes applicants is to the post of TS Clerk Grade IV (Scale of pay Rs. 8570-245-12,245, 5<sup>th</sup> CPC). These promotions are given amongst the eligible officials in Grade III i.e. T S Clerk Grade III by up gradation of 10% the post in grade III i.e. 10% BCR posts. Ministry of Communications, Department of Telecom, Sanchar Bhawan –New Delhi vide letter dated 13/12/1995, No 22-6/94-TE-II, issued procedure for promotion to 10% BCR posts (Grade IV posts) as per judgment of Hon'ble Supreme Court. This letter states as follows:

“...it has now been divided Grade- VI may be given amongst officials in Grade III on the basis of their seniority in the basic grade. The promotion would be subject to fitness determined by the DPC as usual”



A copy of the letter dated 13/12/95 is enclosed as Annexure 2

4.7. That following the about order various promotion orders were issued granting promotion to Grade III officials against 10% BCR Quota from time to time. These orders were issued giving retrospective effect depending upon availability of vacancies determined by biennial cadre review. As per the above scheme applicants were promoted to TS Clerk Grade IV vide orders No GMT/EST-382/Gr. IV/SSS,CSS/07-08/74 dated 25.02.08 and GMT/EST-382/Gr. IV/SSS,CSS/07-08/75 dated 25.02.08 depending upon their seniority against 10% BCR Quota.

Copies of the orders No GMT/EST-382/Gr. IV/SSS,CSS/07-08/74 dated 25.02.08 and GMT/EST-382/Gr. IV/SSS,CSS/07-08/75 dated 25.02.08 are enclosed as Annexure 3 & 4

4.8 That Suddenly by an order no GMT/EST-382/Gr. IV/SSS, CSS/Loose/07-08/7 dated 27 .03.08 issued from the office of the

*Tanjau Larma*

General Manager, Kamrup Telecom District (BSNL) informing that the Memo No GMT/EST-382/SSS, CSS/07-08/74 and even no 75 dated 25.02.08 issued by the office of the General Manager, Kamrup Telecom District (BSNL) were kept in abeyance until further order. It is stated that the above order was cancelled without giving any notice to the applicants. They were not given any reasons for such cancellation. This action of the respondents is arbitrary and illegal and against the established procedure of law.

Copy of the Memo. No. GMT/EST-382/Gr. IV/SSS, CSS/Loose/07-08/7 dated 27.03.08 is enclosed as Annexure 5

4.9 That the applicant no 1 i.e. Tanjau Sarma submitted representation against such illegal and arbitrary order dated 27.03.2008 on 23.05.2008 to the General Manager, Kamrup Telecom District, Guwahati-1 which is still pending.

Copy of the representation dated 23.05.2008 is enclosed as Annexure 6

*Central Administrative Tribunal  
কেন্দ্ৰীয় প্ৰশাসনিক ন্যায়ালয়*  
Guwahati Bench  
গুৱাহাটী ন্যায়পীঠ

21 DEC 2009

4.10. That the Respondents have violated the principles of natural justice by depriving the Applicants of their due and legitimate promotion without giving any notice.

4.11. That the Applicants are entitled to 10 percent BCR Grade IV promotion as per the scheme.

4.11. That the application is filed bona-fide and for the ends of justice

#### 5. GROUNDS WITH LEGAL PROVISIONS:

5.1 For that, Applicants are entitled to Grade IV Performance promotion (10%) BCR Quota as per order dated 25.02.2008 and also entitled to get financial benefits as due and admissible under the rules.

*Tanjau Sarma*

5.2. For that, non consideration of applicants for 10% BCR Grade IV promotion is violative of Article 14 and 16 of the constitution of India.

5.3. For that the Respondents have violated the various guidelines issued by B.S.N.L. and Govt. of India by non considering the Applicants' promotion.

5.4. For that, the kept in abeyance of orders dated 25.02.2008, by an order dated 27.03.2008 is arbitrary, illegal and non application of mind.

5.5. For that, the kept in abeyance of promotion orders of the Applicants without giving any notice is against the principles of administrative fair play and natural justice.

5.6. For that, the Applicants are entitled to count their last pay in the higher grade for calculation of pensionary and other financial benefits.

5.7. For that, Applicants are entitled to arrear salary of their higher grade from the date of their promotion as per orders Dated 25.02.2008.

5.8 For that non fixation of pension in the higher grade applicants are continuously suffering.

Applicants crave leave of this Hon'ble Tribunal to give additional grounds at the time of hearing of the instant application.

#### 6. DETAILS OF THE REMIDIES EXHAUSTED:

There is no remedy under any Rule and this Hon'ble Tribunal is the only forum for redressal of the grievances. The matter was taken up with the BSNL Authorities by the recognized union i.e. B.S.N.L.

Tanjan Sharma

employees union of which applicants were member but without any fruit. Applicant No.1 also submitted representation which is still pending before the Respondent No...

**7. MATTER NOT PREVIOUSLY PENDING BEFORE ANY OTHER COURT:**

The applicant declares that they have not filed any original application or petition in any Tribunal or Court

**8. RELIEF SOUGHT FOR:**

Under the facts and circumstances mentioned above applicants pray for following reliefs:

8.1. The Applicants be granted Grade IV promotion (10% BCR Grade) as per the orders No GMT/EST-382/Gr. IV/SSS,CSS/07-08/74 dated 25.02.08 and GMT/EST-382/Gr. IV/SSS,CSS/07-08/75 dated 25.02.08.

8.2. The order No. GMT/EST-382/Gr. IV/SSS,CSS/Loose/07-08/7 dated 27.03.08 issued from the office of the General Manager, Kamrup Telecom District (BSNL) is liable to be set aside and quashed.

8.3. The Respondents be directed to restore the orders No GMT/EST-382/Gr. IV/SSS,CSS/07-08/74 dated 25.02.08 and GMT/EST-382/Gr. IV/SSS,CSS/07-08/75 dated 25.02.08 by giving Grade IV promotion to the Applicants.

8.4. The pension of the applicants be revised in the higher grade with payment of arrear.

8.5. The Applicants are entitled to arrear salaries in the higher grade 10% BCR quota or scale up gradation as the case may be.

8.6. Any other relief or relief's as the Hon'ble Tribunal may deem fit and proper.

*Tanjun Sarma*

8.7. Cost of the Application

The above relief (5) are prayed on the grounds stated in para 5 above.

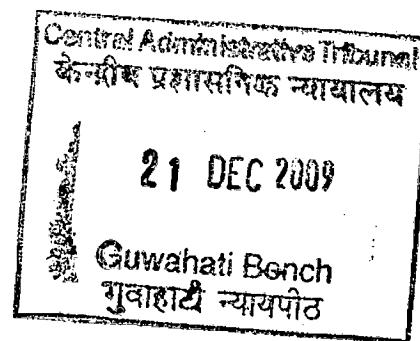
9. This application is filed through on advocate

10. Particulars of the IPO

- (i) IPO No... 39.G.433367
- (ii) Date of issue... 19/12/09
- (iii) Issued from Guwahati GPO ULUBARI P.O
- v) Payable at Guwahati

Enclosures : As stated in the index.

..... Verification



Tanjun Sarmo

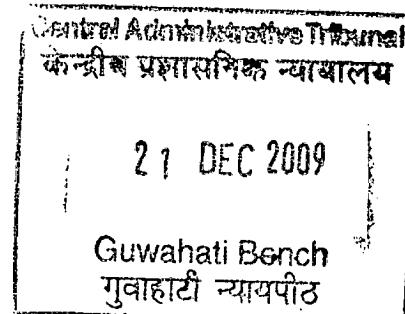
**VERIFICATION**

I, Shri TANJAU SARKAR.....aged about 25..... years, Son of Late CHANDRANAN SARKAR.....resident Greetanagar of ...District...Kamrup...Guwahati-24 do hereby verify that the statements made in paragraphs 1, 4, 6, 7, 8, 9, 10, 11, 12 are true to my knowledge and those made in paragraphs 2, 3 and 5 are true as per legal advice and I have not suppressed any material facts.

AND I sign the verification this 16 day of December 2009 at Guwahati.

Place: Guwahati.

Date: 16/12/09



Tanjau Sarkar

Signature

6. ECR (2<sup>nd</sup> Promotion)

(Introduction)

DOT No. 224/87-TE II(1) dated 16.10.90

ANNEXURE 1

For some time in the past, the Staff Unions have been pressing for acceptance of their demand for Second Time Bound Promotion on completion of 26 years of service in the basic grade.

After careful consideration, it has been decided that this concept is not acceptable.

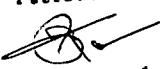
2. However, with a view to provide relief from stagnation in the grade, the Government has accepted the need for a biennial cadre review, i.e. (once in two years), under which posts could be upgraded on the basis of functional justification. The following instructions are accordingly issued:

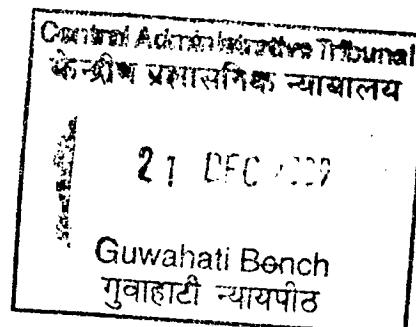
- i) Biennial cadre reviews will be applicable for only those cadres in Groups C&D, for which scheme of One Time Bound Promotion on completion of 16 years of service in the basic grade already exists.
- ii) This Scheme of Biennial Cadre Reviews will be applicable only to those regular employees who are in service as on 1.1.90 and not for later entrants.
- iii) Biennial Cadre Reviews will be conducted in respect of the eligible cadres at the Circle, levels who control these cadres.
- iv) At the time of review the number of officials who have completed/ would be completing 26 years of service in the basic grades (including time spent in higher scales/OTBP) will be ascertained.

The persons will be screened by the duly constituted Review Committee to assess the performance and determine their suitability for advancement.

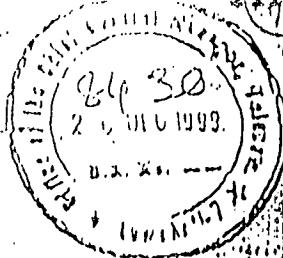
4. A suitable number of posts

34

Attested  
  
Advocate



Government of India  
Ministry of Communications  
Department of Telecom.  
Sanchar Bhawan, New Delhi-1.



Dated, 13.12.95.

Sumit

1. Head of Telecom. Circles,  
2. Directorates/Regions,  
3. Project Offices and all other  
4. UDCR Administrative Units.

Sub:- Procedure for promotion to Gr.IV (scale of Rs.2000-3200)  
against 10% posts in the UCR Scheme.

Your kind reference is invited to the instructions contained in this office letters No.27/4/87-TA-11 dated 7.1.94 and 13.2.94 and letter No.27/17/94-TE-15 dated 30.8.94 which stipulate promotions to Grade-IV in the scale of Rs.2000-3200 (against 10% posts in the UCR) based on seniority position in Grade-III. The said procedure had been followed by certain officials before the CAT Principal Bench.

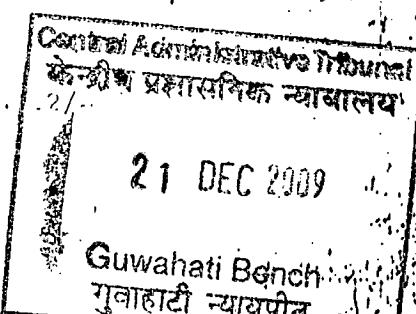
The Hon'ble CAT vide its judgement dated 7.7.92 directed that the promotions to 10% posts in the scale of Rs.2000-3200 would have to be based on seniority in the basic cadre subject to fulfillment of other conditions of the UCR viz. those who are regular employees (not on 1/1/90 and had completed 20 years of service in the basic grade (including higher grades). The DCR filed an SLP against the said judgement and the Hon'ble Supreme Court vide their order dated 9.9.93 upheld the judgement of CAT Principal Bench, New Delhi. Similar application had also been filed before other CAT benches in the country and in those cases as well, the judgements in line with the judgement of Principal Bench, New Delhi had been given.

Review of the existing procedure of promotion to Grade-IV (now designated as Chief Section Supervisor) under the UCR Scheme has been under consideration in view of the judgement of Principal Bench, New Delhi upheld by the Supreme Court. It has now been decided in supersession of earlier instructions that promotion to the said Grade-IV may be given from amongst officials in Grade-III on the basis of their seniority in the basic Grade. The promotions would be subject to fitness determined by the UDCR as usual.

Attested

Advocate

112/95



21 DEC 2009  
Guwahati Bench  
गुवाहाटी न्यायपीठ

-2-

The cases of promotion to the said Grade-IV in the scale of Rs. 100-3200 against 10% posts under the BCR scheme may be considered and the same may be regulated accordingly restricting the number of officials (thus) promoted strictly to 10% of the posts placed in Grade-III (scale of Rs. 1600-2660) as provided in the BCR Scheme.

दुर्लभ विद्युत विद्युतीय  
दुर्लभ विद्युत विद्युतीय

(D.B. VENKA)  
Director (IE)

## CRYPTO-

## Guwahati Bench

47-38688 (11-1)

NO. 6705 - 25/2/Pt. I/89 Dated at Gisborne the 2-12-96

Copy for Information, Guidance, and Necessary Action to

1-22. The Area Manager Telecom/ Guwahati/ Dibrugarh.  
 3-4. The Telecom District Manager/ Guwahati/ Dibrugarh.  
 5-9. The T.D.E./Tezpur/Haqqon/Silchar/ Dibrugarh/ Dongsigaon  
 10. The A.G.B./Tezpur/ Dibrugarh.  
 11. The A.D.T./Dibrugarh/ Dibrugarh.  
 12-13. The Block Secretary, BTRB / BTRB, Dibrugarh.  
 14. Spare.

For : Chief General Manager, Telecom  
Assam Telecom Circle, Guwahati.

Attested

## Advocacy

BHARAT SANCHAR NIGAM LIMITED

OFFICE OF THE GENERAL MANAGER, KAMRUP TELECOM DISTRICT:  
ADMINISTRATIVE BUILDING: PANBAZAR: GUWAHATI-781001.

Memo No: GMT/EST-382/SSS,CSS/07-08/74

Dated at Guwahati the 25<sup>th</sup> February 2008

4 March 2008

The General Manager (BSNL) Kamrup Telecom District, Guwahati is pleased to revise the promotion date of the following CGC (10% BCR Grade-IV) at Sl. No. 1, 2, 4 & 5 in partial modification of earlier order as indicated in remarks and to promote the Sr. Section Supervisors at Sl. No. 3, 6 to 10, to Chief Section Supervisors (10% BCR) Gr.-IV in the IDA pay scale of Rs. 8570-245-12,245-p.m. w.e.f. the date mentioned against them.

Since the officials have already been retired their pay to be fixed notionally and to revise the pension accordingly. Such retired officials, however would have no right for actual promotion.

Extra increment granted one year prior to retirement, in pursuance of BSNL HQ ND No. 27-8/2003-TE-II(i) dated 16-11-2003 to the officials at Sl. No. 3, 6 to 10 is hereby withdrawn and recovery may be made from their pensionary benefit, if any

This is in pursuance of Corporate Office, New Delhi letter No.34-34/2004-Pen (T) dated 29-11-2007 conveyed vide CGMT Assam Circle letter No. STES-10/22/Loose/Pt-III/150 dated. 08-01-2008.

Sl.	Name.	W.E.F.	Remarks	Retirement Date.
01.	Sri Kamala Kt. Thakuria.	01-01-2001	Date of previous Promotion 01-01-01. Now advanced to 01-01-01 in partial modification of this office Memo No. GMT/EST-382/SSS,CSS/01-02/230 dated 28-12-2001.	30-04-2006.
02.	Sri Tarini Ch. Sarma.	01-01-2001	- Do -	28-02-2003.
03.	Sri T.B. Choudhury.	01-01-2001	NIL.	30-06-2003.
04.	Sri Ajoy Kr. Dey.	01-01-2001	Now promotion updated to 01-01-01 from 01-07-05 in partial modification of this office Memo No. GMT/EST-382/SSS,CSS/05-06/19 dated 28-09-2005	31-01-2007.
05.	Sri Anil Ch. Sarma.	01-01-2001	- Do -	31-03-2007.
06.	Sri Ranjit Kr. Paul.	01-01-2001	NIL.	30-09-2002.
07.	Sri Sushanta Misra.	01-01-2001	NIL.	28-02-2001.
08.	Sri Chandra Kr. Das.	01-07-2001	NIL.	31-12-2001.
09.	Sri Dilip Baruah.	01-01-2002	NIL.	31-03-2003.
10.	Sri Hare Krishna Nath.	01-01-2002	NIL	28-02-2002.

Sd/—  
Divisional Engineer (Admn).

Copy to:

- 01.
- 02.
- 03.
- 04.
- 05.
- 06-24.
- 25-27.

The CGM (BSNL) Assam Circle, Guwahati -01.  
The CGM T/F Uzanbazar Guwahati -01.  
The SDE I/C Store, CTSID, Adabari Guwahati -12.  
The A O (Cash) O/O the GM/KTD/GH-01.  
The official (retired) concerned.  
Service book of the officials.  
E-3/ Pension Cell

For GM (BSNL) KTD/GH.

Attested

Advocate

T. Hussain  
Advocate  
15/3/08

**BHARAT SANCHAY NIGAM LIMITED**  
 (A Govt. of India Enterprise)  
**OFFICE OF THE GENERAL MANAGER, KAMRUP TELECOM DISTRICT: ADMINISTRATIVE**  
**BUILDING: PANBAZAR: GUWAHATI-781001.**

Memo No: GMT/EST-382/Gr.IV/SSS,CSS/07-08/75 Dated at Guwahati the 25<sup>th</sup> February, 2008.

The General Manager (BSNL) Kamrup Telecom District, Guwahati is pleased to revise the effect date of granting 10% BCR grade (Grade-IV) to the following Sr.TOA(G)-III in partial modification of this office earlier order as indicated in remarks against the officials at Sl.No 1,3 to 14,17,20,22 to 25 and to grant 10% BCR grade (Grade-IV) to officials at Sl.NO. 2,5,16,18,19,21,26&27 in the IDA Scale of pay of Rs.8570-245-12,245/- p.m. w.e.f. the date mentioned against them.

Since the officials have already been retired, their pay to be fixed notionally and to revise the pension accordingly. Such retired officials, however, would have no right for actual promotion.

Extra increment granted one year prior to retirement, in pursuance of BSNL HQ ND No. 27-8/2003-TE-II(i) dated 16-11-2003 to the officials at Sl.No. 2,15,16,18,19,21 & 27 is hereby withdrawn and recovery may be made from their pensionary benefit, if any.

This is in pursuance of Corporate Office, New Delhi letter No: 34-34/2004-Pen(T) dated 29-11-2007 conveyed vide CGMT, Assam Circle letter No: STES-10/22/Loose/Pt-III/150 dated 08-01-2008.

Sl.	Name of Officials.	WEF.	Remarks.	Retirement Date.
01.	Sri Sobha Ram Swargiary.	01-01-2001	Now promotion date advanced from 01-01-02 to 01-01-01 in partial modification of this office Memo No.GMT/EST-382/SSS, CSS/01-02/228 dtd.28-12-2001	31-01-2002.
02.	Sri Durgeswar Das.	01-01-2001	Nil.	31-03-2005
03.	Sri Golap Ch. Sarma.	01-01-2001	Now promotion date advanced from 01-01-02 to 01-01-01 in partial modification of this office Memo No.GMT/EST-382/SSS, CSS/01-02/228 dtd.28-12-2001	31-08-2005
04.	Sri Ananta Kr Nath.	01-01-2001	- Do -	30-11-2008
05.	Sri Probodh Ch. Sarma.	01-01-2001	- Do -	31-03-2005
06.	Sri Nabin Ch. Kachari.	01-01-2001	- Do -	28-02-2005
07.	Sri Dharam Ch. Deka.	01-01-2001	- Do -	31-08-2005
08.	Sri J.N.Saikia. I	01-01-2001	- Do -	31-10-2004.
09.	Md. Abdur Rahaman.	01-01-2001	- Do -	30-06-2002.
10.	Sri Gauranga Ch. Das.	01-01-2001	- Do -	28-02-2005.
11.	Sri Basudam Ch. Roy.	01-01-2001	- Do -	31-12-2004.
12.	Sri Prabhat Ch. Pathak.	01-01-2001	- Do -	30-09-2005.
13.	Sri Bhaben Kr. Sarma.	01-01-2001	- Do -	31-08-2002.
14.	Sri Mahendra Nath Sarma.	01-01-2001	- Do -	31-03-2005.
15.	Sri Sanjib Kr. Bhattacharjee.	01-01-2001	Nil.	31-05-2004.
16.	Sri Ganesh Ch. Barman.	01-01-2001	Nil.	28-02-2005.
17.	Sri Manindra Kr. Dey.	01-01-2001	Now promotion date advanced from 01-07-05 to 01-01-01 in partial modification of this office Memo No.GMT/EST-382/SSS, CSS /05-06/20 dtd.28-09-2005.	31-03-2007.

Attested

  
 Advocate

(Contd. to next page)

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Advocate

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ANNEXURE 5

BHARAT SANCHAR NIGAM LIMITED  
(A Govt. of India Enterprise)

OFFICE OF THE GENERAL MANAGER, KAMRUP TELECOM DISTRICT  
ADMINISTRATIVE BUILDING: PANBAZAR: GUWAHATI-781001, BSNL, GAN

Memo No: GMT/EST-382/Gr.IV/SSS,CSS/Loose/07-08/7 Dated at Guwahati the 27-03-2008.

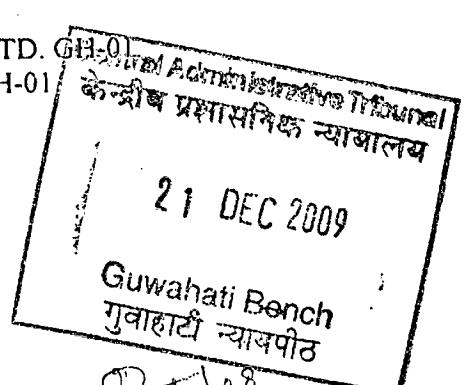
The Memo No. GMT/EST-382/SSS,CSS/07-08/74 and even No. 75 dated 25-02-2008 issued by this office may be kept in abeyance until further order.

27/3/08  
Divisional Engineer (Admn).

Copy to:

01. The CGM (BSNL) Assam Circle, Guwahati -01.  
 02. The CGM Task Force, Uzambazar, Guwahati -01.  
 03. The A.G.M.(M.M) o/o CGM, BSNL Assam Circle, GH-07.  
 04. The SDE I/C CTSD Adabari, GH-12.  
 05. The A.O. (Cash) o/o the GM(BSNL) KTD. GH-01  
 06. The CSS (Paybill) o/o the GM/KTD.GH-01  
 07-43. The official (retired) concerned.  
 44-47. S-7/ S-2/Pension Cell/ H.R.Package.

Attested  
Advocate



NO. TFGNE/Slip - 39/  
VOLXIII/Pt/39, dt - 17.4.2008

For GM (BSNL) KTD/GH.

Copy endorsed and  
forwarded to Mr. AB -

1. Sr AO (Cash) o/o GM(TF)/GH.  
 2. Sr AO, M/o GM(TF)/GH.

Sub. Date: 27/3/08  
Mr. AB  
Date: 27/3/08  
Mr. AB

T. H. Hussain  
17/3/08

To

The General Manager,  
Kamrup Telecom. District, Guwahati-1.

(Through the CGM NE Task Force, Guwahati-1.)

Dated at Guwahati the 23rd May 2008.

Sub:- Prayer for granting 10% BCR Grade-IV w.e.f. 01-07-2001.

Ref:- GMT/EST-382/Gr-IV/SSS,CSS/07-08/75 dt.25-02-2008.  
GMT/EST-382/Gr-IV/SSS,CSS/Loose/07-08/7 dt. 27-03-2008.

Respected Sir,

Most respectfully and humbly I beg to lay the following few lines for favour of your kind consideration and sympathetic action.

That Sir, I retired from service on 28-02-2005 (AN).

That Sir, 10% BCR Gr.IV w.e.f. 01-07-2001 was granted to my juniors vides your letters No.GMT/EST-382/Gr-IV/SSS,CSS/07-08/64 dt.18-12-2007.

That Sir, I considered myself very lucky and was overwhelmed with joy to receive your letter No. dated 25-02-2008 granting me also 10% BCR Gr-IV w.e.f. 01-07-2001.

That Sir, very unfortunately, order dated 25-02-2008 cited above is kept in abeyance until further orders vide letter dated 27-03-2008 cited above.

That Sir, further I may be permitted to mention that I have not yet received any kind of pensionary/retirement benefit as per your letter No.GMT/EST-454/05-06/115 dt.03-03-2006 and accordingly recovery/withdrawal from pensionary/retirement benefit against Sl.No.18 indicated in your letter dated 25-02-2008 will not apply in my case. This may, however, be verified/confirmed from the CCA, DoT Cell O/o CGMT Assam Circle, Guwahati.

Under the circumstances stated above, I earnestly pray you kindly to get the order dated 25-02-2008 implemented and thus bestow upon me the boon to reap the benefit of 10% BCR Gr-IV and I shall remain ever grateful to you for this act of your kindness.

21.1.09  
Thanking you,

Attested

Guwahati Bench  
गुवाहाटी न्यायपीठ  
Advocate

Yours faithfully



(TANJAU SARMA)

Rtd. Sr.TOA

Geetanagar (Near Geetamandir City Bus Stop)  
House No.267, Mother Teresa Road,  
Guwahati-24.

Copy along with copies of Ref. (1) & (2) to:-

1. The CGM NE (TF), Guwahati-1 w.r.t. his letter No.TF/NE/Staff-39/Vol-XIII/Pt/36 dt.31-03-2008.
2. The CGMT Assam Circle, Guwahati.
3. The CCA DoT Cell O/o CGMT Assam Circle. Guwahati.