

3

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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R.A/C.P No.
E.P/M.A No.

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::::::::: GUWAHATI

ORIGINAL APPLICATION NO. 38/96
MISC. PETITION/CONT EMPT PETITION/REVIEW APPLICATION NO. _____
(O A). _____

B. R. Mahato APPLICANT(S)

VS.

U.O.I. Poms RESPONDENT(S)

Mr. M. Chanda Advocate for Applicant(s)

Mr. S. Ali, Sr. Asst. Advocate for Respondent(s)

OFFICE NOTE	DATE	ORDER
<p>This application is in form and within time C. F. of Rs. 50/- deposited vide IPO/BD No. 311809 dated 15.2.96</p> <p><i>[Signature]</i> 12/3/96 S/c. <i>[Signature]</i></p>	14-3-96	<p>Leave note of Mr.M.Chanda. Adjoined for consideration of Admission to 19-3-96.</p> <p><i>[Signature]</i> Member</p>
<p><i>[Signature]</i> 12/3/96 S/c. <i>[Signature]</i></p>	19-3-96	<p>Mr.M.Chanda counsel for the applicant seeks to withdraw this application with liberty to file fresh application within without prejudice to the contentions raised in the present application. Prayer is allowed. Application is disposed of. No order as to costs.</p> <p><i>[Signature]</i> Member</p>
<p>26/8</p> <p>Copy of the order issued to L/Advocate of the parties vide D.No. 2816 & 2817 of 28.8.96.</p> <p><i>[Signature]</i></p>	1m	

26/8

DAT E.

H. E. H.

12 MAR 1996

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Guwahati Bench

গুৱাহাটী বেঞ্চ

An Application under Section 19 of the Administrative
Tribunals Act, 1985.O.A. No. 38/96

Sri Bhikari Lal Mahato.

Vs.

Union of India & Ors.

I N D E X

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Filed By :

M. Chandra

Advocate

Filed by the applicant through M. Chandra, ad.

1. Particulars of the Applicant

Sri Bhikhari Lal Mahato
S/o Sri Raghu Nandan Mahato
Sub Divisional Office of Telegraph
Telepone Exchange, Rangiya
P.O. Rangiya,
Assam Applicant

2. Particulars of the Respondents

1. The Union of India
Through the Secretary to the Govt. of India
Ministry of Telecommunications,
Department of Telecommunication,
New Delhi.
2. The Chief General Manager Telecom
Sonaram Road,
Ulubari,
Guwahati
Assam
3. The Telecom District Manager,
Ulubari, Sonaram Road,
Guwahati.
4. The Sub Divisional Officer of Telecommunication,
P.O. Rangiya,
District, - Kamrup
Assam Respondents

Contd... P/3

Bhikhari Lal Mahato

3. Particulars for which this application is made.

This application is made praying for a direction upon the respondents for posting of the applicant at Dharanga Centre Development of Telematic (in short CDOT) 128P RAX (Rural Automatic Exchange) in the vacant post of Phone Mechanic which is now running by a non-trained Phone Mechanic Shri Bhupen Chandra Das, and also on the ground that the applicant declared qualified in the initial course of training for Phone Mechanic vide ~~order~~ letter No. E-44/95-96/137 dated 12.5.95 (Annexure-1) and also against non-consideration of posting at Dharange in terms of Hon'ble Tribunal's Order dated 23.11.95 passed in O.A. 257/95.

4. Limitation

The applicant begs to state that this application is filed within the prescribed limitation period under Section 21 of the Administrative Tribunal Act, 1985.

5. Jurisdiction of the Tribunal

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

6. Facts of the case

6.1 That the applicant is a citizen of India as such he is entitled to all the rights and privileges guaranteed by the Constituion of India. The applicant is presently serving as Line Man in the Sub-divisional Telegraph Office, Rangiya.

Contd. .. P/4

Bhikhar Lal Mahato

6.2 That the applicant ~~xsxx~~ was initially appointed as Line Man in the year 1973 and was posted at Rangiya thereafter the applicant was promoted under time bound promotion scheme on completion of 16 years of service to the next higher pay scale of Rs. 950-1400 under Office Memorandum No. TDM/Estt-349/OTBP/236 dt. 23.2.90. Thereafter the applicant being found eligible after 21 years of service in the department of Telecommunication he was sent for 12 weeks training for Phone Mechanic vide SDOT, Rangiya letter No. E-7/94-95/34 dt. 17.2.95 at Circle Telecom Training Centre, Bharalumukh, Guwahati-781001 which was commenced from 20.2.95 to 12.5.95. The applicant had successfully completed 12 weeks initial course of training of Phone Mechanics (Switching Specialisation) in the Batch No. 4 from the Circle Telecom Training Centre, Guwahati which would be evident from Circular of Telecom Training Centre letter No. E/44/95-96/137 dt. 12.5.95 and it would further be evident that your applicant secured 2nd position in the aforesaid training amongst 24 trainees.

A copy of the letter dt. 12.5.95 is annexed herewith as Annexure-1.

6.3 That the Principal of the Circle Telecom Training Centre, Deptt. of Telecommunication, Govt. of India, Bharalumukh was pleased to issue a certificate under letter No. E-44/95-96/136 dt. 12.5.95 and declared him secured ^{2nd} position amongst 24 trainees.

A copy of the certificate issued by the Principal Circle Telecom Training Centre is annexed for perusal of the Hon'ble Court as Annexure-2.

Contd...P/5

Phikharilal Mahato

6.4 That your applicant submitted a representation after being declared successful in the Phone Mechanics Examination addressed to the Sub-divisional Officer, Telecom, Rangiya under his letter dated 20.7.95 whereby the applicant prayed for his posting at Dharanga Telephone Exchange which is at present running by a Line Man Shri Bhupen Chandra Das.

A copy of the representation dt. 20.7.95 is annexed herewith as Annexure-3.

6.5 That the applicant although prayed for his posting at Dharanga Exchange by his representation dt. 20.7.95 addressed to the Sub-divisional Officer Telecom, Rangiya but surprisingly Sub-divisional Officer, Telecom, Rangiya posted the applicant at Kumarikata and that too without granting any T.A./D.A. vide SDOT's letter No. E-2/95-96/5 dt. Rangiya 7.8.95. This posting order of the applicant has been passed by SDOT without considering his representation dt. 20.7.95 where the applicant has prayed for Dharanga Telephone Exchange for his posting and the post of Phone Mechanic is lying vacant at Dharanga Telephone Exchange. Be it stated that in Kumarikata there is no sanctioned post of Phone Mechanic or Line Man exists although the posting order is issued by SDOT, Rangiya.

A copy of the posting order issued by the SDOT dt. 7.8.95 is annexed herewith as Annexure-4.

6.6 That the applicant being aggrieved by his posting order dt. 7.8.95 filed another representation dt. 16.8.95 addressed to the Sub-divisional Officer, Telegraph, Rangiya

Contd.....P/6

Bhikharilal Mahata

Sub-division, Rangiya wherein it is prayed that since the applicant completed nearly 22 years of service and after successful completion of Phone Mechanic Examination therefore he is entitled to be posted against a vacant post of Phone Mechanic which is lying vacant at Dharanga Telephone Exchange and is running by a Line Man and it was also stated in the said representation that due to his non-posting as Phone Mechanic he is incurring huge financial loss which he is entitled after being declared successful in the Phone Mechanic Examination and specially when the post is lying vacant in the Dharanga Telephone Exchange and it is also prayed that the posting order at Kumarikata be cancelled and his posting as Phone Mechanic in the Dharanga Telephone Exchange be considered.

A copy of the representation dt. 16.8.95 is annexed as Annexure-5.

6.7 That the Sub-divisional Officer, Telegraph, Rangiya Sub-division, Rangiya vide his letter No. E/2/95-96/13 dated 26.9.95 cancelled his posting at Kumarikata after considering his representation dated 16.8.95.

A copy of the cancellation order dt. 26.9.95 is annexed as Annexure-6.

6.8 That the office of the Chief General Manager, Telecom, Assam Circle, Guwahati vide his letter No. STES-101/120 dt. 2.8.95 whereby the Chief General Manager Telecom was pleased to sanction additional 153 posts of Phone Mechanics and allotted 36 posts of Phone Mechanics under

Contd.....P/7

Bhishan Lal Mahato

Telecom District Manager, Guwahati. Be it stated that the post of Phone Mechanics in the Baihata Chariali Telephone Exchange and Tambulpur Telephone Exchange are filled by the trained Phone Mechanics but the post of Phonic Mechanic presently lying vacant at Dharanga Telephone Exchange is yet to be filled up by a trained Phone Mechanic. Therefore the applicant had requested for his posting at Dharanga Telephone Exchange and specially on the ground since the applicant hailed from the State of Bihar and his son and daughter are studying in the Hindi Medium School at Rangiya presently and if the applicant is now transferred and posted at Dharanga Telephone Exchange in that event it would be convenient for smooth running of the education of the children of the applicant as one Hindi Medium School is thereat Dharanga. The detail particulars of his children are given below :

- | | |
|------------------------------------|--|
| 1. Sri Sitasaran Mahato
Son, | Presently reading in
Class VI in Basumati
Hindi High School at
Rangiya. |
| 2. Sri Prabhusaran
Mahato, Son, | Presently reading in
Class II in Basumati
Hindi High School,
Rangiya. |

Therefore it would be a great help towards the children of the applicant if he is posted as Phone Mechanic at Dharanga Telephone Exchange which is presently lying vacant and thereby he would also be able to serve in the promotional post of Phone-Mechanic. Therefore the Hon'ble Tribunal be pleased to direct the respondents to consider

Contd...P/2

Bhikharilal Mahato,

the posting of the applicant in the promotional post of Phone Mechanic at Dharanga Telephone Exchange to facilitate to utilise the service of the applicant in the promotional post of Phone Mechanic.

A copy of the order dt. 2.8.95 is annexed as Annexure-7.

6.9. That the applicant begs to state that he is serving in the department of Telecommunications for a period of about 22 years therefore it is a legitimate expectation on the part of the applicant for the posting in the promotional post of Phone Mechanic in a suitable place like Dharanga Telephone Exchange where at least a Hindi Medium School is available for smooth running of education of his children and therefore it is a fit case where the Hon'ble Tribunal be pleased to interfere and further be pleased to direct the respondents to consider his posting at Dharanga Telephone Exchange against the existing vacant post of Phone Mechanics.

6.10 That the applicant also approached to this Hon'ble Tribunal for his posting at Dharanga Telephone Exchange in place of Sri Bhupen Chandra Das, Line Man, who is now being utilised as Phone Mechanics although he is not trained and qualified Phone Mechanics. He (the applicant) approached this Hon'ble Tribunal through O.A. No. 257/95. The Hon'ble Tribunal was pleased to dispose of the O.A. No. 257/95 vide order dated 17.11.95 wherein the Hon'ble Tribunal was pleased to direct the respondents as follows :

Contd...P/9

Bhikharilal Mahato

"The applicant is directed to submit a representation to the competent authority ~~andxxx~~ of the respondents within 10 days from today and the competent authority of the respondents may sympathetically consider the case of the applicant for posting him at a place of his choice, namely, Darranga Telephone Exchange keeping in view the personal difficulties expressed by the applicant in this application regarding education of his children."

But the respondents particularly Respondent No. 4 even after redeipt of his representation dtd. 23.11.95 did not consider the case of posting of the applicant at Darranga Telephone Exchange. The applicant especially in his representation dtd. 23.11.95 have taken the ground that since he had been declared successful for appointment to of the post of Phone Mechanic and since the post/Phone Mechanic at Darranga Telephone Exchange ^{is vacant} the applicant prayed for his posting at Darranga Telephone Exchange as Phone Mechanic and it is a legitimate expectation of the applicant.

A copy of the order dtd. 27.11.95 and representation dtd. 23.11.95 are annexed as Annexure 8 and 9 respectively.

6.11 Most surprisingly the Respondent No. 4 vide letter No. E-2/95-96/32 dtd. 13.12.95 informed the applicant that his prayer for transfer to Darranga Telephone Exchange and ^{not to be} ~~posted~~ ^{Kept} at Rangiya ^{as} ~~is~~ Indoor Phone Mechanics. In this.

Contd...P/10

Bhikharilal Mahata

connection the applicant begs to state that the purpose for which the applicant was sent for training is for utilising his service in C-DOT Telephone Exchange but the present posting in the phone mechanic the service of the applicant cannot be utilised and there is no scope also to acquire further skill for the job for which the applicant is trained and the applicant is trained. Therefore it is necessary that the applicant be posted in a C-DOT Telephone Exchange and the post of Phone Mechanic is available at C-DOT Telephone Exchange, Darranga, where a Line Man is placed in charge of Phone Mechanic for a long period and the qualified Phone Mechanic like the applicant ~~keeping~~ being denied arbitrarily the appropriate posting although the post of Phone Mechanic is lying vacant at Darranga Telephone Exchange. The decision communicated by the SDO under letter dtd. 13.12.95 is arbitrary, unfair, and liable to be set aside and quashed and the same is amount to Contempt of Court when there is a positive direction from the Hon'ble Tribunal to consider the case of the applicant passed in O.A. No. 257/95 on 17.11.95

6.12 That the applicant served a Lawyer Notice on 9.1.96 claiming his posting at Darranga Telephone Exchange but the Respondent No. 4 harrassing the applicant with some baseless allegations. Therefore the applicant finding no other alternative again approached this Hon'ble Tribunal for a positive direction for his posting at Darranga Telephone Exchange, in the vacant post of Phone Mechanic in C-DOT, Telephone Exchange. Darranga.

Contd.../11

Whole
Adv.

Bhikharilal Mahato

6.13 That the applicant begs to state that due to non-posting of the applicant as C-DOT Telephone Exchange the applicant is incurring loss of Rs. 150/- per month.

6.14 That it is a fit case where Your Lordship's would be pleased to direct the Respondent No. 4 to appoint the applicant at Darranga Telephone Exchange.

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

7. Reliefs prayed for

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

1. That the respondents be directed to consider the posting of the applicant in the promotional post of ^{Phone}~~Phonic~~ Mechanic at Darranga Telephone Exchange against the existing vacant post of Phone Mechanic.
2. To set aside and quash the order under letter No. E-2/95-96/32 passed by the Respondent No. 4.
3. To pass any other order or orders as deemed fit and proper under the facts and circumstances stated above.

The above reliefs are prayed on the following amongst other -

Contd....P/12-

Bhikhar Lal Mahata

G R O U N D S

1. For that the applicant is declared successful in the Phone Mechanic Examination and entitled to be posted to the promotional post of Phone Mechanic from the post of Line Man.
2. For that the post of Phone Mechanic at Darranga Telephone Exchange is lying vacant.
3. For that Darranga Telephone Exchange is under Rangiya Sub-divisional Officer, Telegraphs and there cannot be any difficulty on the part of the respondents for considering his posting at C-DOT 128 P(RAX) Telephone Exchange.
4. For that due to non-posting to the post of Phone Mechanic the applicant is incurring a financial loss of about Rs. 150/- per month, *as the applicant is deprived of special increment.*
5. For that posting of the applicant at Darranga Telephone Exchange would facilitate the smooth running at the education of his minor children who serving in the department for about 22 years.
6. For that the order of non-consideration passed by the Respondent No. 4 without application of mind and the same is amount to contempt of Court, *and the same is liable to be set-aside and quashed.* Contd....P/13

Bhikharilal Mahato,

7. For that the applicant secured second position in the Training Examination of Phone Mechanic and entitled to be posted in the promotional post of Phone Mechanic.

8. *For that applicant is entitled to be posted in c-dot Telephone Exchange.*
Interim Relief sought for

During the pendency of the case the respondents be directed to consider the posting of the applicant at Darranga Telephone Exchange.

The above relief is prayed on the ground explained in paragraph 7 of this application.

9. Details of remedy exhausted

There is no scope of any other remedy under any rule. There is no service rule in this respect and the Hon'ble Tribunal is the only remedy for the applicant.

10. Matter is not pending/any other Court/Tribunal in

The applicant declares that he has not filed any other application before any other Court/Tribunal.

11. Particulars of Postal Order

Postal Order No.	: 311 809
Date of Issue	: 15-2-96.
Issued from	: G.P.O., Guwahati.
Payable at	: G.P.O., Guwahati

12. Details of Index

An Index showing the particulars of documents is enclosed.

13. List of enclosures

As per Index.

Bhikhari Lal Mahato.

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

I, Sri Bhikari Lal Mahato, S/o Sri Raghu Nandan Mahato, resident of Rangiya, working in the Sub-divisional Office of Telegraph, Telephone Exchange, Rangiya, P.O. Rangiya, Dist. Kamrup Assam do hereby declare that the statements made in this application are true to my knowledge and belief and I have not suppressed any material facts.

I, sign this verification on this the 20th day of February, 1996.

Bhikharilal Mahato

Place : Guwahati

SIGNATURE

ANNEXURE-1

DEPARTMENT OF TELECOMMUNICATIONS,
OFFICE OF THE PRINCIPAL, CIRCLE TELECOM TRAINING INST CENTRE
BHARALUMUKH, GUWAHATI-19

No. E-44/95-96

Dated at Guwahati the 12 May '95

On successful completion of 12 week initial Course Training on 'PHONE MECHANIC (SWITCHING SPECIALISATION) w.e.f. 20.02.95 to 12.05.95, the following trainees of batch No. 4 are hereby released on the A/N of 12th May 1995 from the Circle Telecom Training Centre, Guwahati with direction to report back to their deputing unit as indicated below :

Sl.No.	Name of the Trainees	Rectt.Unit.	R.Unit.
1.	Sri Nani Gopal Baidya	TDE/SC	SDOT/KRJ
2.	Sri Bhikharilal Mahato	TDM/GH	SDOT/RNY
3.	Sri Budhu Lal Choudhury	TDE/BGN	SDE/OP
4.	Sri Adit Chandra Medhi	TDM/DR	SDE (C)/DR
5.	Sri Khorshed Ali	TDM/TM	SDOT/NLD
6.	Sri Dineswar Patar	TDS/NCG	SDOT/NCOG
7.	Sri Biran Baruah	TDE/TZ	SDE (G)/B.Chari ralli
8.	Sri Manik Ranjan Malakar	TDE/SC	SDOT/NLG
9.	Sri Umesh Chandra Boro	TDM/GH	SDOT/KMP
10.	Sri Krisna Mohan Ray	TDM/DR	SDOT/Hojai
11.	Sri Ram Pratap Mishra	TDM/DR	SDOT/Hojai
12.	Sri Harendra Ray	TDE/NGG	SDOT/Hojai
13.	Sri Bina Gogoi	TDE/NGG	SDOT/NGG
14.	Sri Krishna Ram	TDE/BGN	SDOT/DU
15.	Sri Kashi Ram Kalita	TDE/BGN	SDOT/NLB
16.	Sri Dharmeswar Sonowal	TDE/TZ	SDOT/NMP
17.	Sri Chandra Saikia	TDM/GH	SDOT/GM (C)
18.	Sri Abhi Ram Huzuri	TDM/GH	SDOT/RNY
19.	Sri Sarif Uddin Ahmed	TDM/GH	SDOT/RNY
20.	Sri Deben Rajbanshi	TDM/GH	SDOT/RN
21.	Sri Khailur Rahman	TDE/SC	SDOT/HKD
22.	Sri Rama Gogoi	TDE/JRT	SDOT/JRT
23.	Sri Hiteswar Dutta	TDE/JRT	SDOT/JRT
24.	Sri Haraswar Senapati	TDE/JRT	SDOT/JRT

Sd/- Illegible
Circle Telecom Training Centre
Bharalukukh, Guwahati.

Copy to :-

1. The Chief General Manager Telecom, Assam Circle, Guwahati
- 2-3 The Telecom District Manager, Guwahati/Dibrugarh.
- 4-8 The Telecom District Engineer, Bongaigaon/Nagaon/Jorhat
Tezpur/Silchar:
9. The Sub-divisional Engineer (Cable), Dibrugarh.
- 10-11. The S.D.O. Phones, Guwahati (Central/Dibrugarh).
- 12-22. The S.D.O. Telegraphs, Bongaigaon/Nagaon/Hailakandi/Hailakandi.
- 23-24. The S.D.E.P., Group Goalpara/Biswanath Chari
- 25.-48 The Trainees concerned
49. The Office Copy.

Sd/- Illegible
Circle Telecom Training Centre
Bharalukukh, Guwahati

AH-51-20
Chh
Adh

ANNEXURE-2

No. E-44/95-96/136

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
CIRCLE TELECOMMUNICATION TRAINING CENTRE

Seal

BHARALUMUKH, GAUHATI-9

TRAINING COURSE IN

Phone Mechanic (Switching Specilisation)

This is to certify that Shri Bhikhari Lal Mahato
successfully completed the above mentioned training course
conducted by this training centre from 20.02.95 to 12.05.95
and secured II position.

Sd/- Illegible

PRINCIPAL 12.5.95

Guwahati, dated the 12th May '95

Attested
By
Adv.

ANNEXURE-3

To

The Sub Divisional Officer Telegraph
Rangiya Sub Division, Rangiya

Dated, Rangiya the 20th July 1995

Sub : Prayer for Transfer from Rangiya to Darranga
Telephone Exchange.

Sir,

With kind regards I beg to state that the following
a few lines for your kind consideration and favourable
action :-

That I have been working in Rangiya under your Sub-division
since 11th May 1973 and undergone training for Phone Mechanic
with effect from 20th February, 1995 to 12th May 1995 in the
Office of the Principal Circle Telecom, Training Centre,
Bharalumukh, Guwahati-9 and completed successfully in the
said training. After that received a released letter No.
E-44/95-96/137 dated at Bharalumukh Guwahati-9 on 12.5.95
that letter is also enclosed herewith.

~~2x~~ That it is learnt that there is untrained man in the
telephone exchange in the said and as I have completed
more than 20 years in your Sub Division. So may please be
transferred from Rangiya to Darranga Telephone Exchange.

Thanking you,

Yours faithfully,

Sd/-

(Bhikhari Lal Mahato)
Phone Mechanic
Rangiya

Copy to :

The Branch Secretary,
N.U.T.E.E. Ls & Cl-IV,
Rangiya for information
and take necessary action
please.

Attest
Chula
Adv.

ANNEXURE-4

From

To Sri B.L.Mahato

Subject : Prayer for transfer from Rangiya to
Darranga Telephone Exchange

Ref : Your letter No. Nil dt. 20.7.95

Kindly refer to your above letter on the above mentioned subject. This is to intimate you that your prayer for transfer is considered and posted under Darranga Exchange headquarter being Kumarkata. No TA/DA is admissible as it is a request transfer. This is for favour of your information please.

Sd/- Illegible

Copy to :

TDOP/Rangiya for favour of information and necessary action.

Sd/- Illegible

Attested
@
Sd/-

ANNEXURE-5

To

The Sub divisional Officer Telegraphs
Rangiya Sub Division, Rangiya

Dated, Rangiya the 16th August 1995

Sub : Prayer for transfer from Rangiya to Darranga
Telephone Exchange.Ref : Your letter No.E-2/95-96/5 dated at Rangiya the
7th August 1995.

Sir,

With best regards I beg to state that an application was filed on 20.7.95 (A photostat copy is enclosed herewith) for transfer of me from Rangiya to Darranga Telephone Exchange. On the body of my application it is stated by you as "Recommended Head Quarter at Kumarikata" and subsequently a copy of your Office Memo issued to me stating therein as "your prayer for transfer is considered and posted under Darrange headquarter being Kumarikata with direction not pay TA/DA as transfer is on request.

Indeed and virtually the fact of my filing transfer application is that I am to be posted from Rangiya to Darranga in place of Sri Bhupen Ch. Das Lineman who is now line man of Darranga Telephone Exchange who has not passed any phone mechanic examination inspite of holding the incharge of Darranga Telephone Exchange last 20 years where as I have successfully completed phone mechanic training held at Bharalukukh, Guwahati by securing second position among 24 (twenty four) trainees vide letter No. E-44/95-96/137 dtd. 12.5.95.

It is failed to understand the reason of my transfer from Rangiya to Kumarikata and keeping an unqualified untrained man like Sri Bhupen Ch. Das lineman as in charge of Darrange Telephone Exchange, further I am compelled to pointout that with some narrow motive and personal interest and throwing out the interest of service. You have kept Sri Bhupen Ch. Das under your jurisdiction throwing me to a place where I have never prayed for.

Contd.....

A H 21-22
Chakraborty
Adv.

Once again, I fervently and respectfully request your kindness kindly reconsider my case at the interest of service and on reconsidering the same. I may please be transferred from Rangiya to Darranga in place of Sri Bhupen Ch. Das lineman who is now incharge of Darranga Telephone Exchange and by not transferring me as Phone Mechanic I am in loss of getting emoluments as Phone Mechanic being entitled to get the same. Further I request that as Sri Bhupen Chandra Das is not a qualified person for the post and not passed any Phone Mechanic Examination and training he may be transferred to Kumarikata. It is once again requested that the whole matter may be considered within a period of 30 (thirty) days from today i.e. 16.8.95 and failure of this I am to approach before the competent court of law and no notice is to be served upon you before filing the suit in the competent court of law.

Thanking you,

Yours faithfully,

Sd/- Bhikhari Lal Mahato
16.8.95
Phone Mechanic, Rangiya

Copy to

The Junior Telecom Officer, Rangiya, for necessary information Sir.

2. The District Engineer (External-2) for necessary information & take action Sir. (in the o/o the TDM Guwahati).
3. The Telecom District Manager, Ulubari, Guwahati-7 for necessary information Sir,
4. The Branch Secretary of Rangiya, National Union Telecom. Telegraph Engineering Employees L/S & CL -IV for information and take necessary action please.
5. District Secretary, National Union Telegraph, Guwahati Division, Guwahati for information and take necessary action please.
6. Circle Secretary, National Union Telegraph Assam Circle, Guwahati of LS & CL-IV for information and take necessary action please.

Yours faithfully,

Sd/- Bhikhari Lal Mahato
Phone Mechanic
Rangiya

*Attended
Chhara
Adv*

ANNEXURE-6

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE SDOT, RANGIYA.

To

Sri B.L.Mahato L.M,
Rangiya Telephone Exchange

No. E-2/95-96

Dated 26.9.95

Sub : Transfer Order

Ref : This Office letter No. E-2/95-96/5
dt. 7.8.95

Kindly refer to the letter No. mentioned. above.

This is to intimate you that the order issued vide
above letter has been kindly treated~~d~~ as cancelled.

Sd/- Illegible

Sub divisional Officer Telegraphs

Copy to

JTDP/Rangiya for favour of information and n/a

Sd/-

Sub Divisional Officer Telegraphs

*Attended
C. K. S.
Adv.*

ANNEXURE-7

Government of India
 Department of Telecommunications
 Office of the Chief General Manager Telecom : Assam Circle
 Ulubari : Guwahati-781007

No. STES-101/120

Dated at Guwahati the 2nd August 199

Sanction of the Chief General Manager Telecom., Assam Telecommunication Circle, Guwahati is hereby conveyed for creation of 153 (one hundred & fifty three) additional posts of Phone Mechanics in the pay scale of Rs. 975-25-1150-EB-30-1540 for Assam Telecom Circle.

The expenditure is debitable to the relevant Head of the Accounts and to be met from the sanctioned budget of the Current Financial Year.

The sanction issues with the concurrence of the Circle IFA.

These posts are in addition to the 169 (one hundred sixty nine) posts sanctioned earlier vide this office letter No. STES-101/120/55 dtd. 05.07.93.

With the sanction of these 153 additional posts of Phone Mechanics, I am directed to convey the allotment of posts to various SSA as furnished below :

<u>Sl.No.</u>	<u>Name of SSA</u>	<u>No. of Posts allotted</u>
1	TDM, Guwhati	36
2	TDM, Dibrugarh	22
3	TDE, Nagaon	32
4	TDE, Jorha	11
5	TDE, Bongaigaon	24
6	TDE, Tezpur	14
7	TDE, Silchar	14
	TOTAL	153

(One hundred fifty three) only.

The Heads of SSA are requested to maintain Community Roster Register accordingly.

SSA Heads are instructed to furnish the list of Promoted Officials with name and cadre from which promoted immediately after the event.

Sd/- M. Biswas
 Asstt. Director (Telecom H&R)
 for Chief General Manager,
 Assam Telecommunication Circle

*Attended
 Chiles
 ASR*

Annexure-7 (Contd.)

Letter No. STES-101/120 Dtd. at Guwahati, the 2.8.95
Copy for information and necessary action to :

- 1-2 The Area Managers Telecom, Guwahati/Dibrugarh.
- 3-4 The Telecom. District Managers, Guwahati/Dibrugarh.
- 5-9 The Telecom. District Engineers, Nagaon/Jorhat/
Bongaigaon/Tezpur/Silchar.
- 10-11 The ADT (Staff/HRD), Circle Office, Guwahati
- 12-13 The AO (A&P/TA), Circle Office, Guwahati.
- 14 File No. RNCTZ-3/58-91
- 15 The Hindi Officer, C.O., Guwahati for Hindi Version
of this letter.
- 16-18 Concerned Circle Secretaries of the Service Unions.
- 19 Guard File.

Sd/- Illegible
Asstt. Director Telecom (E&R)
for Chief General Manager,
Assam Telecommunication Circle

Sri G.Lal Ray, Circle, Secretary, NUTEE L/S & Gr. D C/o
SDOP, Ambari Gh.

AA est-
Chila
adv.

ANNEXURE-8

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO. 257 of 1995

~~XXXXX~~

B.L.Mahato (APPLICANT(S))

-VS-

U.O.I (RESPONDENT(S))

For the Applicant(s) Mr. M.Chanda

For the Respondents Mr. G. Sarma, Addl. C.G.S.C.

OFFICE NOTE	DATE	ORDER
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17.11.95	Mr. M.Chanda for the Applicant Mr. G.Sarma, learned Addl.C.G.S.C. for the respondents.
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Mr. M.Chanda, learned counsel for the applicant, Shri B.L.Mahato, moves this application unlisted on the ground that there is urgency in the matter. In this application the applicant seeks for a direction on the respondents to post him as a Telephone Mechanic at Dharanga Centre Development of Telematic as he is a qualified mechanic and as there is a vacant post in that place. He is presently working in the Office of the Sub-divisional office of Telegraphs, Telephone Exchange, Rangiya as Lineman. The grounds on which the applicant has based his claim are broadly-

1. That as a qualified Telephone Mechanic he is entitled to be posted as a Telephone Mechanic.

Contd...

*Attended
Order
Adv.*

OFFICE NOTE

DATE

ORDER

17.11.95 2. By not posting him as Telephone Mechanic he is incurring financial loss in every month, and

3. There is a Hindi Medium School in Dharanga. For the benefit of his school going children his posting in Dharanga is essential.

The learned Addl. C.G.S.C. Mr. G.Sarma, has received copy of the application today and seeks to appear for the respondents. He opposes admission of this application.

Perused the application and heard the learned counsels. The real grievance of the applicant is that he should be transferred and posted in Dharanga Telephone Exchange in place Shri Bhupen Chandra Das, Line man, who is in-charge of the Exchange although he is an unqualified mechanic was not posted to that Exchange. On the basis of his representation dated 20.7.95 he was once posted on transfer to Daranga Exchange but with Kumarikata as Headquarter. He further made a representation dated 16.8.1995 for his transfer from Rangiya to Daranga. Subsequently, the earlier transfer order posting the applicant to Kumarikata was cancelled on 26.9.1995. There is no further decision whether the applicant should be transferred from Rangiya to Daranga. The other grievance of the applicant seems to be that he should be posted in Daranga Telephone Exchange as Phone Mechanic on promotion. The other ground regarding medium of Instruction of his school going children appears to be a matter of his personal difficulties. All these matters are best left to the respondents for their consideration. Therefore, this application is disposed of with the following directions :

Contd...

Shastri
Ola
Adv.

Annexure-8 (Contd.)

OFFICE ORDER	DATE	OFFX	ORDER
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17.11.95

The applicant is directed to submit a representation to the competent authority of the respondents within 10 days from today and the competent authority of the respondents may sympathetically consider the case of the applicant for posting him at a place of his choice, namely, Darrange Telephone Exchange keeping in view the personal difficulties expressed by the applicant in this application regarding education of his children.

Sd/- Member (ADMIN)

Attested
Chhila
Adv.

ANNEXURE-9 30

To
The Sub-Divisional Officer Telegraphs
Rangiya Sub-Division, Rangiya

Dated Rangiya the 23/11/95 Kov

Sub : Prayer for posting at Darranga Telephone Exchange,
Darranga.

Ref : Honourable Central Administrative Tribunal, Guwahati Bench
Guwahati Order dated 17.11.95.
passed in original application No. 257/95,
(Bhikhari Lal Mahato Vs. Union of India & Ors.)

Sir,

I have the honour to state you that being aggrieved for non-posting me at Darranga telephone exchange under your Sub-Division I filed an application in the Hon'ble Central Administrative Tribunal Guwahati specially on the ground that since I have been declared successful for appointment to the post of phone Mechanics and there is a post of phone Mechanic lying vacant at Darranga telephone exchange and my children are studying in Hindi Medium School so, it would be convenient on my part for smooth runnin of education of my children if I am posted at Darrange telephone exchange as Hindi Medium School is available at Darrange.

The Hon'ble Tribunal after considering my grievances passed the necessary order directing to consider sympathetically my posting at Darranga telephone exchange.

In this connection it may be stated that my son Sri Sita Sharan Mahato presently reading in Hindi Medium School at Rangiya in Class-VI and Sri Prabhu Sharan Mahato reading in Class-II in Hindi Medium School at Rangia. Therefor if I am posted at Darranga telephone exchange in the promotional post of phone Mechanic at Darrange in that event it would be convenient for my children to prosecute education at Darranga Hindi Medium School.

Contd..

Handwritten signature: A. H. Mahato

Annexure-9 (Contd.)

I would be highly grateful if your goodself consider my posting as phone Mechanic at Darranga telephone exchange as per C.A.T. order dated 17.11.95.

A copy of original application No. 257/95 and C.A.T. order dated 17.11.95 are annexed herewith for necessary action.

Yours faithfully,

Sd/- Bhikhari Lal Mahato,
P/M 23.11.95

Rangia Telephone Exchange, Rangia.

Enclosures - 23 only

- (i) Original Application contd. Page 01-20.
- (ii) O/A No. 257/95 with Central Administrative Tribunal Guwahati Order dated 17.11.95
- (iii) Application dated 23.11.95.

Copy to

1. The Divisional Engineer (Plg. & Admn.), O/o the TDM Guwahati for information and take necessary action.
2. The Telecom District Manager, Guwahati-7 for information and take necessary action.

Attested
Chh
H.V.

Annexure-10 ✓

DEPARTMENT OF TELECOMMUNICATIONS

From
Sub Divisional Officer
Telegraphs
Rangia

To
Sri B.L.Mahato
P.M.

No. E-2/95-96/32

Dated at Rangia the 13.12.95

Subject: Transfer Order

Ref : Your letter No. Nil dt. 23.11.95

Kindly refer to your above letter on the above mentioned subject. This is to intimate you that your prayer for transfer to Darrange Exchange is not considered and posted at Rangiya Exchange as I/D Phone Mechanic. No. TA/DA is admissible as it is local transfer. This is for favour of your information please.

XXXXXXXXXXXX

Sd/- Illegible

Copy to

JTOP/Rangiya for favour of information and
necessar action.

Sd/- Illegible
Sub-Divisional Officer,
Telegraphs, Rangiya

Att-
Adv.
Adv.

Annexure-11

Date 09.01.96

Legal Notice

To
The Sub-divisional Officer,
Telecommunication,
P.O.Rangiya,
Dist. Kamrup

Under the instruction of my client Sri Bhikhari Lal Mahato, Phone Mechanics, office of the Sub-divisional Office, Telecom, Telephone Exchange, Rangiya, P.O.Rangiya I do hereby thive this statutory notice on the following grounds :-

1. That my client who is now qualified as Phone Mechanics after successful completion of 12 week Training and now posted as Phone Mechanics posted under your Sub-division, Rangiya.
2. That my client had filed an Original Application before the Central Administrative Tribunal, Guwahati claiming his posting as Phone Mechanics under C-DOT Exchange as Darranga Telephone Exchange since there is a post of Trained Phone Mechanic is lying vacant and Darranga Telephone Exchange is run by a untrained phone mechanics. Therefore it is desirable that my client who secured 2nd position in the Training, be posted in the appropriate post of phone mechanics so that the experience gained by my client be utilised properly in the Telecom Department but unfortunately my client is in the Rangiya Sub-division Telecom office along with 4 other phone mechanics and appropriate work also not allotted as per his status whereas posts of phone mechanics lying vacant at Darranga.Telephone Exchange under Your Sub-division is being run by untrained phone mechanics.

Attested
@
Adm

Therefore it would be legitimate claim and expectation of my client for posting in the vacant post of Phone Mechanic at Darranga Telephone Exchange. It is ought to be mentioned that even after the Hon'ble Tribunal order dtd. 17.11.95 no action has been taken for posting of my client at Darrang ~~Exchngs~~ Telephone Exchange which is amout to Contempt of Court. Therefore I request you to consider posting of my client at Darranga Telephone Exchange with immediate effect failing which my client shall institute case in appropriate forum. Hope you will do needful for my client.

Thanking you,

Yours Sincerely,

Date 09.01.96

sd/. (Abdur Roshid)
Advocate

Att. to
Adv.
AdV