

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-84/96 ordersheet pg-1

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Disposed Date-09/10/96

M.P-78/97 ordersheet pg-1

Disposed Date-04/4/97

O.A/T.A No. 621/96

R.A/C.P No.

E.P/M.A No. 84/96

1. Orders Sheet. OA-621/96 Pg.....1to.....4
2. Judgment/Order dtd. 09/10/96 Pg.....1to.....6Allowed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....621/96 Pg.....1to.....15
5. E.P/M.P.....84/96 Pg.....1to.....2
6. R.A/C.P.....M.P-78/97 Pg.....1to.....10
7. W.S.....Pg.....1to.....11
8. Rejoinder.....Pg.....1to.....9
9. Reply.....NIL Pg.....to.....
10. Any other Papers.....NIL Pg.....to.....
11. Memo of Appearance.....NIL
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::: GUWAHATI

ORIGINAL APPLICATION NO. 62/96

MISC. PETITION/CONT. EMPT. PETITION/REVIEW APPLICATION NO.

(O A.)

Santiram Saikia APPLICANT(S)

VS.

Union of India RESPONDENT(S)

In person

Advocate for
Applicant(s)

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

Advocate for
Respondent(s)

OFFICE NOTE.

DATE

25.4.96

This application is in
form and within time
C. F. of Rs. 50/-
deposited vide
IPO/ED No. 345721
Dated - 25.4.96

Shri Santiram Saikia, applicant
in person moves this application. Mr
S. Ali, Sr.C.G.S.C is present for the
respondents.

Heard Mr Saikia for admission.
Perused the contents of the application
and the reliefs sought. Application is
admitted subject to consideration of
limitation at the time of final hearing.

Issue notice on the respondents
by registered post. 6 weeks time for
written statement as prayed for by
Mr S. Ali.

List on 10.6.96 for written
statement and further orders.

Requisites are ready
& issued no. 20.938-HO
D. 2-5-96.
Copy of order issued
to applicant.

60
Member

pg

1) Service reports are still
awaited.
2) 10/Statement has not been
brought. 12-6-96
3) Notice duly served on
1, 2, 3.

OFFICE NOTE

DATE.

O R D E R.

10-6-96

Mr. S.R. Saikia applicant in person is present. Mr. S. Ali, Sr.C.G.S.C. is present for the respondents.

Written statement has not been submitted. Mr. Ali seeks for time for filing written statement.

List on 1-7-96 for written statement and, for further order.

60
Member(A)

1m

Member(J)

1-7-96

Mr. S. Ali, Sr.C.G.S.C. is present. Written statement has not been submitted. Applicant in person is present. At the request of Mr. S. Ali Sr.C.G.S.C. case is adjourned for order on 23-7-96.

1m

60
Member

23.7.96

Mr. S.R. Saikia, the applicant is present. Notice, duly served on the respondent Nos.1, 2 and 3. Written statement has not been submitted.

List for hearing on 20.8.96.

In the meantime the respondents may submit written statement with copy to the applicant.

nkm

22/8/96

60
Member

1) Notices duly served on 08 Nos. 1-3
2) W/ statement has not been submitted

3) W/ statement has not been filed by W

8/19/8

3

20-8-96

Mr. S. R. Saikia applicant in person. Learned Sr. C.G.S.C. Mr. S. Ali for the respondents. Written statement has not been submitted.

List for hearing on 17-9-96.

In the meantime the respondents may submit written statement with copy to the applicant.

6
Member

lm
m
20/9

17.9.96

Mr. S.R.Saikia, applicant, present in person.

Mr. S.Ali, Sr. C.G.S.C. for the respondents submits written statement with a copy to Mr. Saikia.

Mr. Saikia prays for short adjournment for perusal of the written statement. Allowed.

List for hearing on 27.9.1996.

6
Member

18-9-96

trd

m
18/9

WJS filed on
behalf of all respondents
at Pg - 06 - 26.

27.9.96

Mr S.R. Saikia, the applicant is present in person. Learned Sr. C.G.S.C. Mr S. Ali for the respondents. Both Mr Saikia and Mr Ali have completed their submission.

Hearing concluded. Judgment reserved.

6
Member

Rejoinder filed 7
W. applied - in reply m
2 WJS. at Pg. 27-38 -
C.A.R. case in records.

m
30/9/96.

9-10-96 None for the applicant. Mr.S.Ali
Sr.C.G.S.C. for the respondents.
Judgment and order pronounced. Application
is allowed in terms of the order.
No order as to costs.

60
Member

lm
M
9/10

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

D.A. NO. 62 of 1996.
T.A. NO.

DATE OF DECISION 9-10-1996.

Shri Santi Ram Saikia

(PETITIONER(S))

Applicant appeared in person.

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

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

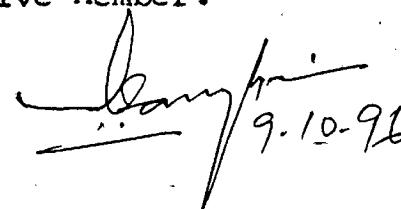
ADVOCATE FOR THE
RESPONDENT (S)

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

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ? Yes
2. To be referred to the Reporter or not ? Yes
3. Whether their Lordships wish to see the fair copy of the judgment ? No
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.


9.10.96

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 62 of 1996.

Date of Order : This the 9th Day of October, 1996.

Shri G.L.Sanglyine, Administrative Member.

Shri Santi Ram Saikia,
Office Superintendent,
Office of the Chief Postmaster General,
Assam Postal Circle,
Guwahati-1. Applicant.

Applicant appeared in person.

-Versus-

1. The Secretary,
Ministry of Communications,
Government of India,
New Delhi-1.
2. Director General,
Department of Posts,
Dak Bhavan, New Delhi-1.
3. Chief Postmaster General,
Assam Postal Circle,
Meghdoott Bhavan, Guwahati-1. Respondents

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

O R D E R

G.L.SANGLYINE, ADMINISTRATIVE MEMBER

This application was admitted subject to consideration of limitation at the time of final hearing. Subsequently the applicant submitted a Misc.Petition No. 84/96 praying for condonation of delay in filing of the application on the ground of his bonafide misunderstanding of the provisions of the law in this regard. According to this Misc.Petition he was under the bonafide belief that no application before the Tribunal can be filed until and unless there is a final decision on the matter by the appropriate authority of the respondents. During the course of hearing of this C.A. the applicant has submitted that his grievance relates to pay and allowance

contd. 2...

H
9.10.96

and he is suffering a continuous wrong as long as the respondents have not finally disposed of his claim. Therefore the application may not be dismissed on account of limitation but should be treated as it was submitted within time. Further he submitted that, at any rate, even if there is delay the same may be condoned as injustice has been done to him. In support of his contention he relies on the decision as reported in 1995(2) A.T.J. 567. Heard the applicant and learned Sr.C.G.S.C Mr S.Ali. The Staff Adalat passed an order on 30.9.92 to the effect that the competent authority was of the opinion that the benefit under FR 22 C was not permissible for a second time to the applicant. It also observes that however references has been made to the Directorate seeking clarification on the issue claimed by the applicant and that the Directorate should be reminded for an early decision. Perhaps the references referred to in the order of the Adalat were made by the authorities of the respondents and that the direction to remind the Directorate was also issued to the authorities of the respondents. It does not appear from the records available before me that the competent authorities of the respondents had made any compliance with the order of the Staff Adalat. Thus implementation of the direction of the Staff Adalat remains pending. The applicant however, wrote to the Secretary, Staff Adalat on 14.11.1995 requesting him to let him know the decision made by the Postal Directorate in the matter so that he can take further action as may be necessary in the matter. There was no response to his letter. The applicant has submitted this application on 18.4.1996. In the facts and circumstances

contd. 3...

9.10.96

of this case I consider that the application had been submitted in time. Consequently, the applicant has been allowed to proceed with his submission in respect of this application on merit.

2. The applicant was the seniormost UDC (Upper Division Clerk) in the scale of pay of Rs.1200-2040/- when he was promoted to LSG (Lower Selection Grade) in the scale of pay of Rs.1400-40-1800-EB-50-2300/- on 2.11.1987. He joined the post on promotion and later on being the seniormost LSG he was posted as Section Supervisor with effect from 1.6.1988. The post of LSG and that of Section Supervisor carry the same scale of pay. As on 31.5.1988 the applicant was drawing pay at the stage of Rs.1680/- in the scale of pay of Rs.1400-2300/-. The applicant prays that as Section Supervisor he should be allowed the benefit of fixation of pay as per the provisions of FR 22 C, now FR 22(1)(a)(1), by giving him one notional increment and as such his pay in the post of Section Supervisor would be fixed at Rs.1760/- as on 1.6.1988 with 1.6.1989 as the next date of increment and with related benefit arising out of the said fixation. The applicant has based his claim on the ground that he was promoted from LSG to the post of Section Supervisor which carries higher responsibilities. He has supported his contention by referring to the duties of Assistants and Head Clerks prescribed under Rule 18 and Rule 69(c) of the Manual of Office Procedure of Circle and Administrative Offices respectively. It is also his contention that the post of Section Supervisor is different from the post of LSG. The former is the feeder cadre for promotion to the post of Deputy Office Superintendent or Superintendent and its duties and responsibilities are supervisory

/ contd. 4...

1
9.10.96

in nature which are higher than those of an LSG. Learned Sr.C.G.S.C Mr S.Ali, on the other hand, submits that Section Supervisor is a LSG post and that posting of a LSG post and that posting of a LSG as Section Supervisor is not a promotion as they are the posts in the same category and that such posting does not entail extra monetary benefit. He further submits that while the applicant was promoted from UDC to LSG his pay in the scale of pay of Rs.1400-2300/- was refixed under FR 22 C, now FR 22(1)(a)(1) and as such the applicant is not entitled to another fixation of pay in the same scale in the same category of posts as a result of his posting as Section Supervisor.

3. The post of LSG and Section Supervisor carry the same scale of pay of Rs.1400-40-1800-EB-50-2300/. The Memo No. Staff/RD/2-1/79/Pt-II dated 1.6.88 says :

"Shri S.R.Saikia now UDC(LSG) O/O the Addl.PMG, Assam, Guwahati who has already been promoted to S/S and ordered to join in the Circle Office, Shillong vide CO Memo No. Staff/26-2/76/11 dtd. 20.5.88 is posted as the S/S in the O/O the Addl.PMG, Guwahati....."

This memo clearly shows that as on 31.5.88 the applicant was an UDC (LSG). Further this office memo indicates two things, namely, promotion of the applicant as Section Supervisor and his posting as Section Supervisor. The decision contained in this memo was perhaps arrived at by the competent authority of the respondents after due consideration of the relevant facts. The respondents have not stated in the written statement that this decision was an erroneous decision. Therefore they cannot now content that there was no promotion of the applicant to the post of Section Supervisor but that it was only a

posting without entailing any extra monetary benefit. The initial promotion and posting as Section Supervisor was made vide C.O. Memo No. Staff/26-2-/76/II dated 20.5.88. The respondents have not produced this memo by which the promotion and posting of the applicant as Section Supervisor were ordered to support their contention that there was no promotion of the applicant to the post of Section Supervisor. Moreover, the respondents have not denied that the duties of an LSG are not same with the duties of the Section Supervisor. Neither have they denied that the duties and the responsibilities of the Section Supervisors are higher than those of the LSG. The vital issue in this application is whether posting of an LSG as Section Supervisor is a promotion so as to attract the benefit of FR 22 C or now FR 22(1) (a)(1). After hearing both sides it is gathered that an ordinary LSG cannot occupy the post of Section Supervisor. It is only the seniormost LSG who can become a Section Supervisor ordinarily. It is also gathered that an LSG cannot be promoted to the post of Deputy Office Superintendent or Office Superintendent unless he first became a Section Supervisor. Further, it is gathered that the nature of duties of Section Supervisor is supervisory which is of higher responsibilities than that of the LSG. Moreover, the respondents themselves have stated in the posting Memo dated 1.6.1988 referred to above that the applicant, who was then UDC (LSG), was promoted to Section Supervisor. In the light of the above I am of the view that the posting of the applicant to the post of Section Supervisor though in the same scale of pay amounts to promotion involving higher duties and responsibilities. The applican

12/

is therefore entitled to the benefit of fixation of pay under FR 22 C, now FR 22(1)(a)(1), as Section Supervisor with effect from the date he took over the post. The respondents are accordingly directed to fix the pay of the applicant in the scale of pay of Rs.1400-2300/- as Section Supervisor with effect from 1.6.1988 within 3 months from the date of receipt of copy of this order by respondent No.3, the Chief Postmaster General, Assam Postal Circle, Guwahati. The applicant has not spelled out in details the "related benefit arising out of the said fixation" prayed by him. However, the respondents are directed to allow the applicant consequential benefits as admissible under relevant rules consequent to the aforesaid refixation of his pay, on merit. In particular, as the applicant had since been promoted to HSG I in the scale of pay of Rs.2000-3200/-, the benefit of fixation of pay granted to the applicant as above will have consequential effect in the fixation of his pay in the subsequent scales of pay he drew/is drawing after the scale of pay of Rs.1400-2300/-.

The application is allowed. No order as to costs.


(G.L. SANGLYINE)
ADMINISTRATIVE MEMBER

18 APR 1996

F O R - I

Guwahati Bench
18 APR 1996

O.A.C 2/96

Application under section 19 of Administrative
Tribunal Act-1985.

In the court of Administrative Tribunal
Guwahati Bench.

Name: Shri Santi Ram Saikia- Applicant

Verses

Union of India and others- Respondent.

For use of Tribunal Office.

Date of Filing:

Or

Date of Receipt:

By Post :

Registration No. :

Signature
Registrar

Received
Copy-
C. S. CSC
18/4/96

4

Details of Application.

1. Particulars of the application:-

(i) Name of the applicant - Shri Santi Ram Saikia.
(ii) Name of the Father- Late Adiram Saikia.
(iii) Designation and Office in which employed: Office Supdt.

o/o the Chief Postmaster General,

Assam ~~Postal Circle, Guwahati~~

Meghdoot Bhavan, 4th floor,

Guwahati-781 001(Assam).

2. Particulars of the respondent.

(i) The Secy, Ministry of communication, Govt. of India
New Delhi-110 001.
(ii) Director General, Department of Posts, Dak Bhavan,
New Delhi-110 001.
(iii) Chief Postmaster General, Assam Postal Circle,
Meghdoot Bhavan, 4th Floor, Guwahati-1(Assam).

3. Particulars of the order against which application is made-

The application is against the following order.

(i) NO. SA/1/92/Rlgs dated 29-10-92 from the Secretary
Staff Adalat & Accounts Officer o/o the Chief Postmaster
General, Assam, Guwahati.

(ii) Date - 29-10-1992.

(iii) Passed by - Staff Adalat ,o/o the Chief P.M.G.,
Guwahati.

(iv) Subject in brief- The applicant was serving as
a Lower selection grade U.D.C. in the
year 1987 in the scale of pay Rs.1400-40-
2300 and he was promoted to the section
Supervisor cadre having higher responsi-
bility in the same scale of pay of
Rs.1400-40-2300. The applicant prayed for
fixation of pay due to his promotion
with higher responsibility but his pay
was not fixed.

4. Jurisdiction of Tribunal- The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal under section 19 of the Administrative Tribunal Act 1985.

5. Limitation:- The applicant further declares that the application is within the limitation prescribed in section 21 of the Administrative Tribunal Act 1985.

6. Facts of the case : The facts of the case are given below.

(i) The applicant was serving as an L.S.G. U.D.C. in the year 1987 in the scale of pay of Rs.1400-40-1800EB-50-2300 and was drawing Rs.1680/- as basic pay in the said scale as on 31-5-1988.

(ii) That the applicant was promoted to the section Supervisor o/o the P.M.G., Assam Postal Circle, Guwahati in the scale of Rs.1400-40-1800 EB-50-2300/- vide memo No. Staff/RD/2-1/79/Pt-II dated 1-6-88 from the Addl. P.M.G., Assam Postal Circle, Guwahati.

(Annexure-"B" and D
Page - 6 and 8.

(iii) That the applicant had joined in the Post of section Supervisor cadre on 1-6-88.

(Annexure-"C"
Page - 7.)

(iv) That the respondent did not fix his pay on his promotion inspite of his frequent representation to the authourity concerned by personal approach.

(v) That the applicant had filed a case in the Staff Adalat for redressal of his grievances.

(vi) That the staff Adalat had decided the case in a controversial manner by stating that the benefit will not be admissible to the applicant but at the same time directed the authourity to seek & clarification from the Postal Directorate, New Delhi on the Points.

(Annexure-"A")
Page - 5

(vii) That the applicant again requested the authourity to intimate the decision of the Postal Directorate but the decision has not yet been conveyed to the applicant.

(Annexure-"I")
Page - 15

(viii) That the Post of section supervisor inwhich the applicant was promoted carries higher responsibility.

I Annexure-''E''
Page - 9

(ix) That the pay of the applicant should have been fixed as per the provision of FR 22 C now reumbered as FR 22 (1)(a)(1) as follows.

Pay as on 31-5-1988- Rs.1680*00

Pay after notional increase by one increment- Rs.1720*00

Pay in the promotional Post- Rs.1760*00

Date of next increment- 1-6-1989.

(Annexure-''F'')
Page - 10

7. Relief Sought- In view of the facts mentioned in para 6 above the applicant prays that he may be allowed the promotional benefit under FR 22C now reumbered as FR 22(1)(a)(1) and the respondent be directed to refix his pay at Rs.1760/- as basic pay as on 1-6-1988 with related benefit arising out of the said fixation Decided cases by the honourable CAT Benches in the following cases may be referred to .

- (i) Ramesh Chand Vs Union of India and others 1993(2)SLJ (CAT)95. New Delhi.
- (2) Dhyaneeshwar Namdanwar Vs Union of India and others 1993(24)ATC 660(Jabalpur) 1993(2)SLJ 305.

(Annexure-''G'')
Pages 11 - 12

8. Interim order, if prayed for- Pending final decision on the application, The applicant does not seek any interim order in this case.

9. Details of the remedies exhausted - The applicant declares that he has availed of all the remedies available to him under relevant rules as follows.

- i) As soon as the applicant was promoted to the section supervisor's cadre, the applicant had personally approached the section concerned to fix his pay. The authority did not fix the pay as requested and then he had submitted many application. A copy of such application is enclosed.

(Annexure-H)
Page - 13 - 14

Contd.. 4/-

ii) The applicant had approached the staff Adalat o/o the Chief P.M.G., Guwahati which has been formed for redressal of staff grievances and that the case was decided by the Staff Adalat in a conditional manner. Vide decision No. SA/3-62/92 dated 30-9-92.

iii) The applicant had again reminded the staff Adalat on 14-11-95 to furnish the decision of the postal directorate but his application was not even acknowledged.

(Annexure-I).
Page - 15.

10. Matter not pending with any other court etc. - The applicant further declares that the matter regarding which the application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

11. Particulars of Postal order in respect of Application fee-

- i) Number of I.P.O. - 809 - 345721
- ii) Name of the issuing P.O. - Guwahati.
- iii) Date of issue of Postal Order - 9-4-96.
- iv) Post Office at which payable - Guwahati.

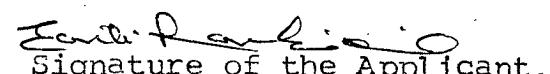
12. Details of Index - An index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of enclosures = 1. Form A - 6 Copies.
2. Annexures - 9
3. I.P.O. - One
4. Index - Two copies.

In verification,

I Shri Santi Ram Saikia S/o Late Adiram Saikia age 54 years working as Office Supdt. o/o the Chief P.M.G., Guwahati resident of Lakhinagar Guwahati-5 do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place: Guwahati,
Date : 17-4-96


Signature of the Applicant.

To,

The Register,
Central Administrative Tribunal,
Guwahati Bench, Guwahati

ANNEXURE - A

(5)

Department of Posts : India :
Office of the Chief Postmaster General : Assam Circle ::
Meghdoott Bhawan 4th floor : Guwahati : 781 001.

the 29th October 1992.

No. SA/1/92/Rigs.

~~D.L.C. AP/AS (Staff) (1) Guwahati~~
~~D.L.C. A/D A/c's c/o Guwahati~~
~~D.L.C. 1/1/92 Date / Director, C.O. Guwahati~~

Subject :: Decision taken on Staff Adalat held on 30.09.92
Assam Circle, Guwahati.

A copy/Extract(s) of the decision taken by the Staff Adalat held on 30.09.92 and under the chairmanship of Chief Postmaster General, Assam Circle, Guwahati on the respective grievances of the Staff is sent herewith for favour of taking necessary action. A brief particulars of the grievances along with the name and designation of the official is also enclosed herewith for favour of ready reference.

Encl :: As above.

Pradeep Dey
(P. Dey)
Secretary,
Staff Adalat & Accounts Officer
O/o the Chief Postmaster General
Assam Circle
GUWAHATI :: 781 001.

Copy to :-

✓ Shri S. Dey - Accounts Officer, C.O.
with reference to his application dated 30/9/92 an extract of the Guwahati
decision of the Staff Adalat held on 30.09.92 is enclosed herewith for informa-
tion.
X 31-7-72

2) File NO. SA/3-23, 24 and 62.

Pradeep Dey
Secretary
Staff Adalat & Accounts Officer
O/o the Chief Postmaster General
Assam Circle, Guwahati.

SA/3-62/92:

Adalat finds that in the earlier promotion to 20% LSG(non functional) in the scale of Rs.1400.00 to Rs.2300.00 the benefit under FR 22(c) was granted to the official. The official subsequently was appointed as regular LSG(functional) w.e.f. 1.8.88, in the same scale of pay. The Petitioner's prayer is that the benefit under FR 22(c) must be given to him as the functional LSG involves duties and responsibilities of greater requirements. As the appointment/promotion is in the same scale, the Competent Authority feels that the benefit under FR 22(c) is not permissible for a second time. However, references have been made to the Dte. seeking clarification on this. The Adalat therefore directs that the Directorate should be reminded for an early decision.

SA/3-62/92
S. P. A. to CPMG
Assam Circle
Guwahati 781001

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ANNEXURE - A

Department of Posts : India :
Office of the Chief Postmaster General : Assam Circle ::
Meghdoott Bhawali 4th floor : Guwahati : 781 001.

No :: SA/1/92/Rigs.

the 29th October 1992.

~~The APNG (Staff) C.O. Guwahati~~
~~The A.D. A/c's C.O. Guwahati~~
~~Welfare Officer, C.O. Guwahati~~

Subject :: Decision taken on Staff Adalat held on 30.09.92 in Assam Circle, Guwahati.

A copy/Extract(s) of the decision taken by the Staff Adalat held on 30.09.92 under the chairmanship of Chief Postmaster General, Assam Circle, Guwahati on the respective grievances of the Staff is sent herewith for favour of taking necessary action. A brief particulars of the grievances along with the name and designation of the official is also enclosed herewith for favour of ready reference.

Encl :: As above.

P. Dey
(P. Dey)

Secretary,

Staff Adalat & Accounts officer
O/o the Chief Postmaster General
Assam Circle
GUWAHATI :: 781 001.

Copy to :-

✓ Shri S. D. Ram Saikia, Office Subdt. C.O.
with reference to his application dated 29/7/92 and an extract of the Guwahati decision of the Staff Adalat held on 30.09.92 is enclosed herewith for information.

31-7-92

2) File nos. SA/3-23, 24 and 62.

P. Dey
(P. Dey)

Secretary
Staff Adalat & Accounts Officer
O/o the Chief Postmaster General
Assam Circle, Guwahati.

SA/3-62/92:

Adalat finds that in the earlier promotion to 20% LSG (non functional) in the scale of Rs. 1400/- to Rs. 2300/- the benefit under FR 22(c) was granted to the official. The official subsequently was appointed as regular LSG (functional) w.e.f. 1.8.88 in the same scale of pay. The Petitioner's prayer is that the benefit under FR 22(c) must be given to

(6)

Department of Posts, India.
O/O the Addl Postmaster General, Assam, Guwahati-781001.

Memo No. Staff/RW/2-1/79/Pt-II. Dated Guwahati the 1-6-83.

Consequent on the retirement of Shri D. N. Bujar Baruah, O/S Circle Office, Shillong on superannuation W.e.f. 1-6-88, Shri S. R. Saikia now UDU(LSG) O/O the Addl PMG, Assam, Guwahati who has already been promoted to S/S and ordered to join in the Circle Office, Shillong vide CO Memo No. Staff/26-2/76/11 dtd 20-5-88 is posted as the S/S in the O/O the Addl PMG/Guwahati W.e.f. 1-6-88 on diversion of the post from the Circle Office, Shillong.

Sd/-

(S.P. Dash)

ADPS-I.

for Addl PMG, Assam, Guwahati-1.

Copy to :-

1. The PMG(Staff) N.E. Circle, Shillong -w.r.to his No. Staff/ 26-2/76/11 dtd 20-5-88.

2. The Dr.(PM, Guwahati GPO - for information and n/a.

3. The SSPOs, Guwahati - for information.

4. Shri S. R. Saikia, UDU(LSG)

5. O/O the Addl PMG, Assam, Guwahati-1.

5. P/R of the official.

6. The AD-I/AD-II/A.O. O/O the Addl PMG/Guwahati.

7. O/O.

8. Spare.

9. File no. 512/5/96

10. S/S, Addl PMG

Attested
S.P.A. to CPMG
Assam Circle
Guwahati-781001

Dash

for Addl Postmaster General
Assam, Guwahati-1.

ए.पी.डी.पी. ६१
A.C.G.-61

भारतीय डाक विभाग

DEPARTMENT OF POSTS, INDIA

(देविए नियम २६७; डाक-तर वित्त पुस्तक का खण्ड I, वित्तीय संस्करण ३। ८०।
(See Rule 267, Posts and Telegraphs Financial Handbook, Volume I, Financial General
Second Edition)चार्ज की वदती पर चार्ज रिपोर्ट और नकदी भीटैक्स डिप्रीवीड गवाहाती-७८१००।
Charge Report and Receipt for cash and stamps on transfer of chargeप्रमाणित किया जाता है कि
Certified that the charge of the office of ~~सेक्टर अधिकारी~~ ^{पा.} ~~सेक्टर अधिकारी~~चार्ज ~~दिल्ली~~ (नाम) ने
was made over by (name) S. M. Sanjiv Ram Srivastava(नाम) को
to (name)स्थान
at (place) Guwahatiसारीख को पूर्वाह्न में
भारतीयon the (date) 1. 6. 84. fore
noon in accordance with ^{पा.ल. प.म.ल.}
a/c ^{पा.ल. प.म.ल.} 2-1/१४/८८/१
205-A 1. 6. 84.सं.
No.तारीख
Datedके बन्दगार के दिया।
fromभारतीय अधिकारी
Relieved Officerभारतीय अधिकारी
Relieving Officerकृष्णदा
[P.T.O.]To
Mr. Addl. P. M. L. (Stab)
Guwahati

Attested

St. P.A. 10 CPMO
4-33m Circle
Guwahati-781001

1/4/96

Department of Posts
Office of the Addl. Postmaster General, Assam, Guwahati-1.

Memo No. Staff/RD/1-86/82

Dated Guwahati the 7-6-88.

Consequent on the relief of Sri S.R. Saikia, UDA b/o the Addl. P.M.G. Assam, Guwahati on 1-6-88 (P/N) as the S.S. III in the o/o the Addl. P.M.G. Guwahati vide this office memo No. Staff/RD/2-1/79/kt-II dated 1.6.88, one post of UDA falls vacant in the o/o the Addl. P.M.G. Guwahati.

The D.P.S., o/o the Addl. P.M.G. Guwahati has been pleased to promote Sri Jayanta Biswas, the next senior L.D.A. of this office to the cadre of U.D.A. in the said vacant post purely on adhoc basis with effect from 1-6-88.

Sd/-

(S.P. Dash)
AD'S(1)
For Addl. Postmaster General,
Assam, Guwahati-1.

Copy to

1. The P.M.G. (Staff), Shillong-793001.
2. The Sr. Postmaster, Guwahati H-781001.
3. Sri Jayanta Biswas, UDA, o/o the Addl. P.M.G. Guwahati.
4. R.P. of the official.
5. (S.P. Dash) SS(-), SS(II), SS(III), -do-
6. p/o
7. Spare.

Attested
S. P. A. to CPMG
Assam Circle
Guwahati-781001.

For Addl. P.M.G. Assam,
Guwahati-1.

MANUAL
OF
Appointments and Allowances
of Officers of the Indian Posts
and Telegraphs Department

FOURTH EDITION

(Revised, incorporating correction slip up to No. 758
dated 22nd January, 1973)

Issued by the Accountant General, Posts and Telegraphs

PUBLISHED BY THE MANAGER GOVT. OF INDIA PRESS
1974

These orders will have effect from 1st July, 1959.

Director General's Instructions.—The Director General has been pleased to decide that the posts of L. S. G. clerks in Circle and Admittee posts carry higher duties and responsibilities than those in the Executive. Offices carry higher duties and responsibilities than the Executive. Divisions for the purpose of classification of pay under F. R. 22, read with F. R. 30.

*Includes the posts of Head Assistant in Circle Offices/Admiristrative Offices and Office Superintendents in smaller Telephone Districts used in the offices of the Chief Controller of Telegraph Stores, Calcutta.

and Chief Accountant's Office, Telegraph Stores and Workshops, Calcutta draw pay in the time-scales shown below:—

CHAPTER XII

[G.I.D.C. (P. & T. Board) letter No. 17-1/69-SPA II dated 9th June, 1971, issued with the concurrence of P. & T. Finance vide their G.O. No. 2225-P.A. I/71, dated the 21st May, 1971.]

(v) the Cash Award of Rs. 200 on passing Intermediate Examination of I. C. W. A. will be admissible to only those who pass this examination after the issue of these orders.

(IV) advance increments will also be admissible to those who have already passed the final examination of the I. C. W. A., but no attorney will be paid for the past period.

(iii) The advances increments will be granted in the grades in which the officer is working at the time of passing the relevant examination. It this is an qualifying grade, he will also get the promotion. The benefit in his regular grade.

(iii) the grant of advance increments will be admissible both in the substantive and officiating grades and will be subject to the condition that their pay will not exceed the maximum of

(i) the dates of increment will not undergo any change and will continue to remain the same;

ment of results, subject to the following conditions:—

mediaic Examination of I. C. W. A likewise can pass through the same examination of I. C. W. A., the above officials will be entitled to have their pay raised by two advance increments from the date of announcement.

F.R. 22-C. Notwithstanding anything contained in these Rules, where a Government servant holding a post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity² to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued:

Provided that the provisions of this rule shall not apply where a Government servant holding a Class I post in a substantive, temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating

F.R. 22-C]

PAY

91

capacity to a higher post¹ [which is also a Class I post and carries a time-scale of pay with the minimum more than Rs. 1,500]:

Provided further that the provisions of sub-rule (2) of Rule 31 shall not be applicable in any case where the initial pay is fixed under this rule:

²Provided also that where a Government servant is, immediately before his promotion or appointment to a higher post, drawing pay at the maximum of the time-scale of the lower post, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by an amount equal to the last increment in the time-scale of the lower post:

³Provided that if a Government servant either—

(1) has previously held substantively, or officiated in—

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post⁴ [] or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical time-scale; or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated;

then proviso to F.R. 22 shall apply in the matter of the initial fixation of pay and counting of previous service for increment.

EXPLANATION.—In this rule, the expression "Class I" has the meaning assigned to it under the Central Civil Services (Classification, Control and Appeal) Rules, 1965.

(11)

Annexure - G

Annual Subscription : Rs. 15.00
Single Copy : Rs. 2.50

REG. NO. P/PIK/ 285

POSTAL INSPECTOR

JOURNAL OF
All India Association of
Inspectors and Asst. Supdts. of Post Offices

[Trade Union Registration No. 2595 Dated 22-3-40]

Phone Office
Faridabad
Code : 0129
215619
216597

Phone Rtk.
C.H.Q.
Code : 01262
10918
78511

CENTRAL HEAD QUARTERS

Benefit of FR 22C [now 22 (I) (a) (i)] available for pay fixation in promotional post carrying higher responsibilities, even if promotional post and feeder post carry identical pay scales.

The petitioner joined service as postal assistant. He was placed under the one time bound promotion scheme in the higher selection Grade (Rs. 425 - 640). Both the grades constitute feeder category for promotion to the post of Inspector of Post Offices. The pre-revised scale of Inspector of Post Office was Rs. 425 - 700. The petitioner was appointed as Inspector of Post Office with effect from 6-2-1987. On 1-1-1986 pre-revised scales of pay of Rs. 425 - 640 and Rs. 425 - 700 came to be replaced by a single scale of Rs. 1,400 - 2,300 by the Fourth Central Pay Commission's recommendations. The claim of the petitioner was that the post of Inspector carries responsibilities and duties of greater importance than those attached to the Post of LSG and, therefore, he should be given the benefit of notional fixation of pay in the scale by adding one increment (FR 22C) on promotion as Inspector of Post Office from the Post of LSG even though the scale of pay of LSG and Inspector of Post Office was identical, viz., Rs. 1,400 - 2,300, with effect from 1-1-1986.

Held: The Post of Inspector of Post Offices carries responsibilities and duties of greater importance than the Post in the feeder category and, therefore, the petitioner on promotion to the Post of Inspector of Post Office would be entitled to fixation of pay with the benefit of FR 22C. It is also to be noted that FR 30 which had earlier placed a restriction on conferring the benefit of FRC 22C on the ground that the post of identical scale of pay broadly carry comparable duties and responsibilities has been deleted from the Fundamental Rules. In view of the above, the respondents are directed to grant the benefit of fixation of pay to the petitioner in accordance with FR 22C, now renumbered as FR 22 (I) (a) (i).

[Ramesh Chand v. Union of India and another, 1993 (2) SLJ (CAT) 95 (New Delhi), date of judgment 5-1-1993.]

A Similar decision has been rendered by the Jabalpur Bench in an application where in a Sorting Assistant In Lower Selection Grade (LSG) on appointment to the Post of Inspector of RMS claimed fixation of pay under FR 22(I) (a) (i). An extract from the judgment is reproduced below.

"The first point to be taken into account is that in accordance with the posts and Telegraphs (Inspector of Post Offices, Inspector of Railway Mail Services and Inspector, Uniforms) Recruitment rules, 1977, the Post of Inspector, RMS is a Post available to a sorting Assistant LSG on promotion and that too on the basis of selection. Therefore, once the tribunal comes to a conclusion that the Post of Inspector, RMS is one higher in hierarchy of posts which is available to a sorting Assistant LSG as a result of promotion on selection being made before, it can be logically concluded that higher efficiency is required to man the cadre of Inspector, RMS. The reason is not far to seek. The Post of sorting Assistant LSG is an operative job while the Post of Inspector, RMS, is more or less an executive job. An Inspector, RMS, has got a right of Inspection. The sorting Assistant LSG, has no power to inspect. The Inspector, RMS has got a right to enquire into the conduct of other subordinates while the sorting Assistant LSG has no such power. Above all, it would appear that in the hierarchy of posts available in the Postal Department, an Inspector, RMS, is entitled for promotion to a higher gazetted Post, while there is no promotional avenue open in the cadre of sorting Assistant LSG to a gazetted post. The sorting Asstt. LSG has to move step by step. He has to be appointed as Inspector, RMS, in the first instance.

UNITE AT EVERY LEVEL TO FACE THE PRESENT SITUATION.

Attested
M. 12/4/96
S. P. A. to CPMG
Assam Circle
Guwahati-78 001

There after on his turn he can get an appointment to a gazetted Post. Therefore in the very nature of things is not difficult to conclude that the Post of Inspector, RMS, is a Post carrying higher responsibility. The scale of pay is one of the important criteria to determine the higher or lower Post. All the same the identical scale of pay of both the posts cannot be made the sole ground for rejection of the claim of the applicant. The fourth pay Commission recommended identical pay scale for both the posts on the analogy that both the posts carried comparable supervisory duties. It may be true. Still it is possible that the supervisory duties attached to the post of Inspector, RMS, may be higher in nature than the Post of sorting Assistant, LSG. The very fact that the Post of Inspector, RMS, is a promotion Post of the Post of sorting Assistant is a feeder cadre given an indication that the Post of Inspector, RMS, is a Post carrying higher responsibility. In the opinion of the tribunal the fact that the Post of Inspector, RMS, is a selection Post should put an end to the controversy. The object of the rule-making authority appears to be short out grain from chaff. Thus, persons are appointed to the Post of Inspector, RMS, by process of elimination on the basis of competitive examination. Consequently, the tribunal is of the opinion that the Post of Inspector, RMS, is a Post carrying higher responsibility and secondly, the pay fixation under FR-22-C has been rightly done by the department. The report of audit otherwise cannot be given by weightage.

[Dhyanshwar Nandanwar v, Union of India and others, 1993 (24) ATC 660 (Jabalpur); 1993 (2) SLJ 305; date of judgment 20-4-1993.]

[In view of the decision contained in these two judgments being declarative in nature, the Department of Post can do well by issuing suitable orders in this regard.

Application under letter No. Staff/Adalat/APC/92 dtd. 1.7.92

To

The Chairman,
Staff Adalat,
office of the CPMG,
Guwahati-781001.

In the court of Staff Adalat, office of the
Chief PMG, Assam Circle, Guwahati.

Original Application dtd. 8.7.1990.
Date of decision -- Not yet decided.

In the matter of fixation of pay at the time of
promotion from non-functional LSG to functional LSG.

Facts of the case-

1. The humble applicant is a permanent employee of the Postal Department and at present has been serving as Office Superintendent in the office of the Chief PMG, Assam Postal Circle, Guwahati.
2. That the applicant was a U.D. Clerk in the year 1986 and that he was promoted to 20% LSG Scheme in the higher scale of pay w.e.f. 1.8.1986 and his pay was fixed as per departmental procedure.
3. That w.e.f. 1.6.1988 the applicant was promoted to Section Supervisor cadre in the same scale of pay with higher responsibility and his pay was not fixed under F.R. 22.
4. That the duties of non-functional and functional LSG are different. In case of non-functional LSG, it is a monetary benefit in U.D. Cadre but in case of functional LSG it is a separate cadre with higher responsibility.

Attested
S. P. A. to CPMG
Assam Circle
Guwahati-781001

Contd...2...

29.7.92
C.P.

5. That inspite of my representations the pay was not fixed and I submitted a by name petition to the then CPMG with a hope of getting justice to me. But I am sorry to intimate that even my representation was not acknowledged. The application is enclosed. (Annex 1)

6. That I came to know that the case was referred to the Dte. from this office and the basis of not granting the fixation was a ruling which is applicable to the employees of Director of Postal Accounts only and it has been confirmed by the Dte. to this office.

7. That after the receipt of the clarification also this office has not yet fixed my pay w.e.f. 1.6.1988.

Prayer

Under the circumstances stated in the foregoing paragraphs there is a genuine reasons for allowing the fixation of pay to the applicant w.e.f. 1.6.1988 and I appeal before this court to allow the benefit to the applicant w.e.f. 1.6.1988.

I Sri Santi Ram Saikia do hereby verify that the statements made above are true to my knowledge and belief.

Handed
Date 17/5/92
Sri. P.A. to CPMG
Assam Circle
Guwahati-781001

Date 27.6.92

Submitted to :-

Sri P. Dey, A.O.
and Secretary, Staff Adalat,
Office of the CPMG,
Guwahati-781001.

Santi Ram Saikia
(Santi Ram Saikia)
Office Superintendent,
Office of the Chief Postmaster General
Assam Circle, Guwahati-781001.

(15)

Annexure 1

DEPARTMENT OF TELEGRAPH
OFFICE OF THE CHIEF POSTMASTER GENERAL, ASSAM CIRCLE, GUWAHATI-781 001.

No,

The Secretary Staff Adalat,
& Chief Accounts Officer,
O/o the Chief Postmaster General,
Assam Circle, Guwahati-781 001.

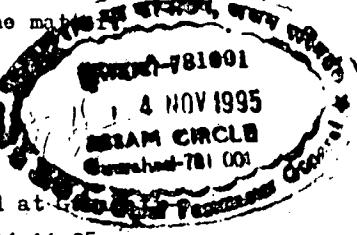
Ref:- Staff Adalat case No. SA/1/92/Rlg, dated 29-10-95 in item No.
SA/3-62/92.

Sir,

I beg to draw your attention to the case No. cited above
regarding fixation of pay in S.S.cadre. The decision of the Postal
Directorate may kindly be intimated to me for further necessary action
in the matter.

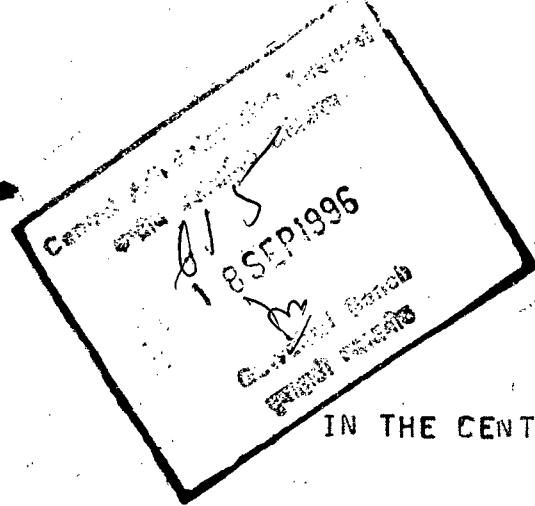
Started
14/11/95
Sr. P.A. to CPMG
Assam Circle
Guwahati-781001

Dated at
the, 14-11-95.



Yours faithfully,

S. R. Saikia
(S.R.Saikia)
Office Superintendent,
O/o the Chief Postmaster General,
Assam Circle, Guwahati-781 001.

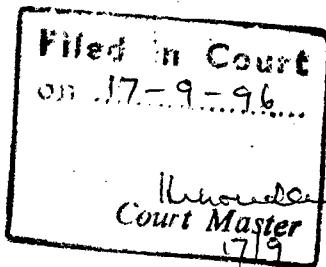


16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:

GUWAHATI BRANCH:

GUWAHATI.



*Filled by
C. Shankar*
Central Govt. Standing Order
Central Administrative Tribunal
Guwahati Branch, Guwahati
17/9/96

IN THE MATTER OF:

u.A. No. 62/96

Sri S. R. Saikia

-Versus-

The Union of India & Ors.

- AND -

IN THE MATTER OF:

Written Statements not submitted by
all the Respondents.

WRITTEN STATEMENTS:

The humble Respondents submit their
Written Statements as follows :

12/9/96
That before submitting the parawise
written replies the Respondents deem it necessary
to give the brief background of the applicant's
case for proper adjudication of the matter as follows:

(Contd.)

(2)

(3)

Sri S. R. Saikia while holding the post of the senior most UDC in the scale of pay of Rs. 1200-2040/- was promoted to LSG in the scale of pay of Rs. 1400-2300/- on regular basis w.e.f. 29-3-87 vide C.O. / Shillong memo No. Staff/26-2/76/II dtd. 29-3-88 and 29-4-88 (Annexure-A & A(1)). Later on, Sri Saikia being the seniormost LSG was posted as SS in the O/O the Addl. PMG, Guwahati on diversion of the post from C.O/Shillong vide memo No. Staff/RD/2-1/79/Pt-II dtd. 1-6-88 (Annexure-C) .

The post of SS is just a LSG post without any extra benefit and posting as SS will not constitute promotion and this point has already been clarified vide C.O./Shillong letter No. Staff/26-2/76/II dtd. 5-5-88 (Annexure-B) while disposing such representation of Sri Saikia. In fact seniormost LSG is posted as SS without any monetary benefit & extra remuneration for the work as SS which does not involve higher promotion to the post.

Thereafter, Sri Saikia being the seniormost LSG(SS) was promoted to HSG-II & posted as Office Supdt. on regular basis vide memo No. Staff/2-3/88/L-II dtd. 2-12-92 (Annexure-D) and on completion of 3 years service in HSG-II Sri Saikia was promoted to HSG-I & posted as Office Supdt. C.O/ Guwahati on regular basis vide memo No. Staff/2-3/88/L-II dtd. 04-12-95 (Annexure-E).

- 3 -

- 1) That with regard to the statements made in paragraphs 1,2, 3, 4 & 5 of the application the Respondents have no comments the same are being matters of record.
- 2) That, with regard to the statements made in paragraph 6.i of the application the Respondents beg to state that the applicant served as LSG in the year 1987 and not served as LSG UDC since LSG and UDC are two different cadres with different pay scales viz. for LSG as Rs. 1400-2300/- and for UDC as Rs. 1200-2040/- which are separate pay scales for these cadres.
- 3) That, with regard to the statements made in paragraph 6.ii of the application the Respondents beg to state that, the applicant being the seniormost holding the post of the seniormost LSG ~~post~~ was posted as SS which also is just a LSG post without any benefit and which will not constitute promotion. In fact the seniormost LSG is to be posted as SS being a LSG post without extra remuneration & promotion etc.
- 4) That, with regard to the statements made in paragraph 6.iv of the application the Respondents beg to state that Pay fixation for promotion to LSG post is to be done only once. SS which is just a LSG post and not a promotional post no pay fixation is required.

5) That with regard to the statements made in paragraph 6.iii of the application the Respondents beg to state that, the applicant being senior most LSG was posted as SS in LSG Cadre on 1-6-88 without any extra benefit & promotion etc.

6) That with regard to the statements made in paragraphs 6.v, 6.vi, 6.vii, ~~6.viii~~ the Respondents have no comments.

7) That with regard to the statements made in paragraph 6.viii of the application the Respondents beg to state that the post of Section Supervisor is just a LSG post without any extra benefit and posting as SS will not constitute promotion.

8) That with regard to the statements made in para 6.ix of the application the Respondents beg to state that, pay fixation of to LSG post is to be done only once and no pay fixation is required for posting as SS being a LSG post.

9) That with regard to the statements made in para 7 of the application the Respondents beg to state that the LSG & SS being the same post benefit of higher pay fixation is to be given only once in LSG post and not for SS which is just a LSG post. Posting as SS will not constitute promotion.

(20)

- 5 -

10) That, the Respondents beg to state that the applicant is not entitled to get any relief sought for and as such the application is liable of to be dismissed.

11) That, the Respondents beg to submit that the application has no merit and as such the same is liable to be dismissed.

VERIFICATION

I, Sri J.N. Sarma, (Vig) Assistant Postmaster General (Vig), O/O the CPMG, Assam Circle, Guwahati do hereby solemnly declare that the statements made in above paragraphs are true to my knowledge, belief & information and I sign this verification on this th day of July, 1996.

Declarant *Hemanta Nath Sarma*
ASST. Postmaster General (Vig)
Assam Circle, Guwahati-781001

DEPARTMENT OF POSTS : INDIA
OFFICE OF THE POSTMASTER GENERAL : N.E.CIRCLE : SHILLONG.

Memo No. Staff/26-2/76/II Dated at Shillong the 20-3-88.

Regular promotion given to Shri T.K.Dutta Roy to LSG, Circle Office vide this office memo of even number dated 28/12/87 has been found irregular as his senior in the panel of approved official was left out through oversight hence the promotion of Shri T.K.Dutta Roy in regular manner from 1-1-88 is hereby cancelled. Therefore, in modification of this office memo of even number dtd. 1-1-88, the following orders are issued :-

1. Shri Santi Ram Saikia, now officiating in LSG on adhoc basis is promoted to LSG on regular basis against the vacancy caused by the retirement of Sri D.K.Raha and posted in the o/o the Addl. P.M.G. Guwahati. He shall rank senior to Shri Baldwin Shyiem who was promoted to LSG on regular basis, vide this office memo of even number dated 28-12-87.

2. Shri T.K.Dutta Roy, now working as LSG against leave vacancy is promoted on adhoc basis against 1/3rd quota of LSG and posted in Budget Section.

The temporary promotion of Shri T.K.Dutta Roy will not confer upon him any claim for regular absorption nor continued officiation in the grade and will be terminated as soon as regular incumbant is posted.

Sd/- 1. Munga.
A.P.M.G. (Staff)
For Postmaster General,
N.E.Circle, Shillong.

Copy to :-

1. The A.D.P.S. (A/Cs), C.O. Shillong.
2. The J.A.O. (Bgt), C.O. Shillong.
3. The Addl. P.M.G., Assam, Guwahati.
- 4-6. Officials concerned.
- 7-9. P/F of the officials.
10. Office Supdt., C.O., Shillong.
11. Spare.

For Postmaster General,
N.E.Circle, Shillong.

Attested

Attest. Postmaster General (Vig.)
Assam Circle, Guwahati-781001

Attest.

Annexure 'A/I'

DEPARTMENT OF POSTS
OFFICE OF THE POSTMASTER GENERAL: N.E.CIRCLE: SHILLONG-793 001

Memo No. Staff/26-2/76/II Dated Shillong, the 29th April, 1988

In supersession of this office memo of even no. dated 29-3-1988, the following approved officials are promoted to the cadre of L.S.G, Circle Office on regular basis from the dates noted below against their names.

<u>Name</u>	<u>Date of effect</u>
1. Shri Santiram Saikia,	2-11-1987.
2. Shri Tapan Kr Dutta Roy,	1-01-1988

Shri T.K.Dutta Roy's position will be fixed above that of Shri Baldwin Syiem who also has been promoted to L.S.G cadre with effect from the same date vide this office memo of even no. dated 28-12-1987.

Shri T.K.Dutta Roy, being seniormost LSG official in Circle Office, is posted to officiate as Section Supervisor, Tech/Inv/CPT, Circle Office w.e.f. 1-5-1988 vice Mrs M.Lyngdoh, transferred.

Smti. M.Lyngdoh, Section Supervisor, Tech/Inv/CPT Sec, on relief is transferred and posted as Section Supervisor, Bldg/ Welfare Section, Circle Office vice Mrs. A.Rahman who retires on 30-4-1988.

(L. MUNGA)
Asstt. Postmaster General (Staff)
For: Postmaster General,
N.E.Circle, Shillong-1

Copy to ::

1. The ADPS (Accounts) C.O. Shillong,
2. The JAO (Bdg), C.O. Shillong
3. The S/S A&P Sec, C.O. Shillong,
4. The Addl. Postmaster General, Guwahati,
5. The Circle Secretary, AI (Postal) AOEU, Gr. 'C' & 'D' NE Circle Br. Shillong, with reference to his letters no. AU/NEC/161/86-87 dtd. 6-4-88 and no. Nil dtd 6-4-88 the receipt of which is hereby acknowledged.
6. The APMG (C&I) C.O. Shillong,
7. Guard file,
- 8-9/ Office Supdt, C.O. Shillong,
- 10-12/ P/F of the officials,
- 13-15/ Official concerned,
16. The APMG (Bldg) C.O. Shillong,

For: Postmaster General,
N.E.Circle, Shillong

allied
Asstt. Postmaster General (VMS)
Assam Circle, Guwahati-781001

Annexure - B

DEPARTMENT OF POSTS: INDIA
OFFICE OF THE POSTMASTER GENERAL: N.E. CIRCLE: SHILLONG-1

No. Staff/26-2/76/IJ

Dated Shillong the 5/5/1988

To:

The Addl Postmaster General
Assam, Guwahati.

Subj: Representation of Shri Santi Ram Saikia
regarding offg. in the cadre of S.S. o/ the P.M.G., Shillong.

....

Shri Santi Ram Saikia, LSG. of your office has complained vide his letter dtd. 2.5.88 against posting of his junior as Section Supervisor in Circle office, Shillong.

As the official has already been promoted to the cadre of LSG on regular basis w.e.f. 2.11.87, it was presumed that it might be his preference to continue as LSG official in your office as the post of S.S. also is just a LSG post without any extra benefit. Other officials cited by him also were volunteers for posting in your office, otherwise they need not, of necessity, be transferred from circle office Shillong to your office just for deployment as Section Supervisor which does not constitute promotion.

Due to continued operation of austerity measure, routine and tenure transfer is not still allowed. Since Shri Saikia's posting as S.S. will not constitute promotion, his transfer for the same to Shillong will have an element of a routine one if not classified as a transfer on his own request.

Kindly, therefore, obtain and send the willingness of Shri S.R. Saikia to come on transfer to Shillong, to be posted as Section Supervisor, Circle office, with or without transfer T.A.

(L. Munga)
A.P.M.G. (Staff)
for Postmaster General
N.E. Circle, Shillong.

SKD

Attestd

[Signature]
Asstt. Postmaster General (Vig)
Assam Circle, Guwahati-781001

Annexure- 'C' - 24

Department of Posts, India.
6/o the Addl Postmaster General, Assam, Guwahati-781001.

Memo No. 3 aff/WD/2-1/79/Pt-II. Dated Guwahati the 1-6-88.

Consequent on the retirement of Shri D. N. Bujar Baruah, O/S Circle Office, Shillong on superannuation W.e.f. 1-6-88, Shri S.R. Saikia now UDC(LSG) O/o the Addl PMG, Assam, Guwahati who has already been promoted to S/S and ordered to join in the Circle Office, Shillong vide CC Memo No. Staff/26-2/76/11 dtd 20-5-88 is posted as the S/S in the O/o the Addl PMG/Guwahati. W.e.f. 1-6-88 on diversion of the post from the Circle Office, Shillong.

S. I.
(D.K. Dash)
A.M.I.
for Addl PMG, Assam, Guwahati-1.

Copy to :-

1. The PMG(Staff) N.E. Circle, Shillong - r/o his No. Staff/ 26-2/76/11 dtd 20-5-88.

2. The Sr. PM, Guwahati GPO - for information and n/a.

3. The SSFOs, Guwahati - for information.

4. Shri S.R. Saikia, UDC(LSG)
O/o the Addl PMG, Assam, Guwahati-1.

5. P/F of the official.

6-3. The AD-I/AD-II/A.O. O/o the Addl PMG/Guwahati.

9. O/C.

10. Spare.

Dash
for Addl Postmaster General
Assam, Guwahati-1.

affixed
Asst. Postmaster General (Vis)
Assam Circle, Guwahati-781001

Annexure-'D'

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE: GUWAHATI 781001.
No. Staff/2-3/88/L-II dated at Guwahati the 2.12.92.

The Chief Postmaster General, Assam Circle Guwahati is pleased to approve the following officials for promotion to the posts, grades and scales as noted below against each on regular basis with immediate effect.

Name of officials with present post held	Posted on promotion to posts & grades	Scale of pay
1. Sri S R Saikia Offtg Office Supdt, O/O CPMG,Guwahati	Office Supdt in HSG-II, O/O the CPMG, Guwahati	Rs. 1600 - 2660/-
2. Sri D K Roy Offtg.20% LSG, O/O 6PMG,Guwahati	20% LSG, O/O the CPMG, Guwahati	Rs. 1400 - 2300/-

Usual charge report may be sent to all concerned.

(M LAWPHENIAW)
Director of Postal Services
Assam Circle, Guwahati

Copy to:-

1. AD A/cs, CO/RO Guwahati
2. The AAO Bgt, CO/RO Guwahati
3. DA(P) Calcutta
4. All Group Officers, CO/RO, Guwahati
5. Sr.PA to CPMG//PA to PMG/PA to DPs
6. Office Supdt, CO/RO
7. Officials concerned
8. PF of the officials
9. GL file of CO
10. OC
11. Spare

CSR Sent

(CSR Service)

(P.H.A.T.E)
APMG(STAFF)
O/O THE CPMG:GUWAHATI-1

attested

Asstt. Postmaster General
Assam Circle, Guwahati-781001

Annexure- 'E' 26

DEPART. EHP OF LOPP
OFFICE OF THE CHIEF POSTMASTER GENERAL: ASSAM CIRCLE: GUWAHATI-1
No. Staff/2-3/88/L-II dated at Guwahati the 04.12.1995

The Chief Postmaster General, Assam Circle, Guwahati is pleased to approve the following official for promotion to the post, grade and scale as noted below on regular basis, with immediate effect.

<u>Name of official with present post held</u>	<u>Posted on promotion to the post & grade</u>	<u>Scale of Pay</u>
Sri S R Saikia Office Supdt, HSG-II 0/0 CPMG, Guwahati-1	Office Supdt, HSG-I 0/0 CPMG, Guwahati	Rs. 2000 - 3200/-

The post of the Office Supdt, 0/0 the CPMG, Guwahati will be upgraded from the date of assumption of the charge by Sri S R Saikia in HSG-I automatically.

Usual charge report be sent to all concerned.

Copy to:-

1. APMG (Estt), CO/RO Guwahati
2. AD A/cs, CO/RO Guwahati
3. AAO Bgt, CO/RO
4. DA (P), Calcutta through A&P Sec,
5. All Group officers, CO/RO
6. Sr PA to CPMG/PMG/DPS
7. Office Supdt, CO/RO, Guwahati
8. All Section Supervisors, CO/RO
9. Officials concerned.
10. PF of the official
11. Circle GLfile.

Gen. R
(I C SARMA)
APMG (STAFF)
0/0 CPMG:GUWAHATI-1

Gen. R
(I C SARMA)
APMG (STAFF)
0/0 CPMG:GUWAHATI-1

affixed
A/Off. Postmaster General (V13)
Assam Circle, Guwahati-781001

Central Administrative Tribunal
Guwahati Bench

657
2 SEP 1996

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI ::

O.A-62/96

Name - Shri Santi Ram Saikia .. Applicant

VS

Union of India and others .. Respondent

AND

In the matter of rejoinder to the written statement submitted by the respondent.

Rejoinder

The humble applicant begs to submit the rejoinder as follows.

Brief background :

Part-I : These are all promotional posts and there was no direct recruitment to these posts. These LSG posts were not norm based post except the Section Supervisor (Head Clerk). The post of Section Supervisor was a norm based post with higher responsibility but carry the same scale of pay with LSG (UDC) officials.

Part-II : The duties of UDCs now redesignated as Postal Assistants including non-norm based LSGs, are confined in putting up of letters in the files and

Contd...2...

submit the same through the Section Supervisor to the concerned officers. The level jumping is allowed to senior officials only. The duties and responsibility of Postal Assistants including non-norm based LSG officials have been prescribed under Rule 18 of Manual of Office Procedure of Circle and Administrative Offices. The relevant rule is enclosed and marked as ANNEXURE-A. The H/C duties and responsibility as prescribed in Rule 69(C) of Manual of Office Procedure for Circle Offices etc. is enclosed and marked as ANNEXURE-B.

The background stated by the respondent is not clear and has been submitted to confuse the issue so that the applicant may not get the monetary benefit.

Assam Postal Circle was created on bifurcation from the erstwhile N.E. Postal Circle, Shillong w.e.f. 28.6.1988. Prior to the creation of the Assam Postal Circle, there was a Regional Director of Postal Services Office at Guwahati. The RDPS Office was subsequently upgraded to Addl. PMG, Assam Region, Guwahati. The applicant was a volunteer for Guwahati and as such posted as UDC in office of the R.D.P.S., Guwahati. While the applicant was

...3...

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serving at Guwahati one of his junior was promoted at office of the Postmaster General, Shillong. As the office of the Addl. PMG, Guwahati was also under the establishment of office of the PMG, Shillong, the denial of promotion to the applicant was irregular and accordingly he submitted a representation to the authority. His position was restored and irregular appointment was cancelled vide ANNEXURE-A - A-1 of the respondent. The word preference has been used by the respondent in ANNEXURE-B which may be noted in this connection. Regarding promotion, this is a matter of opinion and not a rule and this is a subject matter of judicial scrutiny.

Part-II - There is no direct recruitment to these posts and filled up from the S.S. Cadre on seniority-cum-fitness basis.

Item No.1 - No comments.

Item No.2 - The position has been made clear in the background of this rejoinder. That the applicant was working in LSG(UDC) was clear from the Annexure-C of the respondent. The applicant was promoted from a non-norm LSG post to norm based LSG post which carried higher responsibility.

Contd..4....

30

...4...

Item No.3 - Fixation of pay is admissible under F.R. 22 now renumbered as FR-22(1)(a)(1) in case of promotion. In the appointment letter the word promotion was mentioned and there was no mention in the memo. that the applicant will not get any extra remuneration or pay fixation will not be allowed. The post of SS was not a just LSG post, it was feeder cadre for higher promotion. A non-based LSG cannot be promoted to the Dy. Supdt./Supdt. if he was not in SS Cadre. The following higher posts are filled up from the SS Cadre.

1. Deputy Office Superintendent : Scale of pay	Rs.1600 - 2660/-
2. Office Superintendent	: Rs.2000 - 3200/-
3. Asstt. Director (R)	: Rs.2000 - 3600/-

Item No.4 - Pay fixation is allowed in every promotion as per provision of rules applicable to Central Government employees. Moreover, the post of Section Supervisor is a supervisory post and not a clerical one. All norms based posts are in the Gradation List of officials in Circle Offices etc. and the relevant particulars is enclosed and marked as ANNEXURE-C. It will be seen that the post of LSG (UDC) are not mentioned only Section Supervisor sanction strength was indicated. The UDC's are now redesignated as Postal Assistants.

Contd..5...

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...5...

Item No.5 - The post was filled up on seniority-cum-fitness basis and the applicant was working as S.S. WEF 1.6.1988.

Item No.6 - These ~~are under~~ judicial scrutiny.

Item No.7 - The post of S.S. is in higher Cadre and constitute a promotion.

Item No.8 - In each promotion pay fixation is admissible.

Item No.9 - In case of promotion in the same Scale also pay fixation is admissible as per the decision of C.A.T. The post of S.S. is not a just LSG, it is a feeder cadre for further promotion.

Item No.10 - The applicant is entitled to get the benefit of fixation of pay as decided by the judicial courts.

Contd...6...

32

...6...

Item No.11 - The honourable Court will decide the merit of the case and the humble applicant prays that his case will be decided in the principle of fair play, justice and equal opportunity.

VERIFICATION

I, Shri Santi Ram Saikia, son of Late Adiram Saikia aged 54 years working as Office Superintendent, office of the Chief Postmaster General, Assam Circle, Guwahati, do hereby verify that the contents in above paragraphs are true to my knowledge and belief and that I sign this verification on 24/9
day of September, 1996.

Santi Ram Saikia
Declarant - (S.R. SAIKIA),
Office Superintendent,
office of the Chief P.M.G.
Assam Circle, Guwahati-781001.

ANNEXURE - A

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....11....

17. Replies to Unions and Parliament Questions and suggestions for amendment of Rule's should issue normally under the signature of Head of the Circle/Office or Director.

18. Assistant's diary:

Every dealing official in a section should maintain a running record of papers received and dealt with by him in the form shown in Appendix I(I).

Annual serial numbers should be given for the entries made in the Assistant's diary. The cases going back to him for re-examination or for putting up a draft should also be included in this diary without assigning any serial number. On the last working day of every week, the dealing assistants should prepare an abstract in the form prescribed in the Assistant's diary. This abstract should be checked by the Head Clerk and initialled by him.

19. Reminder diary:

The Head Clerk will periodically check the reminder diary to be maintained by each dealing assistant to see that important cases are not left unnoticed. The following instructions should be followed regarding the issue of reminders to subordinates:

- (i) The first reminder should be issued after a period of 3 weeks;
- (ii) The second reminder to be issued after a further period of 3 weeks should be demiofficial reminder from the Sectional Officer;
- (iii) If no reply is received even for the d.o. reminder, the case should be put up to the concerned Director for his instructions;
- (iv) Telegraphic reminder should as far as possible be avoided and should be resorted to in exceptionally urgent cases, after obtaining the orders of the Sectional Officer;
- (v) The above procedure will not, however, apply to urgent and immediate cases where reminders could be issued at intervals depending upon the nature of the case.

Attended:

16/9/91

T. K. Banerjee
Sr. P.A. to Chief P.M.G.
Assam Circle, Guwahati-781001

Contd.. 12...

(c)

Duties of Head Clerks

ANNEXURE 'B'

Some of the important duties to be performed by the Head Clerk are indicated below :-

(i) Disposal of important receipts and those which present any special features, either personally or by giving specific instructions to the dealing clerk as to the manner of their disposal.

July 1978

Contd..39...

....39....

(ii) Maintenance of a note in his personal note book, or Desk Calendar of important receipts requiring prompt action or on which action is required to be completed by a particular date. A special watch on the progress of important cases thus noted will be kept.

(iii) Maintenance of memo. of distribution of work in his section duly approved by the section officer.

(iv) Scrutiny of the Assistant's diary in order to see that all receipts given to them are being entered in them promptly. He should also see from the dates of submission in column 5 of the Assistant's Diary, whether any old receipt still remains un-submitted, the diaries should be initialled and dated in token of the check having seen been carried out. He should make daily entries in the File Movement Register.

(v) Checking of the abstract of Weekly Arrears of paper in the Assistant's diaries at the end of each week to verify the correctness.

(vi) Examination of the table of at least one clerk everyday in order to see whether any receipt or file is lying unsubmitted for a long time.

(vii) Upto-date maintenance of the Sectional Note Book in which entries of important decisions and rulings are made in alphabetical order.

(viii) Preparation of weekly arrear reports on the first working day of the following week and submission on the same day to the Section Officer.

(ix) Scrutiny of the monthly statement of cases pending disposal for over three months to ensure that the latest position of each case has been stated and submission of the statement promptly to the Sectional Officer by the 5th of every month.

*Attached
19/7/81
T. K. Banerjee
Sr. P.A. to Chief P.M.G.
Assam Circle, Guwahati-781001.*

Contd..40...

ANNEXURE 'C'

PARTICULARS OF STAFF AND SCALE OF PAY IN CIRCLE OFFICE

1) NO. of Posts :- (1) Office Superintendent = 1 }
(2) Section Supervisor = 6 }
(3) Development Officer (PLI) = 2 } = Group 'C' Staff Total = 81
(4) T/S Postal Assistant = 64 }
(5) T/S Postal Assistant
Leave Reserved = 8 } = 72 }
(6) Jamadar = 2 }
(7) S.G. Duftry = 1 }
(8) Duftry = 3 } = Group 'D' Staff Total = 29.
(9) Group 'D' (Peon) T/C = 18 }
(10) Group 'D' (N/T/C) = 5 }

2) Scale of Pay:- (1) HSG-I = Rs. 2000-60-2300-EB-75-3200
(2) HSG-II = Rs. 1600-50-2300-EB-60-2660
(3) LSG = Rs. 1400-40-1800-EB-50-2300
(4) DO(PLI) = Rs. 1400-40-1800-EB-50-2300
(5) T/S PA = Rs. 975-25-1150-EB-50-1660
(6) Jamadar = Rs. 800-15-1010-EB-20-1150
(7) S.G. Duftry = Rs. 800-15-1010-EB-20-1150
(8) Duftry = Rs. 775-12- 871-EB-14-1025
(9) Group 'D' = Rs. 750-12- 870-EB-14- 940.

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FOR OFFICIAL USE ONLY

GRADATION LIST OF
OFFICIALS OF THE OFFICE OF THE CHIEF POSTMASTER GENERAL,
ASSAM CIRCLE, GUWAHATI - 781 001.

Corrected up to 01-07-1994.

Issued under the Authority
Of the Chief Postmaster General,
Assam Circle, Guwahati-781001.

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