

30/100  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 259/96

R.A/C.P No.....

E.P/M.A No. 199/97

1. Orders Sheet..... OA Pg. 1 ..... to 5 .....  
No 199/97 order Pg. 1 ..... to 5 ..... 3/10/3/7/97

2. Judgment/Order dtd. 24/11/98 Pg. 1 ..... to 7 ..... dismissed

3. Judgment & Order dtd..... Received from H.C/Supreme Court

4. O.A. 259/96 Pg. 1 ..... to 34 .....

5. E.P/M.P. 199/97 Pg. 1 ..... to 3 .....

6. R.A/C.P. Pg. ..... to .....

7. W.S. Pg. 1 ..... to 34 .....

8. Rejoinder Pg. ..... to .....

9. Reply Pg. ..... to .....

10. Any other Papers Pg. ..... to .....

11. Memo of Appearance .....

12. Additional Affidavit .....

13. Written Arguments .....

14. Amendment Reply by Respondents .....

15. Amendment Reply filed by the Applicant .....

16. Counter Reply .....

SECTION OFFICER (Judl.)

*Habib*  
30/10/98

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

CA No. 259/96

Mr. A.N. Paul . . . . .

Applicant(s)

-Versus-

Ministry of India & ors . . . . . Respondent(s)

Mr. B.R. Sarma, M.K. Choudhury . . . . . Advocates for Applicant(s)  
P.C. & C.R.L.

Mr. G. Sarma, Addl. C.G.S.C. . . . . Advocates for Respondent(s)

Office Notes Date Courts' Orders

The application is in  
form and written in

18.11.96

None present for the applicant.

C. E. of Rs. 50/-  
deposited vide

Mr. G. Sarma, Addl. C.G.S.C. for  
the respondents.

IPO/2D No 3490/19

List for consideration of

Dated 9.11.96

Admission on 20.11.1996.

6/1  
Dr. Sarma  
D. Registrar 13/11

6/1  
Member

Date not yet  
mention in Annexure 16/11

trd

11. at page 33:  
13/11/96.

20.11.96

Mr. M.K. Choudhury for the

applicant.

Mr. G. Sarma, Addl. C.G.S.C. for the  
respondent Nos. 1 & 2.

Heard Mr. M.K. Choudhury counsel of  
the applicant for admission. Perused the  
contention of the application and reliefs  
sought. Application is admitted subject  
to determination of limitation at the time  
of final hearing. Issue notice on the  
respondents by registered post. Written  
statement within six weeks.

List for written statement and  
further orders on 3.1.1997.

Pendency of the application shall  
not be a bar to the respondents to dispose  
of the representation of the applicant  
dated 25.3.96 (Annexure-11).

26-11-96  
Notice issued  
to the concerned  
parties vide D.N. 3904 to  
3907 dt. 2.12.96

6/12/96

Service reports are still awaited  
W/Statement has not been filed.

6/1  
Member

(2)

3.1.97

Mr B.K.Sharma for the applicant  
 Mr G.Sarma, Addl.C.G.S.C for the respondents seeks time to file written statement.

List for written statement and further orders on 4.2.97.

*62*  
Member

pg

N

61

4.2.97

Mr J.L. Sarkar, learned counsel for the applicant, is present. Two weeks further time is granted to Mr G. Sarma, learned Addl. C.G.S.C. to file written statement.

List it on 20.2.97.

*62*  
Member

*Qb*  
Vice-Chairman

nkm

N

612

20.2.97

Today is fixed for filing written statement. Mr G.Sarma, learned Addl.C.S.C for the respondents prays for further extension of time to file written statement. Several adjournments have been granted for filing written statement. We are not inclined to grant any further time to file written statement. The case will proceed without written statement.

List on 4.4.1997 for hearing.

*62*  
Member

*Qb*  
Vice-Chairman

pg

N

613

4.4.97 The Division Bench is not sitting. The case is, therefore, adjourned to 21.5.97.

  
Vice-Chairman

1) Service reports are still awaited  
2) W/S. is not given b/w

nkm

g/n  
819

21-5-97 Left over. List for hearing on 22-7-97.

  
Member

  
Vice-Chairman

lm

  
22/5

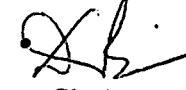
~~22/5~~ Mrs B. Dutta, learned Jr. Government Advocate, Meghalaya, prays for adjournment on behalf of Mr A. Sarma, learned Sr. Government Advocate, Meghalaya, as he is not too well. Mr P.K. Tiwari has no objection in granting adjournment. Accordingly the case is adjourned till 7.8.97.

~~Member~~

~~Vice-Chairman~~

3.7.97 In view of the order passed in M.P. No.199/97 let this case be listed for hearing 16.9.97.

  
Member

  
Vice-Chairman

nkm

  
819

16.9.97

Case is ready for hearing.  
List for hearing on 11.1.1998.

  
Member

  
Vice-Chairman

pg

  
819

O.A. 259/96

19-1-98. Case is ready for hearing. List  
9 on 20-4-98 for hearing.

Member

VB  
Vice-Chairman

lm

The case is ready for  
hearing as regards  
Service.

20.4.98

List on 30.6.1998 for hearing.

2. W/S:

17.4

The case is ready for  
hearing as regards  
Service, ad W/S.

29/6

The case is ready for  
hearing as regards Service.

29/6

pg

5/5  
21/4

6  
Member

JB  
Vice-Chairman

30.6.98

11 The learned counsel for the  
parties pray for an adjournment to  
receive instructions. Accordingly the  
case is adjourned till 27.7.98.

6  
Member

JB  
Vice-Chairman

nkm

11/7

27.7.98

12 On the prayer made on behalf of Mr  
B.K. Sharma, learned counsel for the  
applicant, this case is adjourned till  
29.7.98.

6  
Member

JB  
Vice-Chairman

nkm

28/7

29.7.98

13 Mr G.Sarma, learned Addl.C.G.S.C  
prays for time for production of original  
records.

List on 5.8.98 for hearing.

6  
Member

JB  
Vice-Chairman

pg

5/5  
30/7

5.8.98

There was a reference. Adjud  
t. 31.8.98.

W/S has been filed.

28/8/98

31.8.98 passed on in day.

By and

1.9.98

In spite of repeated adjournments the respondents have not produced records. Today also Mr. Sarma, Addl. C.G.S.C. submits that he has not received records and the records are lying with U.P.S.C. This way we cannot go on granting adjournment. We have concluded the hearing but before pronouncement of judgement records are necessary. Therefore, respondents are directed to produce the records by bringing it from UPSC.

Let this case be listed on 15.9.98 for production of records.

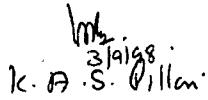
 Member

 Vice-Chairman

Received copy of order

trd

 219

 K. A. S. Pillai  
SBSO  
CWE(O/P) Guwahati

15.9.98

The records have been submitted today. Judgment was already reserved.

 Member

 Vice-Chairman

The records has been  
filed

A  
4/9

trd

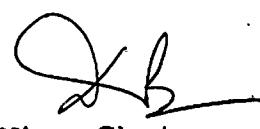
24.11.98

Judgment pronounced in the open Court, kept in separate sheets.

The application is dismissed. No order as to costs.

Return the records in the sealed cover under acknowledgement.

 Member

 Vice-Chairman

26.11.98  
copies of the Judgment  
have been sent to the  
D/Ser for issuing the  
same to the Parties through  
regd. with AFO.

sh

X

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

O.A.No. 259. of 1996.

DATE OF DECISION.....24.11.1998...

Sri Amar Nath Paul

(PETITIONER(S))

S/Shri B.K.Sharma, M.K.Choudhury, P.C.Kalita ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Shri G.Sarma, Addl.C.G.S.C

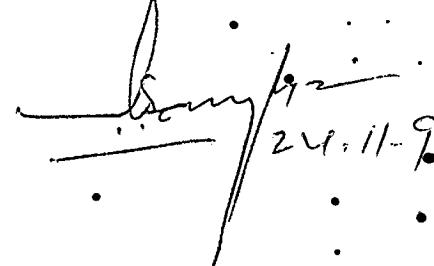
ADVOCATE FOR THE  
RESPONDENTS.

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 Administrative Member.

  
24.11.98

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 259 of 1996.

Date of Order : This the 24th Day of November, 1996.

Justice Shri D.N.Baruah, Vice-Chairman,  
Shri G.L.Sanglyine, Administrative Member..

MES 201179 Amar Nath Paul,  
Junior Surveyor of Works,  
M.E.S. G.E. Silchar. . . . . Applicant.

By Advocate S/Shri B.K.Sharma,  
M.K.Choudhury, P.C.Kalita.

- Versus -

1. Union of India,  
represented by the Secretary  
to the Govt. of India,  
Ministry of Defence,  
New Delhi.
2. The Engineer-in-Chief,  
Army Headquarter, New Delhi-11.
3. MES 237528 Kushi Mohan Sarkar,  
Asstt. Surveyor of Works,  
C/O The Engineer-in-Chief,  
Army Headquarter, New Delhi-11.
4. Shri Dhiman Mukhopadhyay,  
Surveyor of Works,  
C/O Engineer-in-Chief,  
Army Headquarter, New Delhi. . . . . Respondents.

By Advocate Sri G.Sarma, Addl.C.G.S.C.

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER,

The applicant is a Junior Surveyor of Works working under the Garrison Engineer, Military Engineering Service (MES for short) at Silchar. He was promoted to this post in 1991. This post is an intermediary grade between Surveyor Assistant, Grade-I and Assistant Surveyor of Works. According to the applicant he was eligible to be promoted to the post of Assistant Surveyor of Works from his substantive grade of Surveyor Assistant, Grade-I in the year 1990. He was however superseded by his juniors vide promotion order

NO. A/41033/1/89/EIR(O) dated 8.3.1990, Annexure-1 and promotion order No.MES/91/91 dated 11.3.1991, Annexure-2. He submitted representation against his supersession claiming that he was not properly considered by the Departmental promotion Committee (DPC for short) as weightage for being posted in the North Eastern Region had not been taken into consideration while assessing his merit. His representation was rejected by letter No.131041/7/373/Engrs/EID dated 15.10.1990 Annexure-3 on the ground, firstly. as per the assessment awarded by the DPC his name could not find place in the panel and, secondly, no specific instruction exists in the DPC procedure to give special benefits in promotion to employees who served in North Eastern Region. Against this rejection the applicant submitted a representation on 14.11.1990 claiming that the benefit of extra weightage has been guaranteed in the office Memorandum No. 20014/2/85-E.IV dated 14.12.1983 issued by the Ministry of Finance, Department of Expenditure. This representation remains pending disposal by the respondents. Many affected persons were aggrieved with the panel of promotion and they had contested the promotion. Consequent to the judgment dated 17.11.1994 of the Hon'ble Supreme Court in SLP(C) No. 5259-60/91 etc. a review DPC was held, according to letter No. 41033/R-ASW/95/EIR(O) dated 14.9.1995, Annexure-8 to consider the cases of all the affected officers, who were earlier considered for promotion to the post of Assistant Surveyor of Works in the DPC held on 28/29.9.1989, 29/30.10.1989 and 17.01.1990 against the vacancies of 1985, 1986 and 1987. According to the applicant it was his legitimate expectation that his case would have also been reviewed alongwith the similarly situated persons and eventually he would be granted his promotion to Assistant Surveyor of Works. which was due to him in 1990. However, no promotion to Assistant Surveyor

of Works has come his way till submission of this application. In the meantime the respondent No.4, Sri Dhiman Mukhopadhyay, who was promoted to Assistant Surveyor of Works on 11.3.1991, was promoted to the grade of Surveyor of Works on 18.5.1995 vide order No.MES/95/95, Annexure-9. In the above, facts and circumstances the applicant has felt aggrieved and has sought the following reliefs, among others, in the present application under consideration, namely :

- (1) to set aside and quash the impugned order dated 15.10.1990, Annexure-3 and
- (2) to direct the respondents to promote him to the rank of Assistant Surveyor of Works and thereafter to the rank of Surveyor of Works with retrospective effect from the dates on which his juniors were promoted vide order dated 8.3.1990, 11.3.1991 and 18.5.1995 mentioned above.

2. The respondents have contested the application: Their contention in short are :-

- (i) The application is barred by limitation;
- (ii) the application suffers from non-joinder of necessary parties; and
- (iii) there is no merit in the application.

3. We have heard learned counsel of both sides. We first consider whether the applicant was wrongly ignored for promotion to the grade of Assistant Surveyor of Works at the time when his juniors were promoted. We have perused the minutes of the DPC for promotion to the grade of Assistant Surveyor of Works in the MES, Ministry of Defence, held in the office of the Union Public Service Commission, New Delhi on 29th and 30th October, 1989 and 17th January, 1990 as

recorded in UPSC "File No. 1/33(19)/89 for filling up the vacancies of the year 1986 and the year 1987 produced by the respondents. The applicant was not in the zone of consideration for the year 1986. For the vacancies of 1987 he was considered. However, he was down below in the zone of consideration. On consideration of his merits he was not selected by the DPC. On the basis of this DPC, respondent No.3, Kushi Mohan Sarkar, had been promoted to the grade of Assistant Surveyor of Works on 8.3.1990 alongwith others including officers like him who were junior to the applicant. Respondent No.4, Sri Dhiman Mukhopadhyay, a junior to the applicant, was also considered. For reasons peculiar to his particular case he was not in the panel. As would be seen from Annexure-8 letter dated 14.9.1995 a review DPC was held to consider the cases of all the affected officers and the position of the panel was recast as indicated therein. It is seen from the minutes of the DPC held on 29/30.10.1989 and 17.1.1990 as aforesaid that the applicant did not merit promotion to the grade of Assistant Surveyor of Works against the vacancies of 1987 in comparison with other officers who were empanelled and promoted including his juniors. Therefore, on merit he was not selected by the DPC. In the circumstances, his position will not undergo a change in the Review DPC. The applicant has contended that he was entitled to have extra weightage to be considered for his promotion in terms of O.M. dated 14.12.1983 for having served in the North Eastern Region. If he was entitled to such weightage and the DPC had not considered the same in assessing his merit, then the assessment becomes vitiated. The applicant has not however shown before us how he fulfills the conditions laid down in the O.M. In the facts and circumstances we are not inclined to go into the question whether the DPC should

-5-

have taken into consideration the extra weightage provided in the O.M. while assessing the merit of the applicant for promotion to the grade of Assistant Surveyor of Works against the vacancies of 1987.

4. The respondents vide Annexure-10 letter No. 131018/27/87/Engrs/EIB dated 11.3.1995 called for integrity certificates from the Zonal Officers in respect of some officers including the applicant for promotion to the grade of Assistant Surveyor of Works. No result of the DPC was published. Hence the applicant has sought a direction on the respondents to act upon the Annexure-10 letter dated 11.3.1995 without any further delay towards his retrospective promotion to the rank of Assistant Surveyor of Works and then to the rank of Surveyor of Works with all consequential benefits of arrear salary and seniority.

5. We have heard learned counsel of the parties. According to the respondents the DPC did not materialise immediately but was scheduled to meet on 14.2.1997. However due to administrative reasons the DPC was postponed and was to be held shortly later on. We are not however, informed about the ultimate result of the DPC. In the circumstances we are of the view that the prayer of the applicant in this regard is premature.

6. The respondents have submitted that the application is barred by limitation. The question of limitation was left open at the time of admission for determination at the time of final hearing. The DPC was held on 17.01.1990. Respondent No.3, who was junior to the applicant, was promoted on 8.3.1990. Thereafter the applicant submitted representation which was rejected on 15.10.1990. The applicant made further representation on 11.11.1990. He had submitted this O.A. on 12.11.1996 which is long after the expiry of the due date prescribed under the Administrative Tribunals Act 1985. Even

when his second representation was not dispose of, the applicant should have approached the Tribunal within time. Now even if the promotion of respondent No.4 which took place on 11.3.1991 is taken into consideration the O.A. which was submitted on 12.11.1996 is clearly out of time. There is no representation by the applicant against the above promotion of respondent No. 4. Another cause of action that may be considered is the letter dated 11.3.1995 referred to above calling for integrity certificates of affected officers. But against this also the applicant did not file the O.A. in time. Even if Annexure-8 letter dated 14.9.1995 intimating the result of the review DPC is taken into consideration, against this also the O.A. was out of time as it was submitted on 12.11.1996 after the lapse of one year. Further in our considered view the representation dated 25.3.1996 at Annexure-11 does not bring the application of the applicant within the time limitation.

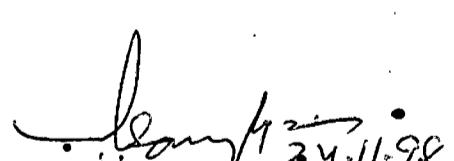
7. Respondent No.3 and Respondent No.4 were Junior to the applicant in the feeder grade. They were promoted to the grade of Assistant Surveyor of Works on 8.3.1990 and 11.3.1991 respectively along with other officers some of whom were junior to the applicant. The applicant seeks retrospective promotion with effect from the dates of promotion of the juniors with all consequential benefits including seniority. The applicant has however impleaded Respondent No.3 and No.4 only as private respondents in this Original application. The reason given by him is that he had impleaded the two respondents in representative capacity as he is not aggrieved by the promotion of the juniors but against the incorrect principle of promotion adopted by the respondents. The respondents have submitted that this matter of not making the affected juniors respondents in this Original application may be decided by the Tribunal as the order of the Tribunal in

this application may affect the interest of those juniors who were promoted. In the course of hearing Mr G. Sarma, the learned Addl.C.G.S.C, submitted that the application is not maintainable for the reason that the Union Public Service Commission has not been made a respondent. This is not however in the pleadings of the respondents. Learned counsel for the applicant opposed the submission of Mr Sarma. We have heard counsel of both sides. As this application has no merit on ground of limitation as well as on merit as discussed hereinabove, we consider that it is not necessary to address ourselves to the issue of non-joinder of parties in this application.

8. As would be seen, the application is liable to be dismissed on ground of limitation. But we have endeavoured to ascertain the merit of the case of the applicant. We however find, as stated hereinabove, that according to the findings of the DPC the applicant was not as meritorious as others who were selected by the DPC including his juniors. We also find that the findings of the DPC in respect of the applicant do not suffer from any legal infirmity. In the facts and the circumstances we are of the view that the application is liable to be dismissed and, accordingly, we hereby dismiss the application.

No order as to costs.

  
( D.N.BARUAH )  
VICE CHAIRMAN

  
24.11.98  
( G.L.SANGLYINE )  
ADMINISTRATIVE MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: : GUWAHATI BENCH

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

Title of the case : O.A. No. 259 of 1996

Shri AN Paul ... Applicant

- Versus -

Union of India & Ors. ... Respondents

I N D E X

<u>Sl. No.</u>	<u>Particulars of the documents</u>	<u>Page Nos.</u>
1.	Application	1 to 12
2.	Verification	13
3.	Annexure-1 : Letter dated 8.3.90	14 to 18.
4.	Annexure-2 : Letter dated 11.3.91	19
5.	Annexure-3 : Letter dt. 15.10.90	20
6.	Annexure-4 : Letter dt. 14.11.90	21.
7.	Annexure-5 : Letter dated 20.11.90	22
8.	Annexure-6 : Letter dated 24.5.95	23, 24
9.	Annexure-7 : Letter dated 14.9.95	25, 26
10.	Annexure-8 : Letter dated 18.5.95	27, 28
11.	Annexure-9 : Annex Letter dt. 11.3.95	29, 30
12.	Annexure-10 : Letter dt. 11.3.95	31, 32
13.	Annexure-11: Representation dt. 25.3.96	33, 33

For use in Tribunal's Office :

Date of filing : 12-11-96  
Registration No. : OA 259/96

REGISTRAR

Recd (GPY)  
G. Sarm a.  
AT (GSC)  
CAT  
G. Sarm a.  
12/11/96

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH

O. A. No. 259 of 1996

BETWEEN

MES 201179 Amar Nath Paul,  
Junior Surveyor of Works,  
M.E.S. G.E. Silchar

... Applicant

AND

1. Union of India, represented by  
the Secretary to the Govt. of India,  
Ministry of Defence,  
New Delhi.
2. The Engineer-in-Chief,  
Army Headquarter, New Delhi-11.
3. MES 237528 Kashi Mohan Sarkar,  
Asstt. Surveyor of Works,  
C/O The Engineer-in-Chief,  
Army Headquarter, New Delhi-11.
4. Shri Dhiman Mukhopadhyay,  
Surveyor of Works,  
C/O Engineer-in-Chief,  
Army Headquarter, New Delhi.

... Respondents .

DETAILS OF APPLICATION

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

The instant application is directed against the order No. A/41033/1/89/EIR(O) dated 8.3.90 and order No. MES/91/91 dated 11.3.91 promoting the persons named therein to the rank of Asstt. Surveyor of Works of whom a many are juniors to the applicant in the substantive grade. The instant application is also directed against the inaction of the respondents in not reviewing the case of the applicant in terms of the same situation to the case of promotion and

File by - M. K. Chongtra  
Dated - 21/1/96

order No. 13108/27/87/Engrs./EIB dated 11.3.95. Making a grievance against these communications, the applicant has made representation on 25.3.96 ; but the same has not been disposed of. The instant application is also directed against the order No. 131041/7/373/Engrs/EID dated 15.10.90 purportedly disposing of the representation of the applicant.

3. JURISDICTION OF THE TRIBUNAL :

26/9  
The applicant declares that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

7  
The applicant further declares that the instant application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the applicant is a citizen of India and as such, he is entitled to all the rights, protections and privileges guaranteed under the Constitution of India.

4.2 That presently, the applicant is working as Junior Surveyor of Works under the respondents. He became eligible to be promoted to the post of Asstt. Surveyor of Works from his earlier substantive grade of Surveyor & Assistant, Grade-I in the year 1990. However, he was superseded by his juniors vide orders dated 8.11.90 and 11.3.91. The persons named at Sl. No. 114 to 123 in the order dated 8.3.90 are juniors to

the applicant. On the other hand Shri Dhiman Mukhopadhyay respondent No. 4 who was promoted to the rank of Asstt. Surveyor of Works vide order dated 11.3.90 is also junior to the applicant. The respondent No. 4 has been further promoted to the rank of Surveyor of Works in March 1995. The applicant makes a grievance against his such supersession more particularly in view of the same circumstances narrated below. Accordingly, the instant application is filed towards redressal of his grievance by way of retrospective promotion to the rank of Asstt. Surveyor of Works and further promotion as Surveyor of Works with all consequential benefits of seniority and arrear salary etc.

Copies of the promotions orders dated 8.3.90 and 11.3.91 are annexed hereto as ANNEXURES 1 & 2 respectively.

4.3 That the applicant made a grievance against this said supersession by his juniors by filing representation ; but the same was rejected on the ground that the DPC did not find him suitable. In his representation, the applicant had also apprised the respondents that in terms of the various circulars holding the field and applicable to the employees posted in the N.E. Region, he is entitled to have extra weightage having been served in the N.E. Region. However, in the order of rejection, the respondents did not deal with the said point of extra-weightage and rejected the representation of the applicant in a mechanical manner vide the letter No. 131041/7/373/Engrs/EID dated 15.10.90.

A copy of the said letter dated 15.10.90 is annexed herewith as ANNEXURE-3.

4.4 That thereafter the applicant submitted yet another representation dated 14.11.90 and the same was duly forwarded by letter No. 1165/TUE/EI dated 20.11.90 ; but till date no response to the said representation and the applicant is still in dark about the outcome of the said representation.

A copy of the said representation dated 14.11.90 and a copy of the forwarding letter dated 20.11.90 are annexed herewith as ANNEXURES-4 and 5 respectively.

4.5 That the applicant states that the illegalities were committed towards preparation of panel for promotion to the rank of Asstt. Surveyor of Works inasmuch as vacancies existing during the years were clubbed and ~~thus~~ litigation and occasion arose for ~~redirection~~ of many of the employees who did not get promotion, filed various O.As. before different Benches of the Hon'ble Tribunal and eventually the matter went upto the Supreme Court. Eventually, the various Benches as well as the Hon'ble Supreme Court passed judgment in favour of those applicants identically placed with that of the applicant. Review DPCs were directed ~~to~~ taking into the year-wise vacancies.

4.6 That consequent upon such direction of various Benches of the Hon'ble Tribunal as well as the Hon'ble Supreme Court, the respondents made amendment to the orders of promotion dated 8.3.90. Such amendments were made by various orders.

copies of such amendment orders dated 24.5.95,  
26.5.95 and 14.9.95 are annexed herewith as  
ANNEXURES-6, 7 and 8 respectively.

4.7 That the applicant states that after the aforesaid development and pursuant to the judgments of the various Benches of the Hon'ble Tribunal as well as the Apex Court it was the legitimate expectation of the applicant that his case would also be reviewed alongwith the similarly circumstanced persons and eventually he would be granted his promotion which fell due in 1990. As stated above, the applicant was superseded by his juniors in the year 1990 and 1991 due to wrong procedure adopted by the respondents towards preparation of panel for promotion to the rank of Asstt. Surveyor of Works.

4.8 That the applicant states that he was promoted to the rank of Junior Surveyor of Works in the year 1991 which grade was first introduced in the year 1991 as an intermediary grade between Surveyor Assistant, Grade-I and Asstt. Surveyor of Works. But in the meantime as stated above, he was superseded by his juniors to the rank of Asstt. Surveyor of Works when the intermediary grade of Junior Surveyor of Works was not there. From the rank of Asstt. Surveyor of Works next promotion is to the Surveyor of Works and then to the Superintendent of Surveyor of Works. After introduction of grade Junior Surveyor of Works in which the applicant is presently working, the next promotion is to the rank of Asstt. Surveyor of Works. The respondent No. 4 who was admittedly junior to the applicant has further been promoted to the rank of

Surveyor of Works in the year 1995(18.5.95).

A copy of the order of promotion of the respondent No. 4 to the rank of Surveyor of Works is annexed herewith as ANNEXURE 9.

4.9 That from the order dated 18.5.95, it will be seen that the respondent No. 4 was given officiating promotion to the grade of Surveyor of Works and the same has been regularised by Annexure-9 order dated 18.5.95. The applicant is unfortunate in getting such promotion in view of the irregularities committed towards preparation of the panel for promotion to the grade of Asstt. Surveyor of Works, as stated above, pursuant to which many of the incumbents had approached various Benches of the Hon'ble Tribunal and eventually the matter had gone to the Apex Court.

4.10 That the applicant states that the respondents by the communication dated 11.3.95 under No. 131098/27/87/Engrs/ EIB dated 11.3.95 has forwarded the DPC list for promotion to the grade of ASW. In the said letter, it has been specifically mentioned that the names incorporated therein are the effected Junior Surveyor of Works for promotion to the rank of ASW. By the said letter, integrated certificates were sought for immediately. The name of the applicant appears at Sl. No. 40 of the said letter.

A copy of the said letter dated 11.3.95 is annexed herewith as ANNEXURE 10.

4.11 That after the aforesaid order dated 11.3.95, it was the legitimate expectation of the applicant that after so much so delay, eventually he would be granted his due which fell

due to him in the year 1990. However, the respondents even after issuance of the said letter dated 11.3.95 are sitting idle and ~~as~~ nothing has been done so far towards promotion of the applicant with retrospective effect, to the rank of ASW and then to the rank of SW i.e. from the date when his juniors were so promoted.

4.12 That the applicant states that he has not arrayed all the persons junior to him who have superseded him in the matter of promotion but has arrayed the respondent Nos. 3 and 4 in representative capacity. Further the applicant is not aggrieved by the promotion given to the private respondents and for that matter the persons junior to him. What he prays in the instant application is for his promotion with retrospective effect by adoption of correct principle of promotion as has been ordered by the Apex Court as well as by the various Benches of the Hon'ble Tribunal. In a nut-shell, the applicant is aggrieved by the policy of the respondents and not against the promotion given to the private respondents. Thus the persons who have already superseded him, all of them have not been arrayed as party respondents. However, as stated above, the respondent Nos. 3 and 4 have been arrayed as party respondents in representative capacity.

4.13 That the applicant states that from Annexure-10 letter dated ~~xx~~ 11.3.95, it is clear that he has been cleared by the DPC for his promotion to the rank of ASW and except the inaction of the respondents, there is no impediment against such promotion to the rank of ASW and then to the rank of SW.

Even after expiry of more than one year, the respondents have not done anything towards implementation of the Annexure-10 letter dated 11.3.95 and in the process the applicant continued to suffer. The wrong perpetrated to the applicant by the respondents is a continued wrong and now as a last resort, the applicant has come under the protective hands of the Hon'ble Tribunal towards redressal of his grievances.

4.14 That the applicant states that he made a representation on 25.3.95 to the Army Headquarter making a grievance against his such deprivation of promotion but.. till date nothing has been done towards disposal of the said representation and this the applicant, as stated above, has got no other alternative than to ~~xxx~~ approach this Hon'ble Tribunal.

A copy of the said representation dated 25.3.95 is annexed hereto as ANNEXURE-11.

4.15 That the applicant states that after the wrong committed by the respondents which was redressed by the various Benches of the Hon'ble Tribunal as well as by the Apex Court, it is the bounden duty of the respondents to do the needful in the matter ~~as~~ and the delay which has occurred in this case is not at all tenable. Eventually, the applicant ~~xxx~~ sought to be given his benefit vide Annexure- 10 letter dated 11.3.95 has also ~~xxx~~ not been acted upon and thus the applicant continues to suffer in the matter of his promotion to the rank of ASW and then to SW.

4.16 That the applicant states that it is an admitted position that his juniors have superseded him in the matter of promotion because of wrong procedure adopted by the respondents. After the orders passed by the various Benches of the Hon'ble Tribunal as well as the Apex Court, the respondents are duty bound to hold the review DPC, but in the case of the applicant, even after holding the review DPC for the applicant and he having been found suitable, the respondents have not done anything in the matter and the applicant continues to suffer. Hence this application for appropriate relief.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the respondents are duty bound to grant promotion to the applicant to the rank of Asstt. Surveyor of Works and then to Surveyor of Works with retrospective effect applying the principle of next below rule from the date when his juniors were so promoted.

5.2 For that the respondents having issued the Annexure-10 letter dated 11.3.95, they are bound to act upon the same and any amount of delay cannot take away the right of the applicant.

5.3 For that the various Benches of the Hon'ble Tribunal as well as the Apex Court having directed to hold the review DPC towards preparation of the year-wise panel in the matter of promotion of incumbents to the rank of ASW, the respondents cannot hold back the same and the applicant is entitled to his due promotion pursuant to the aforesaid Judgments.

5.4 For that the applicant has been denied of his promotion entirely on a wrong notion of the matter and accordingly, he is entitled to get his promotion with all retrospective effect.

5.5 For that the respondents eventually having acted upon the directives of the various Benches of the Hon'ble Tribunal and the Apex Court and having issued the letter dated 11.3.95 cannot sit idle and their such inaction has seriously told upon the service career of the applicant.

5.6 For that in view of the facts and circumstances stated above, the applicant is entitled to get his promotion to the rank of ASW and then to the rank of SW with retrospective effect i.e. from the date when his juniors were so promoted. Thus the method to be applied in such case is the principle well known to the service jurisprudence i.e. next below rule.

5.7 For that in any view of the matter, the impugned action on the part of the respondents are not sustainable and the applicant is entitled to the reliefs sought for in the instant application.

6. DETAILS OF REMEDIES EXHAUSTED :

The applicant declares that he has no other alternative remedy than to come under the protective hands of this Hon'ble Tribunal.

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

The applicant further declares that he has not filed any application, writ petition or suit regarding the subject matter in respect of which this application has been filed before any authority, court and/or any other Bench of this Hon'ble Tribunal nor 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 applicant most respectfully prays that the Hon'ble Tribunal may be pleased to admit this application, call for the records of the case and upon hearing the parties on the cause or causes that may be shown and on perusal of the records, be pleased to grant the following reliefs to the applicant :

- 8.1 To direct the respondents to promote the applicant to the rank of Asstt. Surveyor of Works and then to the rank of Surveyor of Works with retrospective effect from the date when his juniors were so promoted vide Annexures-1, 2 and 9 letters dated 8.3.90, 11.3.91 and 18.5.95 ;
- 8.2 To direct the respondents to act upon the Annexure-10 letter dated 11.3.95 without any further delay towards retrospective promotion of the applicant to the rank of Asstt. Surveyor of Works and then to the rank of Surveyor of Works with all consequential benefits of arrear salary and seniority.

8.3 To set aside and quash the impugned letter dated 15.10.90 (Annexure-3)

8.4 Cost of the application

8.5 Any other relief or reliefs to which the applicant is entitled to and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR :

Under the facts and circumstances stated above, the applicant does not pray for any interim order. However, he prays for a direction to the respondents to the effect that the pendency of this application shall not be a bar for the respondents to act upon the Annexure-10 letter dated 11.3.95 towards promotion of the applicant to the rank of Asstt. Surveyor of Works.

10. .....

The application is filed through Advocate.

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

(i) I.P.O. No. : 349019  
(ii) Date : 9-11-96.  
(iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification.....

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

I, Shri Amar Nath Paul, son of Kishori Lal Paul, aged about 53 years, presently working as Junior Surveyor of Works, M.E.S. G.E. Silchar, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the 15th day of October 1996.

Amar Nath Paul

- 14 -

A/41033/1/89/EIR(O)

List 'A'

Coord & Pers Directorate/EIR(O)  
Engineer-in-Chief's Branch,  
Army Head Quarter,  
DHQ PO New Delhi-110 011

08 Mar 90

PANEL FOR PROMOTION TO THE GRADE OF ASSISTANT SURVEYOR  
OF WORKS IN THE MILITARY ENGINEERING SERVICES

1. Surveyor Assistants as per Appendix 'A' to this letter have been approved for promotion to the grade of Assistant Surveyor of Works in the Military Engineer Services.
2. Officers appearing at Sl. No. 1 to 69 in Appendix 'A' have been selected against the vacancies pertaining to the year 1986, the remaining 54 officials at Sl. No. 70 to 123 in Appendix 'A' have been selected against the vacancies of the year 1987.
3. The above panel will be operative upto and including 06 Jan '91 unless reviewed earlier by the DPC or specifically extended beyond this date by the competent authority.
4. Actual appointment of officers included in the panel will be made in the order shown therein subject to the availability of vacancies and issue of orders for appointment.
5. Officers at Sl. No. 55 to 67 and 111 to 123 have been selected against vacancies reserved for Scheduled Caste/ Scheduled Tribes candidates. These vacancies will be filled after obtaining approval for de-reservation.

Sd/-

( S. Kapur )  
Director of Personnel (B)  
Engineer-in-Chief .

Copy to :

- (a) Ministry of Defence/D(Appts)
- (b) The Secretary, UPSC/AU-5 w. r. t. UPSC File No.
- (c) Lists 'B' 'C' 1/33/(19)/89. A.U. 5 & 'F'

Internal

EIA, EIB (5 Copies) EIC, EID, MIS (CIV), CSCC ECo-Ord. I  
IEL, WPC, IES, QMG-1 AOE, TE&DCB (Pers) Dte.

Attested.

*K. K. Kapur* 8.11.96  
Advocate.

Contd.....

Appendix 'A' to Coord & Pers Dte/EIO(R), E-in-C's  
Army Head Quarter letter No.A/41033/1/89/EIR(O)  
dated 08 Mar 90.

PANEL FOR PROMOTION TO THE GRADE OF ASSISTANT SURVEYOR  
OR WORKS IN MES

<u>Sl. No.</u>	<u>MES No.</u>	<u>Name</u>	<u>S/Sri</u>
1.	156521	N Vishnu Rao Walvokar	
2.	148001	INC Rangarajan	
3.	8464558	Ramesh Chandra Methani	
4.	306455	Ramlal Gondatra	
5.	308098	Ved Prakas Gupta	
6.	134064	YN Krishna Murthy	
7.	232009	A.K. Handa	
8.	304845	Ved Prakash Kohli	
9.	418004	Bal Krishan Trikha	
10.	440075	Krishan Lal Suri	
11.	440073	Om Prakash Satija	
12.	201079	Subal Chandra Das	
13.	435330	Yash Pal Khanna	
14.	307629	Surinder Kumar Jindal	
15.	101708	Y.K. Rajappan	
16.	440034	Om Prakash Kakar	
17.	431122	Ram Narayan Meena	
18.	110838	N. Vijaya Banu	
19.	430228	Surendra Kumar Gulati	
20.	400023	Jagadish Anand	
21.	409549	N.A. Parikh	
22.	8464577	Guru Charan Singh Gahuria	
23.	8464876	Hari Mohan Srivastava	
24.	302872	Gian Prakash Minotra	
25.	201183	Puran Chand Jain	
26.	260041	Krishna Kumar	
27.	113265	Morje Dayanand Bapurao	
28.	465256	Seetharam Varshney	
29.	445004	Trilochan Singh	
30.	408258	Om Prakash	
Attested.	31.	105116	Bapu Shankar Mohalli
	32.	105128	VV Soma Sekhara Rao
Kohli 8/11/96 Advocate.	33.	153008	K. Ravi Babu
	34.	113155	K.G. Devan
	35.	113156	M. Thoma John

Contd.....

36.	455048	Anand Kumar Gupta
37.	260039	Surendra Singh
38.	445183	Fatesh Singh Verma
39.	455324	Jagadish Narayan Seth
40.	460058	Bhupendra Rastogi
41.	430124	Vinod Kumar
42.	455127	M. Datt Upadhyay
43.	445197	Jamuna Singh Chauhan
44.	430421	V. Nath Tripathi
45.	308535	Avinash Chander Datta
46.	308087	Vinay Kumar Gupta
47.	8464680	D. Kumar Bakshi
48.	206025	Brahma Narayan Baral
49.	8464818	Surendra Kumar Pradhan
50.	302094	Ram Avtar Jyagi
51.	8464874	Gurbaksh Singh
52.	210012	Ravindra Saran Vaish
53.	215010	Amal Kant Chakraborty
54.	210014	Vishnu Datt
55.	228039	Satish Kumar Yadav
56.	408004	Mahendra Kumar Mittal
57.	304231	Mahindra Singh Panesar
58.	302846	Satish Kumar Diwan
59.	303506	Surendra Kumar Basti
60.	302735	Abinash Chander
61.	141021	K. Chena Sambandan
62.	135009	H. Krishna Moorthy
63.	302658	Sudarshan Kumar Sardana
64.	302140	Narendar Kumar Kapoor
65.	303373	Chander Bhan Gureja
66.	304615	Raj Kumar Khanna
67.	30884	S.P. Narendra
68.	304528	Dharam Paul (SC)
69.	304954	Khem Karan
70.	263209	Pradip Kumar Bera
71.	435212	Md. S. Ajaz Bijly
72.	305067	Gouri Sankar
73.	303725	Balbir Singh
74.	8464523	Mohindra Singh Dahd
75.	242339	Shiv Chandra Lal

**Attested.**

Kohli 8.11.96

**Advocate.**

Contd....

76.	136014	L.K. Jayaraman
77.	430138	Umesh Chandra Mishra
78.	210102	Ghan Shyam Mishra
79.	201163	Shiban Krishan Raina
80.	232573	Dilip Kumar De
81.	201161	Mrityunjoy Nandigrami
82.	305214	Tarsem Chander Johar
83.	263040	Kalyan De
84.	242019	Hardial Singh Sainbhy
85.	232198	Kanti Bhusan Roy
86.	210321	Satish Kumar Srivastava
87.	151414	Vinay Kumar Mallik
88.	125107	C.S. Krishnan
89.	136030	T. Anand Krishnan
90.	249017	Mahavir Prasad Jain
91.	223679	B.P. Chattarjee
92.	242144	K.G. Ram Chandra Nair
93.	109210	Surender Kumar
94.	260208	Swapan Kumar Roy
95.	237816	Ram Prakash Tripathi
96.	109210	Asrani Manohar Gordhandas
97.	125027	G. Devadass
98.	152234	E. Chathukotty Nambiar
99.	232433	Azhar Kussain Rizvi
100.	210341	Subhomoy Basu Choudhary
101.	210810	Sivaji RajGhosh
102.	158522	Vithal Mahadeo Borate
103.	303402	Harcharan Singh Kohi
104.	303740	Baldev Raj Chawla
105.	232266	K.V. Kuttan
106.	436918	Iswar Lachmandas Jadwani
107.	455128	Bhupal Singh
108.	232010	Om Prakash Dingra
109.	105331	M.K. Nagpura
110.	412027	M. Praameswaran Pillai
111.	160037	Desai Suresh Pattatraya
112.	306002	Darshan Kumar Goyal
113.	206561	Abdul Latif
114.	237528	✓ Khushi Mohan Sarkar ✓
115.	215349	✓ Payyakkal Murlidharan

Attested.

Kalita 8.11.96

Advocate.

Sl. No. 111 to 123 have been selected against vacancies reserved for SC/ST and

116	30 4183	Monohar Lal
117	30 3042	✓Piara Lal Chima
118	10 2107	MIK Chand Zaveri
119	4400 21	J.C. Khera
120	30 8417	Ajaib Singh
121	425001	Tej Prakash Saxena
122	1100 28	Surendra Gopal Nigam
123	10 3368	AV Bheema Charya

will be promoted  
after approval  
of the dereserva-  
tion of posts.

(Total one hundred and twenty three names only)

**Attested.**

Kohli 8.11.96  
Advocate.

MES/91/91

11 Mar 91

Chief Engineer,  
Southern Command, Pune,  
Eastern Command, Calcutta  
Central Command, Lucknow

PROMOTION CUM POSTING : SURVEYOR SURVEYOR WORKS  
ASSISTANT GRADE TO THE GRADE OF ASSISTANT SURVEYOR OF  
OR WORKS OFFICIATING

1. Promotion of the following Surveyor Assistant Grade to the Grade of Assistant Surveyor of Works officiating are approved. Consequent on promotion, posting as shown against each are also approved.

<u>MES No. &amp; Designation</u>	<u>From</u>	<u>To</u>	<u>Remarks</u>
(a) MES 446464 Shri N.C. Jain, SAGDE I	AGE (1) Mamaura	CGE(AR) Bamrang	In an E/V to move forthwith
(b) MES-216363 Shri R Dhiman Mukhopadhyay	GE Silchar	CE(P) Port Blair	In an E/V to move forthwith.

2. Departure/arrival of the officers while reported to their HQ(E1.B/MIS(iv) by signal by the relieving receiving and on the day of SOS/TAS.
3. ACR of the officers will be initiated soon after the SOSdate if they have completed three months or more in the current ACR Year under any initiating Officer.
4. Before the above promotees are moved and placed in their higher appointment, it may please be ensured that they are not involved in any disciplinary case in which officers have been served with a charge sheet or the competent disciplinary authority has decided to charge sheet the officers/SPE Case/Court of Inquiry. This aspect will be checked at HQCE Commands and suitable instructions issued to units/lower form.
5. The above officers will be on probation for two years.
6. DGN particulars will be sent to EIB Section this HQ alongwith their full particulars and present permanent rank.

Attested.

Kahite 8.11.96

Advocate.

Sd/-  
D.S. Randev  
Lt. Col.  
Engrs. Pers. 'B'  
for Engineer-in-Chief.

Copy to :

1. C.E. Shillong Zone  
CE (P) Port Blair

.....

.....  
All India MES C(iv) Officers Association.

Tele : EW 2914

Purv Kaman Mukhyalaya  
HQ Eastern Command  
Abhiyanta Shakha  
Engineer's Branch,  
Port William  
Calcutta-21.

15 Oct 90.

131041/7/373/Engrs/EID

Chief Engineer,  
Civ Engg Cell/OFB  
10 A Auckland Road,  
Calcutta-400001

PANEL FOR PROMOTION TO THE GRADE OF  
ASSTT SURVEYOR OF WORKS IN THE MES  
MES/201179 SHRI AN PAUL, SA GDE-I

1. Reference your letter No. 1065/426/EI dated 22 May 90.

2. Extract of E-in-C's Br AHO, New Delhi letter No. A/41033/Rep/EIR(O) dated 19 Sep 90 is reproduced below for your information. The individual may also please be apprised accordingly:

"The representation of Shri AN Paul has been examined. It is to inform you that promotion from SA Gde I to ASW is covered as per the eligibility conditions as laid down in the recruitment Rules for the ASW. Since the selection is on the basis of seniority-cum-merit, ~~it is~~ and it is induction Group 'A' posts, Supersession or in such cases is inevitable. In the instant case the DPC has been conducted at UPSC level by duly constituted body and as per the assessments awarded to the individual, his name could not find place in the panel.

As regards para 2(D), no specific instruction exists in the DPC procedure to give a special benefit in promotion to individual served in North Eastern Region."

Sd/-

( B.C. DAS )  
SOIII (PERS)  
FOR Chief Engineer.

Attested.

Konkita 8.11.96

Advocate.

From : MES/201179 Shri A'N Paul, SA-I  
Chief Engineer (CEC) OFB  
10-A, Auckland Road,  
Calcutta-700 001.

To : The Cord & Pers Directorate/EIR(O)  
Engineer-in-Chief's Branch,  
Army Headquarters,  
DHQ PO New Delhi-110011

(Through proper channel)

PANEL FOR PROMOTION TO THE GRADE OF ASSTT  
SURVEYOR OF WORKS IN THE MES

Sir,

With due respect and humble submission the following points are brought out with reference to your letter No.A/41023/REP/EIR(O) dated 19 Sep 90 :-

(a) That it appears that the merit of the individual mostly and the assessment at the UPSC level which had played the deciding factor for promotion and not the criteria of seniority when supersession took place. It is not understood what was the basis of determination of merit and gradation for promotion. But as per my self is concerned it is intimated that I have not received any adverse report so far and render satisfactory and qualifying service of nearly 20 years as SA Gde-I.

(b) Facilities given under Govt. of I, Ministry of Finance, Deprt. of EXPR OM No. 20014/2/85-E.IV dated 14 Dec 83 for the benefit in promotion for service in the North Eastern Region has been denied by the so called 'nor existing of DPC Procedure. 'Inclusion of Govt. policy in the DPC Procedure is entirely the responsibility of the Deprt. More precisely of the highest office. For the lapses and commission on the part of the Department why the individual will be deprived off his legitimate and rightful claim of promotion even after long satisfactory and qualified service.

Attested.

Kalita 8.11.96

Advocate.

2. It is therefore, requested that action may please be taken for consideration of my name for promotion as ASW to recoup the lapses and commission of the Department by non-inclusion of the so called policy in the DPC Procedure.

Awaiting your decision please.

Dated 14 Nov. 90

Yours faithfully,  
Sd/- ( Sri A.N. Paul)  
XA SA-I.

Telephone : 28-6522

Chief Engineer,  
Civil Engineering Cell,  
Ordnance Factory Road,  
10-A, Auckland Road,  
Calcutta-700 001

20 Nov 90.

No.1165/TUE/E1  
Head Quarters,  
Eastern Command,  
Engineer's Branch,  
Fort William  
Calcutta-21.

PANEL FOR PROMOTION TO THE GRADE OF  
•ASSTT. SURVEYOR OF WORKS IN THE MES  
MES/201179 SHRI A N PAUL, SA-1.

1. Reference your HQ letter No.131841/7/373/Engrs/EID  
dated 15 Oct 90.

2. Further representation dated 14 Nov 90 received  
from MES/201179 Shri A N Paul, SA-I on the above quoted  
letter is forwarded herewith for your further necessary  
action and onward submission to Army HQrs E-in-C's  
branch, New Delhi-11.

Sd/-

( M.N. Sastry )  
AE SE III  
For Chief Engineer.

Enclo : As above.

Copy to :

Internal

MES/201179  
Sri AN Paul, SA-I - for information please.

Attested.

Kalita 8.11.96  
Advocate.

Tele : 3019687

Coord & Pers Directorate/EIR(O)  
Engineer-in-Chief's Branch,  
Army Headquarters,  
DHQ PO New Delhi - 110 011.

A/41032/Review/SKS/ASW/95/EIR(O)

24 May 95.

List 'A'

PROMOTION TO THE GRADE OF ASSISTANT SURVEOR  
OF WORKS

1. Reference this HQ letter No. 41033/82/EIR dated 21st June 82 as amended vide Nos. A/41033/1/85/EIR(O) dated 07 Mar 90, A/41033/R-DPC/82/EIR(O) dated 10 Oct 91, A/41033/89/EIR(O) dated 08 Jul 93, A/41062/Rev/93/EIR(O) dated 03 Jun 94 and A/41052/Review/94/EIR(O) dated 28 Feb 95.

2. In accordance with the directions of the Hon'ble Central Administrative Tribunal Principal Bench, New Delhi in Case of Sudarshan Kumar Sardana Vs. UOI in O.A. No. 2197/93, a review DPC was held on 16 May 95 to consider Sh Sudarshan Kumar Sardana for promotion to Assistant Surveyor of Works against the DPC which met on 01 May 82 and was conducted against the vacancies pertaining to the year 1979. The review DPC has recommended him for promotion as Assistant Surveyor of Works.

3. Accordingly, the following amendments is made to the letter dated 21 Jan 82, as amended :

<u>Add</u>	<u>MES No. &amp; Name</u>	<u>Remarks</u>
<u>Ser No.</u>	<u>S/Sgt</u>	
0-a7	302658 Sudarshan Kumar Sardana	<u>BELOW</u> the name of Sh Fateh Singh Verma at Ser 0-a5 empanelled vide No. A/41033/89/EIR(O) dated 08 Jul 93 and
		<u>ABOVE</u> the name of CJS Murthy at Ser 1(a) of panel issued vide No. A/41033/82/EIR dated 21 Jun 82.

Attested.

Kalita 8.4.96  
Advocate.

4. The revised position of seniority in the grade of Assistant Surveyor of work in the panel issued vide this HQ letter No. A/41033/EIR dated A/41033/EIR dated 21 Jun 82 will be as under :

Contd.....

S/Shri

1. B. Srinivasa Rao (Retd.)
2. Gyan Prakash Manglik
3. RVVN Jagapathi Raju
4. KC Shankar
5. G. Satyanarayana
6. LD Kataria
7. Krishan Kumar
8. Trilochan Singh
9. PN Rao Ambarot (Retd.)
10. Krishan Chander
11. VK Rajapan (Retd.)
12. FS Verma
13. Sudarshan Kumar Sardana (Retd.)
14. CJS Murthy (Retd.)
15. Subbarama Setty
16. AD Sawale
17. K. Chakraborty.

Sd/-

(Jagmohan Uppal)

Col.  
Dir of Pers (B)  
For Engineer-in-Chief.

Copy to :

Secy UPSE/AU-5 &

Min of Def/D (Appts).

List 'B' 'C' & 'F'

Internal : E1A, E1B, E1C, E1D, MIS (Civ), CSCC, E Coord-I  
E2 WPC, E-8, AEG/ADGTE, DGBR(PERS) Dte.

**Attested.**

Kalita 8.11.96  
Advocate.

Tele : 3019687

Coord & Pers Directorate/EIR(O)  
Engineer-in-Chief's Branch,  
Army Headquarters.  
DHQ PO New Delhi-110 011.

A/41032/Review/SKS/SW/95/EIR(O) 26 May 95.

List 'A'

PROMOTION TO THE GRADE OF SURVEYOR OF WORKS

1. Reference this HQ letter Nos. A/41032/87/EIR(O) dated 16 Sep 87, A/41032/R-DPC/87/EIR(O) dated 26 Feb 91, A/41032/R-DPC/1/91/EIR(O) dt. 17 Dec 91, A/41032/R-DPC/85/1/92/EIR(O) dt 20 Mar 92, A/41032/Review/93/SW/EIR(O) dt 23 Feb 94, A/41032/Review/SW/94/EIR(O) dt 13 Sept 94 and A/41032/Review/TS/95/EIR(O) dt 24 Apr 95.

2. As per directions of CAT PB New Delhi in OA No. 2157/93, Sh Sudarshan Kumar Sardana Vs. UOI, a Review DPC was held on 26 May 95 to consider Sh. Sudarshan Kumar Sardana for promotion to the grade of Surveyor of Works against the DPC which met on the 18 Aug 87 for the vacancies pertaining to the year 1987.

3. As a result of the above, Sh. Sardana has been approved for promotion as Surveyor of Works against the vacancies of 1987. His name will be inserted in the panel as under :

MES-382658      BELOW the name of Sh. Fateh Singh Verma  
Sh. Sudarshan  
Kumar Sardana      whose promotion was approved vide this  
HQ No. A/41032/Review/93/SW/EIR(O) dated  
23 Feb 94 and

ABOVE the name of Sh AD Sawale, whose promotion was approved vide this HQ No. A/41032/87/EIR(O) dated 16 Sep 87.

4. The revised position of seniority in the panel issued vide this HQ letter No. A/41032/PT/EIR(O) dated 16 Sept 87 will be in the following sequences :

- (a) Sh B Srinivasa Rao (Retd.)
- (b) Sh Gyan Prakash Manglik
- (c) Sh RVVN Jagapathi Raju (Retd.)
- (d) Sh K.C. Shankar
- (e) Sh. G Satyanarayana
- (f) Sh. L.D. Kateria
- (g) Sh. Krishan Kumar
- (h) Sh Trilochan Singh

**Attested.**

*Kalit, 8/11/95*  
Advocate.

Contd.....

- (j) Sh Krishna Chander
- (k) Sh V K Rajappaan (Retd.)
- (l) Sh F. S. Verma
- (m) Sh Sudarshan Kumar Sardana (Retd.)
- (n) Sh A.D. Sawala

Sd/-

( Jagmohan Uppal )

Col.

Dir of Pers (B)  
For Engineer-in-Chief.

Copy to :

Min of Def/D (Appts)

The Secretary, UPSC

List 'B' 'C' & 'F'

Internal :

EIB-5 Copies E1A, E1D, E1c, MIS (Civ),  
E1R (Sub), CSCC, E. Coord-1 GMF/ADGTE,  
OGDR/EG-2, GMG/CTE.

• • •

Attested.

Kahita 8.11.96

Advocate.

Tele : 3019687

Coord & Pers Directorate/EIR(O)  
Engineer-in-Chief's Branch,  
Army Headquarters,  
DHQ PO New Delhi-110 011.

Np/41033/R-ASW/95/EIR(O)

14 Sep 95

List 'A'

PANEL FOR PROMOTION TO THE GRADE  
OF ASSISTANT SURVEYOR OF WORKS

1. Reference to this HQ letter No. /41033/1/89/EIR(O) dated 08 Mar 90.

2. In accordance with judgment delivered by Hon'ble Supreme Court on 17.11.94 in the SLP(C) Nos. 5259-60/91, 14447/92, 12/93, 7180/93, 7785/93 and 12899-61/92 confirming the judgment given by Larger Bench of CAT Hyderabad and covering the OA Nos. 308/90 CAT, Hyderabad, 690/90 CAT PB New Delhi, intervenor in SLP-12859-61/92 in Supreme Court, 624/PB/90 CAT Chandigarh, OA 246/90 CAT Madras, 1350/90 CAT PB New Delhi, 307/90 CAT Hyderabad, 399/91 CAT RR Calcutta, 306/90 CAT Hyderabad, 747/HR/90 CAT Chandigarh 693/90 CAT PB New Delhi, 623/PB/90 CAT Chandigarh, 535/90 CAT Bombay and OA 536/90 CAT Bombay, a Review DPC was held to consider the cases of all the affected officers, who were earlier considered for promotion to the post of ASW in the DPC held on 28/29-9-89, 29/30-10-89 and 17-01-90, against the vacancies of 1985, 86 and 87.

3. As per recommendation of the Review DPC and acceptance of the same by the Competent Authority, the amendments as given below are made to the panel at Appx 'A' to this HQ letter No. /41033/1/89/EIR(O) dated 08 Mar 90, as amended from time to time.

<u>Add</u> <u>Ser No.</u>	<u>MES No. and Name</u>	<u>Position in the panel</u>	<u>Remarks</u>
7A	125160 1 Rama Rao	Below Sh AK Handa (per 7) and above Sh Ved Prakash (Ser 8).	: These Offrs have been selec- ted against the vacancies for the year 1986.
7B	4550 24 Prem Shankar Gupta	Below Sh.I Rama Rao (Ser 7A) and above Sh Ved Prakash (Ser 8).	
7C	2600 37 Ashwani Kumar	Below Sh Prem Shankar Gupta (Ser 7B) and above Sh Ved Prakash (Ser 8).	
14A	3059 39 J Prasad Aggarwal	Below Sh Surinder Kumar Jindal (Ser 14) and above Sh YK Rajappan (Ser 15).	
14B	1650 28 R Yeshwant Deshmukh	Below Sh J Prasad Aggarwal (Ser 14A) and above Sh YK Rajappan (Ser 15)	
19A	409809 Om Prakash Malik	Below Sh Surendra Kumar Gulati (Ser 19) and above Sh Jagdish Anand (Ser 20).	

Attested.  
Kavita Singh  
Advocate. Contd. ....

28

-29-

Annex. 8 contd.

71A 455046 Below Sh Modd S.Ajaz These offis  
Surjit Singh Bijly (Ser 71) and above have been  
Sh Gauri Shankar(Ser 72) selected  
against the

71B 445123 Below Sh Surjit Singh  
Satish Chand (Ser 71A) and above Sh  
ra Gauri Shankar (Ser 72) for the  
vacancies  
for the  
year 1987.

4. All others will remain un-changed.

\* Sd/- \*\*\*\*\*

( Jagmohan Uppal )  
Col  
Dir of Pers 'B'  
For Engineer-in-Chief

Copy to :

UPSC/AU-5

Min of Def/D (Appts.)

List 'B' 'C' & 'F'

Internal : E1A, E1B(5 copies) E1C, MIS (Civ), CSCC,  
E Coord-I, E2 WPC, E-8, QMG/ADGTE, DGBR(Pers Dte).

Attested.

Kalita 8-11-96  
Advocate.

29  
- 30 -

ANNEXURE 9

Tele : 3019620

Coord & Pers Directorate/EIB  
Engineer-in-Chief's Branch,  
Army Headquarters,  
DHQ PO New Delhi-110 011.

No. MES/95/95

18 May 95.

Chief Engineer,  
Southern Command, Pune  
Eastern Command, Calcutta  
Western Command, Chandimandir

PROMOTION-CUM-POSTING : ASSISTANT SURVEYOR OF WORKS  
TO THE GRADE OF SURVEYOR OF WORKS OFFICIATING

1. Promotion of the following Assistant Surveyor of Works to the grade of Surveyor of Works officiating are approved. Consequent upon promotion, posting as shown against each are also approved :

Ser	MES No.	Name & Desig	From	To	Remarks
(a)	MES-216363	Shri D Mukhopadhyay, ASW	CE(OFB) Calcutta	CWE(Subs) Barrackpore	In an EV Tenure restd for two years.
(b)	MES-304183	Shri Manohar Lal, ASW	CWE(P) Hissar	CWE(P) Hissar	In an EV
(c)	MES-425001	Shri TP Saxena, ASW	CE Zone Calcutta	CE, Calcutta Zone	In an EV.
(d)	MES-405400	Shri Bagirathi Pani, ASW	HQ 137 Wks Engrs.	HQ 137 Wks Engrs.	In an EV.
(e)	MES-186170	Shri SK Grover, ASW	CWE Sec'bad	CWE Sec'bad	In an EV.

No. MES/95/95 dated 18 May 95

Attested.

Kahit, 8/11/96  
Advocate.

2. Departure/arrival of the officers will be reported to this HQ (EIB/MISCCiv/APD) by telex/signal by the relieving/receiving units on the day of their SOS/TOS.

3. ACRs of the offrs will be initiated soon after their SOS dates, if they have completed three months or more in the current ACR under any initiating Officer.

Con td.....

4. Before the officers are moved and placed in their higher appts. it will be ensured that :

- (a) the officer is not under suspension.
- (b) no charge sheet has been issued to the offr and no disciplinary proceedings are pending against him
- (c) no prosecution for a criminal charge is pending against him.

5. DGN particulars of the offrs will be sent to this HQ (EIB) alongwith their full name and present permanent rank.

6. Move of the officers shall be implemented forthwith without awaiting any reliefs.

Sd/-  
( OP Dudi )  
Lt Col  
SD1 Engrs Pers (B)  
for Engineer-in-Chief

Copy to :

CE(OFB), Calcutta, CE Calcutta Zone, CE Chandigarh Zone,  
CE SE Falls Shillong, CE Hyderabad Zone.

CWE (Subs) Barrackpore, CWE(P) Hissar, HQ 137 Wks Engrs. C/099  
APO, CWE Secunderabad.

CRO(O), C/O CE Delhi Zone, All India MES Civ Offrs Association  
CDA(O), Pune.

Internal : TS to E-in-C, TS to DGW, PS to ADGE (Pers), DDGE  
(Pers), DDGW (PAC), MIS Civ, ADP, MS 12A, EID, EIR(O) E-Coord.  
II(2 Copies), Master folder, Proposal folder & Case files.

**Attested.**

Rahit 8-11-98  
Advocate.

...

(31)

- 32 -

ANNEXURE-10

Telephone : FW: 222-2918

REGISTERED

Purv Kaman Mukhalaya,  
 HQ Eastern Command  
 Engineers Branch,  
 Fort William, Cal-21.

131018/27/87/Engrs/EIB

11 Mar '95.

CE Calcutta Zone  
 CE Siliguri Zone  
 CE (AF) Shillong Zone  
 CE Shillong zone  
 CE OFB Cell.

## LIST OF AFFECTED JSWs FOR PROMOTION TO THE GRADE OF ASW.

1. List of the following officers who are in the DPC list for promotion to the grade of ASW has since been received from E-in-C's Branch is forwarded herewith for your information and necessary action as instructed below :

## LIST OF AFFECTED JSWs FOR PROMOTION OF ASW WHOSE INTEGRITY CERTIFICATES ARE REQUIRED IMMEDIATELY.

Sl.No.	Name	Remarks
	S/Shri	
1.	Ramlal Saraf	
2.	Jagannath Prasad Aggarwal	
3.	B. Sathyanarayana Raju	
4.	Raghbir Singh	
5.	DS Inamdar	
6.	Gururaj Jaganath Rao Desai	
7.	Morja Dayanand Bapurao	
8.	Thanwar Poptani	
9.	Devendra Kumar Goel	
10.	Shrregopal Katsal	
11.	Rajeswar Kumar Nayar	
12.	Arvind Krishanaji Kulkarni	
13.	Deo Dutt Tripathi	
14.	Susheel Kumar	
15.	Krishan Pal Singh Katyal	
16.	Hare Krishna Peo Nath	
17.	Balbir Singh	
18.	Dipak Kumar Singh Sen Gupta	
19.	Sadhan Kumar Ghosh	
20.	Rajendra Kumar Anand	
21.	Satyavan Sharma	
22.	Ram Lal	
23.	Manohal Lal Sharma	
24.	Anand Kumar Khurana	
25.	Gopal Hari Tiwari	
26.	Om Prakash	
27.	Alok Kumar Basu	
28.	Bibakananda Datta	
29.	SK Hulkopkar	
30.	VV Babu	
31.	P Madhavan	

**Attested.**

Rajita g.11

**Advocate.**

Con td.....P/33.

32. V Ramasarana Reddy
33. Krishnan Kanihyaya Aggarwal
34. Brij Bhushan Swarup Saxena
35. M Sivadas
36. Jhanankar Nanda
37. TK Srinivasa Rao
38. VV Purnadare
39. ?atjira Matj Chorai
40. Amar Nath Pal. ✓
41. Vijay Kumar
42. Jatinder Kumar Sood
43. Swarnandu Karmakar
44. GN Ananthu
45. S. Kannan
46. Shibebrate Sikdar
47. Dinesh Chandra
48. Shanti Sagar Bhalla
49. S. Kasthuri
50. Nimal Kanthi Ghosh
51. Onkar Nath Thakar
52. Nand Kishore Malhan
53. Mansha Ram

2. You are requested to forward necessary Integrity Certificate of affected officers mentioned in the above list to this HQ immediately for our further action please. In this connection, please refer this HQ letter No. 131019/27/Engrs/68/EIB dt. 09 Jan '95 and signal No. 87016 dated 24 Feb 95 under which report as called for submission is still awaited. NIL report also required.

Sd/-

( R.K. Khanna )  
Lt. Col.  
SQII (Pers)  
For Chief Engineer

Copy to :

E-7 Section (LOCAL) - for information please.

Arrested.

Kohita  
8-11-96  
Advocate.

...

Army Headquarters,  
Engineer-in-Chief's Branch,  
Kashmir House, DHQ PO  
New Delhi-110 011.

(Through proper channel)

PROMOTION : JSWs to ASWs

Respected Sir,

With humble submissions, I beg to submit the following for your kind perusal and further necessary action please.

That sir (i) I was promoted to JSW from SA I in the DPC held in Jul 91. Since then nearly four and a half year passed. Still I am JSW, though I have passed the direct final examination of the Institution of Surveyors (I) in 1992.

It was given to understand that after these years of service as JSW and then five years services as ASW, possessing the above qualification, promotion to ASW and SW respectively would be effected to match it with the promotion eligibility of AEs, having graduation to MES.

A list of 53 JSWs, eligible for promotion to ASWs, was issued by your HQ during 1994-95. After publication of above list, eight officers have retired so far and one officer listed therein has not accepted the promotion as ASW. The DPC programme is again and again being postponed since more than a year for the reason best known to your HQ.

2. In the last panel of promotion vide your No. A/41033/1/89/EIR(O) dt. 08 Mar 1990, 120 SAIs were promoted to ASWs, in which number of my juniors have been promoted as ASWs by superseeded me. I had represented the case to your HQ. It was intimated vide your HQ letter No. A/41033/Rep/EIR(O) dt. 19 Sept 90 that the assessment awarded to me at UPSC level, my name could not find a place in the DPC. I further represented through my application dt. 14 Nov 90 forwarded to HQ CEEC Calcutta vide CEC (OFP) Calcutta letter No. 1165/TUE/E1 dt. 20 Nov. 90, I havenot received my reply, to my dismay.

Attested.

Kalita 8.11.96

Advocate.

Contd.....

Out of the above ASWs, some officers, who were junior s to me as SA1, have further been promoted to SWs in the DPC held during Mar 95, circulated vide your HQ letter No. A/41032/SW/94-95/EIR(O) dt 27 Apr 95.

3. This is an ambarassing position and situation that my juniors as SA1s are now SWs and I am still JSW with little hope to become SW during my service period. This has affected my moral and my mind.

4. It should no t be out of perview to submit that the department is only interested for promotion from Group 'A' post to higher Group 'A' post as it reveals from promotion to SWs severd times since Mar 95 till Feb 96. The department seems to be not interested for promotion from Group 'B' post to Group 'A' post.

5. May, I therefore, request to your honour to intimate me the position to promotion to ASW and then further to SW, on recoupmment of period of one and a half years lost as JSW.

6. Awaiting your favourable and earliest reply please.

Yours faithfully,

25-3-96

Encl. (Index).

(MES/201179 Shri A N Paul)  
JSW.

Attested.

Rahit  
Advocate. 8-4-96

...

35

General & Subsidiary Petitions
Case No. 1032
1032
2 JUL 1997
Guwahati Bench
संघीय न्यायालय

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

7.13 by Col. J. C. Sharma 1-7-97  
 Additional Central Govt.  
 Standing Counsel  
 Central Administrative Tribunal  
 Guwahati Bench.

In the matter of :

O.A.No.259/96

Amarnath Paul

...Applicant.

-Vs-

Union of India & Ors. ...Respondents

-And-

In the matter of :

Written Statement on behalf of

the official respondents.

I, Er Ajay Shankar, SE (SG)

Commander Works Engineer(AF), A.T.Road, Saptipur,  
 Guwahati-781009 do hereby solemnly affirm and declare  
 as follows :-

1. That a copy of application alongwith an order passed by this Hon'ble Tribunal have been served upon the respondent No.1 and 2 and same is received by both the respondents and myself being authorised to file written statement on behalf of both, I do hereby file it and state categorically that save and except what is admitted in this written statement, rest may be treated as total denial by the official respondents.

Contd.....

Prepared by  
 (Col) J. C. Sharma  
 Additional Central Govt.  
 Standing Counsel  
 Central Administrative Tribunal  
 Guwahati Bench.

36

2. That with regard to the contents made in paragraph 1 of the application, I beg to state that it is not denied that the applicant had submitted application challenging the order No.A/41033/1/89/EIR(0) dated 8.3.90 and order No.MES/91/91 dated 11.3.91. Since almost about 6 years have lapsed, the matter is barred by limitations. Since the Hon'ble Supreme Court has held in many cases that when a person losses the opportunity offered to him at the appropriate time he looses the right also. Since the case is 6 years old, hence needs no consideration being time barred and needs to be dismissed at admission stage itself.

3. That with regard to the contents made in paragraph 2 of the application, the respondents have nothing to comment.

4. That with regard to the contents made in paragraph 3 of the application, I beg to state that as already stated in paragraph 2 above the matter pertain to the years 1990 and 1991 is barred by limitation. Merely submission of an application during 1996 by the applicant, the matter can not be revived and hence needs rejection at admission stage itself.

5. That with regard to the contents made in paragraph 4(1) of the application, I beg to state that these are admitted.

6. That with regard to the contents made in paragraph.....

paragraph 4(2) of the application, I beg to state that the applicant is raising the issues occurred in the year 1990 and 1991, the best course of action for him was to approach the Hon'ble Tribunal immediately when reply was given to him by the respondent's which he failed to do as such the applicant's claim for the promotion as ASW now is barred by limitation as almost 6 years have elapsed, hence he has no claim at all at this stage.

7. That with regard to the contents made in paragraph 4(3) of the application, I beg to state that it has already explained to the applicant that his name was forwarded to Union Public Service Commission(an independent body) for consideration alongwith the other senior and junior persons in the seniority list. The D.P.C. did not found him fit for promotion to the post of ASW. As regard extra-weightage for persons serving in the N.E.Region, it has clearly been replied to the applicant that "No specific instructions exists in the DPC procedure to give specific benefit in promotion to individual served in North Eastern Region."

In the light of above the applicant's contention that he did not receive any reply on this point is incorrect and baseless.

Contd.....

8. That with regard to the contents made in paragraph 4(4) of the application, I beg to state that the contention of the applicant is not agreed to as he had the option to approach the Hon'ble Tribunal in 1991 which the applicant did not do hence the case is barred by limitation as it has been held by the Hon'ble Supreme Court in a number of cases as under -

Delay deals not only remedies, but right also as held in the case of Bhoop Singh Vs. Union of India and others (1992) 2 Sec 134 and Ahamsavam and others Vs. State of T.N. and another (1994) 6 Sec 51).

9. That with regard to the contents made in paragraphs 4(5) and 4(6), I beg to state that there is nothing to comment being matter of records.

10. That with regard to the contents made in paragraph 4(7) of the application, I beg to state that it is totally denied that the applicant was not considered by the DPC alongwith his juniors but he was considered in the DPC in 1989 and 1990. In this DPC he could not make the grade required for promotion from SA I to ASW, hence the plea of the applicant is not tenable.

11. That with regard to the contents made in paragraph 4(8) of the application, I beg to state that it is correct that a new post of JSW was created in 1991 and the applicant was promoted from SA I to

JSW.....

JSW in 1991. It is also stated that the respondent No.4 Shri Dhiman Mukhopadhyay was considered along with the applicant but due to his assessment in the performance report he was promoted by legally constituted DPC held in UPSC, but the applicant failed to get the promotion as ASW in 1989-90 due to his low grade in performance report. Hence the claim of the applicant is not tenable in the eye of law, as such denied to such an extent. It is not denied that certain junior to the applicant have been further promoted as Surveyor of Works based on their performance and nos of vacancies in the grade of Surveyor of Works, but the applicant has no claim on the appointment of post of Surveyor of Works until he is promoted to the post of ASW.

12. That with regard to the contents made in paragraph 4(g) of the application, I beg to state that as clarified in replies to the earlier paragraphs that the applicant was also considered by the legally constituted DPC in 1989-90, but he could not make the bench mark as per DO P&T order for promotion from SA I(Gp 'C') post to ASW (Gp 'A') post but certain juniors were graded higher than the applicant and were promoted to the post of ASW in 1990 giving brick date seniority as per the Court's directions and these junior persons might have been further promoted as SWs based on their seniority and performance as per the available vacancies. In view of that the applicant's claim is not at all tenable.

Contd.....

13. That with regard to the contents made in paragraph 4(10) of the application, I beg to state that these are not denied being matter of records.

14. That with regard to the contents made in paragraph 4(11) of the application, I beg to state that it is fact that the DPC proposed for promotion from JSW to ASW was forwarded to Ministry of Defence on 29.11.95 but this being the first DPC queries were raised by the Ministry of Defence and Union Public Service Commission who has to conduct the DPC hence the matter has been delayed for some time. After prolonged correspondences and clarifications, the DPC for promotion from JSW to ASW was schedule to meet on 14.2.97. This meeting has been postponed due to Administrative reasons and DPC will be held shortly. It is assured that the name of the applicant will be considered by this DPC and applicant will be promoted provided he is approved for promotion based on his performance and records.

15. That with regard to the contents made in paragraph 4(12) of the application, I beg to state that as already clarified, the applicant was considered by the Review DPC in 1989-90 but he could not make the required grade specified for promotion from SA-I to ASW. However, it is clarified that a judgement in a particular case can not be made applicable universally to all the persons. If applicant was after 1991 he should have approached to various low deciding Authorities and he could have become

an.....

an interview in the appex Court if his claim was of similar in nature. Since applicant has not availed the opportunity now the matter is delayed and barred by limitation as delay not only deals the remedies but rights also. As regard not making the party to all other juniors the matter may be decided by the Hon'ble Tribunal because the interest of the other parties may be affected by the order of this Hon'ble Tribunal.

16. That with regard to the contents made in paragraph 4(13) of the application, I beg to state that it is denied that the applicant is cleared by DPC for promotion to ASW but his name is being considered by the DPC which is to be held in UPSC shortly. As soon as DPC is held the result will be published immediately when the same is received by the respondents duly approved by the competent appointing authority. Until a person is promoted from JSW to ASW, no claim could be made by the applicant for promotion to SW, as per Recruitment Rules for the post of SW. A person who has completed 4 years service as ASW will be considered based on their seniority and vacancies as well as their performances in the ACRs, hence the claim of the applicant for promotion to the post of SW is premature as their is no claim on that posts there being gap of two posts in between i.e. JSW to ASW and then ASW to SW.

Contd.....

17. That with regard to the contents made in paragraph 4(14) of the application, I beg to state that the point has been made amply clear in replies to above paragraphs. It is once again brought to the notice of this Hon'ble Tribunal that the DPC for promotion from JSW to ASW is likely to be held shortly and as soon as proceedings are received duly approved from the appointing authority the same will be published by respondent No.2.

18. That with regard to the contents made in paragraph 4(15) of the application, I beg to state that the applicant's claim is barred by limitation as the event which applicant is challenged pertains to the year 1987 to 1990 and not in 1995. As already stated, the matter is barred by limitation needs rejection as has been held by the Hon'ble ~~Supreme~~ Central Administrative Tribunal, Allahabad Bench at Lucknow in the case of Shri OM Prakash Satija Vs. Union of India and others. The copy of the judgement is annexed herewith and marked as Annexure R.1.

19. That with regard to the contents made in paragraph 4(16), I beg to state that it would be seen from the application that the applicant is admitting that he was considered by a review DPC in 1989-90 but he could not be found fit for promotion whereas his juniors have been promoted due to better performance and as such there is no claim of applicant. However, the DPC from JSW to ASW is likely to be held shortly and result will be published by the respondent No.2.

20. That with regard to the contents made in paragraph 5.1 of the application, I beg to state that it is totally denied that the applicant has any claim for promotion under next below Rule as the applicant was duly considered by the legally constituted DPC but he could not make the grade due to his low grading in the performance report.

21. That with regard to the contents made in paragraph 5.2, I beg to state that it would not be seen from the application that the applicant is admitting that he was considered by a review DPC in 1989-90 but he could not be found fit for promotion whereas his juniors have been promoted due to better performance and as such there is no claim of the applicant. However, the DPC from JSW to ASW is likely to be held shortly and result will be published by the respondent No. 2.

22. That with regard to the contents made in paragraph 5.3, I beg to state that review DPC as per Court's directions have already been held as per year-wise vacancies and the name of the applicant was considered by the DPC but he could not make the grade hence he was left out and given promotion as JSW in 1991.

23. That with regard to the contents made in paragraph 5.4, I beg to state that it is denied that the applicant has been denied his due promotion but he has.....

has been promoted as JSW in 1991 and further he is being considered for promotion to ASW result of which is expected shortly as such he has no claim at all and no question of granting promotion from retrospective date.

24. That with regard to the contents made in paragraph 5.5, I beg to state that the respondents are not sitting on the DPC proposal for the promotion from JSW to ASW but due to various reasons there had been delay in holding the DPC at UPSC. However, all the hurdles have been cleared and result of DPC will be published shortly.

25. That with regard to the contents made in paragraph 5.6 of the application, I beg to state that it is denied that applicant is barred to get promotion to the rank of ASW and then to SW above his juniors as he had not made out any case and no injustice has been done to him, hence he has no claim at all but he is not under consideration for promotion to the grade of ASW if he makes the grade he is entitled to be promoted.

26. That with regard to the contents made in paragraph 5.7 of the application, I beg to state that the applicant's contention that he is entitled for relief sought for. Since he has not made out any case for any claim, he is not entitled for any relief.

Contd.....

27. That with regard to the contents made in paragraphs 6 and 7 of the application, the respondents have nothing to comment.

28. ~~That with regard to the contents made in~~ paragraph 8 of the application, I beg to state that the request of the applicant that records of DPC held in 1989-90 will be produced before this Hon'ble Tribunal if so desired,

29. That with regard to the contents made in paragraph 8.1 of the application, I beg to state that the applicant is due for consideration for promotion from JSW to ASW result of DPC which is likely to be issued in the near future. Further he has no claim for promotion to the post of SW untill he fulfil the condition of Recruitment Rules i.e. 4 years service as ASW and other qualifications and seniority. The matter of consideration of DPC in 1990,91 are barred by limitations hence the case may not be considered in view of observation of the Hon'ble Supreme Court that an individual looses his rights and remedies if the matter is delayed by him.

30. That with regard to the contents made in paragraph 8.2, I beg to state that the applicant has no claim for promotion to the post of SW untill he fulfil the condition of Recruitment Rules i.e. 4 years service as ASW and other qualifications and seniority. The matter of consideration of DPC in 1990,91 are barred

by....

by limitations hence the case may not be considered in view of the observation of Hon'ble Supreme Court that an individual loses his rights and remedies if the matter is delayed by him.

31. That with regard to the contents made in paragraph 8.3, I beg to state that orders of respondents No.2 dated 10.5.90 is 7 seven years old and hence the matter is barred by limitation.

32. That with regard to the contents made in paragraph 8.4, the respondents beg to state that since the applicant has not made out any case hence the cost of litigation may please be awarded to respondents.

33. That with regard to the contents made in paragraph 8.5, the respondents have nothing to comment.

34. That with regard to the contents made in paragraphs 9,10 and 11 of the application, I beg to state that I have nothing to comment being the matter of records.

35. That the present application is ill-conceived of law and mis-conceived of facts.

36. That the applicant has failed to make out any prima-facie case and hence the same is liable to be dismissed with cost.

Contd.....

37. That the respondents crave leave of filing additional written statement if this Hon'ble Tribunal so directs.

38. That the Written Statement on behalf of the official respondents is filed bonafide and in the interest of justice.

VERIFICATION

I, Er Ajay Shankar, SE (SG)

Commander Works Engineer(AF), A.T.Road, Santipur, Guwahati-9 do hereby solemnly affirm and verify that the contents made in paragraph 1 of this written statement are true to my knowledge and those made from paragraph 2 to 34 are derived from records which I believe to be true and rest are humble submissions before this Hon'ble Tribunal.

AND I sign this Verification on this 3<sup>rd</sup> day of May, 1997 at Guwahati.

Deponent



Er. Ajay Shankar, IDSE  
SE (SG)  
CWE (AF) GUWAHATI

- 14 -

A/41033/1/89/ENR(O)

List 'A'

Coord & Pers Directorate/ENR(O)  
Engineer-in-Chief's Branch  
Army Head Quarter,  
DFO PO New Delhi-110 011

08 Mar 80

PANEL FOR PROMOTION TO THE GRADE OF ASSISTANT SURVEYOR  
OF WORKS IN THE MILITARY ENGINEERING SERVICES

1. Surveyor Assistants as per Appendix 'A' to this letter have been approved for promotion to the grade of Assistant Surveyor of Works in the Military Engineer Services.
2. Officers appearing at Sl. No. 1 to 69 in Appendix 'A' have been selected against the vacancies pertaining to the year 1986, the remaining 54 officials at Sl. No. 70 to 123 in Appendix 'A' have been selected against the vacancies of the year 1987.
3. The above panel will be operative upto and including 06 Jan '91 unless reviewed earlier by the DPC or specifically extended beyond this date by the competent authority.
4. Actual appointment of officers included in the panel will be made in the order shown therein subject to the availability of vacancies and issue of orders for appointment.
5. Officers at Sl. No. 55 to 67 and 111 to 123 have been selected against vacancies reserved for Scheduled Caste/ Scheduled Tribes candidates. These vacancies will be filled after obtaining approval for de-reservation.

Sd/-

( S. Kapoor )  
Director of Personnel (a)  
Engineer-in-Chief.

Copy to :

- (a) Ministry of Defence/D(Aptts)
- (b) The Secretary, UPSC/All S. w. c. t. UPSC File No.
- (c) Lists 'B' 'C' 1/33/19/89, 'A. J. 5 & 'F'

Informal

ENR, EIB (5 copies) EIC, EID, MIS (4 V), CECB Record. 1  
TEL, MPC, IBB, QSG-1 HQ, TE&DCB (Pers) Dte.

P. R. Kapoor

( P. R. Kapoor )

Adm Officer  
For CCE (AF) Garrison

Contd.....

Appendix 'A' to Qord & Para Dte/EOU(R), Min. of  
Army Head Quarter letter No. A/41033/1/89/11 R(O)  
dated 08 Mar 90.

PANEL FOR PROMOTION TO THE GRADE OF ASSISTANT SURVEYOR  
OR WORKS IN MES

Sl. No.	Miss No.	Name	S/SD
1.	156521	N. Vishnu Rao Wulvokar	
2.	148001	TMC Rangarajan	
3.	8464558	Ramosh Chandra Methani	
4.	306455	Ranjal Gondatra	
5.	308098	Ved Prakesh Gupta	
6.	136064	YN. Krishna Murthy	
7.	232009	A.K. Handa	
8.	304845	Vaid Prakash Kotli	
9.	618006	Sal Krishan Trikha	
10.	440075	Kishan Lal Mori	
11.	440073	Om Prakash Satija	
12.	201079	Subal Chandra Das	
13.	435330	Yash Pal Khanna	
14.	307629	Burinder Kumar Jindal	
15.	101708	Y.K. Rajappan	
16.	440034	Om Prakash Kakar	
17.	431122	Ram Narayan Mehta	
18.	110830	N. Vijaya Banu	
19.	410228	Aurendra Kumar Guleti	
20.	400023	Jagadish Anand	
21.	409549	N.A. Perikh	
22.	8464577	Quru Charan Singh Gehlot	
23.	8464876	Haril Mohan Srivastava	
24.	302872	Qulan Prakash Minotra	
25.	201183	Pukun Chand Jain	
26.	260041	Krishna Kumar	
27.	113265	Mozje Deyanand Bepuroo	
28.	465256	Seetharam Varshney	
29.	445004	Trilochan Singh	
30.	408258	Om Prakash	
31.	105116	Bapu Shankar Mohalli	
32.	105128	VV Soma Sekhara Rao	
33.	153008	K. Ravi Babu	
34.	113155	K.G. Devan	
35.	113156	M. Thomas John	

  
P.R. Jangir  
Lt.  
Adm Officer  
Bdr CWI (AF) Gwalior

35.	45048	Arvind Kumar Gupta
37.	260039	Barendra Singh
38.	445103	Rakesh Singh Verma
39.	455324	Jagadish Narayan Sethi
40.	460058	Chupendra Rastogi
41.	430124	Vinod Kumar
42.	455127	M. Datt Upadhyay
43.	445197	Januwa Singh Chauhan
44.	430421	V. Nath Tripathi
45.	308539	Avinash Chander Dutta
46.	308087	Vinay Kumar Gupta
47.	8464680	D. Kumar Bakshi
48.	206025	Sukhma Narayan Baral
49.	8464818	Surendra Kumar Pradhan
50.	302094	Ram Avtar Jyoti
51.	8464874	Gurbaksh Singh
52.	210012	Revinendra Saran Vaid
53.	215010	Amal Kant Chakraborty
54.	210014	Vishnu Dutt
55.	728039	Satish Kumar Yadav
56.	478004	Mahendra Kumar Mittal
57.	304231	Mahendra Singh Panesar
58.	302846	Satish Kumar Diwan
59.	303506	Surendra Kumar Bhati
60.	302735	Abinash Chander
61.	141021	K. Chona Jambandan
62.	135009	H. Krishna Moorthy
63.	302658	Sudarshan Kumar Bardana
64.	302160	Narendar Kumar Kapoor
65.	303373	Chander Bhan Gureja
66.	304615	Haj Kumar Khanna
67.	30884	S.P. Naradra
68.	304528	Dharam Paul (SC)
69.	304954	Khem Karan
70.	263209	Pradip Kumar Deka
71.	435212	Md. S. Ajaz Bijly
72.	305067	Gouri Banikar
73.	303725	Balbir Singh
74.	8464523	Mohindra Singh Deka
75.	242339	Shiv Chandra Lal

(P. R. Jani) *Jani*  
Lt

Contd. Adm Officer  
11.12.2011 (AF) Govt

76.	136014	L.K. Jayaram
77.	430133	Unesh Chandra Mishra
78.	210102	Chen Shyam Mishra
79.	201163	Whiben Krishan Haina
80.	232573	Ullip Kumar De
81.	201161	Mrityunjay Nandigrami
82.	305214	Tarson Chander Johar
83.	263040	Kalyan De
84.	242019	Hardial Singh Seimby
85.	232198	Kanti Bhutan Roy
86.	210321	Satish Kumar Srivastava
87.	151414	Vinay Kumar Mallik
88.	125107	C.S. Krishnan
89.	136030	T. Anand Krishnan
90.	249017	Mahavir Prasad Jain
91.	223679	S.P. Chatterjee
92.	242146	K.G. Ram Chandra Naik
93.	109210	Surender Kumar
94.	260209	Swapan Kumar Roy
95.	237816	Ram Prakash Tripathi
96.	109210	Akram Manohar Choudhury
97.	129027	C. Devadoss
98.	152234	K. Chathukkoty Nambiar
99.	232433	Azhar Hussain Ravi
100.	210341	Subhomedoy Basu Choudhury
101.	210810	Sivaji RajGhosh
102.	158522	Vithal Bahadur Gorate
103.	303402	Harcharan Singh Kohi
104.	303740	Baldev Raj Chawla
105.	232266	K.V. Kuttan
106.	436918	Iswar Lachmandas Jadhav
107.	455128	Bhupal Singh
108.	232010	Cm Prakash Dingra
109.	105331	M.K. Nagpura
110.	412027	M. Prajneshwaran Pillai
111.	160037	Vessi Gurkesh Kattakkayal
112.	306002	Darshan Kumar Goyal
113.	206561	Abdul Latif
114.	237528	Khushi Moti <sup>(W B Jangid)</sup> <del>Deep</del>
115.	215349	Payyakkal Mukundharan

Adm Officer  
For CSE (AF) Govt.

Sl. No. 111 to  
123 have been  
elected against  
vacancies received  
for SC/ST and

116	304183	Monohar Lal	
117	303042	Piara Lal Chima	
118	102107	MIK Chand Zaveri	
119	440021	J. S. Khera	
120	300417	Ajeib Singh	
121	425001	Tej Prakash Saxena	
122	110028	Surendraopal Niyam	
123	103368	AV Bheema Charya	

will be promoted  
after approval  
of the concerned  
Ministry for  
promotion of posts.

(Total one hundred and twenty three names only)

P. B. Jangid  
(P. B. Jangid)  
Lt.  
Adm Officer  
Regt CWB (AF) Guwahati

MES/91/91

11 Mar 91

Chief Engineer,  
Southern Command, Pune,  
Western Command, Calcutta  
Central Command, Lucknow

PROMOTION LUM INVESTING : SURVEYOR ASSISTANT GRADE  
ASSISTANT GRADE TO THE GRADE OF ASSISTANT SURVEYOR OF  
WORKS OFFICIATING

1. Promotion of the following Surveyor Assistant Grade to the Grade of Assistant Surveyor of Works officiating are approved. Consequent on promotion, posting is shown against each are also approved.

<u>MES No. &amp; Designation</u>	<u>From</u>	<u>To</u>	<u>Remarks</u>
(a) MES 446464 Shri N.C. Jain, SAGDE I	AGE (1) Mamburde	CCS(AR) Bangalore	In an E/V to move forthwith
(b) MES-216363 Shri M Dhiman Mukhopadhyay	CE Silchar CE(P) Port Blair	CE Silchar CE(P) Port Blair	In an E/V to move forthwith.

2. Departure/arrival of the officers will be reported to their HQ(E.I.B/ME(iv)) by signal by the relieving receiving end on the day of SSO/TAS.

3. ACR of the officers will be initiated soon after the SSO date if they have completed three months or more in the current ACR Year under any initiating Officer.

4. Before the above promotees are moved and placed in their higher appointment, it may please be ensured that they are not involved in any disciplinary charge case in which officers have been served with a charge sheet or the competent disciplinary authority has decided to charge sheet the officers/ME Case/Court of Inquiry. This aspect will be checked at HQ/ME Commands and suitable instructions issued to units/lower form.

5. The above officers will be on probation for two years.

6. DGN particulars will be sent to EIB Section this HQ alongwith their full particulars and present permanent rank.

SD/-  
D.S. Rindov  
Lt. Col.  
Engg. Pers. "B"  
for Engineer-in-Chief.

Copy to :

1. C.E. Shillong Zone  
CE (P) Port Blair

\*\*\*\*\*

\*\*\*\*\*  
All India MES C(iv) Officers Association.

*T S Jayaram*  
P E Jayaram  
Lt  
Adm Officer  
for CWB (AR)

Tele : EW 2914

Purv Kahan Mukhyalaya  
HQ Eastain Command  
Abhiyanta Shakha  
Engineer's Branch,  
Port William  
Calcutta-21.

15 Oct 90.

131041/7/373/Engrs/MID

Chief Engineer,  
Civ Engg Cell/OFS  
10 A Auckland Road,  
Calcutta-400001

PANEL FOR PROMOTION TO THE GRADE OF  
ASSTT SURVEYOR OF WORKS IN THE MES  
MES/201179 SHRI AN PAUL, SA GDE-I

1. Reference your letter No. 1065/426/81 dated 22 May 90.
2. Extract of E-min-C's Br AW, New Delhi letter No. A/41033/Rep/SLR(L) dated 19 Sep 90 is reproduced below for your information. The individual may also please be apprised accordingly:

"The representation of Shri An Paul has been examined. It is to inform you that promotion from SA Cde I to ASW is covered as per the eligibility conditions as laid down in the recruitment Rules for the ASW. Since the selection is on the basis of seniority-cum-merit, if in audit in induction Group 'A' posts, supersession or in such cases is inevitable. In the instant case the DPC has been conducted at UPSC level by duly constituted body and as per the assessments awarded to the individual, his name could not find place in the panel.

As regards para 2(D), no specific instruction exists in the DPC procedure to give a special benefit in promotion to individual served in North Eastern Region."

sd/-

( B.C. DAS )  
SLIII (PERS)  
FUR Chief, Engineer.

\*\*\*

P. R. Jangid

Lt

Adm Officer

For CCE (AF) G

From : M/S/201179 Shri A.N. Paul, JAI  
Chief Engineer (C&W) OFB  
10-A, Auckland Road,  
Calcutta-700 001.

To : The C&W & Engg Directorate/EIR(O)  
Engineering Chief's Branch,  
Army Headquarters,  
DHP PO New Delhi-110011

(Through proper channel)

PANEL FOR PROMOTION TO THE GRADE OF ASSTT  
SURVEYOR OF WORKS IN THE M/S

Sir,

With due respect and humble submission the following points are brought out with reference to your letter No. A/41023/R&R/EIR(O) dated 19 Sep 90 :-

(a) That it appears that the merit of the individual mostly and the assignment at the UPSC level which had played the deciding factor for promotion and not the criteria of seniority when supersession took place. It is not understood what was the basis of determination of merit and gradation for promotion. But as per my self is concerned it is intimated that I have not received any adverse report so far and render satisfactory and qualifying service of nearly 20 years as SA Gde-I.

(b) facilities given under Govt. of I. Ministry of Finance, Deptt. of E&PR OM No. 20014/2/85-E.IV dated 14 Dec 83 for the benefit in promotion for service in the North Eastern Region has been denied by the so called 'non existing of DPC Procedure'. Inclusion of Govt. policy in the DPC Procedure is entirely the responsibility of the Deptt. More precisely of the highest office. For the lapses and commission on the part of the Department why the individual will be denied off his legitimate and rightful claim of promotion even after long satisfactory and qualified service.

3. It is therefore, requested that action may please be taken for consideration of my name for promotion as ASW to recoupe the lapses and omission of the Department by non-inclusion of the so called policy in the DPC Procedure.

Awaiting your decision please.

Dated 14 Nov. 90

(P. B. Jangid)

Encl :

Adm Officer

For C&W (AF) Gde-I

Yours faithfully,  
( Shri A.N. Paul)  
X A Gde-I.

Telephone : 28-6522

Chief Engineer,  
Civil Engineering Cell,  
Ordnance Factory Road,  
10-A, Auckland Road,  
Calcutta-700 001

20 Nov 90.

No.1165/EUK/E1  
Head quarters,  
Eastern Command,  
Engineer's Branch,  
Fort William  
Calcutta-21.

PANEL FOR PROMOTION TO THE GRADE OF  
ASSTT. SURVEYOR OF WORKS IN THIS MES  
MES/201179 SHRI A N PAUL, SA-1.

1. Reference your HQ letter No.131841/7/373/Engrs/EID  
dated 15 Oct 90.

2. Further representation dated 14 Nov 90 received  
from MES/201179 Shri A N Paul, SA-1 on the above quoted  
letter is forwarded herewith for your further necessary  
action and onward submission to Army Engg Env-C's  
Branch, New Delhi-11.

Sd/-

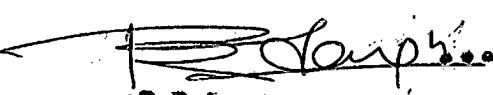
( M.N. Sastri )  
AE ME III  
For Chief Engineer.

Enclo : As above.

Copy to :

Internal

MES/201179  
Shri A N Paul, SA-1 for information please.

  
( P. K. Jangid )  
Lt  
Adm Officer  
For CCE (AP) 

Tele : 319687

Coord & Pers Directorate/EIR(O)  
Engineer-in-Chief's Branch,  
Army Headquarters,  
DHQ PO New Delhi - 110 011.

A/41032/Review/3K8/ASW/95/EIR(O) 26 May 95.

List 'A'

PROMOTION TO THE GRADE OF ASSISTANT SURVEYOR  
OF WORKS

1. Reference this HQ letter No. 41033/82/EIR dated 21st June 82 as amended vide Nos. A/41033/1/85/EIR(O) dated 07 Mar 90, A/41033/R-DPC/82/EIR(O) dated 10 Oct 91, A/41033/89/EIR(O) dated 08 Jul 93, A/41062/Rev/93/EIR(O) dated 03 Jun 94 and A/41052/Review/94/EIR(O) dated 28 Feb 95.
2. In accordance with the directions of the Hon'ble Central Administrative Tribunal Principal Bench, New Delhi in case of Sudarshan Kumar Sardana Vs. UOI in C.A. No. 2197/93, a review DPC was held on 16 May 95 to consider Sh Sudarshan Kumar Sardana for promotion to Assistant Surveyor of Works against the DPC which met on 01 May 82 and was conducted against the vacancies pertaining to the year 1979. The review DPC has recommended him for promotion as Assistant Surveyor of Works.
3. Accordingly, the following amendment is made to the letter dated 21 Jun 82, as amended :

<u>Ad</u>	<u>MRA No. &amp; Name</u>	<u>Remarks</u>
<u>Box No.</u>	<u>Box No.</u>	
0-67	302658 Sudarshan Kumar Sardana	<u>Below</u> the name of Sh Fateh Singh Verma at Ser 0-a5 empanelled vide No. A/41033/89/EIR(O) dated 08 Jul 93 and
		<u>ALSO</u> the name of CJS Murthy at Ser 1(a) of panel issued vide No. A/41033/82/EIR dated 21 Jun 92.

4. The revised position of seniority in the grade of Assistant Surveyor of work in the panel issued vide this HQ letter No. A/41033/EIR dated A/41033/EIR dated 21 Jun 82 will be as under :

Contd.....

S/Shri.

1. B. Srinivasa Rao (Retd.)
2. Gyan Prakash Manglik
3. RVVN Jagapathi Raju
4. KC Shankar
5. O. Satyanarayana
6. LU Katazia
7. Krishan Kumar
8. Trilochan Singh
9. PN Rao Ambareet (Retd.)
10. Krishan Chander
11. V. Rajeswari (Retd.)
12. P. Verma
13. Gururshan Kumar Sardana (Retd.)
14. CJB Murthy (Retd.)
15. Subbarao Gotti
16. AD Bawale
17. K. Chakraborty.

63/-

(Jagmohan Uppal)

Col.  
 Dir of Pers (D)  
 For Engineer-in-Chief.

Copy to:

Decy UPSE/AU-5 &amp;

Min of Def/D (Appts).

List 'B' 'C' &amp; 'D'

Interval : E1A, E1B, E1C, E1D, MIS (CIV), CSCC, S Coord-I  
 E2 MPC, E-0, ABG/ADGTE, DGBU(PERS) 'Dte.

P. K. Jangir

Lt

Adm Officer

For CIV (AF) Govt

Tele : 3019687

Coord & Pers Directorate/EIR(O)  
Engineer-in-Chief's Branch,  
Army Headquarters,  
DHO PO New Delhi-110 011.

A/41032/Review/88/95/EIR(O)

26 May 95.

List A.

**PROMOTION TO THE GRADE OF SURVEYOR OF WORKS**

1. Reference this HQ letter Nos. A/41032/87/EIR(O) dated 16 Sep 87, A/41032/R-DPC/87/EIR(O) dated 26 Feb 91, A/41032/R-DPC/1/91/EIR(O) dt. 17 Dec 91, A/41032/R-DPC/85/1/92/EIR(O) dt 20 Mar 92, A/41032/Review/93/88/EIR(O) dt 23 Feb 94, A/41032/Review/88/94/EIR(O) dt 13 Sept 94 and A/41032/Review/TS/95/EIR(O) dt 24 Apr 95.

2. As per directions of CAT PB New Delhi in OA No. 2157/93, Sh Sudarshan Kumar Sardana Vs. UOI, a Review DPC was held on 26 May 95 to consider Sh. Sudarshan Kumar Sardana for promotion to the grade of Surveyor of Works against the DPC which met on the 18 Aug 87 for the vacancies pertaining to the year 1987.

3. As a result of the above, Sh. Sardana has been approved for promotion as Surveyor of Works against the vacancies of 1987. His name will be inserted in the panel as under :

MAG 382058  
Sh. Sudarshan  
Kumar Sardana

Below the name of Sh. Rakesh Singh Verma whose promotion was approved vide this HQ No. A/41032/Review/93/88/EIR(O) dated 23 Feb 94 and

Above the name of Sh. Abi Sawale, whose promotion was approved vide this HQ No. A/41032/87/EIR(O) dated 16 Sep 87.

4. The revised position of seniority in the panel issued vide this HQ letter No. A/41032/R-DPC/EIR(O) dated 16 Sept 87 will be in the following sequences :

- (a) Sh B Srinivasa Rao (Retd.)
- (b) Sh Gyan Prakash Monglik
- (c) Sh RVVJ Jagapathi Raju (Retd.)
- (d) Sh K.C. Shankar
- (e) Sh. C Satyanarayana
- (f) Sh. L.D. Kateria
- (g) Sh. Krishan Kumar
- (h) Sh Trilochan Singh

Annex. 7 contd.

- (j) Sh Krishna Chander
- (k) Sh V K Rajappan (Retd.)
- (l) Sh F. S. Verma
- (m) Sh Sudarshan Kumar Sardana (Retd.)
- (n) Sh A.D. Sawala

Ad/-

( Jagannathan Uppal )  
Col.

Dir of Peru (B)  
For Engineering-Officer.

Copy to :

Min of Def/D (Appts)  
The Secretary, UPSC  
List 'B' 'C' & 'D'

Internal :

EB-5 Copies RIA, RID, RIC, MIS (CIV),  
RIR (Sub), CGCC, S. Guard-1 GMF/ADGTE,  
OGDR/EC-2, GMG/CTE.

.....

Sanjiv  
(P R Sanjiv)

Lt  
Adm Officer  
For CWE (AF) Govt

Tolo : 3019687

Word & Para Directorate/10 (U)  
 Engineer-in-Chief's Branch  
 Army Headquarters,  
 DIQ 20 New Delhi-110 011.

No/41033/R-ASR/95/EIR(O)

16 Sep 95

List 'A'

**PANEL FOR PROMOTION TO THE GRADE  
OF ASSISTANT SURVEYOR OF WORKS**

1. Reference to this HQ letter No. /41033/1/89/EIR(O) dated 08 Mar 90.

2. In accordance with judgment delivered by Hon'ble Supreme Court on 17.11.94 in the SLV(C) Nos. 5259-69/91, 14447/92, 12/93, 7180/93, 7785/93 and 12899-61/92 confirming the judgment given by Larger Bench of CAT Hyderabad and covering the OA Nos. 308/90 CAT, Hyderabad, 690/90 CAT PB New Delhi, intervenor in CLP-12059-61/92 in Supreme Court, 624/PB/90 CAT Chandigarh, OA 246/90 CAT Madras, 1350/90 CAT PB New Delhi, 397/90 CAT Hyderabad, 399/91 CAT 438 Calcutta, 396/90 CAT Hyderabad, 747/HY/90 CAT Chandigarh 693/90 CAT PB New Delhi, 623/PB/90 CAT Chandigarh, 538/90 CAT Dombay and OA 536/90 CAT Bombay, a Review DPC was held to consider the cases of all the affected officers, who were earlier considered for promotion to the post of ASW in the DPC held on 20/29-9-69, 29/30-10-89 and 17-31-90, against the vacancies of 1985, 86 and 87.

3. As per recommendation of the Review DPC and acceptance of the same by the Competent Authority, the amendments as given below are made to the panel at Appx 'A' to this HQ letter No /41033/1/89/EIR(O) dated 08 Mar 90, as amended from time to time.

Add Sex No.	MIS No. and Name	Position in the panel
7A	125160 I Rama Rao	Below Sh AK Handa (per 7) and above Sh Ved Prakash (Ser 8).
7B	455024 Prem Shankar Gupta	Below Sh I Rama Rao (Ser 7A) and above Sh Ved Prakash (Ser 8).
7C	260037 Ashwani Kumar	Below Sh Prem Shankar Gupta (Ser 7B) and above Sh Ved Prakash (Ser 8).
14A	305939 J Prasad Aggarwal	Below Sh Surinder Kumar Jindal (Ser 14) and above Sh YK Rajappan (Ser 15).
14B	165028 R Yashwant Dushmukh	Below Sh J Prasad Aggarwal (Ser 14A) and above Sh YK Rajappan (Ser 15).
19A	409809 Om Prakash Malik	Below Sh Surendra Kumar Qutati (Ser 19) and above Sh Jagdish Anand (Ser 20).

71A 455046 Below Sh. Noida S. Ajak These offices  
 Surjit Singh Bijly (Set 71) and above Sh have been  
 Sh Gauri Shankar (Set 72) selected  
 against the  
 vacancies  
 for the  
 year 1987.

71B 455123 Below Sh Surjit Singh  
 Bishen Chand (Set 71A) and above Sh  
 " Gauri Shankar (Set 72)

4. All others will remain un-changed.

4.34- 22/08/88

( Jagmohan Uppal )  
 Col  
 Dir of Pers 'B'  
 SOC Engineer-in-Chief

Copy to : 1

UPSC/AU-5

Min of Def D (Appts.)

List 'B' 'C' & 'X'

Internal : E1A, E1B (5 copies) E1C, MIS (CIV), CSCC,  
 E Coord-I, E2 WPC, E-B, GMC/AUGTC, UDRA (Pers Dte).

(P E Jangir)

Et

Adm Officer

For CWE (AF) Gwalior

Tele : 3019620

29  
- 20 -  
ANNEXURE S  
Ordn & Parks Directorate/EDB  
Engineer-in-Chief's Branch  
Army Head Quarters,  
DIL PO New Delhi-110 011.

No. MKS/95/95

18 May 95.

Chief Engineer,  
Southern Command, Pune  
Eastern Command, Calcutta  
Western Command, Chandigarh

PROMOTION-CUM-POSTING : ASSISTANT SURVEYOR OF WORKS  
TO THE GRADE OF SURVEYOR OF WORKS OFFICiating

1. Promotion of the following Assistant Surveyor of Works to the grade of Surveyor of Works officiating are approved. Consequent upon promotion, posting as shown against each case also approved :

<u>Sl.</u>	<u>MKS No. Name &amp; Design</u>	<u>From</u>	<u>To</u>	<u>Remarks</u>
(a)	MKS-216363 Shri CS(OFS) D Mukhopadhyay, ASW Calcutta	CNE (Subs) Barrackpore	In an EV Tenure restd for two years.	
(b)	MKS-304183 Shri Ranochak Ray, ASW	CNE(P) Mysore	CNE(P) Mysore	In an EV
(c)	MKS-425001 Shri TP Sarker, ASW	CE Calcutta Zone	CE Calcutta Zone	In an EV.
(d)	MKS-405400 Shri Bagirathi Pani, ASW	HQ 137 Wks Engrs.	HQ 137 Wks Engrs.	In an EV.
(e)	MKS-186170 Shri SK Grover, ASW	CWS Sea bad	CWS Sea bad	In an EV.

NO. MKS/95/95 dated 18 May 95

2. Departure/arrival of the officers will be reported to this HQ (EDB/EDB/CIV/ADP) by telox/signal by the relieving/recalving units on the day of their SOS/TOS.

3. ACRs of the offrs will be initiated soon after their SOS dates, if they have completed three months or more in the current ACR under any initiating Officer.

Contd.....

4. Before the officers are moved and placed in their higher appts. it will be ensured that :

- (a) the officer is not under suspension
- (b) no charge sheet has been issued to the offr and no disciplinary proceedings are pending against him
- (c) no prosecution for a criminal charge is pending against him.

5. DCN particulars of the offrs will be sent to this HQ (MIS) alongwith their full name and present permanent rank.

6. Move of the officers shall be implemented forthwith without awaiting any reliefs.

8d/-

( OP Dudi )

Lt Col

SDI Bagra Pekh (B)  
for Engineer-in-Chief

Copy to :

CB(CFB), Calcutta, CE Calcutta Zone, CS Chandigarh Zone,  
CE SE Falls Shillong, CE Hyderabad Zone.

CWB (Sub) Barrackpore, CWB(P) Missar, ID 137 Wks Engg. Q/099  
APO, GSE Secunderabad.

CRO(O), C/O CS Delhi Zone, All India NSS Civ Offrs Association  
CDA(O), Pune.

Internal : TS to E-in-C, TS to DCN, PS to ADGE (Pora), DDGE  
(Pora), DDCW (PAC), MIS Civ, ADW, NE-12A, EID, EIR(O) E-Coord.  
II (2 Copies), Master folder, Proposal folder & Case files.

  
(P. R. Jangid)

Lt

Adm Officer

For CWB (AF) Gwalior

Telephone : FW 222-2910

REGISTERED

Purv Kumar Mukhopadhyay,  
HQ Eastern Command  
Engineers Branch,  
Fort William, Cal-21.

131018/23/87/Engrs/EIB

31 Mar '95.

CR Calcutta Zone  
CE Siliguri Zone  
CE (AF) Shillong Zone  
CE Shillong Zone  
CE ORB Cell.

**LIST OF AFFECTED JSWS FOR PROMOTION IN THE  
GRADE OF ASW.**

1. List of the following officers who are in the DPC list for promotion to the grade of ASW has since been received from E-In-C's Branch is forwarded herewith for your information and necessary action as instructed below :

**LIST OF AFFECTED JAWS FOR PROMOTION OF ASW WHOSE  
INTEGRITY CERTIFICATES ARE REQUIRED IMMEDIATELY.**

<u>Sl. No.</u>	<u>Name</u>	<u>Remarks</u>
1.	S/Shri	
2.	Ramlal Saraf	
3.	Jagannath Prasad Aggarwal	
4.	P. Bithyanarayana Raju	
5.	Raghbir Singh	
6.	DS Inamdar	
7.	Gururaj Jaganath Rao Desai	
8.	Morja Dayanand Bapurao	
9.	Thanwax Poptani	
10.	Devendra Kumar Goel	
11.	Shreerajpal Katsal	
12.	Rajeswar Kumar Nayer	
13.	Arvind Krishnaji Kulkarni	
14.	Doo Dutt Tripathi	
15.	Susheel Kumar	
16.	Kishan Pal Singh Katyal	
17.	Hare Krishna Peo Nath	
18.	Balbir Singh	
19.	Dipak Kumar Singh San Gupta	
20.	Sadhan Kumar Ghosh	
21.	Rajendra Kumar Anand	
22.	Satyaven Sharma	
23.	Rao Lak	
24.	Manohar Lal Shinde	
25.	Anand Kumar Khurana	
26.	Gopal Hari Tiwari	
27.	Om Prakash	
28.	Alok Kumar Banu	
29.	Bibakananda Datta	
30.	SK Hulkopkar	
31.	VV Babu	
	Y Madhavan	

32

32. V RamaSakana Reddy  
 33. Krishnan Kesliyaya Aggarwal  
 34. Brij Bhushan Swarup Saxena  
 35. M Sivadas  
 36. Jhankar Nanda  
 37. TF Srinivasa Rao  
 38. VV Puthadare  
 39. Patiira Mati Chorai  
 40. Amar Nath Pal.  
 41. Vijay Kumar  
 42. Jatinder Kumar Sood  
 43. Swarnandu Karmakar  
 44. GN Ananthu  
 45. S. Kanthan  
 46. Shibebrate Sikdar  
 47. Dinesh Chandra  
 48. Shanti Sagar Bhattacharyya  
 49. S. Kanthuri  
 50. Nimal Kanthi Ghosh  
 51. Onkar Nath Thakar  
 52. Nand Kishore Malhan  
 53. Monisha Ram

2. You are requested to forward necessary Integrity Certificate of affected officers mentioned in the above list to this HQ immediately for our further action please. In this connection, please refer this HQ letter No. 131019/27/Ingrs/63/EIB dt. 09 Jan '95 and signal No. 87016 dated 24 Feb 95 under which report as called for submission is still awaited. NIL report also required.

Sd/-

( R.K. Khanna )  
 Lt. Col.  
 SC II (Pars)  
 For Chief Engineer

Copy to :

E-7 Section (LOCAL) - for information please.


 (P E Jangid)

Lt

Adm Officer

For CCE (AF) Gwalior

Army Headquarters,  
Engineer-in-Chief's Branch,  
Kashmir House, DHO PO  
New Delhi-110 011.

(Through proper channel)

PROMOTION : JSWs to ASWs

Respected Sir,

With humble submissions, I beg to submit the following for your kind perusal and further necessary action, please.

That sir (1) I was promoted to JSW from SA I in the DPC held in Jul 91. Since then nearly four and a half year passed. Still, I am JSW, though I have passed the direct final examination of the Institution of Surveyors (I) in 1992.

It was given to understand that after these years of service as JSW and then five years services as ASW, possessing the above qualification, promotion to ASW and SW respectively would be effected to match it with the promotion eligibility of AEs, having graduation to HSC.

A list of 53 JSWs, eligible for promotion to ASWs, was issued by your HQ during 1994-95. After publication of above list, eight officers have retired so far and one officer listed therein has not accepted the promotion as ASW. The DPC programme is again and again being postponed since more than a year for the reason best known to your HQ.

2. In the last panel of promotion vide your No. A/41033/1/89/EIR(O) dt. 08 Mar 1990, 120 JSWs were promoted to ASWs, in which number of my juniors have been promoted as ASWs by superseding me. I had represented the case to your HQ. It was intimated vide your HQ letter No. A/41033/Rep/KLR(O) dt. 19 Sept 90 that the assessment awarded to me at UPSC level, my name could not find a place in the DPC. I further represented through my application dt. 14 Nov 90 forwarded to HQ CEEC Calcutta vide CEC (O&B) Calcutta letter No. 1165/TUE/K1 dt. 20 Nov. 90, I have not received my reply, to my dismay.

Contd. ....

Out of the above ASWs, some officers, who were junior to me as SAs, have further been promoted to SWs in the CEC held during Mar 95, circulated vide your HQ letter No. A/41032/SW/94-95/EIR(O) dt 27 Apr 95.

3. This is an embarrassing position and situation that my juniors as SAs are now SWs and I am still JSA with little hope to become SW during my service period. This has affected my moral and my mind.

4. It should not be out of perview to submit that the department is only interested for promotion from Group 'B' post to higher Group 'A' post as it reveals from promotion to SWs several times since Mar 95 till Feb 96. The department seems to be not interested for promotion from Group 'B' post to Group 'A' post.

5. May, I therefore, request to your honour to intimate me the position to promotion to ASW and then further to SW, on recuperation of period of one and a half years lost as JSA.

6. Waiting your favourable and earliest reply please.

Yours faithfully,

Encl. (Indoor).

(HRS/201179 Shri A N Paul)  
JSA.

P. B. Jaiswal  
(P. B. Jaiswal)

Lt  
Adm Officer  
For CWE (AF) Gwadar