

10/100

X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : : : GUWAHATI -5.

ORIGINAL APPLICATION NO. 27/95

MISC PETITION NO. _____ (O.A.NO. _____)

REVIEW APPLICATION NO _____ (O.A.NO. _____)

CONT. PETITION NO. _____ (O.A. NO. _____)

Mr. Girein ch. Saka

APPLICANT(S)

VERSUS

Union of India

RESPONDENT(S)

Mr. B.K. Sharma, Mr. B. Mehta

Advocate for the
Applicant.

Mr. S. Sharma

Advocate for the
Respondents

Office Note

Court Orders

22.2.95

This application is in
form and within time
F. of Rs. 50/-
deposited vide
PO/BD No. 803882550
Dated 27/1/95

[Handwritten signature]
21/2/95

Mr B.K.Sharma for the applicant.

The grievance of the applicant
is that without assigning any reason
he has not been given benefit from
the due date under the 16 years time
bound promotion scheme without
assigning any reason and his repre-
sentations have not been replied.
Prima facie case disclosed.

Application admitted. Issue
notice to the respondents. Eight
weeks for written statement.

Adjourned to 1.5.1995. At this
stage Mr G.Sarma, Addl.C.G.S.C seeks
to appear for the respondents. He is
requested to file his memo of appea-
rance in due course. Notices however,
be directly issued to the respondents

Issue notices to the Respondts.
directly. Mr. G. Sharma,
Addl. C.G.S.C. to file memo
of appearance before the
next date of listing.

[Handwritten signature]
Vice-Chairman

[Handwritten signature]
Member

OFFICE NOTE

COURT ORDERS

Requisite one month
 & second order on 11.7.80 1.5.95
 27.2.3.95

18/3

Office duly send on
 R. on 1.2.2

pg

21/4

Memo of appearance has
 not been filed by Mr
 G. Sarma, Addl. C.S.

8-5-95

Mr. B.K. Sharma/Mr. G. Sharma Addl.
 C.G.S.C. Written statement has already
 been filed. To be listed for hearing
 on 26-6-95.

Vice-Chairman

Member

2.5.95

lm

Wife has submitted
 by the Respondent.

27.6.95

for hearing on 28.8.95

Perm

13.11.95

Orders on 9.1.96

28.8.95

For hearing
 on 13.11.95

By order

Bon

OFFICE NOTE

DATE

ORDER

8-1-96

To be listed for hearing on 23-2-96.

15-11-95

Member

Vice-Chairman

Im

Rejoinder to the
w/s/show cause
on behalf of the
respondents submitted.

18.4.96

Mr B.K. Sharma for the applicant
and Mr G. Sarma, learned Addl. C.G.S.C. are
present.

List for hearing on 10.6.96.

Member

nkm

10-6-96

Learned counsel Mr. B.K. Sharma for
the applicant. Mr. G. Sharma Addl. C.G.S.C.
for the respondents. Case is ready
for hearing.

List for hearing on 11-7-96.

Member(A)

Member(J)

Im

11-7-96

None is present for the applicant.
Mr. G. Sarma Addl. C.G.S.C. is present
for the respondents.

List for hearing on 22 8-8-96.

Member

Im

1) Notice duly served
on Respdts no 1 & 2.

2) w/s/statement to Rejoinder
has been filed.

7/6

w/s/statement to Rejoinder
has been filed.

7/7

Notice duly served on
Respdts no. 1-2.

w/s/statement to Rejoinder
has been filed.

7/8

OFFICE NOTE

DATE

ORDER

8-8-96

Learned counsel Mr. S. Sarma for the applicant. Learned Addl. C.G.S.C. Mr. G. Sarma for the respondents. List for hearing on 5-9-96.

lm

Member

5-9-96

Learned Addl. C.G.S.C. Mr. G. Sarma for the respondents. List for hearing on 3-10-96.

lm

Member

8.10.96

Mr S. Sarma for the applicant. List for hearing on 19.11.96.

pg

Member

11.3.97

The case is ready for hearing. Let the case be listed for hearing on 7.4.97.

Member

Vice-Chairman

7.4.97

On the prayer ~~for~~ of Mr S. Sarma, learned counsel for the applicant the case is adjourned till 21.4.97. Mr G. Sarma, learned Addl. C.G.S.C is directed to produce records.

Member

Vice-Chairman

pg

8/14

Notice duly served on respondents no 1 & 2. 2/8/96. Rejoinder has been filed.

4/9

12-9-96

Reply & Rejoinder filed by applicant on 10/9/96 at Pg. 44-73.

On

Notice duly served on respondent no 1 & 2.

2/8/96. Rejoinder has been filed.

11/10 4-4-97

The case is ready for hearing as regards service and w/s.

17-4-97

Ready for hearing.

5
O.A. 27/95

21.4.97

Let the case be listed for hearing on 2.6.97.


Member

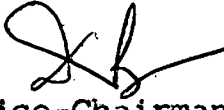

Vice-Chairman

30.5.97 pg
Memo of appearance ^{tr}
not yet filed. ^{22/4}

^{30/5} 2.6.97

On the prayer of Mr B.K.Sharma the case is adjourned to 7.7.97.


Member


Vice-Chairman

30-5-97
Memo of appearance pg
filed by Mr. G. Sarma,
Addl. C.G.S.C.

^{3/6}

30/5 7.7.97

Mr. G.Sarma, Addl. C.G.S.C. is not present. Letter of absence has been filed by Mr. G.Sarma. Mr. B.K.Sharma also prays for short adjournment. Considering these, we ^{grant} adjournment till 28.7.97.

List on 28.7.97.


Member


Vice-Chairman

29-7-97
Rejoinder filed ^{tr}
on behalf of the ^{21/7}
applicant.


28.7.97

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court kept in separate sheets. The application is disposed of. No order as to costs.


Member


Vice-Chairman

25.7.97
Case is ready for hearing.


Reported by ^{4/8}
28/7/97 nkm
In 8/8 of 1/97

U

29.7.82

Copy of the Journal
has been sent to the
Section for it to be
sent to the parlor.

W
19/8

Round side
W 2556 to 2561
on 28.7.82.

to

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI-5.

O.A. NO. 27 of 1995
T.A. NO.

DATE OF DECISION 28.4.1997

Shri Girin Deka

(PETITIONER(S))

Mr B.K. Sharma and Mr S. Sarma

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India and others

RESPONDENT (S)

Mr G. Sarma, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE Mr JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE Mr G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ? *MS*
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman

[Signature]

9

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.27 of 1995

Date of decision: This the 28th day of July 1997

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Girin Deka, S.I.(O),
Office of the Sub-Divisional Officer(Telegraphs),
Telegraphs Department,
Dibrugarh. Applicant

By Advocate Mr B.K. Sharma and
Mr S. Sarma.

-versus-

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Telecommunication,
New Delhi.
 2. The Director General,
Telecommunication,
New Delhi.
 3. The Chief General Manager (Telecom),
Assam Circle,
Guwahati.
 4. The Telecom District Manager,
Dibrugarh, Assam.
 5. The Telecom District Engineer,
Dibrugarh, Assam. Respondents
- By Advocate Mr G. Sarma, Addl. C.G.S.C.

.....

O R D E R

BARUAH.J. (V.C.)

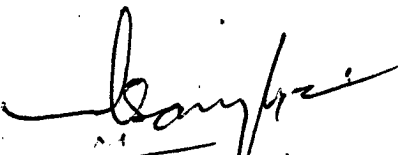
In this application, the applicant prays for a direction to the respondents to give him the time bound promotion which he is entitled to as per the Sixteen Years Time Bound Promotion Scheme. According to the applicant he is entitled to get the promotion with effect from 1.11.1985.


23

2. We have heard Mr B.K. Sharma, learned counsel for the applicant, and Mr G. Sarma, learned Addl. C.G.S.C.. Mr G. Sarma submits that the Department is going to give the benefit of the Scheme to the applicant with effect from 1.11.1985.

3. In view of the above we dispose of this application with a direction to the respondents to give the time bound promotion to the applicant as per the Scheme with effect from 1.11.1985 and pass order accordingly within fifteen days from today. The applicant shall be entitled to get the consequential benefits.

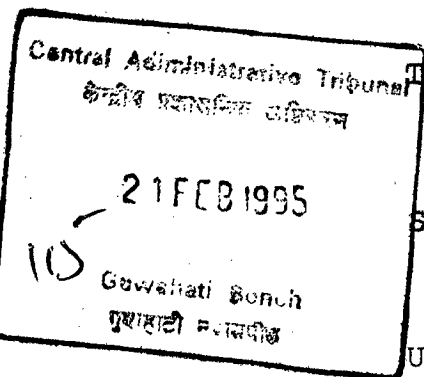
4. With the above observation the application is disposed of. However, considering the facts and circumstances of the case we make no order as to costs.


(G. E. SANGLYINE)
MEMBER (A)


(D. N. BARUAH)
VICE-CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH

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



Title of the case : O.A. No. 27 of 1995

Shri Girin Deka ... Applicant
- Versus -
Union of India & Ors. ... Respondents

I N D E X

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For use in Tribunal's Office :

Date of filing : 21.2.95

Registration No. : 6A 27/95

REGISTRAR

Recd Copy
G. Lavanya
AGI (45 C
13.2.95

12
File no. 12
appellant's name
Shri Girin Deka
13/2/95

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. NO. _____ OF 1995

BETWEEN

Shri Girin Deka, S.I.(O),
in the office of the Sub-Divisional Officer (Telegraphs),
Telegraphs Department,
Dibrugarh.

..... APPLICANT

AND

1. The Union of India,
represented by the Secretary to
the Govt. of India,
Ministry of Telecommunication,
New Delhi.
2. The Director General,
Telecommunication, New Delhi.
3. The Chief General Manager (Telecom),
Assam Circle, Ulubari, Guwahati - 7.
4. The Telecom. District Manager,
Dibrugarh. Assam.
5. The Telecom District Engineer,
Dibrugarh. Assam.

... RESPONDENTS

DETAILS OF APPLICATION

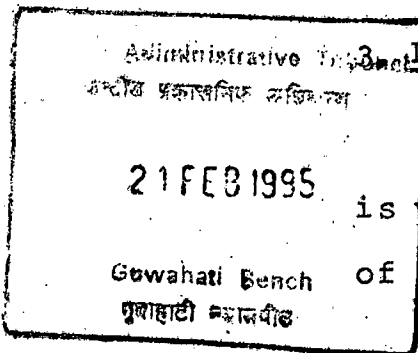
1. PARTICULARS OF THE ORDER AGAINST WHICH
THE APPLICATION IS MADE :

The applicant is directed against the order
No.B.316/L.M./129 dated 28.10.93 promoting the applicant
~~with effect from~~ as S.I.(O) under the 16 years Time Bound
Promotion Scheme with effect from 26.6.93 instead of
2.10.85 and deemed rejection of his representation against
the said order.

Contd...P/2.

2. JURISDICTION OF THE TRIBUNAL :

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



3. LIMITATION :

The applicant further declares that the application is within the limitation period 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, he is entitled to all the rights, privileges and protection guaranteed under the Constitution of India, and the laws framed thereunder.

4.2 That the applicant entered into the services of the Department of Telecommunication as Lineman with effect from 3.11.69 and since then has been serving in the department to the satisfaction of all concerned and without any blemish.

4.3 That the department of Telecommunication introduced a Scheme of Time Bound Promotion to regular employees in the then P&T Department. Such a scheme was introduced as per an agreement arrived at by and between the Government and the staff side on 30.11.83. Under the said scheme, which has come into effect from 30.11.83, all officials belonging to basic grade in Group C and D to which there

Contd...P/3.

is either direct recruitment from outside or by means of limited competitive examination from lower cadres and who have completed 16 years of service in that grade will be placed in the next higher grade. Under the said scheme the Heads of Circles/Districts/Divisional Engineers are required to take immediate action to identify officials who have completed 16 years of regular service in the cadre covered under the scheme as on 30.11.83 and thereafter to promote officials in the operative cadres to the next higher scale of pay on completion of 16 years of service in the basic cadre. The applicant squarely comes under the purview of the scheme. This particular scheme is popularly known as 16-years Time Bound Promotion Scheme under which official both in Group-C and D are entitled to get promotion to the next higher grade on completion of 16 years of service.

The applicant is not in possession of the said scheme and accordingly makes prayer to the Hon'ble Tribunal to call for the said scheme from the respondents.

4.4 That as stated above, the applicant entered into the service of the Telegraph Department with effect from 3.11.69 and he completed 16 years of service with effect from 3.11.85. It will be pertinent to mention here that one Shri Tuwa Ram Gogoi also entered into the services of the Telegraph Department at the same time as that of the applicant and in the same category and grade i.e. Lineman.

4.5 That on completion of 16 years of service, the applicant naturally expected his promotion under the said

15

Time Bound Promotion Scheme. His batchmates and colleagues have since been promoted to the next higher grade on completion of 16 years of service. However, the applicant was all along assured that he would get his benefit of promotion with retrospective effect on completion of the formalities, as in the other cases. Be it stated here that immediately on completion of 16 years of service, the benefit of Time Bound Promotion Scheme may not be given and same may take some time towards completion of formalities, but eventually promotion is given effect to retrospectively i.e. with effect from the date of completion of 16 years of service may be with slight variation here and there.

Administrative Tribunal
গোৱাহাটী প্রশাসনিক আদালত
21 FEB 1995
Guwahati Bench
গুৱাহাটী স্ৰমদণ্ড

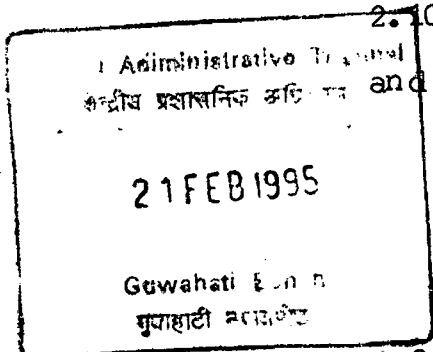
4.6 That contrary to the assurance given to the applicant, when nothing was done in the matter, the applicant made several representations urging for his promotion under the said Time Bound Promotion Scheme, but at no point of time he was given any reply.

Copy of one such representation dated 23.6.89 is annexed herewith as ANNEXURE-1.

4.7 That said Shri Tuwa Ram Gogoi was also not given promotion on completion of 16 years of service for which he also made representations before the respondents urging for his promotion with retrospective effect. Ultimately by the impugned order No.B-316/L.M./129 dated 28.10.93, the applicant and said Shri Gogoi were promoted to the next higher grade of S.I.(O) in the scale of Rs.950-1400/-. However, surprisingly enough, the date of effect of such

Contd...P/5.

promotion in case of the applicant has been shown to be with effect from 26.6.93 but on the other hand in case of Shri Gogoi, the promotion has been made with effect from ^a 2.10.85. Thus apparently it is clear case of discrimination and deprivation of the applicant for no fault of his own.



A copy of the said order dated 28.10.93 is annexed herewith as ANNEXURE-2.

4.8 That on receipt of the said order, the applicant made representation on 18.11.93 to the Telecom District Engineer, Dibrugarh followed by further representations dated 21.3.94 and 4.6.94, but to his utter surprise and dismay, the said representations have not been attended to and the applicant has not been given any intimation as to why he has been deprived of his legitimate promotion under the said Time Bound Promotion Scheme.

Copies of the representations dated 18.11.93, 21.3.94 and 4.6.94 are annexed herewith as ANNEXURES-3, 4 and 5 respectively.

4.9 That the applicant states that there was/is no impediment against the applicant for giving him promotion under the said scheme with effect from the date of completion of 16 years of service. By not giving him such promotion from the due date, he hasx been deprived of the same for long eight years jeopardising his service career, but on the other hand, his colleague including said Shri Gogoi whose promotion was also delayed like that of the applicant were favoured with promotion with effect

Contd...P/6.

from their due dates of promotion. It has resulted in hostile discrimination and there is violation of Articles 14 and 16 of the Constitution of India on the face of it.

4.10 That the applicant states that the said Time Bound Promotion Scheme was introduced having regard to the stagnation being faced by the Group-C and D employees of the P&T Department in their basic cadre and grade. Thus the said promotion cannot be taken away by stroke of pen and the incumbents are bound to be given the said promotion on completion of 16 years of service. But in the instant case, the applicant was firstly delayed of his such promotion and now even when the said promotion was given to him, same has not been made effective retrospectively which is required to be done in all such cases.

4.11 That the applicant states that in view of the aforesaid facts and circumstances, he is aggrieved by the impugned order of promotion dated 28.10.93 so far it gives effect to his promotion under the 16 years Time Bound Promotion Scheme with effect from 26.6.93 and not with effect from 2.10.85 i.e. the date from which his batchmate Shri Gogoi who had also joined the Department at the same time like that of the applicant. Thus this application seeking redressal of his grievances in respect of appropriate effective date of his promotion.

5. GROUND FOR RELIEFS WITH LEGAL PROVISIONS :

5.1 For that prima facie the impugned order giving effect to the Time Bound Promotion to the applicant with

Contd...P/7.

effect from 26.6.93 and not retrospectively from the due date is illegal, arbitrary and accordingly not sustainable

5.2 For that there is hostile discrimination and violation of Articles 14 and 16 of the Constitution of India inasmuch as the other incumbents have all been promoted with effect from the date of completion of 16 years of service leaving aside the applicant for differential treatment.

5.3 For that the respondents could not have delayed the promotion under the 16 years Time Bound Promotion Scheme and even after such delay could not have given the effect of promotion from 26.3.93 without any basis in deprivation of his due effective date of promotion.

5.4 For that the 16 years Time Bound Promotion Scheme was introduced having regard to the stagnation being faced by the Group C and D employees of the department in basic cadre/grade ; but the respondents did not implement the same in respect of the applicant and thereby he has been discriminated in the matter of promotion.

5.5 For that there is no escape of the fact that his batchmate and colleague who also entered into the services of Telegraph Department at the same time has been given promotion under the scheme by the same impugned order, but with retrospective effect. However in case of the applicant similar treatment has not been given resulting in gross violation of the Articles 14 and 16 of the Constitution of India and so also the principles of natural justice.

5.6 For that in any view of the matter the impugned

order is not sustainable in so far as the date of effect of promotion in respect of the applicant is 26.6.93 instead of 2.10.85.

6. DETAILS OF REMEDIES EXHAUSTED :

Administrative Tribunal
अधिकार अति

21 FEB 1995

Wahati Bench
बुवाहाटी न्यायाधीश

The applicant declares that he has no other alternative remedy other than approaching this Hon'ble Tribunal.

7. MATTERS NOT PREVIOUSLY FILED OF PENDING BEFORE ANY OTHER COURT :

The applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which the application has been made before any Court of law, or any other authority and/or other Bench of the Tribunal and/or any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT :

Under the facts and circumstances stated above, the instant application be admitted, records be called for and upon hearing the parties on the cause or causes that may be shown and ^{on} perusal of the records be pleased to grant the following reliefs :

- (i) To direct the respondents to give promotion to the applicant as SI(0) under the 16 years Time Bound Promotion Scheme with effect from 2.10.85 instead of 26.6.93 as has been done by the impugned order

Contd...P/9.

dated 28.10.93 (Annexure-2) and to that effect to modify the said order with all consequential benefits.

(ii) Cost of the application ;

(iii) Any other relief or reliefs to which the applicant is entitled under the facts and circumstances stated above.

Administrative
স্বাক্ষরিত ও সীলিত

21 FEB 1995

Guwahati Bench
গুৱাহাটী মহাপঞ্জৰ

9. INTERIM ORDER PRAYED FOR :

No interim relief is prayed at this stage.

10. ...

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O. :

(i) I.P.O. No. : 8.03 882550
(ii) Date : 27/1/95
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification.....

V E R I F I C A T I O N

I, Shri Girin Deka, son of Late Keshab Deka, aged about 42 years, at present working as SI(0) in the office of the Sub-Divisional Officer (Telegraphs), Dibrugarh, P.O. Dibrugarh, Assam, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 3rd day of Feb. 1995.

Girin Deka

ANNEXURE - I

To

The Telecom. Dist. Eng.
Dibrugarh.

(Thro: Proper Channel)

Sub:- NON-RECEIPT OF O.T.B.P.

Ref S My rep 1000
23.6.88

Sir,

Respectfully, I beg to state you that I was appointed as a L.M. on 3/11/1980 at Dibrugarh Division and still now working as a L.M. under you.

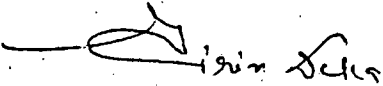
It is painful to intimate you that all the L/M Training Centre batchmates and the Colleagues of myself those who have been appointed in the same date and also working under your jurisdiction has been awarded the one time bound promotion in due time but still now I have not received the same and also I am not been at all informed the reason of the lapses.

So, I request your kind honour to look into the matter which will enable to help a poor employee like me for a better living and better prospect.

Thanking you,

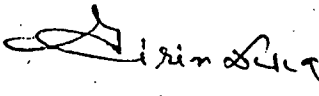
Yours faithfully,

Dated: TINSUKIA
the 23.6.1988.


(GIRIN DEKA)
L/M
Tinsukia.

copy to:-

Area Manager Telecom/DR
for information please.

 23.6.88
(GIRIN DEKA)
L/M
Tinsukia

Handwritten notes at bottom left:
H. S. B. D. B.
D. B. D. B.
M. M. M.

Department of Telecommunications
Office of the Telecom. Dist. Engineer, Dibrugarh.

ANNEXURE

No. E-316/A.M./129

Dated at Dibrugarh the 28-10-93.

In pursuance of the D.G.P&T N.D. letter No. 1-71/83-MCG dtd. 17-12-83 conveyed by the CGMT/A.E. Circle Shillong letter No. STBX/THPS/83-84 dtd. 17-1-84, the following Linemen who have completed 16 years of service in the grade are hereby considered by the DPC for promotion to the next higher grade of S.I.(O) temporarily in the scale of Rs.950-20-1150-EB-25-1400/-P.M.

The order will take effect from the date shown against each officials.

The seniority of the officials will be fixed as per rule in vogue.

the pay of the officials will be fixed as per FR-22C.

| <u>SL.No.</u> | <u>Name of officials</u> | <u>Date of promotion effected</u> |
|---------------|--------------------------|-----------------------------------|
| 1. | Sri Tawa Ram Gogoi, | 2-10-85 |
| 2. | Sri Girin Deka | 26-6-93 |

The officials cited above shall not entitled to rent free accommodation Or HRA in lieu thereof from the date of promotion as per DG P&T N.D. letter No. 11-12/85 MCG dtd. 4-9-85.

Telecom. Dist. Engineer
Dibrugarh.

- Copy to:-
1. The CGMT/CH I for information.
 2. The AMT/DR I
 3. The SDO/DR for n/a.
 4. The JAO(B) -do-
 5. Official concerned.
 6. P/file of the officials.
 7. E-17/att.
 8. E-31/fixation file.

Telecom. Dist. Engineer
Dibrugarh.

.....

Handwritten:
Allu...
G...
17/12

-14- 13 ANNEXURE - 3 23

To
The P.D.E. (Telecommunication),
Dibrugarh.

(Through: Proper Channel)

Sub:- INJUSTICE RESPECTING PROMOTION

Ref:- Your Letter No. B-316/L.K./129 dtd. 28.10.93.

Sir,

Most respectfully, I beg to draw your attention into the following ~~xxx~~ matter.

That Sir, On receiving the above referred letter I alongwith my colleagues, all rejoined with the idea of having some good news regarding promotion of myself and joined in a tea party given by me. But most unfortunately then I opened the letter, it was a bolt from blue to me. Because I found that though I completed 16 years of service on 3.11.85 yet my promotion has been given effect from 26.6.9. While Tawa Ram Gogoi who joined service at the same time, has been given effect of promotion from 2/10/85.

In the one hand, Tawa Ram Gogoi had gone under suspension for 3 years in connection with some cheating case and was in jail for more than 15 ~~xx~~ days while he was at Sibsagar in 1984. Even with such a record his promotion has been given effect from 2/10/85. On the other hand I am leading a spotless service record since my appointment and the department is so much pleased to give my promotion with effect from 26/6/93. I have never gone under any suspension or any other corruption or punishment, why then this discrepancy? It is there that very often I have been willing to the departmental officers regarding completion irregularities etc. in the department. For thus the department cannot give on inflict any punishment in this way in an indirect manner. Department must make specific charge and inflict specific punishment if. I had done any wrong I understand that as a punishment my promotion has been withheld and delayed. Further I am not allowed the arrears due to me. Such denial has no justification.

Further, those who constituted the D.P.C. those learned members should have been acquainted or well conversant with my case while considering promotion to me.

I am very happy that the department has given promotion to Tawa Ram Gogoi who had such criminal record and departmental suspensional record. Because it will benefit the fellow workmen. Who might have criminal and suspensional record and yet who will claim Tawa Ram Gogoi's case as a "PRECEDENT" then the responsibilities will go to the department.

Therefore, under the above circumstances, and facts I pray your honour to reconsider my promotional matter and to give effect from 3/11/85 and to kindly inform me about this within 15 days.

Thanking you,

Yours faithfully,

Dated: Tinsukia,
the 18.11.93

Girin Deka S/m

(GIRIN DEKA)

Copy to:-

- 1) Director, (Tele-comm)
Dibrugarh.
- 2) Circle Secretary, Guwahati. A.I.T.E.U.L/S & CLASS IV GHY.
- 3) C.G.M.F./Guwahati (Tele-comm)

Enclo:- Copy of your letter B-316/LM/129 dtd. 28/10/93

Attached
B-316
28/10/93

To

The T.D.E.,
Dibrugarh.

(Through : Proper Channel)

Sir,

With due respect and humble submission, I beg to draw your attention into the following matter.

- 1) That Sir, it has come to my knowledge that in my service Book (Record) it has been shown that I was placed under suspension in 1984.
- 2) That Sir, if it was so, then by which letter/order etc. the suspensional order was intimated and served on me?
- 3) That was the ground for my said so called "Suspension"?
- 4) By which letter or order I was again allowed to resume duty?
- 5) If any person commit an offence he should be punished but there is no justification in punishing an innocent person. For, it is better that 100 guilty person should escape punishment than to punish an innocent person.
- 6) That Sir, I have made so many complaint regarding my promotional matter, but unfortunately nothing fruitful has been done so far.
- 7) That Sir, the D.P.C. which was constituted for considering my promotion, I do not accept its. The D.P.C. has fulfilled its grade against me while selecting me for promotion.

In conclusion, I beg to state your honour that I have been never placed under any suspension and no letter or order for such matter is served on me upto this date.

Therefore, I pray your honour to enquire into the matter and to pass necessary order in this respect.

Yours faithfully,

Girin Deka

(GIRIN DEKA)

Telephone Exchange Office
Tinsukia P.O. TINSUKIA
Dist. Tinsukia
(Assam).

Dated: TINSUKIA,

the 21.3.94

Advance copy to:-

- 1) T.D.E., Dibrugarh
- 2) C.G.M.T., Guwahati

Copies of previous letter enclosed.

AMITON
B. M.
1992

-27-

15

ANNEXURE-5

To
The T.D.E.,
Dibrugarh.

Sub: Promotional matter

Through Proper Channel)

Sir,

Most respectfully, I beg to place the following matter for your immediate necessary action.

- 1) That Sir, regarding my promotional matter, I already wrote two letters to your honour, but unfortunately neither any reply nor any action has been taken so far in this behalf.
- 2) That Sir, in 1984 on 19th September, when I was branch Secretary at Sibsoagar, at that time I was placed under suspension for only one day for Union matter and the authority immediately withdrew the suspension next day. I have not received the pay for the day as yet. At that time the S.D.O.T was Mr. U.C. Doria.
- 3) That Sir, I have been receiving full pay for all the time and never paid half pay as that is done in case of suspension.
- 4) That Sir, as a result of inattention and negligence towards my promotional issue, I have been suffering great and irreparable loss.
- 5) That Sir, if after receiving this letter the department does not take proper steps to redress my grievances, then being compelled by the circumstances, I shall have no other alternative than to vindicate my right by referring the matter to Court. The department shall be responsible for all its inaction, negligence and irresponsibility and liable for the loss caused to me. For this purpose I beg your leave to seek resort to the court of law. From the date of delivery of this letter I shall wait for a month and thereafter I shall proceed accordingly.

Therefore, once again I pray you to take immediate measures respecting the matter hereinbefore mentioned and to redress my grievances at an early date for which I shall remain grateful to your honour.

Yours faithfully,

Linema Deka S/m

(GURIN DEKA)

Linema, Telephones
Tinsukia.

Dated: 4.6.94

Copy to on proper channel to:

1. C.G.E.T./Guwahati

Copy in advance to:

2. C.G.E.T./Guwahati
3. T.D.E. / Dibrugarh.

Amrta
Burda
17/11

After

31

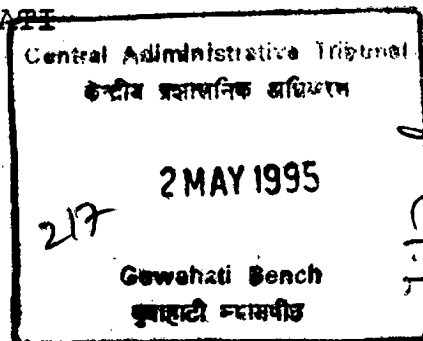
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH : GUWAHATI

O.A. No. 27 of 1995

Sri G. Deka

Vs.

Union of India & Ors.



Additional Central Govt.

Standing Counsel

Central Administrative Tribunal
Guwahati Bench

2/5/95

In the matter of :-

Written statement/show cause on
behalf of the respondents.

I, Shri *Zipu Ram Hazarika* SDO
Teleson, Dibrugarh
do hereby solemnly affirm and declare as follows :

1. That I am authorised by the respondents to file this written statements and also being competent I do file it and say categorically that save and except what is admitted in this written statement and rest may be treated as total denial by the respondents.
2. That with regard to the statement made in paragraph 1 of the application the respondents beg to state that the promotion was effected w.e.f. 26.6.93 instead of 3.11.85 as per letter No.E-316/LM/129 dated 28.10.93 after observing all departmental norms and procedures. Hence question of rejection of representation of the applicant does not arise.

3. That with regard to the statement made in paragraph 2 of the application the respondents have no comment.

4. That with regard to the statement made in paragraph 3 of the application the respondents have no comment.

5. That with regard to the statement made in paragraph 4.1 of the application the respondents beg to state that the applicant has every right to take privileges and protection of law if it falls within the jurisdiction of any law framed under Constitution of India.

6. That with regard to the statement made in paragraph ~~4.2~~ 4.2 of the application the respondents beg to state that the applicant entered in his service of the Deptt. of Telecom. with effect from 3.11.69. The work performance was not upto the mark.

7. That with regard to the statement made in paragraph 4.3 of the application the respondents beg to state that although the one time bound promotion was introduced with effect from 30.11.83, the promotion of the applicant under this scheme could not be considered as promotion scheme is also governed by the normal procedure of promotion in regards to para 4(2) cited above.

8. That with regard to the statement made in paragraphs & 4.5
4.4/of the application the respondents beg to state that

the date of entry of Sri Tuwa Ram Gogoi, is 2.10.69 and date of the applicant is 3.11.69. As per DPC report it is observed that the promotion of Sri Tuwa Ram Gogoi was delayed due to non-availability of PVR, while the promotion of the applicant was delayed due to unsatisfactory work performance.

9. That with regard to the statement made in paragraph 4.6 the respondents beg to state that the promotion of any official depends upon the DPC comments. No assurance was given to the official for effecting his promotion from the retrospective date.

10. That with regard to the statement made in paragraph 4.7 of the application the respondents beg to state that Sri Tuwa Ram Gogoi was promoted on 2.10.85 i.e., on completion of 16 years service as DPC satisfied with the wanting documents, while the date of effect of the applicant deferred to 26.6.93 as work performance is not upto the mark.

11. That with regard to the statement made in paragraph 4.8 of the application the respondents beg to state that the department is not bound to intimate the applicant about the decision of every DPC.

12. That with regard to the statement made in paragraph 4.9 of the application the respondents beg to state that no hostile discrimination was made

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4

between the two officials as their promotion was delayed due to different reasons as indicated at item 4(7) above.

13. That with regard to the statement made in paragraph 4.10 of the application the respondents beg to state that the promotion of the incumbent will be governed by normal procedure even the incumbents completed 16 years service. Retrospective date of effect can be deferred if the official is found unfit.

14. That with regard to the statement made in paragraph 4.11 of the application the respondents beg to state that the date of entry of the applicant is 3.11.69 hence question of effecting his promotion on 2.10.85 does not arise alongwith the batchmate as prayed for.

15. That with regard to the statement made in paragraph 5.1. of the application the respondent beg to state that the action of the authority is not illegal and arbitrary.

16. That with regard to the statement made in paragraph 5.2 of the application the respondents beg to state that the DPC comments is final in case of promotion of the incumbents.

17. That with regard to the statement made in paragraph 5.3 of the application the respondents beg to state that the date of effect can be deferred if incumbents work performance is not upto the mark.

18. That with regard to the statement made in paragraph 5.4 of the application the respondents beg to state that the introduction of the OTBP scheme is not to the regards of stagnation in a particular scale of pay, but to place in the next higher scale after completion of 16 years of service subject to finding fit by the DPC as per normal procedure of promotion.

19. That with regard to the statement made in paragraph 5.5 of the application the respondents beg to state that the promotion was not effected of the applicant alongwith the batchmate as it governed by the normal procedure of promotion.

20. That with regard to the statement made in paragraph 5.6 of the application the respondents beg to state that the date of promotion of 16 years service is 3.11.85 instead of 2.10.85, which is deferred to 26.6.93.

21. That with regard to the statement made in paragraph 7 of the application I beg to state that it is not known to me.

That the present application is illconceived of law and misconceived of facts.

That the present application is without any merit and as such the same is liable to be rejected.

That the applicant has not exhausted all the remedies available to him and on that ground alone it

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is a fit case to summarily rejected.

written
That this/statement is filed bonafide and
in the interest of justice.

..... Verification

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32

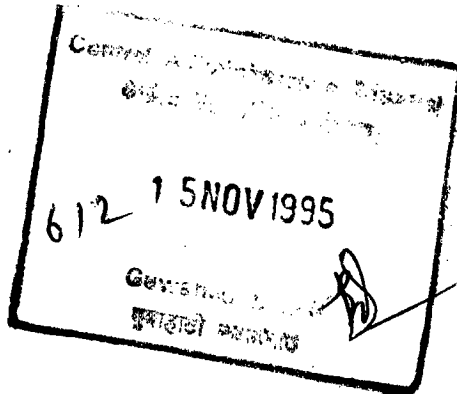
7

V E R I F I C A T I O N

I, *Shri Lipu Ram Hazarika*
DE - Telecom Dibrugarh

do hereby solemnly affirm and declare that the contents made in paragraph 1 are true to my knowledge are and those made from paragraphs 2 to 8/derived from records which I believe to be true and rest are of my humble submissions before this Tribunal and I sign this verification on this the 2nd day of May, 1995 at Guwahati.

Imuz 2/5/95
Sr. Sub-Divisional Engineer, Telecom
(HRO) Dibrugarh
हरिप्रसाद उप-विभागीय इंजीनियर, टेलीकॉम
(हरो) दिब्रुगढ़



338
Filed by
Shri G. Deka
15.11.95

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. No. 27 of 1995

Shri G. Deka

- Vs.

Union of India & Ors.

REJOINDER TO THE WRITTEN STATEMENT/SHOW CAUSE
ON BEHALF OF THE RESPONDENTS

The applicant begs to state as follows :

1. That the applicant has gone through the copy of the W.S. and has understood the contents thereof. Save and except the statements made which are specifically admitted hereinbelow other statements made in the W.S. are categorically denied. Further the statements which are not borne on records are also denied.

2. That with regard to the statements made in paragraphs 1 and 2 of the W.S., the applicant begs to state that the statements made therein are vague and do not disclose any ground for rejection for depriving the applicant of his promotion with retrospective effect. In this connection, the applicant craves leave of the Hon'ble Tribunal for a direction to the respondents to produce the relevant records.

3. That with regard to the statements made in paragraphs 3, 4, 5, 6 of the W.S., the applicant does not admit anything contrary to the relevant records. It is categorically denied that the work performance of the applicant was not upto the mark. It is regretted that

Contd...P/2.

the respondents ~~are~~ could make such a sweeping remark against the applicant without elaborating anything. The respondents now being caught in whirlpool have made such sweeping remark against the applicant without any basis. In this connection, also, the respondents may be directed to produce the relevant records so as to enable this Hon'ble Tribunal to judge the work performance of the applicant and as to how the same was not upto the mark.

4. That with regard to the statements made in paragraph 7 of the W.S., the applicant while reiterating and reaffirming the statements made in the O.A. begs to state that he is entitled to his stand bound promotion with retrospective effect under the scheme and ~~and~~ it is not known to the applicant as to why his promotion under the scheme could not be considered. In any case, such a ground has been disclosed for the first time in the written statement only without assigning any reason for rejecting his representation and all along keeping the applicant in dark.

5. That with regard to the statements made in paragraph 8 of the W.S., the applicant begs to state that the respondents cannot absolve their responsibility in not giving due promotion to the applicant by the kind of remarks as has been made in this paragraph. The respondents are called upon to substantiate their claim, that the promotion of the applicant was delayed due to

unsatisfactory work performance. Here again the applicant craves leave of the Hon'ble Tribunal for a direction to the respondents to produce the alleged DPC report. The applicant under the time bound promotion scheme was due for his promotion with retrospective effect (November 1985) when he completed 16 years of services. When the same was denied to him, he made several correspondences ; but eventually he has been favoured with the promotion vide order dated 28.10.93 (Annexure-2 to the O.A.) with effect from 26.6.93. The basis of such promotion with effect from 26.6.93 is not known to the applicant. He was entitled to such promotion with retrospective effect as stated above. His such promotion came after series of correspondences. After the said promotion order also, he made representations ~~xx~~ ; but none of them has been disposed by the respondents and now in the written statement they have taken the plea of unsatisfactory work performance which is as vague as anything. It will be pertinent to mention here that the 16 years time bound promotion scheme was introduced to provide promotion prospect to otherwise stagnated employees and such promotion is given on completion of 16 years. It is unbelievable that the applicant would be found suitable only in 1993 although he was due for promotion in November 1985. ~~Thus the~~ This is the reason why the applicant prays that the records pertaining to his promotion may be called for.

6. That with regard to the statements made in paragraphs 9, 10 and 11 of the W.S., the applicant

states that the statements made therein speak volume of administrative inaction of the respondents. While the promotion of Shri T.R. Gogoi was delayed by 8 years due to non-availability of PVR/Documents, the applicant has been denied his promotion on the ~~gross~~ alleged ground of "work performance is not upto the mark". Such a statement is as vague as anything. From the statement made by the respondents, it appears that the promotion of the applicant was held back as a measure of punishment for certain undisclosed reasons. Be it stated here that withholding of promotion is a punishment under the C.C.S.(C.C.A) Rules and the same cannot be imposed on the employee without departmental proceeding. In the instant case, the applicant has been imposed with the said penalty without intimating anything to him and thus the action of the respondents is vitiated by illegalities and required to be remedied by this Hon'ble Tribunal.

7. That with regard to the statements made in paragraph 11 of the W.S., the applicant begs to state that the respondents as a model employer could have intimated the reason to the applicant for his non-promotion instead of making him to wait till the filing of the instant W.S.

8. That with regard to the statements made in paragraph 12 of the W.S., the applicant reiterates and reaffirms the statements made in the O.A. and states that he has been meted out with hostile

discrimination.

9. That with regard to the statements made in paragraphs 13 and 14 of the W.S., the applicant begs to state that he is entitled to time bound promotion with retrospective effect. As per their own admission the promotion of the applicant was deferred and that it is not a case of he being not recommended by the D.P.C. In any case, the applicant is entitled to get the benefit of promotion retrospectively.

10. That with regard to the statements made in paragraph 15 to 21 of the W.S., the applicant does not admit anything contrary to the relevant records of the case, and the respondents are put to the strictest proof thereof.

11. That the applicant submits that as per the verification to the W.S. the submissions made in paragraphs 2 to 8 in the W.S. are derived from records and the rest are ~~made~~ submissions before this Hon'ble Court meaning thereby that the statements made in paragraphs 9 to 21 ~~are~~ in the W.S. are all submissions and the relevant paragraphs based on records are those made in paragraphs 2 to 8 of the written statement. Since the statements are stated to be made on the basis of records and the same are denied by the applicant, it will be in the fitness of things to call for the records on the basis of which the statements in paragraphs 2 to 8 have been made by the respondents.

Contd...P/6.

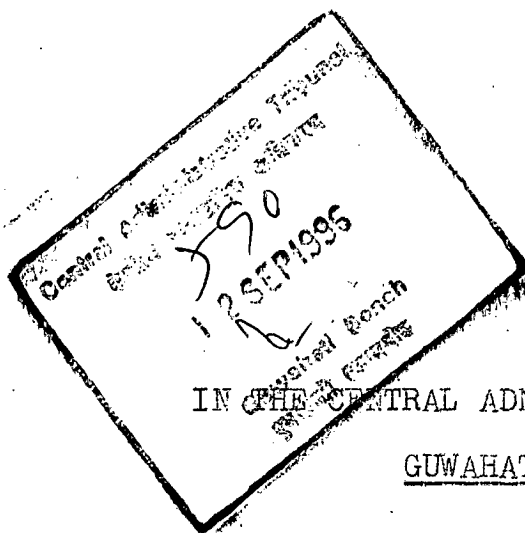
12. That the applicant submits that in view of non-disclosure of any cogent ground in the written statement warranting deprivation of the promotion of the applicant from his due date, the instant O.A. deserves to be allowed with cost.

V E R I F I C A T I O N

I, Shri Girin Deka, the applicant in O.A. No. 27 of 1995 do hereby solemnly affirm and verify that the statements made in the accompanying rejoinder are true to my knowledge and belief and I have not suppressed any material facts.

And I sign this verification on this the day of November 1995 at Guwahati.

Girin Deka



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Additional Central Gov

Standing Counsel,

Central Administrative Tribunal

Guwahati Bench

12/9/96

In the matter of :

O.A.No.27/95

Shri G.C.Deka ... Applicant.

-Vs-

Union of India & Ors. ... Respondents.

-AND-

In the matter of :

Reply to the rejoinder filed by
the applicant on the written
statement of the respondents.

I, Shri N.W.Kachari, Divisional Engineer(P&A),
Office of the TDM, Dibrugarh do hereby solemnly affirm
and declare as follows :-

1. That a copy of rejoinder filed by the
applicant has been served upon me through our counsel
and same being read-over by me, I have understood the
contents thereof and being authorised by the other
respondents, I do hereby file the reply to the rejoinder
as follows.

2. That with regard to the contents made by

the....

by the applicant in paragraph 2, that the statement of WS is not vague as the stand of the respondent is based on the records.

3. That with regard to the contents made in paragraph 3, the respondents beg to state that the applicant may not admit anything contrary to the relevant records, but the DPC has gone through the remarks in the C/Rs of the applicant for the year 1986-87 and 1987-88 wherein there are some adverse entries. The copies of the CRs are annexed herewith and marked as Annexure R.I and R.II. The applicant was also placed under suspension w.e.f. 19.9.94 and subsequently revoked. The applicant was also warned vide SDOT/Dibrugarh letter No.Q-695/13 dated 22.3.84 to be regular in his duties ~~as the~~ applicant remains absent from his duties without any prior permission. Consequently the period of unauthorised absence from duties for 91(ninety one) days (year 1981 =13 days, 1982=51 days, 1983=7 days and 1984=20 days) have been treated as DIES NON. The relevant records are annexed herewith and marked as Annexure R.III, IV, V, VI & VII.

4. That with regard to the contents made in para 4, the respondents begs to state that the decision of the DPC is final in case of promotion. The Date of promotion may defer subject to found fit by the DPC.

5. That with regard to the contents made in paragraph 5, the respondents begs to state that the

DPC.....

DPC held on 26.6.93 and promotion was effected from the same date of holding the DPC as earlier DPC did not find the applicant fit for promotion due to non-availability of certain documents. Since the earlier DPC did not recommend the applicant for promotion, the later DPC cannot ignore the comments of the earlier DPCs. The respondents are not bound to intimate the applicant about the decision of every DPS holds from time to time. However, the reports of the DPGs for the year 1989, 1990 and 1993 are produced herewith and same are marked as Annexure R-VIII, IX and X.

6. That with regard to the contents made in paragraph 6, the respondents beg to state that the statements made in para 9,10 and 11 of the written statement are not vague. The DPC comments in case of promotion is final. The respondent could have imposed severe punishment on the applicant in contrary to statement made in para 3 above.

7. That with regard to the contents made in paragraph 7, the respondents begs to state that the name of the applicant has been taken in the list of officials to be promoted in every DPC but the applicant was not considered due to work performance of the applicant was not upto the mark.

Contd.....

8. That with regard to the contents made in paragraph 8, the respondents begs to state that no hostile discrimination was taken against the applicant as member of the DPC are not same in every DPC.

9. That with regard to the contents made in paragraph 9, the respondents beg to state that the rulings of OTBP Scheme does not indicates that the applicant is to be promoted from the retrospective date. The date of promotion deferred to 26.6.93 from 3.11.85, but not 2.11.85 as prayed by the applicant alongwith his batchmate.

10. That with regard to the contents made in paragraph 10, the respondents begs to state that the applicant may not admit anything contrary to the relevant records but the respondents are bound to furnish the proof as prayed for in the Hon'ble Tribunal.

11. That with regard to the contents made in paragraph 11, the respondents begs to state that the applicant may not have all the records but the respondents are ready to furnish all the records relating to his promotion if directed by this Hon'ble Tribunal.

12. That with regard to the contents made in paragraph 12, the respondents begs to state that it depends on the merits of documents/records available and applicant has liberty to seek for justice in this Hon'ble Tribunal.

Contd.....

13. That the respondents beg to submit that they will produce the records at the time of hearing for arriving at correct and just conclusion of the case.

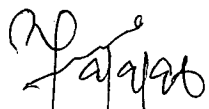
14. That the respondents beg to submit that the rejoinder is nothing but a replica of the original application.

15. That this reply to the rejoinder is filed bonafide and in the interest of justice.

V E R I F I C A T I O N

I, Shri N.N.Kachari, Divisional Engineer(P&A), Office of the TDM/Dibrugarh do hereby solemnly affirm and declare that the contents made in paragraph 1 of this reply to the rejoinder are true to my knowledge and those made from paragraph 2 to 12 are derived from records which I believe to be true and rest are humble submissions before this Hon'ble Tribunal.

AND I sign this Verification on this 9th day of September, 1996 at Dibrugarh.


DEPONENT
Divisional Engineer (P&A)
O/o: T. D. M., Dibrugarh

Anne - R-1

W9

18

MINISTRY OF COMMUNICATIONS
P & T DEPARTMENT

APP-9

Form of Confidential Report on the non-gazetted staff of the Indian Post and Telegraphs Department in the office of Heads of Circles Administrative offices, Divisional Offices and Postal and Telecom. Offices etc.

* Report for the period from 1/4/86 to 9/12/86

1 Name of the official SRI GIRIN DEKA

2. (a) Date of birth

d) Educational qualifications;
including professional and
technical qualifications.

3. Designation

4. Date of appointment in the
present grade.

5. Section where employed :
office

6. Nature of works on which
employed :

(b) period of absence from duty on
leave, during the year.

7. (a) Observations on :

(i) Intelligence and general
ability-Has he (a) more
than (b) Less than or
(c) about the average ability
of officials of his grade ?

(ii) Conduct :

(e.g. amenability to
discipline, attitude to superiors
and subordinates and relations
with fellow employees regu-
larity and general behaviour)

(iii) Character :

(e.g. industry, care and
thoroughness, cleanliness etc.)

(iv) Knowledge of rules and
procedures.

From To No of days

Good

Fair

Good

Fair

Fair

57
(v) Devotion to duty

(vi) Physical fitness:

47 (vii) Whether he has been able to

reduce arrears and outstand-
ing items during the period

under report.

* Please refer to the Note at the end

& (b) Expression on paper.

(i) Excellent.

(ii) Very Good.

✓ (iii) Good. ✓

(iv) Average.

(v) Poor.

8. Comment on :

(a) In the case of a typist.

(i) accuracy and speed in
out-turn.

(ii) neatness and care in work

(iii) any special characteristics,
qualifications or defects
which it is desired to bring
notice.

(b) In the case of a Stenographer.

(i) accuracy and speed in work
as steno-typist.

(ii) trustworthiness in confidential
and secret matters.

(iii) any special characteristics,
qualifications or defects
which it is desired to bring
to notice.

(h) In the case of RSA

- (i) Knowledge circuitry,
- (ii) ability to rectify faults.
- (iii) ability and speed of testing.

(i) In the case of Post office clerk and SPM

- (i) his ability to do with speed and sustained accuracy repetitive operations such as booking of money orders, registered articles etc.
- (ii) his ability to maintain calm and composure at times of pressure of work.
- (iii) his qualities in dealing with the public courteously

(j) In the case of RMS Sorter. Mail Agent, SRC, etc.

- (i) his ability to exchange mails and do sorting with sustained speed and accuracy.
- (ii) his proficiency in reading addresses in other scripts and languages.
- (iii) his knowledge of routing of articles and Due mail and sorting lists,
- (iv) ability to manage records office (for SRC only).

9. (a) Discuss the general performance of the official during the year under review and whether he has been responsible for any outstanding work or been reprimanded with brief particulars of the same

(b) Whether any public complaints were received against the official. If so, what was the result of the investigation.

(c) Whether the official was courteous to the public in his official dealings.

Good.

NO.

Good.

10. Any outstanding achievement or performance in the field of sports, athletics and art.

11. Any useful suggestion made for achieving high standard of efficiency, economy in administration etc.

12. General remarks and overall assessment

Summing up of the official's good qualities and short comings, aptitude or reluctance in certain types of works and also the nature of advice given for overcoming the defects

Good

13. Assessment of Integrity *Beyond doubt*

14. Has the officer any special characteristics and/or any outstanding merits or abilities which would justify his advancement and special selection for higher appointment out of turn? If so mention those characteristics briefly and indicate why you consider him fit for out of turn promotion.

Signature of Reporting officer

(R. N. ASTHANA)

J. T. O. Leda

Name and Designation:

(in Block Letters)

LEDO.

Date: *29.6.87*

Remarks if any, of the reviewing authority (In case, he does not accept the assessment of the Reporting officer, he should make a specific mention of if giving reasons therefor)

The official is not doing his duty properly due to lack of his Section

which clearance is delaying and increasing

Signature of Review Authority

C. R. MALLICK

Name & Designation (in block Letter)

Date *29.7.87*

Sub-Divisional officer
Telephones. Dibrugarh

(3)

(c) In the case signalling staff
(telegraphs, postal).

(i) accuracy and speeds in transmission.

(ii) technical knowledge and skill

(d) In the case of Telephone operator.

(a) Ability to :

(i) operate

**(ii) Carry out routine tests
of lines**

**(iii) control trunk lines and handle,
record and time trunk calls.**

**(b) Knowledge of rules in the
"Instructions for operators"**

(e) In the case of a Phone Inspector.

(a) ability to

(i) collect revenue

**(ii) chase faults and
carry out inspections**

(b) Technical Knowledge.

(f) In the case of a Wireless operator

(a) ability to

(i) operate.

**(ii) remove faults on the
equipment.**

(b) Technical knowledge.

(g) In the case of a Technician/AEA

(i) Knowledge of circuits.

**(ii) ability to rectify faults
and**

**(iii) ability to carry out
adjustments**

54
49
M

(2)

NOTE :

1. Along with the adverse remarks the substance of the entire report including what has been said in praise of the employee should also be communicated.
2. Adverse remarks should be communicated immediately after these are approved or recorded by the Countersigning Authority, where prescribed, otherwise by the Reviewing/Reporting Authority.
3. The column relating to 'Public Relations' need be filled in by the Reporting Officer only where the duties of the officer reported upon such he comes in contact with members of the public.
4. The following procedure should be followed in filling up the column relating to integrity ;
 - (i) If the officer's integrity is beyond doubt, it may be so stated.
 - (ii) If there is any doubt or suspicion, the column should be left blank and action taken as under.
 - (a) A separate secret note should be recorded and followed up. A copy of the note should also be sent together with the Confidential Report to the next superior officer who will ensure that the follow up action is taken expeditiously. Where it is not possible either to certify the integrity or to record the secret note, the Reporting Officer should state either that he had not watched the officer's work for sufficient time to form a definite judgement or that he has heard nothing against the officer as the case may be.
 - (b) If as a result of the follow up action, the doubts or suspicions are cleared the officer's integrity should be certified and entry made accordingly in the Confidential Report.
 - (c) If the doubts or suspicions are confirmed, this fact should be recorded and duly communicated to the officer concerned.
 - (d) If as a result of the follow up action, the doubts or suspicions are neither cleared nor confirmed, the officer's conduct should be watched for a further period and thereafter action taken as indicated at (b) and (c) above.
5. Assessment under columns 9 to 20 should not be indicated by tick marking but should be clearly expressed in suitable words, viz., Excellent, Very good, Average, Poor, except in case of entries in column 15, where words such as cordial, helpful, correct, formal, indifferent, etc., may be used.

NOTE :

1. Along with the adverse remarks the substance of the entire report including what has been said in praise of the employee should also be communicated.
2. Adverse remarks should be communicated immediately after these are approved or recorded by the Countersigning Authority, where prescribed, otherwise by the Reviewing/Reporting Authority.
3. The column relating to 'Public Relations' need be filled in by the Reporting Officer only where the duties of the officer reported upon, such he comes in contact with members of the public.
4. The following procedure should be followed in filling up the column relating to integrity ;
 - (i) If the officer's integrity is beyond doubt, it may be so stated.
 - (ii) If there is any doubt or suspicion, the column should be left blank and action taken as under.
 - (a) A sparate secret note should be recorded and followed up. A copy of the note should also be sent together with the Confidential Report to the next superior officer who will ensure that the follow up action is taken expeditiously. Where it is not possible either to certify the integrity or to record the secret note, the Reporting Officer should state either that he had not watched the officer's work for sufficient time to form a definite judgement or that he has heard nothing against the officer as the case may be.
 - (b) If as a result of the follow up action, the doubts or suspicions are cleared the officer's integrity should be certified and entry made accordingly in the Confidential Report.
 - (c) If the doubts or suspicions are confirmed, this fact should be recorded and duly communicatd to the officer concerned.
 - (d) If as a result of the follow up action, the doubts or suspicions are neither cleared nor confirmed, the officer's conduct should be watched for a further period and thereafter action taken as indicated at (b) and (c) above.
5. Assessment under columns 9 to 20 should not be indicated by tick marking but should be clearly expressed in suitable words, viz., Excellent, Very good, Average, Poor, except in case of entries in column 15, where words such as cordial, helpful, correct, formal, indifferent, etc., may be used.

Proforma for special report

1. Name :- SRI GIRIN DEKA
2. Date of appointment in:-
the present cadre
3. Date of confirmation:-
4. Whether SC/ST/OC. :-
5. Is the official financially emb-
rassed ? :- Not Known.
6. Whether any disciplinary
case is pending against
the official ? :- NO.
7. Whether any vigilance
case is pending against
the official ? :- NO.
8. Whether any punishment such as at
stoppage of increment etc.
is current ? :- NO.
9. Is the official fit for
promotion, if so, whether
promotion by selection
is recommended ? :- Fit for Promotion.
Recommended.

Sub-Divisional office
Telephones. Dibrugarh

Signature of the Head of the
Division with date.

Sub-Divisional Office, Telephones
Dibrugarh 786001.

MINISTRY OF COMMUNICATIONS

P & T DEPARTMENT

APP-9

Form of Confidential Report on the non-gazetted staff of the Indian Post and Telegraphs Department in the office of Heads of Circles, Administrative offices, Divisional Offices and Postal and Telecom. Offices etc.

* Report for the period from 10/12/36 to 31/3/37.

1 Name of the official

SRI GIRIN DEKA

2. (a) Date of birth

d) Educational qualifications; including professional and technical qualifications.

3. Designation

L/M

4. Date of appointment in the present grade.

5. Section where employed : office

Postal Hq. Jharkhand

6. Nature of works on which employed :

His nature work is to rectify the faults of Ins, Rly. lines & Telegraph lines.

(b) period of absence from duty on leave, during the year.

From To No of days

7. (a) Observations on :

(i) Intelligence and general ability-Has he (a) more than (b) Less than or

(c) about the average ability of officials of his grade ?

Average

(ii) Conduct :

(e.g. amenability to discipline, attitude to superiors and subordinates and relations with fellow employees regularity and general behaviour)

Not so punctual in duties and relation with fellow employees is not so good.

(iii) Character :

(e.g. industry, care and thoroughness, cleanliness etc.)

Industrious but not pains taking

(iv) Knowledge of rules and procedures.

Average

(b) In the case of RSA

- (i) Knowledge circuitry,
- (ii) ability to rectify faults.
- (iii) ability and speed of testing.

(i) In the case of Post office clerk and SPM

- (i) his ability to do with speed and sustained accuracy repetitive operations such as booking of money orders, registered articles etc.
- (ii) his ability to maintain calm and composure at times of pressure of work.
- (iii) his qualities in dealing with the public courteously

(j) In the case of RMS Sorter. Mail Agent, SRC, etc.

- (i) his ability to exchange mails and do sorting with sustained speed and accuracy.
- (ii) his proficiency in reading addresses in other scripts and languages.
- (iii) his knowledge of routing of articles and Due mail and sorting lists.
- (iv) ability to manage records office (for SRC only).

9. (a) Discuss the general performance of the official during the year under review and whether he has been responsible for any outstanding work or been reprimanded with brief particulars of the same

(b) Whether any public complaints were received against the official. If so, what was the result of the investigation.

(c) Whether the official was courteous to the public in his official dealings.

The general performance of the official during the period of review is ^{not} so high and he is not so prompt of attending to interruptions except Railway Circuits.

Nil.

He is having no difficulty in his public job.

(c) In the case signalling staff
(telegraphs, postal).

- (i) accuracy and speeds in transmission.
- (ii) technical knowledge and skill

(d) In the case of Telephone operator.

(a) Ability to :

- (i) operate
- (ii) Carry out routine tests of lines
- (iii) control trunk lines and handle, record and time trunk calls.

(b) Knowledge of rules in the
"Instructions for operators"

(e) In the case of a Phone Inspector.

(a) ability to

- (i) collect revenue
- (ii) chase faults and carry out inspections

(b) Technical Knowledge.

(f) In the case of a Wireless operator

(a) ability to

- (i) operate.
- (ii) remove faults on the equipment.

b) Technical knowledge.

(g) In the case of a Technician/AEA

- (i) Knowledge of circuits.
- (ii) ability to rectify faults and
- (iii) ability to carry out adjustments

(2) (v) Devotion to duty

Not so Sincere

(vi) Physical fitness:

Sound

(vii) Whether he has been able to reduce arrears and outstanding items during the period under report.

Nil

* please refer to the Note at the end

& (b) Expression on paper.

(i) Excellent.

(ii) Very Good.

(iii) Good.

(iv) Average.

(v) Poor.

8. Comment on :

(a) In the case of a typist.

(i) accuracy and speed in out-turn.

(ii) neatness and care in work

(iii) any special characteristics, qualifications or defects which it is desired to bring notice.

(b) In the case of a Stenographer.

(i) accuracy and speed in work as steno-typist.

(ii) trustworthiness in confidential and secret matters.

(iii) any special characteristics, qualifications or defects which it is desired to bring

to notice.

(5)

Any outstanding achievement or performance in the field of sports, athletics and art.

Nil.

Any useful suggestion made for achieving high standard of efficiency, economy in administration etc.

Nil.

General remarks and overall assessment.

Summing up of the official's good qualities and short comings, aptitude or reluctance in certain types of works and also the nature of advice given for overcoming the defects noticed.

The general performance during the period of review is average.

Assessment of Integrity.

Has the officer any special characteristics and/or any outstanding merits or abilities which would justify his advancement and special selection for higher appointment out of turn ? If so mention those characteristics briefly and indicate why you consider him fit for out of turn promotion.

Nil.

Signature of Reporting officer

AMAL KANTI SEN GUPTA
JTO (T)/DR

Name and Designation:
(in Block Letters.)

Date :—

marks if any, of the reviewing authority (In case, he does not accept the assessment of the Reporting officer, should make a specific mention of it giving reasons therefor)

The official is not doing his duty properly & delaying to attend his work. Reason Rm of his section increasing.

Signature of Review Authority
Sub-Divisional Officer, Telegraphs,
Dibrugarh Sub-Div. 786 001.

Name & Designation (in block Letter)

Date ... 17/7/87

NOTE :

1. Along with the adverse remarks the substance of the entire report including what has been said in praise of the employee should also be communicated.
2. Adverse remarks should be communicated immediately after these are approved or recorded by the Countersigning Authority, where prescribed, otherwise by the Reviewing/Reporting Authority.
3. The column relating to 'Public Relations' need be filled in by the Reporting Officer only where the duties of the officer reported upon such he comes in contact with members of the public.
4. The following procedure should be followed in filling up the column relating to integrity ;
 - (i) If the officer's integrity is beyond doubt, it may be so stated.
 - (ii) If there is any doubt or suspicion, the column should be left blank and action taken as under.
 - (a) A sparate secret note should be recorded and followed up. A copy of the note should also be sent together with the Confidential Report to the next superior officer who will ensure that the follow up action is taken expeditiously. Where it is not possible either to certify the integrity or to record the secret note, the Reporting Officer should state either that he had not watched the officer's work for sufficient time to form a definite judgement or that he has heard nothing against the officer as the case may be.
 - (b) If as a result of the follow up action, the doubts or suspicions are cleared the officer's integrity should be certified and entry made accordingly in the Confidential Report.
 - (c) If the doubts or suspicions are confirmed, this fact should be recorded and duly communicatd to the officer concerned.
 - (d) If as a result of the follow up action, the doubts or suspicions are neither cleared nor confirmed, the officer's conduct should be watched for a further period and thereafter action taken as indicated at (b) and (c) above.
5. Assessment under columns 9 to 20 should not be indicated by tick marking but should be clearly expressed in suitable words, viz., Excellent, Very good, Average, Poor, except in case of entries in column 15, where words such as cordial, helpful, correct, formal, indifferent, etc., may be used.

Annexure - B-2 (21) (12) 61.4 12

MINISTRY OF COMMUNICATIONS

App-9

DEPARTMENT OF TELECOMMUNICATIONS

(Form of confidential report on the non-gazetted staff of the P&T Department in the Office of the Heads of Circles Administrative office Divisional office and Telecom offices etc.

REPORT FOR THE PERIOD FROM 1st April, 1987 TO 31st March, 1988

1. Name of the Official :- SRI GIRIN DEKA

2. (a) Date of Birth :-

(b) Educational Qualifications including professional & Technical Qualifications :-

3. Designation :-

4. Date of appointment in the present grade :-

5. Section/office where employed :-

6. (a) Nature of work on which employed :-

(b) Period of absence from duty on leave during the year :-

FROM

TO

NO. OF DAYS.

(The nature of leave e.g. EL/HPL/Com-muted leave / Leave not due, EOL etc. should be specified for each spell & indication given in bracket after the No. days mentioned).

7. (a) OBSERVATIONS :-

i) Intelligence & General ability

Has he (a) More than (b) Less than or

(c) About the average ability of Officials of his grade?

Less than average ability of officials of his grade.

ii) CONDUCT :-

(e.g. amenability to discipline, attitude to superiors and subordinates & Relations with fellow employees, regularity & General Behaviour).

Average

iii) CHARACTER :-

(e.g. Industry, Care & thoroughness, Cleanliness etc.)

Average

iv) KNOWLEDGE of Rules & Procedure :-

v) Devotion to duty :-

good

vi) Physical Fitness :-

Average
good.

19
7 (vii). Whether he has been able to reduce arrears and outstanding items during the period under report :-

(2)
Nil.

* Please refer to the note at the end.

7 (b) EXPRESSION ON PAPER :

i) Excellent :-

ii) Very good :-

iii) Good :-

iv) Average :- Average

v) Poor :-

8. COMMENT ON :-

8. a IN THE CASE OF TYPIST :-

i) Accuracy & Speed in out-turn :-

ii) Neatness & Care in work :-

iii) Any special characteristics, qualifications or defects which it is desired to bring notice :-

8 b) IN THE CASE OF STENOGRAPHER :-

i) Accuracy & Speed in work as STENO-TYPIST :-

ii) Trust-Worthiness in confidential & Secret matters :-

iii) Any special characteristics, qualifications or defects which it is desired to bring to notice :-

8 (c) DO NOT RELATE TO TELECOM. STAFF :-

8 (d) IN THE CASE OF A TELEPHONE OPERATOR :-

(a) Ability to :-

i) Operate :-

ii) Carry out routine tests of lines :-

iii) Control Trunk Lines & handle record & Time trunk calls :-

(b) Knowledge of Rules in the "Instructions for Operators" :-

(3)

20

63

58

8 (e) IN THE CASE OF A PHONE INSPECTOR :-

- a) Ability to :-
 - i) Collect REVENUE :-
 - ii) Case faults & Carry out Inspections :-
- b) TECHNICAL KNOWLEDGE :-

8 (f) IN THE CASE OF WIRELESS OPERATORS :-

- a) Ability to :-
 - i) Operate :-
 - ii) Remove faults on the equipments :-
- b) Technical Knowledge :-

8 (g) IN THE CASE OF A TECHNICAL/ AFE :-

- i) Knowledge of circuits :-
- ii) Ability to rectify faults and :-
- iii) Ability to carry out Adjustment :-

8 (h) IN THE CASE OF A.R.S.A. :-

- i) Knowledge of circuit :-
- ii) Ability to rectify faults :-
- iii) Ability and speed of testing :-

8 (i) DO NOT RELATE TO TELECOM. STAFF :-

8 (j) DO NOT RELATE TO TELECOM. STAFF :-

9. (a) Discuss the general performance of the official during the year under review and whether he has been responsible for any outstanding work or been reprimanded with brief particulars of the same :-

Average

9. (b) Whether any public complaints were received against the official. Is so, what was the result of the investigation :-

Not

(4)

21
9. (c) Whether the official was courteous to the public in his official dealings?

yes

59
10. Any outstanding achievement or performance in the field of sports, Athletics and Art :-

nil

11. Any useful suggestion made for achieving high standard of Efficiency, Economy in Administration etc :-

nil

12. General remarks & Overall assessment summing up of the Official's good qualities & Shortcomings, Aptitude are reluctance in certain type of works and also the nature of Advice given for overcoming the defects noticed :-

Average

13. Assessment of Integrity :-

14. Has the Officer any special characteristics and/or any outstanding merits or abilities which would justify his advancement and special selection for higher appointment out turn? If so, mention those characteristics briefly and indicate why you consider him fit for out of turn promotion :-

Nil.

Date :-

R. Senigupta
(AMAL KANTI SEN GUPTA)
Signature of reporting Officer. JTO(D)/DR
Name & Designation (in block letters).

Remarks if any, of the Reviewing authority (In case he does not accept the assessment of the reporting Officer, he should make a specific mention of it giving reasons thereof).

Date :-

Signature of Reviewing Authority.
Name & Designation (in block letters).

65 (20) 60

Special reports of the work and conduct of
Sri G. Dima - Deba
in the cadre of L/M

1. Name

:- Sri Giren Deba

2. Post held at present

:- Lineman (T)

3. PAR

4. Particulars of the Office

He is working as L.M (T) at Heringri Section
work and how he acquitted himself - under J.T.O. (T) / 02

5. Whether the official is physically

6. Whether the official is financially embarrassed or not:-

Not known to his job.

Not Known.

7. Any statement of official's conduct

Performance of the official

to the officials in the office or elsewhere

wise with special mention of any good work performed by him

as he is regularly doing his duty.

Shree

Sub-Divisional Office
Dibrugarh

C. R. Mallik
(C. R. MALLIK)
Signature & Designation.

Dates - 10 JUL 1987

Place - DIBRUGARH

Annex - R-11)

66

Indian P & T Department
of the S. D. O. Telegraphs, Dibrugarh.

Memo no: Q-69571

26.4.83

Sri Girein Deka s/o, Sibsagar
was absent from duty & from 7.12.81 to 10.12.81
13.12.81 to 21.12.81 & 6.5.82 to 12.5.82. The whole
period is treated as dis non without
break in service.

Copy to Sri G. Deka s/o for
Telephone Exchange,
Sibsagar for information.
This has a reference to
this office memo no
Q-69576 of 14.6.82

2) The DETelegraphs for
for information & action
pl. This has a reference
to this office no Q-69577 of 18.8.82

Sub-Divisional Officer, Telegraphs
Dibrugarh Sub-Division-786001

Sub-Divisional Officer, Telegraphs
Dibrugarh Sub-Division-786001

Sub-Divisional officer
Telephones, Dibrugarh

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Annex - II

6

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INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUB-DIVISIONAL OFFICER, TELEGRAPHS : DIBRUGARH.

Memo No.: -Q-695/4

Date at Dibrugarh 29.7.83.

Sri. Giren Deka LM, Sibsagar was absent from duty from 3.9.82 to 20.9.82, 3.10.82 to 6.10.82, 23.10.82, 1.11.82 to 2.11.82, 15.11.82 to 22.11.82, 4.12.82 to - 9.12.82, 18.12.82 to 22.12.82 & 3.1.83 to 15.3.83.

The whole period is treated as Dies Non "without break in service."

Sub-Divisional Officer
Telegraph : Dibrugarh

Copy to

- 1) Sri. G.Deka LM/SBS
/C/O Telephone Exchange

Sibsagar for information. This has a reference to this Office memo No Q-695/2 ~~MM~~ Dated 26.4.83.

- 2) The D.E.T./DR for favour of kind Disposal please This has a reference to his office memo No. Q-695/2 - dated 26.4.83. *a information in fact*

(3)

Approved
Sub-Divisional Officer
Telephones. Dibrugarh

Sub-Divisional Officer
Telegraphs : Dibrugarh.

.....

Annexure A

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2563

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

OFFICE OF THE SUB-DIVISIONAL OFFICER TELEGRAPHS, DIBRUGARH.

Memo No. Q-695/13

Dated at Dibrugarh the 22-3-84.

Sri Girin Deka, L/M, Sibsagar has failed to reply the cause of his unauthorised absence as asked vide this office letter No. Q-695/11 dtd 10-4-84, on 29-9-83, 3-10-83 & 17-10-83, 19-10-83, 20-10-83 & 5-11-83.

Further, as reported by J.E. Phones (O/D) Sibsagar, he was also found absent without proper authority on 17-12-83, 2-1-84, 3-1-84, 9-1-84 & 10-1-84, 16-1-84, 17-1-84, 18-1-84 & 4-2-84 & 16-2-84, 17-2-84, 18-2-84.

The whole period is therefore treated as 'Dies Non' without break in service.

Sri Girin Deka, L/M, Sibsagar is also hereby warned to be regular in his duties, failing which disciplinary proceeding may be initiated against him as per provision under rule 14 C.O.S (C.O.A) Rules, 1965.

[Signature]
Sub-Divisional Officer
Telegraphs: Dibrugarh.

Copy to: -1) Sri Girin Deka, L/M, Sibsagar. For information
C/O Telephone Exchange
Sibsagar.

2) The D.E. Telegraphs, Dibrugarh, For information &
Necessary action please.

Pay of the official may be drawn for the month of January '84 and onwards after making necessary deduction.

3) The J.E. Phones (O/D) Sibsagar. For information.

[Signature]
Sub-Divisional Officer
Telephones. Dibrugarh

[Signature]
Sub-Divisional Officer
Telegraphs: Dibrugarh.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUB-DIVISIONAL OFFICER TELEGRAPHS : DIBRUGARH.

Memo No.: - 695

Dated at DR the 5-10-84 -

Sri Gopin Deka, Lineman Sibsagar L/M,

Sibsagar has failed to reply the cause of his unauthorised absence as asked vide this office letter No. 695/84-85/16...
18-9-84... on 18-6-84 + 19-6-84...

Further as reported by J.E. Phones (O/D)/Sibsagar he was also found absent without proper authority on 18-6-84 + 19-6-84...

The whole period is therefore treated as 'Dies non' without break in service.

Sri Gopin Deka, Lineman Sibsagar L/M,

Sibsagar is also hereby warned to be regular in his duties, & failing which disciplinary proceeding may be initiated against him as per provision under rule-14 GCA (GCA) rules-1965.

sd/-
Sub-Divisional Officer
Telegraphs & Dibrugarh.

Copy to :-

- 1) Shri Gopin Deka, Lineman Sibsagar L/M,
Sibsagar for information. C/O Telephone Exchange/SBS.
- 2) The D.E. Telegraphs, Dibrugarh for information & necessary action.
- 3) The J.E. Phones (O/D)/SBS for information.

Sub-Divisional officer
Telephones. Dibrugarh

Sub-Divisional Officer
Telegraphs : Dibrugarh.

Annexure - R - VI

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INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE SUB-DIVISIONAL OFFICER TELEGRAPHS : DIBRUGARH.

Memo No. A-695/

Dated at Dibrugarh the 10-11-84.

Sri Girin Deka line man Sibnagar was absent from duty w.e.f. 9-11-84 to 19-11-84 for 11 days. The whole period is treated as dies non without break in service.

[Signature]
Sub-Divisional Officer
Telegraphs : Dibrugarh.

Copy to :-

- 1) Sri Girin Deka line man, Sibnagar, O/O Telephone Exchange Sibnagar. For information.
- 2) The D.E. Telegraphs, Dibrugarh. For information and necessary action p.l.
- 3) The J.A.O. Pay bill O/O the D.E. Telegraphs, Dibrugarh. For hold up of his Pay.
- 4) The J.H. Moran (O/D) / Sibnagar. For information. This

has a ref to his letter no E-11/1735/(010)/84
dt- 22.11.84

[Signature]
Sub-Divisional Officer
Telegraphs : Dibrugarh.

[Signature]
Sub-Divisional Officer
Telephones. Dibrugarh

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM DISTRICT ENGINEER, DIBRUGARH.

No. ~~316~~/L.M/100, dated at Dibrugarh the 19.10.89.

Minutes of the DPC consisting of the following members in connention with the one time bound promotion scheme on completion of 16 years service in the grade of lineman held on 19/10/89 at 11 Hrs. in the chamber of TDE/Dibrugarh.

- | | | |
|-----------------------|---------------|-----------|
| 1. Shri G.P.Tripathi. | TDE/DR | Chairman |
| 2. " N.N.Kachari. | AE(CARR)DR | Member |
| 3. " C.L.Singh. | A.A.O.(B)DR | Member |
| 4. " B.K.Acharjee | Supdt.of Post | DR Member |

Total cases of 32(Thirty two) officials in the cadre of lineman were put up before the DPC for consideration of promotion under OTBP scheme who have complited 16 Yrs. continous service in the grade as per list from the dates noted against each.

Out of 32 officials after consideration of confidential report/special report PVR etc. 21(Twentyone) officials have been found fit by the DPC and recommended for promotion to the next higher grade.

The following specific cases could not be consdered by the DPC on the grounds notet against each.

1. The case of X Sri Towa Ram Gogoi. at Sl.1 could not be considered for promotion by the DPC owing to non-availibility of PVR and the performance of report of the official could not be judged for want of judgement report for revocation of suspension and certificate to the extend of period forwardsa pension/increament/promotion etc.
2. The case of Sri ~~Tonkeswar Baruah~~ ^{Girin deka} L/M at Sl.No.2 of the list couldnot be considered by DPC due to some adverse entries in the C.R.
3. The case of Sri Tonkeswar Baruah, L/M at Sl. No28 of list could not be recommended as disciplinary proceeding is under revision.
4. The case of Sri Nripendra Ch. Kar, L|M at sl. no. 31 of the list could not be considered as there is adverse entries in the C.R..
5. The case of Sri T.M. Ghosh, L/M at Sl. No.6 of the list will be considered by the next D.P.C. on receipt of the medical report (regarding eyesight)

The cases of the offcials which could not be considered during this D.P.C. owing to non-availability of C.R. and PVR will however be considered by the next D.P.C. on receipt of the necessary reports/documents in all respects.

Sd/-
(G.P.TRIPATHI)
Chairman
O/o. T D.M., Dibrugarh

Sd/-
(B.K.ACHARJEE)
Member

Sd/-
(N.N.KACHARI)
Member

Sd/-
(C.L.SINGH)
Member

Annexure A-12

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DEPARTMENT OF TELECOMMUNICATIONS.
OFFICE OF THE TELECOM DISTRICT ENGINEER, DIBRUGARH.

No.E-316/L.M/116, dated at Dibrugarh the 10/12/90.

Minutes of the DPC consisting of the following members in connection with the one time bond promotion scheme on completion of 16 years of service in the grade of lineman and O/Peon was held on 10/12/90 at 11 Hrs. in the chamber of TDE/DR.

1. Shri G.P.Tripathi TDE/Dibrugarh Chairman.
2. " N.N.Kachari SDOT/Dibrugarh Member
3. " M.N.Talukder Dy.TDE/Dibrugarh Member
4. " C.L.Singh A.O(Plg) Dibrugarh Member.

Total cases of 12(Twelve) officials who have completed 16 years of service in the grade were put up before the DPC for consideration of promotion under OTBP scheme from the date noted against each of official as per list.

Out of 12 (Twelve) officials after consideration of confidential report/special report and P.V. Rs.etc.9(Nine) officials have been found fit by the DPC and recommended for promotion to the next higher grade.

The following 3(Three) cases could not be considered by the DPC on the ground noted against each.

1. The case of Sri Tua Ram Gogoi, at Sl.1 could not be considered for promotion by the DPC owing to non-availability of PVR. However his case be considered by the next DPC on receipt of the same.
2. The case of sri Girin Deka, at Sl.No.2 of the list could not be considered by the DPC due to non-receipt of required certificate whether period of suspension would count for increment, pension and promotion etc.
3. The case of Sri T.M.Ghose at Sl.5 of the list case can be recommended on receipt of medical report regarding his eyesight from the proper authority.

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The case of the officials which could not be considered by the DPC at present owing to non-availability of PVR etc. will however be considered by the next DPC on receipt of the necessary report/documents in all respects.

Sd/- G.P.Tripathi
TDE/DR
Chairman

Sd/- N.N.Kachari
SDOT/DR
Member

Sd/- M.N.Talukdar
Dy.TDE/DR
Member

Sd/- C.L.Singh
A.O(PLG)DR
Member

Attested
By: [Signature] (P&A)
Dy. TDE, Dibrugarh

Annex R-X

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Government of India
Department of Telecommunications
Office of the Telecom District Engineer:::Dibrugarh:::786001

No.E-282/DPC/0/8

Date: 26-06-93

DPC met on 26-06-93 under the Chairmanship of TDE/DR, Sri M.K.Gogoi, to consider the OTBP case of following candidates in the presence of following officers.

1. Sri M.N.Telukdar, Dy.TDE/DR Member.
2. Sri M.Ramakrishnan, AO(C) Do .
3. Sri T.R.Hazarika, AE HRD/DR Do

Following are the candidates whose cases have been considered for OTBP.

1. Sri Girin Deka, L/M w.e.f. 26-06-93.
2. Sri Tuwa Ram Gogoi, L/M w.e.f. 02-10-85.

M.K.Gogoi
(M.K.GOGOI)
Telecom Dist.Engineer
Dibrugarh

M.Ramakrishnan
(M.RAMAKRISHNAN)
Accounts Officer(C)
O/O The TDE/Dibrugarh

M.N.Telukdar
(M.N.TALUKDAR)
Dy. Telecom Dist.Engineer
Dibrugarh

T.R.Hazarika
(T.R.HAZARIKA)
A.E.HRD
O/O The TDE/DR

Attested
7/9/96
Divisional Engineer (P&A)
O. S. J. D.M. Dibrugarh

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Filed by
Shri Girin Deka
24.7.98.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O. A. No. 27/95

Shri Girin Deka

- vs -

Union of India & Ors.

Rejoinder to the reply filed by the Respondents

The applicant begs to state as follows :-

1. That the applicant has gone through the reply to the rejoinder and has understood the contents thereof. Save and except which are specifically admitted here below, other statements made in the reply are categorically derived.
2. That will regard to the statements made in paragraphs 1, 2, and 3 of the reply. The applicant begs to state that the adverse remarks were never communicated to him and the DPC could not have taken in to account the same to deny promotion to the applicant. Further, the applicants promotion became due in 1985 and thus the adverse entries of 1986-87 and 1987-88 could not have been taken into account. Suspension will not any follow up action or punishment can not stand on way for promotion, that too same being of 1994. Warning is no bar for promotion. If the DPC has taken in to account the extraneous matters as reflected in the statements, then the same is wholly intendable. The respondents apart from annexing the DPC instead of 1989, 1990 and 1993, other minutes from 1985 have not been annexed. The ANNEXURE - R-1 do causing clearly speak that the applicant was fit for promotion. There is nothing on record as to what for the applicant has been denied his promotion w.e.f. 1985 and what is the finding of DPC.

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Described on C.G.S.C.
24-7-98

Further the DPC (ANNEXURE-R X) has not arisen any reason as to why the applicants promotion has been made effective from 26.6.93 and Sri T.R. Gogoi's from 2.10.85.

3. That with regard to the statements made in paragraphs 4 to 15 of the reply the applicant while denying the contentions made therein reiterates and reaffirm the statements made herein above. Statements made in paragraphs 5 of the reply will go to show that denial of promotion to the applicant was due non availability of certain documents like that of Shri Gogoi who has eventually been given restropective promotion. Further the 1990 DPC minutes (ANNEXURE-R IX) did not find the applicant unsuitable, but his case was not considered due to non availability of informations. In any case a promotion that too a time bound one fell due to the applicant w.e.f. 2.11.85 could not have been denied to the applicant on the basis of so-called adverse remarks of 1986-87, 1987-88 that too withouth communicating the same to him. It appears that the case of the applicant was not placed in its true perspective and his case was left out the respondents are totally silent about the DPC s of 1985, 1986, 1987, 1988, 1991, 1992 and the DPC of 1989 having taken in to account uncommunicated adverse entries and that too for a period after the actual date of promotion. Same is wholly unsustainable. The 1990 DPC could not consider the case of the applicant due to non availability of registered information and the 1993 DPC is silent as to why the applicant has been given the benefit of promotion prospectively unlike others . It will be pertinent to mention that all others who were deffered or on consideration not found fit have been given restrospective promotion i.e. from the date of completion of requisite lenghh of service after having find suitable by

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subsequent DPC. There can not be any exception to the applicant.

4. That the applicant craves leave of the Hon'ble Tribunal for a direction to the respondents for production of the entire records pertaining to the case of the applicant and other similarly situated persons.

5. That in view of the above, the O.A. filed by the applicant deserves to be allowed with cost.

VERIFICATION.....P/4.

V E R I F I C A T I O N

I Shri Girin Deka, the applicant in O.A. No.27/95 do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 4 are true to my knowledge.

I sign this verification on this the 6th day of July, 1997.

Girin Deka