

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..... OAPg. 1to 5
NO 199/97 orderPg. 1to 5 for 24.11.98
2. Judgment/Order dtd. 24.11.98Pg. 1to 7 dismissed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 259/96Pg. 1to 34
5. E.P/M.P. 199/97Pg. 1to 3
6. R.A/C.P.....Pg.....to.....
- ✓ 7. W.S.....Pg. 1to 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.)

31.1.18

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CA No. 259/96

In: A.N. Paul Applicant(s)

-Versus-

Union of India & Ors. Respondent(s)

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

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

Office Notes. 8 Date Courts' Orders

This application is in
form and within time
C. F. of Rs. 50/-
deposited vide
IPO No 3490/96
Dated 9.11.96.

18.11.96

None present for the applicant.

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

List for consideration of
Admission on 20.11.1996.

G. Sarma
6 Dy. Registrar, 13/11/96
13/11

G. Sarma
Member

Date not yet
mention in Annexure
11.22 page 33:
13/11/96.

trd

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).

G. Sarma
Member

Applicant and

26-11-96

Notice issued
to the concerned
parties vide D.No 3964 to
3967 dt. 2.12.96

Bm
6.12.96

Service Reports are still awaited
w/ statement has not been filed.

2797

trd

3.1.97

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

List for written statement and
further orders on 4.2.97.

Member

pg

W
6/1

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.

Member

Vice-Chairman

nkm

W

6/2

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 writ
ten statement. Several adjournments
have been granted for filing written
statement. We are not inclined to gra
any further time to file written stat
ment. The case will proceed without
written statement.

List on 4.4.1997 for hearing.

Member

Vice-Chairman

pg

W

6/3

1) Service Reports are still
awaited.
2) W/statement - has not been
filed

3) Memo of appearance
has not been filed.

or
19/2

1) Service Reports are still
awaited.
2) W/statement - has not been
filed

3/4

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

Vice-Chairman

nkm

8/14

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

Member

Vice-Chairman

lm

22/5

2-7-97

w/s filed on behalf of the Respondants with a prayer mp-No 199/97.

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

8/14

16.9.97

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

Member

Vice-Chairman

pg

8/14


(4)

O.A. 259/96

19-1-98

9

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


Member


Vice-Chairman

lm

The case is ready for hearing as regard service & W/S.

20.4.98

List on 30.6.1998 for hearing.


Member


Vice-Chairman

pg

The case is ready for hearing as regards service, & W/S.

30.6.98

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


Member


Vice-Chairman

nkm

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.


Member


Vice-Chairman

nkm

29.7.98

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

List on 5.8.98 for hearing.


Member


Vice-Chairman

pg

W/S has been filed.

pg
NS
30/7

5.8.98

There was a reference. Adjourned to 21.8.98.

⑤ OA 259/96

31.8.98 • *passover on the day*

By order

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.

trd
Member

SB
Vice-Chairman

Received copy of order

31/9/98
K. A. S. Pillai

SB50

CWE (OP) Quwahati

15.9.98

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

trd
Member

SB
Vice-Chairman

The records has been filed

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.

trd
Member

SB
Vice-Chairman

26.11.98

Copies of the Judgment have been sent to the D/Sec for issuing the same to the Parli's through Regd. with A/D.

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

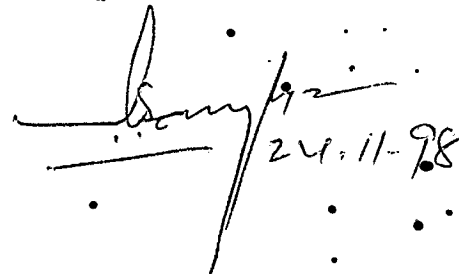
ADVOCATE FOR THE
RESPONDENTS.

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, 1998.

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

6

when his second representation was not disposed 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.

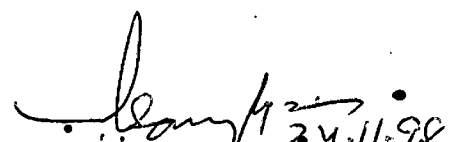
7. Respondent No.3 and Respondent No.4 were Junior to the applicant in the feeder grade. They were promoted to the grade of Assistant Surveyor of Works on 8.3.1990 and 11.3.1991 respectively along with other officers some of whom were junior to the applicant. The applicant seeks retrospective promotion 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


(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
G. Sarma
ADJ/GSC
CAT,
Guwahati
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 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

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 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

Filed by - M. K. Choudhary
Advocate
12/11/96

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.

3.95
26.9.96
2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

? 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 ~~or~~ 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 Survey-or 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 appraised 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.

Contd.....P/4.

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 occasion arose for ^{litigation and} ~~reduction~~ 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.

Contd....P/5.

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 Junior Surveyor of Works in which^{grade} 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

Contd.....P/6.

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 penal 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 ~~has~~ 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 ~~12x~~ 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 ~~A~~ 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 ~~come~~ 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 of and the delay which has occurred in this case is not at all tenable. Eventually, the applicant was sought to be given his benefit vide Annexure- 10 letter dated 11.3.95 has also ~~been~~ 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.

Contd.....P/9.

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. GROUND 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.

Contd... ..P/11.

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/410 33/1/89/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(Apptts)
- (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 AOB, TE&DCB (Pers) Dte.

Attested.

Kalita 8.11.96
 Advocate.

Contd.....

Appendix 'A' to Coord & Pers Dte/EIO(R), E-in-C's
Army Head Quarter letter No. A/410 33/1/89/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	TNC Rangarajan	
3.	8464558	Ramesh Chandra Methani	
4.	306455	Ramlal Gandotra	
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	
31.	105116	Bapu Shankar Mohalli	
32.	105128	VV Soma Sekhara Rao	
33.	153008	K. Ravi Babu	
34.	113155	K.G. Devan	
35.	113156	M. Thoma John	

Attested.

Kalite
Advocate.

8-11-96

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	Sl.No.56 to
57.	304231	Mahindra Singh Paneşar	67 having
58.	302846	Satish Kumar Diwan	been selected
59.	303506	Surendra Kumar Basti	against
60.	302735	Abinash Chander	vacancies
61.	141021	K. Chena Sambandan	reserved for
62.	135009	H. Krishna Moorthy	SC/ST and will
63.	302658	Sudarshan Kumar Sardana	be promoted
64.	302140	Narendar Kumar Kappor	after approval
65.	303373	Chander Bhan Gureja	of dereserva-
66.	304615	Raj Kumar Khanna	tion of posts.
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.

Kavita 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 Nandigrama	
82.	305214	Tarsem Chander Johar	
83.	263040	Kalyan De	
84.	242019	Hardial Singh Saimbhy	
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 Raj Ghosh	
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.	405331	M.K. Nagpura	
110.	412027	M. Praameshwaran Pillai	
111.	160037	Desai Suresh Pattatraya	Sl .No.111 to
112.	306002	Darshan Kumar Goyal	123 have been sel-
113.	206561	Abdul Latif	ected against
114.	237528	✓ Khushi Mohan Sarkar ✓	vacancies reserved
115.	215349	✓ Payyakkal Murlidharan	for SC/ST and

Attested.

Kalita 8.11.96

Advocate

116	304183	✓ Monohar Lal	will be promoted
117	303042	✓ Piara Lal Chima	after approval
118	102107	MIK Chand Zaveri	of the dereserva-
119	440021	J.C. Khera	tion of posts.
120	308417	Ajaib Singh	
121	425001	Tej Prakash Saxena	
122	110028	Surendra Gopal Nigam	
123	103368	AV Bheema Charya	

(Total one hundred and twenty three names only)

Attested.

Kohite 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 OF 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. & 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 ~~charge~~ 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 NO alongwith their full particulars and present permanent rank.

Attested.

Kahle 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 AHQ, 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, ~~xx~~ ~~xx~~ 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 constuted 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 instructions exists in the DPC procedure to give a special benefit in promotion to individual served in North Eastern Region."

Attested.

Kohite 8.11.96
Advocate.

Sd/-

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

...

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, Dep'tt. 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 Dep'tt. 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:-

Kabita 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 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

Sd/-

Yours faithfully,
(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.

Kahita 8.11.96
Advocate.

Tele : 3019687

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

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

24 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 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 Jun 82, as amended :

<u>Add</u>	<u>MES No. & 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 (Apptts).
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

Advocate.

8.11.96

....

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
Sh. Sudarshan
Kumar Sardana

BELOW the name of Sh. Fateh Singh Verma 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.

Kalita
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 (Apptts)
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.

Kabir 8-11-96

Advocate.

28

ANNEXURE 8

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 thks 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 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 : selected
7B	4550 24 Prem Shankar Gupta	Below Sh. I Rama Rao (Ser 7A) and above Sh Ved Prakash (Ser 8).	: against : the vac- : ancies : for the : year
7C	2600 37 Ashwani Kumar	Below Sh Prem Shankar Gupta (Ser 7B) and above Sh Ved Prakash (Ser 8).	: 1986.
14A	305939 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)	:
12A	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 Mohd S. Ajaz . These officers
Surjit Singh Bijly (Ser 71) and above have been
Sh Gauri Shankar (Ser 72) selected
against the
vacancies
71B 445123 Chand- Below Sh Surjit Singh
Satish (Ser 71A) and above Sh for the
ra Gauri Shankar (Ser 72) year 1987.

4. All others will remain un-changed.

* Sd/- ~~XXXXXXXXXX~~

(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 8-11-76
Advocate.

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 :

<u>Ser</u>	<u>MES No.</u>	<u>Name & Desig</u>	<u>From</u>	<u>To</u>	<u>Remarks</u>
(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 Calcutta Zone	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.

Kalita
Advocate.

2. Departure/arrival of the officers will be reported to this HQ (EIB/MISOCiv/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.

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. DGN particulars of the offr 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
SO1 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.

Rahite 8-11-98
Advocate.

(31)

- 32 -

ANNEXURE-10

Telephone : FW:222-2918

REGISTERED

Purv Kaman Mukhmalaya,
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 JAWs FOR PROMOTION OF ASW WHOSE
INTEGRITY CERTIFICATES ARE REQUIRED IMMEDIA TELY.

<u>Sl.No.</u>	<u>Name</u>	<u>Remarks</u>
	S/Shri	
1.	Ramlal Saraf	
2.	Jagannath Prasad Aggarwal	
3.	B. Sathyanarayana Raju	
4.	Raghubir 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.	Manohar 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.

Kahita 8/4
Advocate.

Contd.....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. Patjira 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. Nirmal 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.
SQ.II (Pers)
For Chief Engineer

Copy to :

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

Attested.

Kahita
Advocate. 8.11.96

...

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 (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 three 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~~ 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 superseeding 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 (OFF) Calcutta letter No. 1165/TUE/E1 dt. 20 Nov. 90, I havenot received my reply, to my dismay.

Attested.

Kalite 8.4.96
Advocate.

Contd.....

7
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 SAls 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 not 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 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 recoupment of period of one and a half years lost as JSW.

6. Awaiting your favourable and earliest reply please.

Yours faithfully,

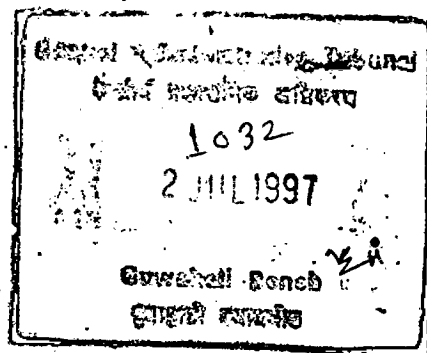
25-3-96

Encl. (Index).

(MES/201179 Shri A N Paul)
JSW.

Attested.

Kahite
Advocate. 8-4-96



7:13 by Golap Sarma
1-7-97
Additional Central Govt.
Standing Counsel
Central Administrative Tribunal
Guwahati Bench.

IN THE 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, Santipur,
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 respon-
dents.

Contd.....

Prepared by
Golap Sarma
Additional Central Govt.
Standing Counsel
Central Administrative Tribunal,
Guwahati Bench.

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(O) 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 loses the opportunity offered to him at the appropriate time he loses 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 respondents 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.....

5.

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(9) 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 back 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 approced 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

un.....

an interview in the apex 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 there 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.....

8.

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.

Contd.....

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 loses 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.

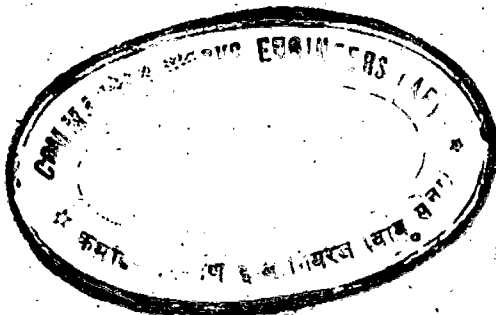
VERIFICATION

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 3rd day of May, 1997 at Guwahati.

Deponent



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

- 14 -

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

Coord & Pers Directorate/ENR(O)
 Engineer-in-Chief's Branch,
 Army Head Quarter,
 DHO PO New Delhi-110 01

List 'A'

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. Kumar)
 Director of Personnel (A)
 Engineer-in-Chief.

Copy to :

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

Internal

RIA, EIB (5 Copies) EIC, EID, MIS (AIV), CSOC ECo-Ord. I
 IEL, WPC, IEB, OSG-1 MOO, TESDCB (Pers) Dte.

P R Jangir

Adm Officer
 For CWE (AF) Gurnahat

Contd.....

Appendix 'A' to Coord & Pers Dir/EIO(R), Min. S's
 Arm/Head Quarter letter No. 41033/1/89/EIO(R/O)
 dated 08 Mar 90.

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

<u>Sl. No.</u>	<u>MES No.</u>	<u>Name</u>	<u>9/3/91</u>
1.	156521	N. Vishnu Rao Walvekar	
2.	148001	TNC Rangarajan	
3.	8464558	Ramesh Chandra Methani	
4.	306455	Ranlal Gandotra	
5.	308098	Ved Prakash Gupta	
6.	134064	YN Krishna Murthy	
7.	232009	A.K. Hunda	
8.	304845	Ved Prakash Kohli	
9.	418008	Dal Krishan Tripathi	
10.	440075	Krishan Lal Bari	
11.	440073	Om Prakash Satija	
12.	201079	Subal Chandra Das	
13.	435330	Yash Pal Khanna	
14.	307629	Surinder Kumar Jindal	
15.	101708	Y.K. Rajappa	
16.	440034	Om Prakash Kakar	
17.	431122	Ram Narayan Meena	
18.	110830	N. Vijaya Babu	
19.	410228	Alexandra Kumar Gulati	
20.	400023	Jagdish Anand	
21.	409549	N.A. Parikh	
22.	8464577	Guru Charan Singh Gaharia	
23.	8464876	Haril Mohan Srivastava	
24.	302872	Glen Prakash Minotra	
25.	201183	Puran Chand Jain	
26.	260041	Krishna Kumar	
27.	113265	Morje Dayanand Saprao	
28.	465256	Seetharam Varghese	
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

ECI CWT (AF) Guwahati

36.	455048	Anand Kumar Gupta	
37.	260039	Surendra Singh	
38.	445183	Ratesh Singh Verma	
39.	455324	Jagadish Narayan Sethi	
40.	460058	Chandendra Rastogi	
41.	430124	Vinod Kumar	
42.	455127	M. Datt Upadhyay	
43.	445197	Jamuna Singh Chauhan	
44.	430421	V. Natar Tripathi	
45.	308535	Avinash Chander Dutta	
46.	308087	Vinay Kumar Gupta	
47.	8464680	D. Kumar Baskhi	
48.	206025	Brahma Narayan Baral	
49.	8464818	Surendra Kumar Pradhan	
50.	302094	Ram Avtar Jyagi	
51.	8464874	Gurbaksh Singh	
52.	210012	Ravindra Soren Vaish	
53.	215010	Amal Kant Chakraborty	
54.	210014	Vishnu Datt	
55.	228039	Satish Kumar Yadav	
56.	408004	Mahendra Kumar Mittal	Sl.No.56 to
57.	304231	Mahindra Singh Panesar	67 having
58.	302846	Satish Kumar Diwan	been selected
59.	303506	Surendra Kumar Basti	against
60.	302735	Avinash Chander	vacancies
61.	141021	K. Chena Sambandan	reserved for
62.	135009	H. Krishna Moorthy	SC/ST and will
63.	302658	Sadarshan Kumar Sardana	be promoted
64.	302140	Narendar Kumar Kappor	after approval
65.	303373	Chander Bhan Gureja	of dereservation
66.	304615	Raj Kumar Khanna	tion of posts.
67.	30884	S.P. Naredra	
68.	304528	Dharan Paul (SC)	
69.	304954	Khem Karan	
70.	263209	Pradip Kumar Bera	
71.	435212	Mr. S. Ajaz Bijli	
72.	305067	Gouri Shankar	
73.	303725	Balbir Singh	
74.	8464523	Mohindra Singh Dahi	
75.	242339	Shiv Chandra Lal	

76.	136014	L.K. Jayaraman
77.	430133	Omash Chandra Mishra
78.	210102	Chen Shyam Mishra
79.	201163	Whiben Krishan Haina
80.	232573	Dilip Kumar Dē
81.	201161	Mrityunjoy Nandigrahi
82.	305214	Tarasa Chander Johar
83.	263040	Kalyan De
84.	242019	Hardial Singh Naimbhy
85.	232198	Kanti Bhushan Roy
86.	210321	Satish Kumar Brivastava
87.	151414	Vinay Kumar Mallik
88.	125107	G.S. Krishnan
89.	136030	T. Anand Krishnan
90.	249017	Mahavir Prasad Jain
91.	223679	S.P. Chatterjee
92.	242144	K.G. Ram Chandra Naik
93.	109210	Surender Kumar
94.	260208	Swapan Kumar Roy
95.	237816	Ram Prakash Tripathi
96.	109210	Agrani Manohar Cordhadas
97.	125027	G. Devadas
98.	152234	E. Chathakotty Nambar
99.	232433	Ahaz Hussain Elavi
100.	210341	Subhomoy Basu Choudhary
101.	210810	Sivaji Raj Ghosh
102.	158522	Vithal Mahadeo Dorate
103.	303402	Harcharan Singh Kohli
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. Praaneshwaran Pillai
111.	160037	Dessi Suresh Kartatraya
112.	306002	Darshan Kumar Goyal
113.	206561	Abdul Latif
114.	237528	Khushi K. Jangir
115.	215349	Payyakkal Kuridharan

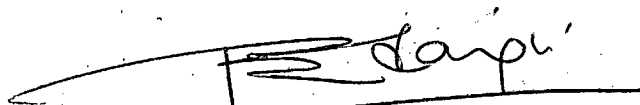
Sl. No. 111 to 123 have been selected against vacancies reserved for SC/ST and

Adm Officer
P. CEE (AF) Gwalior

Contd....P/18

116	304183	Monohar Lal	will be promoted after approval of the Government of posts.
117	303042	Piara Lal Chima	
118	102107	MR Chand Zaveri	
119	440021	J.E. Khora	
120	308417	Ajaib Singh	
121	425001	Taj Prakash Saxena	
122	110028	Surendra Gopal Nigam	
123	103368	AV Bheema Charya	

(Total one hundred and twenty three names only)



(P. B. Jangir)
Lt
Adm Officer
Reg. CWT (AF) Guwahati

MES/91/91

11 Mar 91

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

PROMOTION ON TRUSTING : SURVEYOR ~~XXXXXXXXXXXX~~ ~~XXXX~~
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 as shown against each are also approved.

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

2. Departure/arrival of the officers will be reported to their IO(EI.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 SOS 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 charges 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. DCR particulars will be sent to EIB Section this NO alongwith their full particulars and present permanent rank.

SD/-
D.S. Pandey
Lt. Col.
Engrs. Pers. 'B'
for Engineer-in-Chief.

Copy to :

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

.....

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

P R J...

At
Adm Officer
for CWE (AR)

Tele : EN 2914

Purv Kanan Mukhyalaya
110 Easton Command
Abhiyanta Shakra
Engineer's Branch,
Port William
Calcutta-21.

15 Oct 90.

131041/7/373/Engrs/MID

Chief Engineer,
Civ Engr Cell/ORB
10 A Auckland Road,
Calcutta-400001

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

1. Reference your letter No. 1065/426/KI dated 22 May 90.
2. Extract of E-in-C's Br AMO, New Delhi letter No. A/41033/Rep/ENR(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 instructions 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.

...

(P R Jangir)

Lt

Adm Officer

For CBE (AF) G...

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,
DPO 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, Deptt. 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 'not 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 deprived off his legitimate and rightful claim of promotion even after long satisfactory and qualified service.

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 omission of the Department by non-inclusion of the so called policy in the DPC Procedure.

Awaiting your decision please.

Yours faithfully,
(Shri A.N. Paul)
XA SA-I.

Dated 14 Nov. 90

(P R Jangra)

LA

Adm Officer

For CWE (AF) Group

52

- 22 -

ADP-0118-5

Telephone : 28-6522

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

20 Nov 90.

No. 1155/UE/E1
Head Quarters,
Eastern Command,
Engineer's Branch,
Fort William
Calcutta-21.

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

1. Reference your HQ letter No. 131841/7/373/Engrs/HID
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 Works E-in-C's
Branch, New Delhi-11.

Sd/-

(M. N. Sastri)
AN SA I
For Chief Engineer.

Enclo : As above.

Copy to :

Internal

MES/201179

Sri AN Paul, SA-I for information please.

(P. K. Jangir)

LA

Adm Officer

For CWE (AF) ~~Office~~

Tele : 3119687

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

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

24 May 95.

List 'A'

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

1. Reference this ID 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 Jun 82, as amended :

<u>AID</u>	<u>MBE No. & Name</u>	<u>Remarks</u>
<u>Ser No.</u>	<u>MBE No.</u>	
0-a7	302658 Sudarshan Kumar Sardana	<u>BELOW</u> the name of Sh Fatch 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.

4. The revised position of seniority in the grade of Assistant Surveyor of work in the panel issued vide this ID 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 Anbarao (Retd.)
10. Krishan Chander
11. VI Rajesh (Retd.)
12. R. Verma
13. Sureshan Kumar Sardana (Retd.)
14. CJB Marthy (Retd.)
15. Sambazana Getty
16. AD Sawale
17. K. Chakraborty.

Sd/-

(Jagmohan Uppal)

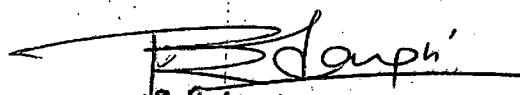
Col.
Dir of Pers (D)
For Engineer-in-Chief.

Copy to :

Secy UPSE/AU-5 &
Min of Def/D (Apptts).
List 'B' 'C' & 'F'

Internal : E1A, E1B, E1C, E1D, MIS (Civ), C3CC, & Coord-I
E2 NPC, E-8, AEG/ADGTE, DGBR(PERS) Dte.

.....



(P. R. Jangir)

Lt

Adm Officer

For CWD (AF) Gwalior

Tele : 3219687

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

A/41032/Review/SK/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/SIR(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 CA 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 :

MER-382058

Sh. Sudarshan
Kumar Sardana

BELOW the name of Sh. Fateh Singh Verma 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 sequence :

- (a) Sh B Srinivasa Rao (Retd.)
- (b) Sh Gyan Prakash Manglik
- (c) Sh RVVN Jagopathi 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 Rajappa (Retd.)
- (l) Sh F.S. Verma
- (m) Sh Sudarshan Kumar Sardana (Rtd.)
- (n) Sh A.D. Sawala

ad/-

(Jagmohan Uppal)

Col.

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

Copy to :

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

Internal :

EIR-5 Copies EIA, EID, EIC, MIS (CIV),
EIR (Sub), CSCC, A. Coord-1 GME/ADGTE,
OGDR/EC-2, GAG/CTE.

....

(P R JAGIR)

Lt

Adm Officer

For CWE (AF) Govt

Tolo : 3019687

Coord & Pers Directorate/1 (U)
 Engineer-in-Chief's Branch,
 Army Headquarters,
 DIO 20 New Delhi-110 011.

No/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 GLP-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 RM Calcutta, 306/90 CAT Hyderabad, 747/HR/90 CAT Chandigarh, 693/90 CAT PB New Delhi, 423/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 20/29-9-89, 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.

<u>Sl. 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 Ikanda (per 7) and above Sh Ved Prakash (Ser 8).	These Officers have been selected against the vacancies for the year 1986.
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 Rajappa (Ser 15).	
14B	165028 R Yashwant Dushmukh	Below Sh J Prasad Aggarwal (Ser 14A) and above Sh YK Rajappa (Ser 15)	
18A	409809 Om Prakash Malik	Below Sh Surendra Kumar Oulati (Ser 19) and above Sh Jagdish Anand (Ser 20).	

- 71A 455046 Below Sh Mohd S. Ajar These Offrs
Surjit Singh Bijly (Ser 71) and above have been
Sh Gauri Shankar (Ser 72) selected
against the
vacancies
71B 445123 Chand Below Sh Surjit Singh
Ra (Ser 71A) and above Sh
Gauri Shankar (Ser 72) for the
year 1987.

4. All others will remain unchanged.

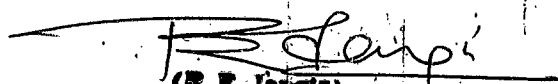
Sd/- JAGMOHAN
(Jagmohan Uppal)
Col
Dir of Pers 'B'
For Engineer-in-Chief

Copy to :

UPEC/AU-5
Min of Def D (Appts.)
List 'B', 'C' & 'F'

Internal : E1A, E1B(5 copies) E1C, M18 (Civ), C5CC,
E Coord-I, E2 WPC, E-8, EAC/ADGTR, DADR(Pers Ote).

...


(P. R. Jagir)
Lt
Adm Officer
For CWE (AF) Guwahati

29

ANNEXURE-9

Tele : 3019623

• Cord & Para Directorate/HB
Engineer-in-Chief's Branch
Army Head Quarters,
D.H. 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 & Design	From	To	Remarks
(a)	MES-216363	Shri D Mukhopadhyay, ASW	CE(OPB) Calcutta	CWE(Subs) Barrackpore	In an EV Tenure restd for two years.
(b)	MES-304183	Shri Bhattacharya, ASW	CWE(P) Hissar	CWE(P) Hissar	In an EV
(c)	MES-425001	Shri TP Saxena, ASW	CE Calcutta Zone	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 BK Grover, ASW	CWE Sec'bad	CWE Sec'bad	In an EV.

No. MES/95/95 dated 18 May 95

2. Departure/arrival of the officers will be reported to this HQ (HQB/HQ Clv/ASD) 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.

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 officer and no disciplinary proceedings are pending against him
- (c) no prosecution for a criminal charge is pending against him.

5. DCM particulars of the officers 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.

Sd/-

(OP Dadi)

Lt Col

SO1 Engrs Pers (B)
for Engineer-in-Chief

Copy to :

CE(CFB), Calcutta, CE Calcutta Zone, CE Chandigarh Zone,
CE SS Falls Shillong, CE Hyderabad Zone.

CWS (Subs) Barrackpore, CWS(P) Missar, ID 137 Wks Engrs. C/099
APO, CWS 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 DCM, PS to ADGE (Pers), DUGE
(Pers), DDCW (PAC), MIS Civ, ADP, NS-12A, EID, AIR(O) E-Coord-
II(2 Copies), Master folder, Proposal folder & Case files.


(P R Jangir)

Lt

Adm Officer

for CWS (AF) Gwalior

Telephone : FW:222-2918

REGISTERED

ANNEXURE-10

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

131018/27/87/Engra/EIB

11 Mar '95.

CR Calcutta Zone
CE Siliguri Zone
CE (AF) Shillong Zone
CE Shillong Zone
CE ORS Coll.

LIST OF AFFECTED JWS FOR PROMOTION TO THE
GRADE OF ASW.

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

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

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

Contd.....P/33.

32

- 12 -

Annex. 10 contd.

32. V Ramaswara Reddy
33. Krishnan Karthyaya Aggarwal
34. Brij Bhushan Swarup Saxena
35. M Sivalas
36. Jhanankar Nanda
37. T. Prithvira Rao
38. VV Purhadare
39. Patilra Matj Choral
40. Amar Nath Pal.
41. Vijay Kumar
42. Jatinder Kumar Sood
43. Swarnendu Karmakar.
44. GN Ananthu
45. S. Kannan
46. Shibebrate Sikdar
47. Dinesh Chandra
48. Shanti Sagar Bhalla
49. S. Kanthuri
50. Nimal Kanti Choudh
51. Onkar Nath Thakar
52. Nand Kishore Malhan
53. Marsha 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/Ingrn/63/PIB 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 (Pers)
For Chief Engineer

Copy to :

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

(P R Jangir)

Li

Adm Officer

For CWE (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 three 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 graduation to HES.

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/RIR(O) dt. 08 Mar 1990, 120 SAIs 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/RIR(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 CERC 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 SAs in the DPC held during Mar 95, circulated vide your letter No. A/41032/SW/94-95/MIR(O) dt 27 Apr 95.

3. This is an embarrassing position and situation that my juniors as SAs are now SAs and I am still JSA with little hope to become SA 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 'A' post to higher Group 'A' post as it reveals from promotion to SAs 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 SA, on recoupment of period of one and a half years lost as JSA.

6. Awaiting your favourable and earliest reply please.

Yours faithfully,

Encl. (Index).

(RRS/201179 Shri A N Paul)
JSA.

(P. R. Jaisir)

Lt

Adm Officer

For CWH (AF) Gwalior