

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

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11.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI.5

O.A.No. 64/95

Misc.Petn.

C.P. No.

R.Appl:

.....H.C. Chakravarty.....APPLICANT'S  
frs.

.....U.C.I. .... Respondent's

Mr. B.K. Sharma, Mr. P. Bhattacharya FOR THE APPLICANTS  
Mr. B. M. Chatterjee, Mr. S. S. Chatterjee

.....  
Mr. S. Ali, Sr. C.G.S.C. FOR THE RESPONDENTS

OFFICE NOTE	DATE	ORDER
<p>The application is in form and within time. C. F. of Rs. 50/- deposited vide IPO/BB No. 88.29/2 Dated 20.3.95</p> <p>29/3/95</p> <p>17/4/95</p>	30.3.95	<p>Mr B.K.Sharma on leave. Adjourned to 31.3.1995.</p> <p>well Vice-Chairman Member</p>
<p>Responsible copies are sent to &amp; comd vide no. 1594-98 D/174-95</p>	31.3.95	<p>Mr. B K Sharma for the applicant. Mr. S.Ali, Sr. C.G.S.C. for the respondents.</p> <p>The application is admitted. Issue notice to the respondents. Eight weeks for written statement subject to filing an application for leave for joining the applicants in a single application, to be filed within two weeks. Adjourned to 5.6.95.</p> <p>6 Member</p> <p>well Vice-Chairman</p>
	trd	

29/4

(2)

Q.A. 64/95

4.5.95

8-8-95

At the request of Mr. Ali four weeks granted for filing written statement. Adjourned to 6-9-95 for further orders.

Memo of appearance filed by Mr. S. Ali, Sr. Case.

*hell*  
Vice-Chairman  
*Co*  
Member

5-6-95

lm *lm*  
9/8/95

To be ~~able~~ for order on 7-8-95

*By order*

Notice defied on R. No. 1, 3 & 4.

*10/17/95*

6.9.95 Mr. B. Mehta for the applicant and Mr. Ali, for the respondents are present. Adjourned to for hearing 22.11.95

21.7.95

W/S submitted by Repdt. No. 1, 2 and 3

*Papers*

*Box*

22.11.95

Mr B.K. Sharma for the applicants. Mr S. Ali, Sr. C.G.S.C., for the respondents.

Arguments concluded. Judgment delivered. The application is allowed. No order as to costs.

20.12.95

① copy of Judg./Order dtd 22.11.95 issued to the Applicant and counsel for the Respondts. vide D/No. 14 dtd. 1.1.96

② Also the same issued to the journals vide D/No. 5498-5506 dtd. 27.12.95.

nkm

*hell*  
Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI-5  
O.A.NO.64 of 1995

Date of decision 22.11.1995

Shri Haran C Chakraborty and 11 others

PETITIONER(S)

Shri B.K. Shama with Shri B. Mehta

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India and others

RESPONDENT(S)

Shri S. Ali, Sr. C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE JUSTICE SHRI M.G. CHAUDHARI, VICE-CHAIRMAN

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgement? yes
2. To be referred to the Reporter or not? yes
3. Whether their Lordships wish to see the fair copy of the Judgement? no
4. Whether the Judgement is to be circulated to the other Benches? no

*M. G. Chaudhari*

Judgement delivered by Hon'ble Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.64 of 1995

Date of decision: This the 22nd day of November 1995

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman

1. Shri Haran Chandra Chakraborty
2. Shri Bidur Bhusan Mukherje
3. Shri T.S. Nagarajan
4. Shri J. Chenchaiah
5. Shri G. Thalamuthu
6. Shri Biswajit Deb
7. Shri K.S. Manoharan
8. Shri V.K. Hariharan
9. Shri S. Seshadri
10. Shri P. Sundara Rajan
11. Shri Balakrishnan
12. Shri C. Rajendran.

All the applicants are working as Accounts Officer  
in the Department of Telecommunications and are  
posted at different stations.

.....Applicants

By Advocate Shri B.K. Sharma with Shri B. Mehta.

- versus -

1. The Union of India,  
Represented by the Secretary to the Government of India,  
Ministry of Communications,  
New Delhi.
2. The Asstt. Director General (TE),  
Department of Telecommunications,  
New Delhi.
3. The Chief General Manager (Telecom),  
Assam Telecom Circle,  
Guwahati.
4. The Chief General Manager, Telecom Task Force,  
Guwahati.
5. The Chief General Manager,  
Eastern Telecom Region,  
Calcutta.

.....Respondents

By Advocate Shri S. Ali, Sr. C.G.S.C.

.....



O R D E R

CHAUDHARI.J. V.C.

Mr B.K. Sharma for the applicants.

Mr S. Ali, Sr. C.G.S.C., for the respondents.

This is an application filed by a group of 12 Accounts Officers serving in the Department of Telecommunications. They are posted at different stations. Their common grievance is that the pay of R.C. Chakraborty who is junior to them has been fixed at Rs.2750/- on 27.6.1994, whereas their own pay has been fixed lower than R.C. Chakraborty and thus there arises an anomaly which is required to be removed. They, therefore, pray that the respondents be directed to step up their pay at par with the pay of R.C. Chakraborty with effect from the date on which the anomaly arose and pay to them the arrears.

The respondents have not disputed the various dates on which the respective applicants were appointed as Junior Accounts Officers and thereafter as Assistant Accounts Officers and later on as Accounts Officers from the respective dates shown by the applicants. All the applicants were promoted as Accounts Officers on regular basis <sup>and their pay has</sup> ~~been fixed between~~ Rs.2375 and Rs.2600 respectively, whereas the pay of R.C. Chakraborty has been fixed as Rs.2750.

2. The applicants submitted a representation on 6.2.1995 to the Chief General Manager, Assam Telecom Circle to remove the anomaly. The applicants have stated that they got the knowledge that their pay was fixed at a lesser level and after the knowledge was derived they filed ~~the~~ representations from 25.11.1994 onwards to 6.2.1995. The applicants aver that the pay of R.C. Chakraborty has been fixed higher than their pay because of the fortuitous adhoc promotions which he was able to get because of his posting in the West Bengal Telecom Region and they had no opportunity of getting such a promotion in the Assam Telecom Circle and that circumstance should not result in they being deprived of pay equal to his pay on their regular promotion

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to the post of Accounts Officers. In the representations the applicants drew attention of the Chief General Manager to the fact that various Benches of the Central Administrative Tribunal have, in cases of similar nature, decided that such an anomaly should be removed and the same course should be followed in respect of them.

3. The respondents inter alia contend that the pay of R.C. Chakraborty has been fixed on the basis of his pay in the earlier cadre before promotion correctly applying the rule in FR 22(i)a(i) and there does not arise any anomaly. They have further stated that R.C. Chakraborty was drawing more pay than the applicants when all of them were working together in the previous cadre and on promotion everybody's pay was fixed taking their existing pay <sup>in</sup> on the previous cadre as the basis under FR 22(i)a(i) and that R.C. Chakraborty's pay was fixed at a higher level than that of the applicants' pay by virtue of his pay in the previous cadre. The respondents further contend that the decisions of the various Benches of the Central Administrative Tribunal cannot be applied to the applicants in view of the observations of the Department of Personnel and Training vide letter No.4-31/92-PAT dated 31.5.1993.

4. Having regard to the fact that all the applicants and R.C. Chakraborty were Assistant Accounts Officers before regular promotion as Accounts Officers and that R.C. Chakraborty was junior to the applicants in accordance with their inter se seniority the mere circumstance that R.C. Chakraborty could get the benefit of fortuitous adhoc promotion as Accounts Officer from time to time cannot deprive the applicants <sup>the benefit</sup> of getting the pay equal to his pay on their promotion as Accounts Officers merely because R.C. Chakraborty may have drawn higher pay by virtue of his adhoc promotion. The pay earned by him during his adhoc promotion benefit of which is given to him cannot thus be a ground to deny the applicants the benefit of equal pay merely because they had no opportunity to gain fortuitous adhoc promotions prior to him or like him.

full

5. The position has been settled by the decision of the Ernakulam Bench of the Central Administrative Tribunal in the case of C.M. Yacob, Accounts Officer and others relating to Kerala Telecom Circle, wherein the applicants had claimed that there was an anomaly arising owing to one of their juniors, K. Sankaranarayanan (O.A.No.1156/93 dated 20.10.1993) having gained fortuitous adhoc promotion on the basis of which his pay was fixed at a higher level than that of them. The Bench noted that by virtue of FR 22-C and DG P&T's instruction, Ministry of Finance O.M.No.F2(10)-E.III(A)/62 dated 20.6.1965 it was contemplated that the pay of a senior shall be stepped up to the level of the pay of his junior, drawing a higher pay and that is intended to obviate an anomaly that may not be wholesome in service. It was held that in all cases (except case of disciplinary proceedings) where the senior draws a lesser pay, he is entitled to have his pay stepped up to the level of the pay of his junior subject to the condition that the senior and junior are in the same scale, same cadre and same unit. The claim of the applicants in that application for stepping up of pay was allowed.

6. In the decision in (O.A.816/89) N. Lalitha (Smt) and others -vs- Union of India and others, (1992) ATC 569 (Hyderabad), similar view was expressed after noticing the decision of the same Bench in the case of V. Vivekananda -vs- Secretary, Ministry of Water Resources, O.A.No.622/89, and the decision of the Calcutta Bench of the Tribunal in Anil Chandra Das -vs- Union of India, (1988) 7 ATC 234 (Cal). It was held that not having had the benefit of fortuitous adhoc promotions the senior should not be placed at a disadvantage in pay fixation. The respondents were directed to step up the pay of the applicant therein on par with his juniors. It was noticed that the earlier matter was carried to the Supreme Court in SLP No.13994 of 1991 which was dismissed on 22.8.1991 and the decision stood upheld. The case accordingly was decided in favour of the applicants. Similarly in O.A.No.1156/93 decided by the Ernakulam Bench of the Tribunal on 29.10.1993 (in the case C.M. Yacob, Accounts Officer and others) <sup>referred above</sup> the view taken in above decisions

was.....

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was followed. I do not see any good reason to take any different view than taken in the above cases and, with respect, follow them. It may be mentioned that I have discussed these decisions in my order on O.A.No.100 of 1991 dated 8.8.1995.

7. It is extremely unfortunate that the respondents did not want to respect the decisions of the various Benches of the Tribunal although they are bound by the law enunciated therein. The respondents took recourse to merely referring to the letter of the Ministry of Communications, Department of Telecommunications dated 31.5.1993 which is annexed to the written statement. In the aforesaid letter of the Telecom Department it is purported to be clarified that the benefit of the judgment of the Hyderabad Bench of the Central Administrative Tribunal in O.A. No.816/89 in Smt N. Lalitha's case cannot be extended to other similarly placed Government servants as these cases do not constitute an anomaly and stepping up of pay cannot be allowed under the existing orders. The defiance to the decisions of the Tribunal reflected in this letter need not be commented further except stating that such an attitude and policy of the Telecommunications Department cannot be <sup>appreciated</sup> ~~accepted~~. The dispute raised by the applicants being identical and the case of the Ernakulam Bench since had related to their own department to which the applicants had made reference in their representations, this clarification has no force to override the principle laid down by the Tribunal.

8. The contention of the respondents that the pay of R.C. Chakraborty was fixed by virtue of his pay in the previous cadre is misleading in the sense that ~~although~~ the higher pay earned by him during fortuitous adhoc promotion appears to have been taken into account. That fact is tried to be glossed over by making a statement of general nature. Hence I reject that contention.

9. I am convinced that an anomaly arises in the pay of the applicants vis-a-vis R.C. Chakraborty as pointed out by the applicants

on.....



on their promotion as Accounts Officers and the applicants are, therefore, entitled to be granted the relief as prayed.

10. In the result the respondents are directed to step up the pay of the applicants at par with R.C. Chakraborty with effect from the date on which the anomaly arose and ~~further direct~~ *are further directed —* the respondents to pay to the respective applicants the arrears as may be found payable to them arising on account of refixation of their pay after removal of the anomaly.

The above exercise to be completed within a period of three months from the date of communication of this order to the respondents.

11. The original application is accordingly allowed. No order as to costs.

*M. G. Chaudhary*  
( M. G. CHAUDHARI )  
VICE-CHAIRMAN

29 MAR 1995

Guwahati Bench

গুৱাহাটী বেঞ্চ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUGATI BENCH.

An application under Section 19 of the  
Administrative Act, 1985.

O.A. NO. 64 of 1995

Sri H.C. Chakraborty & Ors.  
... Applicant.

Vs.

Union of India & Ors.  
... Respondents.

I N D E X.

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Filed by \_\_\_\_\_

Received 6/4/95  
Sd/- S.C. G. S. C.  
29/3/95

Registration No. \_\_\_\_\_

Date

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BENCH

O.A. No.                      of 1995

BETWEEN

1. Shri Haran Chandra Chakraborty,  
Accounts Officer (Cash),  
Office of the Telecom District Manager,  
Guwahati-7. ✓
2. Shri Bidur Bhusan Mukherjee,  
Accounts Officer,  
Office of the Telecom District Engineer,  
Nagaon. ✓
3. Shri T.S. Nagarajan, Accounts Officer,  
Office of the Director Maintenance (ETR)  
Guwahati-3. ✓
4. Shri J. Chenchaiiah, Accounts Officer,  
Office of the Executive Engineer, Telecom.  
Electrical Division, Guwahati-7. ✓
5. Shri G. Thalamuthu, Accounts Officer (TA),  
Office of the Chief General Manager, Telecom,  
Guwahati-7. ✓
6. Shri Biswajit Deb, Accounts Officer (TR),  
Office of the Telecom District Manager,  
Guwahati-7. ✓
7. Shri K.S. Manoharan, Accounts Officer,  
Office of the Director, Task Force,  
Guwahati-1. ✓
8. Shri V.K. Hariharan, Accounts Officer,  
Office of the Director, Task Force,  
Jorhat-1. ✓
9. Shri S. Seshadri, Accounts Officer (IC),  
Office of the Chief General Manager, Telecom.  
Guwahati-7. ✓
10. Shri P. Sundara Rajan, Accounts Officer (Cash),  
Office of the Telecom District Engineer,  
Jorhat-1. ✓
11. Sh. Balakrishnan, Accounts Officer (SEP),  
Office of the Telecom District Engineer,  
Bongaigaon. ✓
12. Shri C. Rajendran, Accounts Officer (IC),  
Office of the Chief General Manager Telecom,  
Guwahati-7. ✓

APPLICANTS

- AND -

Contd...P/2.

1. The Union of India, represented by the Secretary to the Govt. of India Ministry of Communications, Sansar Bhavan, New Delhi-110 001.
2. The Asstt. Director General (TE), Department of Telecommunications, Sansar Bhavan, New Delhi - 110 001.
3. The Chief General Manager (Telecom.), Assam Telecom Circle, Ulubari, Guwahati-781007.
4. *The Chief General Manager, Telecom Task Force, Darragan, Guwahati-1.* RESPONDENTS
5. *The Chief General Manager, Eastern Telecom Region 7, Kshetra Doot Lane, Calcutta-700012.* DETAILS OF APPLICATION

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

The instant application is directed against the individual orders communicated to each of the applicants refusing stepping up of pay in relation to the pay of their juniors.

2. RAR JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

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

4. FACTS OF THE CASE :

That the applicants are all citizens of India and as such, they are entitled to all the rights, protections

and privileges guaranteed by the Constitution of India and the laws framed thereunder.

4.2 That the service particulars of the applicants are given below :

- (a) That the applicant No. 1 Shri Haran Chandra Chakraborty was originally selected and appointed as as T.S. Clerk (lateron redesignated as Telecom.Office Assistant) on 14.2.64. He passed the All India Junior Accounts Officer, Part-II Examination (hereinafter referred to as the JAO-II) in February 1980. He was promoted on regular basis as Junior Accounts Officer on 27.8.80, as Assistant Accounts Officer on 1.4.87 and as Accounts Officer on 26.4.91.
- (b) That the applicant No. 2 Shri B.B. Mukherjee was originally selected and appointed as Clerk (lateron redesignated as Postal Assistant) in the then Department of Posts & Telegraphs on 19.5.73. He passed the JAO-II Examination in February 1980. He was promoted on regular basis as Junior Accounts Officer (JAO) on 16.7.80, as Asstt. Accounts Officer (AAO) on 1.4.87 and as Accounts Officer (AO) on 29.4.91.
- (c) That the applicant No. 3 Shri T.S. Nagarajan was originally selected and appointed as Clerk(lateron redesignated as Postal Assistant) in the then Department of Posts & Telegraphs on 2.6.73. He passed the JAO-II in February 1980. He was promoted on regular basis as JAO on 24.9.80, as AAO on 1.4.87 and as AO on 17.6.91.

- (d) The applicant No. 4 Shri J. Chenchaiiah was originally selected and appointed as R Clerk (later on redesignated as Postal Assistant) in the then department of Posts & Telegraphs ~~on~~ on 16.9.64. He passed the JAO-II in November 1980. He was appointed on regular basis as JAO on <sup>12.10.81</sup> ~~24.9.80~~, as AAO on 1.4.87 and as AO on 4.4.91.
- (e) The applicant No. 5 Shri G. Thalamuthu was originally selected and appointed as T.S. Clerk (later on redesignated as Telecom. Office Assistant) on 18.10.72. He passed the JAO-II in November 1980. He was appointed on regular basis as JAO on 16.5.81, as AAO on 1.4.87 and as AO on 4.1.93.
- (f) The applicant No. 6 Shri Biswajeet Deb was originally selected and appointed as Clerk (later on redesignated as Postal Assistant) on 13.6.66. He passed the JAO-II in November 1980. He was appointed on regular basis as JAO on 2.4.81, as AAO on 1.4.87 and as AO on 7.3.94.
- (g) The Applicant No. 7 Shri K.S. Manoharan was originally selected and appointed as Sorter (later on redesignated as Sorting Assistant) in the then Department of Posts & Telegraphs) on 6.5.73. He passed the JAO-II in November 1980. He was appointed on regular basis ~~on~~ as JAO on 15.10.81, ~~on~~ as AAO on 1.4.87 and as AO on 4.5.94.
- (h) The applicant No. 8 Shri V.K. Hariharan was originally selected and appointed as LD Clerk on 7.9.72. He passed the JAO-II in November 1980. He was appointed as JAO on regular basis on 19.5.82, as AAO on 1.4.87 and as AO on 16.5.94.

- (i) The applicant No. 9 Shri S. Seshadri was originally selected and appointed as Auditor (later redesignated as Junior Accountant) on 29.1.74. He passed the JAO-II in September 1981. He was appointed on regular basis as JAO on 14.2.83, as AAO on 1.4.87 and as AO on 30.5.94.
- (j) The applicant No. 10 Shri P. Sundara Rajan was originally selected and appointed as ~~Sorting~~ Sorter (later redesignated as Sorting Assistant) in the then Department of Posts & Telegraphs on 3.6.67. He passed the JAO-II in November 1980. He was appointed on regular basis as JAO on 12.4.82, as AAO on 1.4.87 and as AO on 27.7.94.
- (k) The applicant No. 11 Su. Balakrishnan was originally selected and appointed as Telecom. Accounts Clerk on 2.3.74. He passed the JAO-II in November 1980. He was appointed on regular basis as JAO on 6.11.81, as AAO on 1.4.87 and as AO on 27.4.94.
- (l) The applicant No. 12 Shri C. Rajendran was originally selected and appointed as Clerk (later redesignated as Postal Assistant) in the then Department of Posts & Telegraphs on 5.9.73. He passed the JAO-II in September 1981. He was appointed on regular basis as JAO on 10.2.83, as AAO on 1.4.87 and as AO on 30.6.94.

3. That all the aforesaid posts of Junior Accounts Officers, Asstt. Accounts Officers and Accounts Officers are borne on All India Cadre that the incumbents being liable to be transferred anywhere within India. On entry into



these all India cadre, seniority of an incumbent is fixed on the basis of rank obtained by him in the order of merit in the JAO-II Examination. The seniority <sup>Once</sup> ~~was~~ fixed, remains the same throughout.

4. That on entry into the category of Junior Accounts Officer, the seniority position of the applicants were assigned at Sl. Nos. 591, 645, 647, 666, 829, 974, 905, 1005, 1123, 969, 943 and 1128 respectively. On the other hand, the seniority position of another incumbent viz. Shri Ratan Chandra Chakraborty was assigned at Sl. No. 1142. These seniority positions are also ~~assigned~~ confirmed by the latest Blue List in the category of Asstt. Accounts Officers and Accounts Officers. There cannot be any denial of the fact that Shri Ratan Chandra Chakraborty is junior to the applicants in the aforesaid cadres having all India seniority. As pointed above, the respective dates of promotions of the applicants as Accounts Officers on regular basis are 25.3.91, 25.3.91, 25.3.91, 25.3.91, 26.2.92, 15.2.94, 15.2.94, 15.2.94, 13.4.94, 15.2.94 and 13.4.94 respectively. Said Shri R.C. Chakraborty was promoted as Accounts Officers on regular basis on 27.6.94. On promotion as Accounts Officer, the pay of the applicants were fixed at Rs. 2375/-, 2375/-, 2375/-, 2375/-, 2375/-, 2450/-, 2600/-, 2600/-, 2600/-, 2600/-, 2600/-, respectively with the next date of increment as on 1.6.91, 1.10.91, 1.4.92, 1.4.92, 1.4.93, 1.4.94, 1.5.95, 1.5.95, 1.5.95, 1.4.95, 1.4.95, <sup>1.4.95</sup> respectively. On the other hand, pay of said junior Shri R.C. Chakraborty on his joining as Accounts Officer on 27.6.94 was fixed at Rs. 2750/- with the next date of increment as on 1.8.94 with pay to be drawn at Rs. 2825/- as against applicants' pay to be drawn at Rs.

lesser pay than their junior said Shri R.C. Chakraborty  
has occurred.

A copy of the Blue List/Book is annexed as  
ANNEXURE-2.

4.6 That the applicants being aggrieved with their wrong fixation of pay and there being no stepping up of their pay in reference to their junior said Shri R.C. Chakraborty made representations with the request for stepping up of pay at par with that of said Shri R.C. Chakraborty with effect from the date on which the aforesaid anomaly arose.

Copies of such representations dated 6.2.95, 2.2.95, 5.12.94, 9.2.95, 17.11.94, 25.11.94, 21.12.94, 23.11.94, 23.11.94, 25.11.94, 1.12.94 and 25.11.94 are annexed herewith as ANNEXURES 3A to 3L respectively.

4.7 That the applicants in their aforesaid representations highlighted as to how the benefit of stepping up of pay has been granted to others under similar circumstances. It will be pertinent to mention here that many others like that of the applicants all over the country have approached the different Benches of the Hon'ble Central Administrative Tribunal with the similar prayer as has been made in the instant application i.e. for stepping up of pay in reference to said junior R.C. Chakraborty. All the said applications have been allowed with the direction for stepping up of pay with effect from the date of occurrence of the anomaly with all consequential benefits of pay and allowances including arrears on re-fixation of pay in reference to

the junior. The applicants crave leave of the Hon'ble Tribunal to produce the copies of the said Judgments at the time of hearing of the instant application. The respondents have implemented the Judgments confining the benefits to the applicants therein only.

4.8 That the applicants state that instead of following the principles laid down by the various Benches of the Hon'ble Tribunal and granting the same benefits to the applicants as was granted to the applicants in the said cases, the authority passed a mechanical order rejecting the prayer of the applicants.

Copies of the orders communicated to the applicants separately dated 15.2.95, 15.2.95, 30.1.95, 15.2.95, 6.12.94, ~~15.2.95~~, 31.1.95, 26.12.94, 26.12.94, 15.2.95, 15.2.94, 15.2.95, 15.2.95, ~~15.2.95~~ respectively are annexed herewith and marked as ANNEXURES-4A to 4L.

4.9 That the applicants state that from the aforesaid communications they have come to know that the authorities have communicated their decision.

#### 5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that prima facie the order/orders rejecting the prayer of the applicants for stepping up of their pay in reference to their junior is arbitrary and illegal and accordingly liable to be set aside and quashed.

5.2 For that it is a settled position of law and that when some principles are laid down in a case, the said principles are required to be followed by the authorities in respect of other cases and incumbents similarly

circumstanced without requiring them to approach the Hon'ble Tribunal again ; but in the instant case the applicants have been illegally deprived of the benefits of the said principles laid down by the different Benches of the Hon'ble Tribunal.

5.3 For that ~~there~~<sup>that</sup> law is well settled ~~with~~ fortuitous adhoc promotion cannot put the seniors at a disadvantageous position in the matter of pay fixation. While doing so, the same benefit cannot be denied to the applicants when the adhoc promotion came to be issued from one post to another within an all India cadre in utter disregard to seniority under fortuitous circumstances.

5.4 For that law is well settled that in view of such anomalies, stepping up of pay is required to be done so as to bring parity in the matter of pay fixation among the seniors and juniors, in a given case where the juniors are getting more pay than their seniors.

5.5 For that in any view of the matter, the benefit of stepping up of pay cannot be denied to the applicants.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicants declare that they have got no other alternative remedy available.

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

The applicants further declare that they 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 any other Bench of the Tribunal and/or any such

application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR :

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

- (i) To set aside and quash the impugned orders at Annexures-4A to 4L.
- (ii) To direct the respondents to step up the pay of the applicants at par with their junior Shri R.C.Chakraborty with effect from the date on which the anomaly arose and to pay all the arrears arising on account of such refixation and grant all consequential benefits and thus render justice.
- (iii) Cost of the application
- (iv) Any other relief or reliefs to which the applicants are entitled under the facts and circumstances of the case.

9. INTERIM ORDER PRAYED FOR :

The applicants do not pray for any interim relief at this stage.

10.....

The application is filed through Advocate.

11. PARTICULARS OF THE I.P.O.

- (i) I.P.O. No. 8 03 883912
- (ii) Date 29/3/95
- (iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

VERIFICATION

I, Shri Haran Chandra Chakraborty, aged about 50 years, son of Girindā Chandra Chakraborty, the applicant No. 1 in the instant application, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge, those made in paragraph 5 are true to my legal advice, and I have not suppressed any material facts. I am also duly authorised by the other applicants to sign this verification on behalf of all of us.

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

*Haran Ch. Chakraborty*

## COMPARATIVE STATEMENT OF SENIORITY AND PAY DRAWN

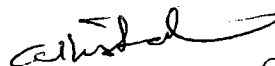
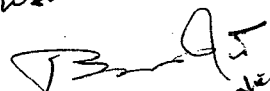
ANNEXURE-1

Sl. No.	Name	Seniority No. in the latest Blue Book AAO	Date of regular joining as A.O.	Pay fixed at Rs.	Date of next increment	Pay to be drawn	Directorate's promotion order under and date.
1.	Haran Chandra Chakraborty	1151	26.4.91	2375	1.6.91	2450	9-1/91-SEA dt. 25.3.91
2.	Bidur Bhusan Mukherjee	1203	29.4.91	2375	1.10.91	2450	-do-
3.	T.S. Nagarajan	1200	17.6.91	2375	1.4.92	2450	-do-
4.	J. Chenchaiiah	1223	4.4.91	2375	1.4.92	2450	-do-
5.	G. Thalamuthu	1373	4.1.93	2375	1.4.93	2525	9-1/92-SEA dt. 26.2.92
6.	K.S. Manoharan	33	4.5.94	2600	1.5.95	2675	9-1/94-SEA dt. 15.2.94
7.	Su. Balakrishnan	68	27.4.94	2600	1.4.95	2675	-do-
8.	P. Sundararajan	92	27.7.94	2600	1.4.95	2675	-do-
9.	Biswajit Deb	97	7.3.94	2450	2.4.94	2600	-do-
10.	V.K. Hariharan	127	16.5.94	2600	1.5.95	2675	9-1/94-SEA dt. 15.2.94
11.	S. Seshadri	242	30.5.94	2600	1.5.95	2675	-do- dt. 13.4.94
12.	C. Rajendran	247	30.6.94	2600	1.4.95	2675	-do-

## JUNIOR

1.	Ratan Chandra Chakraborty	261	27.6.94	2750	1.8.94	2825	9-1/94-SEA dt. 13.4.94
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 13/4/94

Assistant Accounts Officer

Attested.

Advocate.

Accounts Officer (A & P)  
O/O The C.G.M.T., Assam Circ  
Guwahati- 7

AAOs

14

PAT A/C & FINANCE 558					BLUE BOOK	
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR	

TELECOM WING GROUP B (ASSISTANT ACCOUNTS OFFICERS)  
(Scale: Rs. 2000-60-2300-75-3200)

81764	RAJESWARI M.	1	070543	180963	010487	
81929	JANARDHANAN USHA	2			010487	
81152	NAGESWARARAO A	3	0188578	040867		
81272	VERMA S R	4	290941	010965		
81519	SOMASUNDARAM S	5	200451	100571	010487	
81600	SUPTA GIAN CHAND	6	080337	020556	010487	
81909	MARU RAM GOPAL	7			010487	
81884	PANDEY A K	8	150347	220871	010487	
81886	VENUGOPALAN P	9	150344		010487	
81902	KHAN I A	10	030510	140174	010487	
81948	NATH KEMAL CHANDRA	11	150953	161073	010487	
81549	SINGH KARNAIL	12	060946		010487	
81910	PARTHIBAN N	13	120550		010487	
81951	DURUSHAR G D	14	010653	171170	010487	
81911	NAYAN NABIN CHANDRA	15	070241	070262	010487	
81911	MURTHY T P LAKSHMI N	16	051254	161073	010487	
81914	MUDDOL G M	17	010448	080671	010487	
81915	SAMBASIVAN V	18	070546	040566	010487	
81916	KAMAL VINAY	19	101852		010487	
81917	MAHENDRA E C	20	181148	130466	010487	
81918	RAJIV MANOJ	21	081551		010487	
81919	CHAND LIPAPAT	22	190245		010487	
81920	SAHIN K L	23	010781	091272	010487	

PAT A/C & FINANCE 559					BLUE BOOK	
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR	

81962	RATHINAM V	24	070542	200462	010487	
81963	SELVARAJ M	25	010254	190773	010487	
81964	CHANDRASEKHARAN C	26	030548	050767	010487	
81966	SAHA PARAS NATH	27	020351	240574	010487	
81967	PRASAD BASUDEN	28	011151	010673	010487	
81968	MOORTHY I T	29	060656	010574	010487	
81969	MUSNUR N E	30	190551	011071	010487	
81970	BANERJEE SWAPAN KUMAR	31	020147	030469	010487	
81971	DESHPANDE K G	32	151145		010487	
81972	MAHARAJAN K S	33	190151	060571	010487	
81973	KUMAR JAGDISH NARAYAN	34	030242	180961	010487	
81974	GIRHEPUJE M D	35	291251	100573	010487	
81975	RAMA KISHAN	36	010447	300766	010487	
81976	UPPUNDA T P	37	301144	100571	010487	
81977	CHAUHAN SANWAR MAL	38	050349		010487	
81978	GOSWAMI R E	39	141053	180172	010487	
81979	SHUKLA RAM BAKSHA	40	010148	170171	010487	
81980	SINGH P N	41	250749		010487	
81981	HANDA SASHI DEKHAR	42	300342	070274	010487	
81982	RAJASEKHAR E	43	010751	151075	010487	
81983	MAJUMDAR SUPANAL KANTI	44	010352	160875	010487	
81984	SHIV LAL	45	101251	041271	010487	
81985	NAGARAJAN C	46	260749	211167	010487	
81987	VENKATAPATHY K	47	100452	140773	010487	
81988	PUSHPAPAL D	48	130651	140773	010487	

The question of stepping up of pay has been examined in  
consultation with the Department of Training and Development



ANNEXURE-

Assistant Accounts Officer

PST A/C &amp; FINANCE 560 BLUE BOOK

Sl. No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
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1985	KARNA SURENDRA LAL	49	090548	200970	010487
1991	KISHOR H K	50	250754	210574	010487
1992	ABDUL MD NASEEM	51	060442	151265	010487
1994	MUKHOPADHYAY DIPAK KR	52	170948	100269	010487
1995	LALA CHAURASIA	53	070443	160465	010487
1996	VERMA R K	54	201051	031072	010487
1997	PALNIKAR R K	55	200245	110967	010487
1998	CARPENTER GHANSHYAM LAL	56	090446		010487
1999	SAWATKUR D S	57	291152	230173	010487
2000	AMRITKAR R S	58	110649	091269	010487
2001	KAR PRAVAT KUMAR	59	010750	120171	010487
2002	SINGH HARI	60	140153		010487
2003	VIJAYAN K K	61	151151	141273	010487
2004	KAGAPPAN C	62	050749	040673	010487
2005	MITRA SARADINDU	63	010450	290573	010487
2006	KRISHNAMURTHY M	64	060849	281271	010487
2007	ROY RAMASHISH	65	061047	010767	010487
2008	PAL ANURANJAN	66	241041	010765	010487
2009	KAR BIPAD CHANDRA	67	011244		010487
2010	ELAKRISHNAN S	68	150453	020360	010487
2011	DAS PRAMODE RANJAN	69	080535	020360	010487
2013	SINGH RANG SHADUR	70	030948	011269	010487
2014	NATH SWAPAN KUMAR	71	090750	080271	010487
2015	SUPTA SATYA NARAYAN	72	050745	270766	010487
2016	CHA PRATAP NARAYAN	73	240241	140563	010487

PST A/C &amp; FINANCE 561 BLUE BOOK

Sl. No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
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82017	SINGH MOHAN	74	040342		010487
82018	SRIHARI SRIPADA	75	051037	040658	010487
82019	MALASI K B	76	010855	130775	010487
82020	VINAYAGASUNDARAM M	77	150466	241275	010487
82021	SHARMA R P	78	220548	081171	010487
82023	JAIN RAM NIWAS	79	060552	010374	010487
82024	BRIJ NARAIN	80	121248	180272	010487
82025	DAS BABOO	81	211147		010487
82026	BASAVA RAJU A	82	160150	030870	010487
82027	MUTHUSWAMY M	83	301252	151272	010487
82028	SATPAL D R	84	170649		010487
82029	SINGH BAHADUR	85	040350	260273	010487
82030	NIKAM B D	86	010750	081073	010487
82031	SELVARAJ K	87	160354	030974	010487
82032	RAM SARAN	88	221250	120870	010487
82033	DHAYALAN R	89	100646	040566	010487
82034	MISHRA AMARESH	90	080346	130667	010487
82035	BHARDAWAJ A K	91	151150	210771	010487
82036	SUNDARARAJAN P	92	140149	030667	010487
82037	PRASANNAKUMAR D A	93	180642	300465	010487
82038	RANGARAJ R	94	150952	141272	010487
82039	UMA SHANKAR S	95	060248	261068	010487
82040	SEKHAWAT KALYAN SINGH	96	050247		010487
82041	DEB BISWAJIT	97	010147		010487
82042	GARG ROHTAS KUMAR	98	030849	041273	010487

Attested.

Advocate.




Assistant Accounts Officer (A & P)  
O/O The C.G.M.T., Aram Circle,  
Guwahati - 7

benefits of the Government can be  
placed Govt. servants. This is  
accorded to other similarly

Assistant Accounts Officer

STAFF A/C & FINANCE 562 BLUE BOOK

Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
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82043	BISHAS PRABIR	99	190752	300775	010487
82044	NARAYANAN R	100	160353	301074	010487
82045	SUR MRINAL KANTI	101	190943	010163	010487
82046	SINGH JATINDER	102	091043		010487
82047	SHALIGRAM	103	050352	030374	010487
82048	PARIHAR R S	104	150551	010272	010487
82049	SHARMA KAMAL KUMAR	105	061049	191273	010487
82050	RETANADE P S	106	010653	110772	010487
82051	CHODHARY BIRENDRA KR	107	311052	151075	010487
82052	MALLIK JAGANNATH	108	010138	190957	010487
82053	RAJ PAL	109	090851	271073	010487
82054	RAMAMURTHY S	110	200151	260572	010487
82055	ACHAR SANJEEVA	111	130654	280775	010487
82056	NAIK SURESH J	112	310553	300774	010487
82057	SRINIVASHMURTHY C	113	250943	220363	010487
82058	LADU LAL	114			010487
82059	KUSHWANA RAM DUTT	115	050351	061074	010487
82061	SIVASAMBI REDDY M	116	011045	290667	010487
82062	VENKATA RAO B	117	020652	300774	010487
82063	THANKAPPAN P	118	280344	051164	010487
82064	PAPANNA P	119	160544	130767	010487
82065	KANOJIA RAJA RAM	120	090741	030465	010487
82066	PARTAP MOHINDER	121	010147	010667	010487
82067	ALI MD WAGEY	122	170547	231171	010487
82068	PANDE P M	123	140144	200265	010487

STAFF A/C & FINANCE 563 BLUE BOOK

Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
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82069	KUNHAN M	124	050749	140868	010487
82070	ROY ANJAN	125	041053	260973	010487
82071	PAL BHAKTI PADA	126	111049	011169	010487
82072	HARIHARAN V K	127	150450	070972	010487
82073	MURLI K	128	230254	161074	010487
82074	CHANDRA PRAKASH	129	040746	011172	010487
82075	ADINARAYANA S	130	010746	161066	010487
82076	HARIDAS M K	131	310352	220873	010487
82077	KUNDU KRISHNA KANT	132	031053	071273	010487
82078	PRASAD KISHORI	133	201144	230667	010487
82079	MISS JAMUNA BAI K	134	100852	220175	010487
82080	GANAPATHY K S	135	110543	200964	010487
82081	GUPTA M L	136	150652	061173	010487
82082	SINGH SHER	137	100745	110768	010487
82083	LALITHA R	138	101054	310773	010487
82084	PRASAD JITENDRA	139	180153	270874	010487
82085	SUBRAMANIAN S	140	210748	080169	010487
82086	KATTI B R	141	170142	251062	010487
82087	DASGUPTA MRIGENDRA CH	142	120653	230776	010487
82088	PAULOSE K K	143	170146	231065	010487
82089	GHOSH DEBA PRASAD	144	200744	190765	010487
82090	VERMA BABULAL	145	131248		010487
82091	SINGH JAI KARAN	146	010448	140469	010487
82092	MURALI KRISHNA RAO S	147	090751	231173	010487
82093	RAJALAKSHMI K	148	200149	091072	010487

Attested.

Advocate.

Accounts Officer (A & P)  
O/O The C.G.M.T., sam Circle

The date of stepping up  
attention with the D.P.C. Tribunal is

Noted that the

# A/C & FINANCE 566 BLUE BOOK

Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
146 VINOD KUMAR	199	271051	220573	010487
147 BHAVALESHWAR S B	200	010653	281175	010487
148 KHALASEKAR G	201	230556	040475	010487
149 SINHA ANJANI KR	202	030146	171164	010487
150 KHALAWANI V	203	150653	180676	010487
151 SINGH DINESWAR PD	204	050649	090571	010487
152 RAMA IYER R	205	230349	091270	010487
153 LALA M M	206	100642	020662	010487
154 VAITHISUBRAMANIAN B	207	200156	030974	010487
155 RAMAKRISHNA KARANTH K N	208	120252	140172	010487
156 BALASUBRAMANIAN N	209	210156	240275	010487
157 MITTAL SATYA NARAYAN	210	150552	211071	010487
158 ADINARAYANA T	211	011245	010366	010487
159 VELAPPAN NAIR K	212	070252	310573	010487
160 SAXENA RAJESH KUMAR	213	050744	310365	010487
161 BHASKARA PILLAI C	214	171153	260573	010487
162 SINGH VIR PAL	215	011246	160566	010487
163 SEKAR V	216	200452	140873	010487
164 CHANDRASEKARAN T K	217	281154	101075	010487
165 SEN RATHINDRA KUMAR	218	150149	130672	010487
166 SINGH RASHUBIR	219	050144	120166	010487
167 DEVADAS S	220	140850	210370	010487
168 FREM KUMAR P M	221	110246	250564	010487
169 RAJU SARASWATHY	222	010744	300964	010487
170 LASSUPTA RATTAN KUMAR	223	140143	190463	010487

# PET A/C & FINANCE 567 BLUE BOOK

Staff Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
82171 SHARMA SATYA PRAKASH	224	070548	221167	010487
82172 REVATHY C G	225	280555		010487
82173 SINGH NAURANG	226	050946	240270	010487
82175 PAL DURGA DAYAL	227	251149	160176	010487
82176 DESIKAN V	228	151052	010274	010487
82177 BHATTACHARJEE ASHIT R	229	010150	080869	010487
82178 JOTHI K	230	150353	140873	010487
82179 RAJALAKSHMI M	231	040551	260273	010487
82180 RANGANATHA M S	232	060353	010674	010487
82181 NAYAK AJIT KUMAR	233	060748	010874	010487
82182 MALLIKA T	234	090451	010673	010487
82183 GANGULY INDRANATH	235	280644	040565	
82184 BALASUBRAMANIAN S	236	070656	080975	010487
82185 DAS BIMAL CHANDRA	237	241144	210865	010487
82186 PANDE INDER SEN	238	100152	031072	010487
82187 SUBBIAN A	239	241049	140872	010487
82188 HEGDE S M	240	210149	220474	010487
82189 PATEL C A	241	020451	260573	010487
82190 SESHADRI S	242	280344	290174	010487
82191 MUHAJAH V	243	010547	190567	010487
82192 PREMACHANDRA NAIR M K	244	221047	020768	010487
82193 KRISHNAMURTHY B M	245	270746	160965	010487
82194 SANT LAL	246	151448	090867	010487
82195 RAJENDRAN C	247	261253	050973	010487
82196 GUPTA MUSAFIR RAM	248	010549	020471	010487

Assistant Account Officer

sd.

ccate.

Account Officer (A & P)

O/O The C.G.M.T., Assam Circle,

Guwahati - 7

# 568 BLUE BOOK

Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/FR
1197	YADAV MATAMANI	249	040250		010487
1198	JAGAN BABU S	250	260152	200575	010487
1199	SATYA PRAKASH G	251	100155	291076	010487
1200	SMT NIRMALA M	252	200954	231073	010487
12201	KAUL SURINDER KUMAR	253	010453	020574	010487
12202	PANDHAL KARAMCHAND	254	190353	150374	010487
12203	BIHATT B G	255	280839	250861	010487
12204	RAJASEKARAPPA P C	256	020351	290675	010487
12205	SATYA PRAKASH	257	100154	150175	010487
12206	UPASHI P B	258	150644	300165	010487
12207	VENUGOPALAN V	259	201156	161176	010487
12208	KHURANA SOM NATH	260	130539	161258	010487
12209	CHAKRABORTY RATAN CH	261	181051	160873	010487
12210	CHAMAN LAL	262	010748	180768	010487
12211	GEORGE KUTTY K T	263	120250	131072	010487
12212	SAVINDRAN K	264	210449	171273	010487
12213	AGARWAL ANAND PRAKASH	265	030947	280467	010487
12215	VISHNUDASAN NAIR K	266	101046	221265	
12216	SRI KUMAR R	267	041252	070773	010487
12218	VIMALA D	268	200546	101165	010487
12219	VEDAMANICKAM C	269	131254	170576	010487
12220	KANNAN S	270	150852	151272	010487
12221	VERGHESE M T	271	020649	241073	010487
12222	PAMANATHAN P	272	080749	310571	010487
12223	NAGABHUSHANAM M	273	010949	301270	010487

## 569 BLUE BOOK

Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/FR
82224	RAMACHANDRAN NAIR N	274	010650	150670	010487
82225	CHAUHAN B B	275	160547	030569	010487
82226	JOSEPH XAVIER G	276	200453	040573	010487
82227	MALIK RAM MEHAR	277	150652	200771	010487
82228	DARJI R S	278	010654	120673	010487
82237	SATYANARAYANA D	279	300448	180668	010487
82238	NARHARI B	280	251145	100868	010487
82239	SINGH SHAMSHER	281	010255	160576	010487
82240	DUHAN SATYANARAIN	282	101250	051071	010487
82241	BANDOPADHYAY KALYAN KR	283	031052	170174	010487
82242	SARDANA MANOHARLAL	284	200552	200771	010487
82243	ROYCHOWDHURY SANDIP	285	070155	310876	010487
82244	SRI RAMA MURTHY Y	286	020453	010574	010487
82245	SANKARAN V V	287			010487
82246	SATTA KUMARESH CH	288	310152	070676	010487
82247	LAKSHMI P	289	061150	250972	010487
82248	DEY MAJUMDAR BHASWATI	290	140550	270872	010487
82249	MITRA SUBASH CHANDRA	291	140151	100576	010487
82250	RAJENDRAN V	292	150454	280773	010487
82251	MUKHERJEE TAPAS	293	181251	240776	010487
82252	MADAN JAI DEO	294	311255	161074	010487
82253	MANVI N V	295	010654	200773	010487
82254	PAL CHOUDHURY BIMAL KR	296	020743	021264	010487
82255	RAJARAM K S	297	201251	150573	010487
82256	RAGHAVENDRA M S	298	291249	300774	010487

Assistant Account Officer

Accounts Officer (A & P)  
C.G.M.T., Assam Circle  
Gahad - 7

Accounts Officer

- 19 -

PAY A/C & FINANCE		546	BLUE BOOK		
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81656	DEEN DAYAL	1149	070250	030471	240392
81657	MOHANRAJ R A	1150	031052	110873	120491
81658	CHAKRABORTY HARAN CH	1151			260491
81659	SAHOO BHIMSEN	1152	030450	030374	110691
81660	VISHWAKARMA JIT BAHADUR	1153	010747	080568	091091
81661	BHAGWATH V G	1154	160547	270166	200591
81663	PALANI P	1155	150952	140873	300591
81664	NATHI LAL	1156	010355	250374	
81665	RAJESWARAN R	1157	021253	071074	260691
81666	SINDHI ABDUL SATTAR	1158			230491
81667	BAGCHI TANMOY	1159	030152	140873	240491
81668	NANJUNDASWAMY S	1160	100253	200574	290192
81669	RAZAK ABDUL	1161	050148	161266	250691
81671	PATEL B S	1162	010649	060659	020491
81672	MANICKAVACHAKAM T	1163	090554	070475	250391
81673	JAYARAJ P	1164	150545	231264	301191
81674	MOHANTY NIMAIN CHARAN	1165	011151	010471	290591
81675	BANERJEE JAYANTA	1166	020354	020773	300491
81676	GUPTA RABINDRA KUMAR	1167	090745	060765	290691
81677	KANGASABAPATHI T	1168	210547	200566	300591
81678	CHHABRYA B R	1169	160747	090671	290491
81679	THAKUR CHANDA	1170	090454	281074	100491
81680	PITCHIBABU V	1171	050841	170265	300491
81681	SHANKAR BELLUBBI P	1172	010649	071071	
81682	MATHURIA R S	1173	010945	110856	

PAY A/C & FINANCE		547	BLUE BOOK		
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81683	MALATHI N	1174	190649	040472	271291
81684	GUPTA HARISH CHANDRA	1175	150953	260475	230491
81685	THIRUNGNANA SAMBANDAM D	1176	150853	141174	120491
81686	SINGH PIARA	1177	081044	010365	120491
81687	JHA A	1178	151237	051056	250491
81688	SUPARNA N K	1179	200142	010463	260491
81689	MOITRA MUKUT	1180	050149	011273	300891
81690	BAHETI GOPAL LAL	1181			300491
81691	SINGH SUMER	1182	020145	300769	
81692	SALI N O	1183	300950	280674	190491
81693	RAM AVTAR	1184	250657	241275	010691
81694	SINGH RAMESHWAR	1185			
81695	VASU K M	1186	220248	261070	
81696	ROY SUBRATA GOPAL	1187	200148	100372	300591
81697	DAYAL VISHWAMBHAR	1188			170591
81698	JAI RAM	1189	220944	081065	160491
81699	YAMUNA M C	1190	160351	260972	150192
81700	JAIN JAGDISH CHAND	1191	080152	130172	190791
81701	NARANG JAI KISHAN	1192	151238	251159	311091
81702	PRAKASA RAO S S	1193	010744	021264	300491
81703	RAMACHANDRAN NAIR S	1194	060149	151275	
81704	PRAJAPATI N R	1195	200247	091069	260591
81705	RAVINDRAN R	1196	280255	120873	300691
81706	RAMASUBRAMANIAN	1197	030554	070573	300891
81707	ANGUCHAMY P	1198	200246	090266	131291

200.00.

Advocate.

Sew.

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Accounts Officer (A & F)  
 O/O The C.C. P., Arund Circle,  
 Guwahati - 7

The case of stepping up of pay has been examined in  
 consultation with the DOP & Trg. and it has been clarified that the

P&T A/C & FINANCE		548	BLUE BOOK		
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
1708	NEELAKANDAN NAIR P K	1199	250346	261064	160991
1709	NAGARAJAN T S	1200	100152	020673	170691
1710	RAHANI S	1201	140752	040472	260491
1711	NAGAPATI BHAT V	1202	100551	190773	220491
1712	MUKHERJEE BIDUR BHUSHAN	1203	010349	190573	290491
1713	GANGULY PIJUSH KANTI	1204	030244	161163	310591
1714	KASRULLAH MD	1205	010750	260972	231091
1715	DAKSHINAMOORTHY V	1206	150648	011067	010791
1716	THRILOKIAN R	1207	040151	151070	260691
1717	SANTHAKUMAR P	1208	130256	030974	100491
1718	HAJEED ABDUL	1209	200349	270270	281091
1719	ISLAM WASI UL	1210			291091
1720	JAHARDHANAN C	1211	170546	060366	040192
1721	SHARMA POORAN MAL	1212			101091
1722	JAIN DAYA CHAND	1213	120842	261068	291091
1723	VARADARAJAN G	1214	280254	260974	150591
1724	PRAJAPTI D V	1215	020649	070869	170691
1725	KESAVA RAO V	1216	030953	090574	250391
1727	SRINIVASAN K R	1217	100949	121070	260491
1728	MUDALKAR S S	1218	161052	230173	250391
1729	BEHARI LAL	1219	071150	071072	291091
1730	SRIVASTAVA ASHOK KUMAR	1220	181149	310771	300891
1731	VASAN A	1221	090554	160475	290791
1732	HENRY RAJADURAI A	1222	160654	010974	070691
1733	CHENCHAIAN S	1223	010745	160964	040491

P&T A/C & FINANCE		549	BLUE BOOK		
Staff No.	Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81734	KHARE HANUMAN PRASAD	1224	210744	160465	120292
81735	SYRIAC K C	1225	171048	080368	
81736	NARAYANA P	1226	030851	010371	250391
81737	NAGARAJAN K	1227	141253	190773	250391
81738	NATARAJAN K	1228	250656	020675	290491
81739	TEWARI SANT RAM	1229	080649	020769	261091
81741	DHAR SURINDER KUMAR	1230	200354	011174	190491
84560	RAVIKUMAR P K	1231	090351	311072	131191
81742	GAHAS V G	1232	080952	210775	250391
81743	RAJU S V	1233	020656	140675	250391
81744	SHANMUGA SUNDARAM K	1234	160747	310168	040491
81745	RAMAKRISHNA G V	1235	180652	090374	170192
81746	GUPTA CHEDDILAL	1236	031146	170369	311031
81747	SINGH BANAY	1237	010751	230371	
81748	SAWANT B M	1238	200249	040371	250391
81750	RAMAMURTHY A	1239	191148	141067	161291
81751	IRUDAYARAJ A	1240	081244	160272	250391
81752	RAMA KRISHNA B	1241	010749	160969	220791
81753	PRASAD GOVINDJI	1242	020850	070271	240691
81754	SUNDAR R	1243	220755	130474	050491
81755	JAYAPRAKASH S G	1244	010754	110573	290491
81756	SIVAMANICKAM A	1245	240652	170674	
81757	SHARMA TULSI RAM	1246			
81758	CHAUDHARY R S	1247	011246	110669	220691
81759	PRAJAPAT MOOLCHAND	1248			


Att. a.  
S.  
Advocate.

Seen  
ms

Accounts Officer (A & P)  
O/O The C.G.M.T., Assam Circle,  
Guwahati - 7

554 BLUE BOOK				
Staff Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81870 BALUSAMY M.	1349			130392
81871 RAY RAJA MOHAN	1350	150142	090665	
81872 SUDHAKAR K	1351	040748	250568	131192
81873 RATTINAKUMAR S	1352	050153	151272	190792
81874 MANI V	1353	100655	010176	240892
81875 KHAN SHAHAR YAR	1354	241249	030172	270292
81876 VENKATESH H	1355	040150	180473	
81877 SELVARAJ R	1356	040752	010373	151092
81878 BALACHANDRAN C M	1357	150353	120873	
81879 BALARAMIAH C	1358	010750	070871	130492
81880 GUJALE D D	1359	050440	081161	240392
81881 SINGH RAM NARESH	1360	020551	171073	050692
81882 DURAI PANDIAN C	1361	251154	161073	130592
81883 GURUMURTHY S	1362	230354	270574	300992
81885 SAMPATH KUMAR C R	1363	151251	100672	100692
81887 SATYANARAYANA A	1364			161092
81888 VENKATESWARLU B	1365	150349	090773	140992
81889 GARG JAI BHAGWAN	1366			080392
81890 NAYAK S THIMMAPPARAYA	1367	010545	270165	
81891 VENKATA REDDY K	1368	031045	040367	161192
81892 NAIR K SATHIASEELAN	1369	060545	031264	
81893 JAT KANSHI RAM	1370	021051	010274	290592
81894 SINGH PHULESHWAR PD	1371	010149	170671	
81895 ANGUCHAMY M	1372	180153	070573	151292
81896 THALAMUTHU G	1373	230649	181072	040193

555 BLUE BOOK				
Staff Name	Sen. No.	Date of Birth	Date of Entry	Date of DPC/PR
81897 DUBEY SURESH PRASAD	1374	010949	190471	
81898 JAIN KAILASH CHANDER	1375	300449	281068	270292
81899 JAIN VIJENDER KUMAR	1376	271148	080467	080492
81901 PRASAD KAMALA	1377	030943	221063	281192
81903 RAYAKAR MOHAN G	1378	290646	071066	
81904 KAUNDAL MOHAN LAL	1379			030392
81905 KATHORE HARI RAM	1380			
81906 VISWANATHAN R	1381	060654	280773	130193
81907 DAS NITYA NANDA	1382	150646	260765	
81908 PARDASANI KHEM CHAND	1383			
81909 AMBANI H K	1384			170692
81910 ARORA M P	1385	050552	170675	
81911 CHAUDHARY HIRALAL	1386	050147	121166	
81912 JAYARAMAN K	1387	121042	300465	
81913 BHARADWAJ RAM KUMAR	1388			140792
81914 SINHA UPENDRA KUMAR	1389	290749	020769	
81915 MISRA SHATRUGHAN LAL	1390	100853	301074	
81916 RASHID SYED HAROON	1391	020256	191175	
81917 BOSE SAMAR KUMAR	1392	150752	011174	
81918 KHAN MOHD IQBAL	1393			
81919 APPA RAO A	1394	040649	030369	
81920 KRISHNAIAH P V	1395	200244	040264	110293
81921 SESHAVATHARAM K	1396	010654	021275	
81922 KOLHARKAR B R	1397	030543	030866	140792
81923 RAGHAVAN V S	1398	020651	200971	

Attested.  
  
 Advocate.

Accounts Officer (A & P)  
 T/O The G.C.M.P. Circle,  
 Guwahati - 7

The entry of stepping up of pay has been examined in

and it has been clarified that the

From :-

H. C. Chakraborty,  
Accounts Officer (Cash)  
O/O the Telecom District Manager,  
Kamrup Telecom District,  
GUWAHATI - 781007.

To

The Chief General Manager,  
Assam Telecom Circle,  
GUWAHATI - 781007.

( Through the proper channel )

Sub :- Anomaly in Fixation of Pay - Pray  
Redressal by stepping up of Pay on par  
with junior Sri RATAN CHANDRA CHAKRABORTY,  
Accounts Officer (SBP), O/O the Telecom  
District Engineer, Krishnanagar, Nadia (W.B.).

Respected Sir,

With due respect, I wish to submit the following  
representation on the above subject for your kind consideration and  
issue of favourable orders.

I belong to February 1980 batch of Junior  
Accounts Officer and I was promoted as Accounts Officer on regular  
basis with effect from 24-4-1991. My Pay on regular promotion was  
fixed at Rs.2375/- with D.N.I. to Rs.2450/- on 1-6-91.

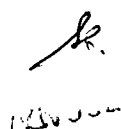
- Shri RATAN CHANDRA CHAKRABORTY, Accounts Officer,  
(SBP), O/O the Telecom. District Engineer, Krishnanagar, Nadia, West  
Bengal who belongs to 1981 recruitment of Junior Accounts Officer and  
junior to me in the cadre was promoted as Accounts Officer on regular  
basis with effect from 27-06-1994. His Pay on regular promotion as  
Accounts Officer was fixed at Rs.2750/- with D.N.I. to Rs.2825/- on  
01-08-1994. The anomaly is due to his officiating opportunities as  
Accounts Officer in the office of the Chief General Manager, West Bengal  
Circle, Telecom Region, Calcutta and the subsequent protection of Pay  
on regular promotion under Rule FR-22C (Proviso - 4).

By virtue of his posting in the West Bengal  
Telecom Region and also due to the circumstances prevailing therein  
Sri Ratan Chandra Chakraborty, Accounts Officer had opportunities to  
work as Accounts Officer in the officiating capacity for a pretty long  
period and had drawn several increments in the officiating post of  
Accounts Officer. When he was regularly promoted as Accounts Officer  
with effect from 27-06-1994 his Pay was fixed at Rs.2750/- with D.N.I.  
to Rs.2825/- with effect from 01-08-1994 taking into account the Pay  
drawn in the officiating post of Accounts Officer and the increment  
drawn thereon.

It may be seen from the Blue Book Numbers  
furnished below that Sri Ratan Chandra Chakraborty is junior to me in  
the cadre of Asstt. Accounts Officer as well as Accounts Officer since  
the seniority remains the same for Accounts Officer.

<u>Name</u>	<u>Staff No. in the Blue Book</u>	<u>Seniority in the cadre</u>
H. C. Chakraborty	81,558	1151 as Accounts Officer
Ratan Chandra Chakraborty	82,209	261 as Asstt. Accounts Officer.

(Contd.)





I would like to bring to your kind notice that the Honourable Supreme Court of India had a similar case dated 28-9-1991 pronounced that the seniors are entitled to fixation of their Pay on par with the Pay of such juniors. The Supreme Court has also observed that for the reasons of not having the benefit of fortuitous adhoc promotions the Seniors should not be at the disadvantage in Pay fixation and therefore the Pay of the Seniors to be stepped up on par with the junior.

It may kindly be seen from the above fact that even though I am senior to Sri Ratan Chandra Chakraborty, I am drawing lesser Pay than him as a result of fortuitous adhoc promotions enjoyed by him in West Bengal Telecom. Region, whereas I could not have that much opportunities to officiate as an Accounts Officer which is due to the Administrative exigencies.

The reason of not having the opportunity to enjoy Officiating Adhoc promotion in one Circle due to the prevailing administrative exigencies should not disentitle the senior to draw Pay atleast equal to that of ~~xxxxx~~ the junior.

Thus I become entitled for the stepping up of my Pay on par with my junior Sri Ratan Chandra Chakraborty, Accounts Officer(SBP), O/O the Telecom District Engineer, Krishnanagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

Further, I would like to bring to your kind information that in the cases of similar nature have already been decided in favour of applicants by the Division Bench of CAT, Ernakulam, vide O.A. 1150/93 dated 29-10-1993. The same view has been taken by the CAT, Bombay in judgement delivered on 19-07-1994 in respect of O.A. 926/93 and the other O.As comprising of 54 applicants. The CAT, Madras also held the same view while disposing of the O.A. No.1308/93. It is further for your kind information that DOT has already accepted the verdict of CAT, Ernakulam and issued orders for implementation vide reference No. 49-72/93-PAT dated 14-06-1994.

Under the above circumstances, I humbly request you Sir, to kindly review my case of Pay fixation and cause issue of orders for stepping up of my Pay to the stage of Rs.2750/- with effect from 27-06-94 with D.N.1. to Rs.2825/- on 01-06-94 on par with my junior Sri Ratan Chandra Chakraborty, Accounts Officer(SBP), O/O the Telecom District Engineer, Krishnanagar, Nadia, West Bengal for which act of kindness I shall remain grateful to you.

Thanking you Sir,

Yours faithfully,

*H. C. Chakraborty* 6-2-95  
(H. C. Chakraborty),

Copy to :- 1) The Chief Accounts Officer,  
O/O the TDM/GH.

2) Advance copy to the C.G.M., Assam Telecom Circle,  
Guwahati - 781007.

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*Account*  
*Handwritten signature*  
O/O The C.G.M., Assam Circle,  
Guwahati - 7

From

B.B. Meekherjee  
Accounts Officer  
O/O the T.D.E., Nagaon  
Nagaon - 782 001

A/3B  
- 24 -

ANNEXURE-3B

To

The Chief General Manager Telecom  
Assam Circle, Ullubari  
GUWAHATI - 781 007

( Through proper channel )

Sub : Anomaly in Fixation of Pay - Pray Redressal  
by stepping up of pay on par with junior  
Sri RATAN CHANDRA CHAKRABORTY Accounts Officer  
(SBP) O/O the Telecom District Engineer,  
Krishnagar, Nadia (W.B.).

Respected Sir,

With due respect, I wish to submit the following  
representation on the subject mentioned above for your kind  
consideration and issue of favourable orders.

I belong to February 1980 batch of Junior Accounts  
Officer and I was promoted as Accounts Officer on regular basis  
w.e.f. 29-4-91 (Officiating 29-10-90 continuously). My pay on  
promotion was fixed at Rs. 2375/- with DNI to Rs. 2675/- on  
1-10-94.

Sri Ratan Chandra Chakraborty, Accounts Officer  
(SBP) O/O the Telecom District Engineer, Krishnanagar, Nadia,  
West Bengal, who belongs to 1981 promotion of Junior Accounts  
Officer and junior to me in the cadre, was promoted as Accounts  
Officer on regular basis with effect from 27-06-1994. His pay  
on regular promotion as Accounts Officer was fixed at Rs. 2750/  
with DNI to Rs. 2825/- on 01-8-1994. The anomaly is due to his  
officiating opportunities as Accounts Officer in the office of  
the Chief General Manager, West Bengal Circle, Telecom Region,  
Calcutta and the subsequent protection of pay on regular promo-  
tion under Rule FR 22C (Proviso 4).

By virtue of his posting in West Bengal Telecom  
Region and also due to circumstances prevailing there <sup>in</sup> on Shri  
Ratan Chandra Chakraborty, Accounts Officer had opportunities  
to work as Accounts Officer in the officiating capacity for a  
pretty long period and had drawn several increments in the  
officiating post of Accounts Officer. When he was regularly

Attested.

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promoted as Accounts Officer with effect from 27-06-1994, his pay was fixed at Rs. 2750- with D.N.I. to Rs. 2825/- with effect from 01-08-1994 taking into account the pay drawn in the officiating post of Accounts Officer and the increment drawn thereon.

It may be seen from the Blue Book Number furnished below that Shri Ratan Chandra Chakraborty is junior to me in the cadre of Assistant Accounts Officer as well as Accounts Officer since the seniority remains the same for Accounts Officer.

<u>Name</u>	<u>Staff No. in the Blue Book</u>	<u>Seniority in the Cadre (A.A.O)</u>
MOOKHERJEE B.B.	81712	1203

I would like to bring to your kind notice that the Honourable Supreme Court of India had a similar case dated 28-9-91 pronounced that the seniors are entitled to fixation of their pay on par with the pay of such juniors. The Supreme Court has also observed that for the reasons of not having the benefit of fortuitous adhoc promotions, the seniors should not be at the disadvantage in pay fixation and therefore the pay of the seniors be stepped up on par with the junior.

It may kindly be seen from the above fact that even though I am senior to Shri Ratan Chandra Chakraborty, I am drawing lesser pay than him as a result of fortuitous adhoc promotions enjoyed by him in West Bengal Telecom Region, whereas I could not have such opportunities to officiate as an Accounts Officer which is due to Administrative exigencies.

The reason of not having the opportunity to enjoy officiating Adhoc promotion in one Circle due to the prevailing administrative exigencies should not disentitle the senior to draw pay atleast equal to that of the junior.

Thus I become entitled for the stepping of my pay on par with junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP) O/O the Telecom District Engineer, Krishnagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

Further, I would like to bring to your kind information that in the cases of similar nature have already been decided in favour of applicants by the Division Bench of CAT. Ernakulam, Vide O.A. 1150/93 dated 29-10-1993. The same view has been taken by the CAT Bombay in judgement delivered on 19-07-1994 in respect of O.A 926/93 and ten other O.A.S. comprising of 54 applicants. The CAT/Madras also held the same view while disposing the O.A. No. 1308/93. It is further for your kind information that DOT has already accepted the verdict of CAT. Ernakulam and issued orders for implementation vide reference No. 49-72/93-PAT dated 14.6.94.

Under the above circumstances, I humbly request you Sir, to kindly review my case of pay fixation and cause issue of orders for stepping of my pay to the stage of Rs. 2750/- with effect from 27-06-1994 with D.N.I. to Rs. 2825/- on 01-8-94 on par with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP), O/O the Telecom District Engineer, Krishnagar, Nadia, West Bengal for which act of kindness I shall remain grateful to you.

Thanking you Sir,

Yours faithfully,

Place : ~~Guwahati~~ NAGARON.

Date : 2.2.95

Copy to :-

The Chief Accounts Officer,  
O/O CGM Telecom, Assam Circle  
Ullubari, Guwahati - 7.

*B. B. Mookherjee*  
( B.B. MOOKHERJEE )

*B. B. Mookherjee*

*Secy*  
*MS*  
Accounts Officer (A & P)  
O/O The C.G.M.T., Assam Circle,  
Guwahati - 7

*Attoc.ed.*  
*Advocate.*

From: =

Shri T.S. Nagarajan,  
Accounts Officer( )  
o/o the Director Mtce, ETR,  
Guwahati-781003.

ANNEXURE 3C

To,  
The Chief General Manager,  
Maintenance, ETR,  
7, Kshetra Das Lane,  
Calcutta-12.

Respected Sir,

Sub: = Anomaly in Fixation of pay-pray  
Redressal by Stepping up of pay  
on par with Junior Sri RATAN CHANDRA +-  
CHAKRABORTY Accounts Officer(SBP )  
o/o the Telecom District Engineer,  
Krishnagar, Nadia (W.B)

With due respect, I wish to submit the  
following representation on the above subject  
for your kind consideration and issue of favour-  
-able orders.

I belong to February 1980 batch of Junior  
Accounts Officer and I was promoted Accounts  
Officer on regular basis with effect from 17-6-91.  
My pay on regular promotion was fixed at  
Rs.2300/- with DNI to Rs.2450 on 1-4-1992.

SHRI RATAN CHANDRA CHAKRABORTY. Accounts  
Officer(SBP), o/o the Telecom District Engineer,  
Krishnagar, Nadia west Bengal, who belongs to  
1981 recruitment of Junior Accounts Officer and  
Junior to me in the cadre, was promoted as  
Accounts Officer on regular basis with effect  
from 27-06-1994. His pay on regular promotion  
as Accounts Officer was fixed at Rs.2750/= Attes. ed.  
Advocate.  
with DNI to Rs. 2825/= on 01-08-1994. The  
anomaly is due to his officiating opportunities  
as Accounts Officer in of such juniors, The  
Supreme court has also observed that for the  
reasons of not having the benefit of fortuitous  
ad hoc promotions, the seniors should not be at  
the disadvantage in pay fixation and therefore  
the pay of the seniors be stepped up on par  
with the junior.

It may kindly be seen from the above fact that even though I am senior to Shri Ratan Chandra Chakraborty, I am drawing lesser pay than him as a result of for-fuitous adhoc promotions enjoyed by him in West Bengal Telecom Region, whereas I could not have that much opportunities to officiate as an Accounts Officer which is due to the Administrative exigencies.

The reason of not having the opportunity to enjoy officiating Adhoc promotion in one circle due to the prevailing administrative exigencies should not disentitle the senior to draw pay atleast equal to that of the Junior.

Thus I become entitled for the stepping of my pay on par with my Junior Shri Ratan Chandra Chakraborty, Accounts Officer(SBP)o/o the Telecom District Engineer, Krishnagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

Further, I would like to bring to your kind information that in the cases of ~~xxx~~ similar nature have already been decided in favour of applicants by the Division Bench of CAT.Ernakulam,Vide O.A. 1150/93 dated 29-10-93. The same view has been taken by the CAT Bombay in Judgement delivered on 19-7-1994 in respect of <sup>SA</sup> A.O. 926/93 and ten other O.A.S comprising of 54 applicants. The CAT/the officer of the Chief General Manager, West Bengal Circle, Telecom Region, Calcutta and the subsequent protection of pay on regular promotion under Rule FR 22 C(Proviso 4).

By virtue of his posting in West Bengal Telecom region and also due to the circumstance prevailing therein. Shri Ratan Chandra Chakraborty, Accounts Officer had opportunities to work as Accounts Officer in the officiating capacity for a pretty long period and had drawn several increments in the officiating post of Accounts Officer. When he was regularly promoted as Accounts Officer with effect from 27-06-1994, his pay was fixed at Rs.2750/-with D.N.I. to Rs.2825/-with effect from 01-08-1994 taking into account the pay drawn in the officiating post of Accounts officer and the increment drawn thereon.

It may be seen from the Blue Book Number furnished below that Shri Ratan Chandra Chakraborty is Junior to me in the cadre of Asstt. Accounts Officer as well as Accounts Officer since the seniority remains the same for Accounts Officer.

<u>Name</u>	<u>Staff No.in</u> <u>the Blue Book</u>	<u>Seniority in the</u> <u>cadre (A.A.O)</u>
-------------	--	---

T.S.Nagarajan.	81709	1200 as AO
Ratan Chandra Chakraborty.	82209	261 as AAO

I would like to bring to your kind notice that the Honourable supreme court of India had a similar case dated 28-9-1991 pronounced that the seniors are entitled to fixation of their pay on par with the pay Madras also held the same view while disposing the O.A. No.1308/93. It is further for your kind information that DOT has already accepted the verdict of CAT. Ernakulam and issued orders for implementation vide reference no.49-72/93-PAT dated 14-06-1994.

Under the above circumstances, I humbly request you Sir, to kindly review my case of pay fixation and cause issue of orders for stepping of my pay to the stage of Rs. 2750/- with effect from 27.06.1994 with D.N.I. to Rs. 2825/- on 01-08-94 on par with my Junior Shri Ratan chandra Chakraborty, Accounts Officer SBP), o/o the Telecom District Engineer, Krishnagar. Nadia, West Bengal for which act of kindness I shall remain grateful to you.

Thanking you, Sir,

Yours faithfully

*T.S. Nagarajan*  
( T.S. Nagarajan )

Place:=Guwahati.

Date:=5-12-94.

Copy to:=

1. The Chief Accounts Officer, o/o the C.G.M. ETR.  
Calcutta for information and necessary action.

*Sum*  
*MS*  
Accounts Officer (A & P)  
O/O The C.G.M.T., Assam Circle,  
Guwahati - 7

- 30 - A/ 3D  
From

3D

**CHUNKHIAH,**

**Accounts Officer.**

**O/o. the Executive Engineer (E),**

**Telecom Electrical Division.**

**Guwahati - 781 007.**

**To**

**The Chief General Manager Telecom,**

**Assam Telecom Circle.**

**Guwahati - 781 007.**

**(Through Proper Channel.)**

**Respected Sir,**

**Sub:- Anomaly in Fixation of Pay - Pray Redressal by  
stepping up of pay on par with Junior Sri RATAN  
CHAKRABORTY, Accounts Officer (SBP) O/o. the  
Telecom District Engineer, Krishnagar, Nadia (W.B.).**

**- - -**

**With due respect, I wish to submit the following represe-  
ntation on the above subject for your kind consideration and  
issue of favourable orders.**

**I belong to November 1980 batch of Junior Accounts Officer  
and I was promoted <sup>as</sup> Accounts Officer on regular basis with effect  
from 04-04-91. My pay on regular promotion was fixed at Rs. 2375/-  
with DMI to Rs. 2450/- on 01-04-92.**

**Shri RATAN CHAKRABORTY, Accounts Officer (SBP), O/o.  
the Telecom District Engineer, Krishnagar, Nadia, West Bengal,  
who belongs to 1981 recruitment of Junior Accounts Officer and  
Junior to me in the cadre, was promoted as Accounts Officer  
on regular basis with effect from 27-06-94. His pay on regular  
promotion as Accounts Officer was fixed at Rs. 2750/- with DMI  
to Rs. 2825/- on 01-08-94. The anomaly is due to his officiating  
opportunities as Accounts Officer in the office of the Chief  
General Manager, West Bengal Circle, Telecom Region, Calcutta  
and the subsequent protection of pay on regular promotion  
under Rule 57 22 C (proviso 4).**

**..... 2**

*Se.*



By virtue of his posting in West Bengal Telecom Region and also due to the circumstances prevailing therein Shri Ratan Chandra Chakraborty, Accounts Officer had opportunities to work as Accounts Officer in the officiating capacity for a pretty long period and had drawn several increments in the officiating post of Accounts Officer. When he was regularly promoted as Accounts Officer with effect from 27-06-94, his pay was fixed at Rs. 2750/- with D.A.I. to Rs. 2825/- with effect from 01-08-94 taking into account the pay drawn in the officiating post of Accounts Officer and the increment drawn thereon.

It may be seen from the Blue Book Number furnished below that Shri Ratan Chandra Chakraborty is junior to me in the cadre of Asstt. Accounts Officer as well as Accounts Officer since the seniority remains the same for Accounts Officer.

<u>Name</u>	<u>Staff No. in the Blue Book.</u>	<u>Seniority in the Cadre.</u>
J. CHENCHULAH.	81733	1223 as Accounts Officer.
RATAN CHANDRA CHAKRABORTY.	82209	261 as Assistant Accounts Officer.

I would like to bring to your kind notice that the Honorable Supreme Court of India had a similar case dated 28-09-91 pronounced that the seniors are entitled to fixation of their pay on par with the pay of such juniors. The Supreme Court has also observed that for the reasons of not having the benefit of fortuitous adhoc promotions, the seniors should not be at the disadvantage in pay fixation and therefore the pay of the seniors be stepped up on par with the junior.

It may kindly be seen from the above fact that even though I am senior to Shri Ratan Chandra Chakraborty, I am drawing lesser pay than him as a result of fortuitous adhoc promotions enjoyed by him in West Bengal Telecom Region, whereas I could not have that much opportunities to officiate as an Accounts Officer which is due to the Administrative exigencies.

The reason of not having the opportunity to enjoy officiating adhoc promotion in one circle due to the prevailing administrative exigencies should not disentitle the senior to draw pay atleast equal to that of the junior.

Thus I become entitled for the stepping of my pay on par with my junior Shri Baten Chandra Chakraborty, Accounts Officer (SR) ~~XXXXXX~~ Y.O. the Telecom District Engineer, Krishnagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

Further, I would like to bring to your kind information that in the cases of similar nature have already been decided in favour of applicants by the Division Bench of CAT, Ernakulam, vide O.A. 1150/93 dated 29-10-1993. The same view has been taken by the CAT Bombay in judgement delivered on 19-07-1994 in respect of O.A 926/93 and ten other O.A.s. comprising of 54 applicants. The CAT/Madras also held the same view while disposing the O.A No. 1308/93. It is further for your kind information that DOT has already accepted the verdict of CAT, Ernakulam and issued orders for implementation vide reference No. 49-72/93-P.A.T. dated 14-06-94.

Under the above circumstances, I humbly request you sir, to kindly review my case of pay fixation and cause issue of orders for stepping of my pay to the stage of Rs. 2750/- with effect from 27-06-94 with P.S.I. to Rs. 2825/- on 01-08-94 on par with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SEP), Q/o. the Telecom District Engineer, Krishnagar, Nadia, West Bengal for which act of kindness I shall remain grateful to you.

Thanking you, Sir,

Yours faithfully.

*J. Chenchaiah*  
23.2.74  
(J. CHENCHAIYAN.)

Place :- Gurchati  
Date :- 09-02-95.

Copy to :-

1. The Chief Accounts Officer, O/o. the Chief General Manager,  
Assam Telecom Circle, Guwahati - 781 007.

*[Signature]*  
9.2.94  
(J. CHENCHAIAR.)

Accounts Officer (A & P)  
O/O The C.G.M.T., Assam Circle,  
Guwahati - 7

A/3E

ANNEXURE-3E

From

G. THALAMUTHU,  
Accounts Officer (TA),  
O/o. Chief General Manager Telecom,  
GUWAHATI - 781 007.

To

The Chief General Manager Telecom,  
Assam Telecom Circle,  
GUWAHATI - 781 007.

Respected Sir,

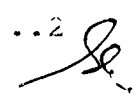
Sub: Anamoly in Fixation of Pay - Pray Redressal  
by stepping up of pay on par with Junior  
Sri. RATAN CHANDRA CHAKRABORTY Accounts  
Officer(SBP) O/o. the Telecom District Engineer,  
Krishnagar, Nadia (W.B).

- - -

With due respect, I wish to submit the following  
representation on the above subject for your kind consi-  
deration and issue of favourable orders.

I belong to November 1980 batch of Junior Accounts  
Officer and I was promoted as Accounts Officer on regular  
basis with effect from 04.01.1993. My pay on regular  
promotion was fixed at Rs. 2375/- with DNI to Rs. 2525/-  
on 1.4.1993.

Shri RATAN CHANDRA CHAKRABORTY, Accounts Officer  
(SBP), O/o. the Telecom District Engineer, Krishnagar,  
Nadia, West Bengal, who belongs to 1981 recruitment  
of Junior Accounts Officer and Junior to me in the cadre,  
was promoted as Accounts Officer on regular basis with  
effect from 27.06.1994 His pay on regular promotion  
as Accounts Officer was fixed at Rs. 2750/- with DNI  
to Rs. 2825/- on 01.08.1994. The anomaly is due to  
his officiating opportunities as Accounts Officer in

..2  


of such juniors. The Supreme Court has also observed that for the reasons of not having the benefit of fortuitous adhoc promotions, the seniors should not be at the disadvantage in pay fixation and therefore the pay of the seniors be stepped up on par with the junior.

It may kindly be seen from the above fact that even though I am senior to Shri. Ratan Chandra Chakraborty, I am drawing lesser pay than him as a result of fortuitous adhoc promotions enjoyed by him in West Bengal Telecom Region, whereas I could not have that much opportunities to officiate as an Accounts Officer which is due to the Administrative exigencies.

The reason of not having the opportunity to enjoy officiating Adhoc promotion in one circle due to the prevailing administrative exigencies should not disentitle the senior to draw pay atleast equal to that of the junior.

Thus I become entitled for the stepping of my pay on par with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP) O/o. the Telecom District Engineer, Krishnagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

Further, I would like to bring to your kind information that in the cases of similar nature have already been decided in favour of applicants by the Division Bench of CAT. Ernakulam, Vide O.A. 1150/93 dated 29.10.1993. The same view has been taken by the CAT Bombay in judgement delivered on 19.07.1994 in respect of O.A 926/93 and ten other O.A.S. comprising of 54 applicants. The CAT/

the office of the Chief General Manager, West Bengal Circle, Telecom Region, Calcutta and the subsequent protection of pay on regular promotion under Rule FR 22 C (proviso 4).

By virtue of his posting in West Bengal Telecom Region and also due to the circumstances prevailing therein Shri Ratan Chandra Chakraborty, Accounts Officer had opportunities to work as Accounts Officer in the officiating capacity for a pretty long period and had drawn several increments in the officiating post of Account Officer. When he was regularly promoted as Accounts Officer with effect from 27.06.1994, his pay was fixed at Rs 2750/- with D.N.I. to Rs 2825/- with effect from 01.08.1994 taking into account the pay drawn in the officiating post of Accounts Officer and the increment drawn thereon.

It may be seen from the Blue Book Number furnished below that Shri Ratan Chandra Chakraborty is junior to me in the cadre of Asst. Accounts Officer as well as Accounts Officer since the seniority remains the same for Accounts Officer.

<u>Name</u> -----	<u>Staff No. in</u> <u>the Blue Book</u> -----	<u>Seniority in the</u> <u>Cadre (A.A.O)</u> -----
G. THALAMUTHU	81896	1373 as Accounts Officer
Ratan Chandra Chakraborty	82209	261 as Assistant Accounts Officer

I would like to bring to your kind notice that the Honourable Supreme Court of India had a similar case dated 28.9.1991 pronounced that the seniors are entitled to fixation of their pay on par with the pay

133 8  
11.12.99.



of such juniors. The Supreme Court has also observed that for the reasons of not having the benefit of fortuitous adhoc promotions, the seniors should not be at the disadvantage in pay fixation and therefore the pay of the seniors be stepped up on par with the junior.

It may kindly be seen from the above fact that even though I am senior to Shri. Ratan Chandra Chakraborty, I am drawing lesser pay than him as a result of fortuitous adhoc promotions enjoyed by him in West Bengal Telecom Region, whereas I could not have that much opportunities to officiate as an Accounts Officer which is due to the Administrative exigencies.

The reason of not having the opportunity to enjoy officiating Adhoc promotion in one circle due to the prevailing administrative exigencies should not disentitle the senior to draw pay atleast equal to that of the junior.

Thus I become entitled for the stepping of my pay on par with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP) O/o. the Telecom District Engineer, Krishnagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

Further, I would like to bring to your kind information that in the cases of similar nature have already been decided in favour of applicants by the Division Bench of CAT. Ernakulam, Vide O.A. 1150/93 dated 29.10.1993. The same view has been taken by the CAT Bombay in judgement delivered on 19.07.1994 in respect of O.A 926/93 and ten other O.A.S. comprising of 54 applicants. The CAT/

Attn: ...

3E

- 36 - - 4 -

Madras also held the same view while disposing the O.A. No. 1308/93. It is further for your kind information that DOT has already accepted the verdict of CAT. Ernakulam and issued orders for implementation vide reference No. 49-72/93-PAT dated 14.06.1994.

Under the above circumstances, I humbly request you sir, to kindly review my case of pay fixation and cause issue of orders for stepping of my pay to the stage of Rs. 2750/- with effect from 27.06.1994 with D.N.I. to Rs. 2825/- on 01.08.94 on par with my junior Shri. Ratan Chandra Chakraborty, Accounts Officer (SBP), O/o. the Telecom District Engineer, Krishnagar, Nadia, West Bengal for which act of kindness I shall remain grateful to you.

Thanking you, Sir,

Yours faithfully,

G. Thalamuthu  
(G. THALAMUTHU).

Place : Guwahati

Date : 17.11.94

Copy to:

1. Chief Accounts Officer, O/o. CGM Telecom, Assam Circle, Guwahati - 781 007.

Accd.  
[Signature]  
Chief Accounts Officer,  
CGM Telecom, Assam Circle,  
Guwahati - 781 007.

From:- Biswajit Deb,  
Accounts Officer(TRA),  
O/O Telecom District Manager,  
Kamrup Telecom District,  
Guwahati-7.

To

The Chief General Manager Telecom  
Assam Telecom Circle,  
Guwahati - 7.

(Through Proper Channel).

Respected Sir,

Sub:- Anomaly in Fixation of pay - Prayer redressal  
by stepping up of pay on par with Junior Sri  
Ratan Chandra Chakraborty, Accounts Officer(SBP)  
O/O Telecom District Engineer, Krishnagar,  
Nadia. (W.B.).

With due respect, I wish to submit the following  
representation on the above subject for your kind consideration  
and issue of favourable orders.

I belong to November, 1980 batch of Junior Accounts  
Officer and I was promoted as Accounts Officer on regular basis  
with effect from 07-03-1994. My pay on regular promotion was  
fixed at Rs. 2600/- with DNI to Rs. 2675/- on 1-4-1995.

Shri Ratan Chandra Chakraborty, Accounts Officer(SBP)  
O/O the Telecom District Engineer, Krishnagar, Nadia, West  
Bengal, who belongs to 1981 recruitment of Junior Accounts  
Officer on regular basis with effect from 27-06-1994. His pay  
on regular promotion as Accounts Officer was fixed at Rs.2750/-  
with DNI to Rs. 2825/- on 1-08-1994. The anomaly is due to his  
officiating opportunities as Accounts Officer in the Office of  
the Chief General Manager, West Bengal Circle, Telecom Region,  
Calcutta and the subsequent protection of pay on regular pro-  
motion under Rule FR 22 C (Proviso 4).

By virtue of his posting in West Bengal Telecom  
Region and also due to the circumstances prevailing therein  
Shri Ratan Chandra Chakraborty, Accounts Officer had opportu-  
nities to work as Accounts Officer in officiating capacity for  
a pretty long period and had drawn several increments in the  
Officiating post of Accounts Officer. When he was regularly  
promoted as Accounts Officer with effect from 27-06-1994, his  
pay was fixed at Rs. 2750/- with D.N.I. to Rs. 2825/- with  
effect from 01-08-1994 taking into account the pay drawn in  
the officiating post of Accounts Officer and the increment drawn  
thereon.

It may be seen from the Blue Book Number furnished  
below that Shri Ratan Chandra Chakraborty is Junior to me in  
the cadre of Asstt. Accounts Officer as well as Accounts  
Officer since the seniority remains the same for Accounts  
Officer.



<u>Name</u>	<u>Staff No. in the Blue Book</u>	<u>Seniority in the Cadre of (A.A.O.)</u>
B. Deb	82041	97
Ratan Chandra Chakraborty.	82209	261

I would like to bring to your kind notice that the Honourable Supreme Court of India had a similar case dated 28-9-1991 pronounced that the seniors are entitled to fixation of pay with the pay of such juniors. The Supreme Court has also been observed that for the reasons of not having the benefit of fortuitous adhoc promotions, the seniors should not be at the disadvantage in pay fixation and therefore the pay of the seniors be stepped up on par with the junior.

It may kindly be seen from the above fact that even though I am senior to Shri Ratan Chandra Chakraborty, I am drawing lesser pay than him as a result of fortuitous adhoc promotions enjoyed by him in West Bengal Telecom Region, whereas I could not have that much opportunities to officiate as an Accounts Officer which is due to the Administrative exigencies.

The reason of not having the opportunity to enjoy officiating Adhoc promotion in one circle due to the prevailing administrative exigencies should not disentitle the senior to draw pay at least equal to that of the junior.

Thus I become entitled for the stepping of my pay on par with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP) O/o the Telecom District Engineer, Krishnagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

Further, I would like to bring to your kind information that in the cases of similar nature have already been decided in favour of applicants by the Division Bench of CAT Ernakulam, Vide O.A. 1150/93 dated 29-10-1993. The same view has been taken by the CAT Bombay in judgement delivered on 19-07-1994 in respect of O.A. 926/93 and ten other O.A.S. comprising of 54 applicants. The CAT/Madras also held the same view while disposing the O.A. No. 1308/93. It is further for your kind information that DOT has already accepted the verdict of CAT, Ernakulam and issued orders for implementation vide reference No. 49-72/93-PAT dated 14-06-1994.

Under the above circumstances, I humbly request you sir, to kindly review my case of pay fixation and cause issue of orders for stepping of my pay to the stage of Rs. 2750/- with effect from 27-06-1994 with D.N.I. to Rs. 2825/- on 01-08-94 on par with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP), O/O the Telecom District Engineer, Krishnagar, Nadia, West Bengal for which act of kindness I shall remain grateful to you.

Thanking you, Sir,

Yours Faithfully

(BISWAJIT DEB.)

Place :- Guwahati.

Date :- 25.11.94

Advance copy to :-

1. The Chief Accounts Officer O/O CGM Telecom, Assam Circle, Guwahati-7.

Accounts Officer (A & P)  
O/O The C.G.M.T., Assam Circle,  
Guwahati-7

Advocate.

- 40 -  
A / 3G

From :-

ANNEXURE- 36.

K.S. Manoharan,  
Accounts Officer,  
O/O. Director, M/W Project,  
Guwahati - 781001.

To

Chief General Manager,  
Task Force,  
N.E. Telecom. Region  
Guwahati-781001.

Sir;

Sub :- Stepping up of pay on par with junior - reg.

With due respect, I wish to submit the following on the above subject for your kind consideration and issue favourable orders.

I belong to November 1980 batch of Jr. Accounts Officer and I was promoted as Accounts Officer on regular basis with effect from 4-5-94. My pay on regular promotion as fixed at Rs. 2600/- with D.N.I. to Rs. 2675/- on 1-5-95

Shri Ratan Chandra Chakraborty, Accounts Officer (SBP) O/O. Telecom. District Engineer, Krishnagar, Nadia, W.B. Circle who belongs to September 1981 batch of Junior Accounts Officer and junior to me in the cadre was promoted as Accounts Officer on regular basis w.e.f. 27-6-94. His pay on regular promotion as Accounts Officer was fixed at Rs. 2750/- with D.N.I. to Rs. 2825/- on 1-3-94. The anomaly is due to his officiating opportunities as Accounts Officer in the office of C.G.M. West Bengal Circle and the subsequent protection of pay on regular promotion under proviso 4 to FR 22C.

It may be seen from the Blue Book 1993 edition, that the staff no. of Shri R.C. Chakraborty is 32200 whereas my staff number is 81072. I would like to bring to your kind notice that the Hon'ble Supreme Court had a similar case dt. 28.2.91 pronounced that the seniors are entitled to fixation of their pay on par with the pay of such juniors.

In view of the fact stated above that even though I am senior to Shri R.C. Chakraborty, I am drawing lesser pay than him as a result of fortuitous adhoc promotions enjoyed by him in West Bengal Telecom. whereas I could not have that much opportunities to officiate as A.O. which is due to the administrative exigencies. Thus I become entitled for the stepping up of my pay on par with my junior in the light of the Supreme Court Judgement referred to earlier.

Further I would like to bring to your kind notice that cases of similar nature have already been decided in favour of applicants by the various division benches of CAT and DOT has already accepted the verdict of CAT Ernakulam and Madras benches for implementation vide lr. no. 49-72/93-PAT dt. 14-6-94.

Attested.

Advocate.

-41-

39

: - 2 - :

Under the above circumstances, I humbly request you sir, to kindly review my case of pay fixation and cause issue of orders for stepping up of my pay to the stage of Rs. 2750 w.e.f. 27.6.94 with DNI on 1.8.94 to Rs. 2825/- for which act of kindness I shall remain grateful to you.


Thanking you,

Yours faithfully,

K.S. Manoharan

( K.S. MANOHARAN )

Dated 28-12-94

  
Accounts Officer (A & P)  
O/O The C.G.M.T., Assam Ci.  
Guwahati - 7

....

From.

V.K. Hariharan,  
Accounts Officer,  
O/O the Director Task Force,  
Jorhat-785 001.

To

The C.G.M. Task Force,  
N.E. Telecom. Region,  
Singh Niwas, Silpukhuri,  
Guwahati-781 003.

(Through proper channel)

Respected Sir,

Sub: Anomaly in Fixation of pay - Frey Editorial by stepping up of pay on par with Junior Sri Ratan Chandra Chakraborty, Accounts Officer (SE<sup>2</sup>), O/o the Telecom District Engineer, Krishnagar, Nadia (W.B.).

With due respect, I wish to submit the following representation on the above subject for your kind consideration and issue of favourable orders.

I belong to November, 1980 batch of Jr. Accounts Officer and I was promoted as Accounts Officer on regular basis with effect from 16.5.1994. My pay on regular promotion was fixed at Rs. 2600/= with DNI to Rs. 2675/= on 1.8.1994.

Shri Ratan Chandra Chakraborty, Accounts Officer (SE<sup>2</sup>), O/o the Telecom District Engineer, Krishnagar, Nadia, West Bengal, who belongs to 1981 recruitment of Jr. Accounts Officer and junior to me in the cadre, was promoted as Accounts Officer on regular basis with effect from 27.6.94. His pay on regular promotion as Accounts Officer was fixed at Rs. 2750/- with DNI to Rs. 2825/= on 1.8.94. The anomaly is due to his officiating opportunities as Accounts Officer in the office of the Chief General Manager, West Bengal Circle, Telecom Region, Calcutta and the subsequent protection of pay on regular promotion under Rule FR 22 C (proviso 4).

By virtue of his posting in West Bengal Telecom Region and also due to the circumstances prevailing therein, Shri Ratan Chandra Chakraborty, Accounts Officer had opportunities to work as Accounts Officer in the officiating capacity for a pretty long period and had drawn several increments in the officiating post of Accounts Officer. When he was regularly promoted as Accounts Officer with effect from 27.6.94, his pay was fixed at Rs. 2750/- with DNI to Rs. 2825/- with effect from 1.8.94 taking into account the pay drawn in the officiating post of Accounts Officer and the increment drawn thereon.

- 1 -

It may be seen from the Blue Book Number furnished below that Shri Ratan Chandre Chakraborty is junior to me in the cadre of Asstt. Accounts Officer as well as Accounts Officer since the seniority remains the same for Accounts Officer.

Name	Staff No. in the Blue Book	Seniority in the Cadre (A.A.O.)
V.K. Hariharan	81372	127
Ratan Ch. Chakraborty	81309	261

I would like to bring to your kind notice that the Honourable Supreme Court of India had a similar case dated 28.9.91 pronounced that the seniors are entitled to fixation of their pay on par with the pay of such juniors. The Supreme Court has also observed that for the reasons of not having the benefit of fortuitous adhoc promotions, the seniors should not be at the disadvantage in pay fixation and therefore the pay of the seniors be stepped up on par with the junior.

It may kindly be seen from the above fact that even though I am senior to Shri Ratan Chandre Chakraborty, I am drawing lesser pay than him as a result of fortuitous adhoc promotions enjoyed by him in West Bengal Telecom Region, whereas I could not have that much opportunities to officiate as an Accounts Officer which is due to the Administrative exigencies.

The reason of not having the opportunity to enjoy officiating Adhoc promotion in one circle due to the prevailing administrative exigencies should not disentitle the senior to draw pay atleast equal to that of the junior.

Thus I become entitled for the stepping of my pay on par with my junior Shri Ratan Chandre Chakraborty, Accounts Officer (SEF), O/o the Telecom. District Engineer, Krishnagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

Further, I would like to bring to your kind information that in the cases of similar nature have already been decided in favour of applicants by the Division Bench of CAT, Ernakulam. Vide O.A. 1150/93 dated 29.10.93. The same view has been taken by the CAT Bombay in judgement delivered on 19.7.94 in respect of O.A. 926/93 and ten other O.A.s comprising of 64 applicants. The CAT, Madras also held the same view while dismissing the O.A. No.1308/93. It is further for your kind information that IOT has already accepted the verdict of CAT, Ernakulam and issued orders for implementation vide reference No. 49-77-93-CAT dated 14.6.94.

Under the above circumstances, I humbly request you Sir, to kindly review my case of pay fixation and issue orders for stepping of my pay to the stage of Rs.2750/- with effect from 27.6.1994 with DNI to Rs.2925/- on 1.3.1994 as per with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP), O/o the Telecom District Engineer, Krishnagar, Nadia, West Bengal for which act of kindness I shall remain grateful to you.

Thanking you, Sir,

Yours faithfully,

V.K. Haikalan

V.K. HAIBALAN

Place :- Jorhat

Date :- 23-11-1994.

Copy to :-

1. The Chief Accounts Officer, O/o the C.G.M. Task Force, N.E. Telecom. Region, Singh Nivas, Silpukhuri, Guwahati-3.

*Am,*

*ms*

Accounts Officer (A & F)

O/O The C.G.M.T., Assam Circle,  
Guwahati - 7

*Se*  
Advocate

FROM :

- 45-A/31

ANNEXURE-3I

S. SESHADRI

Accounts Officer (Internal check)  
O/O the Chief General Manager Telecom,  
GUWAHATI - 781007

TO :

The Chief General Manager Telecom,  
Assam Telecom Circle,  
GUWAHATI - 781007.

Respected sir,

Sub : Anomaly in Fixation of Pay - Pray Redressal by  
stepping up of pay on par with Junior Sri RATAN  
CHANDRA CHAKRABORTY, Accounts Officer (SEP), O/O  
the Telecom District Engineer, Krishnagar, Nadia  
(W.B) .

With due respect, I wish to submit the following representa-  
tion on the above subject for your kind consideration and issue of  
favourable orders .

I belong to September '81 batch of Junior Accounts Officer and  
I was promoted as Accounts Officer on regular basis with effect from  
30-05-94 . My pay on regular promotion was fixed at Rs.2,600/- with DNI  
to Rs.2,675/- on 01-05-95 .

Shri RATAN CHANDRA CHAKRABORTY , Accounts Officer (SBP), O/O  
the Telecom District Engineer, Krishnagar, Nadia, West Bengal, belongs  
to same batch of JAO ( i.e. 1981 recruitment of Junior Accounts  
Officer) and Junior to me in the cadre, was promoted as Accounts Officer  
on regular basis with effect from 27-06-94 . His pay on regular  
promotion as Accounts Officer was fixed at Rs.2,750/- with DNI  
Rs.2,825/- on 01-08-94 . The anomaly is due to his officiating opportu-  
nities as Accounts Officer in the office of the Chief General Manager,  
West Bengal Circle, Telecom Region, Calcutta and the subsequent protec-  
tion of pay on regular promotion under Rule FR 22 C (proviso 4) .

By virtue of his posting in West Bengal Telecom Region and  
also due to the circumstances prevailing therein Shri Ratan Chandra  
Chakraborty, Accounts Officer had opportunities to work as Accounts  
Officer in the officiating capacity for a pretty long period and  
drawn several increments in the officiating post of Accounts Officer .  
When he was regularly promoted as Accounts officer with effect from  
27-06-94 , his pay was fixed at Rs. 2,750/- with DNI to Rs. 2,825/-  
with effect from 01-08-94 taking into account the pay drawn in the  
officiating post of Accounts Officer and the increment drawn thereon .





31  
47

Under the above circumstances, I humbly request you sir, to kindly review my case of pay fixation and cause issue of orders for stepping of my pay to the stage of Rs.2,750/- with effect from 27-04-94 with DNI to Rs. 2,825/- on 01-08-94 on par with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP), o/o the Telecom District Engineer, Krishnanagar, Nadia, West Bengal for which act of kindness I shall remain grateful to you.

Thanking you, sir,

Yours faithfully,



(S. SESHADRI)

Place : Guwahati

Date : 23.11.94

Copy to :

1. Chief Accounts Officer, O/o the CGM Telecom, Assam Circle, Guwahati - 781007.



Accounts Officer (A & P)

O/O The C.G.M.T., Assam Circle,

Guwahati - 7

From

A/35  
-48-

ANNEXURE-35

From  
B. D. DAKRA RAJ  
Accounts Officer (SBP)  
O/o Telecom District Engineer  
For. Nat. 785001

TO

The C G M Telecom  
Assam Telecom Circle  
Guwahati 781001

(Through proper channel)

Respected Sir,

Sub: Anomaly in Fixation of Pay - Pray Redressal in stepping up of pay on par with Junior Sri Ratan Chandra Chakraborty, Accounts Officer (SBP), O/o the Telecom District Engineer, Krishnagar, Nadia (W.B.).

With due respect, I wish to submit the following representation on the above subject for your kind consideration and issue of favourable orders.

I belong to NCV 80 batch of Jr. Accounts Officer and I was promoted as Accounts Officer on regular basis with effect from 27.7.94. My pay on regular promotion was fixed at Rs. 2600 with DNI to Rs. 2675 on 1.4.95

Shri Ratan Chandra Chakraborty, Accounts Officer (SBP), O/o the Telecom District Engineer, Krishnagar, Nadia, West Bengal, who belongs to 1981 recruitment of Jr. Accounts Officer and junior to me in the cadre, was promoted as Accounts Officer on regular basis with effect from 27.6.94. His pay on regular promotion as Accounts Officer was fixed at Rs. 2750/- with DNI to Rs. 2825/- on 1.8.94. The anomaly is due to his officiating opportunities as Accounts Officer in the office of the Chief General Manager, West Bengal Circle, Telecom Region, Calcutta and the subsequent protection of pay on regular promotion under Rule FR 22 C (proviso 4).

By virtue of his posting in West Bengal Telecom Region and also due to the circumstances prevailing therein Shri Ratan Chandra Chakraborty, Accounts Officer had opportunities to work as Accounts Officer in the officiating capacity for a pretty long period and had drawn several increments in the officiating post of Accounts Officer. When he was regularly promoted as Accounts Officer with effect from 27.6.94, his pay was fixed at Rs. 2750/- with DNI to Rs. 2825/- with effect from 1.8.94 taking into account the pay drawn in the officiating post of Accounts Officer and the increment drawn thereon.

Attested.  
Advocate

It may be seen from the Blue Book Number furnished below that Shri Ratan Chandra Chakraborty is junior to me in the cadre of Asstt. Accounts Officer as well as Accounts Officer since the seniority remains the same for Accounts Officer.

Name	Staff No. in the Blue Book	Seniority in the Cadre (A.O.)
<u>B. Sundararaman</u>	<u>82036</u>	<u>22.17</u>
Ratan Ch. Chakraborty	82209	26.1

I would like to bring to your kind notice that the Honourable Supreme Court of India had a similar judgment dated 28.9.91 pronounced that the seniors are entitled to fixation of their pay on par with the pay of such juniors. The Supreme Court has also observed that for the reasons of not having the benefit of fortuitous adhoc promotions, the seniors should not be at the disadvantage in pay fixation and therefore the pay of the seniors be stepped up on par with the junior.

It may kindly be seen from the above fact that even though I am senior to Shri Ratan Chandra Chakraborty, I am drawing lesser pay than him as a result of fortuitous adhoc promotions enjoyed by him in West Bengal Telecom Region, whereas I could not have that much opportunities to officiate as an Accounts Officer which is due to the Administrative exigencies.

The reason of not having the opportunity to enjoy officiating Adhoc promotion in one circle due to the prevailing administrative exigencies should not disentitle the senior to draw pay atleast equal to that of the junior.

Thus I become entitled for the stepping of my pay on par with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP), O/o, the Telecom. District Engineer, Krishnagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

Further, I would like to bring to your kind information that in the cases of similar nature have already been decided in favour of applicants by the Division Bench of CAT, Ernakulam, Vide O.A. 1150/93 dated 29.10.93. The same view has been taken by the CAT Bombay in judgement delivered on 19.7.94 in respect of O.A. 926/93 and ten other O.A.s comprising of 54 applicants. The CAT, Madras also held the same view while disposing the O.A. No. 1308/93. It is further for your kind information that BOT has already accepted the verdict of CAT, Ernakulam and issued orders for implementation vide reference No. 49-72/93-PAT dated 14.6.94.

(W)

Under the above circumstances, I humbly request you Sir, to kindly review my case of pay fixation and cause issue of orders for stepping of my pay to the stage of Rs. 2750/- with effect from ~~27-6-94~~ with DNI to Rs. 2825 on 1-8-94 as per with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP), O/o the Telecom District Engineer, Krishnagar, Nadia, West Bengal for which act of kindness I shall remain grateful to you.

Thanking you, Sir.

Yours faithfully,

(PR. HABIBHARAN)

(P. R. HABIBHARAN)

Place :- Jorhat

Date :- 25/11/84

Copy to :-

1. The Chief Accounts Officer, O/o the C.G.M. Task Force, N.E. Telecom. Region, Singh Niwas, Silpukhuri, Guwahati-3.

*Seen,*  
*Ans*  
Accounts Officer (A & P)  
O/O The C.G.M.T., Assam Circle,  
Guwahati - 7

Advocate

From

SU: BAALAKRISHNAN  
Accounts Officer  
O/o: TELECOM DISTRICT ENGINEER,  
BONGAIGAON- 783380.

To

The Chief General Manager Telecom,  
Assam Telecom Circle,  
GUWAHATI-- 781 007.

Respected Sir,

Sub: Anamoly in Fixation of Pay - Pray Redressal  
by stepping up of pay on par with Junior  
Sri. RATAN CHANDRA CHAKRABORTY Accounts  
Officer(SBP) O/o. the Telecom District Engineer,  
Krishnagar, Nadia (W.B).

With due respect, I wish to submit the following  
representation on the above subject for your kind consi-  
deration and issue of favourable orders.

I belong to November 1980 batch of Junior Accounts  
Officer and I was promoted as Accounts Officer on regular  
basis with effect from 15.2.1994. My pay on regular  
promotion was fixed at Rs. ~~2600/-~~ with DNI to Rs. 2675/-  
on 1.4.1994.

Shri RATAN CHANDRA CHAKRABORTY, Accounts Officer  
(SBP), O/o. the Telecom District Engineer, Krishnagar,  
Nadia, West Bengal, who belongs to 1981 recruitment  
of Junior Accounts Officer and Junior to me in the cadre,  
was promoted as Accounts Officer on regular basis with  
effect from 27.06.1994. His pay on regular promotion  
as Accounts Officer was fixed at Rs. 2750/- with DNI  
to Rs. 2825/- on 01.08.1994. The anomaly is due to  
his officiating opportunities as Accounts Officer in

Attested.

Advocate.

3K

- 52 - 2 -

the office of the Chief General Manager, West Bengal Circle, Telecom Region, Calcutta and the subsequent protection of pay on regular promotion under Rule FR 22 C (proviso 4).

By virtue of his posting in West Bengal Telecom Region and also due to the circumstances prevailing therein Shri Ratan Chandra Chakraborty, Accounts Officer had opportunities to work as Accounts Officer in the officiating capacity for a pretty long period and had drawn several increments in the officiating post of Account Officer. When he was regularly promoted as Accounts Officer with effect from 27.06.1994, his pay was fixed at Rs 2750/- with D.N.I. to Rs 2825/- with effect from 01.08.1994 taking into account the pay drawn in the officiating post of Accounts Officer and the increment drawn thereon.

It may be seen from the Blue Book Number furnished below that Shri Ratan Chandra Chakraborty is junior to me in the cadre of Asst. Accounts Officer as well as Accounts Officer since the seniority remains the same for A. A. O. Officer.

<u>Name</u>	<u>Staff No. in the Blue Book</u>	<u>Seniority in the Cadre (A.A.O.)</u>
-----	-----	-----
Su. Balakrishnan -> <del>Su. Balakrishnan</del> Ratan Chandra Chakraborty ->	82010 82209	68 261

I would like to bring to your kind notice that the Honourable Supreme Court of India had a similar case dated 28.9.1991 pronounced that the seniors are entitled to fixation of their pay on par with the pay

(h)

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- 3 - 53

of such juniors. The Supreme Court has also observed that for the reasons of not having the benefit of fortuitous adhoc promotions, the seniors should not be at the disadvantage in pay fixation and therefore the pay of the seniors be stepped up on par with the junior.

It may kindly be seen from the above fact that even though I am senior to Shri. Ratan Chandra Chakraborty, I am drawing lesser pay than him as a result of fortuitous adhoc promotions enjoyed by him in West Bengal Telecom Region, whereas I could not have that much opportunities to officiate as an Accounts Officer which is due to the Administrative exigencies.

The reason of not having the opportunity to enjoy officiating Adhoc promotion in one circle due to the prevailing administrative exigencies should not disentitle the senior to draw pay atleast equal to that of the junior.

Thus I become entitled for the stepping of my pay on par with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP) O/o. the Telecom District Engineer, Krishnagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

Further, I would like to bring to your kind information that in the cases of similar nature have already been decided in favour of applicants by the Division Bench of CAT. Ernakulam, Vide O.A. 1150/93 dated 29.10.1993. The same view has been taken by the CAT Bombay in judgement delivered on 19.07.1994 in respect of O.A 926/93 and ten other O.A.S. comprising of 54 applicants. The CAT/



3K

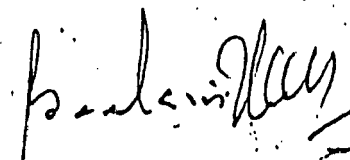
- 54 - 4 -

Madras also held the same view while disposing the O.A. No. 1308/93. It is further for your kind information that DOT has already accepted the verdict of CAT, Ernakulam and issued orders for implementation vide reference No. 49-72/93-PAT dated 14.06.1994,

Under the above circumstances, I humbly request you sir, to kindly review my case of pay fixation and cause issue of orders for stepping of my pay to the stage of Rs. 2750/- with effect from 27.06.1994 with D.N.I. to Rs. 2825/- on 01.08.94 on par with my junior Shri. Ratan Chandra Chakraborty, Accounts Officer (SBP), O/o. the Telecom District Engineer, Krishnagar, Nadia, West Bengal for which act of kindness I shall remain grateful to you.

Thanking you, Sir,

Yours faithfully,



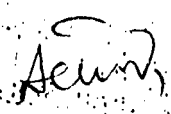
[ SU. BALAKRISHNAN ]

Place : Bongaigaon..

Date : 1.12.1994

Copy to:

1. Chief Accounts Officer, O/o. CGM Telecom, Assam Circle, Guwahati - 781 007.



Accounts Officer (A & P)

O/O The C.G.M.T., Assam Circle,  
Guwahati - 7

(4)

A/3L

ANNEXURE-31

- 55 -

From,

C. RAJENDRAN

Accounts Officer (cash)

% The Telecom District Engineer,

Jorhat 785001

To The (Gen Telecom  
Assam Circle, Guwahati 781007)  
(Through proper channel)

Respected Sir,

Sub: Anomaly in Fixation of Pay - Pray Redressal by stepping up of pay on par with Junior Sri Ratan Chandra Chakraborty, Accounts Officer (SBP), O/o the Telecom District Engineer, Krishnagar, Nadia (W.B).

With due respect, I wish to submit the following representation on the above subject for your kind consideration and issue of favourable orders.

I belong to SEP 1981 batch of Jr. Accounts Officer and I was promoted as Accounts Officer on regular basis with effect from 30.6.94. My pay on regular promotion was fixed at Rs. 2600 - with DNI to Rs. 2625 on 1.4.95.

Shri Ratan Chandra Chakraborty, Accounts Officer (SBP), O/o the Telecom District Engineer, Krishnagar, Nadia, West Bengal, who belongs to 1981 recruitment of Jr. Accounts Officer and junior to me in the cadre, was promoted as Accounts Officer on regular basis with effect from 27.6.94. His pay on regular promotion as Accounts Officer was fixed at Rs. 2750/= with DNI to Rs. 2825/= on 1.8.94. The anomaly is due to his officiating opportunities as Accounts Officer in the office of the Chief General Manager, West Bengal Circle, Telecom Region, Calcutta and the subsequent protection of pay on regular promotion under Rule FR 22 C (proviso 4).

By virtue of his posting in West Bengal Telecom Region and also due to the circumstances prevailing therein Shri Ratan Chandra Chakraborty, Accounts Officer had opportunities to work as Accounts Officer in the officiating capacity for a pretty long period and had drawn several increments in the officiating post of Accounts Officer. When he was regularly promoted as Accounts Officer with effect from 27.6.94, his pay was fixed at Rs. 2750/= with DNI to Rs. 2825/= with effect from 1.8.94 taking into account the pay drawn in the officiating post of Accounts Officer and the increment drawn thereon.

34/1

56-

- 2 -

It may be seen from the Blue Book Number furnished below that Shri Ratan Chandra Chakraborty is junior to me in the cadre of Asstt. Accounts Officer as well as Accounts Officer since the seniority remains the same for Accounts Officer.

Name	Staff No. in the Blue Book	Seniority in the Cadre (A.A.O.)
<u>CS. RAJENDRAN</u> ...	<u>82175</u>	<u>247</u>
Ratan Ch. Chakraborty	82209	261

I would like to bring to your kind notice that the Honourable Supreme Court of India had a similar case dated 28.9.91 pronounced that the seniors are entitled to fixation of their pay on par with the pay of such juniors. The Supreme Court has also observed that for the reasons of not having the benefit of fortuitous adhoc promotions, the seniors should not be at the disadvantage in pay fixation and therefore the pay of the seniors be stepped up on par with the junior.

It may kindly be seen from the above fact that even though I am senior to Shri Ratan Chandra Chakraborty, I am drawing lesser pay than him as a result of fortuitous adhoc promotions enjoyed by him in West Bengal Telecom Region, whereas I could not have that much opportunities to officiate as an Accounts Officer which is due to the Administrative exigencies.

The reason of not having the opportunity to enjoy officiating Adhoc promotion in one circle due to the prevailing administrative exigencies should not disentitle the senior to draw pay atleast equal to that of the junior.

Thus I become entitled for the stepping of my pay on par with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP), O/o the Telecom. District Engineer, Krishnagar Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

Further, I would like to bring to your kind information that in the cases of similar nature have already been decided in favour of applicants by the Division Bench of CAT, Ernakulam Vide O.A. 1150/93 dated 29.10.93. The same view has been taken by the CAT Bombay in judgement delivered on 19.7.94 in respect of O.A. 926/93 and ten other O.A.s comprising of 54 applicants. The CAT, Madras also held the same view while disposing of O.A. No. 1308/93. It is further for your kind information that CAT has already accepted the verdict of CAT, Ernakulam and issued order for implementation vide reference No. 49-72/93-PAT dated 14.6.94.

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- 3 -

Under the above circumstances, I humbly request you  
sir, to kindly review my case of pay fixation and cause issue of  
orders for stepping of my pay to the stage of Rs. 2750/- with  
effect from 27.6.94 with DNI to Rs. 3825 on 1.8.94 as per  
with my junior Shri Ratan Chandra Chakraborty, Accounts Officer  
(SBP), O/o the Telecom District Engineer, Krishnagar, Nadia, West  
Bengal for which act of kindness I shall remain grateful to you.

Thanking you, Sir.

Yours faithfully

(C. RATENDRAN)  
(~~C. RATENDRAN~~)

Place :- Jorhat  
Date :- 25.11.94

Copy to :-

~~The Chief Accounts Officer, O/o the C.G.M. Task Force,  
N.E. Telecom Region, Singh Nagar, Silpachuri, Guwahati~~

*Seen,*  
*ms*

Accounts Officer (A & P)  
O/O The C.G.M.T., Assam Circle  
Guwahati - 7

Attended.

Advocate.

- 38- 4A

4A

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM. CIRCLE  
ULUBARI::GUWAHATI- 781007.

NO. ESTD- 6/16

Dated at Guwahati, the 15th Feb'95

To

Sri H. C. ~~Chakraborty~~ Chakraborty,  
A.O. (C.A.M.) of the  
TDM/ Guwahati.

Sub:- Anomally in pay fixation.

Ref:- Your representation, dated 6.2.95

With reference to the above subject and correspondence this is to be intimated that Sri/Smt. Ratan Ch Chakraborty AO(SBP) TDE/Krishnagar, who is junior to you may be drawing higher pay because of his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified DOT/ND that the disparity of pay arising out adhoc officiating position does not constitute an anomally for the purpose of stepping up of the pay of the senior..

15/2/95

(K.S.K. Prasad Sarma)  
Asstt. Director Telecom. (Staff)  
for Chief General Manager  
Assam Telecom. Circle, Guwahati-7.

Copy to:-

1. Me, TDM/GH.7. with ref. to his letter  
No. TDM/SMT/AC-11/4 dt 7.2.95

Sum,

Attested.  
Advocate.

-59-

7/95

ANNEXURE 4B

GOVERNMENT OF INDIA  
 DEPARTMENT OF TELECOMMUNICATIONS  
 OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM. CIRCLE  
 ULUBARI::GUWAHATI- 781007.

NO. ESTQ- 2/201/5

Dated at Guwahati on 15.11.95

To

Sri B.B. Mukherjee,  
Accounts Officer,  
Office TDE/Mayaguri,

Sub:- Anomally in pay fixation.

Ref:- Your representation dated 2.2.95

With reference to the above subject and correspondence this is to be intimated that Sri/~~Smt.~~ Ratan Ch. Chakraborty  
AO (SBP) TDE/Kongra. who is junior to you may be drawing higher pay because of his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified DOT/ND that the disparity of pay arising out adhoc officiating position does not constitute an anomally for the purpose of stepping up of the pay of the senior.

*[Signature]*  
 15/11/95

(K.S.K. Prasad Sarma)  
 Asstt. Director Telecom. (Staff)  
 for Chief General Manager  
Assam Telecom. Circle, Guwahati-7.

Copy to:-

1. The TDE/Mayaguri with ref. to  
 as ltr. NO.E-484/Fixation/Dt. II/98 dtd. 3.2.95  
 for information.

*[Signature]*

*[Signature]*

Accounts Officer (A & P)  
 O/O The C.G.M.T., Assam Circle,  
 Guwahati-7

*[Signature]*

11.00002.

Department of Telecommunications  
O/o. Chief General Manager, E.T.R.  
7, Kabetra Baa Lane, Calcutta-12.

- To : 1) **Shri Asim Kumar Basu, AO(A)**  
O/o. CGM, ETR, Calcutta.
- 2) **Sri Samarendra Nath Das, AO(C),**  
O/o. CGM, ETR, Calcutta.
- 3) **Sri Bhaktipada Pal, AO(I/C),**  
O/o. the CGM, ETR, Calcutta.
- 4) **Sri Ramakanta Chatterjee, A.O.**  
O/o. Director Mtee., ETR, Patna.
- 5) **Sri T.S. Nagarajan, A.O.**  
O/o. Director Mtee., ETR, Guwahati.

No. CGM-ETR/CA-Admn-326/177 Dated at Cal-12, the 30.1.95.

**Sub :- Extension of benefit of Judgements delivered by the Central Administrative Tribunal Calcutta Bench in O.A. No. 1426/93 (in the matter of Swapen Kr. Das and others Vs. Union of India and others, and Judgement delivered by the CAT Ernakulam bench in O.A. 1156/93.**

Please refer to your letters on the above subject. It is informed that the request for stepping up of pay with reference to the pay of your Junior Sri Ratan Kr. Chakraborty AO, Krishnagar Division, WB Telecon. in the light of the above court orders can not be acceded to as per extant rules. In this connection D/T No. 4-31/92-PAT dt. 31.5.93 may please be referred to. It stipulates that the benefit of the Judgements can not be extended to others similarly placed govt. servants.

*S. P. Ghose*  
( S. P. GHOSE )  
Chief Accounts Officer  
O/o. the CGM, ETR, Calcutta-700012.

*Se*  
Advocate.

*Se*  
Secretary (A & P)  
O/o. The C.G.M.T., Assam Circle,  
Guwahati - 7

- 61 - A / 40 [ ANN - 3 ] 40

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM. CIRCLE  
ULUBARI::GUWAHATI- 781007.

NO. ESTQ- 2 / 3 (7)

Dated at Guwahati *the. 15th Feb'95*

To

*✓*  
Sri J. Chandraiah  
Accounts Officer,  
Telecom. Electrical Division, Guwahati.

Sub:- Anomally in pay fixation.

Ref:- Your *representative* dated 9.2.95.

With reference to the above subject and correspondence this is to be intimated that Sri/Smti. Ratna Ch. Chakraborty, AO(SBP) TDE/Kasuga who is junior to you may be drawing higher pay because of his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified DOT/ND that the disparity of pay arising out adhoc officiating position does not constitute an anomally for the purpose of stepping up of the pay of the senior.

*15/2/95*  
(K.S.K. Prasad Sarma)

Asstt. Director Telecom. (Staff)  
for Chief General Manager  
Assam Telecom. Circle, Guwahati-7.

*15/2/95*  
Noted.  
*[Signature]*  
Advocate.

*[Signature]*  
Accounts Officer (A & P)  
O/O The C.G.M.T., Assam Circle,  
Guwahati-7



- 62  
A/ 4E

4E

Department of Telecommunications  
Office of the Chief General Manager: :Assam Telecom Circle,  
Uubari, Guwahati-781007.

No. ESTQ-2/243(A)/35 Dated at Guwahati, the 6-12-94.

To

Shri G.Thalamuthu, A.O.(TA),  
o/o the CGMT, Assam Circle,  
Guwahati-781007.

Subject:- Anomally in pay fixation.  
Reference:- Your representation dated 17-11-94.

With reference to the above subject and correspondence,  
this is to be intimated that Shri R.C.Chakravarty who is junior  
to you may be drawing higher pay because of his promotion locally  
to officiate as A.O. before his regular promotion to the grade.  
It has been clarified ~~xxxx~~by DOT that the disparity of pay  
arising out adhoc officiating position does not constitute an  
anomally for the purpose of stepping up of the pay of the senior.

A copy of DOT letter No.4-31/92-PAT dated 31.5.93 is enclosed  
hereto for ready reference.

*V. S. K. Prasad Sarma*  
( K.S.K.Prasad Sarma)  
Asstt. Director Telecom(Staff)  
o/o the CGMT, Assam Circle, Guwahati.

*Seen,*  
*[Signature]*

*[Signature]*

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM. CIRCLE  
ULUBARI::GUWAHATI- 781001.

NO. ESTQ-4/17/21

Dated at Guwahati, the 31-01-95.

To

Shri Biswajit Deka, A.O. (IRA)  
O/O T.D.M. Guwahati

Sub:- Anomaly in pay fixation.

Ref:- Your representation dated

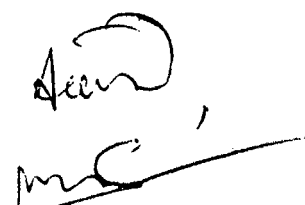
With reference to the above subject and correspondence, this is to be intimated that Shri R.C. Chakraborty who is junior to you may be drawing higher pay due to his promotion locally to officiate as A.O. before his regular promotion to the grade.


It has been clarified by DOT that disparity of pay arising out of adhoc officiating position does not constitute an anomaly for the purpose of stepping up of pay of the senior.

A copy of DOT letter No. 4-31/92-PAT dated 31-05-93 is enclosed herewith for ready reference.

Enclo:- One.

4-31/197  
(K.S.K. Prasad Sarma)  
Asstt. Director Telecom. (Staff)  
for Chief General Manager  
Assam Telecom. Circle, Guwahati-7.

  
Accounts Officer (A & P)  
O/O The C.G.M.T., Assam Circle,  
Guwahati - 7

Attested.  
  
Advocate.

- 64 -

A/4 G.

ANNEXURE- 46.

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATION  
OFFICE OF THE CHIEF GENERAL MANAGER, TASK FORCE  
N.E. TELECOM REGION, CUWAHATI-781 003.

No. TF/NE/CAO/Misc

Dated 26.12.94.

Sub: Stepping up of pay of senior on par with junior -reg.

With reference to your representation dated 23.11.94 and 21.12.94 on the above subject, it is intimated that as per DoT Lr. Nos. 4-31/92-PAT dated 31.5.93 and 3-20/93-PAT dated 24.12.93, stepping of the pay of the senior on par with that of a junior drawing more pay due to earning of fortuituous increments by the junior, cannot be considered. The DoT vide its letter dated 31.5.93 has clarified that the benefits of the judgements referred to in your representation cannot be extended to other similarly placed Governments Servants. Your representation, therefore, is filed in this office.

*B.V. Ramana Rao*  
26.12.94.  
( B.V. Ramana Rao )

CAO & IFA

O/O CCM, Task Force,  
Cuwahati-3.

To

Shri V.K. Hariharan, AO, T/F, Jorhat. ✓

Shri K.S. Manoharan, AO T/F, Cuwahati.

*Sen*

*MC*

Officer (A & F)

...

...

A

- 65- A/4H

13-4H

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATION  
OFFICE OF THE CHIEF GENERAL MANAGER, TASK FORCE  
N.E. TELECOM REGION, GUWAHATI-781 003.

No. TF/NE/CAO/Misc

Dated 26.12.94.

Sub: Stepping up of pay of senior on par with junior -reg.

With reference to your representation dated 23.11.94 and 21.12.94 on the above subject, it is intimated that as per DoT Lr. Nos. 4-31/92-PAT dated 31.5.93 and 3-20/93-PAT dated 24.12.93, stepping of the pay of the senior on par with that of a junior drawing more pay due to earning of fortuituous increments by the junior, cannot be considered. The DoT vide its letter dated 31.5.93 has clarified that the benefits of the judgements referred to in your representation cannot be extended to other similarly placed Governments Servants. Your representation, therefore, is filed in this office.

13-4H  
( B.V. Ramana Rao ) 26.12.94

CAO & IFA

O/O CCM, Task Force,  
Guwahati-3.

To

Shri V.K. Hariharan, AO, T/F, Jorhat. ✓

Shri K.S. Manoharan, AO T/F, Guwahati.

13-4H  
J/O T/F, CCM, Task Force, Guwahati-3

- 66 - A/41 42

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM. CIRCLE  
ULUBARI::GUWAHATI- 781007.

NO. ESTQ-2/299

Dated at Guwahati the 15th Feb'95

To

✓  
Sri S. Sengupta,  
AO (Internal check),  
Gothe. Comt/At.

Sub:- Anomally in pay fixation.

Ref:- Your reptn. dtd 23.11.94

With reference to the above subject and correspondence this is to be intimated that Sri/Smt. Ratan Ch. Chakraborty,  
AO (cap) Gothe. Comt/At. who is junior to you may be drawing higher pay because of his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified DOT/ND that the disparity of pay arising out adhoc officiating position does not constitute an anomally for the purpose of stepping up of the pay of the senior.

✓  
15/2/95  
(K.S.K. Prasad Sarma)  
Asstt. Director Telecom. (Staff)  
for Chief General Manager  
Assam Telecom. Circle, Guwahati-7.

Seen,  
me  
Account Officer (A & P)  
O/O The C.G.M.T., Assam Circle,

- 67 -

A/43 ANNEXURE- 47.

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM. CIRCLE  
ULUBARI::GUWAHATI- 781007.

NO. ESTQ- ESTQ-2/319

Dated at Guwahati 15-2-95.

To

Sri ~~Katata~~ P. Sundera Rajan  
S/O TDE/Jot. A.O. SBP

Sub:- Anomally in pay fixation.

Ref:- Your representation dt 2.5.11.94 6

With reference to the above subject and correspondence this is to be intimated that Sri/Smt. ~~P. Sundera Rajan~~ <sup>Rajan</sup> who is junior to you may be drawing higher pay because of his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified DOT/ND that the disparity of pay arising out adhoc officiating position does not constitute an anomally for the purpose of stepping up of the pay of the senior.

(K.S.K. Prasad Sarma)  
Asstt. Director Telecom. (Staff)  
for Chief General Manager  
Assam Telecom. Circle, Guwahati-7.

O/O The C.G.M.T., Assam Circle,  
Guwahati-7

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A/4K

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM., CIRCLE  
ULUBARI::GUWAHATI- 781007.

NO. ESTO-2/294

Dated at Guwahati, the 15th Feb' 95

To

Sri Su. Balakrishnan,

AO (SBP) of the

TDE/ Bongaigaon,

Sub:- Anomally in pay fixation.

Ref:- Your representation dated 1.12.94

With reference to the above subject and correspondence this is to be intimated that Sri/Smt. Ratan Ch. Chakraborty,  
AO (SBP) TDE/ Krishnagan, who is junior to you may be drawing higher pay because of his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified DOT/ND that the disparity of pay arising out adhoc officiating position does not constitute an anomally for the purpose of stepping up of the pay of the senior.

(K.S.K. Prasad Sarma)

Asstt. Director Telecom. (Staff)  
for Chief General Manager  
Assam Telecom. Circle, Guwahati-7.

Copy to:-

1. The TDE/ Bongaigaon, with ref. to his letter NO. DIR-GH/STO/20-12/90/133/27. 9.1.95 for information.

Advocate

Accounts Officer (A & P)

O/O The C.G.M.T., Assam Circle,  
Guwahati - 7

(3)

- 69.

A/4L

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS

ANNEXURE- 4L

OFFICE OF THE CHIEF GENERAL MANAGER::ASSAM TELECOM. CIRCLE  
ULUBARI::GUWAHATI- 781007.

NO. ESTQ-

2/390

Dated at Guwahati 15.4.75.

To

B. C. Rajacharan  
Asstt. Dir.  
Circle Office Guwahati

Sub:- Anomally in pay fixation.

Ref:- Your representation dt 25-11-74.

With reference to the above subject and corres- <sup>Ratan Chandra</sup>  
pondence this is to be intimated that Sri/Smt. ~~C. Rajacharan~~  
<sup>Asstt. Dir. (A & P) of Telecom. Circle</sup> ~~C. Rajacharan~~ who is junior to you may be drawing  
higher pay because of his promotion locally to officiate as  
A.O. before his regular promotion to the grade.

It has been clarified DOT/ND that the disparity of  
pay arising out adhoc officiating position does not constitute  
an anomally for the purpose of stepping up of the pay of the  
senior.

5/2/95

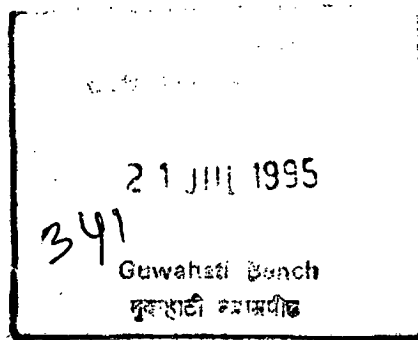
(K.S.K. Prasad Sarma)  
Asstt. Director Telecom. (Staff)  
for Chief General Manager  
Assam Telecom. Circle, Guwahati-7.

Accounts Officer (A & P)  
O/O The C.G.M.T., Assam Circle  
Guwahati-7

Attested.

Advocate.





Filed by:

*Shankar*

(MD. SHAUKAT ALI) 27/6/95  
Mr. Central Govt Secy (Counsel)  
Central Administrative Tribunal  
Guwahati Bench, Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH AT GUWAHATI:

IN THE MATTER OF :

O.A. No. 64/95

Shri Haran Chandra Chakraborty and  
11 others.

-Vs-

Union of India and others.

-And-

IN THE MATTER OF :

Written Statements submitted by the  
Respondents No.1,2 & 3.

WRITTEN STATEMENTS::

The humble Respondents submit their  
written statements as follows :-

1. That with regard to statements made in paragraphs 1 to 3 of the application, the Respondents have no comments on them.
2. That with regard to statements made in paragraphs 4.2 to 4.4 of the application, the Respondents beg to state that they have no comments on them, the same being matters of record.
3. That with regard to statements made in paragraphs 4.5 of the application, the Respondents beg to state that the pay on promotion of ~~to be appointed~~ Shri R.C. Chakraborty was fixed at Rs. 2750/- by virtue of his pay in the earlier cadre before promotion and fixation of pay on promotion has got nothing to do with the seniority of the applicant.

...p/2...

-2-

Fixation benefit is a pecuniary benefit arising out of applying Rule FR-22(i)a(i) and depends on the existing pay of the official on the date of his getting promotion.

4. That with regard to statements made in paragraph 4.6 of the application, the Respondents beg to state that they have no comments on them, the same being matters of record.

5. That with regard to statements made in paragraph 4.7 of the application, the Respondents beg to state that the orders issued by different benches of CAT is not applicable in their case. Because as per the observations of Department of Personnel and Training the benefits of the judgment cannot be extended to other similarly placed Govt. servants. These cases do not constitute an anomaly and stepping up of pay can not be allowed under the existing orders. The copy of the letter No.4-31/92-PAT dtd. 31.5.93 issued by Telecom Directorate bearing these instructions is annexed at Annexure-I.

6. That with regard to statements made in paragraph 4.8 of the application, the Respondents beg to state that only a mechanical order was passed regarding their representation for stepping up their pay is not correct. The said orders of similar type was passed as all the cases are of similar nature and before passing the orders all the aspects of it were duly considered.

7. That with regard to statements made in paragraph 4.9 of the application, the Respondents have no comments on them.

..p/3...

11. That with regard to statements made in paragraph 9, regarding Interim Order prayed for, the Respondents beg to state that in view of the facts and circumstances narrated above the Interim order is liable to be dismissed.

12. That with regard to statements made in paragraphs 10 to 12 of the application, the Respondents have no comments on them.

13. That the Respondents submit that the application has no merit and as such the application is liable to be dismissed.

74

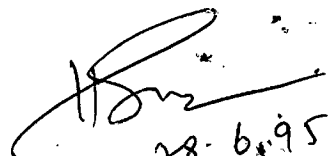
5  
- 4 -

- Verification -

I, Shri H. Sinha, Asstt. Director Telecom (HRD),  
O/O the C.G.M.T., Ulubari, Guwahati-7 being authorised do hereby  
solemnly declare that the statements made above are true to  
my knowledge, belief and information.

And I sign this verification on this 28 th  
day of JUNE '95 at Guwahati.

D e c l a r e n t :

  
28-6-95  
Asstt. Director Telecom (HRD)  
O/o the C. G. M. T. Assam Circle.  
Guwahati-781 007

6 75

Annexure-I

TRUE COPY

Government of India  
Ministry of Communications  
Department of Telecommunications  
Sanchar Bhavan, New Delhi

-31/92-PAT

Dated at ND, 31-5-1993.

All Heads of Telecom.Circles/  
All Heads of Telephone Districts/  
All Heads of other Administrative Officers/  
H.T.N.L. New Delhi/ Bombay  
V.S.N.L. New Delhi/ Bombay

Stepping up of pay of Senior in case Junior Drawing  
more pay due to fortuitous increase of pay.

.....

I am directed to say that number of cases are being  
received from different circles with requests for stepping up  
their pay with reference to that of their juniors who are  
drawing more pay due to fortuitous increase viz.ad-hoc or officiating  
positions etc. To support their claim they have been referring to  
judgement dated 15-11-91 given by CAT,Hyderabad Bench in O.A.  
No. 89 filed by Smt.M.Latitha and others of Department of mines.

The case of stepping up of pay has been examined in  
consultation with the DOP & Trg.and it has been clarified that the  
ratio of the judgement can not be extended to other similarly  
situated Govt.servants. These cases do not constitute an anomaly  
and stepping up of pay can not be allowed under the existing orders.

As such the circles may inform the concerned officials/  
officers accordingly and representation in future, needs not be  
submitted to this Directorate. The cases already pending with us  
along with the service books will be returned to the circles  
separately.

Yours faithfully

SD/-

( BUDH PRAKASH)

ASSTT. DIR.GENERAL(TE)