

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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*Subh
12/10/00*

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. D.C.L. RESPONDENT'S

Mr. B.K. Sharma, Mr. P. Bhattacharjee THE APPLICANTS
Mr. B. Mukherjee, Mr. S. S. Sanyal

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

OFFICE NOTE	DATE	ORDER
The application is in form and within time.	30.3.95	Mr. B.K. Sharma on leave. Adjourned to 31.3.1995.
C. F. of Rs. 50/- deposited vide IPO/B/ No. 68297		
Dated 20/3/95		Vice-Chairman
<i>for 29/3/95</i>	pg	<i>6</i> Member
	31.3.95	Mr. B K Sharma for the applicant. Mr. S.Ali, Sr. C.G.S.C. for the respondents.
<i>for 29/3/95</i>		
<i>for 29/3/95</i>		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.
<i>for 29/3/95</i>		<i>6</i> Member
<i>for 29/3/95</i>		Vice-Chairman
<i>for 29/3/95</i>		

(2)
O.A. 64/95

4-5-95

8-8-95

Memo of appearance
filed by Mr. S. Ali,
Sr. C.G.S.C.

At the request of Mr. Ali four weeks
granted for filing written statement.

Adjourned to 6-9-95 for further
orders.

lell
Vice-Chairman

60
Member

5-6-95

lm

9/8/95

To be listed for

order on 7-8-95

By order

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

10/7/95

21, 7-95

Mr. S. submitted my
Report. No. 1, 2 and 3

Prb

22.11.95

Box

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.

lell
Vice-Chairman

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

nkm

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

gk

TM, r/w

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?

M.G. Chaudhuri
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.

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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 ^{and their pay has} ~~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

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 interalia 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 ⁱⁿ 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 interse 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 ~~the benefit~~ 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 promotion prior to him or like him.

bill

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) ^{referred above} the view taken in above decisions

was.....

✓

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 ^{appreciated} 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.....

will

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~~ the respondents ~~are further directed~~ — 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

nkm

29 MAR 1995

Gauhati Bench
गুৱাহাটী বৰাবৰী

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 *copy*
Sri. G.C.S.C
29/3/95

Registration No. _____

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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 Bindur Bhutan 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. Chenchiah, 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 (SBP),
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 -

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, Panbazar, Guwahati-1. RESPONDENTS

5. The Chief General Manager, Eastern Telecom Region 7, Kshetra Das 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 a T.S. Clerk (later on 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 (later on 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 (later on 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. Chenchaiah was originally selected and appointed as R Clerk (lateron 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 ~~22.9.80~~ ^{12.10.81}, 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 (lateron 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 (lateron 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 (lateron 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 ~~Marketing~~ Sorter (lateron 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 (lateron 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 ^{once} ~~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 1028 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 ~~xxxxxx~~ 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, 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/-, 2450/-, 2600/-, 2600/-, 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, ^{1.4.95} 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 refixation 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 ~~xxxx~~ law is well settled ^{that} 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 863912
- (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 Girindra 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 DRAW.

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 Bhutan 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. Chenchiah	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. Sundara Rajan	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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Chakraborty
T. Balaji
Associate

Assistant Accounts Officer

Attested

Advocate

Account Officer (A & P)
 O/O The C.G.M.T., Assam Circ'
 Guwahati- 7

PCT 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	RAJESKARI M.	1	070543	180963	010487
81929	JAYARDHANAN USHA	2			010487
81152	NAGESWARARAO A	3	0186578	040867	
81272	VERMA S R	4	290941	010865	
81519	SOMASUNDARAM S	5	200451	100571	010487
81600	Gupta Gyan Chand	6	090337	020556	010487
81808	MARU RAM GOPAL	7			010487
81884	PANDEY A K	8	150347	220871	010487
81886	VENUGOPALAN P	9	150344		010487
81902	KHAN I A	10	030552	140174	010487
81948	NATH NEVAT CHANDRA	11	150953	161073	010487
81979	SINGH KARNAUL	12	060946		010487
81980	FARTHIBAN N	13	120550		010487
81981	DURUSHKAR C D	14	010653	171172	010487
81982	NAYAK NABIN CHANDRA	15	270241	070262	010487
81983	MURCHY T P LAKSHMI N	16	051254	161073	010487
81984	MUCHOL C M	17	010448	080671	010487
81985	JAMBAGIVAN V	18	070546	040566	010487
81986	KAMAL VINAY	19	101652		010487
81987	MANOJDO R C	20	160148	130466	010487
81988	JAIN MANOJ	21	060551		010487
81989	SULAT LIVASHEKAR	22	180243		010487
81990	JAIN K L	23	010751	291272	010487

14

PCT 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
81965	SAHA PARAS NATH	27	000351	240574	010487
81967	PRASAD BASUDEV	28	011151	010673	010487
81968	MOORTHY I T	29	060682	010574	010487
81969	KUSHNUZ N S	30	190581	010771	010487
81970	BANERJEE SWAPNA KUMAR	31	000149	030166	010487
81971	BESHPAKDEE K G	32	151145		010487
81972	MANOHARAN N S	33	190151	060573	010487
81973	KUMAR JAGDISH NARAYAN	34	030242	180961	010487
81974	GIRHEPUDE M D	35	291251	100573	010487
81975	RAMA KISHAN	36	010647	300766	010487
81976	UPPUNDA T P	37	311144	100571	010487
81977	CHAUHAN SANWAR MAL	38	050349		010487
81978	GOSWAMI R B	39	141053	180173	010487
81979	SHUKLA RAM BAKSHA	40	010146	170271	010487
81980	SINGH P N	41	250746		010487
81981	NANDA SASHI DEKHAR	42	300349	070274	010487
81982	RAJASEKHAR B	43	010711	181076	010487
81983	MAJUMDAR SUKAMAL KANTI	44	010362	160876	010487
81984	SHIV LAL	45	101251	041271	010487
81985	NAGARAJAN C	46	260748	211167	010487
81987	VENKATAPATHY K	47	100452	140773	010487
81988	PUSHPARAJ D	48	130651	140773	010487

Whether the stepping up of pay has been examined in
consultation with the Dep't of Training and Technical

ANNEXURE-

Associate Account Officer

PEA/C & FINANCE 561 BLUE BOOK
 Staff No. Name Sent Date Date Date No. of Birth Entry DPC/PR

1945 KARNA SURENDRA LAL 49 090548 200970 010487
 1946 KISHRA H K 50 250754 210574 010487
 1947 AHMAD MD NASEEM 51 060442 151265 010487
 1948 MUKHOPADHYAY DIPAK KR 52 170948 100269 010487
 1949 SALA CHAUHASTA 53 070443 160465 010487
 1950 VERMA R K 54 201051 031072 010487
 1951 BALNIKAR R K 55 200245 110967 010487
 1952 CARPENTER GHANSHYAM LAL 56 090446 010487
 1953 SANATKUR D S 57 291152 230173 010487
 1954 AMRITKAR R S 58 110649 091269 010487
 1955 KAR PRAVAT KUMAR 59 010750 120171 010487
 1956 SINGH HARI 60 140153 010487
 1957 VIJAYAN K K 61 151151 141273 010487
 1958 KAGAPPAN C 62 050749 040673 010487
 1959 MITRA SARADINDU 63 010450 290573 010487
 1960 KRISHNAMURTHY M 64 060849 281271 010487
 1961 ROY RAMASHISH 65 061047 010767 010487
 1962 BAL ANURANJAN 66 241041 010765 010487
 1963 KER BIPAD CHANDRA 67 011244 010487
 1964 BALAKRISHNAN S 68 150453 020360 010487
 1965 DAS PRAMODE RANJAN 69 080535 020360 010487
 1966 SINGH RANG SHADUR 70 030948 011269 010487
 1967 MATH SWAPAN KUMAR 71 090750 080271 010487
 1968 GUPTA SATYA NARAYAN 72 050745 270766 010487
 1969 JHA PRATAP NARAYAN 73 240241 140563 010487

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
 82022 JAIN RAM NIWAS 79 060552 010374 010487
 82023 BRIJ NARAIN 80 121248 180272 010487
 82024 DAS BABOO 81 211147 010487
 82025 BASAVA RAJU A 82 160150 030870 010487
 82026 MUTHUSWAMY M 83 301252 151272 010487
 82027 SATPAL D R 84 170649 010487
 82028 SINGH BAHADUR 85 040350 260273 010487
 82029 NIKAM B D 86 010750 081073 010487
 82030 SELVARAJ K 87 160354 030974 010487
 82031 RAM SARAN 88 221250 120870 010487
 82032 DHAYALAN R 89 100646 040566 010487
 82033 MISHRA AMARESH 90 080946 130667 010487
 82034 BHARDWAJ A K 91 151150 210771 010487
 82035 SUNDARARAJAN P 92 140149 030667 010487
 82036 PRASANNAKUMAR D A 93 180642 300465 010487
 82037 RANGARAJ R 94 150952 141272 010487
 82038 UMA SHANKAR S 95 060248 261068 010487
 82039 SEKHAWAT KALYAN SINGH 96 050247 010487
 82040 DEB BISWAJIT 97 010147 010487
 82041 GARG ROHTAS KUMAR 98 030849 041273 010487

Antosled.

Advocate.

A. C.

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

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Assistant Account Officers562. BLUE BOOK

Staff No. Date of Birth Date of Entry No. of C. of F. of DPC/PR

82043 BISHWESHWAR 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 RETAWADE P S	106	010653	110772	010487
82051 CHOUDHARY BIRENDRA KR	107	311052	151075	010487
82052 MALLIK JAGANNATH	108	010139	190957	010487
82053 RAJ PAL	109	080851	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 SRINIVASMURTHY C	113	250943	220363	010487
82058 LADU LAL	114			010487
82059 KUSHWANA RAM DUTT	115	050851	061074	010487
82061 SIVASAMBI REDDY M	116	011045	290667	010487
82062 VENKATA RAO B	117	020652	300774	010487
82063 THANKAPPAN P	118	280944	051164	010487
82064 PAPANNA P	119	160544	130767	010487
82065 KANOJIA RAJÄ 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

563. BLUE BOOK

Staff No. Name Date of Birth Date of Entry No. of C. of F. of DPC/PR

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.

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

The cause of stepping up

situation with the I.M.P. of Thailand in

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Sl. No.	Staff No.	Name	Sex	Date of Birth	Date of Entry	Date of Birth	Date of Entry	No. of DPC/PR
146	199	VINOD KUMAR		271051	220573		010487	
147	200	DHVALESHAR S B		010653	281175		010487	
148	201	KHOLASEKAR G		230556	040475		010487	
149	202	SINHA ANJANI KR		030146	171164		010487	
150	203	KAMALAKANI V		150653	180676		010487	
151	204	SINGH DINESWAR PD		050649	090571		010487	
152	205	RAMA IYER R		230349	091270		010487	
153	206	LALA H M		100642	020662		010487	
154	207	VAITHISUBRAMANIAN B		200156	030974		010487	
155	208	RAMAKRISHNA KARANTH K N		120252	140172		010487	
156	209	BALASUBRAMANIAN N		210156	240275		010487	
157	210	HITTAL SATYA NARAYAN		150552	211071		010487	
158	211	ADINARAYANA T		011245	010366		010487	
159	212	VELAPPAN NAIR K		070252	310573		010487	
160	213	SAXENA RAJESH KUMAR		050744	310365		010487	
161	214	BHASKARA PILLAI C		171153	260573		010487	
162	215	SINGH VIR PAL		011246	160566		010487	
163	216	SEKAR V		200452	140873		010487	
164	217	CHANDRASEKARAN T K		261154	101075		010487	
165	218	SEN RATHINDRA KUMAR		150149	130672		010487	
166	219	SINGH RASHUBIR		050144	120166		010487	
167	220	DEVADAS S		140850	201070		010487	
168	221	FREM KUMER P M		110246	260564		010487	
169	222	RAJU SAPASWATHY		010744	300964		010487	
170	223	DASSUMTA RATTAN KUMAR		140143	190463		010487	

Sl. No.	Staff No.	Name	Sex	Date of Birth	Date of Entry	No. of DPC/PR
82171	224	SHARMA SATYA PRAKASH		070548	221167	010487
82172	225	REVATHY C G		280555		010487
82173	226	SINGH NAURANG		050846	240270	010487
82175	227	PAL DURGA DAYAL		251149	160176	010487
82176	228	DESIKAN V		151052	010274	010487
82177	229	BHATTACHARJEE ASHIT R		010150	080869	010487
82178	230	JOTHI K		150353	140873	010487
82179	231	RAJALAKSHMI M		040551	260273	010487
82180	232	RANGANATHA M S		060353	010674	010487
82181	233	NAYAK AJIT KUMAR		060748	010874	010487
82182	234	MALLIKA T		090651	010673	010487
82183	235	GANGULY INDRANATH		280644	040565	
82184	236	BALASUBRAMANIAN S		070656	080975	010487
82185	237	DAS BIMAL CHANDRA		241144	210865	010487
82186	238	PANDE INDER SEN		100152	031072	010487
82187	239	SUBBIAN A		241049	140872	010487
82188	240	HEGDE S M		210149	220474	010487
82189	241	PATEL C A		020651	260573	010487
82190	242	SESHADRI S		260544	290174	010487
82191	243	MUHALIA V		010547	190567	010487
82192	244	PREMACHANDRA NAIR M K		221647	020768	010487
82193	245	KRISHNAMURTHY B M		270746	160965	010487
82194	246	SANT LAL		151446	090867	010487
82195	247	RAJENDRAN C		261253	050973	010487
82196	248	GUPTA MUSAFIR RAM		010643	020471	010487

TAN
RE-2
Absentee Account Officer

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

STATE Account Officer

Assistant Account Officer

568 BLUE BOOK
EX A/C & FINANCE

197	YADAV MATAMANI	249	040250	010487
198	JAGAN BABU S	250	260152	200575 010487
199	SATYA PRAKASH G	251	160155	291076 010487
200	SMT NIRMALA M	252	200954	231073 010487
201	KAUL SURINDER KUMAR	253	010453	020574 010487
202	PANDWAL KARAMCHAND	254	180353	150374 010487
203	BHATT B G	255	260839	250861 010487
204	RAJASEKARAPPA P C	256	020351	290675 010487
205	SATYA PRAKASH	257	100154	150175 010487
206	UPASHI P B	258	150644	300165 010487
207	VENUGOPALAN V	259	200156	161176 010487
208	KHURANA SOM NATH	260	130539	161258 010487
209	CHAKRABORTY RATAN CH	261	181051	160873 010487
210	CHAMAN LAL	262	010748	180768 010487
211	GEORGE KUTTY K T	263	120250	131072 010487
212	RAVINDRAN K	264	010449	171273 010487
213	AGARWAL ANAND PRAKASH	265	030947	280467 010487
214	VISHNUDASAN NAIR K	266	101046	221265
215	SRI KUMAR R	267	041252	070773 010487
216	VIMALA D	268	200546	101165 010487
217	VEDAMANICKAM C	269	131254	170576 010487
218	KANNAN S	270	130952	151272 010487
219	VERGHESE M T	271	020649	241073 010487
220	RAJANATHAN P	272	060749	310571 010487
221	NAGABHUSHANAM M	273	010949	301270 010487

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BLUE BOOK

Staff Name No. Senior Date No. of Birth Date of Entry Date of Birth DPC/PR

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	180666	010487
82238	NARHARI B	280	251145	100666	010487
82239	SINGH SHAMSHER	281	010255	160576	010487
82240	DUHAN SATYANARAYAN	282	101252	051275	010487
82241	BANDOPADHYAY KALYAN KR	283	031052	170174	010487
82242	SARDANA MANOHARLAL	284	200552	200771	010487
82243	ROYCHOWDHURY SANJIB	285	070155	310876	010487
82244	SRIRAMA 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 BHASKARI	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

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Accounts Officer (A & P)
1970 The C.G.M.T., Assam Circle
Circular - 7

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Accounts Officer

- 19 -

P/T A/C & FINANCE		546	BLUE BOOK		
Staff No.	Name	Sec. 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	330591
81664	NATHI LAL	1156	010355	250374	
81665	RAJESWARAN R	1157	021253	071074	260691
81666	SINDHI ABDUL SATTAR	1158			230491
81667	ZAGCHI TANMOY	1159	030152	140873	240491
81668	NANJUNDASHAMY S	1160	100253	200574	290192
81669	RAZAK ABDUL	1161	050148	161266	250691
81671	PATEL B S	1162	010649	060669	020491
81672	MANICKAVACHAKAM T	1163	090554	070475	250391
81673	JAYARAJ P	1164	150545	031264	301191
81674	MOHANTY NIMAIN CHARAN	1165	011150	010471	290591
81675	BANNERJEE 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	100691
81680	PITCHIBABU V	1171	050841	170265	300491
81681	SHANKAR BELLUBBI P	1172	010649	071071	
81682	MATHURIA R S	1173	010945	110856	

P/T A/C & FINANCE		547	BLUE BOOK		
Staff No.	Name	Sec. 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	THIRUNGNNANA 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 AVATAR	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 VISHNAMBHAR	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	311031
81702	PRAKASA RAO S S	1193	010744	021264	300491
81703	RAMACHANDRAN NAIR S	1194	060149	151275	
81704	PRAJAPATI N R	1195	200247	091069	060591
81705	PAVINDRAN R	1196	280255	120873	300891
81706	RAMASUBRAJANINAN	1197	030554	070573	300891
81707	ANGUCHAMY P	1198	200246	090266	131291

CC
Advocate
Sent,
Accounts Officer (A & P)
O/O The C.C. S., Assam Circle,
Guwahati - 7

The case of stepping up or pay has been examined in
conjunction with the DOP & Trg: and it has been clarified that the

Account Officer

P.GT A/C & FINANCE				BLUE BOOK			
Staff No.	Date of Birth	Date of Entry	Date of DPC/PR	Staff 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	RAMANI 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	NASRULLAH MD	1205	010750	260972	231091		
1715	CAKSHINAMOORTHY V	1206	150648	011067	010791		
1716	THRILOKYAN R	1207	040151	151070	260691		
1717	SANTHAKUMAR P	1208	130256	030974	100491		
1718	MAJEED 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 DRYA CHAND	1213	120842	261068	291091		
1723	VARADARAJAN G	1214	280254	260874	150591		
1724	PRAJAPTI C V	1215	020649	070869	170691		
1725	KESAVA RAO V	1216	030953	090574	250391		
1726	SRINIVASAN K R	1217	100949	121070	260491		
1727	KUDALKAR S S	1218	161052	230173	250391		
1728	BEHARI LAL	1219	071150	071072	291091		
1729	SRIVASTAVA ASHOK KUMAR	1220	181149	310771	300891		
1730	VASAN A	1221	090554	160475	290791		
1731	HENRY RAJADURAI A	1222	160654	010974	070691		
1732	CHENCHIAH S	1223	010745	160964	040491		

P.GT A/C & FINANCE				BLUE BOOK			
Staff No.	Name	Staff No.	Name	Staff 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	220769	261091		
81741	DHAR SURINDER KUMAR	1230	200354	011174	180491		
84560	RAVIKUMAR P K	1231	090351	311072	131191		
81742	GAWAS 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	311091		
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	170271	240691		
81754	SUNDAR R	1243	220755	150474	050491		
81755	JAYAPRAKASH S G	1244	010754	010573	300491		
81756	SIVAMANICKAM A	1245	240652	170674			
81757	SHARMA TULSI RAM	1246					
81758	CHAUDHARY R S	1247	011248	110669	220691		
81759	PRAJAPAT MOOLCHAND	1248					

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

Atto. a.
S.
Advocate.

Allen
MC

559

PER A/C & FINANCE		554	Serial No.	Date	Date	Date	No. of	of	of
STAFF NAME				Birth	Entry				
81870	BALUSKAMY M		1349						130392
81871	RAX 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 SATHIASELAN		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			

Attn. S. S. d.
S.
Advocate.

the effect of stepping up of pay has been examined in

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.

Name	Staff No. in the Blue Book	Seniority in the cadre
H. C. Chakraborty	81,658	1151 as Accounts Officer
Ratan Chandra Chakraborty	82,209	261 as Asstt. Accounts Officer .

(Contd.)

SK

1/1/2004

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 junior 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.A.s 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 U.P 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 27-06-94 with D.N.I. 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/CH

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

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

From

A/3B
- 24 -

ANNEXURE-3B

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

To

The Chief General Manager Telecim
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,
Krishnanagar, 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 (previse 4).

By virtue of his posting in West Bengal Telecom
Region and also due to circumstances prevailing there ⁱⁿ 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.

Cont'd on page.....2/-

- 25 -

- 2 -

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.

Name	<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, Krishnanagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

- 26 -

- 3 -

ANNEXURE-

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,

B.B. Mookherjee
(B.B. MOKHERJEE)

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

*Advocacy
Advocacy
Advocate.*

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

From:=

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

ANAMOLY IN PAY-PRAY 3C

To,

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

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 consideration and issue of favourable 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/= with DNI to Rs. 2825/= on 01-08-1994. The anomoly 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 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.

Attest. S.
Advocate.

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 ~~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 ~~O.A.~~ ^{6A} 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(Provise 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.

AI

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 (A.A.O)</u>
-------------	---------------------------------------	---

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

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.

Seen,

MS

From

CHINMAYI,

Accounts Officer.

C/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 (SOP) C/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 Junior Accounts Officer and I was promoted ^{as} Accounts Officer on regular basis with effect from 04-06-91. My pay on regular promotion was fixed at Rs. 2375/- with DMI to Rs. 2450/- on 01-06-92.

Shri RATAN CHAKRABORTY, Accounts Officer (SOP), C/o. the Telecom District Engineer, Krishnagar, Nadia, West Bengal, who belongs to 1991 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. 2925/- 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 51 22 C (proviso 4).

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By virtue of his posting in West Bengal Telecom Region and also due to the circumstances prevailing therein Shri Saten 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.S.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 Saten 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. CHENCHIAH.	81733	1223 as Accounts Officer.
SATEN 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 28-09-91 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 Saten 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 (SEP), 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 14-06-94.

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.P.I. to Rs. 2825/- on 01-08-94 on par with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SEP), 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.

J. CHENNAIAH
27.2.94
(J. CHENNAIAH.)

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

Copy to :-

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

J. CHENNAIAH
9.2.94
(J. CHENNAIAH.)

Dear,

H. S.

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

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: 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 consider-
ation 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

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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 the Blue Book</u>	<u>Seniority in the 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

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28/9

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/

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- 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,

Ghalamuthu
(G. THALAMUTHU).

Place : Guwahati

Date : 17.11.94

Copy to:

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

Accts.

Mr. S. S. S. P.
SAC, CGM, Assam Circle
17.11.94

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 Junier 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 Junier 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 Junier 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 Junier 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 of (A.A.O.)

B. Deb

82041

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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.

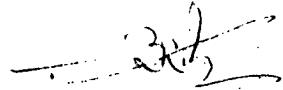
Thus I become entitled for the stepping of my pay on par with my junior Shri Ratan Chandra Chakraborty, Accounts Officer (SBP) O/o the Telecom District Engineer, Krishnagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

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

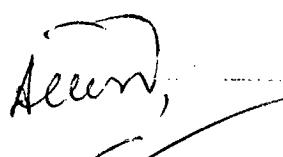

(BISWAJIT DEB.)

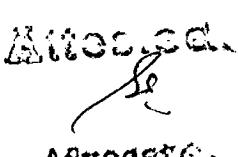
Place :- Guwahati.

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

From :-

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 an' 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 81972. I would like to bring to your kind notice that the Hon'ble Supreme Court had a similar case dt. 28.8.91 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 eventhough 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 I.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.

:- 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

Sehru,
Accounts Officer (A & P)
O/O The C.G.M.T., Assam C.I.
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.Telem. Region,
Singh Niwas, Silpukhuri,
Guwahati-781 003.

(Through proper channel)

Respected Sir,

Sub: Anomaly in Fixation of Pay - Pay Differential by stepping up of pay on par with Junior Sri Ratan Chandra Chakraborty, Accounts Officer (SPP), Circle 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, 1986 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. 2875/- on 1.5.1995.

Shri Ratan Chandra Chakraborty, Accounts Officer (SPP), 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 27.8.94. 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, Dibrugarh and the subsequent protection of pay on regular promotion under Rule EK 22 C (proviso 4).

By virtue of his posting in West Bengal Telecom Region and also due to the circumstances prevailing there in, 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 27.8.94, 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.

- 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.)
V.K. Hariharan	80372	127
Ratan Ch. Chakraborty	80209	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 judges. 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 (S.E.F.), O/o the Telecom. District Engineer, Krishnagar, Nadia, West Bengal in the light of the Supreme Court Judgement referred to earlier.

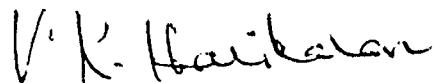
Further, I would like to bring to your kind information that in the cases of similar nature have already been decided in favour of applicants by the Division Bench of CAT, Ernakulam. Vide O.A. 1150/93 dated 29.10.93, the same view has been taken by the CAT Bombay in judgement delivered on 19.7.94 in 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 P.O.T has already accepted the verdict of CAT, Ernakulam and issued orders for implementation vide reference No. 19/93 of P.O.T dated 14.8.94.

- 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 27.6.1994 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. HARITHARAN

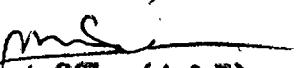
Place :- Jorhat

Date :- 23-11-1994.

Copy to :-

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




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


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

S. N. DESHADRI

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 - Prey Redressal by
 stepping up of pay on par with Junior Smt 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 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, who 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 to Rs.2,825/- 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 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 .

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 .

Name	Staff No. in the Blue Book	Seniority in the cadre
S. Seshadri	82190	242 as Asstt. Accounts Officer
Ratan Chandra Chakraborty	82209	261 as Asstt. Accounts Officer

I would like to bring to your kind notice that the Honourable Supreme Court of India had in 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 some 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, 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 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 19-07-94 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 DOT has already accepted the verdict of CAT . Ernakulam and issued orders for implementation vide reference No. 49-72/93-PAT dated 14-06-94 .

31
47

Under the above circumstances, I humbly request you sir, to kindly review my case of pay fixation and cause issue of orders in 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 .


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

6.2.2004
 ACCOUNTS OFFICER (S.B.P.)
 O/o Telecom District Engineer
 Junior 1/85/91

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
 view of pay on par with Junior Sri Ratan Chandra
 Chakraborty, Accounts Officer (S.B.P.), 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 SC 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. 2660 with DNI to Rs. 2675 on 1.4.95

Shri Ratan Chandra Chakraborty, Accounts Officer (S.B.P.), 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 of 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 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 Account 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>Subodh Chakraborty</u>	82036	92.17
Ratan Ch. Chakraborty	82259	92.1

I would like to bring to your kind notice that the Honourable Supreme Court of India had a similar judgement 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 O.P. has already accepted the verdict of CAT, Ernakulam and issued orders for implementation vide reference No. 49-72/93-PAT dated 16.8.94.

(W)

- 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. ~~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,

P. K. S.
(P. K. S. HABIBKHAN)
(P. K. S. HABIBKHAN)

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.

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

Advocate

From

SUB: BALAKRISHNAN
Accounts Officer
O/o: TELECOM DISTRICT ENGINEER
BONGAIGAON- 783380.

To

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

Respected Sir,

Sub: Anomaly in Fixation of Pay. & Pay 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

Attestd.

Advocates

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 the Blue Book</u>	<u>Seniority in the Cadre (A.A.O.)</u>
Su. Balakrishnan [redacted]	82010	68
Ratan Chandra Chakraborty → [redacted]	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 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.

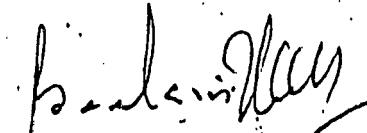
Further, I would like to bring to your kind information that in the cases of similar nature have already been decided in favour of applicants by the "Division Bench" of CAT, Ernakulam, Vide O.A. 1150/93 dated 29.10.1993. The same view has been taken by the CAT, Bombay in judgement delivered on 19.07.1994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

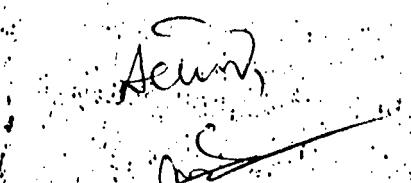

SU. BALAKRISHNAN

Place : Bongaigaon..

Date : 1.12.1994.

Copy to:

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


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

(4)

A/3L

- 55 -

ANNEXURE-31

From,

C. RAJENDRAN

Accounts Officer (cash)

1/ The Telecom District Engineer,
Jorhat 785 001

To - The GM Telecom
Assam 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 Chandra Chakraborty, Accounts Officer (SBP), 1/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. 2650 on 1.4.95.

Shri Ratan Chandra Chakraborty, Accounts Officer (SBP), 1/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 capacities as Accounts Officer in the office of the Chief Manager, West Bengal Circle, Telecom Region, Calcutta subsequent protection of pay on regular promotion under 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 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.

It may be seen from the Blue Book Number 8/1 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.)
------	----------------------------	-------------------------------

C. RAJENDRAN ... 82195

2417

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, Account 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 the O.P.T. has already accepted the verdict of CAT, Ernakulam and issued order for implementation vide reference No. 49-72/93-PAT dated 18.8.94.

3L
57.

- 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. RAJENDRA PANI)
(C. RAJENDRA PANI)

Place :- Jorhat
Date :- 25/11/94

Copy to :-

The Chief Accounts Officer, O/o the S.C.M. Task Force,
~~N.E. Telecom. Region, Singh Nibari, Silpukhuri, Shillong~~

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

Attoe. Gd.

Advocate.

- 38 - 4A

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

NO. ESTD- 61/16

Dated at Guwahati, the 15th Feb '95

To

Sri H. C. ~~Chakraborty~~,
A.O. (C&M) Dather
TDM/Guahati

Sub:- Anomaly 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/Smti. ~~Reitan Chakraborty~~
AO(SBP) of U TDE/Kmhnagan, 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 anomaly 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/CH.7. with ref. to his letter
No. TDM/Staff/OC-11/ci D/7.2.95

Attested
Advocate

Alam

MS

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

ANNEXURE (B) 4B

NO. ESTQ- 2/2/11/5

Dated at Guwahati K.C. 15/2/95

To

Sri B.B. Mukherjee,Accounts Officer,of the TDC/ Nagaland.

Sub:- Anomaly 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/Smti. Ratan Ch. Chakraborty AC (S&P) TDC/KNR, 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 anomaly 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. Sri TDC/ Nagaland with ref. to
 L.S. (C) U. NO.E-98/Pay/pt. II/98 dt. 2.2.95
 for information.

Asstt.

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

S. S.
S. S.

S. S.

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

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

No. CGM-ETR/CA-Admn-320/177 Dated at Ck-12, the 30.1.93.

Sub : Extension of benefit of Judgements delivered by the Central Administrative Tribunal Calcutta Bench in O.A. No. 1426/93 (in the matter of Swapan 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 a stepping up of pay with reference to the pay of your Junior Sri Natan Kr. Chakraborty A.O, Krishnagar Division, WB Telecom. in the light of the above court orders can not be acceded to as per extant rules. In this connection D.O.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.

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

Se.
Advocate.

Arun,
APC
Account Officer (A.S.P.)
O/o. T. & C. G.M.T., Ahsan Circle,
Guwahati-7

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

NO. ESTQ-2/357

Dated at Guwahati on. 15th Feb'95

To

Sri J. Chakraborty
Accounts Officer,
Telecom. Electrical Wing, Guwahati.

Sub:- Anomaly in pay fixation.

Ref:- Your representation 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) ~~of TDC/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 anomaly 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.

Approved.
S
Advocate.

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

A/ 4E

4E

Department of Telecommunications
Office of the Chief General Manager: Assam Telecom Circle,
Umbari, 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:- Anomaly 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 ~~that~~ by DOT that the disparity of pay rising out adhoc officiating position does not constitute an anomaly 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. S/ X/ 194
(K.S.K.Prasad Sarma)
Asstt. Director Telecom(Staff)
o/o the CGMT, Assam Circle, Guwahati.

*Alen,
Paras*

*G
AC/CC*

A/4F

ANNEXURE-4F

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 Basuagit Deb, A.O (i.n.A)
O/U 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 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.

17/1/95
(K.S.K.Prasad Sarma)
Asstt. Director Telecom. (Staff)
for Chief General Manager
Assam Telecom. Circle, Guwahati-7.

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

Attest. Ed.

Advocate.

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 fortuitous 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 Government Servants. Your representation, therefore, is filed in this office.

12/12/94
(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.

Deputy Officer (A & F)
O.O. CCM, Task Force, Cuwahati-3

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 fortuitous 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 Servents. Your representation, therefore, is filed in this office.

1300-26.12.94
(B.V. Ramana Rao)

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.

Shri

U/G T.D. G.M., A.G.M.
D.M.

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

NO. ESTD-212A/1

Dated at Guwahati

the 15th Feb '95

To

Sri S. Sengar
A.O (Internal check),
9th Committtee

Sub:- Anomaly in pay fixation.

Ref:- Your repte. dated 23.11.94

With reference to the above subject and correspondence this is to be intimated that Sri/Smti. Ram Ch. Chatterjee AB (Cap) 9/11/1994 Krishnam, 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 anomaly 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.

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

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 ~~Noted~~ P. Sundera ~~noted~~
~~S/o TDE/JAF~~ A.O. SBP

Sub:- Anomaly in pay fixation.

Ref:- Your representation of ~~noted~~ 6

25.11.94

With reference to the above subject and correspondence this is to be intimated that Sri/Smt. ~~noted~~ ^{Ratan Choudhury} ~~noted~~ A.O. ^{of the} ~~noted~~ 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 anomaly 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.

(Sew).

Mr. ~~noted~~ (A.O.)
D/O The C.G.M.T., Assam Telecom.
Guwahati-7

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

NO. ESTQ-2/294

Dated at Guwahati, the 15th Feb '95

To

Sri Su. Balakrishnan
A.O (S.B.P) of the
TDE/ Bongaigaon,

Sub:- Anomaly 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/Smti. Ratan Ch. Chakraborty, A.O (S.B.P) of TDE/ Krishnaganj 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 anomaly 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. The TDE/Bongaigaon, with ref. to his letter A.O.DIR/64/STB/20-12/90/133/2. 9.1.95
for information.

10021200

Advocates

Seni

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

(3) - 69.

A/4L

ANNEXURE- 4L

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

NO. ESTD- 2/3/75

Dated at Guwahati 15-4-75.

To

Smt. Rajeshwar
1/2/75

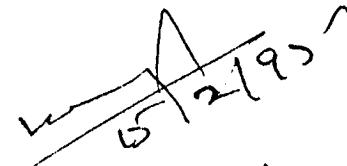
Office Guwahati

Sub:- Anomaly in pay fixation.

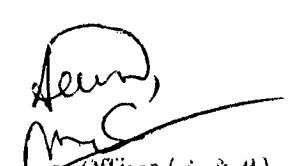
Ref:- Your application dated 25-11-74.

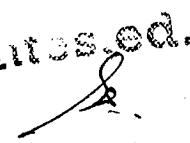
With reference to the above subject and correspondence this is to be intimated that Sri/Smt. Ratan Chand, Prasanta Kumar who is junior to you may be drawing higher pay because of his promotion locally to officiate as A.O. before his regular promotion to the grade.

It has been clarified DOT/ND that the disparity of pay arising out adhoc officiating position does not constitute an anomaly 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.


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


Advocate.

21 JUL 1995

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Guwahati Bench
গুৱাহাটী বেঞ্চ

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~~ 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.

-2-

Fixation ~~benifit~~ is a pecuniary benifit 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 benifits of the judgment cannot be extended to other similarly placed Govt. servants. These cases do not constitute on 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.

-4-

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.

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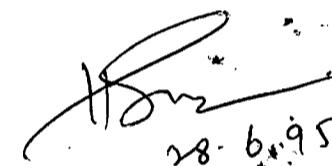
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-A-

- 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.

Declaration:



28-6-95

Asstt. Director Telecom (HRD)
O/O the C.G. M. T. Assam Circle.
Guwahati 781 002

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/

I.T.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 fortutous 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
getting more pay due to fortutous increase viz.ad-hoc or officiating
etc. To support their claim they has been referring to
judgement dated 15-11-91 given by CAT, Hyderabad Bench in O.A.
39 filed by Smt. H. Latitha and others of Department of mines.

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

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

Yours faithfully

SD/-

(BUDH PRAKASH)

ASSTT. DIR.GENERAL(TE)