

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

X

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CA No. 2831/96

D. N. Sangma Applicant(s)
-Versus-

Union. Dr. Indira. Sen. Respondent(s)

Mr. B.K. Sarma, B. Nehla, S. Sarma Advocates for Applicant(s)

Mr. S. Ali, Mr. Chell Advocates for Respondent(s)

Office Notes 8 Date Courts' Orders

5.12.1996 Learned counsel Mr. S.Sarma for the applicant.

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

Heard Mr. Sarma for admission and perused the contents of the application and relief sought. Application is admitted. Issue notice on the respondents by registered post. Written statement within six weeks.

List for written statement and further orders on 10.1.1997.

ba
Member

trd

W

6/12

10-1-97

Mr.S. Sarma for the applicants.
Mr.S.Sli, Sr.CGSC for the respondents.
Written statement has not been submitted.

List for written statement and further order on 10-2-97.

ba
Member

This application is in form and value three C. F. of Rs. 50/- deposited vide IPOED No 348/90 Dated 6.11.96

W/12
D. Registrar.
6/12

Notice issued to The concerned parties vide D.No-4134 to 4136

DT- 16-12-96

W/12
13-12-96

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

6-2-97

- 1) Service reports are still awaited.
 - 2) W/ statement has not been filed.
 - 3) Memo of appearance not filed.
- W*
6/12

lm

W

10/1

(2)

O.A. No. 283 of 1996

13-2-97

Notice duly served
on Respondant No-1.
Other Respondant still
awaited.

10.2.97

Mr. S.Ali, Sr. C.G.S.C. prays for three
weeks to file written statement. Prayer
allowed.

List on 4.3.97 for written statement and
further orders.

3.3.97

1) NO written statement
has been submitted.

Member

Vice-Chairman

2) Memo of appearance
not yet filed.

trd

3/3

4.3.97

Written statement has been filed by
the respondents.

Let the case be listed for hearing
on 9.4.1997.

Member

Vice-Chairman

pg

10/3

9.4.97

Mr S.Ali, learned Sr.C.G.S.C prays for
short adjournment in this case because of
his some personal difficulties. Mr B.K.Sharma
learned counsel for the applicant has no
objection.

List on 21.5.1997 for hearing.

Member

Vice-Chairman

14.3.97

DS filed on the

2 Resps.

20.4.97

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

16/4

22-4-97

Vakalatnama filed
by Mr. S.Ali, Sr. C.G.S.C.,

1.7.97

The case is ready for hearing as
submitted by the learned counsel for the
parties. List it for hearing on 25.8.97.

Member

Vice-Chairman

nkm

2/7

The case is ready
for hearing.

3
O.A.283/96

18-9-97

Case is ready for hearing.
Let this case be listed for hearing
on 16-12-97.

62
Member

LB
Vice-Chairman

lm
ms
19/9

16.12.97

Let the case be listed for
hearing on 4.3.1998.

62
Member

LB
Vice-Chairman

pg

4-3-98

Case is adjourned till 1-5-98.

62
Member

LB
Vice-Chairman

lm
ms
5/3

1.5.98

Adjourned to 2-6-98.

By order

2.6.98

Leftover - Adjourned to 4.8.98

By order

4.8.98

On the prayer of Mr S. Sarma,
learned counsel for the applicant this
case is adjourned till 6.8.98.

62
Member

LB
Vice-Chairman

nkm

w/s has been biled
on respondents.

13

w/s has been biled.

14

w/s has been biled.

16

w/s has been biled.

33

④
O.A. 283/96

6.8.98

There is no representation.

However, for the ends of justice the case is adjourned to 31.8.98.

The case is ready for hearing.

2/8
28/8

pg

2/8
28/8


Member


Vice-Chairman

31.8.98

On the prayer of Mr S. Sarma, learned counsel for the applicant this case is adjourned till 2.9.98.


Member


Vice-Chairman

nkm

2.9.98

Mr. S. Ali, learned Sr.C.G.S.C. is not present today. He has filed leave of absence. For the ends of justice this case is adjourned till 14.9.98.

The case is ready for hearing.

2/9
21/9

List on 14.9.98.


Member


Vice-Chairman

trd

2/9
21/9

14.9.98

On the prayer of Mr. A.K.Choudhury learned Addl. C.G.S.C. on behalf of Mr. S.Ali, Sr.C.G.S.C. the case is adjourned till 3.11.1998.

The case is ready for hearing.

List on 3.11.1998.


Member


Vice-Chairman

pg

2/9
15/9

3.11.98

Division Bench is not available. List on 27.11.98 for hearing.

1/5 has been filed.

2/11


Member

pg

Notes of the Registry	Date	Order of the Tribunal
<p><u>1.1.99</u></p> <p>Case is ready for hearing.</p> <p><u>Don</u></p> <p><u>19.2.99</u></p> <p>Copies of the Judgment have been sent to the D/Sec. for issuing the same to the parties through Regd. with A/D.</p> <p>Issued vide despatch No. 932 to 935 dt. 23-3-99</p>	<p>27.11.98</p> <p>pg 28 27/11</p> <p><u>4-1-99</u></p> <p><u>5-1-99</u></p> <p><u>6-1-99</u></p> <p><u>7-1-99</u></p> <p>8.1.99</p> <p>trd NB 11/3/99</p>	<p>Division Bench is not available List on 4.1.99 for hearing.</p> <p>By Order <i>bnf</i></p> <p>panwar on 11.04. By Mr. <i>bn</i></p> <p>panwar. By Mr. <i>bn</i></p> <p>panwar. By Mr. <i>bn</i></p> <p>panwar. By Mr. <i>bn</i></p> <p>Heard learned counsel for the parties. Hearing concluded. Judgement delivered in the open court, kept in separate sheets. The application is disposed of. No order as to costs.</p> <p>Member <i>bn</i></p> <p>Vice-Chairman <i>bn</i></p>

[illegible]

6

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 283 of 1996

Date of decision 8.1.99

Shri D.N.Sangma.

PETITIONER(S)

Mr. B.K.Sharma, Mr. S.Sarma.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENT(S)

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

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

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

Judgement delivered by Hon'ble Vice-Chairman.



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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 283 of 1996.

Date of decision : This the 8th day of January, 1999.

Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman.

Hon'ble Shri G.L. Sanglyine, Administrative Member.

Shri D.N. Sangma,
S/o Late R.G. Momin,
Assistant Journalist,
P.I.B, Shillong,
Meghalaya.

....Applicant.

By Advocate Mr. S. Sarma.

-versus-

1. The Union of India,
represented by the Secretary,
Ministry of Information and
Broadcasting,
New Delhi.
2. Principal Information Officer,
Press Information Bureau,
Sahjahan Road,
New Delhi.
3. Additional Principal Information
Officer, Press Information Bureau,
Sahjahan Road, New Delhi.Respondents

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

O R D E R

BARUAH J.(V.C.).

In this application the applicant is seeking certain directions to the respondents.

The facts are :

The applicant was appointed Assistant Journalist as far back in 1973 and he is stagnating in the same post till now. Being aggrieved he

Contd...

R2

submitted Annexure-E representation dated 19.5.1994 to the Principal, Information Bureau, Government of India, New Delhi. However, the representation was not disposed of. Situated thus the applicant has filed this present application.

2. In due course the respondents have entered appearance and have filed written statement. In para 2 of the written statement the respondents have stated as under :

2. the post of Assistant Journalist is an isolated post in the North Eastern Region and there is no promotional avenue in the Recruitment Rules and that the aforesaid post was of purely temporary nature which, knowing fully well the applicant had joined the services. However, the Ministry of Finance, (Department of Expenditure) vide their O.M. No. 10(i)/E III/88, dated 13.09.1991 initiated a scheme for Grade 'C' and 'D' Employees to ensure at least one promotion in Service Career.

.....
However, Shri D.N.Sangma, was not considered by the Departmental Promotion Committee, PIB, Regional Office, Guwahati in the absence of approved pay scale for promotion in Situ by the Ministry of Information and Broadcasting."

3. We have heard Mr. S.Sarma, learned counsel appearing on behalf of the applicant and Mr. A.Deb Roy, learned Sr. C.G.S.C. appearing on behalf of the respondents.

4. Mr. Sarma submits that it is true that at the time of his entering into the service

B
Contd...

there was no promotional avenue but that does not mean that he should not be given any promotion in his service career. He further submits that if an employee remains stagnant in one particular post it is painful to the employee. Besides the efficiency also diminishes in the absence of any prospects for promotion. Mr. Sarma further submits that a scheme was prepared by the Government, but it has not been implemented so far as the applicant is concerned. Representation of the applicant has also not been disposed of.

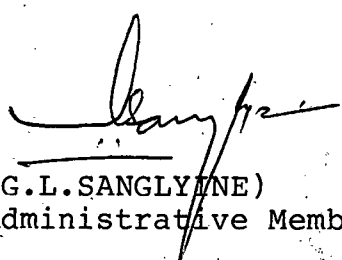
5. Mr. Deb Roy also very fairly concedes that every employee desires to have at least one promotion in his service career. Denial of that promotional avenue, is really harsh. The Government of India for that purpose has prepared a scheme. However, so far the applicant is concerned nothing has been done as departmental authority rejected the claim of the applicant on the ground that there was no approved pay scale.

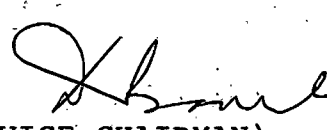
6. We feel that this should not stand in the way in giving benefit to the applicant. Therefore we hope and trust that the Government will consider this aspect of the matter. For this purpose applicant may submit yet another representation to the authority

B2
Contd...

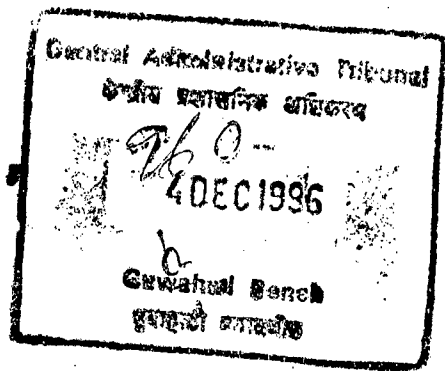
concerned within a period of one month from the date of receipt of this order. If such representation is filed that shall also be taken into consideration. While disposing of the matter the authority shall bear in mind the various decisions of Apex Court regarding at least one promotion in the service career of an employee. This must be done within a period of two months from the date of receipt of the representation of the applicant.

7. With the above directions, the application is disposed of. Considering the facts and circumstances of the case, we however, make no order as to costs.


(G.L. SANGLYNE)
Administrative Member


(VICE-CHAIRMAN)
Vice-Chairman

trd



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.

(An application U/S. 19 of the Administrative Tribunal Act, 1985).

Title of the Case O.A. No. 283 /96.

Shri D.N. Sangma. Applicant.

-Vs-

Union of India & Others. Respondents.

I N D E X

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12- 12/5 -

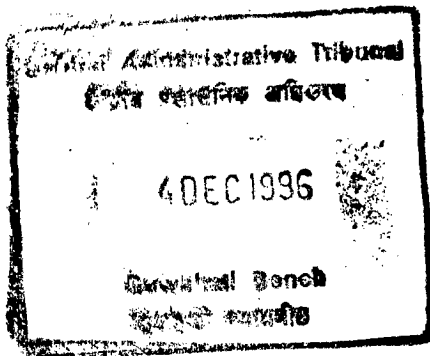
FOR USE IN TRIBUNAL'S OFFICE :

Date of filing :- 4/12/96

Registration No. :- OA 283/96

R E G I S T R A R .

Received Copy
Jag.
S.C.S.S.C.
3/12/96



*Filed by
Shri D.N. Sangma
Secretary*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.

(An application U/S. 19 of the Administrative Tribunal Act, 1985).

O.A. NO. 283 /96

BETWEEN :

Shri D.N. Sangma,
S/O Late R.G. Momin,
Assistant Journalist,
P.I.B., Shillong,
Meghalaya.

..... Applicant.

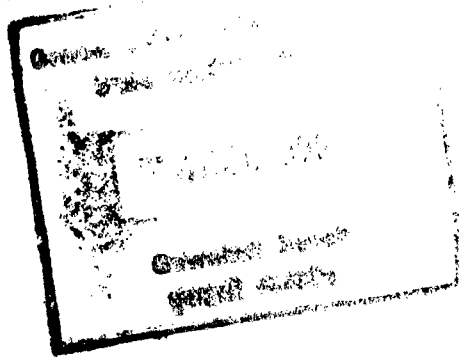
- And -

1. The Union of India,
represented by the Secretary,
Ministry of Information and
Broadcasting, New Delhi.
2. Principal Information Officer,
Press Information Bureau,
Sahjahan Road, New Delhi.
3. Additional Principal Information
Officer, Press Information Bureau,
Sahjahan Road, New Delhi.

..... Respondents.

Contd....P/2

JS



DETAILS OF THE APPLICATION

1. Particulars of the order against which the application is made :-

This application is made against the discreminatory provisions by which the applicant has not been considered for promotion from the post which he has been holding for last 23 years.

2. Jurisdiction of the Tribunal :

The applicant declares that the subject matter in respect of which the application is made is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation :

The applicant further declares that the application is within the limitation period prescribed under section 21 of the Administrative Tribunal Act.

4. Facts of the case :

(4.1) That the applicant is a citizen of India and a permanent resident of Shillong. Applicant belongs to the Scheduled Tribe and as such deserves special protection and is entitled to all the rights under the Constitution of India.

Contd....F/3

OS

9

reached the maximum of the pay scale without any further scope

in a stagnant post with no scope of promotion. He has also been made a victim of circumstances and as such had to suffer

(4.5) That your applicant begs to state that he has

same post for ever.

scope at all whatsoever and have to remain stagnant in the who was appointed as Assistant Journalist have no promotional

Grade of Indian Information Service, whereas your applicant

to the post of Assistant Information Officer in the Senior

Junior Grade Indian Information Service have scope for promotion

incumbents who were appointed as Information Assistants in

(4.4) That your applicant begs to state that those

Assistant.

Assistant Journalist are exactly the same as those of Information

volume of work as well as responsibilities and duties of the

It may be pertinent to mention here that nature and

to the Junior Grade, Indian Information Service.

is equivalent to that of Information Assistants which belong

the country in the Department. The post of Assistant Journalist

alone and this post is not there any where in other parts of

of Assistant Journalist is in existence in P.I.B., Shillong

(4.3) That your applicant begs to state that the post

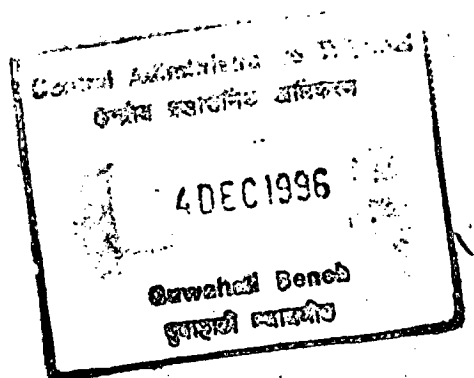
Journalist.

Ministry of Information and Broadcasting as Assistant

Information Bureau, Govt. of India, Shillong under the

(4.2) That your applicant joined at the Press



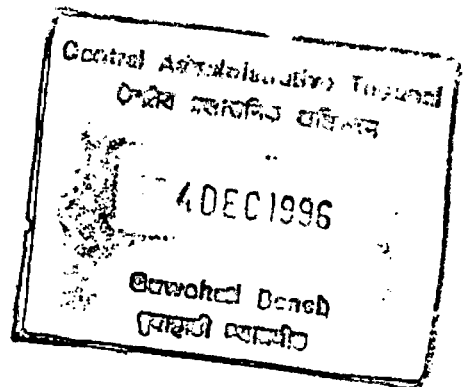


of enhancement.

It may be pointed out here that while holding the post of Assistant Journalist in P.I.B., Shillong he was given appointment to go on deputation to Grade-III, C.I.S. (now Indian Information Service) as Field Publicity Officer in the Directorate of field Publicity, Shillong on a vacant post vide Ministry of Information and Broadcasting I.D. No. A- 35018/4/88-CIS dated 30.8.85 and he was given one month time of joint the post with clear instruction to the authority concerned to relieve him immediately. Your applicant was interested and willing to join more particularly in view of stagnation and accordingly applied for release order, but unfortunately same was not granted and your applicant had no other option, but to remain and give unblemished service without any future or hope.

A copy of the communication dated 30.8.85 is annexed hereto and is marked as Annexure-A to this application.

4.6 That your applicant begs to state that when it was pointed out to the authorities that injustice has been done to your applicant, the respondents vide P.I.B. I.D. No. A- 22012/5/85/Estt. dated 8.1.86 was appointed as Assistant Information Officer, P.I.B., Kohima (Nagaland) in Grade-III of Central Information Service (now renamed Indian Information Service) Group-B on promotion which he assumed charge of the post on January 24, 1986 and hold the post till 23.12.91, the date on which he was repatriated



to his parent cadre i.e. Assistant Journalist w.e.f. 23.1.91.

It may be mentioned here that though your applicant was repatriated to his parent cadre of Assistant Journalist, he still continued with the charge of the office of the P.I.B., Kohima (Nagaland) till he was finally transferred to P.I.B., Shillong in December, 1991.

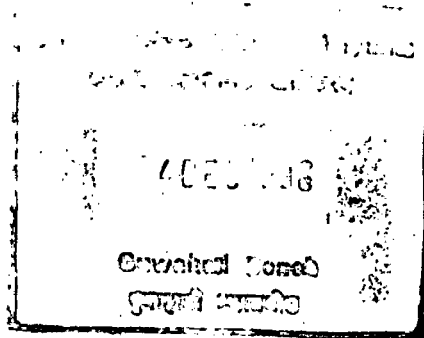
The copies of the order dated 8.1.86 and 13.2.91 are annexed hereto and are marked as Annexure-B and C respectively to this application.

4.7 That your applicant begs to state that during his tenureship as Assistant Information Officer of P.I.B., Kohima his annual increment in the scale of pay of Rs. 2000- 3500/- fell due w.e.f. 1.1.90 thus raising his pay from Rs. 2300/- P.M. to Rs. 2375/- and again another annual increment @ Rs. 75/- fell due on 1.1.91, thus further raising his pay from Rs. 2375/- P.M. to Rs. 2450/- vide pay and Accounts Office (I.R.L.A.)'s No. PAO/IRLA/CC/11460/265-66 dated 31.5.90. However, inspite of repeated representation and requests the respondents gave a deaf ear to the legitimate claim of your applicant.

A copy of the order dated 31.5.90 and one of the representation dated 19.5.94 are annexed ~~herewith~~ hereto and are marked as Annexure-D and E respectively to this application.

Contd....P/6

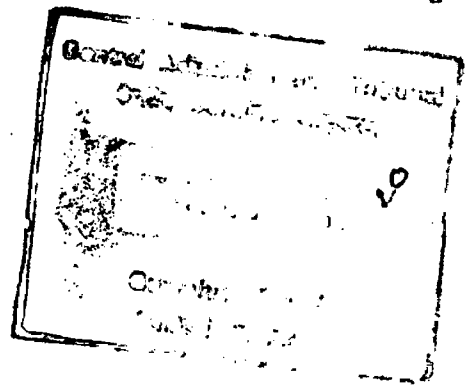




4.8 That your applicant begs to state that during his tenureship as Assistant Information Officer of P.I.B., Kohima and after representation to his parent cadre of Assistant Journalist, your applicant submitted a number of representation to the Ministry of Information and Broadcasting for appointment to the vacant post of field Publicity Officer, Directorate of field publicity, Tura and to regularise his service in the Grade-III of Senior Indian Information Service. Unfortunataly, his application for the post of Field Publicity Officer, Directorate of Field Publicity, Tura was not entertained on the ground that he was appointed in Indian Information Service and whereas the post of Field Publicity Officer (Border), Tura was not borne on the strength of Indian Information Service. Your applicant again apolied for the said post which was lying vacant after repatraiation along with a photocopy of Headquarter Letter No. 4.2.90 Estt. (Vol.II) dated 11.4.90, this time the Ministry did not consider his application stating that there was no vacant post. Thus your applicant was deprived from his legitimate claim by negligence and taking course of gross injustice by the Respondents.

A copy of the office memorandum dated 11.4.90 and your applicant's representation dated 19.2.92 are annexed herewith and marked as Annexure-F & G respectively to this application.

4.9. That your applicant begs to state that he has worked in the capacities of Assistant Journalist and Assistant Information Officer and has discharged his services to the full.

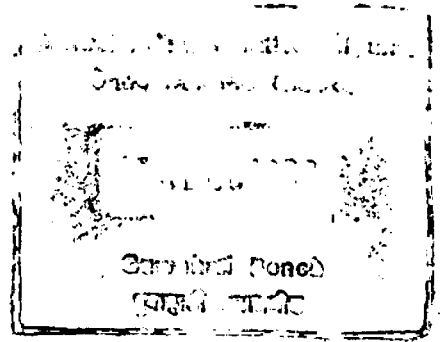


satisfaction of the authorities concerned. Infact, after repatriation from the post of Assistant Information Officer of P.I.B., Kohima, your applicant was asked to look after the whole administrative and publicity wings of the P.I.B. Office of Kohima as Assistant Journalist till 20.11.91. And when transferred to P.I.B., Shillong, ge was again entrusted to look after the whole administration of P.I.B., Shilling vide letter dated 17.1.92.

It is further stated that being the senior most staff member of P.I.B., Shillong your applicant has looked after the affairs of the office during the leave/absence of Assistant Information Officer. And further when the Assistant Information Officer, P.I.B., Shillong tendered his resignation from Shillong Office, your applicant was authorised to look after the office vide letter dated 25.3.96. Your applicant also represented the office in Press Conference, meetings, seminars and other functions.

Copies of the communications dated 17.1.92 and 25.3.96 by which responsibilities of higher post were given are annexed herewith and are marked as Annexure-H and I respectively.

4.10 That your petitioner begs to state that the post of Assistant Journalist doesnot exist any where excepting two posts in Shillong. However they are in the same grade that of Information Assistant. But Information Assistants belong to



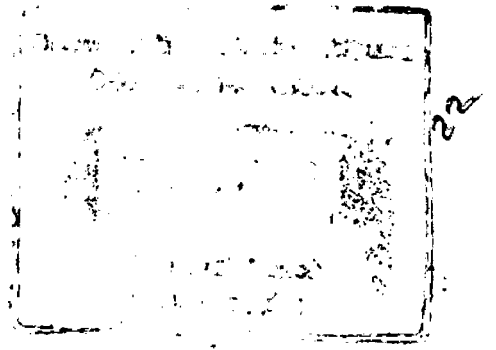
Junior Grade (Gr.B) of Indian Information Service. The Information Assistants have the promotional avenues in the hierchial process of Information Assistant-Assistant Information Officer (I.I.S. Gr.B)- Information Officer (I.I.S. Gr.A)- Deputy Principal Information Officer upto Principal Information Officer which is the post of the Chief of Press Information Bureau. Unfortunately, in the post of Assistant Journalist there is no such hierchial avenues to rise and your appplicant has remained in the same post till date.

4.11 That your applicant begs to state that he was appointed as Assistant Information Officer, P.I.B., Kohima, this clearly establishes that applicant though has been working as Assistant Journalist has got all qualifications and experience for the Assistant Information Officer and during his deputation period he also drew the pay scale of Assistant Information Officer. Thus it clearly establishes that the nature of sefvce cannot be bifurcated for both the service and your applicants present service cannot be singled out. Infact, the post of Field Publicity Officer (F.P.O) and Assistnat Information Officer (A.I.O.) are same and the pay scale is also same.

4.12 That your applicant begs to state that thus it will be reflected that though your petitioner has remained as Assistnat Journalist a post which does not exist, any where and no scope of promotion your applicants service has

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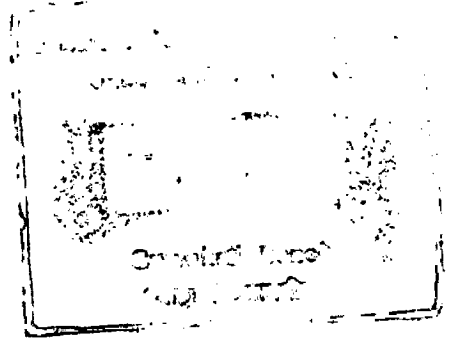


been taken for other promotional higher post all along and as stated above once as Assistant Information Officer, P.I.B., Kohima also.

4.13 That your applicant begs to state that your applicants service has been confirmed in the P.I.B. on 11.7.95, he had been considered for encadrament to Indian Information Service Senior Grade for his unintarrupted and faithful service for nearly 23 years are not caged in a post which surprisingly have no promotional avenues he would by now have been holding a very senior post of either Information Officer (Senior Grade) or Deputy Principal Information Officer, but for the gross discrimination on the part of the Ministry of Information and Broadcasting in general and the Department of Press Information in particular your applicant has been deprived of his legitimate claim.

A copy of the memorandum dated 11.7.95 confirming the post is annexed hereto and marked as Annexure- to this application.

4.14 That your applicant begs to state that your applidant belongs to the Scheduled Tribe. There are directives relating to the Constitutional safeguards extended to schedule Caste and Scheduled Tribe to protect their interest. Your petitioner submitted a number of representation highlighting the factors and though assurances were given for protection, but till date no fruitful result has come on your applicants way.



The applicant craves leave of this Hon'ble Court to rely on the Govt. Circulars on reservation and preference at the time of hearing.

4.15 That your applicant begs to state that he has to his credit long faithful service of nearly 23 years except for a brief period of 5 years when he hold the post of Assistant Information Officer in P.I.B., Kohima. Your applicant is due to retire on 1.11.97 and he deserves sympathetic and judicial consideration as he never got any higher promotion but remained as Assistant Journalist. The post of Assistant Journalist was created for Shillong Office of P.I.B. alone and nowhere in any P.I.B. in the whole country such a post can be found.

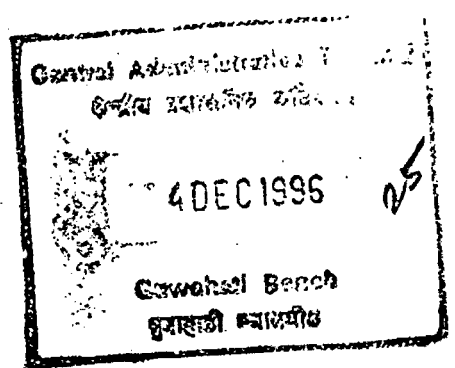
4.16 That your applicant begs to state that his case has come to a very peculiar position as higher officers failed to explain the creation of a post of Assistant Journalist for Shillong Officer nor the reasons for not encadering the post of Assistant Journalist to Indian Information Service (Junior Group Service) Like other counterparts of Information Assistants.

It may be pertinent to mention here that persons appointed as Information Assistants in Junior Grade, Indian Information Service get a regular promotion to the next higher post of Assistant Information Officer and subsequent next higher promotions on their long service and efficiency, but your applicant who has been appointed as Assistant Journalist is doomed to remain as Assistant Journalist without any promotion scope and deprived from encadrement to Indian Information Service.

It will not be out of place to mention here that all the incumbents who joined along with your applicant in the same scale at other places have reached much higher post whereas your applicant had to languish in the same post all through out his service career till date.

4.17 That your applicant begs to submit that the post of Assistant Journalist which is shown to exist only in Shillong and which only two incumbents your applicant and Mr. Don is holding is in the same grade of Information Assistant. Only difference is that the post that your applicant is holding has got no promotional scope, a stagnant post which nobody has cared to give a review inspite of repeated reminders, on the other hand Information Assistants have the promotional avenues upto the Principal Information Officer. This classification is itself discriminatory and needs a through review with all benefits to your applicant.

4.18 That your applicant submits that Assistant Journalist are in the same grade of Information Assistant and the designation also is deemed to be the same with similar pay scale. Applicant submits that during his tenure as Assistant Information Officer on deputation, he also received higher pay scale and increments, though increments have not been released. This clearly established that your applicant has all qualification and experiences to go up in the ladder of promotion, but for the uncalled and unjustified stagnation. Hence, the applicant needs to be



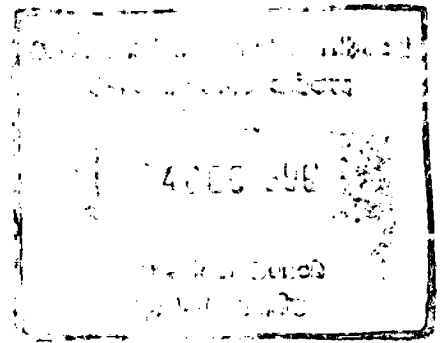
: 12 :

deemed to be Information Assistant from the date of entry of initial appointment and deserves to get all benefits. It may be pertinent to mention here that Assistant Journalist and Information Assistant have got same pay scale and benefits.

4.19 That your applicant begs to submit that he has been working since 1973 in the same post till date except for the period when he has posted at Kohima. The non-promotion of your petitioner in the same post is nothing, but exploitation of labour by the State and in contrary to the principles embeded in Articles 14,16 and 21 and the Preamble to the Constitution of India.

4.20 That your application begs to submit that the incumbents who joined alongwith your applicant in different Brnanches of the Ministry of Information and Broadcasting including P.I.B. have rison to higher posts. Your applicant on the other hand has no received any promotion or financial benefits. This is clearly a case of unreasonable classification and suffers from both 'malice in law' and 'malice in fact'.

4.21 That your applicant submit~~s~~s that the two increments which were earned by your applicant after putting years of dedicated services have been held up and have not been released even after repeated reminders,



is a clear example of colourable exercise of power and decisions based on extraneous consideration.

4.22 That your applicant begs to submit that he has been made a victim of circumstances. As stated above, the post of Assistant Journalist exists only in P.I.B., Shillong. Obviously, there cannot be any post without any scope for promotion, but unfortunately this has happened in the instant case and your applicant has remained stagnant in the same post for almost 23 years. Such extra-ordinary stagnation has caused psychological turmoil and mental agony as the incumbents junior to your applicants has reached much higher posts. The action of the respondents in not considering the case for promotion of your applicant and allowing others equally placed to be promoted is unfair and inequitable.

4.23 That your applicant begs to submit that from the facts and figures as stated above, makes it clear that the action of the respondents in not promoting your applicant, putting your applicant in a post which has got no promotional avenues, is in clear violation of service juris..... and principles of natural justice.

Further adding insult to the injury caused, the respondents have withheld the increments due to your applicant. Thus it can be said that the action of the respondents are malafide, arbitrary and based on biased views.

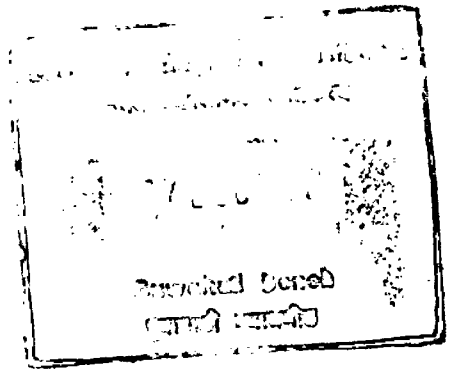
28

5. Grounds for relief with legal provisions :

I. For that during the tenurship as Assistant Information Officer of P.I.B., Kohima applicants annual increment in the scale of pay of Rs. 2000- 3500/- fell w.e.f. 1.1.90 thus raising pay from Rs. 2300/- P.M. to Rs. 2375/-. And again, another annual increment of Rs. 75/- fell due on 1.1.91, thus further raising pay from Rs. 2375/- P.M. to Rs. 2450/- vide pay and accounts office letter dated 31.5.90 (Annexure-). Thus non-payment of the two annual increments accrued with effect from 1.1.90 is violative of service jurisprudence and also violative of Article 21 of the Constitution of India.

II. For that the existence of post of Assistant Journalist is exceptional to Shillong only. There are only two officers holding such post in the whole of India. The present status indicates that there is no scope of promotion to any higher post which is against established procedure of law and clear violation of Principles of Natural Justice.

III. For that the applicant has been left without opportunity for promotion for last about 23 years. Any service demands that an employee must have an opportunity to advance. The opportunity for



advancement is a requirement for progress of any organisation. The apex Court in unequivocal terms have stated that any organisation must have a satisfactory procedure for promotion. Hence, stagnation of your applicant in the same post is arbitrary, illegal, capricious and without any basis.

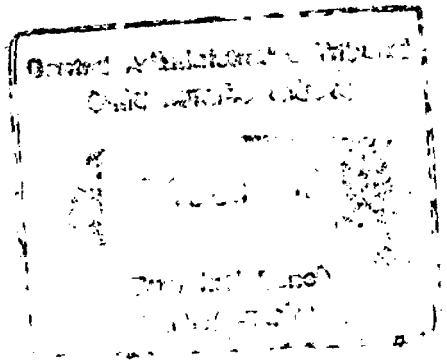
IV. For that the applicant has reasons to believe that the respondents with a malafide intention has with hold the increments due to your applicant and has not acted upon the representation submitted by your applicant for promotion and other benefits.

V. For that in any view of the matter the whole exercise of the respondents are nothing but colourable exercise of power in clear violations of Article 19(1)(g) and Article 21 of the Constitution of India. This is also against service jurisprudence and established procedure of law.

6. Details of remedies exhausted :

The applicant status that since the order of promotion has not been issued and also the due increments were not released, the applicant has submitted his representations and the respondents have refused to accord to his prayers and as such, he has no other alternative remedy except by filing this application.

JS



: 16 :

7. Matters not previously failed or pending before any other Court.

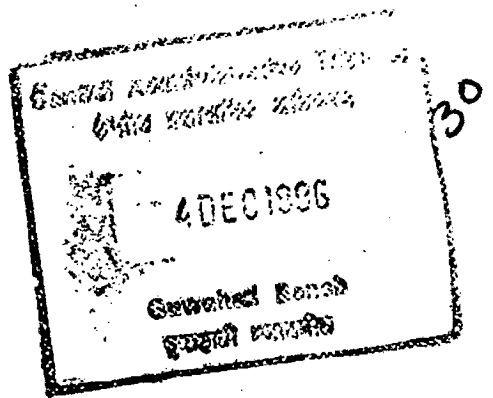
The applicant declares that he has not previously filed any application, suit or writ petition in respect of the subject matter of the application before any other Court, authority or other Bench of this Hon'ble Tribunal

8. Reliefs sought for :

(a) In view of the facts and circumstances stated above, it is most respectfully prayed that the instant application be admitted, records be called for, and on perusal of the same and upon hearing the parties on the cause/causes that may be shown, be pleased to grant the following reliefs.

Contd...P/17

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8.1 To direct the respondents to provide promotional avenue/scope to the applicant with restropective effect and with all consequential benefits including arrear salary etc.

8.2 To direct the respondents to treat the post of the applicant at per with that of Information Assistant with all consequential benefits of promotion etc. including arrear salary.

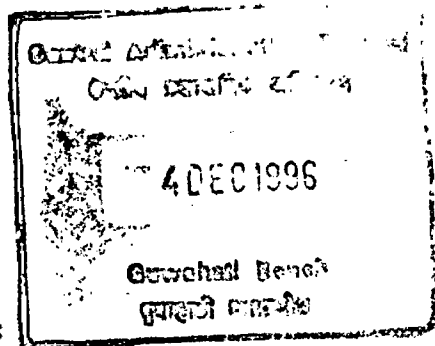
✓ 8.3 To direct the respondent to promlot the applicant with retrospective effect to the next two promotional stages of Senior Information Officer of Senior Grade. Indian information Service Group A with all consequential service benefits incldding arrear salary and correct fixation of pay taking into accounts the due increments etc.

8.4 Any other relief or reliefs as the applicant may be entitled under the facts and circumstances of the case and may be deemed fit and proper by the Hon'ble Tribunal.

8.5 Cost of the application.

9. Interim relief :

(a) That the applicant prays that during the pendency of the original application the respondents



: 18 :

may be given a direction to release the increments alongwith arrears and interests and also to consider the case of the applicant for promotion.

(b) That considering the early retirement of the applicant (1.11.97) the matter may kindly be given an early hearing.

10 Particulars of I.P.O. :

- i) I.P.O. No. : 8.0.349170
- ii) Date : 6/11/96
- iii) Payable at : G.P.O. GHY.

11 List of enclosures :

As stated above.

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

I, Shri D.N. Sangma, S/O Late R.G. Momin, aged about 56 years at present working as Assistant Journalist, P.I.B., Shillong under the Ministry of Information and Broadcasting, do hereby solemnly verify and state that the statements made in paragraphs 1 to 4, 6 to 9, 10 and 11 are true to my knowledge and those made in paragraph 5 are true as per legal advice and I have not suppressed any materials fact.

And I sign this verification on this the 30th day of ~~20th~~ Nov, 1996 here at Guwahati.

Donald N. Sangma

DEPONENT.

Annexure- A.

(COPY)

MINISTRY OF INFORMATION AND BROADCASTING.

SUBJECT : Filling up posts in Grade III of CIS, Group
'B' on deputation (ad-hoc) basis.
(Rs. 650- 1200/-)

Reference Ministry/Deptt. of P.I.B. OM/u.o.
note/letter forwarding application for appointment to
Grade III of CIS, Group 'B' on deputation (ad-hoc) basis.

2. It has been decided with the approval of the competent authority to appoint Sh. Ronald N. Sangma on deputation on prely ad-hoc basis for a period of six months in the first instance in Grade III of CIS Group-B.
3. Consequent on appointment to Grade III on deputation (ad-hoc) basis, Shri Ranalad N. Sangma working at present as Asstt. Journalist, PIB, New Delhi is posted as FPO, DFP, Shillong a vacant post. He may be requested to report for duty to DFP, Shillong within a month of issue of this offer.
4. It is requested that Shri Ronal N. Sangma may immediately be relieved to take over his new appointment.

Contd...P/20

Attested.

Agg. ocato.

83

: 20 :

5. Shri Ronald N. Sangma will have no claim for absorption/regular appointment in Grade III of CIS on the basis of this selection.

Sd/-

(H.C. JAYAL)

Under Secretary to the Govt. of India
Tele : 384547.

PIB, New Delhi.

Min. of I&B I.D. No. A-35018/A/83-CIS dt. 30.8.85.

Copy to :

1. Shri Ronald N. Sangma, Asstt. Journalist, PIB, Shillong.
2. DDA, DFP, New Delhi.
3. DFP, Shillong.
4. P&AO (IRLA) M/O I&B, AGCR Building, New Delhi.

Sd/-

(P.P. HALDAR)
SECTION OFFICER
Tele: 389642.

Attested.

Advocate.

20(a)

(COPY)

Press Information Bureau
Government of India
Calcutta-

Sub: Appointment in Grade III of CIS to Shri D.N. Sangma & Shri K.S. Don, Asstt. Journalists (Garo & Khasi) of Shillong Office.

Reference Ministry's S.I.D. Note Nos. A-35018/4/83-CIS, dated 30.8.85 regarding filling up posts in Grade III of CIS, Group 'B' on deputation (ad-hoc) basis, which have been sent direct to Shillong Office without dropping copy any of those of this office.

S/Shri Donald N. Sangma & K.S. Don, Asstt. Journalist have been promoted to Grade III of CIS on deputation (ad-hoc) basis and posted as F.P.O., D.F.P., Shillong and Asstt. Editor, D.P.O., New Delhi respectively and advised them to report to their respective posts within a month.

In the event of their release from the present posts, in accordance with the Recruitment Rules, the resultant vacancies would have to be filled up through direct Recruitment, but that too is not permissible in the presence of the existing ban on direct recruitment.

Meanwhile, AIO, Shillong has proposed that Shri I.Dkhar, C.O.I. who is proficient in Garo language would be elevated to

Contd...P/20/c)

Ante
Advocate.

95

: 20(b) :

to the post of Asstt. Journalist (Garo) which too, can hardly be done for the lack of appropriate provision in the Recruitment Rules.

Further, Shri K.S. Don, Asstt. Journalist (Khasi) in his representation dated 12.9.85 (copy enclosed) has stated that since he does not know Assamese Language, the post offered to him as A.E., D.P.D., New Delhi would neither be suitable to him nor would it be of any interest of public service.

In view of the above, it is requested that Hdqrs, may kindly suggest as to how the posts which would be fallen vacant after the release of S/Shri Sangma and K.S. Don would be filled up as those are required to be filled up through direct recruitment which is also not possible in the face of the existing ban order.

This may please be treated as most immediate as the necessary action to release Shri Sangma would be taken on hearing from Hqrs.

Sd/-

(N.N. Singha)
Administrative Officer.

Contd....P/20(c).

Amended.
Advocate.

20 (c).

Shri D.N. Chaturvedi, APIO, PIB, New Delhi.

Calcutta Office u.o. No.A-5/22/84-Cal. dated 27.9.85.

Copy to AIO, Shillong for information.

Sd/-

(N.N. Sinha)

Administrative Officer.

.....

Attested.

Advocate.

Annexure-B

(COPY)

PRESS INFORMATION BUREAU
GOVERNMENT OF INDIA.

Subject : Filling up of posts in Grade III of CIS,
Group 'B' on deputation (ad- hoc) basis
(Rs. 650-1200).

Reference Ministry of I&B's I.D. Note No.
A-35018/4/83-CIS, dated 12.12.1985 regarding posting
of Shri K.S. Don and Shri Donald N. Sangma, Asstt.
Journalists as A.I.C., PIB, Gauhati and A.I.O., PIB,
Kohima respectively.

2. In this connection attention is invited
to Bureau's U.O. Note of even No., dated 9.10.85
wherein it has clearly been stated that Shri K.S. Don
and Sh. Donald N. Sangma are working as Asstt.
Journalists at PIB, Shillong and the name of Shri
Sangma is Sh. Donald N. Sangma and not Ronald N.
Sangma. It is, therefore, requested that the necessary
corrections in respect of the place of posting and
the name of these officers may kindly be made in
Ministry's I.D. note at an early date.

Sd/-

(P.K.D. Sarkar)

Assistant Principal Information Officer.

Attested.
Advocate.

22.

Ministry of I & B (Shri H.C. Jayal, US(I)).

PIS I.D. No. A- 22012/5/85- Estt., dated 8.1.1986.

Copy to :-

1. PIB, Calcutta. It is requested that the charge assumption report of Shri K.S. Don and Sh. D.N. Sangma as AIO, PIB, Gauhati and AIO, PIB, Kohima respectively, may kindly be sent to H. Qrs. at an early dated.
2. PIB, Shillong, with a copy of Ministry of I&B's I.D. notes No. A- 35018/4/83-Estt., dated 12.12.85 with the request that a copy of the I.D. Notes may be handed over to S/Shri K.S. Don and D.N. Sangma, Asstt. Journalists, PIB, Shillong.

Sd/-

(P.K.D. Sarkar)

Assistant Principal Information Officer.

Attested.

Advocate.

23.

Annexure - C.

No. 4/2/90-Estt.(Vol.II)
PRESS INFORMATION BUREAU
GOVERNMENT OF INDIA.

New Delhi-1, dated 13.2.1991.

OFFICE ORDER.

The following Assistant Information Officers on deputation in PIB are repatriated to their parent cadres w.e.f. the dates mentioned against their names and are relieved of their duties from the same date :-

S.No.	Name of the Officers and their place of posting	Date of repatriation to parent cadre
1.	Sh. K. Sangtri Don AIO, PIB, Shillong.	20.1.1991 (AN)
2.	Sh. Donald N. Sangma AIO, PIB, Kohima	23.1.1991 (AN)

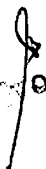
They are directed to report for duty to their parent cadre immediately.

Sd/- V.K. Dhingra,
Asstt. Principal Information Officer

Copy to :

1. Officers concerned.

Attested.

By  Secretary.

24.

2. Pay & Accounts Office (IRIA) Ministry of I&B
ACCR Building, New Delhi.
3. Ministry of I&B (CIS Section) w.e.f. their I.D.
No. A-35018/4/83-CIS (Vol.VII) dated 18.1.91.
4. PIB, Guwahati/Shillong/Kohima.
5. Guard File.

Sd/- V.K. Dhingra,
Asstt. Principal Information Officer.

.....

RECEIVED.
↓
DIRECTOR.

Annexure - D.

PAY & ACCOUNTS OFFICE (IRLA)
MINISTRY OF INFORMATION & BROADCASTING
A.G.C.R. BUILDING : NEW DELHI-110002.

No. PAO/IRLA/CC/EB/11460/263-66. Dated : 31 May 1990.

To

Sh. K.K. Suit
Asstt. P.I.O.
Press Information Bureau,
M/O I&B Shastri Bhawan,
VII Floor, N. Delhi.

Sir,

I am to state that increment of Shri D.N. Sangma raising his pay from Rs. 2300/- p.m. to Rs. 2375/- with effect from 1.1.90 is being held up for want of certificate of the competent authority permitting him to cross the Efficiency Bar at the state of Rs. 2300/- in the scale of 2000-3500 applicable to the post held by him.

You are, therefore, requested to kindly take immediate action in intimating this office as to whether or not the officer is fit to cross the Efficiency Bar. Your letter may kindly be addressed to the pay & Accounts Officer-in-Charge C-I Section of this office.

Yours faithfully,

Sd/-

Pay & Accounts Officer.

Attested.

Advocate.

42✓
26.

No. PAO/IRLA/CC/EB/

Copy to Shri D.N. Sangma, AIO, P.I.B., Kohima
for information and necessary action.

Sd/- Illegible,
Pay & Accounts Officer.

.....

Attested.

Advocate.

27.

Annexure- E.

(COPY)

To

The Principal Information Officer,
Press Information Bureau,
Govt. of India.
New Delhi-110 001.

Through Proper Channel.

Dated Shillong, the 19th May, 1994.

Sub: Non-receipt of two Annual Increments in respect of
Shri D.N. Sangma, former A.I.O., P.I.B., Kohima.

Sir,

I have to enclose herewith a copy of letter No. PAO/
IRLA/CC/EB/11460/265-66 dated 31.5.1990 which speaks for
itself, and to state that despite a number of representations
and repeated reminders submitted to Headquarters and PAO(IRLA),
till date not only no action has been taken but no intimation
in this regard for Headquarters has been received nor intimation
sent to PIB, Shillong.

In this connection I beg to state that an annual
increment as evident in PAO (IRLA)'s letter had fallen due
to me with effect from 1.1.1990 raising my pay from Rs. 2300/-p.m.
to Rs. 2375/- and again, another annual increment fell due to
me with effect from 1.1.1991 thus further raising my pay from
Rs. 2375/- p.m. to Rs. 2450/- in the scale of pay of Rs.2000-3500
applicable to the post held by me then.

Attested.

Advocate.

44
: 28 :

In the circumstance, I once again pray to your kind self kindly to redress my genuine grievances and grant my legitimate claim of two annual increments as stated above along with arrears accrued therefrom till date, and for the act of your kind and prompt action, I shall ever remain grateful to you.

Yours faithfully,

Sd/-

(D.N. Sangma)
Asstt. Journalist,
P.I.B., Shillong.

Enclo : As stated above.

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Attested.
Advocate.

Annexure - F.

(COPY)

NO. 4/2/90-Estt.(Vol.II)
PRESS INFORMATION BUREAU
GOVERNMENT OF INDIA.

New Delhi, dated 11.4.90.

OFFICE MEMORANDUM

The undersigned is directed to refer to the application dated 8th March, 1990 of Shri D.N. Sangma, AIO, PIB, Kohima and to state that FPO,DFP, Tura is a border post and not borne on the strength of IIS (formerly known as CIS*). Shri Sangma has been appointed on deputation basis against IIS post and not against the border post. The request of Sh. Sangma cannot be acceded to.

Sd/-

(K.K. Saint)

Asstt. Principal Information Officer.

Shri D.N. Sangma,
AIO, PIB, Kohima.

.....



Annexure - G.

(COPY)

To

The Asstt. Principal Information Officer,
Press Information Bureau,
Government of India.
Shastri Bhavan, New Delhi-110 001.

Through Proper Channel.

Dated Shillong, the 19th February, 1992.

Sub: Prayer for change of media for filling up the
post of Field Publicity Officer (Border) in
the DFP, Tura on deputation.

Sir,

I have to enclose herewith a photostat copy of
Headquarters' letter No. 4/2/90-Estt. (Vol.II).
dated New Delhi, 11.4.90 and to apply again for filling
up the lone post of Field Publicity Officer (Border)
at DFP, Tura as I have now been repatriated to my parent
cadre with effect from 23.1.1991 vide Headquarters
Office Order No.4/2/90-Estt.(Vol.II), dated 13.2.1991
(Photostat copy enclosed).

In this connection I have to state that the post
of Assistant Journalist to which I have now been
repatriated is not borne on the strength of IIS, and
therefore, I once again request you kindly to consider
my prayer favourably for filling up the vacant post

Accepted.

Advocate.

47

: 31 :

of Field Publicity at Tura in Meghalaya State.

Enclo : As stated above.

Yours faithfully,

Sd/-

(D.N. Sangma)
Assistant Journalists.

Copy to :

1. The Director of Field Publicity, Directorate of Field Publicity, Ministry of Information & Broadcasting, East Block, Level 3, R.K. Puram, New Delhi-110 066, for favour of information and necessary action.
2. An advance copy to : APIO, PIB, New Delhi.

Sd/-

(D.N. Sangma)
Assistant Journalist.

.....

Attested.
Advocate.

Annexure - H.

(COPY)

No. Estt. 1/8/91-Gau.,
PRESS INFORMATION BUREAU
GOVERNMENT OF INDIA
GUWAHATI.

Ashram Road, Ulubari,
Guwahati, January 17, 1992.

OFFICE ORDER

Shri D.N. Sangma, Asstt, Journalist, PIB, Shillong
is hereby directed to look after the official works in
place of Shri K.S. Don, Asstt. Journalist, PIB, Shillong
till a regular AIO joins at PIB, Shillong.

Sd/-
(A.K. Boruah)
Information Officer.

Copy to :

1. Shri D.N. Sangma, Asstt. Journalist, PIB, Shillong.
2. Shri K.S. Don, Asstt. Journalist, PIB, Shillong.
3. All Branch Offices of N.E. Region.
4. Pay Accounts Officers T.V., Guwahati.
5. Accountant.
6. Concerned file.

Sd/-
(S.C. Talukdar)
Asstt. Information Officer.

Attested.

Advocate.

.....

49
Annexure- I.

(COPY)

No. Estt.1/1/95-Gau.
PRESS INFORMATION BUREAU
GOVERNMENT OF INDIA
GUWAHATI.

Ashram Road, Ulubari,
Guwahati, March 25, 1996.

OFFICE ORDER.

In pursuance of Ministry of Information & Broadcasting's Aadesh No. 37/96-IIS dated 20th March, 1996 Shri S. Satyanarayana a Junior Grade Officer of Indian Information Service, Group 'A' presently working as Asstt. Information Officer, PIB, Shillong whose resignation has been accepted by the Ministry is relieved from the service with effect from the afternoon of 26th March, 1996.

Sd/-

(B.C. Das)
Information Officer.

Copy to :

1. Shri S. Satyanarayana, AIO, PIB, Shillong is hereby
- directed to hand over the charges to Shri D.N. Sangma,
- A.J., PIB, Shillong and also hand over identity card,
- library reference books, other office property, if
any. 6 copies of C.T.C. may also be furnished
alongwith the handing over the charges to Shri
D.N. Sangma, A.J.

Attested.
/ Advocate.

2. PIO, PIB, New Delhi alongwith 2 copies of C.T.C.
3. DPR, PIB, Cuttack.
4. Shri R.C. Mishra, Director (BP), Ministry of I&B
Shastri Bhavan, New Delhi-1.
5. Pay & Accounts Officer (IRLA), Ministry of I&B,
AGCR, Building, I.P. Estate, New Delhi-2 alongwith
2 copies of C.T.C. for necessary action.
6. APIO, Estt. Section, PIB, New Delhi.
7. APIO, B&AS, PIB, New Delhi.
8. Accountant .
9. Bill Clerk.
10. All Branch Officer of N.E.R.

Sd/-

(A.C. Goswami)
Asstt. Information Officer.

RECEIVED
11/11/50

Annexure - J.

S. No. 63(R)

No. Estt. 1/2/95-Gau
PRESS INFORMATION BUREAU
GOVERNMENT OF INDIA
GUWAHATI.

Ashram Road, Ulubari,
Guwahati, July 11, 1995.

MEMORANDUM

Sub: Declaration of confirmation to the Group-'C'
& 'D' staff of N.E. Region.

The undermentioned Group-'C' & 'D' employees working
in the Bureau's N.E.R. have been declared confirmed and
appointed substantively in their respective posts with
effect from the dates noted against each of the employees :-

Sl. No.	Name	Post held at present	post in which declared confirmation or substantive appointment.	Date of effect.	Place of working.
1	2	3	4	5	6
1.	Smt. Mira Kakati	C.G.II	C.G.II	1.4.89	PIB, Guwahati.
2.	Smt. P.M. Don	C.G.II(L)	C.G.II(L)	1.4.88	PIB, Shillong,
3.	Shri Q.W. Momin.	C.G.II(L)	C.G.II(L)	1.4.88	- Do -
4.	Shri D.N. Sangma	A.J.	A.J.	1.4.88	- Do -
5.	Shri K.S. Don	A.J.	A.J.	1.4.88	- Do -
6.	Shri M.S. Sangma,	Chowkidar - cum - Farash.	Chowkidar - cum - Farash.	1.4.88	- Do -

Attested.

Advocate.

1	2	3	4	5	6
7.	Shri S.I. Singh.	Project- ionist.	Project- ionist.	1.4.88	PIB, Imphal
8.	Smt. A. Ibecha Devi.	Calligr- aphist.	Calligra- phist.	1.4.88	- Do -
9.	Shri N. Mongal Sing	C.G.I.	C.G.II	1.4.88	- Do -
10.	Smti. T. Mema Devi.	Steno(Jr.)	Steno.(Jr.)	1.4.88	- Do -
11.	Shri Th. I. Singh.	Peon.	Peon.	1.4.88	- Do -
12.	Shri S. Uma Singh.	Peon.	Peon.	1.4.88	- Do -
13.	Shri S.S. Singh.	Steno(Jr.)	Steno(Jr.)	1.4.88	PIB, Kohima.
14.	Shri M.K. Paul.	C.G.I.	C.G.II	1.4.88	- Do -
15.	Shri C.K. Pathak.	Peon	Peon	1.4.88	- Do -

Sd/- Biraj Das,
11.7.95.

Dy. Principal Information Officer.

Copy to : 1. Persons Concerned.

2. Accountant.

3. Personal file.

4. Service Book.

5. Concerned File.

Sd/- A.C. Goswami,
11.7.95

Asstt. Information Officer.

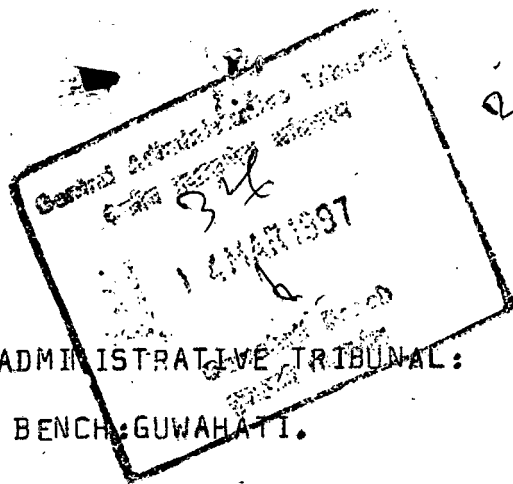
.....

Attested.
Advocate.

Filed in Court

on 4-3-97.....

Chandray
Court Master



37
53

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
GUWAHATI BENCH: GUWAHATI.

O. A. No. 283/96.

Sri D. N. Sangma

-Versus-

The Union of India & others.

- AND -

IN THE MATTER OF:

Written statements submitted by the
Respondents .

(WRITTEN STATEMENTS)

The humble Respondents beg to
submit their Written Statements
as follows :

- 1) That, with regard to the statements made in paragraphs 1 to 4.3 of the application the Respondents have no comments.
- 2) That with regard to the statements made in paragraph 4.4. of the application the Respondents beg to state that, the post of Assistant Journalist is an isolated post in the North Eastern Region and there is no promotional avenue in the Recruitment Rules and that the aforesaid post was

(Contd.)

*Received by
Sri D. N. Sangma
4-3-97*

Shankar 4/3/97

of purely temporary nature which, knowing fully well the applicant had joined the services. However, the Ministry of Finance , (Department of Expenditure) vide their U.M. No.10(i) /E III/ 88, dated 13-09-1991 initiated a scheme for Grade - 'C' and 'D' Employees to ensure atleast one promotion in Service Career.

A copy of the Ministry of Finance (Department of Expenditure) U.M. No. 10 (i) E-III/88, dated 13-09-1991 is annexed hereto and marked as Annexure- 'A' .

However, Shri D.N. Sangma, was not considered by the Departmental Promotion Committee , PIB, Regional Office, Guwahati in the absence of approved pay scale for promotion in Situ by the Ministry of Information and Broadcasting.

3) That, with regard to the statements made in paragraph 4.5 of the application the Respondents beg to state that, he has been made a victim of circumstances is not true since knowing fully well the applicant has joined the post of Assistant Journalist, which did not have any scope for promotion (A copy of the appointment letter issued to Shri D.N. Sangma vide A.5/18/12-Cal. dated 1-8-79 attached herewith as Annexure- 'B')

Moreover, the stagnation Increment, admissible to all Employees drawing a pay scale not exceeding Rs. 6,700/- equivalent to the rate of increment last drawn by the employee is admissible

(Contd.)

to Shri D.N. Sangma on completion of 2 years from the date on which the employee will reach the maximum of the scale of pay i.e. on 01-08-97 (Shri D.N. Sangma has reached maximum of his pay scale of Rs. 1400/- to Rs. 2600/- on 1-8-95).

4) That, with regard to the statements as made in paragraph 4.6 of the application the Respondents beg to state that, the applicant's appointment as Assistant Information Officer, PIB, Kohima, Nagaland in Grade III of Central Information Service (now renamed Indian Information Service) Grade 'B' "On promotion" was incorrect. In fact, Shri Sangma was appointed as Assistant Information Officer on deputation (ad hoc) basis vide Ministry of Information and Broadcasting I.D. No. A-35018/A/83-CIS dated 30-8-85 (Copy attached).

5) That, with regard to the statements made in paragraph 4.7 of the application the Respondents beg to state that, the applicant's claim to higher rate of increments on a lower scale of pay on completion of tenure of deputation, is not tenable under the rules.

6) That, with regard to the statements made in paragraphs 4.8 to 4.23 of the application the Respondents have no comments.

7) That, with regard to the statements made in paragraph 5 of the application regarding the grounds for relief with legal provisions, the Respondents beg to state that, none of the grounds is maintainable in law as well as in fact. That apart the service

records of Shri D.N. Sangma reveals that he joined as Assistant Journalist at Shillong on 13-8-73 . He was on deputation as Assistant Information Officer, Kohima with effect from 24-1-86 to 23-1-91 . During the period of this five year tenure Shri Sangma was granted 3 annual increments for the earlier years consecutively but stopped at reaching his E.B. at Rs. 2300/- in the scale of pay of Rs. 1400-40-1600-50-2300 E.B.-60-2600/-.

Hence, one Annual Increment while crossing the E.B. at Rs. 2300/- and another immediately next year (A total of 2 increments) are due to Shri Sangma. The Service Book and other relevant records pertaining to this period of Shri Sangma was maintained by IRLA since he was on deputation on a Grade-III gazetted post regulated and borne by the Ministry of I.B. directly to this is being taken up for redressal .

8) That with regard to the statements made in paragraphs 5.ii to 9 (b) of the application the Respondents have no comments. However, the Central Information Service (presently Indian Information Service) is a cadre post wholly regulated by the Union Public Service Commission, New Delhi, appointments and induction to it, if any , is also regulated by the Commission. Press Information Bureau, at best, can help recommend the employee's application if one applies for such post through proper channel .

(Contd.)

- 9) That with regard to the statements made in paragraphs 10 - 11 of the application the Respondents have no comments.
- 10) That the Respondents submit that the application has no merit and as such, the same is liable to be dismissed.

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

I, Shri Pabitra Kumar Das, Information Officer, Press Information Bureau, Government of India, Guwahati being competent do hereby solemnly declare that the statements made in paras 4.4, 4.5, 4.8, 4.9, 4.10, 4.11, 4.12, 4.13, 4.14, 4.15 to 4.20, 5, 6, 7, 8 and 9 and true to my knowledge and those made in paras 1, 2, 3, 4 to 4.3, 4.6 4.7, 4.21, 4.22, 4.23, of the written statements are true to my information and the rests are humble submissions made before the Hon'ble Tribunal and I sign the verification on this 13th day of February, 1997 at Guwahati.



AKM 07/01/97
Declarant.

Information Officer
P.I.B., Guwahati