

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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Disposed Date-12/5/99

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.5

O.A.No. 88/95

Misc.Petn.

C.P. No.

R.Appl:

G.K.Das & Ors.....APPLICANT'S
frs.

U.O.I & Ors..... RESPONDENT'S

Mr. J.L. Sarker.....FOR THE APPLICANTS

Mr. M. Chanda.....

C.G.S.C.....FOR THE RESPONDENTS

OFFICE NOTE	DATE	ORDER
	28.4.95	<p>Learned counsel Mr M.Chanda is present for the applicants.Learned Sr.C.G.S.C Mr.S.Ali for the respondents.</p> <p>The applicants have sought permission to file this application jointly under Rule 4(5) (a) of the C.A.T.(Procedure) Rules 1987.</p> <p>Heard Mr Chanda on that issue and since the applicants fulfil the conditions stated in the rule permission to join in this application granted. Mr Chanda submits that the application has been submitted seeking of transfer of the applicants from N.E.Telecom.Circle to Assam Circle. It has been stated by Mr Chanda that the applicants have opted for their posting in Assam Circle at the time of bifurcation of erstwhile N.E.Telecom.Circle but they could not be accommodated at that time due to their position of their seniority and availability of vacancies in Assam Circle. The applicants have been pursuing the matter by submitting representations.</p>

28.4.95

Learned counsel Mr M.Chanda is present for the applicants.Learned Sr.C.G.S.C Mr.S.Ali for the respondents.

The applicants have sought permission to file this application jointly under Rule 4(5) (a) of the C.A.T.(Procedure) Rules 1987.

Heard Mr Chanda on that issue and since the applicants fulfil the conditions stated in the rule permission to join in this application granted. Mr Chanda submits that the application has been submitted seeking of transfer of the applicants from N.E.Telecom.Circle to Assam Circle. It has been stated by Mr Chanda that the applicants have opted for their posting in Assam Circle at the time of bifurcation of erstwhile N.E.Telecom.Circle but they could not be accommodated at that time due to their position of their seniority and availability of vacancies in Assam Circle. The applicants have been pursuing the matter by submitting representations.

This application is in form and within time.

C. F. of Rs. 50/-

deposited vide

PO/BB No. 88/476

Dated 27.4.95

Requisite fee of Rs. 5/-

deposited for 1 No.

Respondant vide PO/BB

Cash Receipt No. 354

Dated 6.6.95

[Signature]
Registrar (A)

28.4.95 Perused the statements of grievances and the reliefs sought for.

The application is admitted subject to the determination of time limitation at the time of final hearing.

Issue notice on the respondents by Registered Post. Written statement to be submitted by the respondents on 16.6.1995.

Pendency of this application shall not be a bar for the respondents to ~~consider~~ consider the request of the applicants for their transfer to Assam Circle.

11. Communicate the order.

15/5

Member

Requisition sent pg
on 25.5.95 & contd
v. no-2505-10 dt 15.6.95 16.6.95

Learned counsel for the parties are present. Learned Sr. C.G.S.C., Mr S. Ali, prays for further time for submission of written statement. List on 14.7.95 for written statement and further orders.

Notice issued since awarded.

15/6

nkM

Member

14.7.95

For orders on 12.9.95

12.9.95

To be listed for hearing on 22.11.1995. Liberty to file counter.

Notice duly sent
a R. no. 1, 2 & 5, 6.

Member

Vice-Chairman

W/statements has not been filed.

pg
22.1.96
W/statements has not been filed

Adjourned to 23.1.96

QA/TA/CP/PA/MP No. 88 of 1995

OFFICE NOTE

DATE

ORDER

1) Notice duly served
on Respondents no. 1, 2, 5 & 6

25.4.96

Mr M.Chanda for the applicant. M
S.Ali, Sr.C.G.S.C for the respondents.

2) W/statement has not
been filed

At the request of learned Sr.C.G.
Mr Ali he is allowed time to file court

List on 5.6.96 for counter and
further orders.

bo
Member

23-1-96

Adjourned to 29-2-96 ✓ pg

for hearing. *Bho*

5-6-96

Mr.M.Chanda for the applicant. No
for the respondents. Written statement
has not been submitted. This case is
relating to transfer.

29.2.96

REC'D

for hearing
on 23.4.96

To be listed for hearing before
Bench on 10-7-96. In the meantime
respondents may submit written statement
with copy to the counsel of the applicant.
Inform the respondents.

bo
Member(A)

bo
Member(J)

Boocher
Bon

W/statement has not
been filed.

1m

SD
4/6

10.7.96

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

Written statement has been subm
itted. Copy of the same may be served o
the counsel of the opposite party.

List for hearing on 24.7.96.

bo
Member

27-6-96

W/S on behalf
of R. no. 1, 2 & 3,
2 placed at pg 40-
44.

pg

Please comply.
bo

CA/TA/CP/RA/MP No. 88 of 1995

OFFICE NOTE

DATE

ORDER

24.7.96

Mr. M.Chanda present for the applicants.

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

Mr. Chanda seeks for adjournment.
Adjourned for hearing on 8.8.96.

[Signature]
Member

trd

8.8.96

Mr. M.X Chanda for the applicant seeks adjournment. Mr S.Ali, Sr.C.G.S.C has no objection. Allowed.

List for hearing on 3.9.96.

[Signature]
Member

pg

3.9.96

Mr M.Chanda for the applicant. Mr S.Ali, Sr.C.G.S.C for the respondents.

Counsel of the parties have completed their submissions. Hearing concluded. Judgment reserved.

[Signature]
Member

pg

*copies duly served on
pp. Nos. 1, 2, 5 & 6.*

*Statement - his book
in W.*

8

Statement - his book in W.

[Signature]
8/8

20-9-96

Sr.C.G.S.C. Mr.S.Ali for respondents. Judgment and order pronounced. Application is dismissed in terms of the aforesaid order. No order as to costs.


Member

lm

12.5.99

The order dated 20.9.1996 is set aside vide order passed today in R.A. No.1/97. The O.A. is restored for fresh hearing.

This is not a case of ordinary transfer. Therefore place the O.A. for hearing before the Division Bench.

List on 9.6.99 for fixing a date of hearing before the Division Bench.

Send copy of this order to all the parties concerned.


Member

pg

ds
14/5/99

9-6-99

Case is ready for hearing. List for hearing on 14-7-99.


Member


Vice-Chairman


lm

ds
14/6/99

14.7.99

Heard in part. List for further hearing tomorrow, 15.7.99.

Member


Vice-Chairman

nkm

30.9.96

Copy of The Judgment issued to the parties vide D.No-3355 to 360 D, 4/10/96

h
3/9/9

19.5.99

Copy of The order dt-12.5.99 issued to The respondents and Counsel of The applicants

ds

13-7-99

Written statement has been filed.

ds
13/7

15.7.99

Heard counsel for the parties.

Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is disposed of in the manner indicated in the order. No order as to costs.

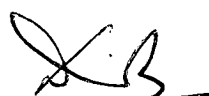
24.8.99

Copies of the
Judgment have been
sent to the D/Sec
for issuing the same
to the parties through
Regd. Mail A/D.
vide Despatch No.

pg

2719 to 2722 dated 30-8-99


Member


Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No.

88 of 1995.

15-7-1999.

DATE OF DECISION.....

Sri Gautam Kr. Das & Ors.

(PETITIONER(S))

S/Shri J.L.Sarkar & M. Chanda.

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Sri A.Deb Roy, Sr.C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.

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

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

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

Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 88 of 1995.

Date of Order : This the 15th Day of July, 1999.

Justice Shri D.N. Baruah, Vice-Chairman.

Shri G.L. Sanglyine, Administrative Member.

1. Sri Gautam Kumar Das,
2. Sri Joylal Shrestha,
3. Sri Brojen Gogoi and
4. Sri Swapan Kumar Bhattacharjee. . . . Applicants.

By Advocate S/Shri J.L. Sarkar and M. Chanda.

- Versus -

1. Union of India
through the Secretary,
Govt. of India,
Department of Telecommunications,
Ministry of Telecommunications,
New Delhi.
2. Chief General Manager,
Telecommunication,
North Eastern Circle, Shillong.
3. Chief General Manager,
Telecommunication,
Assam Circle, Guwahati.
4. Sri Girish Ch. Goswami,
J.T.O., Jorhat.
5. Sri Anil Krishna Singha,
J.T.O., Diphu.
6. Sri Pradip Gohain,
J.T.O., Chapakhowa under
Divisional Engineer,
Microwave, Dibrugarh. . . . Respondents.

By Advocate Sri A. Deb Roy, Sr. C.G.S.C.

ORDER

BARUAH J. (V.C)

The four applicants have approached this Tribunal seeking certain directions. The case of the applicants is that originally the applicants belong^{-ed} to Telecommunication Department of N.E. Circle. In the year 1988 the N.E. Circle of Telecommunication department was bifurcated into two circles, namely, N.E. Circle and Assam Circle. At the




time of bifurcation of the department options were invited from the employees of the erstwhile N.E. Circle. Pursuant to that the applicants opted for Assam circle. But in spite of that the applicants were allotted to N.E. Circle. The grievance of the applicant is that this was contrary to the rules and procedure. The applicants submitted representations. Those were however not disposed of. Hence the present application.

2. Certain factual aspects are required to be considered before taking a decision and it is not possible for this Tribunal to decide the matter. We feel that the authority should consider the representation and dispose of the same by a reasoned order. If options were given then we find no reason why they should not be allotted to Assam Circle. However this is our tentative view, the authority shall consider on the basis of the facts available before them. Mr M.Chanda, learned counsel for the applicants submits that the applicants may be allowed to submit a fresh representation giving details of their grievances. We find no ground to refuse this prayer. Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents has no objection if a fresh representation is filed. Therefore, the applicants may file a fresh representation giving details of their case within a period of 30 days from today. If such representation is filed the authority shall consider the same and dispose of the said representation alongwith the earlier representations which are still pending, by a reasoned order within a period of two months from the date of receipt of the representation. If the applicants are still aggrieved by the decision of the authority they may approach the appropriate authority.

The application is disposed of. Considering the entire facts and circumstances of the case however we make no order as to costs.


(G.L.SANGLYINE)
ADMINISTRATIVE MEMBER


(D.N.BARUAH)
VICE CHAIRMAN

Before the Central Administrative Tribunal
Guwahati Bench ::: Guwahati.

Filed by: Marikanda
H. S. Das

O.A. No. 88/95.

Shri G.K. Das and others.

-Versus-

Union of India and others.

List of Dates.

<u>Sl.No.</u>	<u>Dates</u>	<u>Particulars</u>	<u>Para</u>	<u>Page</u>
1		All the applicants are presently working as J.T.O. in different places under Chief General Manager Telecom, N.E. Circle, Shillong.	6.1	3
2.		All the applicants were working as R.S.A./Phone Inspector in Assam, circle under Chief General Manager Telecom, prior to the bifurcation of N.E. Circle Shillong, during the year 1988.	6.2	3
3.	1988	The applicants at although submitted their option for posting and allotment under Assam Telecom Circle but they were allotted to N.E. Circle on the basis of Seniority Principles. All the applicants were repatriated to N.E. Circle in strict	6.5 & 6.6	5 & 6

<u>Sl. No.</u>	<u>Dates</u>	<u>Particulars</u>	<u>Para</u>	<u>Page</u>
		compliance of Seniority Principle during 1988-89.		
4.	1989-90	That the respondent No.4, 5 and 6 who were junior to the applicants were also working as R.S.A./Phone Inspector in Assam Circle at the relevant ^{time} of Bifurcation of N.E. Circle. The Respondents No. 4, 5 and 6 were also allotted to N.E. Circle following Seniority Principle and repatriated to N.E. Circle during 1989-1990, which would be evident from <u>Annexure-4</u> .	6.7 & 6.8	6 & 7
5.	1992	All the applicants and private respondents qualified in the J.T.O. Examination. But surprisingly private respondents 4 to 6 were allotted to Assam Circle after declaration of result of J.T.O. Examination on the ground that they appeared examination from Assam Circle, in violation of option/seniority principle.	6.9 & 6.10	7 & 8
6.		Vacancies of J.T.O:s are available in Assam Circle due to various reasons such as on account of superannuation, resignation, promotion/transfer, death but posting of applicants in Assam.	6.15 & 6.19	11 & 16

Assam Circle never considered
in terms of their option/seniority
principles.

Prayer :-

Applicants praying for a direction upon
the respondents to issue necessary orders
of transfer and posting in Assam Circle.

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

O.A. NO. 88 of 1995.
T.A. NO.

DATE OF DECISION 20-9-1996.

Sri Gautam Kumar Das & 3 others.

(PETITIONER(S))

S/Shri J.L.Sarkar & M.Chanda.

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

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

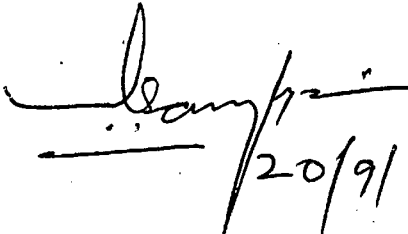
ADVOCATE FOR THE
RESPONDENT (S)

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

THE HON'BLE

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

Judgment delivered by Hon'ble Administrative Member.


20/9/96

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 88 of 1995.

Date of Order : This the 20th Day of September, 1996

Shri G.L.Sanglyine, Administrative Member.

1. Sri Gautam Kumar Das,
2. Sri Joylal Shrestha,
3. Sri Brojen Gogoi &
4. Sri Swapan Kumar Bhattacharjee . . . Applicants

By Advocate S/Shri J.L.Sarkar & M.Chanda.

- Versus -

1. Union of India
through the Secretary,
Govt. of India, Department of
Telecommunication, New Delhi.
2. Chief General Manager,
Telecommunication,
North Eastern Circle, Shillong.
3. Chief General Manager,
Telecommunication,
Assam Circle, Guwahati.
4. Sri Girish Ch. Goswami,
J.T.O., Jorhat.
5. Sri Anil Krishna Singha,
J.T.O., Diphu.
6. Sri Pradip Gohain,
J.T.O., Chapakhowa under
Divisional Engineer,
Microwave, Dibrugarh. . . . Respondents.

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

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER

The applicants in this application are Sri Gautam Kumar Das, Sri Joylal Shrestha, Sri Brojen Gogoi and Sri Swapan Kumar Bhattacharjee. Sri Girish Ch. Goswami is respondent No.4, Sri Anil Krishna Singha respondent No.5 and Sri Pradip Gohain respondent No.6. Sri Girish Ch. Goswami was junior to Sri Gautam Kumar Das. Sri

contd. 2...

Anil Krishna Singha was junior to Sri Joylal Shrestha and Sri Pradip Gohain is junior to Sri Swapan Kumar Bhattacharjee. All of them were working within the territorial jurisdiction of Assam under the erstwhile North Eastern Telecom. Circle. In 1987 this Telecom. Circle was bifurcated into Assam Telecom. Circle with headquarter at Guwahati and North Eastern Telecom. Circle with headquarter at Shillong. Under the scheme of bifurcation options were called for from the staff to opt either for North Eastern Telecom Circle or for Assam Telecom Circle. Most of the staff opted for Assam Telecom Circle. This created administrative and practical difficulties as all of them could not be accommodated in Assam Circle and as telecommunication services will have to be maintained in the other parts of the North Eastern Region. Therefore selection was made on the basis of seniority. As a result some of the junior officials were allotted to the North Eastern Telecom Circle. The 4 applicants together with respondents No. 4, 5 and 6 were allotted to North Eastern Telecom Circle. The applicants were however, physically relieved to join North Eastern Telecom Circle earlier than the private respondents No.4 to 6. In the year 1989 a J.T.O departmental competitive examination was held. The applicants submitted their applications for the examination to the North Eastern Telecom Circle but the private respondents who were not released from Assam Circle at that time submitted their applications to Assam Circle. All the 7 officials were selected for

contd. 3...

20.9.96

promotion to J.T.O. cadre and were sent for training and on completion of the training the Principal, Regional Telecom Training Centre, Ahmedabad posted the applicants to North Eastern Telecom Circle and the private respondents 4 to 6 to Assam Telecom Circle. The position remains that the options of the private respondents No. 4 to 6 for the Assam Telecom Circle stand fulfilled. This has created the grievance of the applicants in this instant application.

2. In this application the applicants have prayed for the following reliefs :-

- i) That the respondents be directed to issue necessary orders of transfer and posting allotting the applicants into Assam Telecom Circle in the cadre of J.T.O.
- ii) That in terms of prayer No.1 if the vacancies of JTOs are not available to accommodate the applicants in the Assam Telecom Circle in that event the posting/allotment orders of the Respondents No.4 to 6 in Assam Circle and the Cadre of JTOs be cancelled and in the resultant vacancies, the applicants be accommodated in Assam Telecom Circle.

The ground for the reliefs is mainly based on discrimination on the ground that the private respondents who were juniors to the applicants were preferred by sending them to Assam Telecom Circle. The respondents have stated in their written statement as follows :

"In fact all the above officials should have been posted to N.E. Telecom Circle had the Government

contd. 4

1
20.9.96

orders were implemented timely. Because of the non-implementation of the orders, the mistakes in entertaining the applications before joining N.E.Circle and the wrong posting orders issued by Principal training centres this anomaly has arisen.

Since this anomaly has arisen because of the non-implementation of the Government's orders, administrative mistakes and wrong posting orders it is fair and justified to transfer the three respondents to N.E.Circle as JTOs for where vacant posts are available otherwise we have to insist for implementation of the earlier Government orders which means that the three private respondents have to come back to N.E.Circle on their original cadre then appear for JTO promotion examination if they so wish.

Hence to avoid any such hardship, it is prayed to the Lordship, to pass an order to transfer them to N.E. Telecom Circle where vacancies in JTO's cadre exists and we are ready to accommodate them to meet the end of the justice."

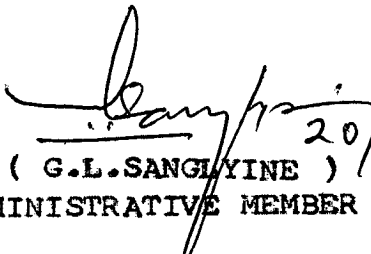
3. The respondents No.4, 5 and 6 have not contested this application. They have neither submitted their written statements nor appeared at the hearing personally or through an authorised person.

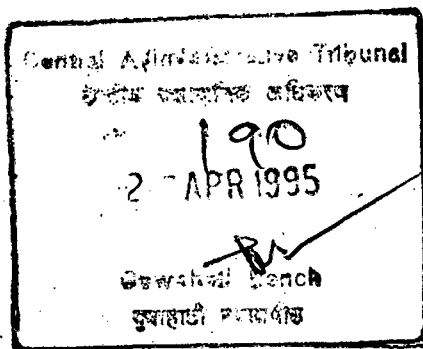
4. From the facts on records it is gathered that the applicants being junior in the relevant Gradation list of the erstwhile N.E.Telecom Circle in comparison with other officials, who were senior to them, were not entitled to be posted in Assam Telecom Circle in accordance with the policy adopted by the administration for the purpose of transfer of staff in the circumstances prevailing during the bifurcation. Similar is the case with the respondents No.4 to 6. The only difference is that the applicants had been posted in the N.E.Telecom Circle and had actually joined their posts in the Circle while the respondents No.4 to 6 had somehow been posted in the Assam Telecom Circle and are actually continuing in that Circle. The official Respondents have claimed in their written statement that the respondents

20.9.96

No.4 to 6 were wrongly posted in the Assam Telecom Circle. The written statement was submitted on behalf of Respondents No.1, 2 and 3. They have now found out their mistake. They are the competent authorities to rectify their own mistake. They are therefore at liberty to rectify the mistake committed in connection with the aforesaid posting of the Respondents No.4 to 6 in Assam Telecom Circle in accordance with law. It is expected that they would do so within a reasonable time. The applicants may approach this Tribunal again if they are aggrieved with the order of the respondents in this regard. As far as the case of the applicants is concerned, I am of the view that they had been correctly posted in the N.E.Telecom Circle in view of their seniority and the aforesaid policy adopted by the respondents. They cannot get a posting in the Assam Telecom Circle simply because the respondents No.4, 5 and 6 were posted in Assam Telecom Circle in the facts and the circumstances of their case as mentioned hereinabove.

The application is dismissed. No order as to costs.


(G.L.SANGLIYINE) 20/9/96
ADMINISTRATIVE MEMBER



Filed by
 applicants

Through Petitioner
 Amal

17-4-95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
 GUWAHATI.

An application under section 19 of the Central
 Administrative Tribunal Act 1985.

O.A. No. 88 /95

Gautam Kumar Das & ors.

vs.

Union of India & ors.

I N D E X

<u>Sl.No.</u>	<u>Annexure.</u>	<u>Particulars.</u>	<u>Page.</u>
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Copy is being handed
 over to Shri S. A. S.
 Sr. C. G. S. C.
 (W.D.s)
 Adv.

27 APR 1995

Gawahati Bench

গুৱাহাটী বেঞ্চ

1. Particulars of Applicants.

1. Sri Gautam Kumar Das,
S/O. Sri Paresh Ch. Das,
Itanagar Microwave Station,
Arunachal Pradesh.
2. Shri Joylal Shrestha,
S/O. Shri B. B. Shrestha,
resident of Dimapur
under S. D.O. T., Dimapur,
Under T. D.M., Nagaland.
3. Shri Brojen Gogoi, J.T.O.,
s/o. late Dharmeshwar Gogoi,
resident of Dimapur,
o/o. the S. D.O. T., Dimapur,
under T. D.M., Nagaland.
4. Shri Swapan Kumar Bhattacharjee,
s/o. late Sarak Kr. Bhattacharjee,
resident of Seppa, P.O. - Sepp.
Dist. - East Kameng,
Arunachal Pradesh.

2. Particulars of Respondents.

1. Union of India,
Through the Secretary,
Govt. of India,
Department of Telecommunication,
Ministry of Telecommunication,
New Delhi.

27 APR 1995

Gwahati Bench
गुवाहाटी बेंच

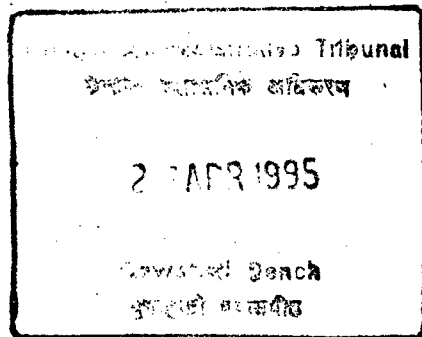
- 2 -

2. Chief General Manager,
Telecommunication,
North Eastern Circle, Shillong.
 3. Chief General Manager,
Telecommunication,
Assam Circle, Guwahati.
 4. Sri Girish Ch. Goswami,
J.T.O., Jorhat.
 5. Sri Anil Krishna Singha,
J.T.O., Diphu.
 6. Sri Pradip Gohain,
J.T.O., Chapakhowa under
Divisional Engineer,
Microwave, Dibrugarh.
3. Particulars for which this application is made.
That this application is made for transfer and posting/attachment in Assam Telecom. Circle in the cadre of J.T.O. and against the posting of the Respondent Nos. 4 to 6 in Assam Circle in deprivation of the claim of the applicants who are senior to Respondent Nos. 4 to 6.

4. Limitation.

That the applicants declare that the application is filed within the prescribed time under the C.A.T. Act.

5.....



- 3 -

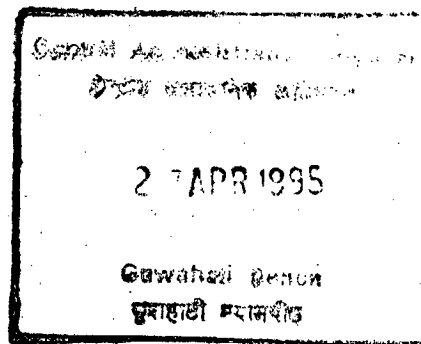
5. Jurisdiction.

That the applicants beg to declare that the cause of the action of the case is within the jurisdiction of this Hon'ble Tribunal.

6. Facts of the case :

1. That the applicants are citizens of India, as such they are entitled to all the rights and privileges guaranteed by the Constitution of India. The applicant No.1 is presently serving as J.T.O. in the Itanagar, Microwave, Station, Arunachal Pradesh, under Chief General Manager, Telecom. (in short C.G.M.T.) North - eastern Circle, Shillong. The applicant No. 2 is now posted as J.T.O. under SDOT Dimapur, under Telecom District Manager, Nagaland and applicant No. 3, presently posted in the office of the S.D.O.T. Dimapur under T.D.M. Nagaland. All the applicants are presently working under C.G.M.T., N.E. Circle, Shillong and applicant No. 4 is posted as J.T.O. at Seppa, under east Kameng District, Arunachal Pradesh, under C.G.M.T. , N.E.Circle, Shillong.
2. That the applicant No.1 and 2 were working as R.S.A. in Assam under C.G.M.T., Assam Circle, prior to the bifurcation of North-eastern circle, Shillong, in the ^{year} 1988, and applicant No. 3 and 4 were working in Assam, as

Phone-Inspector,.....



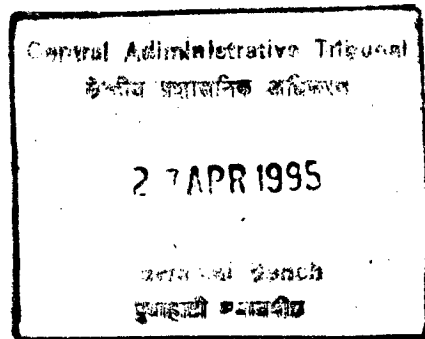
- 4 -

Phone-Inspector, under, C.G.M.T., Assam Circle, Guwahati prior to the bifurcation and creation of North-eastern Circle, and Assam Circle, from the composite N.E. Circle.

3. That the applicants beg to state that the Hon'ble Tribunal be pleased to grant permission under rule 4(5) (a) of the Central Administrative Tribunal Act, 1985, as the cause of action and reliefs sought for in this application are common.

✓ 4. That the erstwhile composite North-eastern telecom circle were bifurcated into Assam telecom Circle and North-eastern telecom. circle following a decision of the Ministry of telecommunication, Govt. of India in the year 1988. Consequent upon such bifurcation the employees in different cadre of the Erstwhile composite N.E. Circle were transferred and posted on the basis of option as well as on the basis of seniority. The applicants were although opted for their posting and allotment under Assam Telecom Circle but they were allotted to N.E. Circle on the basis of seniority principle. Be it stated that the applicants as well as the private respondents were transferred and allotted to N.E. Circle although they were relieved and joined from Assam Telecom. circle to N.E. Telecom. Circle on different dates.

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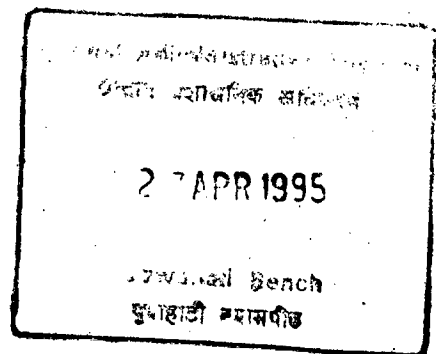
- 5 -

✓ 5. That the applicant No.1 was relieved in time by controlling officer honouring the strict order of the C.G.M.T. N.E. Circle, Shillong vide memo. No. STB-1/bifur/RSA dated, Shillong 9.11.88. He was initially posted at Itanagar, carrier Station under N.E. Circle, Shillong. The applicant No. 2 was transferred and allotted to N.E. Circle along with applicant NO.1 vide original order Memo. NO. STB.1/Bifur/2 RSA dated 9.11.88 in pursuance to office memo. STB-1/Bifur-1/CO dated 13.10.88 whereby applicant No.1 and 2 repatriated to N.E. Circle from Assam Telecom Circle and posted to Itanagar and Mockock chung respectively. The applicant "o.1 joined on 24.1.89 at Itanagar and applicant No. 2 joined on March 1989 at Mockokchung under C.G.M.T. N.E. Circle.

Extract of
A copy of the order dated 9.11.88 is annexed as Annexure - 1.

6. That the applicant No. 3 and 4 who were working as phone Inspector prior to bifurcation under the erstwhile composite N.E. Circle at Jorhat and Tezpur in Assam also opted for allotment to Assam Circle at the time of bifurcation of Assam circle and N.E. Circle but they also repatriated to N.E. Circle from Assam Circle on the basis

of



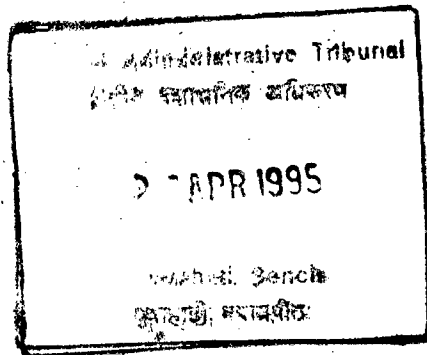
- 6 -

of seniority principle vide memo. NO. STB/Bifur/PI/54 dated Shillong the 7.11.88 and posted at Tenga under S.D.O.T. Bomdila, Arunachal Pradesh and Passighat, Arunachal Pradesh respectively under C.G.M.T., N.E. Circle and after passing of J.T.O. Examination and training they are posted as J.T.O. at Dimapur, Nagaland and J.T.O. Seppa, Arunachal Pradesh under C.G.M.T., N.E. Circle, Shillong.

A copy of the order dated 7.11.88 is annexed as Annexure - 2.

7. That the Respondent No. 4, 5 and 6 were also working as R.S.A. and Phone Inspector in Assam at the relevant time of bifurcation of N.E. Telecom. Circle and Assam Telecom Circle. The Respondent No. 4 and 5 also repatriated to N.E. Telecom. Circle from Assam Telecom Circle consequent upon bifurcation of N.E. Telecom Circle in pursuance of the office memo. No. STB/Bifur-1/Co dated 13.10.88 and vide memo. No. STB-1/Bifur/RSA dated 9.11.88 (Annexure - 1) and posted at Tura and Dimapur respectively under C.G.M.T. N.E. Circle. Be it stated that although applicant No.1 and 2 and private respondent No. 4 and 5 allotted to N.E. Circle by a common order dated 9.11.88 but they were released from Assam Circle on different dates and accordingly they joined in N.E. Circle on different dates. The respondent No. 6 also allotted to N.E. circle at the time of bifurcation who was working as P.I. in Assam and far junior to the applicant No.4 in the cadre of Phone Inspector (P.I.). It would be evident from Annexure -III. List of P.I. allotted to N.E. Circle.

The.....



- 7 -

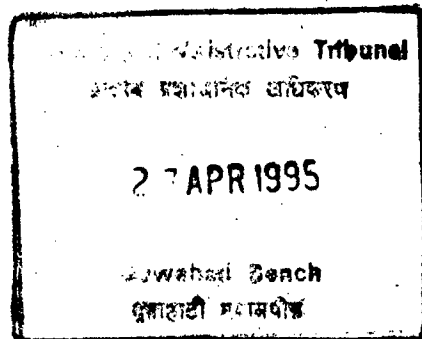
The Respondent No. 6 however physically repatriated from the Assam Circle to N.E. Telecom Circle vide letter No. E-252/Bifur/170 dtd. Dibrugarh 1.1.90 whereby Respondent No. 6 repatriated to N.E. Telecom. Circle posted at Dimapur.

Copy of Annexure - III is annexed herewith as Annexure - 3.

8. That the Respondent No. 5 is junior to applicant No. 2 in the cadre of RSA. prior to bifurcation and Respondent No. 4 is also junior to applicant No. 1 in the cadre of R.S.A. prior to bifurcation of Assam circle and N.E. Circle. Similarly Respondent No. 6 is also junior to the applicant No. 4 in the cadre of P.I. prior to bifurcation of composite N.E. Circle. This fact would be evident from the allotment list of Transmission Assistants (RSA) and further it would be evident from the list of allotment of Phone Inspectors to N.E. Circle (Annexure - 3).

A copy of the list of allotment of RSA is annexed herewith as Annexure - 4.

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- 8 -

9. That the applicants begs to state that immediately after bifurcation all the applicants including the private respondents became eligible for appearing in competitive Junior Telecom Officers Examination/1989, accordingly all the applicants and private Respondents submitted necessary application form for appearing in the J.T.O. Competitive Examination in the year 1989. Be it stated that the private Respondents No. 4 to 6 submitted their application form for appearing in J.T.O. Competitive Examination from Assam Circle before being released from Assam circle to N.E. circle and therefore the private Respondent No. 4 to 6 were allowed to appear from Assam circle in the said Examination.

10. That most surprisingly after declaration of result from J.T.O. Examination and also completion of training outside the region the Respondent No. 4 to 6 were accommodated in the Assam Telecom circle in the cadre of J.T.O. without considering the claim and option of the applicants who were senior to the private Respondents. The applicants at the time of bifurcation of N.E. circle and Assam Circle exercised their options under the relevant scheme of bifurcation for their allotment in Assam circle. This has resulted hostile discrimination

and the.....

27 APR 1995

Gowahat Bench

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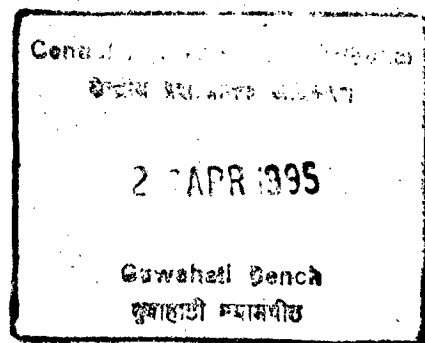
- 9 -

and the same has violated the principle laid down in the Article 14 and 16 of the Constitution of India. The official respondent ought to have considered the cases of allotment of the applicants in terms of their option submitted at the time of bifurcation. Be it stated that applicant No. 3 is junior to Respondent No. 6 in the cadre of P.I.

11. That the C.G.M.T. Assam Circle under his memo. No. STES-5/43 dated 16.1.92 posted the Respondent No. 4 and 5 as J.T.O. at Jorhat under D.E. Microwave and Diphu under D.E. Maintenance respectively in the Assam Telecom circle merely on the ground that they appeared in the J.T.O. Examination from the Assam Telecom Circle ignoring and without considering the claim of the applicants who are senior to the private Respondents. Therefore the respondents are also duty bound to accommodate the applicants in Assam Circle in terms of their option submitted at the time of bifurcation if necessary by cancelling the illegal allotment order issued by the C.G.M.T., Assam circle vide ~~the~~ letter dated 16.1.92.

A copy of letter No. STES-5/43 dated 16.1.92 is annexed as Annexure - 5.

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- 10 -

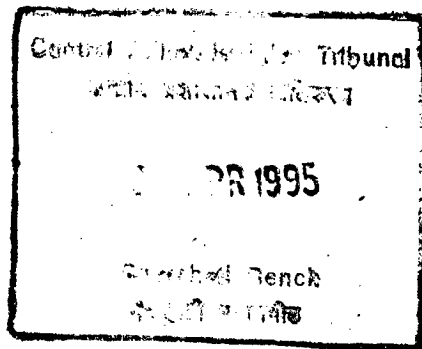
12. That the principal, Regional Telecom Training Centre, Ahmedabad under his letter dated 24.7.92 issued order of posting on completion of training of J.T.O. in respect of Respondent No.6 & at chapakhowa under D. E. Microwave, Dibrugarh under C.G.M.T. ; Assam ~~circle~~ circle, without considering claim of applicant No. 4 who earlier opted for posting under C.G.M.T., Assam Circle at the time of bifurcation of Assam Circle and N.E.Circle. Be it stated that the applicant No. 4 was senior was to the Respondent No. 6 in the cadre of & Phone Inspector prior to bifurcation of composite N.E.Circle, therefore allotment order of Respondent N_o. 6 in the cadre of J.T.O. in Assam Circle is highly illegal and liable to be cancelled as the same is violative of Article 14 and 16 of the Constitution of India.

A photo copy of the letter dated 24.7.92 is enclosed as Annexure - 6.

13. That the applicant No. 1 and 2 were allotted to N.E. circle vide memo. No. E-9/120 dated 7.12.88 on the Principle of Seniority as well as option policy.

A copy of letter dated 7.12.88 is annexed as Annexure - 7.

14.....



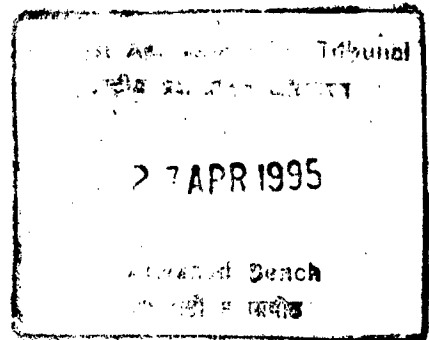
- 11 -

14. That the Respondent No. 6 although allotted to N.E. circle vide G.M.T. N.E. circle, Shillong letter No. STE/Bifur/PI/58 dated 5.12.88 but physically relieved under letter No. E-252-Bifur/170 dated 1.1.90. Therefore the Respondent No. 6 had the advantage to submit application for J.T.O. Examination of the year 1989 from Assam Circle and therefore after declaration of result of the Examination and on completion of training he was allotted to Assam Circle in deprivation of the claim of applicant No. 4. Similarly Respondent No. 4 & 5 also submitted application form from Assam circle for J.T.O. Competitive Examination for Assam circle for the year 1989 and after declaration of result and completion of training accommodates J.T.O in Assam circle in deprivation of claim ^{of} the applicant No.1 and 2 for allotment in Assam circle.

Copy of the letter No. E-252/Bifur/170 dated 1.1.90 is annexed as Annexure - 8.

15. That the applicant No. 3 begs to state that there are available vacancies of JTO's in Assam circle and therefore the Respondents are duty bound to accommodate him in Assam circle as J.T.O. in terms of his option submitted at the ^{time of} bifurcation of composite NE circle.

16.....

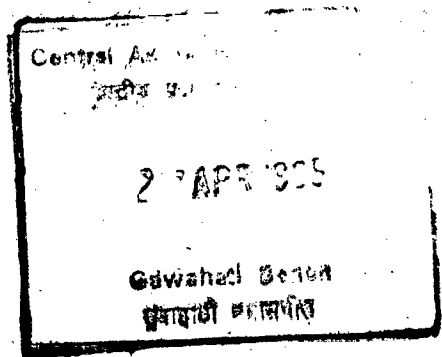


- 12 -

16. That the applicants begs to state that they were also working in the erstwhile composite N.E. circle, and they opted for posting and allotment in the Assam telecom circle at the time of bifurcation but under the policy scheme of bifurcation, and on the basis of option, seniority principle applicants could not be accommodated in the Assam telecom circle, however, the applicants are entitled to allotment/posting under Assam telecom circle on priority basis, and also, on the basis of earlier option and seniority basis, therefore posting of the respondents No. 4 to 6, in the Assam telecom circle, even in the cadre of J.T.O., without considering the option and seniority of the applicants are highly discriminatory, illegal and liable to be cancelled in the facts and circumstances stated above. Be it stated that the applicants are also entitled to posting and allotment in Assam telecom circle, against the available vacancies of J.T.Os and the respondents are also under the legal obligation for accommodate the applicants under Assam telecom circle, Guwahati.

17. That the appoicants beg to state that they are saddled with all India transfer liability, therefore, office Memorandum No. 20014/3/83-E-IV dated New Delhi

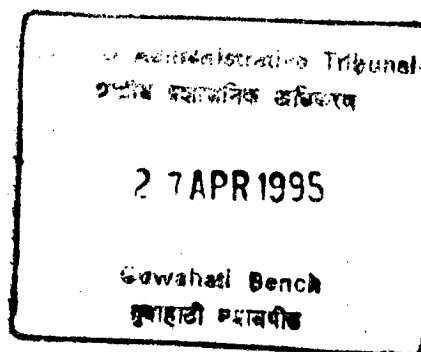
the.....



the 14th December, 1983, issued by the Government of India, Ministry of Finance, Department of Expenditure regarding fixed tenure of posting and on completion of fixed tenure of service in the North Eastern Region entitled for posting to a station of Choice as far as possible. The Govt. of India under office memorandum dated 14.12.83 granted certain improvements in the allowances and facilities for civilian employees of the Central Govt. in the States of North Eastern Region. The relevant portion of the office memorandum dated 14.12.83 are quoted below :

"Subject - Allowance and facilities for civilian employees of the Central Government serving in the States and Union Territories of North-Eastern Region - improvements thereof.

The need for attracting and retaining the services of competent officers for service in the North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland and Tripura and the Union Territories of Arunachal Pradesh and Mizoram has been engaging the attention of the Government for some time. The Government had appointed a Committee under the Chairmanship of Secretary, ~~xxx~~ Department of Personnel and Administrative Reforms, to review the existing.....



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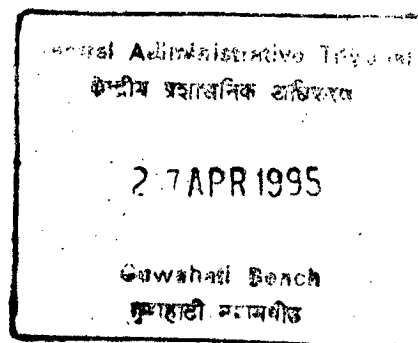
existing allowances and facilities admissible to the various categories of Civilian Central Government employees serving in this region and to suggest suitable improvements. The recommendations of the Committee have been carefully considered by the Government and the President is now pleased to decide as follows :-

(i) Tenure of posting/deputation :

There will be a fixed tenure of posting of 3 years at a time for officers with service of 10 years or less and of 2 years at a time for officers with more than 10 years of service. Periods of leave, training etc in excess of 15 days & per year will be excluded in counting the tenure period of 2/3 years. Officers, on completion of the fixed tenure of service mentioned above, may be considered for posting to a station of their choice as far as possible.

The period of deputation of the Central Government employees to the States/Union Territories of the North-Eastern Region will generally be for 3 years which can be extended in exceptional cases in exigencies of public service as well as when the employee concerned

is prepared.....

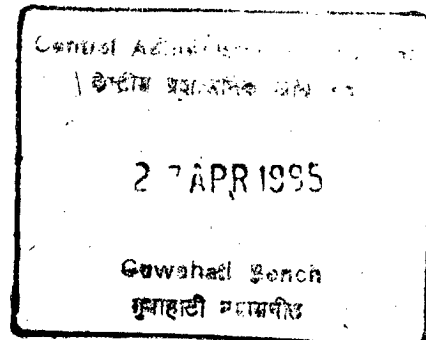


- 15 -

is prepared to stay longer. The admissible deputation allowance will also continue to be paid during the period of deputation so extended. "

From above office memorandum it is quite clear that the Central Govt. Civilian employees serving in the North Eastern Region acquires a valuable right after completion of prescribed period of Tenure or after serving a considerable period in the North Eastern Region for posting to a choice station, accordingly the present applicants also acquired a valuable right for consideration for posting to a particular circle or station in the offices of the ~~Telengana~~ Telecom Department in terms of the office Memorandum dtd. 14.12.1983. Be it stated that the Telecommunication Deptt. has granted Special Duty Allowance to the junior Telecom. Officers serving in the North Eastern Region after being satisfied that the J.T.O. are saddled with all India transfer liability. Therefore, the applicants are also entitled to choice station/circle posting. The applicants approached the Respondents for their posting under C. G. M. T. Assam Telecom circle but the Respondents did not consider the prayer of posting under Assam Telecom circle.

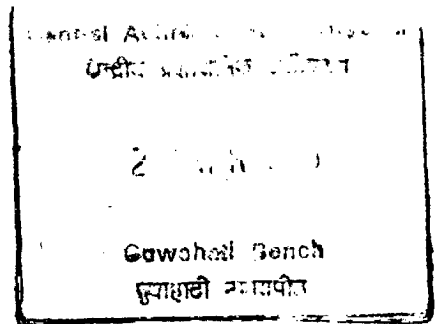
18.....



18. That this Hon'ble Tribunal in O.A. No.148/91 and also in O.A. No. 149/91 decided the similar issues of choice station posting in terms of office memorandum dated 14.12.1983 wherein this Hon'ble Tribunal decided that the Central Govt. is under the obligation to consider the choice station posting after completion of tenure posting in terms of the O.M. dated 14.12.83. Therefore benefit of aforesaid judgements stated above should also be extended in the case of the present applicants in the matter of allotment posting of choice station/circle.

19. That after bifurcation of Assam Telecom circle and N.E. Telecom circle the present applicants have already spent nearly five years in the N.E. Telecom circle whereas the applicants had opted posting under Assam Telecom Circle at the relevant time of bifurcation but the option of the applicants thereafter never considered. Be it stated that during last five years many vacancies of J.T.Os. were filled up by promotion/transfer and many vacancies were available due to various reasons such as on account of superannuation, resignation, promotion, death etc. in the cadre of JTO. but the cases of the applicants for posting in Assam Telecom circle never considered by the Respondents authorities. Thereby the

Respondents.....



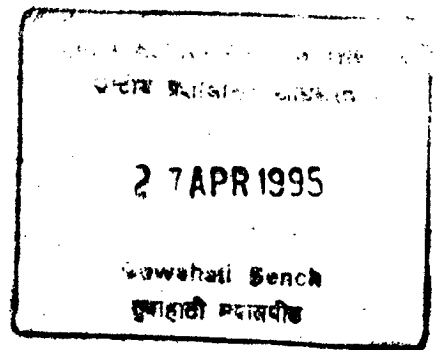
Respondents has denied the legitimate claims of the present applicants in the matter of posting and allotment, more so in view of posting of the Respondentx No. 4 to 6 in Assam Telecom. Circle.

20. That the applicants submitted representation immediately after posting of private respondent No. 4 to 6 into Assam Telecom. Circle. The applicant No.1 submitted representation dated 18.12.92 and 10.9.93 before the Member. The applicant No. 2 submitted representation dated 25.1.93. The application No. 3 submitted representation dated 25.1.93. The applicant No. 4 also submitted representation before the Respondents but the Respondents authorities did not consider any of the Representation of any of the applicants, therefore there is no other alternative remedy available with the applicants except approaching before this Hon'ble Tribunal.

Copies of the representation dated 10.9.93 and 25.1.93 are annexed as Annexure - 9 and 10.

21. That the applicant further begs to state that & some of the documents/photo copies enclosed with the application are not very distinct. The applicants in spite of their best efforts could not collect the original copies of those documents. Therefore the applicants express sincere regrets. Therefore the Hon'ble Tribunal be pleased to direct the Respondents to produce the original copies of the documents for perusal of the Hon'ble Tribunal.

22. That this application is made bona fide and for the cause of justice.



18 -

7. Reliefs sought for :

Under the facts and circumstances stated above the applicants prays for the following reliefs :

- 1) That the Respondents be directed to issue necessary orders of transfer and ~~post~~ posting allotting the applicants into Assam Telecom circle in the cadre of J.T.O.
- 2) That in terms of prayer No.1 if the vacancies of JTOs. are not available to accommodate the applicants in the Assam Telecom circle in that event the posting/allotment orders of the Respondents Nos. 4 to 6 in Assam Circle in the Cadre of JTOs. be cancelled and in the resultant vacancies, the applicants be accommodated in Assam Telecom Circle.
- 3) Cost of the case.

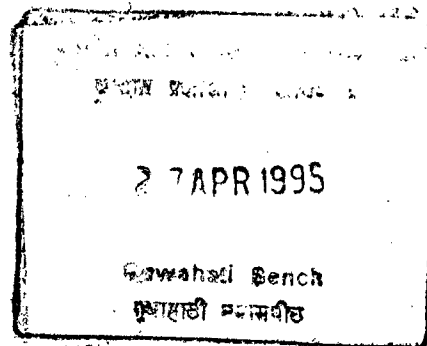
The above reliefs are prayed on the following

GROUNDS :-

- G R O U N D S -

- 1) For that the applicants opted for posting in Assam Telecom Circle under the scheme of allotment at the time of bifurcation of the composite N.E. Telecom circle.

2)



- 19 -

2) For that juniors of the applicants were posted under Assam Telecom circle in the cadre of J.T.O. against the available vacancies in Assam circle.

3) For that the applicants ~~are~~ 1, 2 & 4 are senior to the private Respondent No. 4- 6 in the cadre of RSA/PI, therefore entitled to posting in Assam Telecom circle on priority basis over the private Respondents.

4) For that the Respondent did not consider the principle of seniority and option policy at the time of accommodating Respondent No. 4 to 6 in Assam circle in the cadre of JTO.

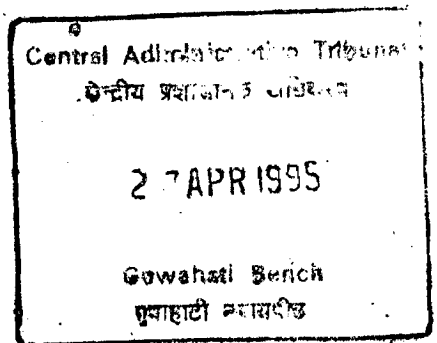
5) For that, the applicants have already spent more than five years in N.E. Telecom. circle, therefore entitled to coice station/circle of posting in terms of O.M. dated 14.12.93.

8. Interim reliefs

During the pendency of this application the applicants prays for the following reliefs :

1. That the Respondents be directed to consider the transfer/posting of the applicants in Assam circle against the available Vacancies of JTOs.

The above prayers are made on the grounds explained in para 7 above.



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9. There is no any scope of any other remedy except this application before this Hon'ble Tribunal.

10. That the matter is not pending in any court of law.

11. Particulars of postal order :

Postal Order NO. 803 88 4476

Date of issue - 27-4-95

Issued from - G.P.O.

Payable at - G.P.O.

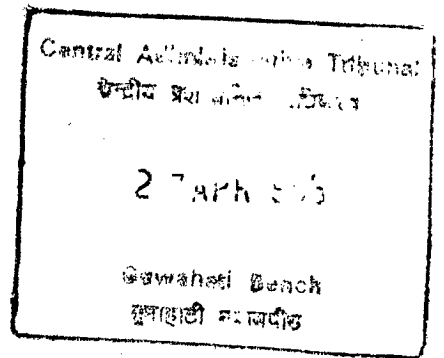
12. Details of Index :

An Index showing the particulars of documents is enclosed.

13. List of enclosures :

As per Index.

Verification.....



- 21 -

VERIFICATION.

I, Shri Gautam Das, son of Paresh Ch. Das, working as J.T.O., Itanagar Microwave Station, Arunachal Pradesh, one of the applicants in the above case and I am competent and empowered to verify this application on behalf of the other applicants. The statements made in this application are true to my knowledge and belief. I have not suppressed any material facts of the same.

Place -

Date -

Gautam Kumar Das

Signature.

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER: N.E. TELECOM CIRCLE
SHILLONG :::

Memo No. STB-1/Bifur/RLA

Dated at Shillong, the 9th Nov. '88

Consequent upon bifurcation of erstwhile N.E. Telecom Circle into Assam Telecom Circle and N.E. Telecom Circle, the Chief General Manager, N.E. Telecom Circle, Shillong is pleased to issue the following orders of transfer and posting in the cadre of Transmission Assistant (SSA) on repatriation. This order is issued according to this office Memo No. STB-1/Bifur/CO dtd. 13.10.88 under which allotment of officials were shown.

P A R T I A L

Sl. No.	Name of officials to be repatriated to N.E. Telecom Circle from Assam Telecom Circle.	Present place of posting	Posted on transfer to
✓ 1.	Sri Joylal Srestha	Margherita	Mokokchur
2.	Sri Debabrata Banik	Mekiajuli	Kohima
3.	Sri Brendra Nath Kochari	Tezpur R.S.A	Dimapur
4.	Sri Ajit Bhattacharjee	Kokrajhar SSA	Dimapur
✓ 5.	Sri Anil Kr. Singha	Hongkong SSA	Dimapur
6.	Sri Dipankar Chakraborty	Tezpur SSA	Aizawl
7.	Sri Swapan Kr. Gupta	TDM/Gauhati	Naharlagan
✓ 8.	Sri Ramkrishna Das	Kokrajhar SSA	Naharlagan
9.	Mrs. Aparna Das	TDM/Gauhati	Imanagar
✓ 10.	Sri Gautam Das	Tezpur SSA	Imanagar
11.	Sri Purnan Ch. Deka	TDM/Gauhati	Tura
12.	Sri Parameswar Basumatia	Kokrajhar SSA	Tura
✓ 13.	Sri Girish Ch. Gogoi	Tezpur SSA	Tura
14.	Sri Aswin Kr. Bhagawati	Kokrajhar SSA	Hongkong
15.	Sri Arabinda Saha	Tezpur SSA	Barapani

Attended
/ Marcho
Sh.

REGISTERED

DEPARTMENT OF TELECOMMUNICATIONS OFFICE OF THE CHIEF GENERAL MANAGER: N.E. TELECOM CIRCLE SHILLONG

Memo No. STG/Bifur/PI/54

Dated at Shillong, the 7th Nov. '84

The Chief General Manager Telecom. N.E. Circle Shillong, is pleased to issue the following transfer and posting order in the cadre of Phone Inspector as per the allotment order issued vide this office memo No. STG/Bifur-1/CO(L)/3 dtd. 13.10.84 consequent on bifurcation of N.E. Telecom Circle into Assam Telecom Circle and N.E. Telecom Circle.

Phone Inspectors transferred and posted to N.E. Circle at present working in Assam Circle.

No.	Name of the officials	Present Station of working	Posted at Station	Under
1.	Sri Monindra Ch. Sengupta	Vartak (TZ)	Itanagar	TDE Itanagar
2.	Sri Prabhat Saikia	Titabar	Mokokchung	TDE Dimapur
3.	Sri Ratneswar Gowala	Makum	Dimapur	TDE Dimapur
4.	Sri Samuel Haque	Hogrijan	Aizawl	TDE Aizawl
5.	Sri Durgeswar Padum	Kokrajhar		TDM Dimapur
6.	Sri Swapan Kr. Bhattacharjee	Tezpur	Itanagar	TDE Itanagar
7.	Sri Priya Nath Das	Tezpur	Shillong	TDE Shillong
8.	Sri Gajendra Nath Sharma	Tezpur	Shillong	TDE Shillong
9.	Sri Susanta Kr. Saha	Dibrugarh	Agartala	TDE Agartala
10.	Sri Dependra Kr. Chakraborty	Tezpur	Shillong	TDE Shillong
11.	Sri Manik Ch. Kalita	Tezpur		TDM Dimapur
12.	Sri Brajen Kakoti	Kokrajhar		TDM Dimapur
13.	Sri Anil Ch. Kakshit	Kokrajhar	Shillong	TDE Shillong
14.	Sri Brojen Gogoi	Jorhat	Tenga	TDE Itanagar

The transfer order in respect of Shri P. Chakraborty & Shri S. Das was issued vide STG/CO(L)/PI/54 dated 12.12.88. Phone Inspectors transferred and posted to Assam Circle at present working in N.E. Circle.

No.	1.	2.	3.	4.	5.
1.	Shri Prem Bankar Prasad	Tenga	Jorhat	TDE Jorhat	
2.	Shri Sukhas Ch. Paul	Mokokchung	Karimganj	TDE Silchar	
3.	Sri Dependra Nath	Shillong	Gauhati	TDE Gauhati	
4.	Shri Nababul Hussain	Itanagar	Bergeta	TDE Gauhati	
5.	Shri Purnendu Nag	Dimapur	Gauhati	TDM Gauhati	

Shankar
Mukherjee
Shr.

1.	2.	3.	4.	5.
6.	Shri Arun Kr. Sharma	Dimapur	Kokrajhar	TDE Kokrajhar at GH
7.	Shri Ashore Dutta	Kohima	Kokrajhar	TDE, Kokrajhar at GH
8.	Shri Mityananda M. Barua	Dimapur	Tezpur Signal Centre	Tezpur TDE
9.	Shri Abdul Ghani	Shillong	Golaghar	TDE Jorhat
10.	Shri Diganta Mohan Neog	Shillong	Gauhati	TDM Gauhati.

30th Nov. '88. The officials should be released positively by 30th Nov. '88. The officials at Sl. 5, 11 & 12 (those who have been shown posted under TDM Dimapur) should report to TDM Dimapur for further posting.

The officials coming under the purview of order should not be granted any kind of leave.

Sd/-
(N.K. ROY)

Asstt. General Manager (A)
for Chief General Manager
N.E. Telecom Circle,
Shillong.

- Copy for favour of information and necessary action to:-
1. Chief General Manager Telecom, Assam Circle, Gauhati. The posting of the officials transferred to Assam Circle is given as per the stations indicated vide his letter No. STE-7/- dtd. 22.3.88.
 2. He is requested to kindly arrange for release of the officials who are transferred to N.E. Circle by 30th Nov. '88 positively.
 3. The TDM, Shillong/Agartala/Imphal/Dimapur.
 4. The TDM Aizawl/Itanagar.
 5. The Area Manager Telecom, Dibrugarh.
 6. The TDE Dibrugarh/Jorhat/Tezpur/Gauhati Nowgong/Sichar.
- They are requested to release the officials under them in time.

Sd/-
for Chief General Manager
N.E.T. Circle, Shillong.

Attested
Ramesh
Sd/-

ANNEXURE-III.

P.Is. allotted to N.E. Circle.

Present Circle

1. Sri Sunil Baran Mukherjee	NE	
2. " Susabhan Das	"	
3. " Monish Kanti Aich	"	
4. " Keshab Ch. Sharma	"	
5. " Nagendra Ch. Sarkar	"	
6. " Monindra Ch. Das Gupta	Assam	
7. " Prabhat Saikia	"	
8. " R. Goldston Passah	NE	
9. " Bidhu Bhushan Paul	"	
10. " Ashok Kanti Gupta	"	
11. " Himangshu R. Bhattacharjee	"	
12. " Haripada Mazumder	"	
13. " Asad Mazumder	"	
14. " M.F. Lyngdoh	"	
15. " Kelvin Kyndiah	"	
16. " Swadesh R. Dighal	"	
17. " Ashotosh Panda	"	
18. " Ratneswar Gowala	Assam	
19. " Laxishram Ranjit Singh	NE	
20. " Priya Mohan Saha	"	
21. " Gopal Ch. Das	"	
22. " Ranadhir Paul	"	
23. " Swapan Kr. Bhowmik	"	
24. Smti Ratna Mazumder	"	
25. Sri Samsul Haque	Assam	
26. " Gopika Ranjan Dey	NE	
27. " Jwosslen Singh Nongkhaw	"	
28. " Durgeswar Padam	Assam	
29. Smti Sabitri Deb	NE	
30. Sri Jyoti Pralish Bhattacharjee	"	
31. " Moti. Ranjan Bhowmik	"	
32. " Swapan Kr. Bhattacharjee	Assam	Not JTC N.E. Circle
33. " Sujit Ranjan Goswami	NE	
34. " Priya Nath Das	Assam	
35. " Swapan Kr. Deb	"	
36. " Pradip Chahala	"	Not JTC N.E. Circle
37. " Gauranga Deb	NE	
38. " Gajendra Nath Sharma	Assam	
39. " Susanta Kr. Gaha	Assam	Not JTC N.E. Circle
40. " Sankar Das	"	
41. " Prafulla Kumar Sharma	"	
42. " Swapan Ranjan Sarkar	NE	
43. " Binoy Deb Nath	"	
44. " Kiron Sankar Deb	Assam	
45. " Dipondro Kr. Chakraborty	"	Not JTC N.E. Circle
46. " Manik Ch. Kalita	"	
47. " Brajen Kakati	"	
48. " Anil Ch. Rakshit	"	
49. " Brojen Gogoi	"	Not JTC N.E. Circle
50. " " " "	"	

Following are the approved candidates yet to complete not reported for training. They, on completion of training, will be allotted to N.E.T. Circle.

1. Sri Pulin Nath (T.O.)	NE
2. " Kishon Lyngdoh (TO)	"
3. Md. Darnaz Uddin Ahmed (OA)	Assam

Attested
Signature
Date

LIST OF PAs (NSAs) allotted to N.E. Circle.

Sl. No.	Name.	Present Circle of working.	Remarks.
1.	Shri B.J. Purkayastha	NE	
2.	" Sunil Bhugan Kar	"	
3.	" Gispada Bhattacharjee	"	
4.	" Ramendu Kr. Bhattacharjee	"	
5.	" Ramesh Ch. Das	"	
6.	" Dipak Kr. Dutta Gupta	"	
7.	" Santosh Kr. Paul	"	
8.	" Birendra Saha	"	
9.	" Pramadresh Chakraborty	"	
10.	" Yanglam Nipamcha Singh	"	
11.	" Ashit Kr. Kundu	"	
12.	" Ashit Kr. Bar	"	
13.	" Anil Kr. Deb Nath	"	
14.	" Dulal Ch. Mouth	"	
15.	" Susanta Kr. Das	"	
16.	" Tapan Kr. Dutta	"	
17.	" Pinak Pant Nag	"	
18.	" Gopal Misra	"	
19.	" N.J. Nabakumar Singh	"	
20.	" Prabir Kr. Dutta	"	
21.	" Dipak Ranjan Chanda	Assam	
22.	" Nirmalya Ratan Saha	NE	
23.	" Parkinsan Kharkongor	"	
24.	" Bidhan Ch. Dey	"	
25.	" Saraj Kr. Ghosh	"	
26.	" Swapn Kr. Roy	"	
27.	" P.R. Barua	"	
28.	" Biswanath Saha	"	
29.	" Abdul Sattar	"	
30.	" Gopal Ch. Saha	"	
31.	" Manmatha Deb	"	
32.	" Sati Umamati Roy (Das)	Assam	
33.	" Sri S.K. Roy	NE	
34.	" Ranadhir Chakraborty	"	
35.	" Dipak Kr. Chanda	"	
36.	" Amalendu Choudhury	"	
37.	" Dipak Chakraborty	"	
38.	" Ashok Mitra	Assam	
39.	" Rajendra Kalita	"	
40.	" Dilip Kr. Roy	NE	
41.	" Ramendra Chanda	"	
42.	" Rabindra Nath Sen Gupta	"	
43.	" Roserley Bar	Assam	
44.	" Joylal Saha	Assam	Order for transfer to Diphai issued but not released by Assam, G. M.
45.	" Tapas Pal	NE	NEO UTO N.E. Circle
46.	" Debabrata Mowmik	Assam	
47.	" Buddhindra Nath Kachari	"	
48.	" Ajit Bhattacharjee	"	
49.	" Pralay Kanti Mazumder	Assam	
50.	" Subir Kr. Roy	"	
51.	" Anil Kr. Singha	Assam	NEO UTO Assam Circle
52.	" Anandendu Goswami	NE	
53.	" Dipankar Chakraborty	Assam	

Noted
Harasab
Adv.

Annexure-I.

54. Sri Swapan Kr. Gupta
55. " Ram Krishna Das
56. " Mrs. Aparna Das
57. " Ranjit Bhattacharya
58. " Gantan Kr. Das
59. " Parameswar Dasgupta
60. " Puran Ch. Dora
61. " Girish Ch. Dasgupta
62. " Aswani Kr. Dasgupta
63. " Arabinda Saha
64. " Samir Das

Assam

"

"

NE

Assam

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NE

Following are the officials who are on the approved list but yet to complete training. On completion of training they will be allotted to N.E.T. Circle.

1. Sri Debabrata Barik

Assam Reported for training but his name is not available in the result by OTT/CH vide No. 31/88-89/78 dt 22.7.88

Assam

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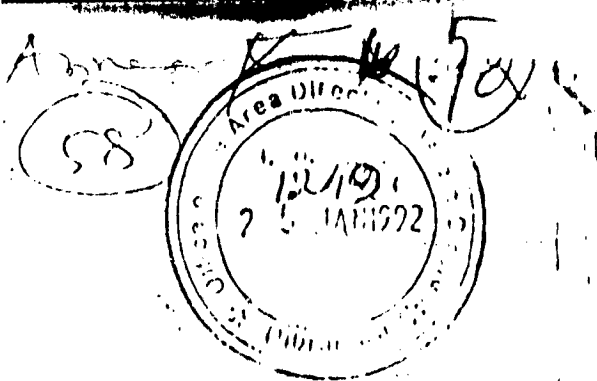
"

2. Nihar Chakraborty
3. " Malay Kishore Das Roy
4. " Jibendu Sattradhar
5. " Ashish Kr. Roy
6. " Pranesh Chakraborty
7. " Satya Ranjan Choudhury
8. " Karak Kr. Chakraborty
9. " Niranjan Ch. Das
10. " Pradip Kr. Barik
11. " Badal Krishna Saha
12. " Subal Ch. Saha

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Handwritten signature

TFR-11

2.1 4/1



DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELCOM. ASSAM CIRCLE
GUWAHATI-781 007

Memo No. STBS-5/43

Dated at Guwahati, the 16th Jun., 1992

Subject to successful completion of training at the R.T.T.C., Kalvanti, the J.T.Os are hereby posted in the station and under the organisation shown against their name as below:

Sl.No.	Name of J.T.O.	Station/Unit of posting
1.	Shri Jayanta Kr. Biswas	Silchar under DE (Transmission Project) Silchar
2.	Shri Anil Kr. Sinha	Tezpur under DE (Maintenance), Jorhat
3.	Shri Girish Ch. Goswami	Now J.T.O. (ASSAM CIRCLE) FROM JORHAT
4.	Shri Khagesh Baruah	Jorhat under DE (Microwave Project) Jorhat
5.	Shri Pabitra Kr. Swarup	Now J.T.O. (ASSAM CIRCLE) FROM TURA
6.	Shri Ananta Ch. Borah	Dibrugarh under DE (Microwave Project) Dibrugarh
7.	Shri Anil Joti Aakoti	Tezpur under DE (Microwave Project) Jorhat
8.	Shri Dilip Kr. Sharma	Guwahati under DE (Solid line Project) Guwahati
9.	Shri Nitod Ch. Bhattacharya	Jorhat under TDE/Jorhat
10.	Shri Munindra Kr. Baruah	Patsala under TDE/Bongpatgaon
11.	Shri Sudip Nath	Nagaon under DE (Microwave Project) Guwahati
12.	Shri Ananta Ch. Borah	Nowgaon under TDE Nowgaon
13.	Shri Ananta Ch. Borah	Nowgaon under TDE Nowgaon
14.	Shri Ananta Ch. Borah	Malbari under TDE/Bongpatgaon
15.	Shri Premnandi Nath	Jorhat under DE (Microwave Project) Jorhat
16.	Shri Sallendra Nath Hazarika	Malbari under DE (Transmission Project) Guwahati
17.	Shri Bijan Kanti Choudhury	Tezpur under DE (Maintenance) Guwahati
18.	Shri Ananta Ch. Borah	Nowgaon under TDE Nowgaon
19.	Shri Chandan Kr. Choudhury	Bongpatgaon under DE (Maintenance) Bongpatgaon
20.	Shri Abinandan Bhattacharya	Dibrugarh under TDE Dibrugarh

Handwritten signature and initials.

: 2 :

1.	2.	3.
21.	Shri Nasirur Rahman	Dhubri under DE (Transmission Project) Guwahati
22.	Shri Jyotirmoy Das	Goalpara under DE (Maintenance) Bongaigaon.
23.	Shri Habibur Rahman Laskar	Haqaladot under TDL/Tezpur
24.	Shri A.K. Roy	Hariant under TDL/Jorhat
25.	Shri P.K. Paul	Guwahati under DE (AT), Guwahati
26.	Shri P.K. Halder	Jorhat under DE (Ntce.) Jorhat
27.	Shri J.K. Dhar	Goalpara under TDE Bongaigaon
28.	Shri D.P. Roy	North Lakhimpur under TDL/Tez
29.	Shri Nripendra Lal Roy	Dibrugarh under DE (Ntce.) Dibr
30.	Shri Dr Nibesh Ranjan Das	Nowgaon under DE (Ntce.) Jorhat.

Sd/-
(N.A. Nuseer)
General Manager (Admin)
for Chief General Manager Telecom. Assam
Circle: Guwahati.

Copy to:

1. The Principal, RTTC Kalyani. He is requested to direct the trainees to report at their station of posting.
2. The C.O.N. Task Force, Guwahati for information and necessary action.
3. The G.M. ETR Shillong for information and n/a.
4. The Director, Ntce. ETR Guwahati for information and n/a.
- 5-6. The Area Manager Telecom. Dibrugarh/Guwahati.
- 7-11. The TDR/Bongaigaon/Jayson/Dibrugarh/Jorhat/Guwahati
12. The J.T.O. Arrangement file.
13. The Guard file.

M.C. Patra
(M.C. Patra) 16.1.72
Asstt. Director Telecom. (Staff)
for Chief General Manager Telecom. Assam Circle
Guwahati.

Handwritten signature/initials.

OFFICE OF THE DIRECTOR, TRAINING
 Centre, ...
 No. AT2R/T-0200/...

24-7-92

- Ref. 1) P.T. ... External plant, at ...
 2) ... Circle letter No. ... 16-7-92.
 3) ... Circle letter No. ... 1-92.
 4) ... Circle letter No. ... 21-7-92 & 23-7-92
 5) ... PLTA/I-OI/X ...

On successful completion of 33 weeks (For Cat. II) and 33 weeks (For Cat. I) training ... Ahmedabad started from 11-11-91 and 9-11-91 respectively. ... A/N of 24-7-92 with instruction ... JTO at the station

Sl. No.	Name	Grade	Station/Unit to which reported for duty.
01	R. Patel.	II	...
02	S. P. Shadharth.	I	...
03	...	II	...
04	H. Makwana.	II	...
05	K. G. Louva.	II	...
06	Pradip Goh...	II	...
07	S. G. Meshram	II	...
08	G. S. ...	II	...
09	Mrs. S. P. C.	II	...
10	O. P. Goel.	II	...
11	Lala R.	II	...
12	P. P. Chandra	II	...
13	H. K. Das.	II	...
14	A. K. C.	II	...
15	Ashok Kukr...	II	...
16	T.M. Valand.
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Attested
[Signature]
 Adh.

X

No. 0

Principal,
Regional Telecom. Trg. Centre,
Ahmedabad : 380 054.

Copy forwarded for information and necessary action to :

1. COM, TTC, Jabalpur.
2. CGMT, Gujarat Circle, Ahmedabad.
3. CGMT, Maharashtra Circle, Bombay.
4. CGMT, Assam Circle, Guwahati. / T. F. Guwahati.
5. CGMT, Himachal Pradesh Circle, Simla.
6. CGMT, MTNL, New Delhi.
7. G. M. Telecom. Dist., Ahmedabad.
8. G. M. Telecom. Dist., Pune.
9. DGM (Admn.), Ahmedabad Telecom. Dist., Ahmedabad.
10. A.O. (E), Ahmedabad Telecom. Dist., Ahmedabad.
11. T.D.M., Valsad/Shu. / Junagadh / Bhavnagar / Gandhinagar.
12. T.D.E. Chandrapur, Maharashtra.
13. Director, Task Force, Silchar, Guwahati - Assam.
14. D. E. M/W (Project), Tinsukhia, Assam.
15. D. E. M/W (Proj.) Dibrugarh, Assam.
16. Admn. Officer (R&E), MTNL, Peshawar.
17. D. E. (Programme), T.T.C., New Delhi.
18. A. E. V.P. Nagpur.
19. A. M. (E), Ahmedabad.
20. DGM, Dimapur, Nagaland.
21. A.G.M. (A), Telecom. Dist., AP.
22. A.G.M. (Admn.), Pune Telecom. Dist., Pune.
23. Trainees concerned.

R-H 2

J. K. Mahajan

Assistant Engineer (Instructor)
Regional Telecom Training Centre
Tolly Road, Ahmedabad - 380 014

Attested
[Signature]
Adv.

7

Office of the Telecom District Engineer, Dibrugarh

Ref No. T-120 Date 7.12.00.

Reference to your letter No. T-252/dtd 30.11.00 regarding transfer of a posting of an officer in the Telecom District of Dibrugarh. The duration of the Telecom District of Dibrugarh, are issued to take immediate effect.

Sl. No.	Name of official	Present Station	Transferred Station
1.	Sri Joyl Shrestha	Margherita Carrier Station	Dibrugarh for Dibrugarh.
2.	Sri Ananta Pr	PR Carrier Station	Dibrugarh for Dibrugarh.

The above are entitled to take effect from the date of the order of transfer of service.

Joint Engineer, Dibrugarh
Long Distance Dibrugarh

Ref No. T-120 Dated at the Dibrugarh 7.12.00

- Copy to:
1. TTY/Dibrugarh for information & for information of the District Engineer.
 2. JTO Dibrugarh, for information & for information of the District Engineer.
 3. JTO Dibrugarh, for information & for information of the District Engineer.
 4. Sri Joyl Shrestha, for information & for information of the District Engineer.
 5. Sri Ananta Pr, for information & for information of the District Engineer.
 6. JTO Dibrugarh, for information & for information of the District Engineer.
 7. TTY/Dibrugarh, for information & for information of the District Engineer.
 8. JTO Dibrugarh, for information & for information of the District Engineer.

Joint Engineer, Dibrugarh
Long Distance Dibrugarh

Attended
Hydrocarb
Adm.

This is in pursuance of
CGMT/NBC/SH
CGMT/SH
9.11.88

By
N.R. Roy
Asst. Engr
Dibrugarh

CGMT/SH
T-120
7/7

Annexure - 8.

Government of India,
Department of Telecommunications,
c/o. the Telecom. District Engineer, Dibrugarh.
Dibrugarh - 786001.

No. E-252/Bifur/170. Dated at Dibrugarh the 1st Jan'9

In pursuance of the G.M.T., N.E. Circle Shillong
letter No. STB/Bifur/PI058 dated 5.12.88, the following
transfer and posting order in the cadre of Telephone
Inspectors are issued in the interest of service and due to
circle bifurcation to have immediate effect.

	<u>Present place of working.</u>	<u>Posted at</u>
1. Sri Pradip Gohain.	DR	TDM/Dimapur. - Now JTO Assam Circle.
2. Sri Sankar Das.	TSK.	TDM/Dimapur.

Sd/-

Telecom. District Engineer,
Dibrugarh Division,
Dibrugarh.

Copy to :-

1. The C.G.M.T./Assam Circle/Guwahati w/r. to his
Letter No. STES-7/7 dated 19.12.89.
2. The Dy. G.M.T. DR for information.
3. The T.D.M./Dimapur. -do-
4. The S.D.O.P., DR/TSK for information and release
the official immediately.
5. Official concerned.
6. P/File of the officials.
7. E-13/P/I Trfr file.
8. E-17/SH file.
9. Spare.

Sd/-Illegible.

Telecom. District Engineer,
Dibrugarh Division,
Dibrugarh.

Note :- Above order No. STB/Bifur/PI/58 dtd. 5.12.88 is not
enclosed here.

*Attended
Munirah
Joh.*

- 34 -

Annexure - 9.

To
The Member (Service),
Department of Telecommunications,
Sanchar Bhawan, 20 Ashoke Mrg,
New Delhi - 110001.

(Through proper channel).

Sub:- Irregular posting of some of my colleagues in
Assam as JTO.

Corr. No. GKD/DEPTT/93-94/1. Dated at Itanagar, the
10.9.93.

Respected Sir,

With due humble and respect, I beg to lay before you
the following few lines for favour of your kind consideration
& necessary action please :-

1) That Sir, in the year 1988 while composite N.E. Circle
was bifurcated as N.E. Circle and Assam Circle, I was then
working in Assam as RSA. Like me other two ~~RAS~~ RSAs. namely
Sri Girish Ch. Goswami and Sri Anil Kr. Sinha was also
working in Assam.

During allotment of staffs in these newly formed two
different circles we were allotted to N.E. circle under same
transfer order in spite of our placing of option for
absorption in Assam Circle.

2) That Sir, when the process of transferring of staffs
from Assam Circle to N.E. Circle & vice versa was going on,
at that time, application for appearing in JTO Comp.
exam '89 was called for from the staffs by the Department.

The above.....

*Attended
Muzumdar
Adh.*

Annx. 9.

The above mentioned two officials did submit their application in Assam and thereafter they joined in N.E. circle and I had to submit the application in N.E. circle as I was released in ~~the~~ time by my controlling officer honouring the strict order of the CGMT/N.E. Circle/Shillong vide Memo. No. STB-1/Bifur/RSA dated at Shillong, the 9.11.88.

3) That Sir, even though these two officials joined in N.E. Circle long long before the commencement of the exam. they were issued Hall Permit in Assam Circle.

I do not know Sir, as under which Departmental Rules, they were permitted to appear in the JTO exam. against the vacancies of Assam Circle although they were not the staffs of Assam Circle at that time.

Since without Rule -38 they cannot become the staffs of Assam Circle, there how could they become eligible to appear in JTO comp. exam.'89 against the vacancies of Assam Circle being the staffs of N.E. Circle. ?

4) That Sir, as a result, these two officials when passed in the said exam., they were absorbed and posted in Assam Circle as JTO in 1992. I believe it is highly illegal.

Today, I am after passing in the same JTO exam., working in N.E. Circle but they are working in Assam Circle although we were all transferred to N.E. Circle during Circle bifurcation under same transfer order and was working as RSA in N.E. Circle before becoming JTO.

5)

Attended
Mansoor
Adv.

Annx. 9.

5) That Sir, if today they can be accommodated in Assam then I may also be accommodated in Assam or otherwise, they shall have to be taken back to N.E. Circle.

In this connection, Sir, I had written necessary letter to both the CGMTS of N.E. Circle and Assam Circle but till today, I have not yet received any reply. My letter number was GKD/DEPTT/92-93/7 dtd. 18.12.92 will all documents.

That's why Sir, I am requesting and appealing you to make necessary enquiry in this regard and to the needful as early as possible.

Sir, if you have nothing to do in this serious matter, then I may kindly be intimated the same and then I will approach to CAT for getting justice.

Thanking you very much Sir, with respectful regards, I remain,

Yours most Sincerely,

Sd/- Illegible.

(Shri Gautam Kr. Das),
J.T.O. Microwave
Itanagar (Arunachal Pradesh)
Ph. No. 03781 - 2278.

Advance copy for kind information & necessary action :-

- 1) The CGMT/N.E. Circle/Shillong.
- 2) The CGMT/Assam Circle/Guwahati.
- 3) The General Secretary, JTO(I), GHQ. N. Delhi.
- 4) The Circle Secretary, N.E. Circle, Shillong.
- 5) The Circle Secretary, Assam Circle, Guwahati.

Sd/- Illegible.
(Shri Gautam Kr. Das),
J.T.O. Microwave,
Itanagar, Arunachal Pradesh,
Ph. No. 03781-2278.

Attested
Microcopy
Adh.

Annexure - 10.

To

- 1) The Chief General Manager, Telecom.
Assam Circle, Ulubari, Guwahati-7.
- 2) The Chief General Manager, Telecom.
North Eastern Circle, Shillong-1.

(Through proper channel).

No. BE/Ripa/Bifur/93-94/ dtd. at Dispur the 25.1.93.

Sub:- Request for Repatriation to Assam Circle from N.E. Circle as option was exercised for absorption in Assam Circle at the time of bifurcation of N.E. Circle into ASSAM Circle and N.E. Circle.

Hon'ble Sir,

Respectfully I beg to lay before you the following few lines for favour of your kind consideration and needful action please.

That Sir,

(1) I was recruited as P.I. in 1984 (where N.E. Circle was a composite one). Completed PI training in 1988 (Ranked 02) posted under TDE/Jorhat. Then in 1989 I was transferred to Tenga under TDE/Itanagar.

(2) I passed JTO Comp. Exam. in 1989 and after completion of training I was made to join at Dimapur as J.T.O. under TDM/Nagaland.

(3) Before bifurcation of N.E. Circle and at the time of completion of PLI. Training I was an optee for Assam Circle.

(4)

Attested
M. K. Choudhary
Joh.

(4) But some of my colleagues, who are junior to me on the basis of the year of Rectt. as P.I. and according to merit as per the rank ~~obtained~~ ⁱⁿ allotted ~~as~~ P.I. Training (in Assam Circle) are now working in Assam Circle. They are -

1) Sri Pradip Gohain - Rectted as P.I. in 1985/86.

ranked 08 in PI Training at Guwahati.

(First) PI/Dibrugarh (later) PI/23 to (Nagaland), Rectted as JTO in 1989, (Now) posted at Chapakhowa (DR) as JTO M/W.

2) Sri Manik Kalita - (first) ~~as~~ PI/Tezpur, (later) PI/Dimapur, NLD. , (New) PI/Guwahati.

(He was recruited as PI later than 1984 and ranked 04 in the training.

3) Sri Diganta Mohan Neog , - (First) PI/Shillong (N^o w) PI. under TDM, Guwahati.

(5) Similarly in case of RSA cadre also who were trained in some batch , some are now working in the Assam ~~xxxxxx~~ ^(Now) ~~xxxxxx~~ Circle. They are -

(a) Sri Anil Kr. Singha, - (First), ASA/Nowgaon, (later) RSA/Dmp, (Now. JTO. Diphu.

(b) Sri Girish Chandra Gossami - (First) RSA/Tezpur, later ASA/Tura, (Now, JTO/Jorjat.

46)

*Attended
Muzoch
Jdw.*

Annx. 10.

(6) Now we are five (5) JTOs. working in N.E. Circle, we all were optee for Assam Circle.

- (a) Sri Brajen Gogoi, JTO/Dimapur Exch.
- (b) Sri Gautom Kr. Das, JTO/Itanagar.
- (c) Sri J.L. Shrestha, JTO/Dimapur Exch.
- (d) Sri S.Kr. Bhattacharyya, JTO/Seppa (A Pradesh).
- (e) Sri S.Kr. Saha. JTO/Shillong.

I, therefore request you to take up the case and process it, so that I may be repatriated to Assam Circle. I shall remain ever grateful Sir,

Thanking you.

Yours faithfully,

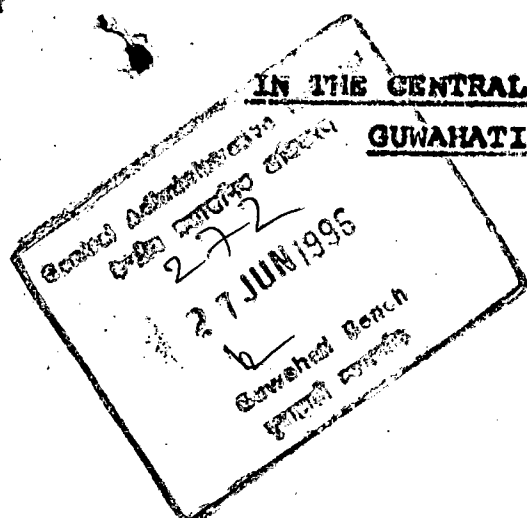
Sri Brajen Gogoi).

Enco:-

All necessary
Documents.

(BRAJEN GOGOI)
J.T.O. Dimapur.
Telephone Exch.
Nagaland.

*Attended
Mamun
Soh*



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI**

Filed by:

Shankarale
25/6/96
(MD. SHAUKAT ALI)
Off. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Guwahati

IN THE MATTER OF :

O.A. No.88 of 1995

Shri Gautam Kr.Das & three others

- Versus -

Union of India & Others

- AND -

IN THE MATTER OF :

Written Statements submitted by the
Respondent No.1,2 and 3.

WRITTEN STATEMENTS

The humble ~~respondents~~ respondents submit their
written statements as follows :

Before submitting parawise reply the res-
pondents deem it necessary to give a brief
history of the case for proper adjudication
of the matter which runs as follows :-

In respect of Telecom Service and administra-
-tion all the seven North Eastern states viz (1) Assam
(2) Arunachal Pradesh (3) Manipur (4) Meghalaya (5)
Mizoram (6) Nagaland and (7) Tripura were until 1987,
under on administrative control of the CGMT, N.E. Circle
Shillong. In 1987, the N.E. Telecom Circle was bifur-
cated and the State of Assam was placed under the
CGMT, Assam Telecom Circle with Headquarter at Guwaha-
-ti while the other six states remained under the
CGMT, N.E. Telecom Circle, Shillong. Staff bifurca-
-tion was carried out on the basis of assaets availa-
-ble in the concerned Circle. Options from the Circle
cadre Staff were obtained for joining any of the two
Circles.

Contd.... 2

Received
27-7-96

Majority of the Staff opted for Assam Telecom Circle but it was not possible to accommodate all of them while at same time Telecom Services in the other six States ~~also~~ also needed to be maintained. Some of the junior officials though physically working within the Territorial Jurisdiction of Assam Circle, because of their position in the gradation list were allotted to N.E.Circle.

In to this particular case, the four applicants of O.A. No.88/95 of Hon'ble Cat, Guwahati Bench as well as the private respondents No. 4 to No. 6 though opted and physically working within the territorial jurisdiction of Assam ^{Circle} because of their position in their respective gradation lists of their cadre they were allotted to N.E. Telecom Circle. Posting orders for all officials allotted to N.E. Telecom Circle were timely issued. The above four applicants were released by Assam Circle and joined N.E. Telecom Circle. The other three i.e. private respondents No. 4 to No. 6, were not released in time and could not join N.E. Telecom Circle early. During this time applications was called for departmental competitive examination for promotion to JTO(Cadre). The above four applicants of this suit submitted their applications to N.E. Telecom Circle where as the three private respondents submitted to Assam Circle. The respondents at Sl. 4 and 5 thereafter appeared the above said competitive examination and were selected for promotion to JTO cadre. All the six officials then working with N.E. Circle were sent for JTO training to various training centres. On their completion of the training the above four applicants being selected by N.E. Circle were rightly posted to N.E. Circle by the Principal of CTC, etc, while the two respondents were wrongly posted to Assam Circle on the plea that they have taken their examination from Assam Circle. Same is the case with respondent at Sl. No. 6 also. In fact all the above officials should have been posted to N.E.Telecom Circle had the Government's orders were implemented timely. Because of the non-implementation of the orders, the mistakes in entertaining the applications before joining N.E.Circle and the wrong posting orders issued by Principal training centres this anomaly has arisen.

SUBMISSION :- Since this anomaly has arisen because of the non-implementation of the Government's orders, administrative mistakes and wrong posting orders it is fair and justified to transfer the three respondents to N.E.Circle as JTOs for where vacant posts are available otherwise we have to insist for implimentation of the earlier Government orders which means that the three private respondents have to come back

to N.E.Circle on their original cadre then appear for JTO promotion examination if they so wish.

Hence to avoid any such hardship, it is prayed to the Lordship to pass an order to transfer them to N.E. Telecom Circle where vacancies in JTO's cadre exists and we are ready to accommodate them to meet the end of the justice. //

P. Resh

1. That with regard to the statements made in paragraphs 1 to 5 of the application, the respondents have no comment.
2. That with regard to the statements made in paragraphs 6.1 to 6.10 of the application, the respondents have no comment, the same being matters of records.
3. That with regard to the statement made in paragraph 6.11 of the application, the respondents beg to state that the contention of the applicant that they should also be accommodated in the Assam Telecom Circle because of the mistake in posting in respect of the three private respondents No. 4 to 6 by cancelling the original allotment order is not correct as mistakes and wrong posting orders cannot be corrected by further wrong decision and orders. Instead the mistake committed earlier by transferring the above three private respondents to N.E. Telecom Circle.
4. That with regard to the statements made in paragraphs 6.12 to 6.14 of the application, the respondents beg to state that they have no comment, the same being matters of records.

Contd... 4

5. That with regard to the statements made in paragraphs 6.15 and 6.16 of the application, the respondents beg to state that the submission of the applicant to accommodate them to the Assam Telecom Circle just because the private respondents were wrongly posted to Assam Telecom Circle may not be considered. But instead the wrong postings of the private respondents No.4 to 6 be corrected by transferring and posting them to the N.E.Circle.

6. That with regard to the statement made in paragraph 6.17 of the application, the respondents beg to state that Government of India, Ministry of Finance Memo No.20014/3/83. B-IV dated 14.12.1983 is applicable only to officials/officers who carry the All-India Transfer Liabilities. The facilities provided in this memo are not applicable to the cadre of JTO which is a circle cadre which does not have All-India Transfer Liability in normal course and circumstances except in exigencies of emergencies and national calamities etc. That apart by various recent judgement the Hon'ble Supreme Court held that the employees who are appointed within the North Eastern Region and are also residents of N.E.Region they are not eligible for payment of SDA.

7. That with regard to the statement made in paragraphs 6.19 of the application, the respondents beg to state that the request for transfer of circle cadre officials from N.E.Circle to any other Circle is possible only under Rule 38 for which applicants can submit applications in prescribed form through proper channel. The same will be processed, considered and forwarded to the concerned Circle only if the situation and working strength in the Circle permit to do so without effecting the services. The same principle may be followed in the case of the above 4 applicants.

8. That with regard to the statement made in paragraph 6.20 of the application, the respondents beg to state that they have no comment, the same being matters of records.

Contd.... 5

9. That with regard to the statements made in paragraphs 6.21 and 6.22 of the application, the respondents have no comment.

10. That with regard to the statement made in paragraph 7 of the application regarding reliefs sought for, the respondents beg to state that the applicants are not entitled to any of the reliefs sought for in this paragraph and as such, the application is liable to be dismissed.

11. That with regard to the grounds of the application, the respondents beg to state that none of the grounds is maintainable in law as well as in fact and as such, the application is liable to be dismissed.

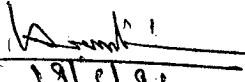
12. That with regard to the statement made in paragraph 8 of the application regarding interim relief, the respondents beg to state that in view of the facts and circumstances of the case no interim relief is warranted.

13. That with regard to the statements made in paragraphs 9 to 13 of the application, the respondents have no comment.

14. That the humble respondents submit that the application is devoid of merit and as such, the same is liable to be dismissed.

VERIFICATION

I, Shri C.Murmu, Vigilance Officer, Office of the Chief General Manager, N.E. Telecom Circle, Shillong as authorised, do hereby solemnly declare that the statements made above in the 2 Written Statements are true to my knowledge, belief and information and I sign this Verification on this ...19th... day of June, 1996 at Shillong.


19/6/96

DECLARANT

सतकता अधिकारी
मुख्य महाप्रबन्धक कार्यालय
उत्तर पूर्वो दूरसंचार परिषद
शिल्लोंग 793001
Vigilance Officer
o/o The Chief General Manager
N.E. Telecom Circle Shillong 793001