

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./TA/ NO. 248/2019
R.A./CP/NO. 2015
E.P./M.P./NO. 2019

1. Order Sheets..... 1 page..... 01 to..... 01 /
2. Judgment/ order dtd 24.12.2009 page..... 1 to..... 2 /
3. Judgment & Order dtd..... received from H.C. /Supreme Court.
4. O.A. 278/09 page..... 01 to..... 491 /
5. E.P./M.P. page..... to.....
6. R.A./C.P. 112 page..... to.....
7. W.S. 1 Page..... to.....
8. Rejoinder..... page..... to.....
9. Reply page..... to.....
10. Any other papers page..... to.....

Means appearance till
Vokalatnama - AM

28/07/2015
SECTION OFFICER (JUDL.)

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

278

1. ORIGINAL APPLICATION No : -----/ 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) : *Santi Indrani Bhattacharjee*
 Respondent (S) : *Union of India & Ors.*
 Advocate for the : *Mr. M. Chanda, Mr. S. Nath et al*
 {Applicant (S)} *Ms. U. Datta.*

Advocate for the : -----
 {Respondent (S)} *C.G.S.C*

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form is fine, filing fees Rs. 50/- deposited F. D. D. No. 396443499... Dated 16.12.09</p> <p>Dy. Registrar</p>	24.12.2009	<p>Heard learned counsel for the parties. For the reasons recorded separately. O.A. stands disposed of.</p> <p><i>(Signature)</i> (Madan Kumar Chaturvedi) Member (A)</p>
<p>23.12.09 7 (Seven) copies of application with envelope received for issue notices to the respondent No 1 to 7. Copy served. Extra charge of Rs. 10/- deposited for the excess Respondent Nos 6 & 7.</p> <p>8/23/12/09</p>	Im	

4-1-2010

Judgement/Final Order

Dated 24/12/09 Prepared

and Send to the D/Section
for issuing the all respondents

by Post, and Issued

Advocates Both Sides

vide No 101 to 106

Dated 05-01-2010

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 278 of 2009

Date of Decision: 24.12.2009

Smti Indrani Bhattacharjee

..... Applicant/s

Mr. M.Chanda

..... Advocate for the
Applicant/s

- Versus -

U.O.I & Ors.

..... Respondents

Ms. U. Das, Addl. CGSC

..... Advocate for the
Respondents

CORAM

HON'BLE SHRI 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, GUWAHATI :**

O.A. No. 278 of 2009

DATE OF DECISION: THIS, THE 24TH DAY OF DECEMBER, 2009.

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

Smti Indrani Bhattacharjee
MES/A-14272915 – N
Lower Division Clerk
Office of Garrison Engineer
Military Engineering Service
P.O.- Arunachal, Dist - Cachar
Pin - 788025, Assam.

...Applicant

By Advocate: Mr. M. Chanda

-Versus-

1. **The Union of India**
represented by Secretary to the
Ministry of Defence
South Block, New Delhi – 110001.
2. **Commander in Chief**
Headquarter of Ministry of Defence (Army)
Kashmir House
Rajaji Marg, New Delhi – 110011.
3. **Director General Signals, Signal 4 C**
Army Headquarter, DHQ
P.O.- New Delhi – 110011.
4. **Chief Engineer**
HQ Eastern Command
Fort William, Kolkata – 700021.
5. **Chief Signal Officer**
Signal Records
Post Bag – 05, Jabalpur – 482001.
6. **The Garrison Engineer**
Station Headquarter
Masimpur, Cachar – 788025.
7. **The Chief Controller of Defence Accounts**
Udayan Vihar, Narangi, Guwahati – 781171. ...Respondents

By Advocate: Ms. Usha Das, Addl. CGSC.



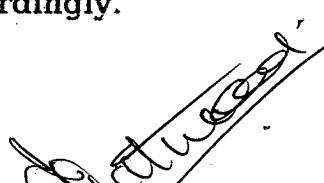
ORDER (ORAL)

MADAN KUMAR CHATURVEDI MEMBER(A):

At the outset, Mr. M.Chanda, learned counsel for the Applicant has submitted that the Applicant made a representation on 15.7.2009, for reverting her, transfer order to Signals as CSBO Grade-II in the scale of pay of Rs.5000-150-8000/- from MES, or to continue service in MES in the scale of pay of Rs. 5000-150-8000 in PB 2 in the grade pay of Rs.4200 with necessary grade protection. It was further submitted that as there exist clear vacancy of CSBO in Signals under Station Headquarter, Masimpur, as such Applicant be considered for this vacancy, and Respondents be directed to dispose of her representation at the earliest.

I have heard Mr.M.Chanda, learned counsel for the Applicant and Ms.U.Das, learned Addl. Standing Counsel for the Respondents. Having heard both the parties, I direct the Respondents to expedite the disposal of representation dated 15.07.2009 within two months from the date of receipt of this order.

O.A. stands disposed of accordingly.



(MADAN KUMAR CHATURVEDI)
ADMINISTRATIVE MEMBER

LM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI

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

O. A. No. 278 /2009

Smti Indrani Bhattacharjee

-Vs-

Union of India and Others.

SYNOPSIS OF THE APPLICATION

Applicant is working as LDC in the office of Garrison Engineer, Military Engineering Service, Masimpur, Cachar, Assam. While working as Civilian Switch Board Operator (for short CSBO) in the office of the Station Headquarter, Shillong she applied for transfer and posting at Masipur due to her family problems. Since there was no vacancy of CSBO under G.E, Silchar to accommodate the applicant, as such she was transferred and posted to the office of GE, Silchar (MES) as LDC on 12.09.2005 with pay protection. Applicant approached this Hon'ble Tribunal through O.A No. 315/2007 praying for grant of time bound promotion in the scale of pay of Rs. 5,000-8,000/- w.e.f. 13.08.2002 with arrear of salaries. Said O.A was disposed of on 09.01.2008 with the direction to the respondents to consider grievances of the applicant and grant her necessary relief as due and admissible under the rules. Accordingly, Ministry of Defence vide letter dated 12.08.2008 granted pay scales of Rs. 5000-8000/- to the applicant from the date of completion of her 16 years of continuous of service with all consequential monetary benefits. However, the GE, Silchar vide his pay fixation dated 25.03.09 has fixed the pay of the applicant in the post of LDC as Rs. 4590 (revised Rs. 8540 + Grade pay of Rs. 1900/-). Being aggrieved with her fixation of pay, applicant submitted a representation on 15.07.2009 to the respondent No. 2 stating therein that her basic pay stands to Rs. 5450/- before joining as LDC in MES. Therefore, the applicant has prayed before the respondent No. 2 either to revert her to signals as CSBO Gad II in the scale of pay of Rs. 5000-8000 (pre-revised) or to continue her service in MES in the scale of pay of Rs. 5000-8000 in PB 2 in the grade pay of Rs. 4200 with necessary grade protection. It is to be stated here that applicant in her representation dated 25.07.09 categorically stated that there is a clear vacancy of CSBO exists in Masimpur Signal under Station Headquarter, Masimpur where she may be adjusted. But to no result. Hence this Original Application.

23 DEC 2009

Guwahati Bench
গুৱাহাটী ন্যায়পীঠLIST OF DATES

13.08.1986- Applicant was initially appointed as CSBO in Military Telephone Exchange w.e.f. 13.08.1986.

21.02.1994- Applicant's service was regularized as CSBO Gde II w.e.f. 21.02.1994.

13.08.2002- Applicant is entitled to the scale of pay of Rs. 5,000-8,000/- w.e.f. 13.08.02 in terms of letter dated 27.02.04 after completion of 16 years of service.

27.02.2004- Govt. of India, Ministry of Defence granted pay scales of CSBO Gde-II as Rs. 3200-4900 and CSBO Gde- I as Rs. 5000-8000 w.e.f. 01.01.1996 after completion of 16 years of service. (Annexure- 1)

12.09.2005- Applicant was transferred and posted to the office of GE, Silchar (MES) as LDC (scale of pay of Rs. 3050-4590) from the post of CSBO (Rs. 3200-85-4900). (Annexure- 2)

2007- Applicant approached the Hon'ble Tribunal through OA No. 315/2007 for grant of time bound promotion to the scale of pay of Rs. 5,000-8,000/- w.e.f. 13.08.2002 in terms of the letter dated 27.02.2004.

09.01.2008- O.A No. 315/2002 was disposed of with the direction to the respondents to consider grievances of the applicant and grant her necessary relief as due and admissible under the rules. (Annexure- 3)

12.08.2008- Govt. of India, Ministry of Defence granted pay scales of Rs. 5000-8000/- to the applicant from the date of completion of her 16 years of continuous of service with all consequential monetary benefits. (Annexure- 4)

25.08.2008- Respondent No. 5 issued necessary order granting scale of pay of Rs. 5000-8000/- to the applicant. (Annexure- 5)

30.09.2008- Applicant was granted scale of pay of Rs. 5000-150-8000 w.e.f. 13.08.2002. (Annexure- 6)

10.12.2008- Administrative Commandant, 101 Area, Station Cell fixed basic pay of the applicant at Rs. 5450/- w.e.f 1st August, 2005. (Annexure- 7)

02.01.2009- Applicant submitted a representation for fixation of her basic pay as Rs. 5600/- while implementing the sixth pay commission recommendation. (Annexure- 8)

24.01.2006- Respondent No. 6 intimated the applicant that her pay fixation shall be undertaken in terms of Para 6 (d) of the letter dated 12.09.2005. (Annexure- 9)

25.03.2009- GE, Silchar vide his pay fixation dated 25.03.2009 has fixed the pay of the applicant in the post of LDC as Rs. 4590 (revised Rs. 8540 + Grade pay of Rs. 1900/-). (Annexure- 10)

23 DEC 2009

Gangulya Bench

24.08.2009- Respondent No. 7 intimated that pay of the applicant may be fixed in the scale of pay of Rs. 5200-20200 (PB-I) with grade pay of Rs. 1900.00. (Annexure- 11)

15.07.2009- Applicant submitted representation to the respondent No. 2 stating that she has been granted time bound promotion in the scale of pay of Rs. 5000-150-8000 vide letter dated 12.08.2008, as such her basic pay should have been Rs. 14340 in the pay band of Rs. 10140/- with grade pay of Rs. 4200/-. Therefore she has prayed that she may be adjusted against a clear vacancy of CSBO exists in Masimpur Signal under Station Headquarter, Masimpur. (Annexure- 12)

25.07.2009/22.08.09- Representation dated 15.07.09 was forwarded to the higher authorities. But to no result. (Annexure- 13, 14)

P R A Y E R S

1. That the Hon'ble Tribunal be pleased to direct the respondents to grant of scale of pay of Rs. 5,000-8,000 (pre-revised) and to re-fix pay of the applicant in the pay band of Rs. 9300-34800 (PB-2) with corresponding grade pay of Rs. 4200 in compliance with the scale granted to her vide Ministry's letter dated 12.08.08 or to adjust her against the existing vacancy of CSBO in Masimpur Signal under Station Headquarter, Masimpur to protect the right and interest and scale of pay of the applicant.
2. Costs of the application.
3. Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

Interim order prayed for:

During pendency of the application, the applicant prays 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 applicant for providing relief as prayed for.

IN 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. 278 /2009

Smti Indrani Bhattacharjee : Applicant.

-Versus-

Union of India & Ors. : Respondents.

INDEX

23 DEC 2009
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

Sl. No.	Annexure	Particulars	Page No.
1.	—	Application	1-10
2.	—	Verification	-11-
3.	1	Copy of the order dated 27.02.04	12-13
4.	2	Copy of the order dated 12.09.2005	14-19
5.	3	Copy of the judgment and order dated 09.01.2008 in OA No. 315/2007	20-22
6.	4	Copy of the letter dated 12.08.2008	23-24
7.	5	Copy of the letter dated 25.08.2008	25-27
8.	6	Copy of the Part II order dated 30.09.2008	-28-
9.	7	Copy of the Part II order dated 10.12.2008	-29-
10.	8	Copy of the representation dated 02.01.2009	30-31
11.	9	Copy of the letter dated 24.01.09	-32-
12.	10	Copy of the statement of pay fixation dated 25.03.2009	33-35
13.	11	Copy of the letter dated 24.08.09	-36-
14.	12	Copy of the representation dated 15.07.09	37-39
15.	13	Copy of the forwarding letter dated 25.07.09	-40-
16.	14	Copy of the forwarding letter dated 22.08.09	-41-

Filed By: -
The Petitioner
Through: -

(Shri Mutta,
Advocate)

Date: 23.12.09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

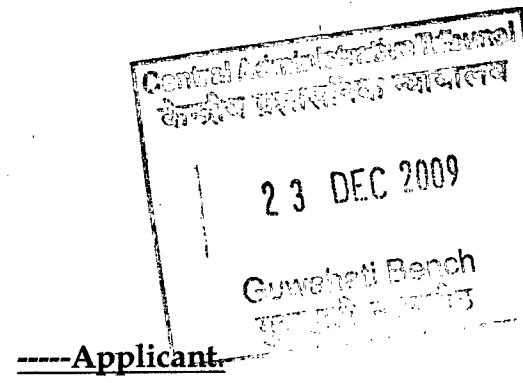
GUWAHATI BENCH: GUWAHATI

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

O.A. No. 278 /2009

BETWEEN:

Smti Indrani Bhattacharjee
MES/ A-14272915-N,
Lower Division Clerk,
Office of Garrison Engineer,
Military Engineering Service,
P.O- Arunachal, Dist- Cachar,
Pin- 788025, Assam.



-AND-

1. The Union of India,
Represented by Secretary to the
Government of India,
Ministry of Defence,
South Block, New Delhi- 110001.
2. Commander in Chief,
Headquarter of Ministry of Defence (Army),
Kashmir House,
Rajaji Marg, New Delhi- 110011.
3. Director General Signals, Signal 4 C
Army Headquarter, DHQ PO, New Delhi- 110011.
4. Chief Engineer,
HQ Eastern Command,
Fort William, Kolkata- 700021.
5. Chief Signal Officer,
Signal Records,
Post Bag- 05, Jabalpur- 482001.
6. The Garrison Engineer,
Station Headquarter,
Masimpur, Cachar- 788025.
7. The Chief Controller of Defence Accounts,
Udayan Vihar, Narangi, Guwahati- 781171.

..... Respondents.

Indrani Bhattacharjee

Filed by: the applicant

Through: - V. Datta

Advocate Dr

23.12.09

23 DEC. 2009

DETAILS OF THE APPLICATION

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

This application is made not against any particular order but praying for a direction upon the respondents to grant of scale of pay of Rs. 5,000-8,000 (pre-revised) and to re-fix pay of the applicant in the pay band of Rs. 9300-34800 (PB-2) with corresponding grade pay of Rs. 4200 in compliance with the scale granted to her vide Ministry's letter dated 12.08.2008 or to adjust her against the existing vacancy of CSBO in Masimpur Signal under Station Headquarter, Masimpur.

2. Jurisdiction of the Tribunal:

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

3. Limitation:

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

4. Facts of the case:

- 4.1** That the applicant is a citizen of India and as such she is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2** That your applicant was initially appointed as Civilian Switch Board Operator (for short CSBO) in Military Telephone Exchange w.e.f. 13.08.1986 on temporary basis in the Station Headquarter, Masimpur, Silchar. Subsequently her service was regularized as CSBO Gde II w.e.f. 21.02.1994 and she was transferred to Station Headquarter, Shillong HQ 101 Area on July, 1995.
- 4.3** That it is stated that Govt. of India, Ministry of Defence vide letter bearing No. B/44572/Balraj/Sigs 4 (c)/92/CC/D (QS) dated 27.02.2004 granted three pay scales of telephone operator w.e.f. 01.01.1996 as follows:

Indrani Bhattacharjee

(a) CSBO Gde- II - Rs. 3200-4900
(b) CSBO Gde- I - Rs. 5000-8000

23 DEC 2009

Guwahati Bench
সাময়িকী ন্যায়পীঠ

In terms of the letter dated 27.02.04 applicant is entitled to the scale of pay of Rs. 5,000-8,000/- w.e.f. 13.08.2002 in terms of the time bound promotion scheme after completion of 16 years of service, but the same was denied to her.

Copy of the order dated 27.02.04 is enclosed herewith and marked as Annexure- 1.

4.4 That the applicant while working as CSBO in the office of the Station Headquarter, Shillong HQ 101 Area she applied for transfer and posting at Masipur in the district of Cachar, Assam due to family problems. However, since there was no vacancy of CSBO under Garrison Engineer, Silchar to accommodate the applicant, as such she was transferred and posted to the office of GE, Silchar (MES) as Lower Division Clerk (LDC) vide Headquarter letter bearing No. 15984/Sep/1/2005/MP-4 (Civ) (b) dated 12.09.2005. It is relevant to mention here that in the transfer and posting order dated 12.09.2005 in para (b) it has been stated as follows:

"(b) In case where posting/transfer in involves change in trade/grade, the service rendered in the previous post will be treated as continuous. In such case the pay of the individual will be fixed in the new pay scale at the stage equal to the pay drawn in the old pay scale or if there is no such stage, at the stage next below that pay, the difference being treated as persona pay to be absorbed in the next increment. The service rendered on the pay last drawn in the old pay scale will count towards the next increment in the new pay scale."

Again in para (c) of the order dated 12.09.2005 it has stated as follows:

"(c) In case where posting/transfer involves reduction in the grade/trade the pay of the individual will be fixed by giving the benefit of completed years of service rendered in the previous post."

It is relevant to mention here that applicant was working as CSBO in the scale of pay of Rs. 3200-85-4900, however, she joined to the post of LDC

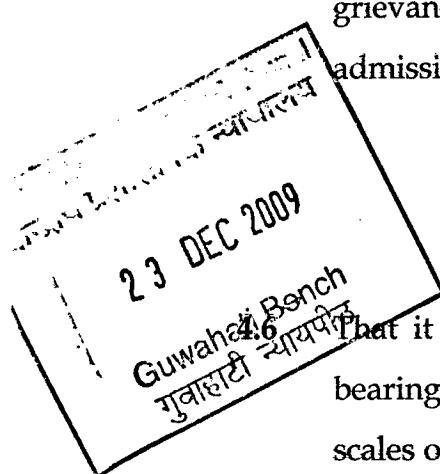
Indranil Bhattacharjee

in the scale of pay of Rs. 3050-75-3950-80-4590. Be it stated that after joining as LDC in the office of the GE, Silchar pay of the applicant was fixed as Basic pay Rs. 4030 + Personal Pay Rs. 20/- = Rs. 4050/-.

Copy of the order dated 12.09.2005 is enclosed herewith and marked as Annexure- 2.

4.5 That your applicant finding no response from the authority regarding grant of time bound promotion to the scale of pay of Rs. 5,000-8,000/- w.e.f. 13.08.2002 in terms of the letter dated 27.02.2004, approached the Hon'ble Tribunal through OA No. 315/2007. In the O.A No. 315/2007 applicant prayed for grant of Rs. 5,000-8,000/- w.e.f. 13.08.2002 in terms of letter dated 27.02.2004 with arrear of salaries. However, the said O.A was disposed of on 09.01.2008 with the direction to the respondents to consider grievances of the applicant and grant her necessary relief as due and admissible under the rules.

Copy of the order dated 09.01.2008 is enclosed herewith and marked as Annexure- 3.

That it is stated that the Govt. of India, Ministry of Defence vide letter bearing No. B/44572/TBP/Sigs 4 (c)/334 dated 12.08.2008 granted pay scales of Rs. 5000-8000/- to the applicant along with others from the date of completion of her 16 years of continuous of service with all consequential monetary benefits.

Copy of the letter dated 12.08.2008 is enclosed herewith and marked as Annexure- 4.

4.7 That the respondent No. 5 vide letter bearing No. 3669/CA-6/TBP/SP/64 dated 25.08.2008 granted Time Bound Promotion to the concerned CSBOs including the applicant in the scale of pay of Rs. 5000-8000/- with effect from the date of continuous service from their initial appointment with all consequential monetary benefits. Accordingly, vide Part II Order No. 09/CSBO/2008 dated 30.09.2008 applicant was granted scale of pay of Rs. 5000-150-8000 w.e.f. 13.08.2002 i.e. on completion of her 16 years of service.

Copy of the letter dated 25.08.2008 and Part II order dated 30.09.2008 are enclosed herewith and marked as Annexure-5 and 6 respectively.

4.8 That the Administrative Commandant, 101 Area, Station Cell vide his Part II Order No. 11/CSBO/2008 dated 10.12.2008 granted revised scale to the applicant under time bound promotion scheme in the pay scale of Rs. 5000-150-8000 w.e.f 13 Aug 2002 after completion of 16 years of service and basic pay of the applicant has been fixed at Rs. 5450/- w.e.f 1st August, 2005. It is relevant to mention here that applicant was transferred to the post of LDC from the post of CSBO vide order dated 12.09.2005, as such at the time of her transfer to the post of LDC scale of pay of the applicant ought to have been fixed with reference to the scale of Rs. 5450 but the scale of pay of the applicant has been fixed to the post of LDC as Basic pay Rs. 4030 + Personal Pay Rs. 20/- = Rs. 4050/-. However, applicant is entitled to re-fixed her Basic pay Rs. 4590 + Rs. 860/- (personal pay) = Rs. 5450/- w.e.f. 12.09.2005 in terms of clause (d) of order dated 12.09.2005.

Copy of the Part II order dated 10.12.2008 is enclosed herewith and marked as Annexure- 7.

4.9 That your applicant submitted a representation on 02.01.2009 addressed to the GE, Silchar stating therein that she was being paid in the basic pay of Rs. 4050/- on Oct, 2005 (after joining present post), however she has been granted Rs. 5450/- in the revised pay scale under the time bound promotion on completion of 16 years of services. Therefore, the applicant prayed for fixation of her basic pay according to the basic of Rs. 5600/- on 01.01.2006 while implementing the sixth pay commission recommendation.

Copy of the representation dated 02.01.2009 is enclosed herewith and marked as Annexure- 8.

4.10 That the respondent No. 6 vide his letter dated 24.01.2009 intimated the applicant that her pay fixation shall be undertaken in terms of Para 6 (d) of the AG Branch Army HQ letter dated 12.09.2005.

Indrani Bhattacharjee

Copy of the letter dated 24.01.09 is enclosed herewith and marked as Annexure- 9.

4.11 That it is stated that the GE, Silchar vide his pay fixation dated 25.03.2009 has fixed the pay of the applicant in the post of LDC as Rs. 4590 (revised Rs. 8540 + Grade pay of Rs. 1900/-).

Copy of the statement of pay fixation dated 25.03.2009 is enclosed herewith and marked as Annexure- 10.

4.12 That the office of the respondent No. 7 vide letter bearing No. Pay/2/Pay Fix/Vol-XII dated 24.08.2009 intimated that pay of the applicant may be fixed in terms of FR 15 (a). It has further been stated in the letter dated 24.08.09 that pay of the applicant may be fixed in the scale of pay of Rs. 5200-20200 (PB-I) with grade pay of Rs. 1900.00. It has been further intimated in the letter dated 24.08.09 that the pay of the applicant may be fixed as basic pay as Rs. 4590 w.e.f. 03.10.2005 as fixed by the GE Silchar is correct and fixation as per 6th Pay Commission may be done accordingly.

Copy of the letter dated 24.08.09 is enclosed herewith and marked as Annexure- 11.

4.13 That the applicant being aggrieved with the letter dated 24.08.2009 and fixation of her pay in the pay band of Rs. 5200-20200 (PB-I) with grade pay of Rs. 1900.00 submitted a detail representation on 15.07.2009 addressed to the respondent No. 2 stating therein that she has been granted time bound promotion in the scale of pay of Rs. 5000-150-8000 vide letter dated 12.08.2008 on completion of 16 years of service. Accordingly, her basic pay stands to Rs. 5450/- before joining as LDC in MES. However, as per revised Pay Rule, 2008 her pay has been fixed in the pay band of Rs. 7500/- with grade pay of Rs. 1900/- and her revised basic pay is Rs. 9400/- whereas if she would have been remain in CSBO Gde II her basic pay would have been Rs. 14340 in the pay band of Rs. 10140/- with grade pay of Rs. 4200/-. As such she is drawing less pay of Rs. 4940/- (Rs. 14340-9400) besides other allowances. Therefore it would be evident that the benefit granted by the Ministry of Defence vide letter dated 12.08.2008 to the applicant in the scale

of pay of Rs. 5000-150-8000 has become meaningless to the applicant. Applicant further stated that she would not have submitted her consent for transfer to MES as LDC having such a loss in her pay. Therefore applicant has prayed before the respondent No. 2 either to revert her to signals as CSBO Gad II in the scale of pay of Rs. 5000-8000 (pre-revised) or to continue her service in MES in the scale of pay of Rs. 5000-8000 in PB 2 in the grade pay of Rs. 4200 with necessary grade protection. It is to be stated here that applicant in her representation dated 25.07.09 categorically stated that there is a clear vacancy of CSBO exists in Masimpur Signal under Station Headquarter, Masimpur where she may be adjusted. The representation dated 15.07.09 submitted by the applicant has been duly forwarded to the respondent No. 2 vide letter bearing No. 1119/803/EIC (I) dated 25.07.2009 and the same is pending till date.

Copy of the representation dated 15.07.09 along with forwarding letter dated 25.07.09 and 22.08.09 are enclosed herewith and marked as Annexure- 12, 13 and 14.

4.14 That the applicant while working as CSBO in the office of the Station Headquarter, Shillong HQ 101 Area she was eligible for grant of Time Bound Promotion to the scale of Rs. 5000-8000 w.e.f. 13 Aug 2002, however due to lapse and laches on the part of the respondents she was denied the scale of pay of Rs. 5,000-8,000 from his due date. Subsequently the respondents in compliance with the direction of the Hon'ble Courts extended the benefit of scale of pay of Rs. 5,000-8,000 vide letter dated 12.08.2008, as a result applicant when joined to the post of LDC in the scale of Rs. 3050-75-3950-80-4590 she did not suffer loss in the matter of scale of pay. However, due to grant of scale of pay of Rs. 5,000-8000 w.e.f. 13.02.2002 the applicant has been granted scale of pay of Rs. 5450/- on 12.09.2005 whereas after joining to the post of LDC is now suffering huge loss in the matter of scale of pay. It is further stated that after implementation of the CCS (Revise Pay) Rules, 2008 applicant has been placed in the pay band of Rs. 5200-20200 (PB-I) with grade pay of Rs. 1900.00 whereas Ministry of Defence vide letter dated 12.08.2008 has

Indrani Bhattacharjee

granted the applicant scale of pay of Rs. 5000-150-8000, as such applicant is entitled to the pay band of Rs. 9300-34800 (PB-2) with corresponding grade pay of Rs. 4200. As such respondents are duty bound to protect the applicant from the loss of Rs. 4940/- (Rs. 14340-9400) besides other allowances in each month either by way of granting her scale of pay of Rs. 5,000-8,000 (pre-revised) in terms of order dated 12.08.2008 or to accommodate her against the existing clear vacancy of CSBO exists in Masimpur Signal under Station Headquarter, Masimpur.

4.15 That your applicant states that the Ministry of Defence vide letter dated 12.08.2008 granted scale of pay of Rs. 5,000-8,000/- to the applicant on completion of her 16 years of service i.e. with effect from 13.08.2002. Accordingly scale of pay of the applicant has been revised to Rs. 5450/- before joining as LDC in MES but the applicant has been denied pay band of Rs. 9300-34800 (PB-2) with corresponding grade pay of Rs. 4200 in terms of scale of pay granted to the applicant vide Ministry of Defence letter dated 12.08.2008. As a result applicant is now suffering huge financial loss due to non providing of the benefit of scale of pay of Rs. 5000-8000 granted to her vide letter dated 12.08.2008. It is stated that the respondents being a model employer should not compel the applicant to suffer such a huge loss in the matter of pay that too when she has been granted the benefit of scale of pay of Rs. 5000-8000 by the Ministry of Defence after her long 16 years of service.

4.16 That the applicant states that she has no other alternative but to approach before this Hon'ble Tribunal to protect her right and interest by way of appropriate direction to the respondents to allow her pay band of Rs. 9300-34800 (PB-2) with corresponding grade pay of Rs. 4200 in terms of scale of pay granted to the applicant vide Ministry of Defence letter dated 12.08.2008 or to accommodate her against the existing clear vacancy of CSBO exists in Masimpur Signal under Station Headquarter, Masimpur.

4.17 That this application is made bonafide and for the cause of justice.

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

Jadranka Bhattacharya

5.1 For that, the Govt. of India, Ministry of Defence vide letter dated 12.08.2008 granted pay scales of Rs. 5000-8000/- to the applicant, as such she is entitled to fixation of her pay band of Rs. 9300-34800 (PB-2) with corresponding grade pay of Rs. 4200.

5.2 For that, applicant attained eligibility of scale of pay of Rs. 5,000-8,000/- w.e.f. 13.08.2002 but due to delay in extending of scale of pay of Rs. 5,000-8000/- to the applicant she is now facing huge financial loss in each and every month.

5.3 For that, respondents are duty bound to grant of scale of pay of Rs. 5,000-8,000 (pre-revised) and to re-fix pay of the applicant in the pay band of Rs. 9300-34800 (PB-2) with corresponding grade pay of Rs. 4200 or to adjust her against the existing vacancy of CSBO in Masimpur Signal under Station Headquarter, Masimpur to protect her interest and scale of pay granted to her vide Ministry's letter dated 12.08.08.

5.4 For that, the respondents being model employer cannot compel her employee to suffer huge loss in the matter of pay and allowances.

5.5 For that, post of CSBO still exists in Massimpur, Signal under Station Headquarter, Masimpur, as such the applicant may be adjusted against the said post in order to save her right and interest.

Details of remedies exhausted.

That the applicant declares that she has 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 applicant further declares that saves and except filing of OA No. 315/2007 she 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.

2009

8. Relief (s) sought for:

Under the facts and circumstances stated above, the applicant 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 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 direct the respondents to grant of scale of pay of Rs. 5,000-8,000 (pre-revised) and to re-fix pay of the applicant in the pay band of Rs. 9300-34800 (PB-2) with corresponding grade pay of Rs. 4200 in compliance with the scale granted to her vide Ministry's letter dated 12.08.08 or to adjust her against the existing vacancy of CSBO in Masimpur Signal under Station Headquarter, Masimpur to protect the right and interest and scale of pay of the applicant.

8.2 Costs of the application.

8.3 Any other relief (s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for:

During pendency of the application, the applicant prays 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 applicant for providing relief as prayed for.

10.

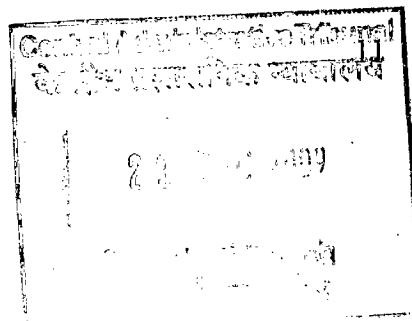
11. Particulars of the I.P.O

i)	I.P.O No.	: 39 G 443499
ii)	Date of issue	: 16.12.09
iii)	Issued from	: G.P.O., Guwahati.
iv)	Payable at	: G.P.O., Guwahati.

12. List of enclosures:

As given in the index.

Jadooni Bhattacharjee



VERIFICATION

I, Smti Indrani Bhattacharjee, MES/A-14272915-N, aged about 41 years, working as Lower Division Clerk, Office of Garrison Engineer, Military Engineering Service, P.O- Arunachal, Dist- Cachar, Pin- 788025, Assam, applicant 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.

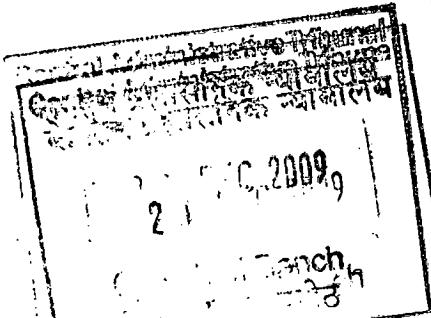
And I sign this verification on this the 20th day of December, 2009.

Indrani Bhattacharjee

ANNEXURE-I

B/44572/Balraj/Sigs 4(c)/92/CC/DX
 Government of India
 Ministry of Defence
 New Delhi, the 27 Feb 2004

To



The Chief of the Army Staff

Subject: Implementation of Order of Hon'ble CAT Chandigarh Bench in OA No 450/HR/2002 filed by Sh Balraj Singh & others

Sir,

I am directed to convey the sanction of the President of India for the grant of following three pay ~~scales~~ scales of telephone operator common roster of Defence department with effect from 1.1.96 : -

(a)	CSIO Gde-II	- Rs 3200-4900
(b)	CSIO Gde-I	- Rs 5000-8000
(c)	Tele/SB Supvr	- Rs 5500-9000
(d)	After completion of 16 years service	- Rs 5000-8000
(e)	After completion of 26 years service	- Rs 5500-9000

2. This ~~xx~~ is in satisfaction of orders of CAT Chandigarh Bench on OA No 450/HR/2002 passed on 13 Sep 2002 consequent to dismissal of CWP 8759 by High Court of Punjab & Haryana and dismissal of SLP No CC 143/2004 filed by Union of India by Hon'ble Supreme Court.

3. Consequent to implementation of these orders, ACP scheme introduced GOI letter No 35034/1/97-Estt (d) dated 09 Aug 1999 will be treated as withdrawn in so far as CSIOs under General Staff Branch common roster are concerned, as both schemes ie, ACP scheme and time bound promotion scheme of Telecom Deptt as granted by CAT Chandigarh to all CSIOs cannot run concurrently. Hence the benefits granted to all CSIOs under ACP scheme will be withdrawn and benefits of time bound promotion scheme as per court order will be implemented.

4. Employees who feel that they will be adversely effected by these orders may submit their representations to the govt through Signals Records, Jabalpur within two months of issue of this order, which will be examined by Govt on merits. In case no objection is received within two months, it will be considered that the employee(s) have no objection to implement this sanction in their case.

Attested
 (Putta Reddy)

23 DEC 2009

Chaturvedi Bench
महाप्रभु श्री चतुर्वेदी

13

- 2 -

5. This issues with the concurrence of Defence (Finance) vide their
U.O No 412/GS/2004 dated 26 Feb 2004.

Yours faithfully,

Sd/- x-x-x-x
(R Chaturvedi)
Under Secretary to Govt
of India

Copy to :-

CGDA, New Delhi

FA (GS)

CDA, Western Command, Chandigarh

CDA, Southern Command, Pune

CDA, Eastern Command, Patna

CDA, Central Command, Lucknow

CDA, Northern Command, Jammu

1 Army HQ Sig Regt

Signals Records, Jabalpur (MP)

HQ Delhi Area (Lima Cell)

(Supreme Court)

West Comd Sig Regt

West Comd Comp Sig Regt

HQ South Comd (Sigs)

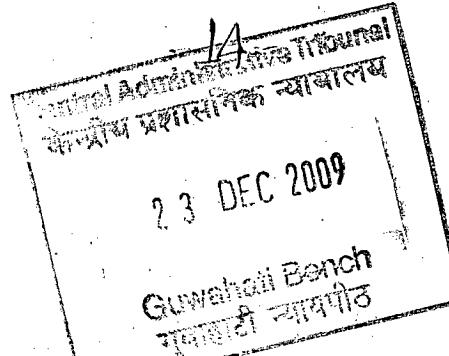
HQ East Comd (Sigs)

HQ West Comd (Sigs)

HQ Cent Comd (Sigs)

HQ North Comd (Sigs)

(S Signals, Signals) (c)



15984/Sep/1/2005/MP-4 (Civ) (b)

ANNEXURE-2

Appar Mahanideshalaya Janishakti
MP-4 (Civ) (b)
Adjutant General Shakha
Sena Mukhyalaya
Addl Dte Gen of Manpower/
MP-4 (Civ) (b)
Adjutant General's Branch
Army Headquarters
DHQ PO, New Delhi - 110011

12 Sep 2005

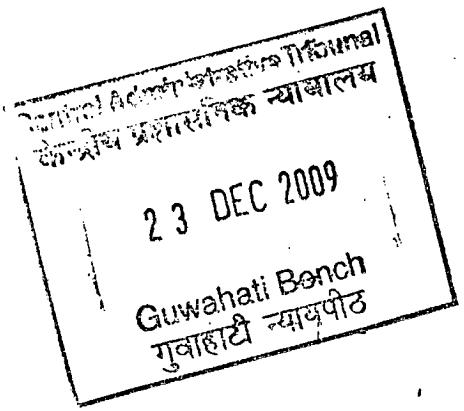
1/2
G/0-He GE Sylchar SV
1/2/3 Po. Naumachor
Dish Garbar Assam

POSTING/TRANSFER ON COMPASSIONATE GROUNDS: CIVS

1. The individuals mentioned in Appendix 'A' to this letter are transferred on permanent duty to Units/Estts shown against their names. No TA/DA will be admissible to the individuals concerned and they shall consequently travel at their own expense. The journey period in connection with the posting will be covered by grant of Earned Leave/Half-Pay Leave, if due or Extra Ordinary Leave, if there is no such leave due to his/her credit.
2. The individual will be dispatched to his new unit only after the receipt of confirmation regarding availability of vacancy from the receiving unit. The receiving unit will advise availability of vacancy to the unit concerned immediately on receipt of the posting order and will not await a formal communication from them.
3. The individual will be relieved of his duty immediately on receipt of confirmation regarding availability of vacancy from the receiving unit. The move of the individual will not be withheld till the arrival of the replacement. The resultant vacancy will be reported to this HQ in accordance with AO 22/2001.
4. The individual will be intimated that they will reckon their seniority from the date of reporting for duty in the new Unit Estt as per revised instructions contained in Raksha Mantralaya letter No 28(6)/67/D (Appts) dated 29 Jun 73 (reproduced in CPRO 73/73).
5. Those individual who have been transferred against equivalent/lower trade or scale of pay will be required to submit a willingness certificate in duplicate accepting the same. One copy should be placed in the Service Book and other be invariably forwarded to this HQ. In case of refusal the unwillingness certificate may be sent to this HQ for cancellation of posting order. The service book of the individual should invariably be updated before transferring the same to the new unit.
6. The pay of the individual will be fixed in accordance with the following provisions of CPRO 82/80.

Notified
With
Adv

Cont---2/-



(a) In case where posting/transfer involve no change in trade/grade, the service rendered prior to such posting/transfer will be treated as continuous and the individuals may be allowed to draw the last pay drawn. The date of increment will remain unaltered.

✓(b) In case where posting/transfer involves change in trade/grade, the service rendered in the previous post will be treated as continuous. In such case the pay of the individual will be fixed in the new pay scale at the stage equal to the pay drawn in the old pay scales or if there is no such stage, at the stage next below that pay, the difference being treated as personal pay to be absorbed in the next increment. The service rendered on the pay last drawn in the old pay scale will count towards the next increment in the new pay scale.

(c) In case where posting/transfer involves reduction in the grade/trade the pay of the individual will be fixed by giving the benefit of completed years of service rendered in the previous post.

(d) When the appointment is made to a new post and the maximum pay in the time scale of that post is less than his quasi-permanent/substantive pay in respect of the old post, the individual will draw that maximum as initial pay.

7. A Completion report will be forwarded by the dispatching unit within a month of the issue of this letter.



(Arun Swarup) 12/9/05
Dy Director (MP)
MP-4 (Civ) (b)
For Adjutant General

Copy to:-

GS/Sig-4C GS/SD-7 OS-8C (i) E-in-C Br/E 1-C

ST-12 NHQ/DOA(Civ) DSC-2 GS/MT-7 EME/Civ-3

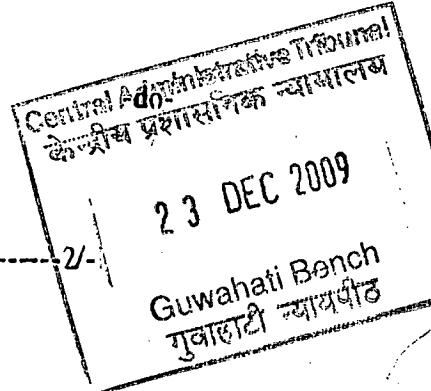
MF-2 GS/Inf-6 Pnrs-1 DGQA/Adm-7 DGMS-3B

AG/PM-5 DGDE

Appendix 'A' to AG/MP-4 (Civ) (b) letter No

15984/Sep/1/2005/MP-4(Viv) (b) dated 12 Sep 2005

SI NO	Name and Trade	From	To	Remarks
1.	Shri K Kamala, LDC	CVD Avadi, Madras	GE (AF) Trivandrum	As LDC
2.	Shri Y Kodinummen, LDC	-do-	-do-	-do-
3.	Shri P Viswendhan, LDC	Base Veh BV Yard Port Blair	-do-	-do-
4.	Smt Michalia R, LDC	DSC Records Cannanore	GE (Army) Trivandrum	-do-
5.	Smt G Prasaman Kumari, LDC	INS Garuda, Cochin	-do-	-do-
6.	Smt K Savithry, LDC	COD Jabalpur	-do-	-do-
7.	Shri VJ Thomas, UDC	OTI Chennai	-do-	-do-
8.	Shri TC Joseph, LDC	NCC Dte Bangalore	HQ S.N.C. Kochi	-do-
9.	Shri Radha Mohan Sinha LDC	5014 ASC Bn (MT) C/O 99 APO	O/O the GE Silchar Div MES PO Arunachal Distt Cachar Assam	-do-
10.	Shri C Sasi Kumaran, LDC	ASC Records (MT) Bangalore	GE (AF) Sular	-do-
11.	Shri Radha Krishna Nair LDC	11 FOD C/O 56 APO	DSC Records Cannanore	-do-
12.	Smt Sathee S Nair, LDC	Records The Parachute Regt Bangalore	527 DSC PI Mil Road Cannanore	-do-
13.	Shri Girish Kumar D, LDC	DDPP & S MOD 'G' Block N Delhi	DSC Records Cannanore	-do-
14.	Kum Shiji Jose, LDC	DPA Air HQs R No 190-A (VB)	-do-	



23 DEC 2009

Guwahati Bench
গুৱাহাটী ন্যায়ালয়

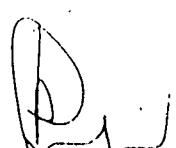
Appendix 'A' to AG/MP-4 (Civ) (b) letter No
15984/Sep/1/2/05/MP-4(Viv) (b) dated 2 Sep 2005

SI NO	Name and Trade	From	To	Remarks
15.	Shri S Bontoti, LDC	O/O JS (O) MOD South Block N D	DSC Records Cannanore	As LDC
16.	Smt Lata Joshi, LDC	MF Dte West Block IV RK Puram N.D.	COD Delhi Centt	-do-
17.	Shri ST Ghorda, LDC	NCC OTS Kamptee	CWE AFI Bldg Nagpur Nehru Marg Nagpur	-do-
18.	Shri Satyendra K Pandey LDC	1. Sig Trg Centre Jabalpur	-do-	-do-
19.	Shri Venant Surya Prakash Rao Naidu, LDC	COD Kanpur	-do-	-do-
20.	Smt Mandakini R Bhakare LDC	Records The Bds of Guards Kamptee	-do-	-do-
21.	Mrs Vidya Manohar Naidu LDC	-do-	-do-	-do-
22.	Shri Brajesh Chandra Bhattacharjee, LDC	Assam Regt Centre Shillong	O/O GE Silchar Div MES PO Arunachal Distr Cachar, Assam	-do-
23.	Smt Solpi Choudhary, LDC	222 ABOD C/O 99 APO	-do-	-do-
24.	Shri Raymond J Lopez, LDC	MEG & Centre Bangalore	DSC Records Cannanore	-do-
25.	Smt Mini MR, LDC	515 ABW Bangalore	-do-	-do-
26.	Shri Anand Kr Agrawal LDC	SQAE (GS) Depit of Def Production DGQA/L Bhatnagar	HQ Central Command Lucknow	-do-

Appendix 'A' to AG/MP-4 (Civ) (b) letter No
15984/Sep/1/2005/MP-4(Viv) (b) dated 17 Sep 2005

23 DEC 2008

SI NO	Name and Trade	From	To	Remarks
27.	Shri Puran Chandra Joshi LDC	Mil School Dholpur	PRO Lucknow (Raj)	AS LDC
28.	Shri Sudhir Dayaram Dsadi LDC	GTRE R&D Bangalore	Records The Maratha Light Inf Belgaum	-do-
29.	Smt Manorama Pradhan LDC	506 ABW Jabalpur Cantt	AD College C/O 99 APO	-do-
30.	Smt Manjeet Kaur, LDC	505 ARW Delhi Cantt	GE Amritsar	-do-
31.	Shri DP Erramduli, LDC	HQ WAC (U) AF New Delhi	HQ ENC Visakhapatnam	-do-
32.	Shri Parkash Chand, LDC	Records 14 Gorkha Rifles Subsidiary (Shimla)	MH Shimla Jutagh Cantt	-do-
33.	Shri Dilip Kumar Deb, LDC	RAME/G/AF C/O 99 APO	O/O the GE Silchar Div MES PO Arunachal Distt Cachar Assam	-do-
34.	Smt Indrani Bhattacharjee CSBO Grade-II	Stn Cell HQ 101 Area C/D 99 APO	-do-	-do-
35.	Smt Ajitha Sudharmajan UDC	DGQA/L-24 R.No 37 'G' Block N. Delhi	DSC Records Chandimere	-do-
36.	Smt Vasanthi Pillai, LDC	3 Tech Trg Regt (2 STC) Banabolin Goa	-do-	-do-
37.	Shri KP Kumaren, LDC	Stn HQrs Panjai Goa	-do-	-do-
38.	Shri M Sreedharm, LDC	COD Jabalpur	-do-	-do-



Appendix 'A' to AG/MP-4 (Civ) (b) letter No.
15984/Sep/1/1005/MP-4 (Civ) (b) dated 17 Sep 2005

23 DEC 2009

S/NO	Name and Trade	From	To	Remarks
39.	Shri Krishanjeet Singh, UDC	1 FOD C/O 56 APO	Do of NCC Jammu	As LDC
40.	Shri DM Marshall, TCM	MAG No 3 C/O 515 ABW Bangalore	Stn Wksp EME Chennai	As TCM
41.	Shri Ram Singh, Dvr (OG)	'B' Cey 5194 / 3C Bn (MT) C/O 59 APO	706 Tpt Coy ASC (Civ/GT) C/O 56 APO	As Dvr (OG)
42.	Shri SN Galphade Dvr (OG)	751 (1) Tpt Pl ASC (Civ/GT) BD Bari Jammu	752 Tpt Coy ASC (Civ/GT) Type 'A' Pase	-do-
43.	Shri ST Bhujbal Dvr Gde-II	-do-	-do-	-do-
44.	Shri PK Millwright, Fitter (HSK-I)	C No 62 MPM Deptt Naval Dockyard Mumbai	19 FAD C/O 56 APO	As Fitter
45.	Shri NK Mehta, Fitter	308 ABW All India Communication City	25 Communication City C/O 56 APO	-do-
46.	Shri S Manoj Steno-III	DSSC Wellington	INS Rajali Arakkenam (Kerala)	As Steno Gde-III
47.	Shri Pappu Bhaghat, VM	40 Wing AP C/O 56 APO	CE Morse (Swallow)	As VM
			(Arun Swapna) Dy Director MP-4 (Civ) (b) For Adjutant General	

20
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ANNEXURE - 3

Original Application No. 315 of 2007

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

THE HON'BLE SHRI MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE SHRI KHUSHIRAM, ADMINISTRATIVE MEMBER

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

..... Applicant.

Guwahati Bench
Central Administrative Tribunal
অসম প্রশাসনিক ন্যায়ালয়

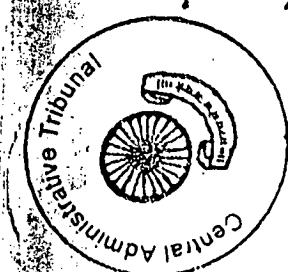
23 DEC 2009

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

- Versus -

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

Attested
Dutta
JDN



8. Officer-in-Charge
MES Records
Jabalpur - 482 001.
9. Garrison Engineer
MES, Silchar
P.O: Masimpur Cantt.
Silchar, Cachar - 788 025.

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

Central Administrative Tribunal
संघ प्रशासनिक न्यायालय

13 DEC 2009

Guwahati Bench
..... Respondents.

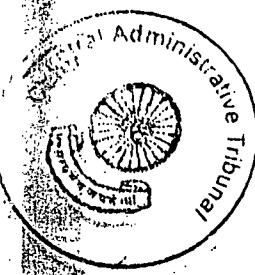
ORDER (ORAL)
09.01.2008

MANORANJAN MOHANTY, (V.C.)

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

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

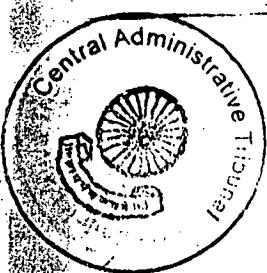
Se



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

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

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



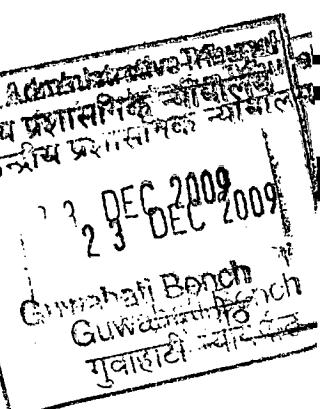
Sd/-
Khushiram
Member (A)

Sd/-
Manoranjan Mohanty
Vice-Chairman

Date of Application : 22-1-08
Date on which copy is ready : 22-1-08
Date on which copy is received : 22-1-08
Certified to be true copy 22-1-08
22/1/08

Section 11(1)(J)(d)
C. A. T. Guwahati Bench
Guwahati-5.

22/1/08



New Delhi, the 12 August 2008

ANNEXURE-4

To

The Chief of the Army Staff

Subject : Implementation of Order of Hon'ble CAT Kolkata Bench in OA 315/2007 filed by Smt Indrani Bhattacharjee, Ex CSBO, OA 435/2006 filed by Biswajit Bhaduri, CSBO, OA 260/2007 filed by Smt Sabita Paul, CSBO, OA 264/2007 filed by Smt G Mahanta Devi, CSBO, OA 265/2007 Smt Farida Begum, CSBO, OA 263/2007 Sh IK Hazarika, CSBO, OA 305/2007 Sh Jageshwar Nath, CSBO, OA 306/2007 filed by Sh SK Mahanta

I am directed to convey the sanction of the President of India for the grant of the pay scale of Rs 5000-8000/- to the following applicants from the date they completed 16 years continuous service from their initial appointment in the grade without however, any benefit of seniority, with all consequential monetary benefits during the financial year 2008-09.

- (a) Smt Indrani Bhattacharjee, CSBO ✓
- (b) Sh Biswajit Bhaduri, CSBO
- (c) Smt Sabita Paul Das, CSBO
- (d) Smt G Mahanta Devi, CSBO
- (e) Smt Farida Begum, CSBO
- (f) Sh Indu Kumar Hazarika, CSBO
- (g) Sh Jageshwar Nath, CSBO
- (h) Sh SK Mahanta, CSBO

2. This is in satisfaction of the orders of Hon'ble CAT Guwahati dated 09 Jan 08 & 31 Mar 08 and Kolkata Bench order dated 06 Mar 08 passed in above OAs.

3. The expenditure thereof will be accounted under 'Charged Expenditure' for which sanction will be issued separately after due verification by the Audit.

4. This issues with the concurrence of Defence (Finance) vide their U.O No 358/AG/PB/08 dated 07 Aug 2008.

Yours faithfully,

P. RA

(P Rama Sastri)

Under Secretary to the Government of India

Copy to:-

CGDA, New Delhi
CDA Eastern Command, Patna
CDA, Western Command, Chandigarh
AFA
HQ Eastern Command (Sigs), Kolkata
Min of Defence/D(QS)
Bengal Area Sig Coy,
2 Coy, F Comp Sig Regt
Sig Cell HQ 51 Sub Area
Western Comd Comp Sig Regt
Signals Records, Jabalpur (MP)
GS Signals 4(c) (Copy signed in ink)

Attested
Mitali
Adv.

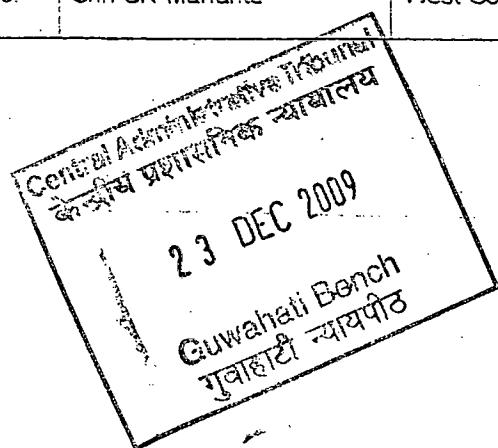
23 DEC 2008

Guwahati Bench
মুখ্য প্রশাসনিক স্বাক্ষর

- 24 -

LIST OF AFFECTED CSBOs FOR GRANT PAY SCALE RS 5000-150-8000

Ser No	Name of employees	Unit	Date of initial appt	Date of completing 16 yrs of service	Due date for grant of TBP in the Pay Scale of Rs 5000-150-8000 (Auth : Govt of India Min of Def letter No B/44572/TBP/ Sigs 4 (c)/334/D (QS) dt 12 Aug 2008)	Remarks
1	Smt Indrani Bhattacharjee	Stn Cell HQ 101 Area	13 Aug 1986	12 Aug 2002	13 Aug 2002	Presently posted to GE Silchar as LDC wef 01 Oct 2005
2	Shri Biswajit Bhaduri	Stn HQ Binnaguri	24 Aug 1987	23 Aug 2003	24 Aug 2003	
3	Smt Sabita Paul	Stn Cell HQ 51 Sub Area	01 Mar 1985	28 Feb 2001	01 Mar 2001	
4	Smt G Mahanta Devi	Stn Cell HQ 51 Sub Area	06 Jun 1987	05 Jun 2003	06 Jun 2003	
5	Smt Farida Begum	Stn Cell HQ 51 Sub Area	05 Nov 1986	04 Nov 2002	05 Nov 2002	
6	Shri Indu Kumar Hazarika	West Comd Comp Sig Regt	01 Mar 1985	28 Feb 2001	01 Mar 2001	
7	Shri Jogeshwar Nath	West Comd Comp Sig Regt	01 Mar 1985	28 Feb 2001	01 Mar 2001	
8	Shri SK Mahanta	West Comd Comp Sig Regt	01 Mar 1985	28 Feb 2001	01 Mar 2001	Presently posted to 51 Ven Coy as Store Keeper wef 06 Mar 2004.



Copy to -

for SO-in-C

Fax to Pay Tech

25-

ANNEXURE-5

REGD BY SDS

Tele Mil : 6688

The Records Signals
PIN - 908770
c/o 56 APO

3669/CA-6/T-3/TBP/SP/64

25 Aug 2008

Stn Cell HQ 101 Area
PIN- 908101
c/o 99 APO

Stn HQ Binnaguri
PIN-900289
c/o 99 APO

Stn Cell HQ 51 Sub Area
PIN-900323
c/o 99 APO

West Comd Comp Sig Regt
PIN-901152
c/o 56 APO

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Guwahati Bench
गুৱাহাটী বৰ্ষারী

IMPLEMENTATION OF HON'BLE CAT KOLKATA AND GUWAHATI BENCH ORDER ON CASE NO OA 316/2007 FILED BY SMT INDRANI BHATTACHARJEE, EX CSBO, OA 436/2006 FILED BY BISWAJIT BHADURI, CSBO, OA 260/2007 FILED BY SMT SABITA PAUL, CSBO, OA 264/2007 FILED BY SMT G. MAHANTA DEVI, CSBO, OA 266/2007 FILED BY SMT FARIDA BEGUM, CSBO, OA 263/2007 FILED BY SHRI IK HAZARIKA, CSBO, OA 306/2007 FILED BY SHRI JOGESHWAR NATH, CSBO, OA 306/2007 FILED BY SHRI SK MAHANTA, CSBO

1. Ref to Govt of India Min of Def letter No B/44572/TBP/Sigs 4 (c)334/D (QS) dt 12 Aug 2008 recd under IHQ of MoD (Army) letter No B/44572/IB/Sigs 4 (c)/235 dt 13 Aug 2008 (copies att).

2. You are requested to publish necessary occurrence for grant of Time Bound Promotion of your concerned CSBOs in the Pay scale of Rs 5000-150-8000 on auth of Govt sanction recd vide Min of Def letter No B/44572/TBP/Sigs 4 (c) 334/D (QS) dt 12 Aug 2008 wef date they completed 16 yrs continuous service from their initial appt, without however, any benefit of seniority, with all consequential monetary benefits during the financial year 2008-09 and get the expdr audited from CDA concerned and fwd to IHQ of MoD (Army) (Sigs 4 (c)) for issue of necessary Govt sanction under "Charged Expenditure". A list of affected CSBOs is enclosed for your ref.

Stn Cell HQ 101 Area Only

3. A copy of Part II Order publishing above occurrence in respect of Smt Indrani Bhattacharjee, Ex CSBO (Now LDC) may be fwd to GE Silchar. You may obtain Service Book of the employee from GE Silchar for working out expdr and necessary audit from CDA concerned.

Contd...2/

Attested
Bhutta
Abin

-26-

2

West Comd Comp Sig Regt only

4. A copy of Part II Order publishing above occurrence in respect of Shri SK Mahanta, Ex CSBO (Now Store Keeper) may be fwd to 41 Veh Coy. You may obtain Service Book of the employee from 41 Veh Coy for working out expdr and necessary audit from CDA concerned.

5. Please expedite.

RSPal

(RSPal)
Capt
Record Officer
for OIC Records

Encls : Four

Copy to

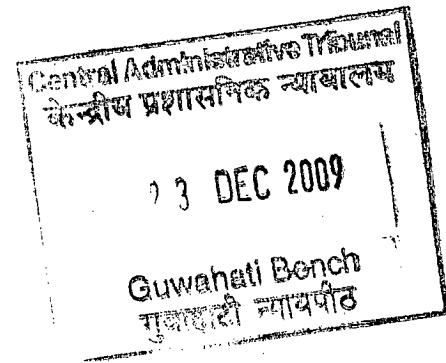
IHQ of MoD (Army)
Dte Gen of Sigs (Sigs 4 (c))
Gen Staff Branch
DHQ PO New Delhi- 110011

HQ East Comd (Sigs)
PIN-908542
c/o 99 APO

HQ West Comd (Sigs)
PIN-908543
c/o 56 APO

GE (MES)
Silchar
PIN - 900380
41 Veh Coy
c/o 99 APO
PIN - 909041

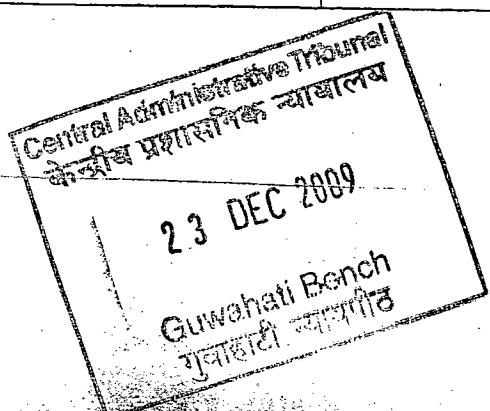
} for info please.



27

LIST OF AFFECTED CSBOs FOR GRANT PAY SCALE RS 5000-150-8000

Ser No	Name of employees	Unit	Date of initial appt	Date of completing 16 yrs of service	Due date for grant of TBP in the Pay Scale of Rs 5000-150-8000 (Auth : Govt of India Min of Def letter No B/44572/TBP/ Sigs 4 (c)/334/D (QS) dt 12 Aug 2008)	Remarks
1.	Smt Indrani Bhattacharjee	Stn Cell HQ 101 Area	13 Aug 1986	12 Aug 2002	13 Aug 2002	Presently posted to GE Silchar as LDC wef 01 Oct 2005
2.	Shri Biswajit Bhaduri	Stn HQ Binnaguri	24 Aug 1987	23 Aug 2003	24 Aug 2003	
3.	Smt Sabita Paul	Stn Cell HQ 51 Sub Area	01 Mar 1985	28 Feb 2001	01 Mar 2001	
4.	Smt G Mahanta Devi	Stn Cell HQ 51 Sub Area	06 Jun 1987	05 Jun 2003	06 Jun 2003	
5.	Smt Farida Begum	Stn Cell HQ 51 Sub Area	05 Nov 1986	04 Nov 2002	05 Nov 2002	
6.	Shri Indu Kumar Hazarika	West Comd Comp Sig Regt	01 Mar 1985	28 Feb 2001	01 Mar 2001	
7.	Shri Jageshwar Nath	West Comd Comp Sig Regt	01 Mar 1985	28 Feb 2001	01 Mar 2001	
8.	Shri SK Mahanta	West Comd Comp Sig Regt	01 Mar 1985	28 Feb 2001	01 Mar 2001	Presently posted to 41 Veh Coy as Store Keeper wef 06 Mar 2004.



Copy to

for SO-in-C

ANNEXURE-6

RESTRICTED
DO PART II ORDER : CSBO STAFF
STATION CELL HQ.101 AREA

PRESENT PART II ORDER NO : 09/CSBO/2008

DATED 30 SEP 2008

LAST PART II ORDER NO : 08/CSBO/2008

DATED 20 JUN 2008

TIME BOUND PROMOTION : CSBO

1. Smt Indani Bhattacharjee CSBO II Now LDC- employed at CE, Masiumpur. Old revised pay scale @ Rs. 3000-150 8000 w.e.f 13 Aug 2002 on completion of 16 yrs service. The individual's actual date of initial appointment was 13 Aug 1986.

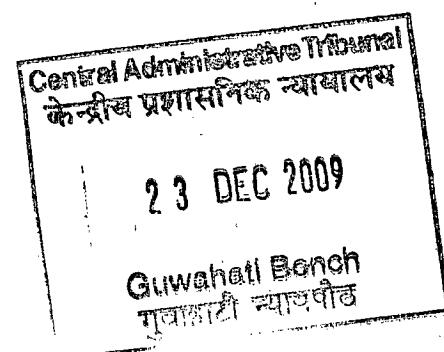
(Auth : The Records Signal letter No. 3659/CA-67/I-3/TBP/SP/61 dt 25 Aug 2008).

(N.R. Name)
Col
350
For Admin Comittee

Distribution :-

1. AAO Shillong
2. LAO(Army) Shillong
3. CE Silchar
4. Office copy

Info Dept
Document kept in
✓



Attested
Bhutta
P.S.

DO PART II ORDER : CSBO STAFF
STATION CELL HQ 101 AREA

ANNEXURE-7

PRESENT PART II ORDER NO : 11/CSBO/2008

DATED 10 DEC 2008

LAST PART II ORDER : 10/CSBO/2008

DATED 12 NOV 2008

1. Smt Indrani Bhattacharjee CSBO

Granted revised pay scale under time bound promotion scheme in the pay scale of Rs. 5000-150-8000 wef 13 Aug 2002 after completion of 16 yrs service. NDO 01 Aug 2003.

(a) 01 Aug 2003 BWP 5150/-

(b) 01 Aug 2004 BWP 5300/-

(c) 01 Aug 2005 BWP 5450/-

(d) 01 Aug 2006 BWP 5600/-

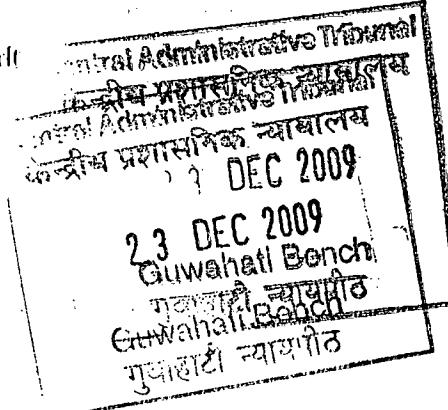
C N R Nair
Col
CSBO
For Adm Comdt

Distribution :-

1. Area Accounts Office
Shillong

2. LAO(Army) Shillong

3. Office copy



RESTRICTED

ANNEXURE-8

To,

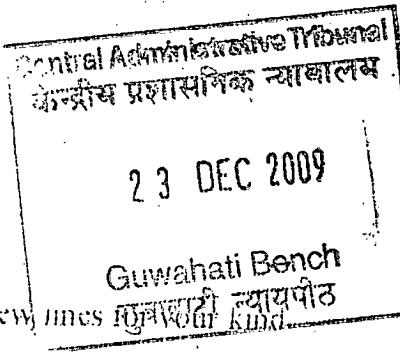
The Garrison Engineer Silchar

(Through Proper Channel)

SUB: IMPLEMENTATION OF COURT ORDER

Respected Sir,

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



1. That Sir, I was appointed as CNBO on temporary/ casual basis on 13th August 1986 Vide Station Head quarter Masimpur letter No ADM/ Esc 42 dt 13 August 1986 and subsequently my service was regularized as CSBO Gde II w.e.f 21 Feb 1994.

2. That Sir, consequent upon regularization of my service, I was transferred to SII HQ Shillong 101 Area HQ w.e.f July 1995 and rendered my services as CSBO with entire satisfaction of my authority.

3. That Sir, in October 2005, I was transferred from Station HQ Shillong to Garrison Engineer Silchar, vide AGO Dispatch Vacant HQ letter No. 15009 dated 11.10.2005/MIP-4(Civ)(b) dt 12 September 2005. With change of my cadre to LDC as no CSBO Vacancy was vacant in Masimpur Signals center.

4. With the aforesaid transfer order two major changes have been effected in my service prospect:-

(i) Firstly, I have transferred from Corps of Signals to Garrison Engineer Silchar, Military Engineer Services.

(ii) My Cadre has been changed from CSBO Gde II to LDC

5. That Sir, recently 68 Nos of CSBO's similarly placed like me, have got their Temp/Casual service counted as regular service for grant of time bound promotion as per judgment of CAT Kolkata Bench, order dated 03 May 2005, but unfortunately my name was erroneously not been included in the same list. Faced with such uncertainty, I was compelled to approach the Hon'ble Central Administrative Tribunal (Guwahati Bench) praying for suitable directions.

Attested
Biju
Adu

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Guwahati Bench
गुवाहाटी न्यायालय

6. In view of the above, I, most respectfully begs to inform you, that the HON'ble Central Administrative Tribunal (Guwahati Bench) has passed its positive suitable directions on 09 Jan 2008 (A copy of CAT Judge order and other connected documents is enclosed herewith for you ready reference)

7. As per the HON'ble Central Administrative Tribunal (Guwahati Bench) OA No 315, I therefore request you to compute my seniority from the date of initial i.e 13 Aug 1986 and also to grant me all the financial benefits of TDF (i.e at the scale of 5000-150-8000), arrears which is due from Aug 2002.

8. That Sir, I would like to inform you that in connection with the above ref. I was being paid in the basic Pay of Rs 4850/- on Oct 2005 (after joining this organization). As, I have been granted Rs 5450/- in the revised pay scale under the time bound promotion on completion of 10 years of services .

9. So I therefore request your kindness, to fix my pay and allowances accordingly, and take necessary action for fixation of my pay according to the basic of Rs 5600/- on 2006 in Sixth Pay Commission.

Thanking you,

Yours Sincerely

(INDRAKANTI DHAI ACHARYA)
MPR: A. 1.1272015. H
I.D.C.

Station : NASHIMPUR

Dated: 02.1.2009

ANNEXURE-9

Garrison Engineer Silchar
Military Engineer Service
Pin - 900380
C/O 99 APO

Tew MII: 2500

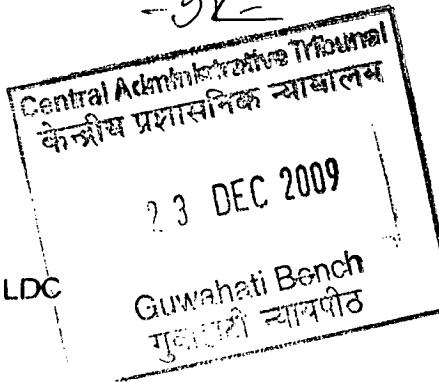
-32-

1074/IND/

29.

/EIE

A/No 14272915
Smt Indrani Bhattacharjee, LDC
(Through AGE B/R Silchar)



21
Jan 2009

REPLY TO PERSONNEL APPLICATION : A/NO 14272915 SMT INDRANI BHATTACHARJEE, LDC

1. Ref your application dt 02 Jan 2009.
2. On pursued of your representation to this office following is intimated :-
 - (a) This office is not in receipt of details of pay drawn in revised of pay scale on account of acceptance of GOI, MOD decision for giving financial benefit as sought under OA 315/2007.
 - (b) On receipt of details of last Pay drawn from your previous deptt and Service document duly verified pay fixation of pay shall be undertaken in terms of Para 6 of AG Branch Army HQ New Delhi letter No 5984/Sep/1/2005/MP-4(Civ)(b) dt 12 Sep 05.
3. This is for your information please.

(Prabhakar Mittal, IDSE)
EE (SG)
Garrison Engineer

Enc. 15 (Copy of letter number no
mentioning in 26.)

29/01/09

Attested
Bhutta
Sdn

Hundred Rupees
A/13 18/2 Silchar
on 29/01/09
Signature
S. Bhutta

PAY FIXATION ON CHANGE IN TRADE FROM OTHER DEPTT TO MES

1	MES NO and Name	A/14272915 N Smt Indrani Bhattacharjee Central Administrative Trainee केन्द्रीय प्रशासनिक न्यायालय
2	Designation	LDC
3	Formation	GE Silchar
4	Grade to which promoted and effected date	LDC changed from CSBO Gauhati Branch
5	Authority	Army HQ DHQ PO, New Delhi letter No No-15984/Sep/1/2005/MP-4(Civ)(b) dt 12 Sep 05.
6	Pay in previous grade on date of date of changed as LDC	Rs 5450/- wef 01 Aug 2005 in the scale of Rs 5000-150-8000/- being promoted one time promotion wef 13.8.2002 and TOS wef 03 Oct 2005 vide GE Silchar PTO No 40/3/05. But Pay to be fixed at maximum pay of Rs 4590/- wef 01 Oct 05 as per Army HQ DPQ PO New Delhi letter No 110011 No 15984/Sep/1/2005/MP-4(Civ)(b) dt 12 Sep 05 as LDC. (Copy attd).
7	Scale of pay in the grade as LDC	Rs 3050-75-3950-80-4590/-
8	Pay fixed under the authy Art 156-A of CSR and Department of personal and Training OM No 1/2/86 - Estt (Pay) dated 17 May 90	
	(a) Pay after granting Rs on increment in the Scale of existing grade as or minimum Rs 100/-.	Pay re-fixed at 4590/- wef 03 Oct 05 as the individual carrying basic pay of 5450/- before joining MES (GE Silchar). But pay to be fixed at Rs 4590/- in the max of pay as LDC Scale as per Army HQ DHQ PO New Delhi letter quoted above.
	(b) Pay fixed in the higher gde at the stage of next above ie Rs ----- as ----- wef	Rs 4590/- wef 01 Oct 05
	(c) Date of next in increment (if other was in order)	01 Feb 06.

(On the post of LDC)

Pay Fixed at Rs.....4590/-

W.e.f....03/10/2005...in the scale of

Rs....3050-75-3950-80-4590.

With D.N.I. On All. (Pay to be revised w.e.f. 01/01/06)

Bank Book & Bank Account S/No (A) AOSAO

(Prabhakar Mittal)
EE (SG)
Garrison Engineer.Attested
Butta
Adw

- 32 - 34 -
Annex-11
Statement of fixation of pay under Central Civil Service (Revised Pay) Rules, 2008.

1.	Name of the Government Servant	A/No 14272915N Smt Indrani Bhattacharjee
2.	Designation of the post in which pay is to be fixed as on January 1. 2006	LDC changed from CSBO
3.	Status (substantive/ officiating)	Substantive
4.	Pre- revised Scale (s) of pay applicable the for the post (In case more than one scale of applicable for the post and these have been merged in pursuance of the recommendation of the Sixth CPC in a single revised scale, the scale of pay in which the employee was actually drawing his pay should be specified)	Rs 5000-150-8000/- Rs 3050-75-3950-80-4590/-
5.	Existing emoluments as on January 01.2006	
	(a) Basic pay (including Stagnation Increments, if any)	Rs 4590/-
	(b) Dearness pay	Rs 2295/-
	(c) Dearness Allowance applicable at AICPI average 536 (1982=100)	Rs 1652/-
	(d) Total existing emoluments [(a) to (c)]	Rs 8537/-
6.	Revised pay band and grade pay corresponding to the pre-revised scale shown at Sl. No 4 above. (In the case of HAG+ and above the appropriate scale may be mentioned).	Rs 5200-20200/- (P3-1) Grade Pay 1900/-
7.	Pay in the revised pay band /scale in which pay is to be fixed as per the fitment table attached at Annex-1	Rs 8540/-
8.	Grade pay to be applied in terms of Rule 4 of CCS (RP) Rules, 2008	1900/-
9.	Stepped up pay with reference to the Revised pay of Junior, if applicable (Notes 7 and 10 below Rule 7 (1) of CCS (RP) Rules 2008). Name and pay of the junior also to be indicated distinctly	—

Pay Fixed at Rs. 8540/-, with	Grade pay of Rs. 1900/- W.e.f.	01/01/06 in the pay band
of Rs. 5200 - 20200	With D.N.I On	01/07/06
Adtr / Sr. Adtr		Adtr / Sr. Adtr
Smt/SAO		Adtr / Sr. Adtr

Contd/-2.

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009

Guwahati Branch
गুৱাহাটী

6385
24

-34- -35-

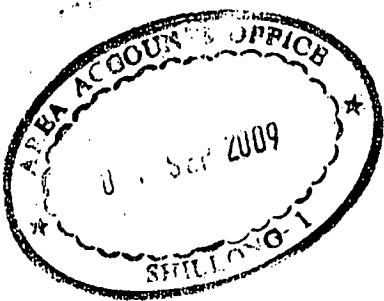
10.	Revised pay with reference to the Substantive Pay in cases where the pay fixed in the officiating Post is lower than the pay fixed in the substantive post if applicable (Sub Rule (2) of Rule 7).		
11	Personal Pay, if any (Notes 6 and 8 below Rule 7 (1)).	Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय	
12	Revised emoluments after fixation	23 DEC 2009	
	(a) Pay in the Revised Pay Band/Pay Scale	Rs 8540/-	
	(b) Grade Pay	Rs 1900/-	Guru Nanak
	Total	10440/-	
	(c) Special Pay, if admissible (Sub Rule 1(C) of Rule 7)		
	(d) Personal Pay, if admissible (Small Family norms)		
	(e) Non-Practicing Allowance, if admissible (sub Rule 1(D) of Rule 7)		
13	Date of next increment (Rules 9 and 10) and pay after grant of increment. <u>Date of Increment</u>	01 Jul 2006	
		Pay after Increment	
		Pay in the Pay Band/Scale	Grade Pay (whenever applicable)
	01 Jul 2006	10760/-	1900/-
	01 Jul 2007	11090/-	-do-
	01 Jul 2008	11430/-	-do-
14	Any other relevant information.		

Date
Office

✓ Mar 2009

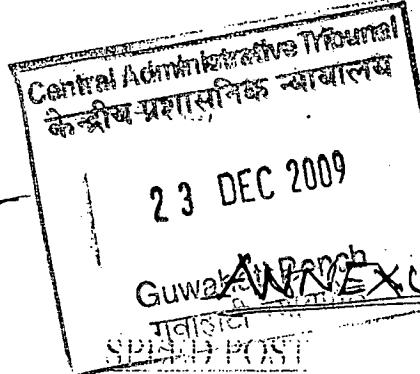
Signature & Designation of Head of the

(PRADEEP KUMAR)
Executive



2

01
03/09/09
M3



23 DEC 2009

Guwahati Branch
गुवाहाटी
SPINAD POST

No. Pay/2/Tay Pix/Vol-XII
Office of the CDA
Udayan Vilas, Narangi,
Guwahati-781171
Dated 24/08/2009

To

Area Accounts Office
Biver Road,
Shillong-1

Sub:- Fixation of Pay on Transfer to lower post, bearing low pay scale on one's Own choice.

Ref: Your No. Pay/Tech/Coord/6th CPC/XIX dated 16/07/2009.

The letter No of even dated 23/06/2009 may be treated as cancelled. The Service Book along with connected documents in respect of Smt Indrani Bhattacharjee, I.D.C. MFS No 14272915N, of GE Silchar is returned herewith the following remarks:-

1. Pay of the lady may be fixed in terms of Rule FR 15(a) read in conjunction with CPRD 82/80(d) which states that when an appointment is made to a new post and the maximum pay in the time scale of that post is less than quasi permanent/substantive pay in respect of the old post, the individual will draw as maximum as initial pay.
2. The lady's pay may be fixed in RPR 2008 in the pay scale of Rs 5200 -20200 (PB-1) with grade pay of Rs 1900.00.
3. As regards, the point of doubt No I, it is intimated that the pay of the lady may be fixed as basic pay as Rs 4590 w.e.f. 03/10/2005 as fixed by the GE Silchar is correct and fixation as per 6th Pay Commission may be done accordingly.
4. As regards, the point of doubt No II, it is intimated that the question of pay protection does not arise.

G.O. (Pay) has seen
Encls: As above.

Sr. Accounts Officer (Pay)

Attested
Dutta
DW

23/09/09 | 23/09/09

From:

Smt. Indrani Bhattacharjee
MES A-14272915 N, LDC

To

E-in-Cs Branch
HQ of MOD (Army)
Kashmir House Rajaji Marg
New Delhi – 110011

Posting / Transfer on Compassionate Ground
(Through Proper Channel)

Respected Sir,

37-
ANNEXURE-12

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

23 DEC 2009
Guwahati Bench
গুৱাহাটী ন্যায়পীঠ

- With due respect, I the undersigned submit following for your kind perusal and sympathetic consideration please.
- That Sir, I was initially appointed as Civilian Switch Board Operator (CSBO) as temporary / casual basis on 13th August' 1986 vide Station HQ Masimpur letter No. Adm/Est 42 dt. 13 August' 1986 in Signal Centre Masimpur, and subsequently my service was regularized as CSBO Gde-II w.e.f 21st Feb 1994.
- Consequent upon regularization of service I was transferred to Station Headquarter Shillong HQ 101 Area on Jul. 1995 and Served up to Sept. 2005.
- Due to pecuniary conditions, I applied for compassionate posting for Silchar Complex. As there was no vacancy of CSBO at Masimpur, I applied for change in trade in same pay grade in any office in Masimpur.
- That Sir, my appeal was accepted by the AG Branch and I was transferred to GE Silchar (MES) as LCD vide Army Head Quarter letter No. 15984/sep/1/2005/MP-4 (civ) (b) dt. 12th September' 2005. (copy attached as Appex 'A')
- During September 2005, I was drawing basic pay as CSBO Gde II in the scale of 3200-85-4900. On Oct 2005 while I joined GE Silchar (MES) my pay has been fixed in the scale of LDC as 3050-75-3950-80-4590. (Copy attached as Appex 'B')
- On September 2005 as CSBO Gde II, my basic pay was Rs. 4050 and on joining GE Silchar my pay was fixed as Under

Basic Pay	:	Rs. 4030/-
Personal pay	:	Rs. 20/-
		<u>Rs. 4050/-</u>

- Mean while Govt. of India Ministry of Defence vide letter No. B/44572/TBP/Singh/4 (c)/334/D (QS) dt. 12th August 2008 has granted me the pay scale of Rs. 5000-150-8000 on completion 16 years of my service continuous from 13th August' 1986. Accordingly records signals vide their letter No. 3669/CA-

Attested
Rita
JRW

6/T-3/TBP/SP/64 dt. 25 August 2008 mentioned that as I was completed 16 years of continuous service on 12th August 2002, I am entitled to draw TIME BOUND PROMOTION scale of Rs. 5000-150-8000 w.e.f. 13 August' 2002 (Copy attached as Annex 'C')

9. On being granted revised scale as per Para 8 above area accounts Office Shillong has fixed my pay as Rs. 5000/- on 13th August 2002 in the scale of 5000-150-8000 and DNI on 01 August 2003. In this connection vide PTO No. 11/CSBO/2008 dt. 10th December' 2008 based that my Basic pay stands Rs. 5450/- before joining MES.
10. That Sir, as per Gazette of India No. 470 dt. 29th August 2008 CCS (Revised pay) Rules 2008 has been introduced and to be implemented w.e.f. 1st January 2006. Based on this rule I have been given understanding that my pay would be fixed as under:

1 st Jan 2006	Pay in the Pay Band	Revised Pay Grade Pay	Revised Basic Pay
Pre revised Basic pay Rs. 4030/-	Rs. 7500/-	Rs. 1900/-	Rs. 9400/-

Where in as per Para 8 & 9 if I would have been remain as CSBO Gde II my revised Pay scale would have been as under

1 st Jan 2006	Pay in the Pay Band	Revised Pay Grade Pay	Revised Basic Pay
Pre revised Basic pay Rs. 5450/-	Rs. 10140/-	Rs. 4200/-	Rs. 14340/-

11. From the above it is apparent that from Oct.2005 to Dec. 2005 I was drawing less Basic pay @ Rs. 1400/- PM (5400 – 4050) apart from other allowances. Again from 1st January 2006 as per calculation shown in Para 10 above, I am drawing less pay of Rs. 4940/- PM (14340-9400) beside other allowances. Therefore it would be a perennial loss till my last breath. Also benefit sanctioned by Govt. of India as mentioned in Para 8 would be in vain.
12. That Sir, in view of the above, it is also pertinent to mention that, if I would have been any vague idea of Government decision cited as mentioned above and perennial loss of my Pay I would not submitted my consent for transfer to MES as LDC at this cost. I also believe, Army Headquarter also not issued my transfer order as LDC where such great financial loss exists.

-39-

13. Therefore now it would be my earnest prayer to your kind honour either to revert my transfer order to signals as CSBO Gde I (in the scale of 5000-150-8000) from MES or to continue my service in MES in the scale of 5000-150-8000 in PB 2 in the Grade pay of Rs. 4200 with necessary Grade Protection. Further, it would not be out of place to mentioned that now a clear vacancy of CSBO exists in Masimpur Signal center under station Headquarter Masimpur and I may kindly be adjusted in this vacancy and thus oblige please.

Thanking You Sir,

Yours faithfully



Date: 15th July 2009

Station: Silchar

(Indrani Bhattacharjee)

MES-A-14272915 N, LDC

Office of Garrison Engineer Silchar

P.O. – Arunachal -788025

Dist.- Cachar, Assam

Advance Copy to:

Director General Signals
Signal 4 C
Army Headquarter
New Delhi – 110011

Chief Engineer
HQ Eastern Command
Fort William
Kolkata – 700021

Chief Engineer
HQ Shillong Zone
SE Falls
Shillong-793011

Chief Signal Officer
Signal Records
Post bag – 05
Jabalpur – 482001

CWE
HQ 137 Works Engineers
Pin-914137
C/o. 99 APO

Adm. Commandant
Station Headquarter
Masimpur - 788025

Guwahati Administrative Tribunal
গুৱাহাটী প্রশাসনিক ন্যায়ালয়

23 DEC 2009

Guwahati Bench
গুৱাহাটী ন্যায়পৌঁছ

Tele : 6042 (Mil)

~~20~~ - 40 - ANNEXURE-13

803
1119/~~803~~/EIC(I)

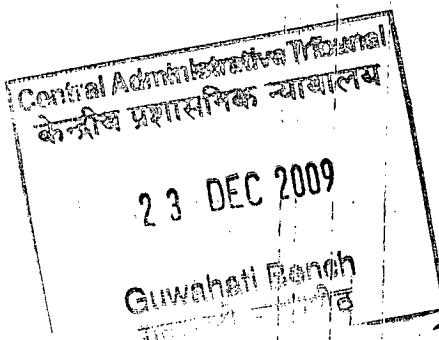
Headquarters
137 Works Engineers
PIN - 914 137
C/O 99 APO

~~20~~ Jul 2009

Chief Engineer
HQ Shillong Zone
SE Falls
Shillong - 11

POSTING/TRANSFER ON COMPASSIONATE GROUND

Application dt 15 Jul 2009 received from A-14272915N
Smt Indrani Bhattacharjee, LDC of GE Silchar addressed to E-in-Cs Branch New
Delhi is fwd herewith in duplicate duly recommended by CWE for your further
necessary action please.




K.D. Murthy
Lt Col
Offg Adjt
for CWE

Encls :- (As above)

Copy to :-

Chief Engineer
Eastern Command
Port William
Kolkata - 21

for info pl.

GE Silchar
PIN - 900 380
C/O 99 APO

for info wrt your letter No
1102/2161/E1E dt 18 Jul 09.

Attested
Yanta
Adw

40-41

ANNEXURE-14

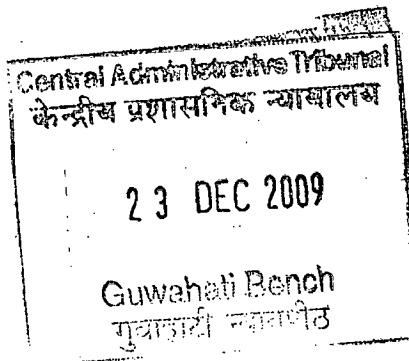
Tele:6706Mil)

Regd SDS
Chief Engineer
Shillong Zone
Spread Eagle Falls
Shillong--11

70762/9/Adm/ *SAT* /E1C(I)

22 Aug 2009

Chief Engineer
HQ Eastern Command
Fort William
Kolkata-21



POSTING/TRANSFER ON COMPASSIONATE GROUND

1. An application dated 15 Jul 2009 submitted by A-14272915N Smt Indrani Bhattacharjee, LDC of GE Silchar is fwd herewith for your further necessary action please

SV Patil
(SV Patil)
Col
SO-1(Pers & Legal)
For Chief Engineer

Copy to :-

HQ 137 Wks Engrs
C/O 99 APO

GE Silchar

- for info wrt your letter No 1119/803/E1C(I) dated 25 Jul 2009

- for information.

*Attested
Maitta
Jew*