

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

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14.7.2015
SECTION OFFICER (JUDL.)

14.7.2015

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDERSHEET

1. Original Application No: 163 /2009

2. Miscellaneous Petition No

3. Contempt Petition No

4. Review Application No

Applicant(S) Sri Nabin Ch. Das

Respondant(S) Le-O.I FORS

Advocate for the Applicant(S): S.N. Tamuli

Bipul Sonoma

Advocate for the Respondant(S): 6 CASE

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form No. 39.6.3989.53 Dated 21.2.09 Dy. Registrar Petitioner's copies for issue notices are received with envelops. copy saved.</p> <p>3/6/09</p>	04.06.2009	<p>Heard Mr.S.N.Tamuli, learned counsel appearing for the Applicant and perused the materials placed on record. A copy of this O.A. has already been supplied to Mr.G.Baishya, learned Sr. Standing counsel for the Govt. of India.</p> <p>Issue notice to the Respondents requiring them to file their written statement by 23.07.2009.</p> <p>Call this matter on 23.07.2009.</p> <p>Send copies of this order to both parties and to the Advocates of both parties.</p> <p>(M.R.Mohanty) Vice-Chairman</p>

/bb/

X/ N

2. 103/09

Received for Mr. M. Das, Addl. G.G.S.C.
for order dated 4/6/09.
Nimshin Vashum
(Advocate)
8/6/09

23.07.2009

Mr.S.N.Tamuli, learned counsel for the Applicant is present. No written statement has yet been filed by the Respondents.

Call this matter on 26.08.2009 awaiting written statement from the Respondents.

(M.K.Chaturvedi)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/lm

Copies of notices along with order dated 4/6/09 send to D/Sec. for issuing to respondents by regd. A/D post.

26.08.2009

On the prayer of Mrs.M.Das, learned Addl. Standing counsel, call this matter on 08.10.2009 awaiting written statement from the Respondents.

(M.K.Chaturvedi)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

Free copies of this order handed over to L/Counsel for both the parties.

08.10.2009

Pursuant to order dated 04.06.2009 requiring them to file their written statement by 23.07.2009. On 23.07.2009, time till 26.08.2009 was granted to the Respondents to file their written statement and on 26.08.2009 time till today was granted to the Respondents to file the written statement. Despite the said opportunities, Respondents have not yet filed any written statement in this case.

In the aforesaid premises, subject to legal pleas to be examined at the final hearing this case is admitted and liberty is hereby granted to the Respondents to file their written statement by 10.11.2009.

Call this matter on 10.11.2009.

Send copies of this order to the Applicant and the Respondents in the address given in the O.A.

(M.R.Mohanty)
Vice-Chairman

/bb/

8/6/09. D/No 2949 to 2953
DF = 8-6-2009
Memo No. 12276-12281
dt 30-10-09
Service report awaited.

22.7.09

No W/s filed.

25.8.09.

No W/s filed.

7.10.09

K. Das
Send copies of this to the Applicant and the Respondents.

9/11/09

3
OA 103/09.

3

Copies of order
dated 8/10/2009
sent to D/Sec.
for issuing to
the applicant and
the respondents by
post. D/r/o-

ce
26/10/09.

no w/s filed.

3
9/11/09

no w/s filed.

3
7/12/09

no w/s filed.

3
6/1/2010

7.1.2010

w/s filed
in the court.
Copy served.
7/1/2010

no rejoinder
filed.

3
27/1/2010

10.11.2009

Further three weeks time is sought by
Mrs.M.Das, learned Sr.C.G.S.C. to file reply.

List on 08.12.2009.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

08.12.2009

Further four weeks time is
granted to the respondents as a last
chance to file reply.

List on 7.1.2010.

(Mukesh Kr. Gupta)
Member (J)

pg

7.1.2010

It is stated by learned counsel for the
Respondents that reply will be filed during the
course of the day. Copy of the same be also
supplied to the learned counsel for the
Applicant. Rejoinder, if any may be filed by the
applicant within three week.

List the matter on 28.01.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/lm/

28.1.2010

Learned counsel for the Applicant states
that rejoinder is being filed during the course
of the day and copy of the same will be
served on the learned counsel for the
Respondents.

In this circumstances, pleadings should
be complete, admit.

Subject to legal exception, if any.

List the matter for hearing on 25.2.2010.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/Lmf/

28.1.2010

Enabling the Applicant to file rejoinder

as prayed for,

Case is adjourned to 10.2.2010.

No rejoinder filed

15.2.2010

lm

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

R copy

15/3/2010

16.02.2010

For the reasons recorded separately,
present O.A. rendered infructuous.

(Madan Kumar Chaturvedi)
Member (A)

(Mukesh Kumar Gupta)
Member (J)

/bb/

Received copy for
Mrs. M. Das, S.A. (G.S.C.)
CAT, Ghy. Bench
W. Varman (Adv.)
15/3/10

16/3/2010

Judgment/Final order
dated 16/2/2010 Prepared
and sent to the J/scltn
for issuing the all the
respondents by post
vide No — 653 & 657
dated — 22-5-2010

Notice duly served
on R- No 4

26/4/2010

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 103 of 2009

DATE OF DECISION: 16.02.2010

Shri Nabin Chandra Das

.....Applicant/s.

Mr.S.N.Tamuli

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

- Versus -

U.O.I. & Ors

.....Respondent/s

Mrs.M.Das, Sr.C.G.S.C.

.....Advocate for the
Respondents

CORAM

THE HON'BLE MR.MUKESH KUMAR GUPTA, MEMBER (J)

THE 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


Hon'ble Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 103 of 2009

Date of Decision: This, the 16th day of February 2010.

HON'BLE SHRI MUKESH KUMAR GUPTA, JUDICIAL MEMBER

HON'BLE SHRI MADAN KUMAR CHATURVEDI, ADMINISTRATIVE MEMBER

Shri Nabin Chandra Das
Son of Shri Karuna Kanta Das
MES No. 229529
Electrician (SK)
Resident of CDA Complex
Qrt. No.B 57, P.O: Udayan Vihar
Guwahati
Dist: Kamrup (Assam)
PIN: 781 012.

...Applicant

By Advocate: Mr.S.N.Tamuli

-Versus-

1. The Union of India represented by the
Secretary to the Govt. of India,
Ministry of Defence
South Block,
New Delhi-110 001.
2. The Commander Works Engineer
Spread Eagle Falls
Shillong-793 011.
3. The Garrison Engineer, Umroi
Umroi Military Station
Barapani, P.O: Barapani
Shillong-793 103.
4. The Commander Works Engineer
(A/F), Borjhar Area
Guwahati-781 015.
5. The Garrison Engineer
Guwahati, P.O: Udayan Vihar
Satgaon, Guwahati
PIN: 781 171.

.. Respondents

By Advocate: Mrs.M.Das, Sr. C.G.S.C.


ORDER (ORAL)**MUKESH KUMAR GUPTA, MEMBER (J):**


Mr.S.N.Tamuli, learned counsel for Applicant has placed on record a communication dated 07.07.2009 emanated from HQ Chief Engineer, Shillong Zone whereby vide para 2 it has been observed that:-

"the individual will be considered for promotion from SK to HS based on seniority in the DPC of CWE Shillong to fill any vacancy between 01 Jan 96 to the date of his transfer from CWE Shilong (Feb 2000)."

Said communication has been taken on record. Perusal of the above, would indicate that relief, as prayed for, virtually stands granted as Applicant was seeking only consideration of his case for promotion, which has been accepted by the competent authority.

2. In view of above, present application^{is} rendered infructuous.^h
Respondents should abide by the undertaking given in afore noted order.


(MADAN KUMAR CHATURVEDI)
MEMBER (A)

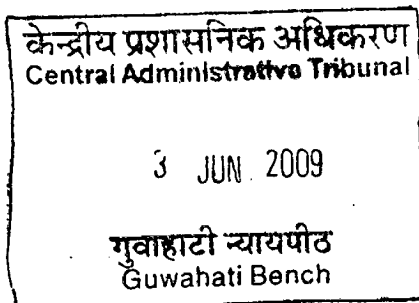

(MUKESH KUMAR GUPTA)
MEMBER (J)

/BB/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
GUWAHATI

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

O.A. No. _____/03_____/2009



Shri Nabain Chandra Das.

.....Applicant

VERSUS

Union of India and Others

.....Respondents

SYNOPSIS

The applicant joined Military Engineering Service as line man in on 12/10/1987 in the office of the Garrison Engineer, Umroi under Commander Works Engineer Shillong. Subsequently the post of linemen was later redesignated as Electrician (SK). His next promotion is to the post of Electrician (HS-II). Applicant passed Trade Test for the post of Electrician (HS-II) in the year 1993 and become eligible for promotion. Due to his personal difficulties applicant applied for compassionate transfer from GE, Umroi to GE Guwahati in the year 2000 and was subsequently transferred to GE Guwahati vide order dated 28/1/2000. Applicant joined new establishment on 5/2/2000 and was assigned bottom seniority. Applicant has passed the trade test for promotion to the post of Electrician HS-I i.e. next higher post in the year 2003. Acting on letter dated 6.04.05 issued by the Commander Works Engineer, Shillong, G.E. Umroi Military Station passed order dated 6/6/05 promoting some Electricians(SK) including some of the juniors on in-situ basis from 1/1/96 i.e. by giving retrospective effect. But surprisingly applicant though senior at the time of giving effect to the promotion i.e. 1/1/96 his name was not there. Applicant immediately submitted a representation through proper channel to the Commander Works Engineer, Shillong but same was not disposed. Being aggrieved applicant filed O.A. No 48/08 which was disposed vide order dated 20/03/08 with the direction to the respondents to consider the grievances of the applicant as raised in his representations and also in the O.A.. Vide order dated 22/8/08 Respondent no 5 G.E. Guwahati disposed of the representations rejecting the claim of the applicant on the ground that as he was transferred on compassionate ground and assigned bottom seniority in the new unit his past service has been forfeited and as such not entitled to get promotion. Forfeiture of past service without following the principles of Natural justice is bad in law. Applicant was senior on the date from which promotion was given to other juniors. And as such he is entitled to promotion from 1/1/96.

Received.
copy of the O.A.
Gautam Bishnu
(Mr. G. Bishnu)
Sr C.G.S.C. 03.06.09

Filed By:-

S.N.Tamuli
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
GUWAHATI

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

O.A. No. 103 /2009

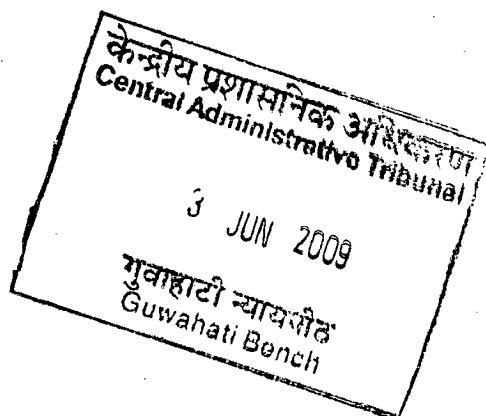
Shri Nabain Chandra Das.

.....Applicant

VERSUS

Union of India and Others

.....Respondents



LIST OF DATES

Sl.No	Date	Particulars	Page No/Annexure
1	12/10/87	By letter dated 12/10/87 applicant was appointed as Electrician (SK) in the office of the G.E. Umroi under Commander Works Engineer, Shillong in Military Engineering Service.	Page No Annexure-5 A Para:-4.2
2	1993	Applicant passed trade test for Electrician (HS-II) i.e. next higher promotional post conducted on 22 & 23 Nov 1993 and became eligible for promotion as Electrician (HS-II). Result of the test was published in the Part iv order issued by the respondents	Page No Annexure-7 B Para:-4.3
3	1995	Seniority list of Electrician was prepared but was neither circulated nor was a copy of the same given to the applicant.	Para:-4.5

4	28/01/00	Applicant was transferred from GE, Umroi to GE, Guwahati on compassionate ground. One condition in the aforesaid transfer order was that his seniority will be reckoned from the date of reporting for duty in the new unit.	Page No Annexure-25 D Para:-4.6
5	23/6/03	Applicant appeared in the trade test for Electrician HS-I and passed the same and became eligible for promotion to the next higher promotional post i.e. HS-I. Result of the same was declared vide Part -II order dated 23/6/03. Applicants name was against Sl. No 54.	Page No Annexure-28 E Para:-4.7
6	03/03/04	Respondents took a policy decision for restructuring of the cadre of artisan staff in defence establishments. As per the policy decision cadre of Electrician (HS-II) and (HS-I) were merged together and redesignated as Electrician (HS). Para 3(d) of the letter dated 3/3/04 states that these post will be filled up in tune of 33% based on seniority without any trade test. As such applicant is eligible to promotion without any trade test also. It is stated that applicant passed the trade test in the year 1993.	Page No Annexure- C ¹⁹ Para:-4.4 & 4.7
7	6/04/05	Acting on a letter 6/04/05 issued order dated 06/06/05 whereby some Electrician (SK) were promoted on in-situ basis to the post of Electrician (HS) including some of the juniors of the applicant from 1/1/96 i.e. by giving retrospective effect to the promotion. But unfortunately applicant though eligible and senior his name was not there in the aforesaid list/order.	Page No Annexure- F ³⁹ Para:-4.8
8	2/9/05	One Shri Karuna Kanta Nath similarly placed with the applicant was granted promotion on in situ basis.	Para 4.14
8	10/12/05	Applicant submitted representation through proper channel to G.E., Umroi Military Station praying for grant of promotion like other juniors from 1/1/96	Para:-4.9

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

3 JUN 2009

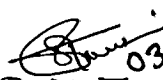
गुवाहाटी न्यायपीठ
Guwahati Bench

9	31/12/05	G.E. Umroi vide letter dated 31/12/05 informed the applicant that as his seniority position has been changed on reporting to the new station he should approach CWE , A/F Borjar.	Page No Annexure- G ⁴² Para:-4.9
10	28/1/08	Applicant submitted a representation to CWE A/F Borjhar on 28/2/08 stating his grievances.	Page No Annexure- H ⁴⁴ Para:-4.10
11	28/1/08	As respondent no 4 of this petition i.e. CWE A/F Borjhar did not dispose of his representation applicant filed O.A. No 48/08 before Central Administrative Tribunal Guwahati. Vide order dated 20/3/08 the Hon'ble Tribunal dispose of the O.A. at admission stage itself with the direction to the respondents to consider the grievances of the applicant as raised in his representations and also in the original application by passing a reasoned order within a period of 90 days from the date of receipt of copy of the order.	Page no ⁴⁶ Annexure-I Para:- ⁴ 4.11&4.12
12	22/08/08	By letter dated 22/08/08 respondent no 5 i.e. G.E. Guwahati dispose of the representation of the applicant rejecting his claim. Grounds stated there in are: As applicant joined new unit with bottom seniority his past service has been forfeited and as such he could not be promoted. As regards Karuna Kanta Nath it was stated that his promotion order was erroneously issued and as such same was cancelled by order dated 21/08/08. Applicant humbly states that Shri Nath is still working in the promotional scale and was never reverted to his original post.	Page No ⁴⁸ Annexure-J Para:-4.13 & 4.14

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

3 JUN 2009

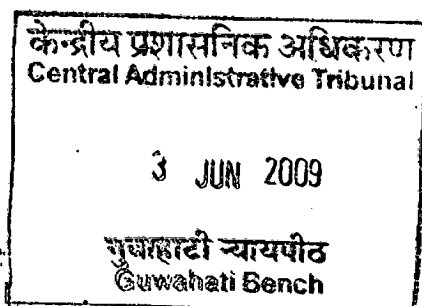
गुवाहाटी न्यायपीठ
Guwahati Bench

Filed by  03/06/09
S.N. Tomuli
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
GUWAHATI

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

O.A. No. 103 /2009



Shri Nabain Chandra Das.

.....Applicant

VERSUS

Union of India and Others

.....Respondents

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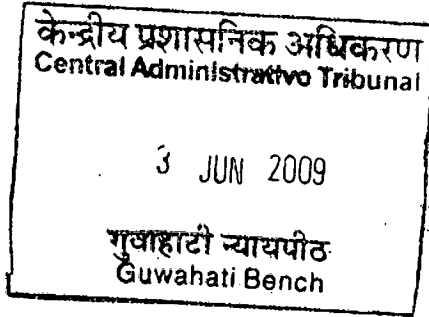
Filed by:- S.N.Tamuli,(Advocate)

Drs

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH:
GUWAHATI

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

O.A. No. 103 /2009



BETWEEN

Shri Nabain Chandra Das.
S/o Shri Karuana Kanta Das
MES NO 229529
Electrician (SK)
Resident of CDA Complex
Qrt. No- B 57
P.O.- Udayan Vihar
Guwahati
Dist- Kamrup (Assam).
Pin 781012 ✓

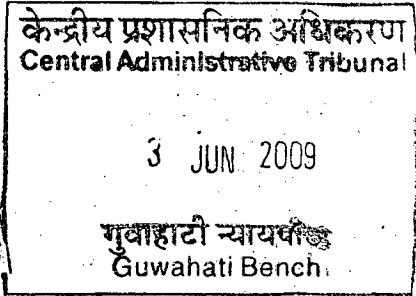
Filed by the Applicant
Through S. N. Tumuli
Advocate Date 03/06/09

----- Applicant

-AND-

1. Union of India
Represented by Secretary to the,
Govt. of India,
Ministry of Defence,
South Block
New Delhi
Pin:-1100001. ✓
2. The Commander Works Engineer
Spread Eagle Falls
Shillong.
Pin:-793011. ✓

3. The Garrison Engineer, Umroi.
Umroi Military Station
Barapani
P.O. Barapani
Shillong
Pin:-793103 ✓



4. The Commander Works Engineer
(A/F), Borjhar Area
Guwahati
Pin:-781015. ✓

5. The Garrison Engineer
Guwahati
P.O.- Udayan Vihar
Satgaon, Guwahati
Pin:-781171. ✓

----- Respondents

DETAILS OF THE APPLICATION:

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

This application is against order No 1022/NCD/49/EIC dated 22/08/2008 passed by the office of the Garrison Engineer Guwahati, Stagaon Post, Kamrup-Dist, Guwahati 27 rejecting the prayer of the applicant for promotion from Elect (SK) to Elect (HS).

2. Jurisdiction of the Tribunal:

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

Das

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

3. Limitation:

The applicant further declare that this application is filed within the period of 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 is entitled to all the rights, protections and privileges guaranteed by the Constitution of India.

4.2 That the applicant was initially appointed as lineman by letter dated 12/10/1987 issued from the office of the Commander Works Engineers in the Military Engineering Service (MES in short) in scale of pay 800-1150 and posted in the office of the Garrison Engineer, Umroi Shillong under the industrial strength of Commander Works Engineer, Shillong and was asked to report on or before 31/10/1987. Applicant accordingly joined duty as lineman. Subsequently, the post was redesignated as Electrician (SK) i.e. Electrician Skilled. Applicant was discharging his duties with utmost sincerity and devotion and there was/is no adverse remarks against him. His next promotion was to the post of Electrician HS-II.

A Copy of the appointment letter dated 12/10/87 is enclosed as **Annexure A**

4.3 That the applicant appeared and passed the trade test for promotion to the post of the Elect HS-II held in GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and as such the applicant attained eligibility for promotion to the cadre of Electrician (HS-II) from 1993. The result was declared by Part IV order issued by the respondents and applicant's name was against Sl. No 66. As such he is legitimately entitled for promotion to the grade of Electrician HS, on all counts. Applicant could collect the relevant portion of the aforesaid order and despite of his best effort he could not collect the entire order and pray before the Hon'ble Tribunal to direct the respondents to produce the same before the Hon'ble Tribunal.

Copy of the Part IV order (relevant portion only) is enclosed as **Annexure B**

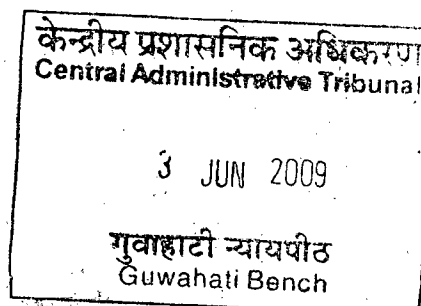
4.4 That it is stated that the applicant passed the trade test for Electrician HS-II under Commander Works Engineer, Shillong Area as stated in the

DAS

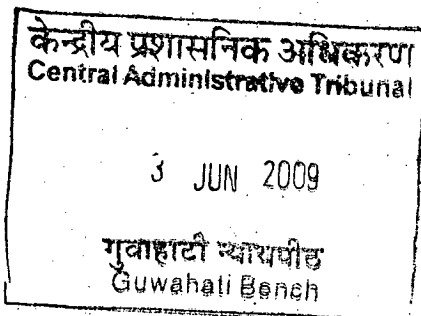
above para. It is relevant to mention here that the applicant is entitled to get promotion to the grade of Electrician HS of vacancies arising in between 1/1/96 and 19/05/03 and these vacancies would will be filled up as one time measure even without trade test as per para 3 (d) of the HQ letter No.B/21770/EEC(3) dated 03/03/04. However he had passed the trade tests. As such he is legitimately entitled for promotion to the grade of Electrician HS, on all counts.

Copy of the HQ letter dated 03.03.2004 is annexed hereto and marked as **Annexure-C.**

- 4.5 That it is stated that the respondents prepared one seniority list for the Electrician (SK) in 1995. This seniority list was neither circulated nor copy given to the applicant as a concerned employee as he is in the said seniority list and the applicant in spite of all his efforts could not obtain the said seniority list. It is stated that some of the juniors as per the above seniority list were given promotion. It is relevant to mention here that the promotion to the post of Electrician HS is given on the basis of seniority in the feeder cadre and the feeder cadre in the instant case is the post of Electrician (SK). The applicant humbly prays that the Hon'ble Tribunal be pleased to direct the respondents to produce the seniority list of 1995 for Electrician (SK) before this Hon'ble Tribunal for proper adjudication of this case.
- 4.6 That applicant applied for transfer on compassionate ground from GE Umroi to GE Guwahati due to his personal difficulty and authority was Kind enough to consider his request. Fortunately vide order no 28/01/2000 applicant was then transferred to GE Guwahati on compassionate ground. The above transfer order was issued on basis of a letter dated 29/12/99. Para 5 of the aforesaid transfer order mentioned that applicant's seniority will be reckoned from the date of reporting for duty in the new unit or establishment as per revised instructions contained in Ministry of Defence letter no 28(6)67/D (Appts) of 29 Jun 75 (reproduced in CPRO 73/78 & CPRO 11/75). Applicants could not collect a copy of the above letter despite his best effort. Applicant prays before the Hon'ble Tribunal to direct the respondents to produce the copy of the same.



DAS



Copy of the transfer order dated 28/01/2000 (along with typed copy) is enclosed as **Annexure D**

- 4.7 That the applicant subsequently appeared in the Trade Test for HS I under GE Guwahati and vide Part II order dated 23/6/03 (PTO No 25) issued from the office of the G.E. Guwahati. Applicant along with others (common order) was declared passed in the trade test. In the aforesaid order applicants name was against Sl. No 54. It is pertinent to mention here that Director General of Personnel, Military Engineering Services, Kashmir House DHO PO, New Delhi issued letter dated 03/03/2004, {Letter No b/21770/EIC (3)} (**Annexure C of this application**) regarding Restructuring of cadre of artisan staff in defence establishment in modification of recommendation of 5th CPC. The aforesaid letter {Para-3 (a)} says that post of HS-I and HS-II were merged together and re designated as HS retrospectively w.e.f. 1/1/96. In Para 3(d) of the said order it is stated that vacancies occurring in between 1/1/96 and 19/05/03 in HS posts will be filled by promotion to the tune of 33% based on seniority without trade test as one time measure.

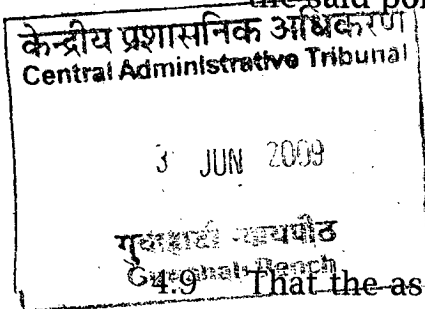
A copy of the order dated 23/06/03 (along with a type copy) is enclosed as **Annexure E**

- 4.8 That acting on the letter No.1455/RDPC/8/EIA, dated 06.04.2005, issued by the Commander Works Engineer, Shillong, G.E.Umroi, Umroi Military Station, Barapani-PO. Published PTO No 23 dated 06/06/2005 whereby some Electrician (SK) were promoted to the grade of Electrician (HS) retrospectively w.e.f 01.01.1996 in situ basis i.e. giving retrospective effect. In the said promotion order some persons junior to the applicant (~~e.g. the respondent No. 6 in this O.A. Shri Pran Singh Nongrum~~) have been promoted to the post of Electrician (HS) with effect from 01.01.1996, but the applicant in spite of being senior to them has not been promoted. It is relevant to mention here that other juniors to the applicant working in different defence establishment under CWE, Shillong were also promoted but applicant could not collect the details of those persons and as such could not make them parties in this application and humbly apologises for the same. applicant joined in service on 12/10/1987 and passed trade test for HS II in the Year 1993 (Though not mandatory for promotion for promotion from SK to HS I later re-designated as HS for vacancies

Das

occurring between 1/1/1996 to 19/05/03) and trade test for HS-I on 23/6/04, as such in all fitness of the things, the applicant ought to have been promoted to the grade of Electrician (HS) at least w.e.f the date on which his juniors were promoted i.e. from 01.01.1996.(

Applicant could collect a copy of the promotion order dated 06/06/2005 in which his juniors were promoted. It is stated that the applicant has no grivences against the juniors who have been promoted, his case is for implementation of the policy decision of in situ promotion with retrospective effect equally to all including the applicant. His promotion under policy shall not adversely effect any other person promoted under the said policy.



A copy of the promotion order dated 06/06/2005 is enclosed as **Annexure F**

4.9 That the as soon as he could learn about the said promotion order dated 06/06/2005, he submitted one representation through proper channel on 10/12/2005 to The GE, Umroi, Umroi Military Station, Barapani Shillong and prayed for grant of his promotion to the grade of Electrician (HS) w.e.f 01.01.1996 like his juniors retrospectively w.e.f. 1/1/96. Vide letter dated 31/12/2005 issued from the office of the GE, Umroi in reference to the representation of the applicant dated 10/12/2005 applicant was informed that his seniority position has been changed and reckoned from the date of reporting to the new station i.e. CWE (A/F) Borjhar and advised him to approach CWE (A/F) Borjhar/ GE Guwahati regarding promotion..

Copy of letter dated 31/12/05 is enclosed as **Annexure G**

4.10 That applicant immediately submitted an application to the Commander Works Engineer, (A/F) Borjhar, (CWE(A/F), Borjhar in short) on 28/2/08. Applicant in the above petition stated that he was working as E.lect SK since 1987 and though others were given promotion his case was not considered for promotion and prays for consider his case for promotion. But same was not disposed of by the respondent no 4.

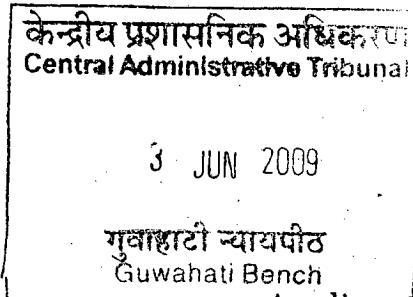
Copy of the representation dated 28/2/08 is enclosed as **Annexure H**

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4.11 That applicant finding no other alternative approached this Hon'ble Tribunal through O.A.No 48/2008 (Shri Nabin Chandra Das -v- U.O.I. & Ors) and prays for a direction to dispose the representation dated 28/01/08.

4.12 That by an order dated 20/03/08 The Hon'ble Tribunal was pleased to dispose of the aforesaid O.A. in the admission stage itself with the following direction:

" the respondents to consider the grievances of the applicant (as raised in in his representations and in the present original application) and pass a reasoned order within a period of 90 days from the date of receipt of the copy of this order"



Applicant immediately submitted a copy of the above order along with a forwarding letter to the respondent no 4 i.e Garrison Engineer Guwahati on 9th April 2008 for due compliance.

A copy of the order dated 20/03/08 is enclosed as *Annexure I*

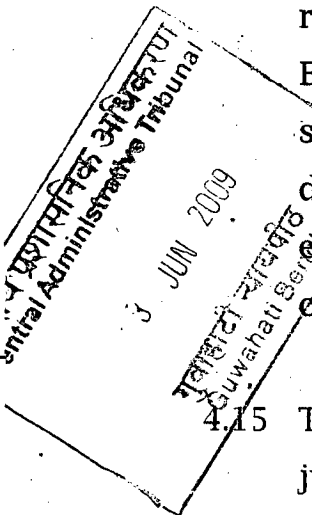
4.13 That vide letter no 1022/NCD/49/EIC dated 22/08/08 Respondent no 5 i.e Garrison Engineer Guwahati informed the applicant (with approval of the authority) that as because applicant was transferred on compassionate ground and was assigned bottom seniority in the new station on his joining to the new station his case cannot be considered for promotion. It was stated in para (ii) of the said letter that due to transfer on compassionate ground past service rendered in the capacity of Elect (SK) was forfeited and his service will be counted from the date of reporting to the new unit or establishment as per revised instruction contained in Ministry of Defence vide letter dated 29 Jun 1975 unde No 28 (6) 67/D (Appts).

Copy of the letter dated 22/08/08 is enclosed as *Annexure J*

4.14 That applicant in beg to state that one Shri Karuna Kanta Nath similarly situated with the applicant was considered and was given promotion vide letter No 1455/KDPC/49/EIA dated 02/09/05 issued from the office of the Commander Works Engineer , Shillong but applicants case was totally ignored. Non application of mind is explicit in case of the applicant. It is

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stated that in para (iv) of the letter dated 22/08/08 respondents have stated that As regards promotion of Shri K.K.Nath, Elect (SK) to Elect (HS) was issued by Commander Works Engineer, Shillong erroneously to the existing policy and accordingly his promotion was treated as cancelled vide order dated 22/08/08 issued by the Commander Works Engineer, Shillong. It is stated that Shri K.K.Nath is still working as E.ect.(HS) i.e. in his promotional capacity without any reversion. It is further stated that respondents rightly promoted Shri K.K.Nath and is allowed to work as Elect.(HS) and is still working in the same capacity and the above statement of the respondent as regards Shri Nath is not correct, and designed only to defeat the genuine case of the applicant. It is stated that even if a wrong decision is taken in any case by the respondents that cannot defeat applicant's genuine cause.



4.15 That forfeiture of past service without following the principles of natural justice is bad in law. It is stated that applicants past service was forfeited as stated in letter dated 22/8/08 (Annexure J) was done without giving any notice and as such is bad in law.

4.16 That under the letter dated 21/1/2000 (Annexure D) the applicant was relieved for the new new unit to join after availing usual journey period. No TA, DA was admissible because as per the Rules these were not admissible for transfer on own request. Para 4 of the said letter reads as under:-

" Please note that your pay and allowances for the month of Jan 2000 has been claimed in this office and pay and allces for the month of Feb 2000 and onwards will be claimed by your new formation"

From the above it is clear that up to the period of January 2000 the pay and allowances should be fixed and paid by the old unit/formation i.e. G.E. Umroi office . Para 4 of the said letter gives the condition of such transfer that seniority will be reckoned from the date of reporting. From the above it would be hostile to treat the past service as forfeited. Forfeiture of service invites civil consequences and such forfeiture of service cannot be one without following principles of natural justice. No notice what so ever was given to the applicant before passing such order. Moreover in the instant case neither there is any Rule to obliterate or forfeit past service nor the conditions stipulated in the order of transfer gives any scope of such forfeiture. The applicant humbly submits that in such circumstances the order to forfeit his past service by letter dated

Das

22/08/08 is hostile and discriminatory offending Article 14, 16, 21 and Principles of Natural Justice. This is passed de hors the rules. That applicant is entitled to the benefit of service during that period including the service benefits granted by the official instructions specifically giving effect to such instructions with retrospective effect or in-situ promotion. Moreover in-situ promotion effects no bodies relative promotion or position inter-se or with change of nature of duty because it only gives upliftment in salary and this is done by the welfare state as a measure of welfare for its employees. Such benefits cannot be denied on the hostile plea of forfeiture of past services. The decision n order dated 22/08/08 is deserves to be set aside and quashed.

- 4.17 It is stated that the applicant was eligible for promotion to the post of Elect (HS) since 1993 i.e. from the date on which applicant passed the Trade Test for promotion to the post of Elect (SK) to Elect (HS) as stated in para 4.3 of this application. Applicant most respectfully begs to submit that his juniors () have been promoted w.e.f 01.01.1996 vide promotion order dated 06.06.2005 (Annexure -F of this application) on the basis of their seniority in the feeder cadre of Electrician (SK) per the seniority list of 1995. At the relevant time i.e. on 01.01.1996, both the applicant () along with other juniors were working at Shillong under the same respondent No.2 and they were borne in the same seniority list wherein the applicant was senior. () were similarly situated. But even thereafter, the respondents promoted persons junior to the applicant including respondent no 6 but denied the same to the applicant who was senior, respondents plea is that he was placed in bottom seniority in the new station i.e. GE/Guwahati due to his transfer on compassionate ground and as such cannot be considered for promotion.. Such action of the respondents is discriminatory which hits the provisions of Article 14 and 16 of the Constitution of India and also arbitrary, unfair and illegal. Under the policy of retrospective promotion the applicant's case shall have to be considered in the unit where he was working during that period (i.e. 1/1/96), promoted in situ, granted benefit, and thereafter send the pay position to the new unit where he has joined on transfer, and the new unit shall take further steps. The applicant shall get all benefits except seniority.

Central Administrative Tribunal
Guwahati Bench
3 JUN 2009

[Signature]

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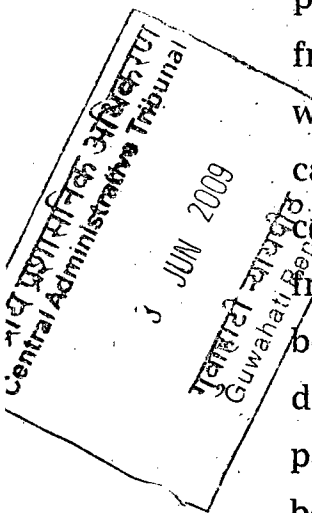
4.18 That it is a settled law that when a person is transferred on compassionate ground he may not get seniority and may be placed at the bottom of the seniority list at the transferred place but for the purpose of promotion his earlier service in the unit from where he was transferred is not wiped out and the said service has to be considered for promotion. And as such a person who is transferred on compassionate grounds only loses his seniority but does not lose the benefit of the past service in the previous unit for the purpose of his promotion. It is also stated that the promotion order dated 6/6/05 was issued giving effect to the promotion from 1/1/96 i.e. giving retrospective effect from a time when applicant was senior and was eligible for promotion. But most unfortunately his case was ignored and rejected on the ground that on transfer on compassionate ground to the new station/unit his seniority was reckoned from the date of reporting to the new station and was placed in the bottom seniority on that date ignoring the fact that he was senior on the date from which transfer order was issued. Applicant humbly submits his past service cannot be ignored for the purpose of promotion and other benefit except seniority in the new station.

4.19 That due to non-consideration of his promotion to the grade of Electrician (HS), which he is legitimately entitled to the applicant has been suffering heavy loss in terms of the financial benefits and service prospects. As such finding no other alternative, the applicant is again approaching this Hon'ble Tribunal for protection of his legitimate rights. Applicant again begs to state that he is/was eligible for promotion from 1/1/96 in equal footing with his junior.

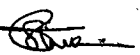
4.20 That this application is made bonafide and for the cause of justice.

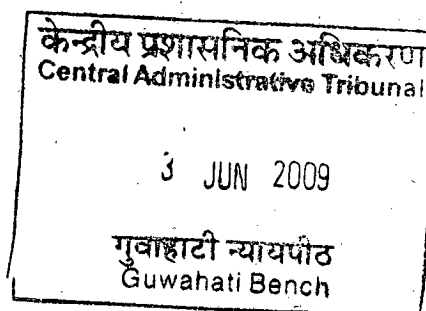
5. Grounds for relief(s) with legal provisions:-

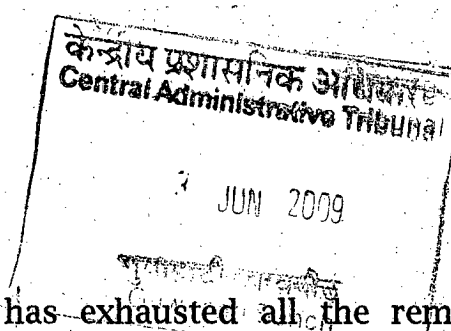
5.1 Fore that the past service before transfer has been said to be forfeited. In the circumstances of the case on transfer his service is not forfeited, but he gets bottom seniority in the new unit. Forfeiture of service cannot be done without following the Principles of Natural Justice. No show cause notice was given before such forfeiture. The order dated 22/08/08 is liable to be set up in this court for violative of principles of natural justice.



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- 5.2 For that, the applicant attained eligibility for promotion to the post of Electrician (HS) way back in 1996 and has therefore acquired right for his promotion to the said cadre.
- 5.2 For that, the respondents vide their promotion order dated 06.06.2005, promoted even those persons () who were junior to the applicant in the seniority list of feeder cadre, and denied the same to the applicant which hits the provisions of Article 14 and 16 of the Constitution of India.
- 5.3 For that, the applicant being senior, his name was above that of the ^{seniors} in the seniority list of 1995 for the Electrician (SK) which forms the basis of promotion to the post of Electrician (HS). As such the applicant is entitled to get promotion w.e.f the date on which respondent No.6 and other juniors have been promoted.
- 5.4 For that, () some other juniors have been promoted w.e.f 01.01.1996 at that relevant time, ^{other juniors} both the applicant and were working at Shillong under the same seniority list wherein the applicant was rather senior'  similarly situated. As such the applicant ought to have been promoted at least w.e.f. the date on which respondent No.6 and other juniors have promoted.
- 5.5 For that, the applicant submitted representation for his promotion but it has not been considered by the respondents and was rejected.
- 5.6 For that, the denial of promotion to the applicant which he is legitimately entitled to get, is arbitrary, illegal, unfair and opposed to the principles of natural justice.
- 5.7 For that due to illegal denial of his promotion, the applicant has been suffering great loss in terms of financial benefit and service prospects.
- 5.8 For that, applicant's past service cannot be ignored for promotional benefit although he was transferred to new station on compassionate ground and was given bottom seniority on the date of his joining to the new station.





6. Details of remedies exhausted:

That the applicant declares that he 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 applicants declare that he had previously filed O.A. No 48/08 which was disposed of and there is no application pending before any Tribunal or court regarding the subject matter of this application.

8. Relief(s) sought for:

Under the facts and circumstances stated above, the applicants humbly pray that Your Lordships be pleased to call for the records of the case and be pleased to grant the following relief(s).

8.1 That respondents shall give effect to the insitu promotion of the applicant from 1/1/96 specifically granting the promotion with retrospective effect, with consequential benefits including arrear monetary benefit.

8.2 The order dated 22/08/08 under (letter no 1022/NCD/49/EIC) issued by the Garrison Engineer Guwahati (Annexure J of this application) should be set aside and quashed.

8.3 Costs of the application.

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

These reliefs are prayed on the grounds stated in para 5 above.

9. Interim order prayed for::

During pendency of the application, the applicant prays for the following interim relief:-

[Handwritten signature]

- 9.1 That the Hon'ble Tribunal be pleased to direct the respondents that pendency of this application shall not be a bar to the respondents for considering the case of the applicant for promotion to the grade of Electrician (HS).

These reliefs are prayed on the grounds stated in para 5 above.

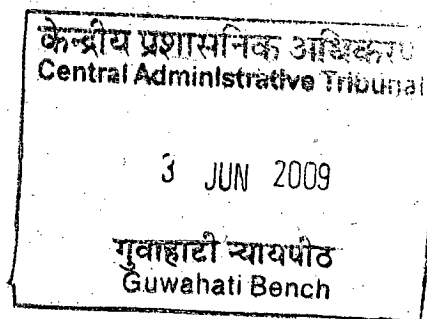
10. This application is filed through an advocate.

11. Particulars of the I.P.O.:

- | | | | |
|------|---------------|---|--------------------|
| i) | I.P.O. No. | : | 39G398953 ✓ |
| ii) | Date of Issue | : | 21/2/09 ✓ |
| iii) | Issued from | : | G.P.O. Guwahati ✓ |
| iv) | Payable at | : | G.P.O. Guwahati. ✓ |

12. List of enclosures:

As given in the index.



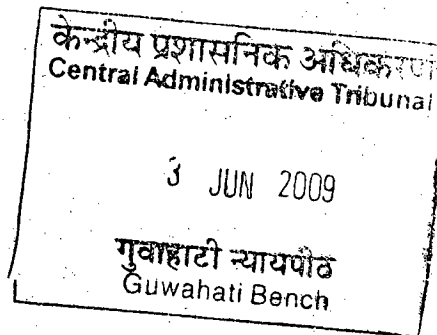
VERIFICATION

I, Shri Nabin Chandra Das aged about 43 years, Son of Sri Karuna Kanta Das, Presently working as Electrical (SK), under G.E. Guwahati, residing at CDA Complex , Q No D 57, Narrangi, Guwahati-781171 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 ...6th... day of May, 2009 at Guwahati.

Place: Guwahati.

Date: 6/5/09



NCS
Signature

Tele Mily - 436

Commander Nirman Engineers
 Commander Works Engineers
 Spread Eagle Falls
 Shillong - 793011

1285/A/ 946 /EIA

Shri. Naby Chandra Das.

C/O Narayan Electricals

Rajgarh Road, Gauhati-3

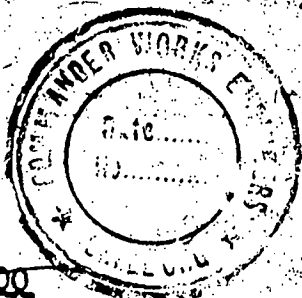
APPOINTMENT : LINEMAN

केन्द्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal

3 JUN 2009

गुवाहाटी न्यायापीठ
 Guwahati Bench

1. You are hereby offered the appointment of Lineman in the scale of pay RS. 800-15-1010-EE-20-1150 per month other allowances as admissible from time to time.
2. Your appointment will be subject to the conditions mentioned in appendix 'A' attached.
3. If you accept the offer, you are hereby posted to GE(P)Umroi where you may report on or before 31 Oct '87 failing which the offer of appointment will be treated as cancelled.
4. Unless directed by the authority refer to in para 3 above to do otherwise, you are required to produce on reporting for duty the documents listed in the Paragraph 6 of the Appendix 'A' referred to above in original for verification.



(Signature)
 Sat Parkash

AO 2
 Commander Works Engineers

NOO
 Copy to :-

- | | | |
|-------------------|---|---|
| 1. GE(AF)Shillong | 0 | Together with Appendix 'A' and verified |
| 2. GE Shillong | 0 | PV Roll in original. |
| 3. GE(P)Umroi | 0 | |

Before allowing the individual to join duty it should be ensured that date of birth/Edu/Tech qualification certificate etc are invariably verified from original certificate produced by the individual. The individual Regn No is 4231/85.

P.T.O

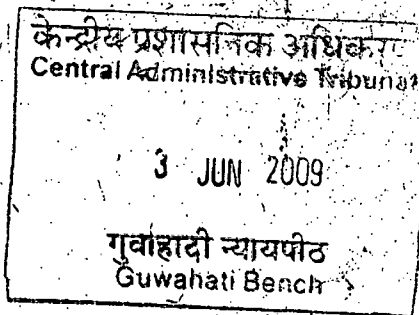
Attested

(Signature)
 Advocate

- 2 -

/ IOD-54-60/87/13130
dated 24 Sep '87

Guwahati



The name of the individual was sponsored vide Employment Exchange NO / dt which should be published in PEO while taking him in the strength.

has been
PV Roll ~~appeal~~ initiated ~~by~~
~~APPV/APP~~ by this office

Please note that individual will not be allowed to join duty untill and unless documents listed in para 7 of appendix 'A' are produced by him duly completed in all respects. In case of illiterate persons not having any proof of age the same will be determined on the authority of Medical certificate under Art. 49 CSR. In case of any doubt the case should be referred to this HQ for decision.

He will be in the scale of Rs 800-25-1010-EB20-1150 and will be considered for promotion in the scale of 950-20-1150-EB-25-1500 in terms of E-in-C's Branch New Delhi letter No 90270/89/ LIC dated 11 Jan 85 by DPC after satisfactory completion of two years service in the grade (Semi Skilled).

Attested


Advocate

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Part IV(a) Contd

61.228667	Shri Bhim Bahadur Chetry	Elect Ty	20 Dec 93(FN)	Appeared in the Trade Test for Elect HS-II held at GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Absent'.
62.229273	Shri Chandreswar Panjit	-do-	-do-	Appeared in the Trade Test for Elect HS-II held in GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Pass'.
63.229352	Shri Jaminder Singh	-do-	-do-	Appeared in the Trade Test for Elect HS-II held in GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Pass'.
64.229353	Shri Bersa Lohar	-do-	-do-	Appeared in the Trade Test for Elect HS-II held in GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Pass'.
65.229530	Shri Kosheswar Sharma	-do-	-do-	Appeared in the Trade Test for Elect HS-II held in GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Pass'.
66.229529	Shri Nabin Ch Das	-do-	-do-	Appeared in the Trade Test for Elect HS-II held in GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Pass'.
67.223137	Shri Kul Bahadur	Carp. (SK)	-do-	Appeared in the Trade Test for Carp HS-II held at GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Fail'.
68.636024	Shri Bishan Swell	-do-	-do-	Appeared in the Trade Test for Carp HS-II held at GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Fail'.
69.229059	Shri D C Halder	-do-	-do-	Appeared in the Trade Test for Carp HS-II held at GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Pass'.
70.229551	Shri Nani Gopal Das	-do-	-do-	Appeared in the Trade Test for Carp HS-II held at GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Pass'.
71.229510	Shri Hem Bahadur Chetry	Maz (Pt)	20 Dec 93(FN)	Appeared in the Trade Test for Hammerman (SS) held at GE Shillong and declared 'Pass'.
72.224028	Shri Moti Ram Chetry	Mason (SK)	20 Dec 93(FN)	Appeared in the Trade Test for Mason HS-II held at GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Pass'.
73.229533	Shri Rabin Patgiri	-do-	-do-	Appeared in the Trade Test for Mason HS-II held at GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Pass'.
74.229871	Shri Mohaswar Barman	-do-	-do-	Appeared in the Trade Test for Mason HS-II held at GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Fail'.
75.223244	Shri Bhim Singh Chetry	Maz (Pt)	20 Dec 93(FN)	Appeared in the Trade Test for V/Man (SS) held at GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Passed'.
76.229274	Shri Ram Bhagwan Rai	-do-	-do-	Appeared in the Trade Test for V/Man (SS) held at GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Passed'.
77.716724	Shri Mon Bahadur Sunar	-do-	-do-	Appeared in the Trade Test for V/Man (SS) held at GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Passed'.
78.229218	Shri Sisail Kumar Goring	-do-	-do-	Appeared in the Trade Test for Mate Refg Meeh (SS) held at GE Shillong during the period from 22 Nov 93 to 25 Nov 93 and declared 'Pass'.

Contd---7/-

Attested

Advocate

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

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Part- (a) Contd

40.229012	Shri Kanteswar Boro	Mate	20 Dec	93	Appeared in the Trade Test for
41.229103	Shri Rana Paul	Ty	93	(SK) held at GE Shillong	
42.229079	Shri Okil Rai	-do-	-do-	-do-	during the period from 22 Nov
43.229033	Shri Ram Deo Rai	-do-	-do-	-do-	93 to 25 Nov 93 and declared
44.229217	Shri Kallash Prasad	-do-	-do-	-do-	'Pass'
45.229072	Md Khirulain	-do-	-do-	-do-	
46.228736	Shri Munshi Mahato	-do-	-do-	-do-	Appeared in the Trade Test
47.229643	Shri K K Paul	-do-	-do-	-do-	for PHO (SK) held at GE Shg
48.229573	Shri H. Bhusan Deb	Maz	20 Dec	93	during the period from 22 Nov
49.229241	Shri Manik Ranjan	(Pt)	93	(FN)	93 to 25 Nov 93 and declared
50.229747	Shri Bikram Singh	-do-	-do-	-do-	'Absent'
51.229242	Shri Mahinder Prasad	-do-	-do-	-do-	Appeared in the Trade Test
52.229099	Shri Wangphrang	Mate	20 Dec	93	for Mate Pipe Ftr (SS) held at
53.229220	Shri Yusuf Mia	Ty	93	(FN)	GE Shillong during the period
54.228402	Shri Danish Dorton	-do-	-do-	-do-	from 22 Nov 93 to 25 Nov 93
55.229537	Shri Christopher	Mate	22 Dec	93	and declared 'Pass'
56.229049	Shri K. S. Nongkymah	Ty	93	(FN)	Appeared in the Trade Test
57.229272	Shri Ram Sajan	-do-	-do-	-do-	for Carpenter (SK) held at
58.229358	Shri Nageswar Rai	-do-	-do-	-do-	GE Shillong during the period
59.229351	Shri Phring Khar-	-do-	-do-	-do-	from 22 Nov 93 to 25 Nov 93
60.229541	Shri B K Nath	-do-	-do-	-do-	and declared 'Fail'
		-do-	-do-	-do-	Appeared in the T/Test for
		-do-	-do-	-do-	Mason (SK) held at GE Shg
		-do-	-do-	-do-	during the period from 22 Nov
		-do-	-do-	-do-	93 to 25 Nov 93 and declared
		-do-	-do-	-do-	'Pass'
		-do-	-do-	-do-	Appeared in the T/Test for
		-do-	-do-	-do-	Veh Mech HS-II held at GE
		-do-	-do-	-do-	Shillong during the period
		-do-	-do-	-do-	from 22 Nov 93 to 25 Nov 93
		-do-	-do-	-do-	and declared 'Pass'
		-do-	-do-	-do-	Appeared in the Trade Test
		-do-	-do-	-do-	for Elect HS-II held at GE
		-do-	-do-	-do-	Shillong during the period
		-do-	-do-	-do-	from 22 Nov 93 to 25 Nov 93
		-do-	-do-	-do-	and declared 'Pass'

Contd--6/-

Attested

Advocate

TYPE COPY

Tele: 230191907

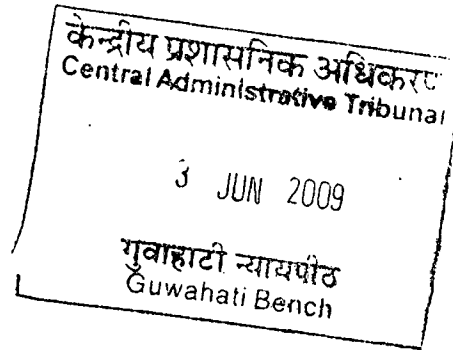
Director General of Personnel
Military Engineering Services
Engineer in Chief e Branch
Army Head Quarters
Kashmir House
DHO PO New Delhi-110011

B/21770/EIC(3)

03 Mar 2004

Chief Engineer (s)

Southern Command, Pune
Western Command, Chandimandir
Eastern Command, Kolkata
Central Command, Lucknow
Northern Command, C/O 56 APO,
ADG (DRDO & R&D) Secunderabad



The Commandant

CME, Pune
BEG, Kirkee
BEG, Roorkee
MEG & Center Bangalore

RESTRUCTURING OF CADRE OF ARTISEN STAFF IN DEFENCE
ESTABLISHMENT IN MODIFICATION OF RECOMMENDATION OF
5th CPC

1. Reference Govt. Of India, Ministry of Defence letter no 11(1)/2002/D(Civil) dated 20 May 2003 circulated this HQ letter no B/21770/EIC(3) dated Jun 2003.
2. As per the above letter, the grade structure of industrial Cadre has been received in two phases as under:-
From 01.01.96 to 19.05.2003.
3. The grade structure in the industrial as well as in non –industrial cadre wherever already available and the pay scale of the Defence artisan staff shall stand modified w.e.f. 1.1.96 as under:-

(i)	Skilled	Rs 3050-4590
(ii)	Highly Skilled	Rs 4000-6000
(iii)	Master Craftsman	Rs 4500-7000

Attested

Advocate

- (a) The post of HS-I and HS-II shall be merged retrospectively w.e.f. 01/01/96 HS-I will be en block ...mor to HS-II.
- (b) All existing HS-I and HS-II employees in the strength on 1.1.96 (including those who were wasted out due to retirement death etc on or after 1.1.96 but prior to 19.05.03 shall be re-designated as highly skilled and placed in the corresponding scale of pay.
- (c) The above merger shall be effective from 1.1.96 and in relaxation of trade test DPC etc. as one time exception.
- (d) Vacancies arising between 1.1.96 and 19.05.03 in HS post will be filled by promotion to the tune of 33% based on seniority without any trade test as one time measure.
- (e)
- (f) A trade wise seniority list of all highly skilled as on 1.1.96 (after merger) should be prepared and circulated to all concerned.
- (g) Promotions made from HS-II to HS_I after 1.1.96 shall became in-fructuous in view of the merger of posts.
- (h) Since grade of HS-II & HS-I has been merged and designated as HS in pay scale of Rs 4000-6000 w.e.f. 1/1/96 as clarified by the DOP&T/MOD the second ACP for eligible Skilled/HS employees should be given in the pay scale of Rs 5000-8000 since Master Craftsman in pay scale of Rs 4500-7000 is not a post of the hierarchy and placement in this grade shall not be treated as promotion for highly skilled grade either under normal promotion rules or under ACP Scheme.
- (i) As stated above w.e.f. 9.8.99 or from the date the individual completes 21 yearsof service after 9.8.99 the skilled HS workers should be granted second ACP in the pay scale of Rs 5000-8000 if otherwise eligible vide letter no 856104/47/ACP/Ind/CSCC dated 10 Oct 2003

From 20.05.2003 ONWARDS

- (a) With effect from 20.05.03, the inter grade ratio in respect of all skilled grades i.e. erstwhile ratio trades and including left out trades shall be in the ratio and corresponding scale as mentioned para (i) of Min of Defence letter quoted above. The Administrative section should workout the inter grade ratio on authorized/ sanctioned strength as on date.
- (b) The promotion of the individuals in the posts resulting from restructuring and ratio revision shall be made on seniority basis w.e.f. 20.05.03 in
The trade test DPC qualifying service etc as one time measure

Attested

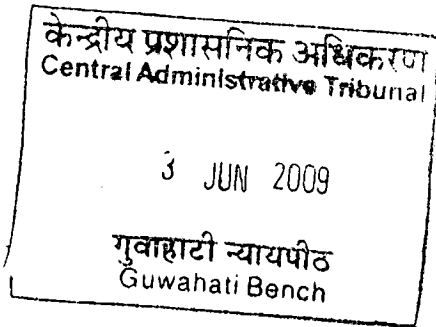
Advocate

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- (c) 25% of highly Skilled grade post will be placed in the grade of Master Craftsmen as laid down in Min of Defence letter no 1(2)/80/D(Civ) dated 21 Sept 1982 except that the undertaking that they will forgo promotion on supervisory line which was taken hither to before , need not be taken now.
- (d) If there are non-viable trades having number of workers (say less than five) those trade should be grouped together to arrive at a visible number for giving the above promotional benefit.
- (e) DPC for MCM to be by the Command HQ.
4. The existing recruitment rules for the tradesman are being amended by CSCC section of this HQ.
5. Syllabus for trade test for Highly Skilled (industrial personnel) is being issued by this HQ separately till such time Syllabus for Highly Skilled trades are issued the existing syllabus for HS-I and HS-II categories be clubbed and papers for trade test of Highly Skilled categories be prepared at CWE level accordingly.



Sd/-
K.K.Shngal
Col
Dir(Pera)
For e-in-C

Copy to:-

Min of Def/d(Civ)

AG's Branch/MP-4(Civ)(d)

Internal

CSCC

Group-II

Attested

Advocate

- 9 -

~~ANNEXURE 7~~

Tele: 23019107

Directorate General of Personnel
Military Engineer Services
Engineer-in-Chief's Branch
Army Headquarters
Kashmir House
DHO P.O. New Delhi - 110011

B/21770/EIC (3)

03 May 2004

Chief Engineer(s)

Southern Command, Pune
Western Command, Chandimandir
Eastern Command, Kolkata
Central Command, Lucknow
Northern Command, C/o 56 APO
ADG (DRDO & R&D) Secunderabad

The Commandant

CME, Pune
BEG, Kirkee
BEG Roorkee
MEG & Center Bangalore

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

RESTRICTING OF CADRE OF ARTISAN STAFF IN DEFENCE
ESTABLISHMENT IN MODIFICATION OF RECOMMENDATION OF
5TH CPC

1. Reference Govt of India, Ministry of Defence letter No. 11(1)/2002/D(Civ i) dated 20 May 2003 circulated this HQ letter No. B/21770/EIC(3) dated 27 Jun 2003.

2. As per the above letter, the grade structure of Industrial Cadre has been revised in two phases as under:-

From 01.01.96 to 19.05.2003

3. The grade structure in the industrial as well as in the non-industrial cadre, wherever already available and the pay scales of the Defence artisan staff shall stand modified w.e.f 1.1.96 as under:-

(i)	Skilled	Rs. 3050-4390
(ii)	Highly Skilled	Rs. 4000-6000
(iii)	Master Craftman	Rs. 4500-7000

Attested

Advocate

(a) The post of HS-I and HS-II shall be merged retrospectively w.e.f. 01.01.96. HS-I will be on block senior to HS-II.

(b) All existing HS-I and HS-II employees in the strength on 1.1.96 (including those who were wasted out due to retirement death etc. on or after 1.1.96 but prior to 12.05.03) shall be re-designated as Highly skilled and placed in the corresponding scale of pay.

(c) The above merger shall be effective from 1.1.96 and in relaxation of trade test DFC etc. as one time exception.

(d) Vacancies arising between 1.1.96 and 12.05.03 in HS post will be filled by promotion to the tune of 35% based on seniority without any trade test as one time measure.

(e) A trade with seniority list of all highly skilled as on 1.1.96 (after merging) should be prepared and circulated to all concerned.

(f) Promotions made from HS-II to HS-I after 1.1.96 shall become infructuous in view of the merger of posts.

(g) Since the grade of HS-II & HS-I has been merged and designated as HS in the pay scale of RS. 4000-6000 w.e.f. 1/1/96 as clarified by the DOP&T/MOD the second ACP for eligible Skilled/HS employees should be given in the pay scale of RS. 5000-8000 since Master Craftsman in the pay scale of RS. 4500-7000 is not a part of the hierarchy and placement in this grade shall not be treated as promotion for highly skilled grade either under normal promotion rules or under ACP scheme.

(h) As stated above, w.e.f. 9.8.99 or from the date the individual completes 21 years of service after 9.8.99 the skilled HS worker should be granted second ACP in the pay scale of RS. 5000-8000 if otherwise eligible vide letter No. 856104/43/ACP/Ind/CSCC dated 10 Oct 2003.

From 20.05.2003 ONWARDS

(a) With effect from 20.05.03, the inter grade ratio in respect of all skilled trades i.e., entire ratio trades and including left out trades shall be in the ratio and corresponding scale as mentioned para (i) of Min of Defence letter quoted above. The Administrative sections should work out the inter-grade ratio on authorized/requisitioned strength as on date.

(b) The promotion of the individuals in the posts resulting from restructuring and ratio revision shall be made on seniority basis w.e.f. 20.05.03 in relaxation of the trade test, DFC, qualifying service etc as one time measure.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Attested

Advocate

3

11

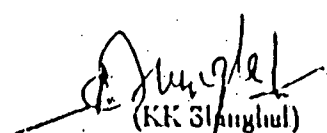
(c) 25% of Highly Skilled grade posts will be placed in the grade of Master Craftsman. There will be no change in procedure of selection of Master Craftsman as laid down in Min of Defence letter No. 1(2)/60/D (Civ.) dated 21 Sep 1982 except that the undertaking that they will forego promotion on supervisory line, which was taken hitherto before, need not be taken now.

(d) If there are non-viable trades having number of workers (say less than five), those trades should be grouped together to arrive at a viable number for giving the above promotional benefit.

(e) DPC for MCM to be conducted by Command HQ.

4. The existing recruitment rules for the tradesman are being amended by CSCC section of this HQ.

Syllabus for trade test for Highly Skilled (Industrial personnel) is being issued by this HQ separately. Till such time Syllabus for Highly Skilled trades are issued, the existing syllabus for HS I and HS II categories be clubbed and papers for trade test of Highly Skilled categories be prepared at CWE level accordingly.


(KK Bhargava)
Col
Dir (Pers)
For E-In-C

Copy to:-

Min of Def (D(Civ))

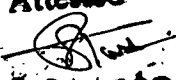
AG's Branch/MP-4 (Civ)(d)

Internal

CSCC

Group-II

*Attested
Advocate*

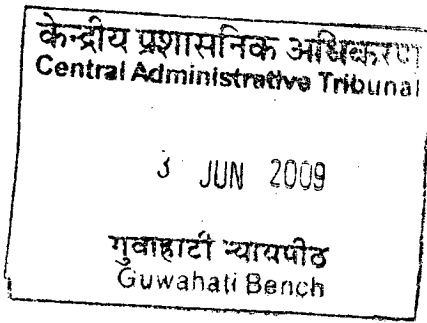
Attested

Advocate

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

TYPE COPY



ANNEXURE- II

Umroi Military Station
Barapani- PO
Shillong : 793 103

1518/458/E1 (Estt)

28 Jan 2000

MES/229529 Shri Nabin Chandra Das,
Elect (SK)

POSTING/TRANSFER ON COMPASSIONATE GROUND INDUSTRIAL
PERSONNEL

1. You are hereby permanently transferred to GE Guwahati on compassionate ground.

Authy :- HQ CES4 shillong letter No. 70230/4/1413/EIC(2)
dated 29. Dec.99.

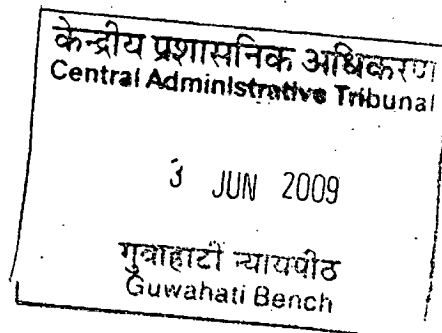
2. You will be relieved of your duties from this office on 05 Feb 2000 (AN) and will report to your new formation/Office after availing usual journey period. No TA/DA is admissiable.
3. You will submit the folliwng before leaving thsi Office :-
 - (a) Clearance certificate
 - (b) Deprature report
 - (c) Identity Card will be deposited in your new formation.
 - (d) Ration Card.
4. Please note that your pay and allowances for the month of Jan 2000 has been claimed in this office and pay & allces for the month of Feb 2000 and onwards will be claimed by your new formation.
5. It is certified that the above named individual isnot involved in any disciplinary case/SPE/Court of Inquiry.

Contd

Attested



Advocate



6. Please note that you will reckon your seniority from the date of reporting for duty in the new unit or establishment as per revised instruction contained in Ministry of Defence letter No. 28 (6) 67/ D (Appts.) of 29 June 75 (reproduced in CPRO) 73/78 * CPRO 11/ 75.

(RP Upadhyay)
AE
Offg Garrison Engineer.

DISTRIBUTION:-

1. HQ CEEC Calcutta
2. HQ CE shillong Zone
3. HQ CWE Shillong
4. GE Guwahati
5. CDA Narengi
6. AAO Shillong
7. AAO GE Umroi
8. JCD Funds Meerut
9. AGE B/R I Umroi
10. AGE B/R II Umroi
11. AGE E/M Umroi
12. BSO Umroi
13. All Section

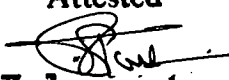
DETAILS OF PAY AND ALLOWANCES

Basic Pay : Rs. 3650/-, DA : Rs 1351/-, TA : Rs. 75/-, CHCK; Rs. 140/

Deduction:- GP Fund : Rs. 600/-
GP Fund refund Rs. 500/- (Bal amount Rs. 9,000/- to be recovered wef Feb 2000) FA: Rs. 150/- PM (Bal Rs. 1050/- to be recovered) CGEGIS : Rs. 30/- PM.

Balance of leave:-

E/L- 81 days, HPL- 150 days,
C/L- 08 days, R/H 02 days
Date of Birth : 01.01.66, Date of next increment :
01.10.2000, Date of appointment : 27.10.87.

Attested

Advocate

Hq. C&S4 Shillong

Baroi Military Station
Barapani - PO
Shillong : 793 103

1518/458/E1(Estt)

28 Jan 2000

MES/229529 Shri Nabin Chandra Das,
Elect (SK)

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

3 JUN 2009

गुवाहाटी न्यायापीठ
Guwahati Bench

POSTING/TRANSFER ON COMPASSIONATE
GROUND INDUSTRIAL PERSONNEL

1. You are hereby permanently transferred to GE Guwahati on compassionate ground.

Authy :- Hq C&S4 Shillong letter No 70280/4/1413/LIC(2)
dated 29 Dec 99.

2. You will be relieved of your duties from this Office on 05 Feb 2000 (AN) and will report to your new formation/Office after availing usual journey period. No Ta/Da is admissible.

3. You will submit the following before leaving this Office :-

- (a) Clearance certificate (b) Departure report
- (c) Identity Card will be deposited in your new formation.
- (d) Ration Card

4. Please note that your pay and allowances for the month of Jan 2000 has been claimed in this office and pay & allow for the month of Feb 2000 and onwards will be claimed by your new formation.

5. It is certified that the above named individual is not involved in any disciplinary case/SP/ Court of Inquiry.

6. Please note that you will reckon your seniority from the date of reporting for duty in the new unit or establishment as per revised instruction contained in Ministry of Defence letter No 28(6)67/D(Appts) of 29 Jun 75 (reproduced in CPRD 73/78 & CPRD 11/75).

(RP Upadhyay)

Offg Garrison Engineer

Distribution :-

- 1. Hq C&S4 Calcutta
- 2. Hq C&S4 Shillong Zone
- 3. Hq C&S4 Shillong
- 4. GE Guwahati
- 5. CDA Narangi
- 6. AAO Shillong
- 7. AAO GE Umroi
- 8. JCD. Funds Meerut
- 9. AGE B/R I Umroi
- 10. AGE B/R II Umroi
- 11. AGE E/M Umroi
- 12. BSO Umroi
- 13. All Section

Details of pay and allowances

Basic Pay: Rs 2650/-, D.A.: Rs 1351/-,
Ta: Rs 75/-, CHCA: Rs 140/-

Deduction

GP Fund: Rs 600/-
GP Fund refund Rs 500/- (Bal amount
Rs 9,090/- to be recovered wef Feb 2000)
Fa: Rs 150/- pm (Bal Rs 1050/- to be
recovered), CGGIS: Rs 30/- pm.

Balance of leave

E/L - 81 days, HPL - 150 days,
C/L - 08 days, R/H 02 days
Date of Birth: 01-01-66, Date of next
increment: 01-10-2000,
Date of appointment: 27-10-87.

R/*

Attested

Advocate

TYPE COPY

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati

ANNEXURE-I

PART II ORDER.

Unit : GE Guwahati
Station : Narangi

SI No. 25
dt- 23.06.03

Last PTO No. 24 dated 16.06.03

No	MES No and Name	Designation	Date wef	Casualty/Particular
1.	2	3	4	5

Part- I (a)
& (b)- NIL
Part II

Ref this office PTO No.
21.1.03 dated 26.05.03

Lease/Cbituary

1.242391 Shri H.R. Deka Centralised)	D'Man Gde- I	23.5.03	Gtd 20 days EOL wef 23.5.03 to 19.6.03 on MC.
---	-----------------	---------	--

Service verified wef to 19.6.03 from pai pay bill and PTOs.	01.0402	19.6.03 (AN) Authy	Death notified with redret Death Certificate issued by Guwahati medical College and Hospital Guwahati Assam on 19.05.03
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REFLATION OF PAY

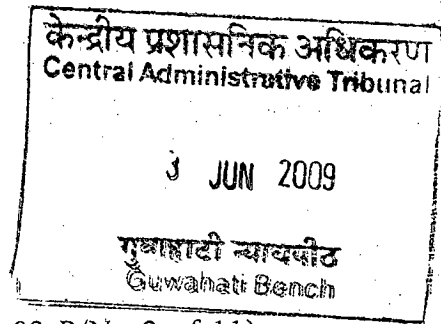
2. 243653 shri Durga	OE	01.1.96	Consequent of acceptance of ACP scheme wef 03.12.99, the individual has brought back into the scale of pay Rs. 5000-150-8000/- from the scale of Rs. 5500-175-9000/ which was granted on completion of 5 years of service. Fall in pay shall personal pay in the revised scale of Rs. 5000-150-8000/ - to be adjusted against future increments.
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Authy: Govt of India Min of Def on
No. 85610/ACP/47/Supdt/
CSCC/236/D (Wks) dt.
23.1.02.

(CH.R.R. KUMAR)
AE
for Garrison Engineer.

Attested

Advocate



(GE Guwahati PTO No. 25 dt. 23.6.03 P/No 2 of 11)

1.	2	3	4	5
	13653 Shri Durga	JE	03.12.99	Granted 1st financial
	Taye (SB Centralised)	QS &C		upgradation under
				ACP scheme in the
				pay scale of Rs.6500
				-200-10,500/ wef
				03.12.99.

- (2) Opted for pay filiation straight way under FR. 22.I.a (i) wef 03.12.99 (i.e. date of entitlement).
- (3) Opted for ACP scheme and rendered unqualified undertaking for accepting regular promotion on occurrence of vacancy subsequently.
- (4) The individual is not involved in any disciplinary case and not placed under suspension during the period.
- (5) The individual heretofore has not refused any vacancy based on promotion and do not warrent to debar from uperadation under ACP scheme.

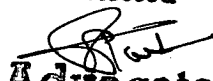
Authy: HQ CE Kolkata letter No. 13184I/ACP/ JEs/61/Engrs/EID dt 12/18 Nov'02.

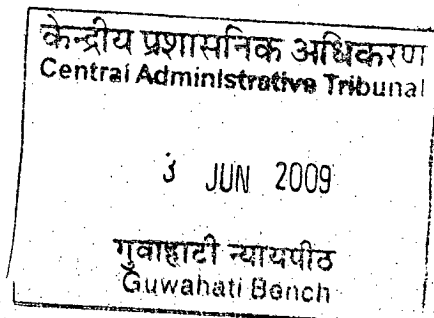
PART III

225738 Shri G.C. Kalita Not Centralised)	S. Wala	22.5.02	Gtd 04 days E/L wef 22.5.02 to 25.5.02
		27.5.02	R/Duty (26.5.02 being sunday)
		01.6.02	Gtd 18 days commuted leave wef 01.6.02 to 18.6.02 on MC debitable to 36 days HPL.
		19.6.02	R/Duty
		04.9.02	Gtd 23 days commuted leave wef 04.9.02 to 26.9.02 on MC debitable to 46 days HPL.
		27.9.02	Gtd 12 days E/L wef 27.9.02 to 03.10.92.
		09.10.02	R/Duty.

AE
for Garrison Engineer

P/3

Attested

Advocate



(GE Guwahati PTO No. 25 dt 23.6.03 P/No 5 of 11)

1.	2.	3.	4.	5
40.2250200 Shri Ukil Choudhury	FGM HS-II	09.12.02	Appeared in the T/T of FGM HS-I and declared fail	
41. 225120 Shri K.K. Kalita	FGM HS-II	09.12.02	- Do -	
42. 224685 Shri A.K. HS- I Dhar	Elect (SK)	09.12.02	Appeared in the T/T of Elect and declared pass.	
43.225139 shri K.C. Panging	Elect (SK)	09.12.02	- do -	
44.225291 Shri B Goswami	Elect (SK)	09.12.02	- do -	
45. 224863 Shri B.N. Goswami	Elect (SK)	09.12.02	- do -	
46. 224967 Shri R.D.Singh	Elect (SK)	09.12.02	- do -	
47.225457 Shri Nagendra Sharma	Elect (SK)	09.12.02	- do -	
48.225687 Shri K. Sarkar	Elect (SK)	09.12.02	- do -	
49.227492 Shri A. Pathak	Elect (SK)	09.12.02	- do -	
50.225978 Shri Khitish	Elect (SK)	09.12.02	- do -	
51. 225964 Shri P.K. Das	Elect (SK)	09.12.02	- do -	
52.224941 Shri R.P. Mishra	Elect (SK)	09.12.02	- do -	
53.225683 Shri Chakreswar Sharma	Elect (SK)	09.12.02	- do -	
54.229529 Shri Nabin Ch.Das	Elect (SK)	09.12.02	- do -	
55.225894 Shri Labonya Deka	Elect (SK)	09.12.02	Absent in the T/T of FGM HS-I.	
56.225639 Shri G.C. Das	Elect (SK)	09.12.02	- do -	

Authy :SI No. 40 to 56
CWE (AF) Borjar letter No.
1056/Vol-36/5163/EINB dt
11.06.03

AE
for Garrison Engineer.

P/4

Attested

Advocate

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

(GE Guwahati PTO No. 25 dated 23.6.03 P/No 5 of 11)

1.	2.	3.	4.	5.
25.213081 Shri T.C. Das (Centralised)	Mate Elect 11.06.03	30.12.02	Appeared in the T/T of Elect HS- II and declared Fail	
<u>26 ALLOWENCES:-</u>		Authy	CWE (AF) Borjar letter No. 1056/VOL-36/5162/ EINS DT/	
27. 225590 Shri Sibaram (SB Centralised)	Maz	Gtd	washing allowances Rs. 8/- PM wef June 2002 to May 03.	
28. 229925 Smt. Minu	Maz	Authy:	G of I, Min of Def letter No. 90237/Pro-Cloth/EIC (2) 6023/D/(W-II) dt. 14.12.05.	

PART IV (b)

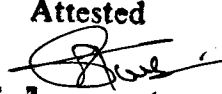
RESULTS OF TRADE TEST:

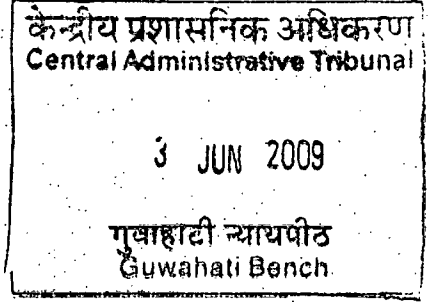
29.224933 Shri T Sharma	R/Mech (SK) HS- I	09.12.02	Absent in the T/T of R/Mech HS-I
30.225086 Shri DK Das	R/Mech HS-II	09.12.03	- do -
31.225091 Shri P. Barthakur	R/Mech SH-II	09.12.02	- do -
32.224492 Shri DC Mazumder	P/Ftr	09.12.02	Absent in the T/T of Filter Pipe HS-I
33.22487 Shri Basistha Choudhury	FGM	09.12.02	Appeared in he T/T of FGM HS-I and declared pass
34.225040 Shri A.K. Ghosh	FGM HS-II	09.12.02	- do -
35. 225015 Shri Manik Lodh	FGM HS-II	09.12.02	- do -
36.225125 Shri Ram Balak Dey	FGM HS-II	09.12.02	- do -
37. 225038 Shri Samir Kumar Dey	FGM HS-II	09.12.02	- do -
38.225196 Late PC Bhattacharjee	FGM HS-II	09.12.02	- do -
39.225127 Shri JN Sharma	FGM HS-II	09.12.02	Appeared in the T/T of FGM HS-I and declared Fail

Authy: SI No. 29 to 39
CWE (AF) Borjar letter No.
1056/Vol-36/5163/EINB dt.
11 June 03

AE
for Garrison Engineer.

P/5

Attested

Advocate



(GE Guwahati PTO No. 25 dt 23.06.03 P/No 6 of 11)

1.	2.	3.	4.	5.
40.225000	Shri Ukil Choudhury	FGM HS-II	09.12.02	Appeared in the T/T of FGM HS-I and declared Fail
41.225120	shri KK Kalita	FGM HS-II	09.12.02	- do -
42.224685	Shri A.K. Dhar	Elect (SK)	09.12.02	Appeared in the T/T of Elect HS-I and declared Pass.
43.225139	Shri KC Panging	Elect (SK)	09.12.02	- do -
44.225291	Shri B Goswami	Elect (SK)	09.12.02	- do -
45.224863	Shri BN Goswami	Elect (SK)	09.12.02	- do -
46.224967	Shri RD Singh	Elect (SK)	09.12.02	- do -
47.225457	Shri Nagendra Sharma.	Elect (SK)	09.12.02	- do -
48.225887	Shri A.K. Sarkar	Elect (SK)	09.12.02	- do -
49.227492	Shri A. Pathak	Elect (SK)	09.12.02	- do -
50.225978	Shri Khitish	Elect (SK)	09.12.02	- do -
51.225964	Shri PK Das	Elect (SK)	09.12.02	- do -
52.224941	Shri RP Mehra	Elect (SK)	09.12.02	- do -
53.225683	Shri Chakreswar Sharma	Elect (SK)	09.12.02	- do -
54.229529	Shri Nabim Ch. Das.	Elect (SK)	09.12.02	- do -
55.225894	Shri Labonya Deka	Elect (SK)	09.12.02	Absent in the T/T of FGM HS-I.
56.225639	Shri GC Das	Elect (SK)	09.12.02	- do -

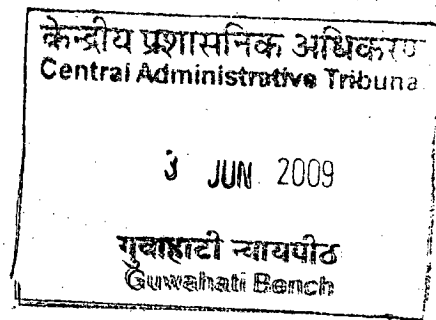
Authy : SI No. 40 to 56
CWE (AF) Borjar letter No.
1056/Vol-36/5163/EINB dt
11.06.03

AE
for Garrison Engineer.

P/6

Attested

Advocate



(GE Guwahati PTO No. 25 dt.23.06.03 P/No 5 of 11)

1.	2.	3.	4.	5.
26.213081 Shri TC Das		Mate Elect	30.12.02	Appeared in the T/T of elect HS-II and declared Fail.
(SB Centralised)		11.06.03		

WASHING ALLOWANCES:-

Authy : CWE (AF) Borjar ltr No. 1056/Vol-36/5162/

EINB dt

27.225590 Shri Sibaram Das (SB) Centralised)	Maz	Gtd washing allowances Rs. 8/- PM wef June 2002 to May 03
--	-----	---

28.229925 Smt. Minu Mahanta (SB Centralised)	Maz	Authy: G of I, Min of Def letter No. 90237/Pro-Cloth/EIC (2)6023/D/(W-II) dt 14.12.05
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PART IV (b)

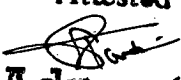
RESULTS OF TRADE TEST:

29.224933 Shri T Sharma	R/Mech (SK) HS- I	09.12.02	Absent in the T/T of R/Mech HS-I
30.225086 Shri DK Das	R/Mech HS-II	09.12.03	- do -
31.225091 Shri P. Barthakur	R/Mech SH-II	09.12.02	- do -
32.224492 Shri DC Pipe Mazumder	P/Ftr	09.12.02	Absent in the T/T of Filter HS-I
33.22487 Shri Basistha Choudhury	FGM	09.12.02	Appeared in he T/T of FGM HS-I and declared pass
34.225040 Shri A.K. Ghosh	FGM HS-II	09.12.02	- do -
35. 225015 Shri Manik Lodh	FGM HS-II	09.12.02	- do -
36.225125 Shri Ram Balak Dey	FGM HS-II	09.12.02	- do -
37. 225038 Shri Samir Kumar Dey	FGM HS-II	09.12.02	- do -
38.225196 Late PC Bhattacharjee	FGM HS-II	09.12.02	- do -
39.225127 Shri JN Sharma	FGM HS-II	09.12.02	Appeared in the T/T of FGM HS-I and declared Fail

Authy: SI No. 29 to 39
CWE (AF) Borjar letter No. 1056/Vol-36/5163/EINB dt. 11 June 03

AE
for Garrison Engineer.

P/7

Attested

Advocate

PART II ORDER

Station : Narangti

Sl No. 25

Dt. 23-6-03

(Last PTO No. 24 dt 16-6-03)

Sl No	MEMS No and Name	Designation	Date wef	Casualty/Particulars
1	2	3	4	5

Part-I (a)
& (b)-NIL

Part-II

Ref this office PTO No.
21/1/03 dt 26-5-03

RECEIVE/OBITUARY

1. 242391 Shri H R Deka D'Man 23-5-03
(Centralised) Gde-I 19-6-03
Service verified wef 01-4-02 (AN)
to 19-6-03 from paid pay Authy:
Bill and PTOs.

Gtd 28 days EOL wef
23-5-03 to 19-6-03 on MC.
Death notified with
regret.
Death certificate issued
by Guwahati Medical
College and Hospital
Guwahati Assam on 19-6-03 *

CERTIFICATION OF PAY

2. 243653 Shri Durga JE 01-1-96
Prasad Taye (SE Centra- QS&C
lised)

Consequent of acceptance
of ACP scheme wef
03-12-99, the individual
has brought back into
into the scale of pay Rs.
5000-150-8000/- from the
scale of Rs.5500-175-9000/-
which was granted on
completion of 5 years of
service. Fall in pay shall
be protected by granting
personal pay in the
revised scale of Rs.5000-
150-8000/- to be adjusted
against future increments.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

Authy:

Govt of India, Min of Def
OM No. 85610/ACP/47/supdt/
CSQC/236/D (Wks) dt
23-1-02.

(CH R R Kumar)

AE

for Garrison Engineer

P/2

Attested

Advocate

(GE Guwahati PTO No. 25 dt 23-6-03 P/No 2 of 11)

1

2

3

4

5

13653 Shri Durga JE
Taye (SB Centralised) QS&C

03-12-99 Granted 1st financial
upgradation under ACP
scheme in the pay scale
of Rs.6500-200-10,500/-
wef 03-12-99.

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

- (2) Opted for pay fixation straightway under FR.22.I.a(i) wef 03-12-99 (i.e date of entitlement).
- (3) Opted for ACP scheme and rendered unqualified undertaking for accepting regular promotion on occurrence of vacancy subsequently.
- (4) The individual is not involved in any disciplinary case and not placed under suspension during the period.
- (5) The individual heretofore has not refused any vacancy based on promotion and do not warrant to debar from upgradation under ACP scheme.


Authy: HQ CE EC Kolkata letter No.
121841/ACF/JEs/61/Engrs/
EID dt-12/18 Nov'02.

PART-III

125738 Shri G.C Kalita S'Wala	22-5-02	Gtd 04 days E/L wef
(Not Centralised)		22-5-02 to 25-5-02
	27-5-02	R/Duty. (26-5-02 being sunday.)
	01-6-02	Gtd 18 days commuted leave wef 01-6-02 to 18-6-02 on MC debitab to 36 days HPL
	19-6-02	R/Duty.
	04-8-02	Gtd 23 days commuted leave wef 04-8-02 to 26-9-02 on MC debitab to 46 days HPL.
	27-9-02	Gtd 12 days E/L wef 27-9-02 to 08-10-92
	09-10-92	R/Duty.

AE
for Garrison Engineer

P/3

Attested

Advocate

(GE Guwahati PTO No. 25 dt 23-6-03 P/No 5 of 11)

1	2	3	4	5
1.225000 Shri Ukil Choudhury	FGM HS-II	09-12-02	Appeared in the T/T of FGM HS-I and declared <u>Fail</u> .	
2.225120 Shri K K Choudhury	FGM HS-II	09-12-02	-do-	
3.224635 Shri A K Choudhury	Elect (SK)	09-12-02	Appeared in the T/T of of Elect HS-I and declared <u>Pass</u> .	
4.225139 Shri K C Ponging	Elect (SK)	09-12-02	-do-	
5.225291 Shri B Goswami	Elect (SK)	09-12-02	-do-	
6.224863 Shri B N Goswami	Elect (SK)	09-12-02	-do-	
7.224967 Shri R D Singh	Elect (SK)	09-12-02	-do-	
8.225457 Shri Nagendra Sharma	Elect (SK)	09-12-02	-do-	
9.225687 Shri A K Sarkar	Elect (SK)	09-12-02	-do-	
10.227492 Shri A Pathak	Elect	09-12-02	-do-	
11.225978 Shri Khitish	Elect (SK)	09-12-02	-do-	
12.225964 Shri P K Das	Elect (SK)	09-12-02	-do-	
13.224941 Shri R P Mishra	Elect (SK)	09-12-02	-do-	
14.225683 Shri Chakreswar Sharma	Elect (SK)	09-12-02	-do-	
15.229529 Shri Nabin Ch Das	Elect (SK)	09-12-02	-do-	
16.225394 Shri Labonya Deka	Elect (SK)	09-12-02	Absent in the T/T of FGM HS-I	
17.225639 Shri G C Das	Elect (SK)	09-12-02	-do-	

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
3 JUN 2009
गुवाहाटी न्यायपीठ
Guwahati Bench

Authy: Sl No 46 to 56
CWE (AF) Borjar letter No.
1056/Vol-36/5163/EINE dt
11-6-03

AE
for Garrison Engineer
P/7

Attested

Advocate

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

(GE Guwahati PTO No. 25 dt 23-6-03 P/No 5 of 11)

1	2	3	4	5
21.213081 Shri T C Das (SD Centralised)	Mate Elect	08-12-02	Appeared in the T/T of Elect HS-II and decl- ared Fail	
WING ALLOWANCES:-		/11-6-03	Authy: CWE (AF) Borjar letter No. 1056/Vol-36/5162/EINE dt 2	
22.225590 Shri Sibaram (SD Centralised)	Maz		Gtd washing allowances Rs.8/-PM wef June 2002 to May 03.	
23.229925 Smt Minu Bhanta (SB Centralised)	Maz		Authy: G of I, Min of Def letter No. 90237/Pro-Cloth/EIC(2) 6023/D/(W-II) dt 14-12-05.	

PART-IV (b)

RESULTS OF TRADE TEST:

29.224933 Shri T Sharma	R/Mech (SK) HS-I	09-12-02	Absent in the T/T of R/Mech HS-I
30.225086 Shri DK Das	R/Mech HS-II	09-12-02	-do-
31.225091 Shri P Bartha-	R/Mech HS-II	09-12-02	-do-
32.224492 Shri D C Bazumdar	P/Ftr	09-12-02	Absent in the T/T of Fitter Pipe HS-I
33.224887 Shri Basistha Bhouthury	FGM HS-II	09-12-02	Appeared in the T/T of FGM HS-I and declared Pass
34.225040 Shri A K Ghosh	FGM HS-II	09-12-02	-do-
35.225015 Shri Manik Lodh	FGM HS-II	09-12-02	-do-
36.225125 Shri Ram Balak Bhosh	FGM HS-II	09-12-02	-do-
37.225033 Shri Samir Kumar Bey	FGM HS-II	09-12-02	-do-
38.225196 Late P C Bhattacharjee	FGM HS-II	09-12-02	-do-
39.225127 Shri J N Sharma	FGM HS-II	09-12-02	Appeared in the T/T of FGM HS-I and de- clared Fail

Authy: Sl No 29 to 39
CWE (AF) Borjar letter No.
1056/Vol-36/5163/EINE dt
11 June 03.

AE
for Garrison Engineer
P/6

Attested

Advocate

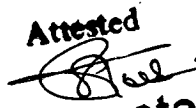
3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

(GE Guwahati PTO No. 25 dt 23-6-03 P/No 6 of 11)

40.225000 Shri Ukil Choudhury	FGM HS-II	09-12-02	Appeared in the T/T of FGM HS-I and declared <u>Fail</u> .
41.225120 Shri K K Kalita	FGM HS-II	09-12-02	-do-
42.224635 Shri A K Dhar	Elect (SK)	09-12-02	Appeared in the T/T of of Elect HS-I and declared <u>Pass</u> .
43.225139 Shri K C Panging	Elect (SK)	09-12-02	-do-
44.225291 Shri B Goswami	Elect (SK)	09-12-02	-do-
45.224863 Shri B N Goswami	Elect (SK)	09-12-02	-do-
46.224967 Shri R D Singh	Elect (SK)	09-12-02	-do-
47.225457 Shri Nagendra Sharma	Elect (SK)	09-12-02	-do-
48.225687 Shri A K Sarkar	Elect (SK)	09-12-02	-do-
49.227492 Shri R Pathak	Elect	09-12-02	-do-
50.225978 Shri Khitish	Elect (SK)	09-12-02	-do-
51.225964 Shri P K Das	Elect (SK)	09-12-02	-do-
52.224941 Shri R P	Elect (SK)	09-12-02	-do-
53.225683 Shri Chakres- Sharma	Elect (SK)	09-12-02	-do-
54.229529 Shri Nabin Das	Elect (SK)	09-12-02	-do-
55.225394 Shri Labonya Das	Elect (SK)	09-12-02	Absent in the T/T of FGM HS-I
56.225639 Shri G C Das	Elect (SK)	09-12-02	-do-

Encl: Sl No 40 to 56

CWE (AE) Borjar letter No.
1056/Vol-36/5163/EINE dt
11-6-03AE
for Garrison Engineer
P/7Attested

Advocate

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

(AGE Guwahati PTO No. 25 dt 23-6-03 P/No 5 of 11)

1	2	3	4	5
26.213081 Shri T C Das (SB Centralised)	Mate Elect	30-12-02	Appeared in the T/T of Elect HS-II and decl- ared Fail	
WASHING ALLOWANCES:-		11-6-03	Authy: CWE (AF) Borjar letter No. 1056/Vol-36/5162/EINE dt 1	
27.225590 Shri Sibaram Das (SB Centralised)	Maz		Gtd washing allowances Rs.8/-PM wef June 2002 to May 03.	
28.229925 Smt Minu Bhanta (SB Centralised)	Maz		Authy: G of I, Min of Def letter No. 90237/Pro-Cloth/EIC(2) 6023/D/(W-II) dt 14-12-25.	

PART-IV (b)

RESULTS OF TRADE TEST:

29.224933 Shri T Sharma	R/Mech (SK) HS-I	09-12-02	Absent in the T/T of R/Mech HS-I
30.225086 Shri DK Das	R/Mech HS-II	09-12-02	-do-
31.225091 Shri P Bartha-	R/Mech HS-II	09-12-02	-do-
32.224492 Shri D C Sundar	P/Ftr	09-12-02	Absent in the T/T of Fitter Pipe HS-I
33.224887 Shri Basistha Choudhury	FGM HS-II	09-12-02	Appeared in the T/T of FGM HS-I and declared Pass
34.225040 Shri A K Ghosh	FGM HS-II	09-12-02	-do-
35.225015 Shri Manik Loch	FGM HS-II	09-12-02	-do-
36.225125 Shri Ram Balak	FGM HS-II	09-12-02	-do-
37.225038 Shri Samir Kumar	FGM HS-II	09-12-02	-do-
38.225196 Late P C Bhattacharjee	FGM HS-II	09-12-02	-do-
39.225127 Shri J N Sharma	FGM HS-II	09-12-02	Appeared in the T/T of FGM HS-I and de- clared Fail

Sl No 29 to 39
CWE (AF) Borjar letter No.
1056/Vol-36/5163/EINE dt
11 June 03.

AE
for Garrison Engineer
P/6

Attested

Advocate

PART-II ORDER

Unit : Military Engineer Services
Garrison Engineer Umroi
Station : Umroi Military Station
Barapani-PO
Shillong- 793 103

PTO NO : 23 (23)
DATED : 06 JUN 2005

(LAST PTO PUBLISHED UNDER SRL NO 22 DATED 30 MAY 2005)

Sl No	MES No & Name	Trade/Category	Date wef	Casualty Particulars
1	2	3	4	5

PART-II

-NIL-

PART-III

-NIL-

केन्द्रीय प्रशासनिक आ
Central Administrative Tribu.

9 JUN 2005

गुवाहाटी न्यायपीठ
Guwahati Bench

PROMOTION

PART-IV

1. ✓	MES-228537 Shri Bhuban Chakraborty	Elect (SK)	01-1-96 (FN)
2. ✓	MES-228667 Shri B.B. Chettri	Elect (SK)	01-1-96 (FN)
3. ✓	MES-229353 Shri Bersha Lohar	Elect (SK)	01-1-96 (FN)
4. ✓	MES-229358 Shri Nageshwar Ray	Elect (SK)	01-1-96 (FN)
5. ✓	MES-228427 Shri Ananda Nayak	Elect (SK)	01-1-96 (FN)
6. ✓	MES-229543 Shri Pran Singh Nongrum	Elect (SK)	01-1-96 (FN)
7. ✓	MES-229803 Shri Shemphang Lartang	Elect (SK)	01-1-96 (FN)

Promoted from Elect(SK) to Elect(HS) in situ wef 01-1-96 (FN) in the scale of pay Rs.4000-100-6000/- and placed in position.

Allowed to draw HRA/CHCA/TA as admissible to Govt. employee time to time.

Certified that the above named individual is not involved in any discipli- nay case/Deptt.Inquiry/ SPE cases. There is nothi- ng else warrant with- holding his promotion.

Date of Seniority in the grade : 01 Jan 1996 (FN)

Auth: For Srl No 1 to 7 : -CWE Shillong letter No.1455/RDPC/B/EIA dated 06 Apr 2005.

Attested

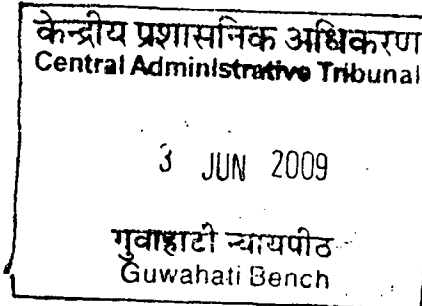
Advocate

01 PTO NO 23 DATED 06 JUN 2005 (PAGE NO

PROMOTION

PART-IV (CONTD)

8. MES-229312 Shri Francis Kharkongor Elect (SK) 01-12-2000: Promoted from Elect(SK) to Elect (HS) in situ wef 01-12-2000(FN) in the scale of pay Rs. 4000-100-6000/- and placed in position.



Allowed to draw HRA/CHCA/TA as admissible to Govt. employee time to time.

Certified that the above named individual is not involved in any disciplinary case/Deptt.inquiry/SPE cases. There is nothing else warrant with-holding his promotion.

Auth: CWE Shillong letter No. 1455/RDPC/3/BIA dt.06 Apr 2005.

Date of seniority in the grade : 01-12-2000.

9. MES-229360 Shri Alexander Umdor Elect (SK) 01-3-2003: Promoted from Elect (SK) to Elect (HS) in situ wef 01-3-2003 (FN) in the scale of pay Rs.4000-100-6000/- and placed in position.

Allowed to draw HRA/CHCA/TA as admissible to Govt. employee time to time.

Certified that the above named individual is not involved in any disciplinary case/Deptt.inquiry/SPE cases. There is nothing else warrant with-holding his promotion.

Date of seniority in the grade: 01-3-2003.

Auth: CWE Shillong letter No.1455/RDPC/3/EIA dated 06 Apr 2005.

10. MES-229384 Shri Latif Ali Elect (SK) 01-1-2004: Promoted from Elect (SK) to Elect (HS) in situ wef 1-1-2004(FN) in the scale of pay Rs.4000-100-6000/- and placed in position.

AE

Attested
Advocate

PART-IV (CONTD)

No 10 Contd.

Allowed to draw HRA/CHCA/TA as admissible to Govt. employee time to time.

Certified that the above named individual is not involved in any disciplinary case/ Deptt. inquiry/SPE cases. There is nothing else warrant with-holding his promotion.

Date of seniority in the grade:- 01-1-2004.

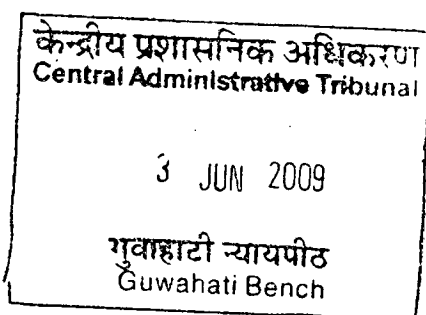
Auth: CWE Shillong letter No.1455/RDPC/12/EIA dated 05 May 2005.

11. MES-229733 Shri
Bijay Kumar Rai

Elect
(SK)

01-5-2004:
(FN)

Promoted from Elect (SK) to Elect (HS) in situ wef 01-5-2004 (FN) in the scale of pay Rs.4000-100-6000/- and placed in position.



Allowed to draw HRA/CHCA/TA as admissible to Govt. employee time to time.

Certified that the above named individual is not involved in any disciplinary case/Deptt. inquiry/SPE Cases. There is nothing else warrant with-holding his promotion.

Date of seniority in the grade :- 01-5-2004.

Auth: CWE Shillong letter No.1455/RDPC/12/EIA dated 05 May 2005.

12. MES-229224 Shri
Manoj Kumar

Elect
(SK)

20-5-2003:
(FN)

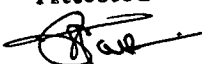
Promoted from Elect (SK) to Elect (HS) in situ wef 20-5-2003(FN) in the scale of pay Rs.4000-100-6000/- and placed in position.

Allowed to draw HRA/CHCA/TA as admissible to Govt. employee time to time.

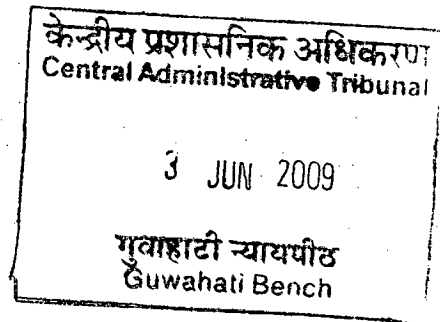
2

AE

Attested


Advocate

(TYPE COPY)



ANNEXURE - III

Tele Mily : 2227

Garrison Engineer Umroi
Umroi Military Station
Baraparani - PO
Shillong - 793 193

1502/2/1373/E1(Estt.)

31 Dec. 2005

MES - 229529

Sgru Babin Chandra Das,
Elect. (SK)
C/o. CE Guwahati

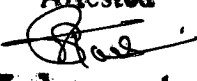
PROMOTION : INDUSTRIAL PERSONNEL

1. Reference your application dated 10 Dec. 2005 addressed to this office with copy to **CWE** Shillong.
2. With the implementation of posting order the seniority position of your Elect (SK) had been changed and reckoned from the date of your reporting to new duty station under present **CWE** concept of **DWE (A/F) Borjar**. Therefore, the responsibility to deal with promotion from SK to HS based on your present seniority rests with **CWE Borjar** only. As such, the same may be approach **CWE (A/F) Borjar / GE Guwahati** for your promotion from SK to HS.

(R. Bhatia)
AE AGE "Tech"
for Garrison Engineer ✓

Copy to :

CWE Shillong - for information wrt your HQ letter No.
1455/RDPC/76/EIA dated 27 Dec. 2005.

Attested

Advocate

Tels Bily: 2227

Garrison Engineer Umroi
Umroi Military Station
Barapani-PO
Shillong- 793 103

1502/2/ (373/EI(Estt))

31 Dec 2005

MIS-223529

Shri Nabin Chandra Das,
Elect (SK)
C/O GE Guwahati

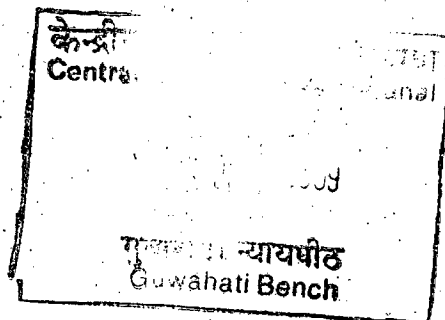
PROMOTION: INDUSTRIAL PERSONNEL

1. Reference your application dated 10 Dec 2005 addressed to this office with copy to CWE Shillong.
2. With the implementation of posting order the seniority position of your Elect (SK) had been changed and reckoned from the date of your reporting to new duty station under present CWE concept of CWE (A/F) Berjar. Therefore, the responsibility to deal with promotion from SK to HS based on your present seniority rests with CWE Berjar only. As such, the same may be approach CWE (A/F) Berjar/GE Guwahati for your promotion from SK to HS.

Copy to :-

Ahalla
(R Bhatla)
AE
AGE 'Tech'
for Garrison Engineer

CWE Shillong - for information wrt your HQ letter No.
1455/RDPC/76/EIA dated 27 Dec 2005.

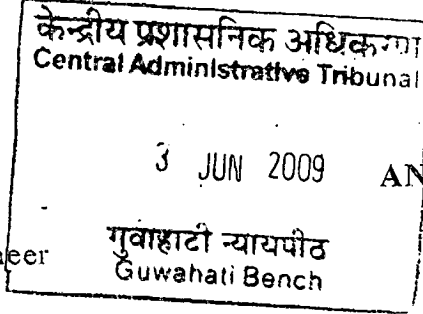


Attested

Advocate

TYPE COPY

HP



To,
The Commander Works Engineer
(AF) Borjhar
Through proper channel

SUBJECT : PRAYER FOR PROMOTION TO HS FROM ELECT (SK)

Dated : 28/02.2008

The humble petition of the petitioner most respectfully begs to state

1. That I am working as Elect (SK) in the office of the GE, Guwahati.
2. That I was appointed as lineman in the year 1987 and accordingly joined in the office of the Garrison Engineer, Umroi and working there upto 2000 till my transfer to GE Guwahati.
3. That the office of GE, Umroi issued an order vide PTO No. 39 dated 26.09.2005 promoting some of my incumbents from SK TO HS w.e.f. 1996 on which my name had been shown. Aspects of my promotion to HS from SK, I had submitted a representation before CWE, Shillong and the authority concerned had replied vide memo No. 1502/2/1373/E1 (Estt) dated 31.12.2005 to approach before the CWE (AF) Borjhar/Garrison Engineer Guwahati for the promotion mentioning there that said matter may be considered by my new office i.e. CWE (AF), Borjhar / Garrison Engineer Guwahati.
4. That therefore, I pray before you to consider my promotion from SK to HS, taking the accountability or all the facts and circumstances for the ends of justice.

Thanking you

Your's faithfully

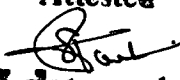
N.B. Necessary copy enclosed.

MES NO. 229529
Shri Nabin Ch. Das
Elect (SK)

Copy to :-

Garrison Engineer Guwahati

Your's faithfully
MES NO. 229529
Shri Nabin Ch. Das
Elect (SK)

Attested

Advocate

Annexure IV

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

To,

The Commander Works Engineer

(AF) Borjhar (Through proper channel).

SUBJECT: PRAYER FOR PROMOTION TO HS FROM ELECT (SK)

Dated : 17/6/2008

The humble petition of the petitioner most respectfully begs to state

1. That I am working as Elect (SK) in the office of the GE, Guwahati.
2. That I was appointed as lineman in the year 1987 and accordingly joined in the office of the Garrison Engineer, Umroi and working there upto 2000 till my transfer to GE Guwahati.
3. That, the office of the GE, Umroi issued an order vide PTO NO. 39 dated 26.09.2005 promoting some of my incumbents from SK TO HS wef 1996 on which my name had been shown. Aspects of my promotion to HS from SK, I had submitted a representation before CWE, Shillong and the authority concerned had replied vide memo No. 1502/2/1373/E1 (Estt) dated 31.12.2005 to approach before the CWE (AF) Borjhar/Garrison Engineer Guwahati for the promotion mentioning there that said matter may be considered by my new office i.e. CWE (AF), Borjhar/Garrison Engineer Guwahati.
4. That, therefore, I pray before you to consider my promotion from SK to HS, taking the accountability of all the facts and circumstances for the ends of justice.

Thanking you.

N.B. Necessary copy enclosed.

Your's faithfully

Das

MES NO. 229529
Shri Nabin Ch. Das
Elect (SK)

Copy to: -

Garrison Engineer, Guwahati

Your's faithfully

Das

MES NO. 229529
Shri Nabin Ch. Das
Elect (SK)

Recd on 24/6/08
But will be processed after receipt of PTO no - 39

Attested

Advocate

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 48/2008.

Date of Order : This the 20th Day of March, 2008.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

Shri Nabin Chandra Das,
Son of Sri Karuna Kanta Das,
Resident of C.D.A. Complex,
Qtr. No. B-57,
P.O. Udayan Vihar,
Guwahati-21.
P.S. Noonmati,
District - Kamrup, Assam.

.....Applicant

By Advocate Sri S.N. Tamuli

- Versus -



Union of India,
represented by the Secretary to the
Govt. of India, Ministry of Defence,
Sena Bhawan, South Block,
New Delhi-110011.

Commander Works Engineer,
Spread Eagle Falls.
Shillong - 793011.

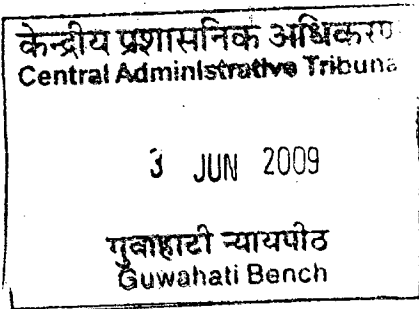
3. Garrison Engineer,
Umroi Military Station,
Barapani P.O.
Shillong - 793103

4. Commander Works Engineer (A/F)
Airport, Borjhar,
Guwahati - 781015.

5. Garrison Engineer,
Guwahati
P.O. Udayan Vihar,
Satgaon - 781171.

.....Respondents

By Advocate Mrs M. Das, Addl.C.G.S.C



Attested

Advocate

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

ORDER (ORAL)

KHUSHIRAM (MEMBER-A)

Heard the learned counsel appearing for the Applicant and the learned Addl. Standing counsel.

2. Applicant, while seeking a promotion, represented to the authorities under Annexure-IV dated 28.01.2008 and has approached this Tribunal (on 19.03.2008) with the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985.

3. Since the representation of the Applicant is still pending with the Respondents, without entering into the merits of the matter, this case is hereby disposed of with direction to the Respondents to consider the grievances of the Applicant (as raised in his representation and in the present Original Application) and pass a reasoned order within a period of 90 days from the date of receipt of a copy of this order.

4. Send copies of this order, along with the copies of this O.A., to the Respondents and to the Applicant in the address given in the O.A.

5. Free copies of this order be also supplied to Mr S.N.Tamuli, learned counsel appearing for the Applicant and to Mrs Manjula Das, learned Addl. Standing counsel; on whom a copy of this O.A has already been served.

Date of Application : 18.5.2009
Date on which copy is ready : 18.5.2009
Date on which copy is delivered : 18.5.2009
Certified to be true copy

Sd/-
M.R. MOHANTY
VICE CHAIRMAN

Sd/-
KHUSHIRAM
MEMBER (A)

Section Officer (Judl)
C. A. T. Guwahati Bench
Guwahati-5.

//pg//

Attested
Advocate

File No: 6053

1022/NCD/ 49 /EIC

Shri Nabin Ch Das
MES- 229529
Elect (SK)
C/O - AGE E/M Guwahati

Garrison Engineer Guwahati
Salgoan- Post, Kamrup-Dist
Guwahati - 77

27 Aug 2008

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

3 JUN 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

OA NO 48/2008 FILED BY SHRI NABIN CH DAS, ELECT (SK)
VS UOI AND OTHERS

1. Ref your representation dated 28 Jan 2008 and letter dated 09 Apr 2008.
2. Perused the representation mentioned above and the original application No 48/08 submitted by you along with the order dated 20 Mar 2008 passed by the Hon'ble Central Administrative Tribunal Guwahati Bench. In the said case, the Hon'ble Tribunal was pleased to dispose of the application and pass an order dated 20 Mar 2008 directing :-

"the respondents to consider the grievances of the applicant (as raised in his representation and in the present original application) and pass a reasoned order within a period of 90 days from the date of receipt of the copy of this order".
3. In compliance with the order dated 20 Mar 2008 passed by the Central Administrative Tribunal, Guwahati Bench, the matter was processed immediately and accordingly the same was referred to the higher authority. After due approval from the authority and as authorized I being the competent authority carefully examined the matter along with the relevant records and also considered the grievances of the applicant raised in his representation and application and disposed of the above representation as mentioned below :-
 - (i) That you was appointed as lineman in the year of 1987 and subsequently re-designated as Elect(SK) and posted under Garrison Engineer, Uniroi, under the Industrial strength of Commander Works Engineer, Shillong. You have applied for compassionate posting at Guwahati and your request was accepted by the competent authority and was accordingly posted to Garrison Engineer, Guwahati wef 05 Feb 2000 under the controlling authority of CWE (AF) Borjar.
 - (ii) That due to transfer on compassionate ground at your own request to Garrison Engineer, Guwahati the past service rendered by the applicant in the capacity of Elect(SK) was forfeited in CWE (SK) counted from the date of reporting to new unit or establishment as per revised instruction contained in Ministry of Defence vide letter dated 29 Jun 1975 under No 28 (6) 67/D (Appts). You also accepted the transfer with the said conditions incorporated in your transfer order dated 09 Dec 2002.

.....2/-

05/02/08
09/12/02

Attested

Advocate

3 JUN 2009

गुवाहाटी न्यायपीठ

(iii) That you have made allegation in your original application that similarly situated Shri Karuna Kanta Nath had been considered for promotion from Elect (SK) to Elect (HS). However, as alleged, your case was not considered for promotion to Elect (HS) from Elect (SK).

(iv) As regards the promotion of Shri KK Nath, Elect(SK) to Elect (HS) was issued by Commander Works Engineer, Shillong erroneously which is contrary to existing policy and accordingly his promotion was treated as cancelled vide order dt 21 Aug 2008 issued by the Commander Works Engineer, Shillong.

(v) As far as promotion from Elect (SK) to Elect (HS) included your name in the seniority list of Elect (SK) of the Guwahati Complex and you will be promoted to Elect (HS) on your term, based on your seniority i.e. from 07 Feb 2000 as per rules in force.

4. Thus, in view of the above facts and circumstances, the prayer made by you in your representation as well as Original Application could not be considered for your promotion from Elect (SK) to Elect (HS). The same will be considered as your turn comes as per seniority list.

(Devesh Pandey)
EF
Garrison Engineer

Copy to :-

1. HQ CEEC Kolkata
2. HQ CESZ Shillong
3. HQ CE(AF) SZ Shillong
4. HQ CWE Shillong
5. CWE (AF) Borjar

for info & necessary action please.

6. Mrs Manjula Das
Senior Panel Council
CAT Guwahati Complex
Guwahati.

Attested

(Signature)
Advocate

-51-
File in Court on 7/1/10

Court Officer.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH

Filed by:-
The Respondents
Theray W
Mangal Das
SG C.A. 7/1/10
CAT 7/1/10

IN THE MATTER OF:

O.A. No. 103/09

Nabin Chandra Das

...Applicant

vs-

U.O.I. & Ors.

...Respondents

-And-

IN THE MATTER OF:

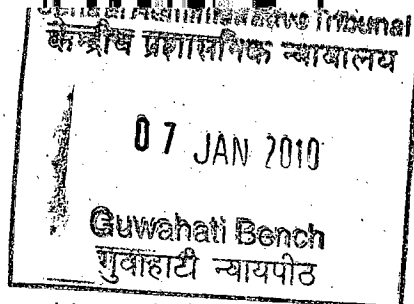
Written Statement filed on behalf of the
respondents

I, Sri Devesh Pandey, EE(SG), s/o Sri Shiv Shankar Pandey,
presently working as the Garrison Engineer Guwahati
do hereby solemnly state as follows:

1. That I am the Garrison Engineer, Guwahati.
I have been impleaded as party Respondent No. 5. A copy of the Original
Application has been served upon me and I have gone through the same and
understood the contents thereof. Being the Garrison Engineer,
Guwahati, I am conversant with the facts and circumstances of the case. I
have also been authorized to file this Written Statement on behalf of the other
Respondents.
2. That I do not admit any statements made in the application and, save and
except those statements that are admitted to be true by me, the rest may be
deemed as denied.
3. That with respect to the statements made in paragraphs 4.1 and 4.2 of the
application, the humble answering respondent has no comment to offer as they are
matters of records. However, he does not admit any statement contrary to records.
4. That with respect to the statements made in paragraph 4.3 of the
application, the humble answering respondent begs to state that the applicant is
not entitled to promotion to the grade of Electrician HS especially from 1.1.96 with
retrospective effect. It is to be noted that the applicant has indeed been given

Devesh Pandey
EE (SG)
Garrison Engineer

R
7/1/10

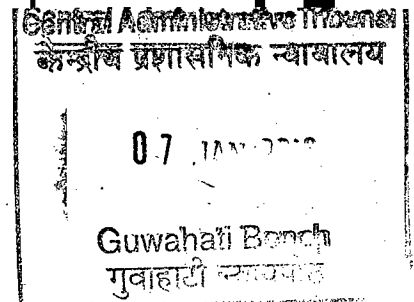


promotion to Electrician HS w.e.f 03.08.07 in Guwahati based on his seniority at Guwahati complex.

5. That with respect to the statements made in paragraph 4.4 of the application, the humble answering respondent begs to state that there is a two-fold reason as to why the applicant is not entitled to retrospective promotion from 01.01.96. Firstly, the industrial personnel including the applicant are area based having their posting limited to that area under the control of the respective Commander Works Engineer (hereinafter "CWE" for short). However, the industrial personnels are allowed the option of switching from one CWE to another on compassionate ground but they are required to give an undertaking as per CPRO 73/73 to the effect that they would forgo their past services rendered in the grade for the purpose of further promotion in the hierarchy and confirmation in the grade and their services would be reckoned from the date they report to the new duty station. Their seniority too would be assigned from the day they joined in their new duty stations without counting from their earlier past services. In the instant case, the applicant was under the industrial strength of the CWE Shillong area from the date of his initial appointment to 02.05.2000 when he was posted to Garrison Engineer (hereinafter 'GE' in short) Guwahati under the CWE (AF) Borjar under the industrial strength of CWE (AF) Borjar area as parent CWE concept. While submitting his application for posting from CWE Shillong area to CWE (AF) Borjar area, the applicant had also given the undertaking as per CPRO 73/73 to the effect that he would forgo his seniority position in the post of Electrician (SK) held by him then and the same would reckon from the date he reports to new duty station and based on this undertaking his posting from CWE Shillong area to CWE (AF) Borjar was done and thus he was then posted to GE Guwahati.

The second reason why the applicant cannot be granted retrospective promotion relates to the policy of restructuring of artisans introduced by the Government of India, Ministry of Defence for filling up the existing as well as waste out vacancies due to death/retirement w.e.f. 01.01.96. The principles of seniority in respect of industrial personnel in case of posting from one CWE area to another CWE area has been stipulated in Army HQ Engineer-in-Chief's (hereinafter 'E-in-C' in short) Branch letter No. 79040/RPOS/EIC(1) dated 19.06.86 circulated vide HQ CE Eastern Command Kolkata letter no. 131507/1-Policy/204/Engrs/EIC(2) dated 03.01.07. The policy of implementation for restructuring of artisan staff in defence establishment inclusive of MES was ordered during 2004 as per Army HQ E-in-C's Brach Policy No. B/217770/EIC (I) dated 03.03.04. Based on the policy of Ministry of Defence/Army HQ E-in-C's Brach, CWE Shillong has undertaken the implementation process of promotion to fill up the existing as well as waste out vacancies due to death/retirement in two phases via 01.01.96 to 19.05.03 against the existing ratio of 35:65(HS & SK) and 20.03.03 onwards against the revised ratio of 45:55(SK & HS). By the time this implementation process was undertaken, the applicant was already transferred to GE Guwahati under CWE (AF) Borjar as

Devesh Pandey
EE (SG)
Garrison Engineer



parent CWE concept. Moreover, it is very important to note that the policy of restructuring of artisan staff had indicated waste out vacancies due to death/retirement and refrained from mentioning anything about the posting out cases.

6. That with respect to the statements made in paragraph 4.5 of the application, the humble answering respondent begs to state that the seniority list was circulated to all affected incumbents for their signature as a token of verification of correctness of service particulars inclusive of seniority position so interpolated against their names. It is to be noted that the said list was never circulated with the intention of handing over possession of the list to the individuals whose names appear in the list. The seniority list of 1995 may have been circulated to the applicant, he being one of the affected persons.

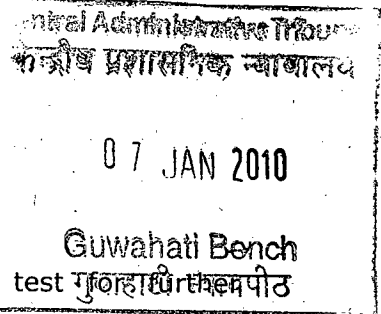
Moreover, the applicant has not cited the name of any person junior to himself who have been given promotion above him. Therefore there is no concrete basis to the applicant's allegation that some juniors were in fact promoted over him.

Furthermore, it is important to note that if the applicant was aggrieved about his juniors being promoted over him, he should have represented before the concerned authority in 1995 itself when the said list was circulated. But he chose not to do so and is now dragging this matter of the distant past before the Hon'ble Tribunal now. On this ground itself, his application should be dismissed as being barred by time.

7. That with respect to the statements made in paragraph 4.6 of the application, the humble answering respondent begs to state that the applicant during the course of his service in GE Umroi under the industrial strength of CWE Shillong has applied for posting on compassionate ground to GE Guwahati under the industrial strength of CWE (AF) Borjar due to compassionate ground. He had also given an undertaking as per CPRO 73/73 as amended vide CPRO 11/75 that he would forgo his seniority position in the grade of Electrician (SK) as held by him under the parent CWE concept of CWE Shillong and that his seniority position would reckon from the date he reports to new duty station. His posting order to GE Guwahati was finalized based on the said undertaking itself. Therefore, he cannot now go back on his undertaking and claim the double benefit of posting at his chosen place as well as getting insitu promotion from 01.01.96.

8. That with respect to the statements made in paragraph 4.7 of the application, the humble answering respondent begs to state that the policy for restructuring of artisan staff for effective implementation on ground in defence establishment inclusive of MES was ordered during 2004. When the process of implementing the restructuring of artisan staff was undertaken on 2004-05 by CWE Shillong, the applicant was on the strength of CWE (AF) Borjar area as parent CWE

Devash Pandey
EE (SG)
Garrison Engineer



concept. Therefore, the responsibility to conduct the trade test promotion of the applicant in the hierarchy rests with CWE (AF) Borjar as the area controlling CWE.

9. That with regards to the statements made in paragraph 4.8 of the application, the humble answering respondent begs to state that based on policy of restructuring of artisan staff received in 2004-05, CWE Shillong had implemented the process such as preparation of year-wise nominal roll in which the name of personnel posted out prior to receipt of policy of restructuring has been omitted and promotion order materialized. The allegation of the applicant that some junior incumbents were promoted to the post of HS w.e.f. 01.01.96 ignoring the case of the applicant, despite being senior, is baseless and does not corroborate the facts on the ground. As an example the case of Sri Pran Singh Nongrum may be noted. Sri Nongrum belongs to ST category and accordingly his promotion to the post of Electrician HS was regularised against the vacancy reserved for ST category. The vacancy reserved for SC/ST category as per 100-point roster applicable for promotion cannot be consumed by general candidate and further the same cannot be interchanged between SC and ST and vice versa for a continuous period of 3 years.

10. That with regards to the statements made in paragraph 4.9 of the application, the humble answering respondent begs to offer no comment, as the statements made therein are matters of record of the case. He, however, does not admit any statement contrary to record.

11. That with regards to the statements made in paragraph 4.10 of the application, the humble answering respondent begs to reiterate and reaffirm the statements made in paragraph 8 of this written statement.

12. That with regards to the statements made in paragraphs 4.11 to 4.13 of the original application, the humble answering respondent begs to offer no comment, as the statements made therein are matters of record of the case. He, however, does not admit any statement contrary to record.

13. That with regards to the statements made in paragraph 4.14 of the application, the humble answering respondent begs to state that the promotion order of one Sri K.K. Nath as issued by the CWE Shillong w.e.f. 01.01.96 was erroneous as the name of the individual had erroneously been included in the area seniority list of CWE presuming that he was still borne on the strength of CWE Shillong. The matter of erroneous promotion of the individual w.e.f. 01.01.96 came to light when the applicant had filed O.A. 48/08 in the Hon'ble Tribunal. The procedural irregularity committed without any ulterior motive was immediately attended to and the promotion order of the individual was cancelled by CWE Shillong through Review DPC. The factual position of the contention of the applicant

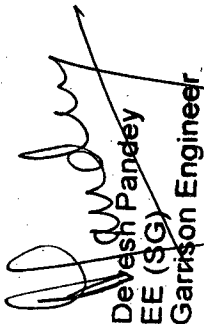
Devesh Pandey
EE (SC)
Garrison Engineer

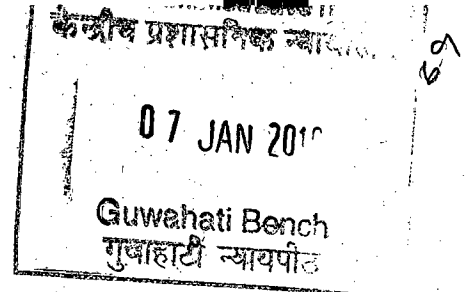
that Sri KK Nath is still working in the capacity is being ascertained from GE (AF) Borjar under whose dispensation the individual is working.

14. That with regards to the statements made in paragraphs 4.15 and 4.16 of the application, the humble answering respondent begs to state that the applicant at the time on posting on compassionate grounds to GE Guwahati under the industrial strength of CWE (AF) Borjar had rendered an undertaking as per CPRO 73/73 as amended vide CPRO 11/75 forfeiting his earlier service and seniority position and accordingly his posting to GE Guwahati was made on compassionate ground. Therefore further notice beyond the undertaking as per CPRO with regard to forfeiture of past service for the purpose of promotion is not considered necessary as the undertaking itself is considered to be notice for such forfeiture of past service.

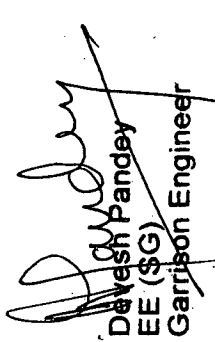
15. That with regards to the statements made in paragraph 4.17 of the application the humble answering respondent begs to state that mere passing of trade test does not entail a person to be considered for actual promotion. Passing of prescribed trade test for further promotion in the hierarchy may entail a person to become eligible for promotion but actual promotion depends on seniority position as well as availability of vacancy. As regards promotion of the applicant w.e.f. 01.01.96 out of implementation of restructuring of artisan staff, it is submitted that by the time of policy of restructuring of artisan was received and consequent implementation of promotion under of all affected personnel was undertaken by CWE Shillong, the applicant was already posted out to GE Guwahati and borne on the strength of area seniority list of CWE (I) (AF) Borjar as parent CWE. The name of the applicant alongwith other similarly situated personnel excepting erroneous inclusion of name of one Sri KK Nath could not be considered as they had all lost the seniority position of past services rendered under CWE Shillong as per CPRO 73/73 as amended vide CPRO 11/75 rendered by the applicant and other individuals themselves as per requirement. Therefore the question of granting promotion to the junior in supercession of the case of the applicant does not arise and no way corroborates the factual position as per procedure. Further policy of restructuring issued by Ministry of Defence/Army HQ E-in-C's Branch had only indicated promotion to the waste out vacancies due to death/retirement and refrained from making anything about posted out personnel.

16. That with regards to the statements made in paragraph 4.18 of the application the humble answering respondent begs to state that industrial personnel are area based having them to be considered for posting as a normal circumstances and even on promotion is limited to that area only. However they have the option of seeking transfer from one CWE area to another CWE area on compassionate ground for which they are required to forgo their seniority position in the grade by way of rendering an undertaking CPRO 73/73 as amended vide


Devesh Pandey
EE (SG)
Garrison Engineer

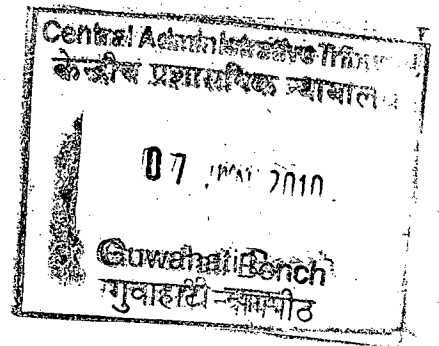


CPRO 11/75. On reporting to their new duty station under new CWE area they would be placed at the bottom of seniority list which is accountable towards promotion to the higher post in the hierarchy. In the instant case, the applicant had lost his previous service in the grade of Electrician (SK) from the date of initial appointment to the date of his posting to another CWE area and past service, which the individual had lost in his posting to GE Guwahati, is not amenable for giving him promotion to Electrician HS w.e.f. 01.01.96.


Devash Pandey
EE (SG)
Garrison Engineer

17. That with regards to the statements made in paragraph 4.19 of the application the humble answering respondent begs to state that from the aforementioned paragraphs it becomes apparent that the applicant in fact does not deserve any relief at all and he is definitely not eligible for insitu promotion from 01.01.96.


18. That this original application has no merit at all and is liable to be dismissed.

VERIFICATION

I, Sri Devesh Pandey, EE (SG), s/o Sri Shiv Shankar Pandey,
 presently working as the Garrison Engineer Guwahati
 do hereby solemnly state and verify as follows:

That the statements made in paragraphs 1, 2, 4, 8, 9, 11 and 13 are true to my knowledge which I believe to be true and the statements made in paragraphs 3 to 5, 7, 10, 12, 14 to 16 being matters derived from the records of the case are true to my knowledge and information derived therefrom which I believe to be true and the rest are my humble submissions before the Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this the 7th day of January 2010.


 Devesh Pandey
 EE (SG)
 Garrison Engineer
 Signature