

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05**

X

(DESTRUCTION OF RECORD RULES, 1990)

ORA 6/98 under 1704 instructions 1.5.98
CP 12/97 under page 164 of column 1.2.98

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R.A/C.P No. 6/98
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SECTION OFFICER (Judl.)

Bahita
25.1.18

ORIGINAL APPLN. NO. 59 OF 1995
 TRANSFER APPLN. NO. OF 1995
 CONTEMPT APPLN. NO. OF 1995 (IN OA NO.)
 REVIEW APPLN. NO. OF 1995 (IN OA NO.)
 MISC. PETN. NO. OF 1995 (IN OA NO.)

..... Madan Ch. Gayari..... APPLICANT(S)

-vs-

..... Union of India..... RESPONDENT(S)

FOR THE APPLICANT(S) ... MR. J.L. Sarkar
 MR. M. Chanda
 MR.

FOR THE RESPONDENTS ... MR. ~~Mr. S. Sarma~~
 G. Sarma, Addl. C.G.S.C.

OFFICE NOTE

DATE

ORDER

12.4.96

The application is to
 be filed within time.
 C. F. of Rs. 50/-
 deposited vide
 IPO No. 345/06
 Dated 4.3.96

B.P.
 By Registrar *11/4*
AD

Learned counsel Mr J.L. Sarkar moved
 this application on behalf of the
 applicant Sri Madan Ch. Gayari. Learned
 Addl. C.G.S.C Mr G. Sarma is present for
 the respondents.

Heard Mr Sarkar for admission.
 Perused the contents of the application
 and the reliefs sought. The grievance
 of the applicant is for not sending him
 for training while 12 other candidates
 were sent for training from 5.1.96.

Application is admitted. Issue notice
 on the respondents by registered post.
 Written statement within six weeks.

List on 31.5.96 for written statement
 and further orders.

Pendency of this application shall
 not be a bar for the respondents to send
 the applicant for training.

Copy of this order may be furnished
 to the counsel of the parties.

[Signature]
 Member

pg

Requisite steps are
 received & issued vide
 no. 843-46 dt. 17.4.96
 Copy of the order sent
 to the counsel of parties
 no. 825-26 dt. 16.4.96
 15/4/96

Notice duly served
 in R. no. 40. L

W/ statement ch. not sent
 filed 15/4/96

(2)

ORIGINAL APPLN. NO. 59 OF 1995
 TRANSFER APPLN. NO. OF 1995
 CONTEMPT APPLN. NO. OF 1995 (IN OA NO.)
 REVIEW APPLN. NO. OF 1995 (IN OA NO.)
 MISC. PETN. NO. OF 1995 (IN OA NO.)

..... APPLICANT(S)

-v-

..... RESPONDENT(S)

FOR THE APPLICANT(S) ... MR.
... MR.
... MR.
... MR.

FOR THE RESPONDENTS ... MR.

OFFICE NOTE

DATE

ORDER

31.5.96

Mr M.Chanda for the applicant.
 Leave note of Mr G.Sarma, Addl.C.G.S.C
 Written statement has not been filed.
 List on 2.7.96 for written state
 ment and further orders.

ba
Member (A)

J
Member (J)

pg
2.7.96

Mr G.Sarma, Addl.C.G.S.C for the
 respondents. Written statement has
 not been submitted.
 List on 31.7.96 for written stat
 ment and further orders.

ba
Member

pg
31.7.96

Mr M.Chanda for the applicant.
 Mr S.Ali, Sr.C.G.S.C for the responder
 Mr Ali seeks further time for submi-
 ssion of written statement.

List on 23.8.96 for written sta
ment and further orders.

ba
Member

19.7.96

A letter from
 received from
 the C.G.M.T, Guwahati
 Bazaar that Mr. S.
 Ali represent the
 case in OA. in spite
 of Mr. G. Sarma, Addl.C.G.S.C.

ba

23.8.96

Mr M.Chanda for the applicant.
Mr S.Ali, Sr.C.G.S.C for the respon-
dents.

Written statement has not been
submitted. Mr Ali seeks further one
month time to file written statement.

List for written statement and
further orders on 23.9.96.

62
Member

5.9.96

pg
M
23/98

*W/S filed by Mr
P. no. 1, 2, 3 & 4 at
Pg 38 - 46. Annexure status
in W/S not received.*

23.9.96

Learned counsel Mr M. Chanda
for the applicant. Mr S. Ali, learned Sr.C.G.S.C.
for the respondents submitted written
statement. Mr Chanda seeks time to file
rejoinder. Allowed.

List on 18.10.96 for rejoinder and
further orders.

62
Member

Rejoinder cross not b/w.

nkm
M
29/9

18.10.96

Mr M.Chanda for the applic
Mr S.Ali, Sr.C.G.S.C for the res
dents. Written statement has been
submitted.

List for hearing on 23.9.96.

62
Member

13-12-96

*Rejoinder filed
by applicant.*

ng
M
23/10

Let the case
be listed for hearing on 22.4.97.

21.4.97

5.3.97

1) The case is ready
as regards written
statements and rejoinders.

Member

Vice-Chairman

2) Memo of appearance
not yet filed.

pg

11/3

21/4/97

22.4.97. Let the case be listed on 30.4.97
for hearing.

DWS and rejoinders
are filed

lms
K
2/1/1

Member

Vice-Chairman

NO appearance
K.D.

30.4.97

Mr. M.Chanda has informed that Mr.
J.L.Sarker, who is in-charge of this case has
suddenly become indisposed and unable to argue
the case today. Accordingly the is adjourned
till 23.5.1997.

List on 21.5.97 for hearing.

Member

Vice-Chair

trd

30.4.97 . . . Mr. M.Chanda has informed that Mr. J.L.Sarker, who is in-charge of this case has suddenly become indisposed and unable to argue the case today. Accordingly the is adjourned till 23.5.1997.

List on 21.5.97 for hearing.


Member


Vice-Chairman

*D W/S. v Rejinder
hs b/w
NO appearance hs
b/w*

trd
2/5
215

21-5-97

Left over. List for hearing on 30-5-97


Member


Vice-Chairman

*W/S and Rejinder
hs b/w*

lm
23/5

30.5.97

After hearing at some length Mr J.L. Sarker, learned counsel for the applicant expresses that he desires to have some instructions from the applicant and prays for adjournment.

Heard in part. List on 26.6.97 for further hearing on the top of the list.


Member


Vice-Chairman

*Memo ab apmarasel
f/w by Mr. S. Ali
S. C. S. C.*

pg

26.6.97

Heard in part. List it on 30.6.97 for further hearing.


Member


Vice-Chairman

*W/S and Rejinder
hs b/w*

nkm

25/6

30-6-97

Heard Mr. J.L. Sarkar, learned counsel for the applicant. Also heard Mr. S. Ali, learned Sr. C.G.S.C. for the respondents. The contention of Mr. Sarkar is that the other employees, who were sent for similar training, no such condition had been imposed. He has mentioned the names of (1) Sri Narayan Das, TI, (2) Sri Rashamoy Das, RSA, (3) Sri Umesh Ch. Baishya, TI, (4) Sri Namoram Baruah, RSA, (5) Sri P.L. Chattaraj, RSA, (6) Sri Khanindra Nath Gogoi, TI, (7) Sri Dandadhar Banerjee, TI, (8) Rama Kanta Boro, TI, (9) Sri Bapuram Boro, TI, (10) Sri Rabindra Nath Saha, RSA, (11) Sri Nirmal Kanti Saha, RSA, (12) Sri Sarbananda Mahanta, TI. The applicant being similarly situated, most unreasonably and arbitrarily imposed the condition. Mr. Sarkar also submits that there is no rule for imposing such conditions. Mr. S. Ali prays for adjournment till to-morrow.

List it on 2-7-97.


Member


Vice-Chairman

lm

28.7.97

Copy of the judgment has been communicated to the parties vide D.No. 2423 to 2427 on 16.7.97.



2.7.97

Heard Mr J.L. Sarkar, learned counsel for the applicant and Mr S. Ali, learned Sr. C.G.S.C. on behalf of the respondents. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.


Member


Vice-Chairman

nkm

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

O.A. NO. 59 of 1996
T.A. NO.

DATE OF DECISION 2.7.1997

Shri M.C. Gayatri

(PETITIONER(S))

Mr J.L. Sarkar and Mr M. Chanda

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India and others

RESPONDENT (S)

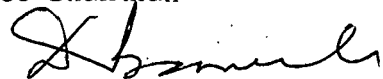
Mr S. Ali, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN
THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

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

Judgment delivered by Hon'ble Vice-Chairman



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.59 of 1996

Date of decision: This the 2nd day of July 1997

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

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Madan Chandra Gayatri,
Resident of Tarun Nagar,
Guwahati.

.....Applicant

By Advocate Mr J.L. Sarkar and Mr M. Chanda.

- versus -

1. The Union of India, through the
Secretary to the Government of India,
Ministry of Telecommunication,
Department of Communication,
New Delhi.
2. The Director General,
Department of Communication,
Government of India,
New Delhi.
3. The Chief General Manager, Telecom,
Department of Telecom,
N.E. Circle,
Shillong.
4. The Chief General Manager, Telecom,
Assam Circle, Guwahati.

.....Respondents

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

.....

O R D E R

BARUAH.J. (V.C.)

In this application, the applicant has prayed for issuance of appropriate direction to the respondents.

2. Facts for the purpose of disposal of this application are:

In 1975 the applicant was appointed Phone Inspector. His next promotional avenue was Junior Telecom Officer (for short JTO). The applicant was selected in the qualifying departmental

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10
examination in the year 1985. He was to undergo training for the post of JTO at Jabbalpur. The training was for a period of thirtyseven weeks. The applicant, however, could complete only thirtytwo weeks as he fell sick and as a result he was compelled to return. The training was necessary for the purpose of promotion and it was the duty of the department also to make necessary arrangements for imparting the training. As the applicant could not complete the training because of his illness the applicant approached the competent authority by submitting representation. On 10.9.1991, the applicant was allowed to resume his training for the second time. However, this time the authority imposed the conditions that on successful completion of the period of training the applicant would be required to serve in the N.E. Circle and also he shall be made junior to the other persons who received the training. According to the applicant this imposition of conditions is illegal, unreasonable and unfair. Hence the present application.

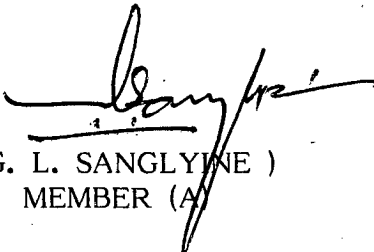
3. We have heard Mr J.L. Sarkar, learned counsel for the applicant and Mr S. Ali, learned Sr. C.G.S.C. Mr Sarkar submits that the imposition of the conditions, namely, that the applicant would be required to work in the N.E. Circle and that he shall be junior to the other candidates who received training earlier, was not in accordance with the provision of rules. The learned counsel further submits that there is no such rule enabling the authority to impose such conditions. Mr Sarkar also submits that no such conditions were imposed on the persons who were sent for training earlier and also subsequently. Mr. S. Ali, on the other hand, supports the impugned action of the respondents. According to Mr Ali the imposition of condition was reasonable and just.

[Handwritten signature]

4. On the rival contention of the parties it is now to be seen whether the authority could impose such conditions. The admitted fact is that the authority imposed two conditions, namely, that the applicant, after completion of the period of training would be required to work in N.E. Circle, and that he should be made junior to the other persons who received training earlier. So far the first condition is concerned there is no such provision under the rules. At least Mr Ali has not been able to show anything in that regard. Such conditions had not been imposed on the other candidates.

5. Considering all the aspects of the matter we find that the condition of asking the applicant to work in the N.E. Circle is not just, proper and fair. According to us it was an arbitrary act of the respondents. Therefore, we hold that the imposition of such a condition cannot sustain in law. Accordingly we set aside the condition that he should work in the N.E. Circle after completion of the training. So far as the second condition is concerned, namely, that he shall be made junior to the other persons, we, however, are not inclined to pass any order and leave it to the authority to consider the same and pass a reasoned order as to why he should be made junior to the other persons who had participated in the training earlier. This must be done as early as possible, at any rate within two months from the date of receipt of this order.

6. The application is accordingly disposed of. However, in the facts and circumstances of the case we make no order as to costs.


(G. L. SANGLYINE)
MEMBER (A)


(D. N. BARUAH)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

2 APR 1996
Gawhati Bench
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Filed by the applicant
through M. Chandra

An Application under Section 19 of the Administrative
Tribunals Act, 1985.

O.A. No. 59 /96

~~Sri Madan Chandra Gayari~~

Sri Madan Chandra Gayari

-versus-

Union of India & Ors.

I N D E X

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5	3	Letter dt. 10.9.91	27
5	4	Reply dt. 24.12.91	28
6	5	Order dt. 2.11.89	29
7	6	Representation dt. 10.2.95	30
8	7	Order dt. 13.10.88	31-33
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Received copy
Sd/-
Sr. CGSC
11/4/96

Date : 2-4-96

Filed By

M. Chandra
Advocate

Read by
Golap Sarma
Advocate
10.4.96
2-30PM
Madan Ch. Gayari

1. Particulars of the Applicant

sri Madan Chandra Gayari

Son of late Gada Ram Gayari

Resident of Tarun Nagar,

Guwahati-781005.

..... Applicant

(Presently working as Phone Instructor in the office of the Telecom District Managar, ~~Sony~~ ^S Ram Bora Road, Ulubari, Guwahati.).

2. Particulars of the Respondents

1. Union of India

Through the Secretary to the Govt. of India

Ministry of Telecommunication

Department of Communications

New Delhi

2. Director General,

Department of Communications

Government of India

Sanchar Bhawan

New Delhi.

3. Chief General Manager Telecom

Department of Telecom

N.E. Circle,

Shillong,

4. The Chief General Manager Telecom

Assam Circle,

Ulubari, Sony Ram Bora Road, Ulubari

Guwahati-781007

..... Respondents

Madan Ch. Gayari

3. Particulars for which this application is made.

This application is made for redeputation for training of the ~~the~~ applicant to facilitate his promotion to the post of Junior Engineer (Now Junior ~~Technical~~ ^{Technical} Officer) and for his posting in Assam Circle in the event of his successful completion of training and also for granting of seniority benefit alongwith his batchmate who are qualified in the 1985 departmental examination and subsequently promoted on completion of training to the cadre of Junior Engineer (Now Junior Technical Officer).

4. Jurisdiction

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

5. Limitation

That the applicant declares that the application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

6. Facts of the case

That the applicant is a citizen of India as such he is entitled to all the rights and privileges guaranteed by the Constitution of India. The applicant initially appointed as Phone Instructor in the month of July 1975 against the recruitment year 1973. Presently the applicant is serving as Phone ~~Inspector~~ Inspector in the pay scale of Rs. 1320-2200 per month in the office of the Telecom

Contd... .P/4

Madan Ch. Gayari

District Manager, Sony Ram Road, Ulubari, Guwahati-781007.

6.2 That the next promotional avenue of the applicant is Junior Telecom Officer (In short JTO) in the pay scale of Rs. 1640-2900. The applicant became eligible for appearing in the qualifying departmental examination on completion of 10 years of service in the post of Phone Inspector. In this connection it may be stated that there are two source of recruitment in the cadre of Junior Technical Officer one by promotion from the cadre of Phone Inspectors, RSA/TA etc. and other mode of recruitment is direct recruitment. There is also another source of recruitment by promotion through competitive departmental examination after completion of 5 years of service as Phone Inspector. The applicant belongs to backward community of Plain Tribes and after being found eligible for promotion to the post of Junior Technical Officer the applicant was allowed to appear in the qualifying departmental examination on completion of his required tenure of service in the year 1985 and your applicant came out successfully and declared selected to undergo for training for the post of Junior Engineer (Now called Junior Technical Officer) and it would be evident from the letter of the TDM, Ambari, Guwahati bearing No. TDM/EST-2/P&T/89-90/174 dated 14.4.1989 whereby the applicant was sent for 37 weeks training at Telecom Training Centre, Jabalpur which was commenced with effect from 24.4.1989. The applicant accordingly joined there in the Training Centre at Jabalpur in accordance with the instructions contained in the letter dated 14.4.1989 and completed successfully

Contd....P/5

Madan Ch. Gayari

32 weeks training thereafter suddenly the applicant had fallen sick and he could not complete the rest five weeks of training out of the 37 weeks in accordance with the advice of his attending Physician. Be it stated that after completion of 32 weeks of training there was a mid-term break for 15 days during which the applicant had fallen sick and could not report for further training as per the advice of the Medical Officer. However after recovery from sickness the applicant had joined in the department.

A copy of the letter dated 14.4.89 is annexed as Annexure-1.

6.3. That there are two sources of promotional avenues from the Feeder Grade/Cadre of RSA/TA and Phone Inspectors one is competitive departmental examination on completion of five years of service and another one called departmental qualifying examination after completion of 10 years of service and the rest are recruited directly through open competitive examination.

6.4 That your applicant thereafter approached the competent authorities on number of occasions for arrangement of his redeputation for training to facilitate his promotion to the cadre of Junior Technical Officer. The authorities although verbally assured him on many occasions that his case for redeputation for training would be considered but no action in this regard was initiated by the authorities. The applicant thereafter submitted representations dated 20.4.91, 3.6.91, 20.8.91 but on 10.9.91 the applicant was

Contd....p/6

Madan Ch. Gayavee

asked to give an undertaking that on completion of training he will work in N.E. Circle and his seniority would be fixed on the basis of post training marks along with the candidates with whom he would get training irrespective of his year of recruitment. These contents of the undertaking was noted by the applicant from the letter of the Chief General Manager Telecom issued under letter No. Rectt-3 /39-JE/Trg/186 dated 10.9.91 wherein a reference of the Chief General Manager Telecom, N.E. Circle also quoted. The said letter referred as letter No. CGMT/SH Rectt-46 TRG/PT-1/198 dt. 20.8.91. The relevant portion of the letter dated 10.9.91 is quoted below :

"In this connection, it is intimated that the CGMT/N.E. Circle has asked to obtain an undertaking from Shri M.C. Gayari, P.I., before taking up the case with the DOT/ND regarding redeputation of the candidate for training as J.T.O. So, you are requested to obtain the undertaking from the candidate as follows :-

- a. That on completion of training he will have to work in N.E. Circle.
- b. That his seniority shall be fixed on the basis of post training marks alongwith the candidates with whom he will be getting training irrespective of his year of recruitment".

However, the applicant in reply to the letter dated 10.9.91 submitted a representation addressed to the Chief General Manager, Telecom, Assam Circle, Guwahati whereby the

Contd.....P/7

Madam Ch. Gayari

applicant stated that at the time of bifurcation of the N.E. Circle (erstwhile) the applicant opted for Assam Circle as Phone Inspector and accordingly the applicant was allotted to Assam Circle vide GMT/N.E. Circle letter No. STB/bifurcation/CO/77 dated 22.6.1987 and thereafter the applicant is continuing as an employee of the Assam Circle and also stated that he had passed the qualifying examination in the year 1985 and the applicant further stated that as per normal rules staff who are allotted to Assam Circle or N.E. Circle on the very date of bifurcation are getting of service benefit including promotion to the respective circle only where a particular employee allotted including promotional benefit. Moreover it is also urged by the applicant he had not given any option for allotting him to N.E. Circle. It is also pointed out by the applicant in the said representation dated 24.12.91 that the applicant being only Scheduled Tribe Candidate from the entire Circle and as there are more than 7 vacancies for Scheduled Tribes in Assam Circle. Therefore his promotion and seniority should be considered in the Assam Circle only and also brought to the notice of the Govt. of India's Circular issued under Memorandum No. 3602/3/85-Estt (SCT) dt. 24.6.85 whereby the Government of India directed that the Government servants should desist from any act of discrimination against Scheduled Caste and Scheduled Tribes communities on the ground of their social origin and further requested to consider his promotion and seniority in the Assam Circle but the respondents thereafter remain silent and no reply was

Contd...P/8

. Madan Ch. Gayari

furnished to the applicant against his representation dated 24.12.91 although on number occasions the applicant had approached to the concerned higher authorities for reconsideration of his case for sending him for redeputation for training to facilitate his promotion to the cadre of J.T.O. but the respondents neglected his claim for redeputation of training as the applicant belong to Scheduled Tribe Community.

A copy of the representations dated 3.6.91 and letter dated 10.9.91 and reply dated 24.12.91 are annexed as Annexure 2, 3 and 4 respectively.

6.5 That as a result of non-consideration of his redeputation for training the promotional prospects of the applicant is badly suffered. The applicant being an employee of Assam Circle of the Telecom Department he is entitled to all promotions and all other service benefits accrued thereof in the Assam Circle of the Telecom Department itself. Therefore question of his giving undertaking to work even prior to completion of full course of training for promotion to the post of Junior Technical Officer does not arise at all and the applicant is no way now connected with the N.E. Circle, Shillong and moreover a similar question of undertaking was never raised when the applicant was initially sent for 37 weeks training at Jabalpur so the efforts of the respondents to obtain an undertaking in the manner stated above is arbitrary, unfair and illegal and the applicant further begs to state that no such undertaking was insisted from any other

Contd....P/9

Madan Ch. Gayari

employee of the Assam Circle who are entitled to be promoted in the cadre of Junior Technical Officer even this question of undertaking also not raised when the other Phone Inspectors who are junior to the applicant were sent for training for facilitating the promotion to the cadre of Junior Technical Officer. Be it stated that many of his juniors were accommodated as Junior Technical Officer on their promotion in the Assam Circle and never raised any question of undertaking in the manner it is suggested in the case of the present applicant.

666 That the applicant begs to state that this Hon'ble Tribunal while deciding the case of Shri Debabrata Chakraborty of the Telecom Department of the erstwhile N.E. Circle a similar question also raised and the respondents of the Telecom Department had filed a written statement in Vs. U.O.I & Ors. the case of Sri D.Chakraborty/in GC No. 180/87 where the respondents also supported the contention raised in the instant application while dealing with almost similar points. The relevant portion of the written statement is quoted below from page 5 of the written statement in GC No. 180/87 (Sri D.Chakraborty Vs. U.O.I. & Ors.).

"What seems to have agitated the applicants is the posting on promotion of officials of 1983 year of recruitment and 3 officials of 1984 year of recruitment who completed their training as JEs after the last date of exercising options. These officials did not belong to the cadre of JE on last date for exercising the option but

Contd...P/10

Madan Ch. Gayari

belonged to cadres like RSA, PI etc. They already stood allotted to a particular circle in their respective original cadres before becoming due for posting as JEs on promotion. Naturally, as per practice they were promoted in the Circle to which they belonged by virtue of the allotment already made in their original cadres. Thus, their posting has no bearing on the bifurcation/allotment order dated 14.8.87 mentioned herein ~~above~~ before."

Further in the same written statement the respondents have also dealt with the question of seniority which also support the case of the present applicant. The relevant portion is quoted below from page 10 of the written statement.

"That the Respondents beg to submit that it is not a fact that the seniority of the JTOs are fixed on the basis of date of completion of training/date of appointment. Their seniority are fixed according to their post-training marks keeping in view the year of their recruitment. A person recruited in earlier year is always senior to a person recruited in a subsequent year."

From above, it is quite clear that the undertaking which is now sought to be taken from the applicant is contrary to the rules of the Telecom Department as it appears from the written statement submitted by the authorities of the

Contd...P/11

Madam Ch. Gayavei

Telecom department as mentioned above.

6.7 That the applicant further begs to state that a good number of Phone Inspectors, Wireless Operators and Transmission Assistants were far junior to the applicant had allotted to the N.E. Circle thereafter on their request under Rule 38 of P & T Manual Vol IV they are transferred and accommodated on the basis of their request in the Assam Circle against the newly created vacancies which would be evident from the written statement submitted by the Chief General Manager, Assam Telecom Circle, Guwahati in O.A. No. 748/89 (Sri Sunil Chandra Saha & Ors Vs. Union of India and Ors.) but here in the instant case the present applicant who was initially allotted to Assam Circle as per his option and ~~XXXXXXXXXXXX~~ he had never prayed for his allotment to N.E. Circle. Therefore question of his giving undertaking as stated above is illegal demand of the respondents. Moreover a number of Phone Inspectors who are junior to the applicant in the meantime promoted to the cadre of Junior Technical Officer and they have been accommodated in Assam Circle and the respondents never raised any such question of undertaking in respect of those juniors of the applicant. Therefore the applicant is entitled to be considered on completion of his training to be accommodated as Junior Technical Officer in the Assam Telecom Circle Guwahati. The applicant urged to produce the copy of the written statement in O.A. No. 748/89 at the time of hearing.

6.8 That the respondents remain silent as regard his redeputation for completion of training as the applicant was

Contd....P/12

Madan Ch. Gayari

qualified in the departmental examination long back in the year 1985 although he could not complete his training in the year 1989 under compelling circumstances on medical ground. But thereafter the applicant approached on number of occasions for consideration of his case for sending him for training. The applicant also submitted representation dated 10.2.95 and approached thereafter on number of occasions to the competent authorities for his redeputation for training but the respondents did not take any further action for consideration of his case for sending him for training to facilitate promotion of the applicant to the cadre of Junior Technical Officer. In this connection it may also be stated that when the applicant could not attend for about 57 days while he was sent for training in terms of order dated 14.4.89 on medical ground and on submission of medical certificate the General Manager Telecom Training Centre, Jabalpur discharged the applicant from training centre with effect from the afternoon of 2.10.89 vide his letter No. TM-24/936-034/67 dated 2.11.89 and he had resumed his duty on obtaining fitness certificate in the Guwahati office on 21.11.89. Therefore the applicant is now due for training and the respondents are duty bound to consider the case of the applicant.

A copy of the letter dated 2.11.89 issued by the Chief General Manager Training Centre, Jabalpur and representation dated 10.2.95 are annexed as Annexures 5 and 6 respectively.

Contd...P¹³

Madan Ch. Gayari

6.9 That the applicant begs to state that although the Chief General Manager Telecom of the erstwhile N.E. Circle initially after bifurcation allotted the present applicant in Assam Circle as per his option vide Memo of even No. dated 3.7.87. Further, again the revised allotment order issued in respect of T.S. (RSA) and also in respect of Phone Inspectors vide letter No. STB/Bifur-1/CO(L)3 dated 13.10.88 and it would be evident again from the revised allotment order dated 13.10.1988 as per Annexure 4 of the ~~xxx~~ said letter that the applicant was allotted to Assam Circle.

Therefore it is quite clear that the applicant was formally allotted to Assam Circle after bifurcation of the erstwhile N.E. Circle. Therefore he is entitled all promotions only in Assam Circle and the undertaking sought for allotting him in N.E. Circle before sending him redeputation for training is contrary to the principle and rules of the Telecom Department itself.

A copy of the letter dated 13.10.1988 is annexed as Annexure-7.

6.10 That the applicant begs to state that the Department of Telecommunication made a clear provisions as regard allotment/adjustment of staff on bifurcation of P & T Circles/Divisions vide their letter No. 69/17/65 Govt. of India, Department of Communication (P & T Board which was circulated to all the Heads of Circles/Offices vide letter No. 208/43/69 dated 15.9.70 wherein it is

Contd...P/14

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specifically stated the option once exercised should be treated as final and it is further instructed in the said letter that when a Division is bifurcated in a scheme of re-organisation of Circles/Divisions, the staff whose scope of service is affected will be an option either to remain in the residuary division or be transferred to the new division and the option once exercised should be treated as final. Therefore from the above instructions issued by the department of communication clearly supports the case of the applicant who was allotted to Assam Circle is further liable to be accommodated only in Assam Circle in the event of his further promotion. The relevant portion of the instruction issued by the Department of Telecommunication is quoted below :

"2: Briefly these instructions are that when a division is bifurcated in a scheme of re-organisation of Circles/Divisions, the staff whose scope of service is affected will be allowed an option either to remain in the residuary division or be transferred to the new division. The option once exercised should be treated as final. Adjustment of staff should however be effected initially to the extent of the number of vacancies available at the time of reorganisation. The remaining optees, if any, who are retained in one or other of the divisions against their choice due to lack of vacancies initially should be repatriated to the division of their choice

Contd...P/15

Madan Ch. Gayari

as early as possible as and when fresh vacancies occur, but their repatriation should be made against vacancies reserved for direct direct recruitment. In order to ensure that delay, if any, in the repatriation of staff due administrative reasons does not result in any loss to the staff concerned, it has been provided that during the period they are so retained in the unit other than the unit of their choice, they should be allowed to sit for promotional examination held by the circles of their choice provided they are otherwise eligible."

From above it is also clear that even those staff who could not be repatriated in their choice division due to administrative difficulties although formally allotted in that event also those optees should be allowed to sit for promotional examination held by the circles of their choice provided they are otherwise eligible. Therefore the present applicant who is initially allotted repatriate to Assam Circle as per his option is entitled to sit for promotional examination as well as also entitled to be accommodated for the purpose of promotion in the Assam Circle only.

Therefore under the facts and circumstances stated above, the respondents are duty bound to sent him for repatriation for completion of training for promotion to the post of Junior Technical Officer.

A copy of the instruction of the Telecom Deptt. Circular under letter dated 15.9.90 is annexed as Annexure 8.

Contd...P/16

Madan Ch. Gayari

6.11 That the applicant is a Scheduled Tribe employee serving in the Department of Telecommunication since 1975 and initially joined as Phone Inspector thereafter he did not get any promotion till date even after elapse of a period of 21 years and the attitude of the respondents is unfair and they have adopted a delaying tactics for sending him for redeputation. This is solely with an intention to harass the applicant who is a Scheduled Tribe employee serving under the Department of Telecommunications. The Government of India, Ministry of Personnel, Public Grievances and Pensions issued an O.M. dated 24.6.85 to all the Ministries and Department that the Govt. servant should desist from any act of discrimination against members of Scheduled Cast and Scheduled Tribe communities on ground of their social origin and the same stand of the Government of India is further reiterated in the O.M. dated 12.8.86 but in the instant case the applicant being the Scheduled Tribe candidate is being harassed by the respondents and discriminated on the question of sending him for re-deputation for training to facilitate his promotion to the post of Junior Technical Officer and adopted an unfair delaying tactics by asking the applicant for submission of an undertaking that on his promotion he will work in N.E. Circle and still the respondents are insisting verbally for such undertaking although he has given a formal reply long back in the year 1991 saying that he is entitled to be accommodated in Assam Circle on his promotion to the post of Junior Technical Officer as he is already opted and allotted

Contd...P/17

Madan Ch. Gayan

formally for Assam Circle at the time of bifurcation of the erstwhile N.E. Circle. Therefore this is a fit case where the Hon'ble Tribunal be pleased to interfere and protect ~~direct~~ the rights and interests of the Scheduled Tribe employee who is victimised by the respondents as he belongs to Scheduled ~~Tribe~~ Tribe Community and the same is in total violation of guidelines and instructions of the Government of India issued from time to time.

A copy of the O.M. dated 12.8.86 is annexed as Annexure-9.

6.12 That the applicant further begs to state that although the respondents made an attempt to take an undertaking from the applicant to serve in N.E. Circle in the event of his promotion to the post of Junior Technical Officer in the year 1991 but thereafter also Shri Girish Chandra Goswami presently serving as Junior Technical Officer, Jorhat, Sri Anil Anil Kumar Sinha, Junior Technical Officer, Chapakhowa under Divisional Engineer Microwave, Dibrugarh who were far junior to the present applicant in the cadre of RSA/Phone Inspector T.A. and they were formally allotted to N.E. Circle at the time of bifurcation of the erstwhile N.E. Circle but they were retained in Assam Circle and they were allowed for departmental examination for the post of Junior Technical Officer from Assam Circle and subsequently were sent for training from Assam Circle and finally they were accommodated in Assam Circle on their promotion to

Contd.. .P/18

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the cadre of Junior Technical Officer. Therefore when the respondents have accommodated the juniors of the applicant who were formally allotted to N.E. Circle at the time of bifurcation of N.E. Circle (erstwhile) therefore there is no difficulty to accommodate the present applicant on completion of his training in the Assam Circle and if administrative exigencies is required to depute JTOs in N.E. Circle in that event department should consider the repatriation of the juniors who were illegally accommodated in Assam Circle in violation of all norms and the same is clear instance of discrimination as the respondents are insisting the applicant to submit an undertaking for serving N.E. Circle on promotion to the post of Junior Technical Officer. The necessary documents as regard accommodation of the juniors of the applicant in Assam Circle is urged to be produced at the time hearing. Therefore the entire action of the respondents in the instant case is discriminatory unfair and illegal and the same violative of Article 14 and 16 of the Constitution of India.

6.13 That the applicant begs to state that as the respondents in the instant case of the applicant have acted in a very arbitrary and unfair manner and as a result of which the applicant suffered his promotion and financial benefits due to non-consideration his repatriation for redeputation for training and in the meantime a good number of batches were sent for training who were junior to the applicant and by this time they have been promoted to the cadre of JTO therefore the respondents be directed to allow the benefit of seniority of the applicant in the cadre of

Contd....P/19

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Junior Telecom Officer alongwith the batchmate of 1985 who were qualified alongwith the applicant in the departmental examination and the same is also legally permissible as per the existing seniority rules of the Department to the Cadre of Junior Engineer (Now called as Junior Telecom Officer). The same would be evident from the contention forwarded by the departmental authorities in their written statement submitted in respect of G.C. No. 180/87. The relevant portion is quoted from page 10 of the written statement which is quoted below :

"That the respondents beg to submit that it is not a fact that the seniority of the JTOs are fixed on the basis of date of completion of training/date of appointment. Their seniority are fixed according to their post-training marks keeping in view the year of their recruitment. A person recruited in earlier year is always senior to a person recruited in a subsequent year."

The above stand of the respondents in G.C. No. 180/87 support the present claim of the applicant. The applicant urged to produce the ^{copy of} ~~copy of~~ the written statement of G.C. No. 180/87 at the time of hearing. The applicant also prged to produce the relevant seniority ~~ix~~ rules at the time of hearing of the case or as and when the same is required.

Contd...P/19(a)

6.14 The your applicant brgs to state that after 1989 number of batches were sent for training as for example vide CGMT's letter No. Rectt-3/39-JTO/Trg/92/175 dated 6.12.9 and also vide letter No. Rectt.-39-JTO/Trg/94 dated 30.1.95 and also vide letter No. Rectt.-39-JTO/Trg/94 dated 10.5.95, three batches were sent for training. Thereafter again vide C.G.M.T's letter No. Rectt-39-JTO/Trg dated 8.5.95, 16 junior were sent for training again vide CGMT's letter No. Rectt-39-JTO/Trg/94 dated 5.1.96, 12 candidates who are junior of the applicant were sent for training but surprisingly the case of the applicant did not consider by the respondents even though the applicant approached the authorities on number of occasions. Thereafter cause of action arises with effect from 5.1.96 when 12 candidates were sent for training. The delaying tactics adopted by the respondents in sending the applicant for training is intentional, motivated therefore interference of the Hon'ble Tribunal is absolutely necessary for protection and rights of the present applicant. The Hon'ble Tribunal be pleased to direct the respondent to arrange immediately to send the applicant for training to complete the course of training to facilitate his promotion to the cadre of Junior Telecom Officer. In this connection it may be stated that the applicant have already completed 21 weeks of training when he was earlier sent for training on 24.4.1989 but the present applicant could not complete his full course of training due to his ailment which was beyond control of the applicant.

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

7. Reliefs sought for :

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

1. That the respondents be directed to redepute the applicant for completion of training to facilitate his promotion to the cadre of Junior Technical Officer.
2. That in the event of completion of his successful training the seniority of the applicant be maintained alongwith batchmate who were qualified in the departmental examination in the year 1985 and sent for training in the year 1989.
3. That the respondents be directed to accommodate the applicant in the event of his promotion to the cadre of Junior Technical Officer in Assam Circle.
4. To pass any other order or orders as deemed under the facts and circumstances of the case.
5. Costs of the case.

The above reliefs are prayed on the following amongst other-

-G R O U N D S-

1. For that the applicant qualified in the departmental examination in the year 1985 on completion of 10 years of service.

Contd...P/21

Madan Ch. Gayari

2. For that the applicant was selected and deputed for training for appointment to the cadre of JE (Now called Junior Technical Officer) and accordingly joined the Telecom Training Centre at Jabalpur and completed 32 weeks of training out of 37 weeks.
3. For that the applicant could not complete the full course of 37 weeks training on medical ground.
4. For that the applicant is entitled as per departmental rules for redeputation for training if the training course is ^{not} completed due to any compelling circumstance which is beyond control.
5. For that the applicant approached through representations as well as also approached personally to the higher authorities for arrangement of his re-deputation for training to facilitate his promotion to the post of Junior Engineer (Now called Junior Telecom Officer).
6. For that the undertaking sought from the applicant to serve N.E. Circle on completion of training is discriminatory, arbitrary and contrary to the rules of the Department of Telecommunications.
7. For that the juniors of the applicant who were formally allotted to N.E. Circle at the relevant time of bifurcation were accommodated in Assam Circle on promotion to the post of JE (Now JTO).

Contd...P/22

Madan Ch. Goyal

8. For that due to negligence and differential treatment towards the claim of the applicant for redeputation for training the applicant is being deprived from his legitimate promotion to the post of JE (Now JTO).
9. For that the applicant was entitled for redeputation for training alongwith the next batch immediately after his initial deputation for training which could not be completed due to medical ground but the respondents did not consider the case of the applicant for redeputation.
10. For that the applicant being a scheduled Tribe candidate is being harassed by the respondents as regard his claim for redeputation.
11. For that the applicant is entitled to seniority alongwith his 1985 batchmate as the respondents intentionally delayed the redeputation for training to deprive the promotional benefit of the applicant.
12. For that the respondents have acted contrary to the policy and guidelines of the P & T rules denying the benefit of redeputation for training of the applicant and thereby also denied the promotion to the post of JTO on the pretext of undertaking for serving to N.E. circle on promotion to the post of J.T.O.

Contd.....P/23

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13. For that the action of the respondents is violative of Article 14 and 16 of the Constitution of India.

8. Interim Relief prayed for :

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

1. That the respondents be directed to consider the redeputation for training ~~with~~ immediate effect to facilitate the promotional prospect of the applicant to the post of Junior Engineer (Now Junior Technical Officer).

The above reliefs are prayed on the grounds explained in paragraph 7 of this application.

9. That the applicant declares that he has not filed any other application/case in any other Court or Tribunal.

10. That the applicant declare that there is no remedy under any rule and the Hon'ble Tribunal is the only remedy.

11. Particulars of I.P.O.

Postal Order No. : 345106
Date of Issue : 4.3.96
Issued from : G.P.O., Guwahati.
Payable at : G.P.O., Guwahati

12. An Index showing particulars of the enclosures is enclosed.

13. Documents

As per Index.

Madan Ch. Goyasu

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

I, Sri Madan Chandra Gayari, son of late Gada Ram Gayari, aged about 45 years, resident of Tarun Nagar, Guwahati, applicant in this application do hereby solemnly affirm and declare that I have gone through this application and 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 19th day of ^{Feb} ~~March~~, 1995.

Madan Ch. Gayari

SIGNATURE

Annexure-1

DEPARTMENT OF TELECOMMUNICATION

Office of Telecom District Manager, Ambari, Guwahati

No. TDM/EST-2/P&T/89-90/174
Dated Guwahati 14.4.89

28

Subject :- Training of candidates for appointment to the cadre of Junior Engineer Departmental ~~Candidate~~ CAT-II.

In pursuance of CGMT, Assam Circle, Guwahati No. XI/ /11.4.89 the following official of this District has been selected to undergo training in the cadre of Junior Engineer to be commended from 24.4.89 at TIC, Jabalpur.

Sl.No.	Name of official & designation	Working under
1	Sri Madan Chandra Gayari, PI	SDOP/GH

Branch of training - Microwave

Duration of training - 37 weeks

You are requested to obtain technical resignation in the enclosed proforma in duplicate to release for onward transmission to Circle Office.

After observing all the departmental formalities and ensuring that no disciplinary/vigilance case is pending against the official, the official may be released well in time with direction to report to the General Manager, Telecom Training Centre, Jabalpur on the forenoon of the due date for the above mentioned training.

Since the recruitment year in respect of the above mentioned official is yet to be decided, his appointment as J.E. on completion of training will be subject to further orders as such. This should be brought to the notice of the official concerned.

Sd/- Asstt. Engineer (Admn.)
O/O TDM/GH

Copy forwarded for information and necessary action to :-

1. The CGMT, Assam Circle, Guwahati, w.r.t. his letter cited above.
2. The G.M. TIC, Jabalpur
3. The D.E. (External)/Guwahati
4. The A.O. O/O TDM/GH
5. The Official concerned
6. P/F of the official
7. O/O
8. Spare

Sd/- Illegible
Asstt. Engineer (Admn.)
O/O TDM/GH

*Attested
O/S
Admn.*

Annexure-2

To
The Chief General Manager,
Telecom, Assam Circle,
Guwahati

Dated at Guwahati the 3rd June, 1991

Sub :- Prayer for allotment to Assam Circle.

Sir,

I have honour to state the following few lines for your kind sympathetic consideration.

That Sir, I am a Telephone Inspector working in the Department since 1975. I passed the qualifying examination in the year 1985. At the time of circle bifurcation I opted for Assam Circle as a Telephone ~~Inspector~~ Inspector and accordingly I was allotted to Assam Circle Vide -GMT/NE Circle letter No. STB/Bifurcation/CO/77 Dated 22.6.87.

That Sir, I am surprised to see that the Chief General Manager Telecom, N.E. Circle Vide Annexure of his letter No. STB-1/CO/187 Dated 4.10.88 has shown me as J.T.O. in the list of N.E. Circle though I am yet to be trained as J.T.O.

That Sir, as per normal rules, staff who are allotted to Assam Circle or N.E. Circle on the very date of bifurcation should get all service benefit including promotion to the respective circle only. Moreover no OPTION has been taken from me before allotting me to N.E. Circle.

That Sir, I am the only scheduled Tribe candidate from entire circle so I should be posted against the scheduled Tribe reservation quota. It is also noted by the Govt. of India vide memo No. 3602/3/85-Estt (SCT) Dated 24th June, 1985 that Government servant should desist from any act of discrimination against members of scheduled caste/Scheduled Tribes communities on grounds of their social origin.

In the light of the above facts, most fervently I request you kindly to consider my case allot me to Assam Circle and to depute me to J.T.O. training for which act of kindness I shall remain grateful to you and oblige.

Yours faithfully,

Sd/- MADAN CHANDRA GAYARI
P.I.

O/o the S.D.O. Phones (W)
Guwahati

*AH e-stked
Dhuly
Adw.*

Annexure-3

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM
ASSAM CIRCLE, GUWAHATI-781007

No. Rectt-3/39-JE/Trg/186 Dated at Guwahati 10.9.91

To
The Asstt. Engineer (Admn)
O/o the T.D.M. Guwahati

Sub :- Training of J.T.O. (Deptl.) case of Shri M.C. Gayari
P.I. O/o the T.D.M., Guwahati- regarding.

Ref :- CGMT/SH letter No. Rectt-46/TRG/PT-I/198,
dtd. 20.8.91.

Kindly refer to the above.

In this connection, it is intimated that the CGMT/
N.E. Circle has asked to obtain an undertaking from Shri M.
C. Gayari, P.I., before taking up the case with the DOT/ND
regarding redeputation of the candidate for training as
J.T.O. So, you are requested to obtain the undertaking from
the candidate as follows :-

- a. That on completion of training he will have to work in N.E. Circle.
- b. That his seniority shall be fixed on the basis of post training marks alongwith the candidates with whom he will be getting training irrespective of his year of recruitment.

Sd/- S.C. Chaudhury
Asstt. Director Telecom (E&R)
for Chief General Manager, Telecom
Assam Circle Guwahati-7

*Attested
O.K.
Adm.*

Annexure-4

To,

The Chief General Manager Telecom,
Assam Circle, Guwahati

(Through Proper Channel)

Dated at Guwahati the 24th December 1991.

Ref :- CGMT/SH letter No. Rectt-46/TRG/PT-I/198
dated 20.8.91.

Sub : Training of J.T.O. (Deptt) case.

Sir,

With reference to your letter No. Rectt. 3/39-JL/
Trg/186 dated 10.9.91 I have the honour to state the
following few lines for your kind sympathetic consideration.

That Sir, I passed the qualifying examination in
the year 1985. At the time of circle bifurcation I opted
for Assam Circle as Phone Inspector and accordingly I was
alloted to Assam Circle vide GMT/NE Circle letter No. S.T.B.
/Bifurcation/CO/77 dated 22.6.87.

That Sir, as per normal rules, staff who are allowed
to Assam circle or N.E. circle on the very date of bifurca-
tion should get all service benefit including promotion to
the respective circle only. Moreover no 'OPTION' has been
taken from me before allotting me to N.E. Circle.

That Sir, in reply to the undertaking of para (a)
as I am the only scheduled Tribe candidate from entire
circle and as there are more than 7 (seven) vacancies for
Scheduled Tribe in Assam Circle and also it is noted by
the Govt. of India vide Memo No. 3602/3/85-Estt(SCT) Dated
24th June 1985 that Govt. Servant should desist from any
act of discrimination against members of SC/ST Communities
on the grounds of their social origin, So I should be deputed
and posted in Assam Circle.

That Sir, in reply to the undertaking of para (b)
As I passed the qualifying examination in the year 1985. So
my seniority should be count as per of the year of the passing
of the examination.

With great regards Sir,

Yours faithfully,

Sd/- Madan Chandra Gayari
P.I.

Attested
@
Adv.

Annexure-5

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM TRAINING CENTRE
RIDGE ROAD JABALPUR

No. TM-24/936-034/67

Dated at JBP the, 2.11.89

Sub : Discharge From training - Case of Shri Haripada
Majumdar/Madan Chandra Gayari/Amal Majumdar JTOs
Trainee Batch No. M034 M/W Modular course Category
II.

Ref : This Office letter No. TM-22/1/48 dt. 6.2.89 &
CGM. Telecom. N.E. Circle Shillong letter No.
Rectt. 46/TRG/PT-1/44 dt. 17.3.89.

.....

In accordance with the letter Nos. cited above
S/Shri AMAL MAJUMDER, Haripada Majumdar, Shri Madan
Chandra Gayari were undergoing JEs training in M/W modular
course category-II Batch No. M 034 for 37 weeks.

They are discharged from training w.e.f. the
afternoon of 2.10.89 as they have exceeded the permissible
limit of absence from training class.

Sd/- Illegible
ASST. ENGINEER (TM)
FOR CHIEF GENERAL MANAGER

Copy to :

1. The C.G.M. Telecom. NE Circle Shillong -793001 for information and necessary action with reference to his letter No. Rectt-46/TRG/PT-I/44 dt. 17.3.89.
2. TDM Tripura, Agartala for information & necessary action.
3. TDM, Gauhati.
4. Shri Amal Majumdar-PI Office O-f the SDO Phones P.O. Agartala Tripura (West).
5. Shri Madan Chandra Gayari- PI, Birubari, Post Office Gopinath Nagar. Guwahati-781016.

Sd/- Illegible
ASST. ENGINEER (TM)
FOR CHIEF GENERAL MANAGER

Attested
@
Sd/-

Annexure-6

To
The Chief General Manager, Telecom
Assam Circle, Guwahati-781007

Dated at Guwahati the 10 Feb'9

(Through Proper Channel

Sub : Redeputation for J.T.O. Training.

Sir,

I have the honour to state the following few lines for your kind information and sympathetic consideration.

That Sir, I passed the J.T.O. qualifying examination in the year of 1985.

That Sir, I had undergone J.T.O. training vide your letter No. XT/1 dtd-11.4.89 and TDM's letter No. TDM/EST-2/R&T/89-90/174 dtd. 14.4.89.

That Sir, I had joined the training class on 25.4.89 at Telecom Training Centre, Jabalpur (in Batch No. M-34).

That Sir, I had completed the course of pre.basic (one month) Basic (one month) and special course (four months).

That Sir, during Mid term break I came home and suddenly felt ill and was suffering from infective hepatitis (Jandice) and as such I could not attend the training class for 57 days for which I had submitted medical certificate for unfit.

That Sir, as I was absent for the long period, the General Manager, T.T.C. Jabalpur discharged me from training Centre, w.e.f. the afternoon of 2.10.89 vide his letter No. TM-24/936-034/67 dtd. 2.11.89.

That Sir, as I had recovered from the disease, so I had submitted my medical certificate for fitness and had resumed my duties in the forenoon of 21st No. '89.

That Sir, I submitted several representations for redeputation for training vide my letter dated 16.4.91, 20.4.91 and 24.12.91, but no action had yet been taken from your end.

I therefore, a-gain request you kindly to redepute me for J.T.O. training for which act of kindness I shall remain grateful to you and thereby oblige.

Thanking you Sir,

Yours faithfully,

Enclose :-

1. Medical Certificate two copies.
2. Discharge letter from TTC/Jabalpur. One copy.
3. Representation letter dated 16.4.89, 20.4.91 & 3.6.91.

Sd/- Madan Chandra Gayari
Phone Inspector
O/o The TDM/Guwahati-7.

Attested
Adm
Adm

Annexure-7

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

No. STB/Bifur-1/CO(L)/3

Dated Shillong the 13th Oct. '88

The Chief General Manager Telecom. N.E. Circle, Shillong is pleased to issue the revised allotment order in the cadres of T.A.s (RSAs) and P.Is. (alloting to N.E. Circle and to Assam Circle) as indicated in the Annexure I to IV as per sanctioned strength the ratio 38:62 and 37:63 respectively.

The memo issued earlier vide this office Memo of even No. dated 3rd July 1987 may kindly be treated as cancelled.

Orders for transfer of officials concerned ~~issued~~ will be issued in due course.

Enclo : Annexure I to IV

Sd/-

(N.K.Roy)
Asstt. General Manager (A)
for Chief General Manager, N.E.T. Circle,
Shillong

Copy to :-

1. The Chief General Manager, Telecom. Assam Circle, Gauhati
- 2-5- The TDMS, Shillong/Agartala/Imphal/Dimapur.
- 6-7 The TDEs, Aizawl/Itanagar
8. The A.G.M.T. (A). C.O. Shillong.
9. Secretary Unions concerned.

This order may be circulated to all concerned.

Sd/- Illegible 13.10.88
for Chief General Manager,
N.E. Telecom Circle,
Chillong

SH
Chillong
Adv.

Annexure-7 (Contd.)
Annexure-IV

P.Is allotted to ASSAM Circle

Present Circle of Working

1.	Sri Dhirendra Nath Mitra	Assam
2.	" Anil Bandhu Saha	"
3.	" Asit Ranjan Dhar	"
4.	" Anandapada Sarkar	"
5.	" Sailendu Bhusan Das	"
6.	" Chitta Ranjan Deb	"
7.	" Gobinda Chandra Kundu	" "
8.	" Mukut Chandra Sharma	"
9.	" Amiya Bhusan Dutta	"
10.	" Chandra Kanta Berah	"
11.	" Haripada Nandi	NE not shown in pos
12.	" Manmatha Ranjan Sarkar	Assam.ing order.
13.	" Jhanindra Nath Gogoi	Assam
14.	" Udhab Ch. Kakati	Assam
15.	" Prem Sarkar Prasad	NE
16.	" Pabitra Kr. Swargiary	Assam
17.	" Utpal Ch. Kundu	"
18.	" Chitta Ranjan Adhikary	"
19.	" Santipada Deb	"
20.	" Dilip Kr. Chandra	"
21.	" Nikhil Paul	"
22.	" Ramakanta Boro	"
23.	" Ananta Deka Baruah	"
24.	" Bapu Ram Boro	"
25.	" S.N. Mahanta	"
26.	" Sib Sankar Banerjee	Assam
27.	" Gopinath Sonowal	"
28.	" Jyotirmoy Das	"
29.	Subhas Ch. Paul	NE
30.	" <u>Madan Ch. Gayari</u> ✓	Assam
31.	" Ram Charan Thakuria	"
32.	" Dilip Ranjan Sikdar	"
33.	" Moni Kanta Roy	"
34.	" Alok Nath Chakraborty	"
35.	" Ajoy Kr. Roy	"
36.	" Dipankar Nath	NE
37.	" Pradip Kr. Paul	Assam
38.	" Pronoy Kr. Haldar	"
39.	" Benudhar Borah	"
40.	" Debi Prasad Bhattacharjee	"
41.	Dimbeswar Hazarika	"
42.	Khagen Baruah	"
43.	Md. Nababul Hussain	NE
44.	Sri Khagendra Nath Sonowal	Assam
45.	" Jadunath Sharma	"
46.	" Arabinda Sharma	"
47.	" Bhuban Kr. Panyang	"
48.	" Asit Baran Deb	"
49.	" Purnendu Nag	NE
50.	" Sib Sundar Bhattacharjee	Assam
51.	" Sib Sundar Arun Kr. Sharma	NE
52.	" Ranjit Das Gupta	Assam
53.	" Moran Ch. Scharjett	"
54.	" Lali Ch. Khaklary	"
55.	" Sadhan Ch. Dey	"
56.	" Hara Kr. Saikia	"
57.	" Arun Ch. Dutta	"
58.	" Kishore Dutta	NE
59.	" Bimal Prasanna Choudhury	Assam

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M. K. Saha
Adv

60.	Sri Girish Ch. Barman	Assam
61.	" Debeswar Nath	"
62.	" Jibon Ch. Tamuli	"
63.	" Sujit Kr. Duarah	"
64.	" Ashoke Nath howdhury	"
65.	" Pratul Sharma Pandit	"
66.	" Arun Kr. Sinha	"
67.	" Upen Ch. Mahanta	"
68.	" Rameswar Nath	"
69.	" Pradip Kr. Baruah	"
70.	" Bimal Ch. Dey	"
71.	" Prafulla Saikia	"
72.	" Narayan Ch. Ghosh	" Not shown in th
73.	" Sarbananda Saikia	NE posting order.
74.	" Nityananda Baruah	Assam
75.	" Debendra Nath Tasha	NE
76.	" Gobinda Ch. Das	Assam
77.	" Abdul Sattar Mollah	"
78.	" Ashim Mitra	NE
79.	" Madan Chl Talukdar	Assam
80.	" Nagen Ch. Das	"
81.	" Niren Ch. Das	"
82.	" Ajoy Sarkar	"
83.	" Nilimesh Ranjan Roy	"
84.	" Asim Bijoy Datta	"
85.	" Birendra Pada Singh	"
86.	" Dilip Pal	"
87.	" Kamal Ch. Ghatak	"
88.	" Narayan Das	"
89.	Md. Abdul Ghani	NE
90.	Sri Umesh Ch. Baishaya	NE
91.	Sri Diganta Mohan Neog	NE
92.*	" P.C.Boro	NE
93.	" Dhandadhar Bania	Assam
94.	" Jogen Boro	Assam
95.	" Poresh Saikia	"
96.	" Sharma Kanta Boro	"

* Position of Sri P.C.Boro (as per seniority) will be after Sri Gobinda Ch. Das at Sl. 76.

*A Hest-ed
Chik
Avt.*

No. 69/17/65.SPBI

Government of India
Department of Communications
(P&T Board).

Sub : Adjustment of staff on bifurcation of P & T Circles/
Divisions and other Units.

Sir,

I am directed to state that the entire question of adjustment and repatriation of staff consequent of bifurcation, reorganisation of Circles/Divisions/Units has been reviewed in this office. The existing instructions as issued on the subject from time to time are contained in this office letter noted is in the margin.

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. SPB.69,20/55 dt. 11.3.55. 2. SPB.69-20/55 dtd. 3.6.55 3. SPB. 69-20/55 dtd. 28.6.56 4. 69/6/57-SPBI dt. 27.10.57 5. 69/15/61-SPBI dtd.16.1.62. 6. 69/15/61-SPBI dtd. 6.4.63 7. 69/44/63-SPBI dtd. 10.2.64 8. 69/7/64-SPBI dtd. 9.4.65. 9. 69/17/65.SPBI dt 1.7.65 | <ol style="list-style-type: none"> 2. Briefly these instructions are that when a division bifurcated in a scheme of reorganisation of Circle/Divisions, the staff whose scope of service is affected will be allowed an option either to remain in the residuary division or |
|--|---|

be transferred to the new division. The option once exercised should be treated as final. Adjustment of staff should however be effected initially to the extent of the number of vacancies available at the time of reorganisation. The remaining optees, if any, who are retained in one or other of the divisions against their choice due to lack of vacancies initially should be repatriated to the division of their choice as early as possible as and when fresh vacancies occur, but their repatriation should be made against vacancies reserved for direct recruitment. In order to ensure that delay, if any in the repatriation of staff due to administrative reasons does not result in any loss to the staff concerned, it has been provided that during the period they are so retained in the unit other than the unit of their choice, they should be allowed to sit for promotional examination held by the circles of their choice provided they are otherwise eligible. In order to expedite their repatriation, in the meanwhile, the optees awaiting repatriation should be considered first (i.e. before recruiting outsiders) for filling up the vacancies in the quota for outside candidates in the units concerned. Requests of officials belonging to other units/circles for transfer under Rule 38 of P&T Manual Vol. IV to the units, for repatriation to which there is already a waiting list of optees, are not to be entertained. Similarly, there should be no question of optees not immediately provided in the unit of their choice due to vacancies being not readily available, being required to seek transfer to the unit of their choice under rule 38 ibid. The candidates who were on the approved list of the unbifurcated unit are also to be given an opportunity to indicate their wishes for bifurcated units in which they would like to be appointed and if administratively possible, their wishes may be respected and they be posted in the unit of their choice, after all the staff existing at the time of re-organisation of the division/circle concerned are adjusted/repatriated in the manner explained above. Efforts should also be made to post such approved candidates as near to their home strict as possible.

*Assessed
Adm.
Adm.*

Contd...

The adequacy or otherwise of these instructions to suit the requirements of the situations created by re-organisation of circles/divisions has been examined and it is felt that these instructions are largely adequate by they require modification or clarification in certain respects. The existing instructions do not prescribe in what manner the staff belonging to purely promotional cadres should be repatriated. They also do not contain any provision to meet situations in which optees cannot be repatriated to the units of their choice within a reasonable time.

4. The matter has been thoroughly considered and it has been decided that the following principles will hereafter govern the repatriation of staff consequent on bifurcation of P&T circles, Divisions units :-

- i. All the officials, whether born on wholly promotional cadres or on partly promotional and partly directly recruited cadres, whose scope of service is effected by the reorganisation/bifurcation of Circles/Divisions Units, should be allowed to exercise option, within a specified period for service in the new unit or the residual unit.
- ii. Option once exercised by them will be accepted in full. Remained to the units of option will initially be made to the extent the posts are available at the time of such re-organisation.
- iii. A waiting list of remaining optees in each cadre will be maintained and they will be transferred in the manner indicated below to the units of their choice as and when fresh vacancies occur :-
 - (a) The optees, who are borne on the cadres, posts to which are filled wholly by promotion, will be repatriated to the units of choice against alternative vacancies occurring in the unit, the other vacancies being reserved for promotion of eligible officials in the lower grades of that unit (including the eligible lower grade optees, if any, working the other unit but awaiting repatriation to that unit). The first vacancy will go to the former (viz optee in a wholly promotional cadre) and the second vacancy to the latter (viz. eligible official in the lower grade).
 - (b) The optees who are borne on cadres, posts in which are filled partly by promotion and partly by direct recruitment, will be repatriated against the vacancies in the direct recruitment quota arising in future in the unit of choice as prescribed in this office Memo No. SPB 69-20/55 dated 23.3.56.
- iv. At the end of 3 years from the date of bifurcation the position about repatriation will be reviewed and optees who have till then not been accommodated in the units of their choice, will be ~~reviewed and options~~ given an opportunity to revise their original options, if they so desire. If they confirm their original options, they will continue to be retained on the waiting list for repatriation to that unit in the manner mentioned in (iii) above. In case, however, they revise their option

Attended
 O.K.
 20/5

for permanent absorption in the units where they have already been serving, they retaining their original seniority as before bifurcation of that unit, Such revised options will not be allowed to be changed further and will not be allowed to be changed further and will be treated as final.

5. The other instructions on the subject mentioned in para 2 above, which are not modified by para 4 above will continue to be in force.

Sd/- N. Swaminathan
Asstt. Director General (SP^N)

Copy of letter No. 208/43/69 B.I. dated 19.9.70 for the DGP&T New Delhi to All Heads of Circles.

Sub : Transfer of the staff of Telecommunication arm of the Department at the time of re-adjustment or establishment or opening of new offices. etc. procedure regarding.

I am directed to state that whenever transfers are to be ordered within the same unit of recruitment due to re-adjustments of staff or opening of new offices etc. in telegraphs branch (engineering wireless and Telegraphs traffic) the transfers should be regulated in the following order :-

- i. Volunteers who are willing to be transferred at their own expenses.
- ii. Volunteers who are willing to be transferred if ordered in the interest of service.
- iii. Officials who have completed their tenure of the who are due to complete their tenure shortly in the order of their length of tenure;

2. These orders do not cover the cases dealt with in this office order No. 69/17/65-SPB-I dated 25.3.67.

Sd/- T.V. Balasubramanian,
Asstt. Director General (STN.)

A. H. S. S. S. S.
Adm.

Annexure-9

No. 42014/7/86-Estt (SCT)
Government of India/Bharat Sarkar
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training.)

New Delhi, the 12th August, 1986

OFFICE MEMORANDUM

Sub : Harassment of and discrimination against Scheduled Castes and Scheduled Tribes employees in Central Govt. Services/Posts.

The undersigned is directed to say that in the Department of Personnel and Training's O.M. No. 3602/3/-85-Estt (SCT) dated 24th June, 1985, it is emphasised that Government servants should desist from any act of discrimination against members of Scheduled Castes/Scheduled Tribes Communities on grounds of their social origin (Copy enclosed).

2. It has come to notice that the contents of the O.M. referred to above dated 24th June, 1985, has not received wide Publicity. It is once again emphasised that in order to achieve the objective of the Government to uplift officials belonging to the SC/ST socially and to merge them in the mainstream of the national life, it is absolutely necessary that the officials belonging to SC/ST are not subjected to any harassment of discrimination.

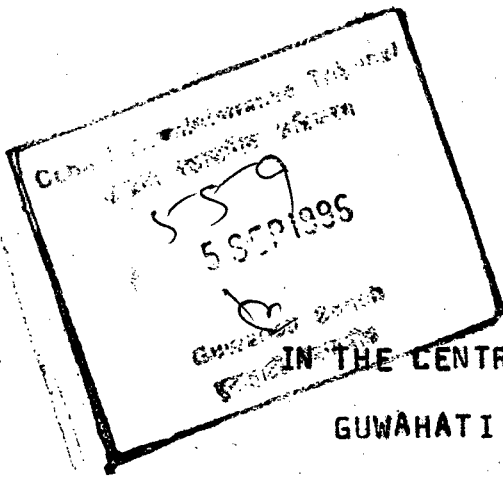
3. Ministry of Finance are requested once again to bring the contents of O.M. dated 24th June, 1985 referred to above to the notice of concerned and action taken against officials who violate the instructions.

Sd/- BATA K.DEY
Director

To

All Ministries/Departments etc. as per standare list.

AH - 7 ed
Calcutta
Adv.



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Handwritten signature: *Shankar*
(MD. SHAIKAT) 4/96
Central Govt. Stamp
Central Administrative Tribunal
Guwahati Bench, Assam

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

IN THE MATTER OF:

D.A. No. 59/96

Sri Madan Chandra Gayanri

-Versus-

The Union of India & Others.

- AND -

IN THE MATTER OF:

**Written Statements submitted by the
Respondents No. 1,2,3, & 4.**

**The humble Respondents submit their
Written Statement as follows :-**

*Received
3/9/96
ADV*

1) That with regard to the statements made in paragraphs 1 to 5 of the application the Respondents have no comments.

2) That with regard to the statements made in paragraph 6.1 of the application the Respondents have no comments the same being matters of record.

(Contd.)

3) That with regard to the statements made in paragraph 6.2 of the application the Respondents beg to state that, the applicant attended only a part of JTO training, but not completed the same successfully.

i) Mere attending only a part of a full training (JTO) is not considered as successful completion of that training. ii) As the official couldn't complete the training for JTO (What ever the ground may be) he remains as P.I. for all official purposes. The recruitment rules for JTOs issued under DOT No. 5-1/96-NEG dtd. 8-2-96 is enclosed for ready references Annexure-IV)

4) That, with regard to the statements made in para 6.3 of the application the Respondents beg to state that they have no comments.

5) That with regard to the statements made in para 6.4 of the application the Respondents beg to state that the contents reflected in the para is not based on fact.

a) No verbal assurance was given to him for redeputation for training.

b) The Official was discharged from the training on availing more than specified period of leave during training period.

c) The candidate passed the qualifying exam. for promotion to JTO (earstwhile JE) from the vacancy related to combined NE Circle. At the time of

(Contd.)

bifurcation by virtue of his seniority in the cadre of JTO, he stands junior and even though he opted for Assam Circle, he could not be accommodated to Assam Circle as a lot of JTOs senior to him has also been allotted to NE Circle. So C.G.M.T. N.E. Circle naturally becomes his cadre controlling authority in the cadre of JTO and all his representations were to be decided by CEMT/N.E. Circle as per departmental rules.

d) Based on the representation received from the applicant, approval of re-deputation was subject to the declaration to be given by the official, vide letter No. Rectt-46/TRG/PT-I/198 dtd. 20-6-91 (Annexure-III). This undertaking was never submitted by Sri Gayari.

e) The applicant at the time of bifurcation of N.E. Circle opted for Assam Circle as PI and accordingly as per option and seniority he was allotted to Assam Circle vide CGMT /NE Circle letter STB/bifurcation/co/77 dated 22-6-1987. But this has no relation to his seniority in the cadre of JTO, which was decided based on the result of departmental qualifying exam held in 1985 in combined Circle, he was allotted to NE Circle in the cadre of JTO to be trained. Assam circle becomes operational only in the 2nd part of 1988. The applicant passed the qualifying exam for promotion to JTO in the year 1985 in the vacancies of the then N.E. Circle. So his claim that as per normal rules staff who are allotted to Assam Circle or NE Circle on the very date of bifurcation are getting or service benefit including promotion to the respective Circle is not appli-

6) That with regard to the statements made in para 6.5 of the application the Respondents beg to state that the same has been dealt with against para 6.4 where it was clearly stated that, the reasons thereof for non consideration of his claim for redeputation, so question of injustices to the applicant can not arise here. Moreover the applicant has suppressed the fact that he was actually allotted to the N.E. Circle as JTO to be trained after qualifying in the exam to the promotion to the cadre of JTO. This allotment is based on seniority (considering SC/ST foster points). Applicant passed the departmental qualifying exam for JTO under the quota of NE Circle in 1985. Hence his case can not be equated or compared with the candidates who passed the same exam against the vacancy of Assam Circle subsequently.

7) That with regard to the statements made in paragraph 6.6 of the application the Respondents beg to state that, the case refer to in this para i.e. G.C No. 100/87 has no relevancy to the present case.

The applicant qualified against the existing vacancies of NE Circle in 1985. Hence recruitment and controlling authority of the official in the cadre of JTO (to be trained) is C.G.M.T. NE Circle.

8) That with regard to the statements made in para 6.7 of the application the Respondents beg to state that, the applicant qualified against the existing vacancies of combined NE & Assam Circle

in 1985 as JTD to be trained. And he was allowed to NE Circle as JTD to be trained as per his seniority in the cadre JTD. Question of option doesnot comes here .

9) That with regard to the statements made in paragraph 6.8 of the application the Respondents beg to state that, the applicants request for redeputation for training as JTD was to be considered by CGMT/NE Circle, to whom he did not represented. However CGMT/NE Circle agreed to consider the case for redeputation for training as stated in para 6.5 subject to the undertaking to be given by the applicant before being considered for training.

10) That with regard to the statements made in para 6.9 of the application the applicant was suppressing the fact that he was allotted to NE Circle as JTD to be trained as per his seniority, which is only to be considered in this case . No subsequent modification of this order was issued.

11) That with regard to the statements made in para 6.10 of the application the Respondents beg to state that, in 1985 the applicant was PI in the combined NE Circle and passed the departmental qualifying exam for promotion to the cadre of JTD under the vacancies of combined NE circle.

(Contd.)

At the time of bifurcation he was allotted to Assam Circle as P I based on the vacancies created in Assam Circle. Similarly at the time of bifurcation as he already passed qualifying exam for JTO to be trained, he was also considered separately for placement as JTO to be trained and as per his proposed seniority in JTO cadre he was allotted as JTO to be trained from NE Circle. Both the above allotment as PI and JTO are separate and done as per departmental rules.

12) That with regard to the statements made in para 6.11 of the application the Respondents beg to state that, the delay for redeputation for JTO training was due to his noncompliance to the instructions issued by CGMT/NE Circle. There is absolutely no discrimination against the candidate for his being SC/ST.

13) That with regard to the statements made in paragraph 6.12 of the application the Respondents beg to state that, the fact submitted in this para is distorted, as Assam Circle has come into existence in 1987 and became operative from 1st part of 1988. Thereafter the vacancies of Assam Circle has filled up as per departmental procedure. The applicant was also given chance to appear in the exam subsequently conducted by the Assam Circle.

(Contd.)

14) That with regard to the statements made in para 6.13 of the application the Respondents beg to state that, the claim of the Applicant to avail the benefit of seniority in the cadre of JTO along with the batchmate 1985 who were qualified along with applicant in departmental exam is not permissible as per departmental rule as the vacancy of ~~in~~ a particular year against departmental qualifying exam quota as per roster points are to be filled up by eligible candidate. As the applicant disqualifies by virtue of non-completion of training and the vacancies ~~of~~ were filled up by the CGMT/NE Circle. As he did not successfully completed his training as JTO, his claim "A person recruited in earlier year is always senior to a person recruited in subsequent year" is not based on valid ground.

15) That with regard to the statements made in paragraph 6.14 of the application the Respondents beg to state that, the reasons for nonsending the applicant for JTO training is clearly explained in the above parts. Full responsibility ~~of~~ of not getting himself selected for the training lies solely on the applicant. There is no intention or ill motivated attitude of department against the applicant. Non completion of JTO training, whatever the ground may be, don't qualifies the candidate any special consideration as per departmental rules.

(Contd)

16) That with regard to the statements made in paragraph 6.15 of the application the Respondents beg to state ~~that~~, and submit that the application made by the applicant has no merit and is liable to be dismissed with cost.

17) That with regard to the statements made in para 7 of the application regarding reliefs sought for the Respondents beg to state that the applicant is not entitled to any of the relief ~~sought~~ sought for and as such, the application is liable to be dismissed.

18) That regarding grounds of the application the Respondents beg to state ~~that~~ submit that none of the grounds is maintainable in law as well as in facts and as such, the application is liable to be dismissed.

19) That ~~the~~ with regard to the statements made in para 8 ~~of~~ of the application regarding interim relief prayed for the Respondents beg to state that as no interim order has been passed by the Hon'ble Tribunal so they have no comments to offer and in fact the applicant is not entitled to get any relief.

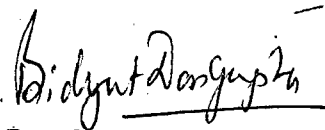
20) That with regard to the statements made in paras 9, 10, 11, 12 & 13 of the application the Respondents have no comment. Further the Respondents submit that the application has no merits and as such the same is liable to be dismissed.

(Contd.)

VERIFICATION

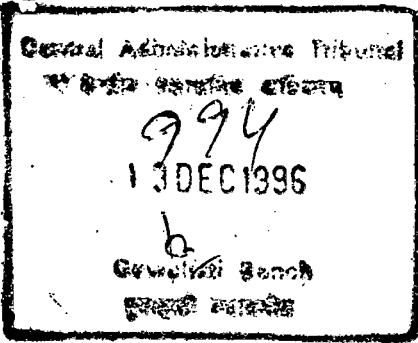
I, Sri B. Das Gupta , Assistant Director, Telecom (legal) serving in the Office of the Chief General Manager Telecom, Assam Circle as authorised do hereby solemnly declare that the statements made in this Written Statement are true to my knowledge, belief & information .

I sign this verification today on 30 th day of August, 1996 at Guwahati.



Declarant.

Asstt. Director Telecom (Legal)
O/O the C. G. M. Telecom
Assam Circle, Guwahati--781007.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

59

Filed by the Petitioner
Through Manik Chandra
Advocate
12-12-96

In the matter of :

O.A. No. 59 of 1996

Sri Madan Chandra Gayari

-versus-

Union of India & Others

-And-

In the matter of :

Rejoinder submitted by the applicant.

The applicant above named most humbly and respectfully begs to state as follows :

1. That with regard to the statements made in para 3 of the written statement the applicant begs to state that it is not claimed that the training had been successfully completed but due to sudden sickness it was not possible on the part of the applicant to attend the training centre after completion of 19 weeks of training for the rest 18 weeks of traing. The applicant had submitted necessary medical Certificate regarding his serious ailment to the concerned authorities at the relevant times. In this connecti it may be stated that if an Official fails to complete the full course of training due to unavoidable circumstance (i.e. on medical ground) he should redepute before sending the next junior batch or with the next junior batch as soon as the Official resumed his duty with medical fitness

Received by
Fair
Dr. CSSC
12/12/96

Certificate. There are many instances. As for reference one Sri Khagendra Nath Barman T O A (T) who was getting training for ASTT was terminated from training centre by the Principal, R.T.T.C., Thiruvanthapuram vide his letter No. 1070/N-S/B-1/73 dt. 17.12.93 due to medical ground. Again he was redeputed by C.G.M.T., Assam Circle vide his letter No. Rectt-6/3-ASTT (Trg) 140 dt. 6.10.94 almost after one year. But this is not done in case of the present applicant (letter enclosed)

A copy of the letter dated 17.12.93 and letter dated 6.10.94 are annexed herewith and the same are marked as Annexures 10 & 11 respectively.

2. That with regard to the statement made in paragraph 5 (a, b, c, d, & e) of the written statements the applicant categorically denied the same and further begs to state that further reiterates the contents made in paragraph 6.4 of the Original Application. The applicant on a ~~few~~ number of occasions approached ASSTT, Director Telecc (Staff) and also D.G.M (Admn.) Office of the C.G.M.T., Assam Circle, Guwahati with the request for redeputation on J.T.O. (erstwhile J.E.) training course in order to be qualified as J.T.O (erstwhile J.E.). Even the applicant submitted number of representations dated 20.4.91, 3.6.91, 20.8.91, and 10.2.95 for sending him for deputation for completion of training course and it is categorically denied the statements made in paragraph 5 (b) that the applicant had availed leave more than 55 days of leave during the training course but in fact the applicant could not resume the training due to compelling circumstances

On medical ground. The statements made in paragraphs 5 (c, d & e) are totally incorrect, false and misleading and same are categorically denied. In this connection it may be stated that at the relevant time when bi-furcation took place following creation of Assam Circle from the erstwhile N.E. circle in terms of his option vide C.G.M.T. N.E. circle's letter No. STB/bifurcation/Co/77 dt. 22.6.87 and also subsequent letter No. STB/Bifur-1/Co(L)/3 dt. 13.10.1988. Be it stated that prior to the deputation of the applicant to the training course at Jabalpur Training Centre, the applicant was serving as Phone Inspector and he was stood allotted to Assam Circle as Phone Inspector and thereafter the applicant was sent for training at Jabalpur Training Centre vide TDM/Guwahati's letter No. TDM/ESTD 2/P & T/89-90/174 dt. 14.4.89, although the applicant allotted to Assam Circle in the year, 1987, therefore the question of submitting undertaking for serving in N.E. Circle on completion of training as J.T.O (erstwhile J.E.) does not arise at all and the illegal undertaking insisted by the respondents vide their letter No. Rectt-3/39-J.E/Trg./188 dt. 10.9.91 (Annexure-3) was accordingly replied by the applicant vide his letter dt. 24.12.91 on the ground that the applicant already stood allotted to Assam Circle following rules of bi-furcation and option, therefore he is entitled to get all service benefits including promotion to the cadre of J.T.O (erstwhile J.E.) only in the Assam Circle and the applicant also raised the point that he being only S/T candidate should not be harassed and discriminated in the matter of promotion, cadre and circle allocation. In this connection it may be stated that the applicant

representations dated 20.4.91, 3.6.91, 20.8.91 & 10.2.95.

3. That the applicant categorically denied the statements made in paragraphs 6,7,8 and 9 of the written statement and further beg to state that the statements made on those paragraphs are misleading and contrary to the rules and existing policy of the Telecom Department. Be it stated that there cannot be any cadre as J.T.O. (erstwhile J.E.) to be trained in the Telecom Department under the Government of India, Ministry of Communication. In this connection it may be stated that the applicant is still working as Phone Inspector and he was rightly allotted to Assam Circle in terms of his option in accordance with the existing rules. Therefore the statements of respondent that the applicant was allotted as J.T.O. (erstwhile J.E.) to be trained in the erstwhile N.E. Circle and allegation of suppression does not arise at all in the fact and circumstances. Therefore respondents are working under total misconception treating the applicant in the cadre of J.T.O. to be trained as there is no cadre like J.T.O. to be trained in the Telecom Department. The applicant further reiterates the statements made in paragraphs 6.6, 6.7 and 6.8 in the Original Application. Respondents now cannot make any departure from the existing rules and Policy regarding allotment, redeputation for training and in the matter of assigning seniority. And it is rightly reflected in their contention and stand taken in G.C. No. 180/87 and the contention and stand taken in the G.C. No. 180/87 by the respondents are rightly applicable in the present case and there is no question of submitting any

Contd...P/5

representation to N.E. Circle for redeputation of the present applicant for the training course as the present applicant originally allotted to Assam Circle in the cadre of Phone Inspector. In this connection it may further be stated that it is already mentioned that the applicant passed the qualifying examination for promotion to the J.T.O (erstwhile J.E.) from undivided (combined) N.E. Circle. At the time of circle bi-furcation the J.T.Os (erstwhile J.E.s) were bifurcated in the ratio of 56 : 44 vide C.G.M.T. N.E. Circle, Shillong's letter No. STB/Bifur-1/Co/86 dated 14.8.87 (list enclosed). According to this list the total working strength of J.T.Os were shown as 599 (335-264). In the same list 4 (four) J.T.Os were shown as promoted and 11 (eleven) J.T.Os were shown as transferred on Rule-38 so from the above list the actual working strength of J.T.Os were $(599-15) = 584$. But at the time of circle bifurcation the total sanctioned vacancies were 625. From the above date it is understood that after circle bifurcation the total unfilled vacancies were $(625-584) = 41$. As per bifurcation rule this 41 unfilled vacancies in the combined circle were ordered to be shared proportionately (in the ratio 56 : 44) by the two bifurcated circles. So by this rule the Assam circle should get the total 25 vacancies out of 41 vacancies. Similarly the N.E. Circle should get 18 vacancies. As per bifurcation rule it is also stated that those Officials who did not belong to the cadre of J.T.Os (erstwhile J.E.s) on the last date for exercising option but belong to the cadre like P.I., RSA, W.O. etc. and who already stood allotted to a particular circle in their respective original cadre before becoming due for promotion as J.T.O (erstwhile

J.E.). their promotion should be made in that circle only to which they belonged by virtue of allotment already made in their original cadres.

Again it is also stated by the DG, P & T, New Delhi letter No. 69/17/65-S.P.B.I dt. 28.8.72 that option once exercised within a stipulated time is treated as final (letter enclosed). From the above rules and Policy, as the applicant did not belong to the cadre of J.T.O (erstwhile J.E.) but belonged to the cadre of Phone Inspector and already stood allotted to Assam Circle by virtue of his option vide C.G.M.T./N.E. Circle, Shillong's letter No. STB/Bifur-1/Co/77 dt. 22.6.87 and also subsequent letter No. STB/Bifur-1/Co(L)/3 dt. 13.10.88. Thus the applicant has no longer the staff of N.E. Circle. It is not a fact that a lot of J.T.Os senior to the applicant has been allotted to N.E. Circle. Because those J.T.Os were already been allotted to N.E. Circle by virtue of the bifurcation rule as well as the instruction vide D.G.P & T. letter No. 69/17/65-S.P.B.I dt. 28.9.72 and C.G.M.T./N.E. Circle's letter No. STB/Bifur-1/Co/86 dt. 14.8.87 (letter already enclosed).

There is also judgement and order passed by the Hon'ble Tribunal Guwahati vide G.C. No. 153 of 1987 dt. 15.3.1989 that one Sri Gautam Sengupta L.D.C. of the same department, claimed for promotion to U.D.C. in N.E. Circle. But at the time of bifurcation he was allotted to Assam Circle in his original cadre as L.D.C. according to the rules and policy of option. He also passed the U.D.C. examination in the combined N.E. circle. He claimed for promotion to N.E. circle as U.D.C. But the Hon'ble Tribunal Guwahati held that as he was already allotted to Assam Circle in his original cadre and being no more the staff of N.E. Circle, his claim for getting promotion in N.E.

(S)

65

Circle is not justified and sustainable.

From the above judgement and order it is clear as the present applicant being no more the staff of N.E. Circle, so his claim for redeputation, promotion and maintaining seniority from Assam Circle is justified.

It is also standing rule of the D.G.P & T Manual Volume IV that the seniority fixed according to the post training marks keeping in view of year of recruitment. A person recruited or passed the promotional examination earlier year is always senior to the person recruited or passed in a subsequent year. If a person could not complete his training with this qualifying batch due to unavoidable circumstances (i.e. Medical ground) his seniority will be counted either in the last position of his batch or in top position of his next junior batch with whom he is entitled to be completed training. The recruiting year of the applicant's batch is shown as 1985. So the applicant's seniority is to maintain with his qualifying batch.

A copy of the letter dated 14.8.87 and a copy of judgement and order dt. 15.3.89 are annexed as Annexures- 12 and 13.

4. That with regard to the statement made in paragraphs, 10,11,12,13 and 14 of the written statements are categorically denied by the applicant and further begs to state that the same have been adequately replied in above paragraphs. However the applicant further begs to state that although he had passed the qualifying examination in the year, 1985 but in fact the applicant was stood allotted to Assam Circle in the year 1987 in the cadre of Phone Inspector, therefore, as per existing rules and policy of the respondents the applicant is legally ~~entitled to be accommodated against the vacancy~~ entitled to ~~be~~ be accommodated against the vacancy

of Assm Circle in the cadre of J.T.O (erstwhile J.E.) on completion of successful training and also entitled seniority in the bottom of 1985 batch of successful J.T.O. (erstwhile J.E.) and thus applicant cannot suffer due to the lapses, negligence and inaction of the Telecom authority in the matter of ~~reputation~~ redeputation for the training courses of J.T.O (erstwhile J.E.) and the delay caused by the Telecom authority and undertaking insisted for serving in N.E. circle on completion of training is highly illegal, arbitrary and unfair. As the applicant already been qualified in the qualifying examination in the year, 1985, therefore, question of his further appearance in the same examination as alleged in paragraph 13 does not arise. In the matter of seniority the applicant is legally entitled for counting for the seniority along with the 1985 batch and the principle of counting of seniority had already been discussed in G.C. No. 180/87 by the Hon'ble Tribunal and contention of the Telecom authority support the case of the present applicant. In reply to the paragraph 10 of the written statement no letter or order for allotment to N.E. circle was received. But as per statement by the department in the Hon'ble Tribunal in G.C. No. 180/87, it is stated that the letter issued by the C.G.M.T./N.E. circle, vide No. STB/Bifur-1/Co/86 dated 14.8.87 is the final list of the bifurcated J.T.Os (erstwhile J.E.)

A copy of written statement of G.C. No. 180/87 is enclosed as Annexure-14.

It is already stated that the Assam already been got 23 unfilled vacancies by sharing the sanctioned vacancies after bifurcation. From 23 unfilled vacancies

at least one vacancy must be reserved for the scheduled Tribe Official as per Constitution of India. As the applicant was the only S/T official from the entire Assam circle he must get his training from that vacancy.

The non-completion of training is due to non-~~production~~ deputation by the department. The applicant could have completed his training if he would have redeployed as soon as he resumed his duty after the submission of his fitness medical certificate. So the vacancy for which the applicant was sending for training for the 1st time must not be filled up by his junior qualified official or person and the seniority must be retained with his batchmates of 1985 as the recruitment year for the batchmates is shown as 1985.

A copy of the written statement of G.C. No. 180-87 is annexed as Annexure-

5. That with regard to the statements made in paragraphs 15, 16, 17, 18, 19 & 20 of the written statements the same are categorically denied by the applicant and further begs to state that the Telecom authorities are solely responsible for non-consideration of the applicant for redeployment for the training course in spite of applicant's several representations, personal approach to the Telecom authority. Even the Telecom authority did not feel to furnish and reply of his representation till date and rather the Telecom authority had insisted the applicant for obtaining illegal undertaking to serve in N.E. Circle on completion of training in total violation of existing rules and policies of the Telecom Department.

In the facts and circumstances stated above, the application is deserves to be allowed with costs.

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

I, Sri Madan Chandra Gayari, son of late Galar Ram Gayari, aged about 45 years, resident of Tarun Nagar, Guwahati applicant in the O.A. No. 59/96 do hereby solemnly affirm and declare that I have gone through this rejoinder and the statements made here are true to my knowledge and belief and I have not suppressed any material facts.

I sign this verification on this the 13th day of December, 1996.

Madan Chandra Gayari

S igned

Annexure - 10

Government of India
Department of Telecommunications
Office of the Principal, RTTC, Thiruvananthapuram-40

No.T-1070/N-S/B-I/73

dt 17-12-1993

Sub:- Relieving Order of ASTT(Induction-New Scheme) Phase -I
Batch No.I at RTTC, TVM-reg

- Ref:- 1) CGM, BRBRAITT, Jb ltr.No.TM-22/13 dt 9-7-1993.
2) This Office ltr.No.T-1070/N-S/B-I/51 dt 23-8-93 and T-1070/
N-S/B-I/64 dt 28-9-93.
3) CGMT, MH Circle BY Telegram No.TFC/ATE-752/TRG/VII/63
dt 9-12-93.
4) Telecentre JB No.XKT-1645/9 dt 10-12-93
5) GMT, NE No.STB/Z-157/T dt 14-12-1993.
6) CGMT, TVM ltr.No.STT/18-2/93 dt 16-12-1993
7) CGMT, Assam Circle N.TTES-5/5 dt 16-12-1993

On successful completion of 20/16 weeks Basic (Phase-I) training, the following ASTT Induction trainees are hereby relieved from this training centre with effect from 17-12-1993 A/N, with instructions to report for field training to the units noted against them. ~~Copies of the manual list and leave accounts are forwarded~~

A seat rent of Rs 2/- was collected per seat. No free boarding and lodging was given to the trainees.

The trainees may be directed to report back to RTTC, TVM for undergoing Phase-II training for 16 weeks, commencing from 17-1-1994, vide BRBRAITT, Jabalpur No.XKT 1645/9 dt 10-12-1993.

17/12/93
Principal, RTTC, TVM

Sl.No.	Roll.No.	Name & Designation of the Trainees	Parent Unit	Unit to which to report
S/Shri/Smt				
<u>A.Category -II</u>				
1.	0101	David S.A. LSG(A)	CTO, Bombay	CTO, Bombay
2.	0102	P.B.Deshmukh, TOA(TG)	"	"
3.	0103	Dethe Baban Balu, TOA(T)	"	"
4.	0104	S,V.Gaikwad, TOA(TG)	DTO, Karad	DTO, Karad
5.	0105	G.Govindarajan, TOA(G)	CGMT, MH Circle, BY	CTO, Bombay
6.	0106	S.Krishnan, TOA(G)	CTO, BY	"
7.	0107	Hilda Marian, TOA(T)	"	"
8.	0108	G.S.Patinge, TOA(T)	"	"
9.	0109	Paul Thurai.S, TOA(TG)	"	"
10.	0110	J.G.Singh, TOA(TG)	"	"
11.	0111	Tiwari G.C, TOA(G)	"	"
12.	0112	Binandiram Das, TOA(T)	CTO, Guwahati	CTO, Guwahati
13.	0113	Bishnu Deka, TOA(TG)	"	"
14.	0114	Haridhan Das, TOA(T)	"	"
15.	0115	Jyotish Chandra Kalita, TOA(T)	"	"
16.	0117	Khargeswar Deka, TOA(TG)	"	"

contd..on page 2..

J.A. et al
Adm

17.	0118	B.S.Paul Mazumder, TOA(T)	DTO, Tinsukia	CTO, Guwahati
18.	0119	Fulin Sarmah, TOA(TG)	DTO, Golaghat	"
19.	0121	Ram Deo, TOA(G)	CGMT, Guwahati	"
20.	0122	Surendra Nath Kalita, TOA(T)	DTO, Noonmati	"
21.	0123	Tapan Saikia, TL	CTO, Dibrugarh	"
22.	0124	K.Thaingamlung, TOA(TG)	STT, Imphal	CTO, Imphal
23.	0125	Sushil K.R Sutradhar, TOA(TG)	STT, Bongaigaon	CTO, Guwahati

B- Category -I

24.	0126	Abul Hussain Laskar, TOA(TG)	CGMT, Guwahati	"
25.	0127	Girin Sarma, TOA(T) I	CTO, Guwahati	CTO, Guwahati
26.	0128	Nanda Mohan Nath, TOA(T) II	"	"
27.	0129	Mukhtar M.A, TOA(T)	CTO, Bombay	CTO, BY
28.	0130	B.Suresh Babu, TOA(Gr I)	CGMT, TVM	CTO, TVM

Note:- (29) Sri.Khagendranath Barman, TOA(T), ROLL No.0116 and (30) Sri.Pusta Ram Rava, TOA(T) Roll No,0120 were terminated from training with effect from the F/H of 7-10-1993, vide this office ltr No.1070/H-S/B-1/66 dt 21-10-93.

Copy to:-

1. CGM, BRBRITF, Jabalpur. 482001.
2. CGMT, Assam Circle, Ulubari, Guwahati, 731007.
3. Supdt, Telegraph Traffic, Silchar Dn, Silchar.
4. AGH(TT), 1/2 The CGMT, MI Circle, BI/ Kerala Circle, TVM-33
5. Supdt, Telegraph Office, Manipur Dn Imphal/Dibrugarh Dn, Dibrugarh/Bongaigaon Dn, Bongaigaon.
6. CGMT, Shillong.
7. Chief Supdt, CTO, Jacob Circle BY-400011.
8. JSTT, Bombay City Dn, CTO, BY-400011.
9. ASST I/C, DTO, Karad-415110 /Tinsukia 785121/ CTO Dibrugarh.
10. AO(F & A) CO, Bombay-400011.
11. CGMT, Kerala Circle, TVM-33/ MI Circle, Bombay.

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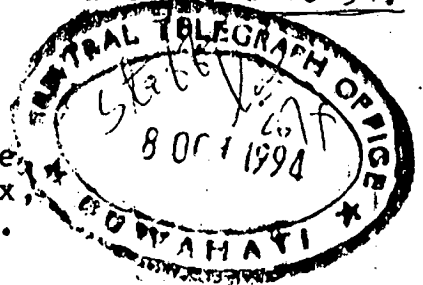
3 C.T.T/G.H
 Attached
 @ me
 A.W.

3217
8/17
13
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
O/O THE CHIEF GENERAL MANAGER TELECOM: ASSAM CIRCLE
GUWAHATI:-781007.

NO.Rectt-6/3-ASTT(Irg.)/140 Dated at Guwahati the 6-10-94.

To,

The Principal,
Regional Telecom Training Centre,
Fourth Floor, Chandralok Complex,
Near C.T.O. Secundrabad:-500003.



Sub:- Training of ASTT(Deptt.) in pre-basic & Phase-I
to be commence at RTTC Secundrabad w.e.f. 7-11-94.

As per allotment of seats received from C.G.M.,
B.R.B.R.A.I.T.T., Jabalpur vide FAX Message dtd.4-10-94.
following candidates are hereby directed for undergoing
ASTT Pre-basic training at RTTC, Secundrabad. The duration
of training will be 4 weeks for Pre- basic w.e.f. 7-11-94
followed by 16 weeks phase-I training w.e.f. 5-12-94.

<u>Sl.No.</u>	<u>Name of Candidates.</u>	<u>Office to which attached.</u>
1.	Sri K.N.Barman, TOA(TG)-II	CS, CTO/GH.
2.	Sri F.R.Rava, TCA(TG)-III	-do-

Kindly take necessary arrangement for training
of the candidates.

Sd/-
(M. Biswas)
Asstt. Director Telecom(E&R)
for Chief General Manager Telecom,
Assam Circle:Guwahati:-781007.

Copy to:-

- By hand.
1. The C.G.M., B.R.B.R.A.I.T.T., Jabalpur. for information.
 2. The CS, CTO/GH. He is requested to release the Officials well in time. The phase-I training will be followed by field training of 4 weeks which will be decided by C.O. & will be intimated in due course.
 - 3-4. The ADT(T)/ADT(HRD) for information and necessary action.

for Chief General Manager Telecom,
Assam Circle:Guwahati:-781007.

AH asked
@ when
Dw

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

STB/Bifur-1/CO/86.

Dated: Shillong, the 14th Aug '87

In consequence of bifurcation of the N.E. Telecom Circle into Assam Telecom Circle and N.E. Telecom Circle w.o.f. 19.1.87, the Junior Engineers of composite N.E. Circle, who were in service on 16.6.86, are allotted between the two Circles as shown in Annexure I & II having regards to their relative seniority and options etc.

This allocation of JEs between the two Circles is done on the basis of sanctioned strength of the JEs in the territorial jurisdiction of Assam Circle and N.E. Circle in the ratio of 56.44 in Assam Circle and N.E. Circle respectively.

All the units concerned are requested to scrutinise the lists to see whether there is any drop-outs. If there have been any dropouts, the names of the officials with full gradation particulars may be intimated to this office immediately and also the present station of posting of all the officials may please be intimated to the Head of Circles concerned.

Concerned units are also requested to relieve the officials immediately after obtaining the station of posting from the respective Circles.

Encl: Annexure-I & II.

(R.N. BHATTACHARJEE)
AGMT(SF)
for General Manager, N.E. Circle,
SHILLONG.

Gr12837/

- Copy to:-
- 1. The General Manager, Assam Circle, Gauhati.
 - 2. The Area Manager, Shillong, Dibrugarh.
 - 3. The Telecom. District Manager, Shillong.
 - 4. The District Manager Telecom., Gauhati.
 - 5. All TDEs in N.E. Circle, Assam Circle.
 - 6. The CAO, o/o GMT/Shillong.
 - 7. The AO(TA), Shillong.
 - 8. The AGMT(SF), Shillong.
 - 9. The AGMT(Staff), Assam Circle, Gauhati.
 - 10. The Circle Secretary, JETA(India), Gauhati.
 - 11. The GM. Task Force, Gauhati.
 - 12. The GMT. T&D Circle, Jabalpur.
 - 13. The Director Satellite Communication Project, Shillong.
 - 14. The GMM, ETR., Calcutta.
 - 15. The Director Mtee. ETR, Shillong.
 - 16. The Principal CTC, Gauhati.
 - 17. The GM. TTC, Jabalpur.
 - 18. The GM. ALTTC, Gaziabad.
 - 19. The Principal RTTC, Kalyani/Patna/Nagpur.
 - 20. The D.G. Telecom(SIN), New Delhi.
 - 21. The GM. TOLL, New Delhi-110001.
 - 22. The TDM, Agartala/Dimapur.
 - 23. The Director(Staff)TRC, New Delhi-110050.

(R.N. BHATTACHARJEE)
AGMT(SF)
for General Manager, N.E. Circle,
SHILLONG.

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JETS ALLOTTED TO ASSAM CIRCLE

Sl. No.	Names.	Present Office of working.	Remarks.
1.	Shri Probhat Ranjan Das	NE	Transferred to Assam Circle.
2.	Shri Aniangshu Ghosh	Assam	
3.	Shri D.D. Roy	Assam	
4.	<u>Shri A.K. Chakraborty</u>	Assam	Promoted.
5.	Shri Subodh Ch. Bhuyan	Assam	
6.	Shri Rohini Kr. Saikia	NE	
7.	Shri P.D. Kumar	Assam	
8.	Shri Tipu Ram Hazarika	Assam	
9.	Shri Jogeswar Saha	Assam	
10.	Shri Masari Hussain Choudhury	Assam	
11.	<u>Shri Tusar Kanti Bhattacharjee</u>	Assam	Transferred on R-28
12.	Shri An Basak	NE	
13.	Shri An Nath Babha	Assam	
14.	Shri Anki Rn. Majumder	NE	
15.	Shri Ardhendu Sekhar Deb		Transferred to Assam Circle.
16.	Shri Hetai Ch. Das	Assam	
17.	<u>Shri Sakti Pd. Maitty</u>	Assam	Transferred on R-28
18.	Shri Haran Ch. Chakraborty	Assam	
19.	Shri Purno Boro	NE	
20.	Shri Rakhbar Ch. Jain	Assam	
21.	Mr. Riasat Ahmed	ALTC, Gaziabad	
22.	Shri Bazlur Rahman	NE	
23.	Shri Subir Adhikari	Assam	
24.	Shri Dilip Kr. Ganguli	Assam	
25.	Shri Sarat Ch. Das	Assam	
26.	Shri Ranadhir. Dey	NE	
27.	Shri Ashok Kr. Das	NE	
28.	Shri Ashin Kr. Dob Roy	Assam	
29.	Shri Satyendra. Bhusan Choudhury	Assam	
30.	Shri Pradip Kr. Roy	TTC, Nagpur	
31.	Shri Sasanka Ch. Sinha	NE	
32.	Shri Sailendra Nath Dutta	Assam	
33.	Shri Ram Bihari Tiwari	Assam	
34.	Shri Prabin Kr. Barman	Assam	
35.	<u>Shri Hripendra Krishna Roy</u>	Assam	(Promoted)
37.	Shri Baren Kr. Dob	Assam	
38.	Shri Sheikh Safiulla	Assam	

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1.	2.	3.	4.
39.	Shri Dharanidhar Baro	Assam	
40.	Shri Bhanu Ram Pegu	Assam	
41.	Shri Benimadhab Roy	Assam	
42.	Shri Binira Paha Chakraborty	Assam	
43.	Shri B.A. Nath	Assam	
44.	Shri Abani Nath Bhattacharjee	Assam	
45.	Shri Guru Prasad Chetia	Assam	
46.	" Debabrata Bhattacharjee	Assam	
47.	" Chattalash Dey	Assam	
48.	" Atindra Kr. Roy	NE	
49.	" Krishna Gopal Das	Assam	
50.	" Dhiren Ch. Paul	Assam	
51.	" Tarun Ch. Das	Assam	
52.	" N.B. Lodh	Assam	
53.	" Rasendra Dutta Choudhury	Assam	
54.	" Badal Kundu	Assam	
55.	" Rama Ranjan Brahmachary	NE	
56.	" Chayan Kr. Son	Assam	
57.	" Amarendra Ch. Dutta	Assam	
58.	" Shyamapada Chakraborty	NE	
59.	" Kedar Nath Shukla	RTTC, Patna	
60.	" Uday Shankar Neogi	Assam	
61.	" Ganesh Ch. Sharma	Assam	
62.	" Harish Ch. Haloi	Assam	
63.	" Jyotish Rn. Nath	Assam	
64.	" Bijan Bihari Nath	Assam	
65.	" Aswini Kr. Pathak	NE	
66.	" Swargoswar Taid	Assam	
67.	" Bijit Kr. Dey	Assam	
68.	" Kuladhar Saikia	Assam	
69.	" Atul Kumar Sarma	Assam	
70.	" Rama Prasad Saha	Assam	
71.	" Kumud Ch. Medhi	Assam	
72.	" Protul Ch. Phukan	Assam	
73.	" Sambau Ram Biswas	Assam	
74.	" Jogendra Nath Saikia	Assam	
75.	" Mohan Ch. Ozha	Assam	
76.	" Abdul Hussain Sarkar	Assam	
77.	" Krishna Kanta Kakati	Assam	
78.	" Trabin Ch. Das	Assam	

Contd....3

81.	Shri Rathindra Kr. Sharma	Assam
	" Pradip Ch. Dainary	Assam
	" Ramani Mohan Das	Assam
82.	" Tushar Kanti Das	Assam
83.	" Padma Nath Talukdar	NE
84.	" Prabhat Ch. Neog	Assam
85.	" Dinosh Ch. Hazarika	Assam
86.	" Sunil Kr. Choudhury	Assam
87.	" Prabhat Ch. Roy	Assam
88.	" Chandhar Bonowal	NE
89.	" <u>Premnath Kr. Maity</u>	NE Transferred on R-38
90.	" Dilip Kr. Das-II	Assam
91.	" Kul Singh Panchi	Assam
92.	" Jyotirmoy Kr. Paul	Assam
93.	" Ashish Baran Nandy	Assam
94.	" Uday Shankar Bhattacharjee	RTTC, Kalyani
95.	" Manindra Kr. Paul	NE
96.	" Ashish Kr. Nag	NE
97.	Md. Yasin Ali	Assam
98.	Shri R.K. Agarwala	Assam
99.	" Sudhir Ch. Deb Nath	NE
100.	" Bimalendu Chakraborty	NE
101.	" Ajit Kr. Chanda	Assam
102.	" Parijat, Sundar Malakar	Assam
103.	" Ajit Kr. Sarkar	Assam
104.	" Ranjit Kr. Paul	NE
105.	" Sankar Lal Banik	NE
106.	" Tulu Chand Paul	Assam
107.	" Eipin Ch. Barman	Assam
108.	" Nanigopal Das	Assam
109.	" Premananda Barman	Assam
110.	" Nishit Kr. Saha	RTTC, Kalyani
111.	" Chhotelal Sharma	Assam
112.	" Roheswar Pator	Assam
113.	" Paramananda Patil	NE
114.	" Jitendra Nath Biswas	Assam
115.	" Biman Ch. Kakoti	Assam
116.	" Ranjan Narayan Choudhury	Assam
117.	" Rathindra Basumatary	Assam

Contd....4

Handwritten signatures and initials, including what appears to be 'Mishra' and other illegible names.

Contd....2/-

26

1.	2.	3.	4.
118.	Shri N.K. Singhania	Assam	
119.	" Binode Pegu	NE	
120.	" Shyamal Kanti Das	Assam	
121.	" Ramendra Kr. Paul	Assam	
122.	" Santa Brata Banerjee	Assam (OTTC/GH)	
123.	" Mrinal Kanti Chakraborty	Assam	
124.	" Debabrata Chakraborty	Assam	
125.	" Banabir Lal Das	Assam	
126.	" Himadri Singha	Assam	
127.	" Babul Ch. Paul	Assam	
128.	" Ashutosh Kr. Chanda	Assam (OTTC/GH)	
129.	" Apurba Kr. Dutta	Assam	
130.	" Jayanta Kr. Sur	Assam	
131.	" Premanand Singh	NE	
132.	" Parthasarathi. Sinha	Assam	
133.	" Sundhanaya Pd. Deb	NE	
134.	" Mohini Deka Barua	Assam	
135.	" Bidyut Das Gupta	Assam	
136.	" Sridan Ch. Biswas	Assam	
137.	" Pradip Kr. Dutta	Assam	
138.	" S.K. Nishakar	NE	
139.	" Sakesh Rn. Deb	Assam	
140.	" Chandra Bhusan Ozha	NE	
141.	" Sanjib Kr. Deb Roy	Assam	
142.	" Swadhin Ch. Paul	NE	
143.	" Ran Kr. Mallah	Assam	
144.	" Jagadish Bhattacharjee	Assam	
145.	" Jalaluddin Ahmed	Assam	
146.	" Anzad Ali.	Assam	
147.	" Narayan Ch. Das	Assam	
148.	" Santi Rn. Mukherjee	Assam	
149.	" Santosh Roy Choudhry	Assam	
150.	" Sati Namita Dey	NE	
151.	" Shri Rameswar Baishya	Assam	
152.	" Md. Tazuddin Ahmed	Assam	
153.	" Shri Akan Ch. Das	Assam	
154.	" Sukhendu Kr. Bhattacharjee	ALTTTC/Gaziabada	
155.	" Prabin Ch. Sarkar	Assam	

Contd.....5

Handwritten signatures and initials:
 A large signature, possibly "H. S. Das", is written across the bottom left corner. Below it, there are several other initials and smaller signatures, including one that appears to be "S. Das".

2.

3.

4.

157.	" Sukumar Das	Assam
158.	" Jagadeeth Dooel	Assam
159.	" Shankar Das	Assam
160.	" Rama Sankar Singh	Assam
161.	" Saill Panchanan	Assam
162.	" Ajoy Kr. Das Purkayastha	Assam
163.	" Biren Ch. Bharali	Assam
164.	" Hemendra Kr. Roy	NE
165.	" Kamakhya Rn. Doy	Assam
166.	" Rohini Das	Assam
167.	" J.M. Sarkar	Assam
168.	" Tapash Kr. Dutta	Assam
169.	" Nirendra Ch. Ghosh	NE
170.	" Nirnal Kr. Chakraborty	NE
171.	" Biswa Nath Dam	Assam
172.	" Pijush Kanti Ghosh	Assam
173.	" Gouranga Sunder Banik	Assam
174.	" Asok Kr. Nath	Assam
175.	" Ashok Kr. Mukhopadhyaya	NE
176.	" <u>K.V. John</u>	NE under process of R-38
177.	" Subhara Ch. Deb	Assam
178.	" Cheddi Bhakta	NE
179.	" Santi Nath Roy	Assam
180.	" Badal Kanti Singha	Assam
181.	" Supriya Dutta Choudhury	NE
182.	" S.S. Endow	Assam
183.	" Binda Prasad	Assam
184.	" Anitava Nath	Assam
185.	" Kamakhya Ranjan Das	Assam
186.	" P. Harehabardhan	NE
187.	" Dharani Kanta Das Sarkar	NE
188.	" Biswanath Paul	NE
189.	" <u>Subrata Kr. Maitty</u>	TF/CH transferred on R-38
190.	" Tulsinath Boithoque	Assam
191.	" Sajal Krishna Sikidar	Assam
192.	" Kanti Gouri Banarjee	Assam
193.	" Shri Bhuban Mohan Borah	NE
194.	" Bijon Bondhu Bhattacharjee	Assam
195.	" Mukhi Nath Tegun	Assam

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Handwritten signature and initials: "P. Maitty" and "AM" with other scribbles.

Contd... 2/-

196.	Shri Padra Kanti...	ASSAM	
197.	" Sushanta Kr. Das	MB	
198.	" Durgeshwar Saikia	ASSAM	
199.	" Indira...	ASSAM	
200.	" Rajat Kr. Das Roy	MB	
201.	" Parimal...	ASSAM	
202.	" Antra...	MB	
203.	<u>Assam...</u>		Transferred on R-38.
204.	" Sibnar...	ASSAM	
205.	" ...	ASSAM	
206.	" ...	ASSAM	
207.	" Hitangshu Chak...	ASSAM	
208.	" ...	MB	
209.	" ...	ASSAM	
210.	" ...	MB	
211.	" ...	ASSAM	
212.	" ...	MB	
213.	" ...	ASSAM	
214.	" ...	MB	
215.	" ...	ASSAM	
216.	" ...	ASSAM	
217.	" ...	ASSAM	
218.	" ...	ASSAM	
219.	" ...	MB	
220.	<u>Assam...</u>		Transferred on R-38.
221.	" ...	ASSAM	
222.	" ...	ASSAM	
223.	" ...	ASSAM	
224.	" ...	ASSAM	
225.	" ...	ASSAM	
226.	" ...	ASSAM	
227.	" ...	MB	
228.	" ... (Dotted)	ASSAM	
229.	" ...	ASSAM	
230.	" ...	MB	
231.	" ...	ASSAM/MB	
232.	" ...	ASSAM	
233.	" ...	ASSAM	
234.	" ...	ASSAM	

Handwritten signatures and initials:
 [Signature]
 [Signature]
 [Signature]

Contd. ... 7

2.	3.	4.
235. Shri Ahindra Kr. Chakraborty	Assam	
236. " Anbika Pd. Das	NE	
237. " Phanadhar Das	Assam	
238. " Anup Kr. Sarkar	NE	
239. " Dwipendra Nath Goswami	Assam	
240. " Pabitra Kr. Roy	NE	
241. " Prabhat Kr. Paul	Assam	
242. " Dilip Kr. Paul	Assam	
243. " Nitaipada. Dutta	NE	
244. " Ranjit Kr. Paul	NE	
245. " Sandip Sen	Assam	
246. " Swapan Kr. Mitra	Assam	
247. " Sujit Nag	NE	
248. " Pradi ti Deb-	Assam	
249. " Apurda ejo	Assam	
250. " Akhil ar	NE	
251. " D. D. ar	NE	
252. " B. B. Ch rty	Assam	
253. " Kamal Krishna Mandal	NE	
254. " Kishalay Kanti De	Assam	
255. " Sibnarayan Pal	Assam	
256. " Alok Kar	Assam	
257. " Jahar Dutta	Assam	
258. " Upen Saikia	Assam	
259. " M. A. Ansari	Assam	
260. " Dilip Kr. Maitra	Assam	
261. " Jogendra Deka	Assam	
262. " Chandan Baran Das	Assam	
263. " Binalendu Bhagabati	Assam	

264. " J. Deb B. Anand
 265. " Jagan ...
 266. " Upen Saikia
 267. " M. A. Ansari
 268. " Chandan Baran Das
 269. " Binalendu Bhagabati

Contd....B

Handwritten signature/initials

Contd....2/-

1.	2.	3.	4.
264.	Shri Mohan Ch. Modok	Assam	
265.	" Jadab Ch. Adhikary	Assam	
266.	" Biren Bhagabati	Assam	
267.	" Nripendra Ch. Paul	Assam	
268.	" Pranab Mukhopadhy	Assam	
269.	" Sidhartha Sankar Das	Assam	
270.	" Prabosh Ch. Sur	Assam	
271.	" Ranjit Bhattacharjee	NE	
272.	" Mukul Roy	NE	
273.	" Tihasswar Dutta	Assam	
274.	" Debi Prasad Chakraborty	Assam	
275.	" Tamal Krishna Bhattacharjee	C.O. SH.	Transferred to Assam Circle.
276.	" Santanu Kr. Das	Assam	
277.	" Manoj Kr. Saha	Assam	
278.	" Yadda Priya Saha	Assam	
279.	" Mrinal Kanti Bhattacharjee	Assam	
280.	" D. Das	NE	
281.	" Binode Bihari Dutta	Assam	
282.	" Sanat Kr. Mandal	Assam	
283.	" Mrityunjoy Das	Assam	
284.	" Jttam Ch. Sarma	Assam	
285.	" Nirmal Kanti Bardhan	NE	
286.	" <u>Susanta Goswami</u>	Assam	Transferred on R-38
287.	" <u>Swadesh Rn. Guha</u>	Assam	Transferred on R-38.
288.	" Jugal Kishore Doley	Assam	
289.	" Nepal Ch. Roy	Assam	
290.	" Sadananda Ghosh	NE.	
291.	" Prasanta Das Gupta	Assam	
292.	" Nitya Gopal Chakraborty	Assam	
293.	" Gopal Ch. Das	Assam	
294.	" Khagen Ch. Barman	Assam	
295.	" Nara Kanta Nath	Assam	
296.	" P.K. Dutta Roy	NE	
297.	" Krishna Dhan Das	Assam	
298.	" Ganapati Mukherjee	Assam	
300.	" Giridhar Mandal	Assam	
301.	" Bipul Suklabaidya	NE	
302.	" Ashok Kr. Sengupta	NE	

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1.	2.	3.	4.
303.	Shri Gomesh Ch. Datta	Assam	
304.	" Moganlal Das	Assam	
305.	" Arabinda Das	Assam	
306.	" Dilip Kr. Majumder	Assam	
307.	" Madhab Ch. Das	Assam	
308.	" Achyut Ch. Baishya	Assam	
309.	" Sourendra Mohan Paul	Assam	
310.	" Amarendra Nath Deb	Assam	
311.	" Asbit Basan Chattopadhyay	Assam	
312.	" Sanjib Bhowmik	Assam	
313.	" Uday Sankar Dutta	NE	
314.	" Anar Kumar Mandal	NE	
315.	" W.R. Deb.	Assam	
316.	" Samir Kr. Mandy	NE	
317.	" P.K. Chakraborty	Assam	
318.	" Moheswar Bhuyan	Assam	
319.	" P.K. Majumder	Assam	
320.	" Adhir Kr. Sarker	Assam	
321.	" Sasabindu Nath	Assam	
322.	" <u>Bidyut Goswami</u>	Assam	Transferred on R-38
323.	" Gouranga Sen	Assam	
324.	" Jibatosh Ghosh	Assam	
325.	" Nibaran Ch. Sarkar	Assam	
326.	" Mihir Brata Paul	NE	
327.	" Sunil Kr. Sen Gupta	NE	
328.	" Swapan Kr. Maitra	Assam	
329.	" K.F. Singh	Assam	
330.	" Monobrata Biswas	Assam	
331.	" Daipayayan Biswas	Assam	
332.	" J.K. Sinha	Assam	
333.	" M. Joybidya Singh	Assam	
334.	" <u>Samiran Kr. Dhowmick</u>	Assam	Transferred on R-38
335.	" Indrajit Das	Assam	

* * * * *

Asst. Secy
Govt. of Assam

THE ALLOCATED TO N.E. CIRCLE.

Sl. No.	Name.	Present Circle of Working.	Remarks.
1.	Shri Pranoy Jyoti Choudhury	NE	Under GMV/Cal.
2.	" Santi Pada Dey	NE	
3.	" Samarendra Nath Choudh.	DBO, NE	
4.	" Binay Bihari Mallik	GMV/Cal.	(Promoted)
5.	" Kanti Kr. Sengupta	NE	
6.	" Balleswar Kharikongar	NE	
7.	" Ratan Kr. Datta	Assam	(Promoted)
8.	" Tapan Kr. Das	NE	
9.	" Deva Kumar Das	Assam	(Promoted to NE)
10.	" Raj Kumar Pal	NE	
11.	" Bijan Bihari Kar	Assam	(Promoted)
12.	" Chittra Kr. Mukherjee	GMV/Cal.	
13.	" V. Rameshchandra	NE	
14.	" Hariprasad Dey	NE	
15.	" Bal Krishna Ch.	NE	
16.	" Arindam Nath	GMV/Cal.	
17.	" Amalendu Biswas	NE	
18.	" Ekalakya Prasad	TTC/Jabalpur	
19.	" Ashok Datta	GMV/Cal.	
20.	" Santosh Ch. Ghosh	NE	
21.	" Purmendu Sen	TTC/Nagpur	
22.	" Jagadish Ch. Das	Assam	
23.	" Ram Janan Sharma	TTC/Jabalpur	
24.	" Chitra B. Jaisankar	NE	
25.	" Laksh Narayan Biswas	ATTC/Patna	
26.	" Samasmita Deb	NE	
27.	" Swapna Kr. Dey	NE	
28.	" P.K. Datta	NE	
29.	" P.K. Datta	NE	
30.	" Chandan Kr. Das	NE	
31.	" Ananya Prasad Majumdar	DBO, NE	
32.	" Sachin Ch. Das	Dve, NE	
33.	" Rakhal Ch. Biswas	NE	

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1.	2.	3.	4.
34.	Shri Tapan Das	NE	
35.	" Dipak Ch. Bora	Dte. Mtee.	
36.	" Subodh Ch. Roy	NE	
37.	" Suktindra Bhattacharjee	NE	
38.	" Adhir Ch. Kar	TTC/Jabalpur	
39.	" Anal Kr. Chakraborty	Assam	(se/divin)
40.	" Kanu Lal Dey	Assam	
41.	" Dhiren Sharma	CTTC/GH	
42.	" Ajit Baran Das	NE	
43.	" Sushaban Das	NE	
44.	" Ashit Baran Choudhury	NE	
45.	" Sib Sankar Bhattacharjee	NE	
46.	" N. Spellwell Marwayne	NE	
47.	" Dinesh Pd. Singh	TTC/Jabalpur	
48.	" Ranjit Kr. Debnath	NE	
49.	" Tushar Kanti Bhattacharjee		
50.	" Saradindu Roy	NE	
51.	" Gurudas Dutta	NE	
52.	" Khokon Ch. Nana	NE	
53.	" Gouri Sankar Chakraborty	NE	
54.	" Sudhir Rn. Chakraborty	NE	
55.	" Eradip Kr. Nandy	NE	
56.	" Sachidananda Barua	NE	
57.	" Sanjit Kr. Saha	NE	
58.	" Swapan Kr. Laskar	NE	
59.	" Binoy Bhusan Banik	NE	
60.	" Haripada Deb Barman	Assam	(m/w Mtee)
61.	Smti. Mary Krinebon Badwar	NE	
62.	Shri Badal Mazumder	Assam	
63.	" Kishan Kr. Roy	NE	
64.	" Lakhan Dutta	ALTTC/Gaziabad	
65.	" Nirmalendu Bikash Choudhury	NE	
66.	Smti Dipali Paddar	NE	
67.	Shri Ajit Kr. Karmakar	NE	
68.	" Debabrata Misra	Assam	
69.	Smti Krishna. Som (Karmakar)	Assam	
70.	Shri Anal Ch. Bhattacharjee	Assam	
71.	" Subhrendu Deb Roy	NE	
72.	" Malay Kr. Kar	Dte. ND.	

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2.	3.	4.
73. Shri Sudhendu Sekhar Son	NE	
74. " R.S. Thakur	Dtc.ND	
75. " Binoy Kr. Brahma	Assan	
76. " Eveningstar Marpna	NE	
77. " Biswanath Das	NE	
78. " Mihir Ranjan Dutta	NE	
79. " L.A. Singh	NE	
80. " Shandur Singh Rumnong	NE	
81. " Bhaskar Sharma Roy	NE	
82. " Kanailal Poddar	NE	
83. " Donkumar Raptap	NE	
84. " Ranadhir Majundar	NE	
85. " K.K. Dutta	NE	
86. " Arun Kr. Bora	Assan	
87. " Bhabani Kr. Deori	Assan	
88. " Subhendu Bikash Deb	Assan	
89. " K.K. Biswas	NE	
90. " Ranabir Dutta Choudhury	Assan	
91. " Ratheswar Newar	NE	
92. " Sekhar Lal Mazundar	Sat.Pro/SH.	
93. " Biswa Ranjan Das	TRC/ND	
94. " Panthungo	NE	
95. " B.K. Dhar	Assan	
96. " Subhashish Gupta	NE	
97. " Manoj Brata Paul	NE	
98. " Rasendra Bhattacharjee	NE	
99. " Krishna Ran Das	Assan	
100. " Prabhat Mukul Dey	Assan	
101. " Dibyendu Sengupta	NE	
102. " Sushanta Son	NE	
103. " Santanu Ghosh	NE	
104. " Ashin Sharma	NE	
105. " Antish Sengupta	NE	
106. " Kalyan Kr. Poddar	Assan	
107. " Saibur Nongkhlaw	NE	
108. " Niranjana Das	NE	
109. " Salil Kr. Biswas	NE	
110. " K.S. Hunda	NE	
111. " Sunil Ch. Deb Nath	NE	
112. " Basal Kr. Ghosh	Assan	
113. " Monoranjan Paul	Assan	

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144.	Shri Shyanal Dutta Roy	Assam	(M/W Mte/GH)
155.	" Mohan Kr. Kundu	Assam	(DMT/GH)
156.	" Amaresh Majumdar	NE	
157.	" Pranab Kr. Choudhury	NE	
158.	" Surendra Kr. Sharma	Assam	
159.	MdS Siraj Ahmed	Assam	
160.	ShBadsha Alam	Assam	(DMT/GH)
161.	Sari Rathindra Chakraborty	Assam	
162.	" Pijush Kanti Sukladas	NE	
163.	" B.O. Bora	Assam	
164.	" Madan Mohan Ghosh	NE	
165.	" Balai Ch. Bhowmik	Assam	(Fault Control/GH)
166.	" Jayanta Kr. Das	NE	
167.	" S.R. Choudhury	NE	
168.	" Promod. Dekial	NE	
169.	" M.C. Gohain	Assam	
170.	" Mohitosh Das Gupta	NE	
171.	" L.R. Boro	Assam	
172.	" S.C. Paul.	Assam	
173.	" Atindra Kr. Saha	Assam	
174.	" Jatindra Mohan Basumatary	Assam	(DMT/GH)
175.	" S. Patgiri	NE	
176.	" Satya Ch. Baruah	Assam	(DMT/GH)
177.	" Nanda Kr. Babha	Assam	
178.	" N.C. Sutradhar	Assam	
179.	" Ram Kingkor Bhattacharjee	NE	
180.	" Naresh Ch. Saha	NE	
181.	" Jitendra Nath Dalal	NE	
182.	" Anit Ranjan Das	NE	
183.	" Thakchon Tankeswar Singh	NE	
184.	" Swapan Chanda	Assam	
185.	" X. Anthony Raj	Assam	
186.	" Gagan Ch. Deori	Assam	
187.	" Ajit Ranjan Biswas	NE	
188.	" Durgeswar Bora	NE	
189.	" Jogyananda Sonowal	Assam	
190.	" Aynul Hoque Laskar	Assam	(DMT/GH)
191.	" Hari Charan Kachari	NE	
192.	" Sabuj Mazumdar	NE	
193.	" Keshab Roy Choudhury	Assam	(R.S.O/GH)
194.	" Aswini Kumar Medhi	Assam	
195.	" H.P. Doley	NE	

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- 196. Shri Pradyat Kr. Bhattacharjee RTTC/Kalyani
- 197. " Khargeswar Deori NE
- 198. " Dibakar Ch. Mudoi NE
- 199. " Unakanta Buragohain NE
- 200. " Nagen Ch. Baishya NE
- 201. " Dwiranjan Saha Assam
- 202. " Dipak Roy NE
- 203. " Barindra Kr. Das Assam
- 204. " Biwajit Dutta CMG/GH
- 205. " Shyamal Kanti Karnakar NE
- 206. " Gopal Chakraborty NE
- 207. " Swapan Kr. Roy Assam
- 208. " Jaynandan Singh Assam
- 209. " Kalidas Chakraborty NE
- 210. " Nihar Ranjan Dutta NE
- 211. " Rajmoni Prasad Assam
- 212. " Pradip Roy Chaudhury NE
- 213. " Chingakhan Babudhan Singh NE
- 214. " Ashutosh Chakraborty NE
- 215. " Gautam Roy Assam (DMT/GH)
- 216. " Suresh Ch. Paul NE
- 217. " Mrinal Kanti Bhowmik Assam (DMT/GH)
- 218. " Anil Kanti Sengupta Assam
- 219. " Padma Kanta Bora Assam
- 220. " Pradip Kr. Ghosh Assam
- 221. " Rananjoy Dey Assam
- 222. " Anjan Deb. Roy NE
- 223. " Prasad Ch. Boro Assam
- 224. " Hitendra Kr. Das NE
- 225. " Tulsi Bordoloi Assam
- 226. " Jnanadan Chattapadhyay NE
- 227. " Ranjit Kr. Roy Assam
- 228. " Hiten Das Assam
- 229. " Dharendra Kr. Purkayastha NE
- 230. " Bijan Behari Dey NE
- 231. " Bijay Kr. Das NE
- 232. " Tabul Suklabaidya Assam
- 233. " Phanidhar Basumatary Assam
- 234. " M. Samarendra Singh NE
- 235. Smti B. Baby NE
- 236. Shri B.C. Baishya Assam (DMT/GH)

(DMT/GMoffice/GH)

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- 237. Shri Satyendra Nath Chattopadhyay Assam
- 238. " Chakra Dhar Ramchiary Assam
- 239. " Dilip Kr. Deb NE
- 240. " Surajit Das NE
- 241. " Hiranya Kr. Baruah Assam
- 242. " Khanindra Daw NE
- 243. " Narayan Ch. Doka NE (DMT/GH)
- 244. " Nareswar Das Assam
- 245. " Hari Krishna Das NE
- 246. " Sadananda Daimari NE
- 247. " Sanak Chandra Das Assam
- 248. " Tushar Kanti Bose Assam
- 249. " Bipul Ranjan Dhar NE
- 250. " Chatta ranjan Baruah Assam
- 251. " Rajendra Nath Doley NE
- 252. " Subhash Ch. Deb Assam
- 253. " Jayanta Kr. Das Assam
- 254. " B.K. Deori NE
- 255. " Jitendra Ch. Das NE
- 256. " Binoybhusan Malakar NE
- 257. " Naba Gopal Roy Assam
- 258. " Hirendra Nath Assam
- 259. " Sukumar Chandra Das Assam
- 260. " Sanir Ranjan Biswas NE
- 261. " Haran Chakraborty Assam
- 262. " D.K. Borah Assam
- 263. " N.K. Chakraborty NE
- 264. " Suresh Narayan Das Assam

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

G.C.No.153 of 1987.

Shri Gautam Sengupta : Applicant
vs.
Union of India & Ors. : Respondents

PRESENT:

The Hon'ble Shri G.S. Sharma, Member
The Hon'ble Shri J.C. Roy, Member.

For the applicant : Mr. B.K. Sharma, Advocate
Mr. A.K. Sarma, Advocate
Smtl R. Kakati, Advocate
For the respondents : Mr. A.K. Choudhury, Addl. C.G.S.C.

Date of Judgment & Order : The 15th day of March, 1989.

JUDGMENT & ORDER

This is an original application under Section 19 of the Administrative Tribunal Act, 1985, for promotion as Upper Division Clerk(U.D.C.) in N.E. Circle of Telecommunications with effect from 9.4.1987 and for payment of ~~his~~ salary from 1.5.1987 onwards.

The relevant facts of this case are that the applicant was appointed as Lower Division Clerk (for short L.D.C.) in the undivided N.E. Circle of the Telecommunication Department at Shillong. The said circle was bifurcated into two (I) Assam Telecom Circle at Guwahati and (II) N.E. Telecom Circle at Shillong with effect from 19.1.1987, and the staff of the composite office of G.M.T., Shillong, who were in service on 16.6.1986 were required to give their options ^{for} ~~after~~ posting to the New Circles. The applicant, vide his letter dated 22.5.1986, exercised his option for posting in the N.E. Telecom Circle, but he could not be accommodated in that Circle and vide his order dated 30.3.1987, the G.M.T., N.E. Circle, placed the applicant in the Assam Circle, Guwahati with a direction that the names of the Officers ^{who} ~~are~~ who were due to be transferred under the said order will be struck

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ADW

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off in the afternoon of 31.3.1987 and by a separate order dated 31.3.1987, the General Manager ordered that the names of ^{the} officers allocated for Assam Circle stood struck off with effect from 31.3.1987 afternoon from the strength of the composite Telecom Circle, Shillong. The applicant did not comply with this order and proceeded on medical leave. On 31.3.1987 itself, the applicant had made a representation to the General Manager, N.E. Telecom Circle, Shillong, for cancelling his order of transfer to Assam Telecom Circle. On this representation, the transfer of the applicant to Assam Circle was kept in abeyance by the General Manager vide his letter dated 1.4.1987. His representation was ultimately rejected on 22.4.1987 with a note that his name will be treated as struck off from the strength of N.E. Circle, Shillong, with effect from 30.4.1987.

The applicant had appeared in the departmental examination for his promotion to the post of U.D.C. The result of the said examination was declared by the Ministry of Communications, Department of Telecom, New Delhi, on 9.4.1987, mentioning the name of the applicant at Sl.No.3, in the list of successful candidates. This result was communicated by the G.M.T., Shillong, vide his letter dated 28.4.1987. The applicant, thereafter, again made representation on the same date (28.4.1987) to the General Manager for giving him promotion as U.D.C. with effect from the date of declaration of the result. In reply, he was informed on 19.5.1987, that he should take up the case of his promotion as U.D.C. with the General Manager of the Assam Circle.

The applicant, thereafter, filed the present application before this Bench on 9.9.1987 and by way of interim relief prayed that the order dated 22.4.1987, rejecting his representation for cancelling his transfer to Assam, be stayed with the allegation that the authorities had delayed the declaration of his result

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as well as his promotion to the post of U.D.C. with mala fide intentions and biased attitude as there were already four vacancies in the cadre of U.D.C. and he should have been promoted to one such post immediately on declaration of the result and in any case he should have been asked for exercising his fresh option as U.D.C. The Tribunal did not stay the operation of the order of transfer, but had ordered that the applicant could join Assam Circle subject to the result of the present application.

The application has been contested on behalf of the respondents and in the reply filed on their behalf by the Assistant General Manager(S.F.), N.E. Telecom Circle, Shillong, ^{it has been stated} that the applicant had exercised his option for N.E. Circle on 22.5.1986, on the basis of the sanctioned and working strength of the staff as available on 16.6.1987 and keeping in view the detailed instructions in D.G., P&T, New Delhi letter No.69/17/65-SPB dated 28.9.72, the applicant could not be accommodated in N.E. Circle. The applicant had appeared in the examination for promotion to the post of U.D.C. against the vacancies of undivided N.E. Circle, but before the result was published, the Circle was bifurcated and the vacant posts in the composite unit were shared between the bifurcated units. Giving due regard to the option of the applicant, he was allotted the Assam Circle for want of a vacancy in the Circle of his option as he was a Junior L.D.C. and there was no deviation from the rules in the matter of the allocation of the Circle to the applicant. Regarding the repatriation of the officera, who had been posted against their options, the guidelines enunciated in the Directorate's letter dated 30.5.1979 had been followed and the applicant should have no cause of grievance in that connection. The result of the departmental examination was received at Shillong only on 16.4.1987, and it was circulated by the Shillong office on 28.4.1987 and the question of delay and mala fide raised by the applicant did not arise. The mere passing of examination does not confer on him the benefit of

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promotion to higher post and the promotion is made only after observing certain formalities after ascertaining whether there is any vigilance or disciplinary proceedings pending or contemplated against the official and the benefit of promotion can be had only after joining in the higher post. The authorities had no mala fide intention as other persons who had qualified along with the applicant were promoted on 11.5.1987, after observing the said formalities. The option once exercised is final under departmental rules and as the options in the present case were to be exercised upto 16.6.1986, the applicant could not exercise the second option as U.D.C. after the declaration of the result and even if he could have exercised such option, he could not be retained in N.E. Circle on account of his being the junior-most as U.D.C. As the applicant already stood transferred to Assam Circle, he was rightly advised to approach the General Manager, Assam Circle, for his promotion. The leave upto 30.4.1987 was granted by the N.E. Circle to the applicant and his name stood struck off from that Circle on 30.4.1987(afternoon) and his further applications had to be forwarded to and granted by the General Manager, Assam Circle, and the applicant is not entitled to any relief.

In his reply(rejoinder) to the reply of the respondents, the applicant has reiterated that the result of the departmental examination was communicated after twelve days of its receipt by the Shillong office. There was no reason why the applicant could not be promoted to any one of the four posts lying vacant in N.E. Circle at that time. After passing the departmental examination, one acquires a right to be promoted and the respondents ~~to~~ violated the principles of natural justice in not promoting the applicant. Two junior-most U.D.C.s promoted against the vacancies of 1985 were retained in N.E. Circle showing them as senior-most L.D.C.s, which shows the mala fide intentions of the respondents. The denial of promotion to the applicant is

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against the provisions of the constitution of India. The seniority of the applicant has been seriously jeopardised by the respondents and till the junior optees posted in the new division are accommodated in the old division there cannot be a direct recruitment. Hence the respondent No.3 has violated this rule by ordering recruitment in N.E. Circle.

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We have very carefully considered the contentions raised on behalf of the parties before us in the light of the material placed on record. The transfer of the applicant from N.E. Circle to the Assam Circle and his non-promotion to the post of U.D.C. are two different things. The order of allocation of the new circles was made by the G.M.T., Shillong vide his order dated 30.3.1987 and under this order, the Assam Circle was allocated for the applicant vide copy of Annexure 'B' to the petition. Annexure 'B1' dated 31.3.1987, is merely a followup order in the light of Annexure 'B'. The applicant represented against the order dated 30.3.1987 (Annexure 'B') on 31.3.1987 on the sole ground that his lone mother leaves at Shillong and is not in good health, vide copy of Annexure 'D'. This representation was rejected vide order dated 20.4.1987, by the G.M.T., copy of Annexure 'E1' to the petition. This was the end of the matter so far as the allocation of the new circle was concerned. It is significant to point out that though the applicant prayed for staying the operation of this order dated 22.4.1987 calling it as an impugned order in his application, he did not make any prayer for the cancellation of the orders dated 30.3.1987, 31.3.1987 and 22.4.1987. So, it can be safely concluded that though indirectly challenged, the applicant has not prayed to cancel the order of his transfer to the New Assam Circle after bifurcation. It is also pertinent to point out that in his representation dated 31.3.1987, copy of Annexure 'D', the applicant did not allege

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or attribute any malafides or bias in the matter of the allocation of the new circle.

The applicant has, however, prayed that he should either be directed to be promoted as U.D.C. in N.E. Circle or the respondents be directed to call for a second option from him as U.D.C. It is now to be seen whether after the bifurcation of the circles whether the applicant has a right to get his promotion in the N.E. Circle, for which he had given the option. The facts stated clearly go to show that so far as the matter of bifurcation was concerned, it became final on 30.3.1987, much before the result of the applicant for promotion as U.D.C. was declared by the Ministry of Communication, New Delhi, on 9.4.1987. The applicant has not been able to point out any irregularity in not ~~exercising~~ ^{accepting} his option for N.E. Circle. We are, therefore, of the view that so far as the allocation of the new circle is concerned, the matter becoming final with effect from the afternoon of 31.3.1987, and the applicant being no more on the staff of the N.E. Circle, his claim for getting promotion in N.E. Circle on the basis of the result declared thereafter, on 9.4.1987, is not justified and sustainable. The applicant could not lay his hand on any material on record to authorise him to exercise second option on receiving the orders of the declaration of his result of the departmental examination. The respondents, therefore, cannot be asked to give the applicant an opportunity to exercise his second option regarding the circle of his choice.

The material on record, however, clearly shows that there has been an undue delay or non-application of mind by the respondents so far as the question of his promotion to the post of U.D.C. is concerned. It is an admitted case of the respondents that in the undivided circle there were four vacancies in the cadre of U.D.C.s and after bifurcation were shared by both the new circles.....

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new circles. The respondents have not ^{advised} ~~realised~~ that no promotion post for the applicant is available in Assam Circle at present. Their only contention is that mere passing the departmental examination does not confer the right of promotion and certain formalities have to be gone through before making a promotion of a successful ^{person} ~~officer~~. It is true that when the result of the applicant was received from the Ministry, the applicant stood transferred to the Assam Circle, though his representation against the transfer was pending and the order of his transfer was kept in abeyance. The representation was ultimately rejected on 22.4.1987, and when the result was circulated by the Shillong office on 28.4.1987, the order of his transfer to Assam Circle had revived. The applicant remained on medical leave in April and thereafter, he ^{has} ~~did~~ not seem to have joined the duties at Guwahati till this application was filed by the applicant. The applicant, thereafter, joined his ~~posting~~ ^{post} in the new circle at Guwahati as L.D.C. sometime in September or October, ^{of} 1987. There could be some justification on the part of the respondents for not considering his case for promotion till this period on account of his absence from duties on leave or otherwise. There, however, seems to be no justification, whatsoever, for turning a deaf ear to the matter of promotion, which is a very vital thing for ^{every} ~~any~~ Government servant so long he is in service. It has not been brought to our notice by the respondents that there is any vigilance or disciplinary case against the applicant or any other reasons ^{and is} ~~is~~ not suitable for promotion. There is thus, no explanation, whatsoever, on the part of the respondents for not considering the case of the applicant for promotion ^{during} ~~the~~ this long period of about two years. The applicant has shown an order dated 25.4.1985, of Deputy General Manager, N.E. Circle, Shillong, promoting six persons as U.D.C. on the basis of the result declared

on 17.4.1985.....

A. K. S. P.
 C. S. P.
 D. S. P.

17.4.1937. His contention is that never before the respondents
had taken so much time in giving effect to the result of the
departmental examination. We have gone through this order. In
our opinion, this is a conditional order as clause 4 of this order
provides that:

"The order of promotion should not be given
effect to in respect of the promotee against
whom disciplinary/vigilance case is pending/
contemplated."

However, on the own showing of the respondents, the other L.D.C.s
declared successful with the applicant on 9.4.1937 were promoted
by them on 11.5.1937 and the delay in the case of the applicant
cannot be justified. The applicant has, further, placed a D.O.
letter dated 11.8.1937 of the General Manager, N.E. Circle, Shillong
to the Director(ST), Department of Telecom, New Delhi for his
approval for promoting the applicant on the strength of N.E.
Circle, as the orders of his transfer were in abeyance at that
time. No approval or concurrence seems to have been received
from the Directorate, so far. This D.O. letter supports the
conclusion arrived at by us above so far as the question of delay
is concerned, but in our view the stand taken by the General
Manager in his said letter is not correct as on keeping his transfer
to Assam Circle in abeyance the applicant could be treated as
official of the old composite circle and not of new N.E. Circle.
Further, as two L.D.C.s passing the departmental examination
having been ^{provided} with effect from 11.5.1937, The applicant
could not be promoted from an earlier date subsequently. This
letter, therefore, does not improve the case of the applicant
in any manner. However, if the applicant had been repeatedly
representing for his promotion and the two other L.D.C.s, who
of course were placed above him in the list of successful candidates,
were actually promoted by the respondents from 11.5.1937, and
as such the applicant could have also been promoted in the new
circle, if the orders for promotion of the three successful

candidates.....

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... passed by the time the applicant became due to join his duties at Guwahati in the new circle under the orders of bifurcation. As no junior to the applicant has been promoted in the meantime, this Tribunal will not like to order that the applicant should also be promoted from 11.5.1967 or from any other date with retrospective effect and under the peculiar circumstances of this case we leave it to be decided by the respondents to give retrospective effect to the promotion of applicant, in case he is found suitable, atleast for the purpose of fixation of his national pay and seniority from that date.

In view of the relief for pay claimed by the applicant from 1.5.1967 onwards, no argument was advanced on behalf of the applicant and we feel that the applicant is being paid his salary regularly and no orders of the Tribunal are required in this connection.

In view of the above considerations, we allow the application in part and direct the respondents to consider the case of the applicant for promotion as U.D.C. and on finding him suitable promote him as such within a period of one month from the date of receipt of this order in the light of the observations made above.

There will be no order as to costs.

For App.
S. S. S. 9

Sd/- G. S. Sankar, MS
15.3.89
Member

Dep. Secy.
Comptroller
20.7.89

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IN THE MATTER OF

Guwahati Case No. 1980 of 1987

Shri Debabrata Chakraborty

- VERSUS -

The Union of India and others.

AND

IN THE MATTER OF

Written Statement submitted by the

Respondent Nos. 1, 2 and 3.

WRITTEN STATEMENT

The humble Respondents file the Written statements as below :

- 1) That I am the Assistant General Manager, Assam Telecom Circle, Guwahati in the office of the General Manager, Assam Telecom Circle, Guwahati and I am dealing with the case and as such I am fully acquainted with the facts and circumstances

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*Attested
M. M.
A. S. W.*

of the case. Copies of application in the above case have been served upon all the Respondents including the General Manager, Assam Telecom Circle. I have gone through the same and fully understood the contents thereof. Save and except whatever is specifically admitted other statements and contentions made in the application may be treated to have been denied by me.

2) That with regard to the statements made in paragraphs 1 to 5 of the application I have no comments to offer, all being matters of record.

3) That with regard to the statements made in paragraph 6 of the application I beg to state that the Government of India decided to bifurcate the erstwhile N.E. Telecom Circle into two, i.e. N.E. Telecom Circle and Assam Telecom Circle for administrative reasons. No change in the service conditions of the staff was made nor is the staff being posted outside the original jurisdiction of the circle for which they had accepted the employment. They have no right to refuse a posting given anywhere in the combined N.E. Circle. It is not totally correct to say that most of the stations in N.E. Circle are mostly tenure stations, because it is just reverse in Meghalaya and Tripura Tele-

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Telecom districts. It is a fact that in Nagaland, Manipur, Mizoram and Arunachal Pradesh most of the stations are tenure stations; but after bifurcation Assam Telecom Circle is having only one tenure stations. It is further submitted that the J.Es. being Circle Cadre Staff, all the stations within a particular circle are to be manned by the J.Es. of that circle only. It is submitted that the Respondents have not deviated from the instructions contained in DOT's letter dated 28.9.72 in respect of option exercised by the J.Es. and allotment of staff in between the two circles. As such the question of modification, alteration or change in allotment of staff made vide the Respondents office No. STB/Bifur-1/CO/86, dated 14.8.87 does not arise as the options exercised by them have been fully considered when allotment of staff is made so that there will be no hindrance to the future service prospect of the staff.

ANNEXURE - I is the copy of DOT's letter dated 28.9.72.

The Respondents beg to state that the statements made by the Applicant that the allotment made by the Respondents will hamper the seniority of the J.Es. is not tenable under any circumstances as Rule 38 transfer under/in P&T Manual Vol. IV

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provides special concession to the staff to overcome their personal difficulties. The provision under Rule 38 of P & T Manual Vol. IV is made by the Government for the personal benefit of the Government employees to overcome their difficulties enjoying the above transfer and as such the question of transfer grants, joining time etc. does not arise. Further, no extra liabilities by bifurcating the N.E. Telecom Circle has been imposed on the staff and as such the allegation that they need to find an alternative job is found to be irrelevant and flimsy.

That the Respondents beg to state that the Department has not changed any stand in allotment of JTOs. between NE Telecom Circle and Assam Telecom Circle at any stage as it was done as per existing rules and orders of bifurcation based on option exercised by the officials and on the basis of letter No. STB/Bifur-1/CO dated 8.5.86. The allocation of JTOs in the ratio of 56:44 was done in between Assam Telecom Circle and N.E. Telecom Circle respectively as per the sanctioned strength and as such no injustice has been done to the JTOs. as alleged in this paragraph.

That the bifurcation/allotment order issued vide General Manager, Telecom, Shillong's

letter No. STB/Bifur-1/CO/86 dated 14.8.87 does not cover the JEs of 1983 year of recruitment. What seems to have agitated the applicants is the posting on promotion of officials of 1983 year of recruitment and 3 officials of 1984 year of recruitment who completed their training as JEs after the last date of exercising options. These officials did not belong to the cadre of JE on last date for exercising the option but belonged to cadres like RSA, PI etc. They already stood allotted to a particular circle in their respective original cadres before becoming due for posting as JEs on promotion. Naturally, as per practice they were promoted in the Circle to which they belonged by virtue of the allotment already made in their original cadres. Thus, their posting has no bearing on the bifurcation/allotment order dated 14.6.87 mentioned herein before.

That the Respondents beg to state that the contention of the applicants at para 10 in the application that the instructions contained in the Department of Telecommunications, Ministry of Communications, New Delhi's letter No. 1-16/82-TE-I dt. 19.6.86 has no relevance to intimation of units for which separate instruction on adjustment of staff on bifurcation exist. The Govt. letter

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dated 19.9.86 ibid speaks only regarding merger of circle Cadres of the Major Telephone Districts and Telcom Circles and Telephone District Staff with divisional Cadre of Staff. There is no such order issued prohibiting the release of staff allotted to Assam Telcom Circle and now working in North Eastern Telecom Circle and vice-versa. It is denied by the Respondents that no employee would desire to come to North Eastern Telecom Circle. It is quite natural for an employee who is having landed property, home, near family relation etc. in N.E.T.Circle etc. to come to and/or remain here in NET Circle.

That in view of the allotment of staff between NET and Assam Telecom Circles being made as per rules, the allegation of punishment and illegality, brought by the Applicant in the application is not correct and hence denied.

That the Respondents beg to state that the posting of JTOs, recruited by the composite N.E. Telecom Circle, who completed training after last date of exercising options, have been made as per allotment of circles in the basic cadres of the officials consequent upon bifurcation of the erst-while circle which has no bearing with the bifurcation/allotment order dated 14.8.87 and as such

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no violation of the principles of allotment/
adjustment of staff has been committed by the Res-
pondents as alleged by the applicant.

That regarding the seniority of JTOs, the
same is fixed on the basis of their post, training
marks keeping in view the particular year/batch of
recruitment irrespective of their year/date of
training as per rules in force.

That the statement made by the applicant
that the Respondents have violated the DGT's ins-
truction contained in letter No. 257-2/78, dated
23/30.5.79, is categorically denied by the Respon-
dents as the instructions contained therein are
rigidly followed.

The Respondents beg to state that the fix-
ation of seniority in case of merger and bifurcation
of circles are quite different. In the case of bifur-
cation no change is made and/or required to be made
in the position of the officials in the gradation
list. The Respondents beg to submit further that
the letter No. STA/8-15/A/86-87/II, dated 8.12.86 is
not relevant to the case in question regarding
posting of JTOs, as it was done by the GMT, Rajasthan

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A. H. Patel
D. H. Patel

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in a case other than the case of bifurcation of circle.

That the Respondents beg to state that due to error in names, surnames, names in abbreviation etc., which was beyond the control of the Respondents, there is possibility that the list dated 14.8.87 may not be exhaustive. However, the same was being reviewed to see if some more JTOs. can be allotted to Assam Telecom Circle as per rules and orders. It may also be mentioned here that in the allotment order issued on 14.8.87, the units were requested to scrutinise the list elaborately and intimate the cases of drop outs etc. for necessary correction.

That the Respondents beg to state that in the meeting of the association with the G.M.T., Assam and N.E. Telecom Circles held in the month of September, 1987, it was mentioned that the association generally agreed to the list but some minor discrepancies were pointed out and it was also agreed that the association would intimate the same in details to Circle office for correction. It was agreed in the meeting that the genuine cases will be examined at Circle office on receipt of representation.

That the Respondents beg to state that the

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the statements made at page 16 of the application regarding discrimination is not correct and hence denied by the Respondents as the allotment of all JTOs has been made as per principles of adjustment of staff on bifurcation.

That the Respondents beg to state that the allegation that the instructions contained in DG's letter No.257-2/78-STN dt. 23.5.79 has not been followed in the matter of JTOs is not correct and hence denied. In para 5(c) of the DOT's letter No.69/17/65-SPBI dated 28.9.72 ~~wherein~~ it was instructed that no waiting list of optees for repatriation to the units/circles of choice to be maintained. The Directorate's letter dated 23.5.79 above was issued in modification of his letter dated 28.9.72. The vacant posts in both the circles were ordered to be shared proportionately.

ANNEXURE - II is the copy of Directorate's letter issued on 28.9.72.

Regarding accommodation of optees against their options it was made clear in para 3(11) of the DG's letter dated 28.9.72 that the shortfall in any unit would be made by transferring the juniormost officials against their options to the unit where shortfall occurs.

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That the Respondents beg to submit that it is not a fact that the seniority of the JTOs are fixed on the basis of date of completion of training/date of appointment. Their seniority are fixed according to their post-training marks keeping in view the year of their recruitment. A person recruited in earlier year is always senior to a person recruited in a subsequent year.

That the allegation made by the applicant of tactfully avoiding possible allotment of some more JTOs to Assam Circle by the administration is is not correct and hence denied by the Respondents. No injustice regarding accommodation of optees in Assam Circle was done.

That with regard to the statements made in paragraph 7 of the application the Respondents have no comments to offer as the same is to be considered by the Hon'ble Tribunal.

That with regard to the statements made in paragraph 8 of the application the Respondents beg to state that due regard was paid on the memorandum submitted by the association and the matter was discussed in their meeting with the General Manager,

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Telecom, Assam/NE Circles held in the month of
September, 1987.

That with regard to the statements made in
paragraphs 9 to 12 of the application, I beg to
state that I have no comment on them.

That I humbly submit that the application
is not maintainable in law as well as in facts and
hence liable to be dismissed with costs.

That I beg to submit that the applicant is
not entitled to the relief sought, for in the appli-
cation and hence the same is liable to be dismissed
with costs.

That I beg to submit that the application
has no substance to be interfered with by the
Hon'ble Tribunal and hence the same is liable to
be dismissed.

Verification...

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

I, Shri K.Baskaran, Assistant General Manager, Assam Telecom Circle, Guwahati, do hereby solemnly declare that the statements made in the above written statement are true to my knowledge, information and belief.

I sign this Verification on this 19th day of April, 1988.