

No. 317-04/2017-STG-III
Government of India
Ministry of Communications
Department of Telecommunications

Sanchar Bhawan, 20 Ashoka Road,
New Delhi-110 001, dated 05th October, 2018

OFFICE MEMORANDUM

**Subject: Representation of Sh. Kunj Bihari Sharma (Staff No. 20957),
ITS for non-functional Up-gradation in SAG.**

Whereas Sh. Kunj Bihari Sharma, (Staff No. 20957) ITS submitted a representation dated 19.02.2018 for Non-functional Up-gradation (NFU) in Senior Administrative Grade (SAG) w.e.f. 18.09.2017. In his representation dated 19.02.2018, he represented that he was neither suspended, nor charge-sheeted not given any prosecution sanction against his. Yet his Vigilance clearance was denied, due to which his name did not appear in order no. 315-04/2017-STG III dated 13.02.2018, whereby NFU in SAG was granted to the officers of ITS 1997 batch.

2. Whereas the officer filed SWP No. 1375/2018, IA No. 01/2018 before Hon'ble High Court of Jammu and Kashmir, which was decided by Hon'ble Court on 19.07.2018, with directions to the respondents to accord consideration to the representation dated 19.02.2018 submitted by the petitioner to the respondents within a period of four weeks from the date of the receipt of the certified copy of the order passed today by a speaking order in accordance with the law and the rules governing the field. It is made clear that pendency of the challan in which the proceedings have been stayed by this Court vide order dated 24.10.2013 shall not come in the way of the consideration of the representation.

3. Whereas the matter was taken up with Vigilance Branch of DoT Hq and thereafter with Legal Advisor (LA) DOT in view of directions dated 19.07.2018 passed by Hon'ble High Court. Although Vigilance clearance of the officer was withheld by Vigilance Branch, LA DoT opined that if any other departmental or criminal proceedings against Sh. Sharma is not pending, except the criminal proceeding which has been stayed by the court vide order dated 24.10.2013 and further ordered by the Hon'ble High Court in its order dated 19.07.2018 that pendency of the challan in which the proceedings have been stayed by the Court vide order dated 24.10.2013 shall not come in the way of consideration of the representation, then, representation dated 19.02.2018 of Sh. Sharma has to be decided in accordance with the directions of the court.

4. And, whereas in view of directions dated 19.07.2018 of Hon'ble High Court and opinion tendered by Legal Advisor, it has been decided to dispose of the representation dated 19.02.2018 submitted by the officer.

5. Accordingly, sealed cover in respect of the officer, which contains the recommendations of the departmental Screening Committee (DSC) of its meeting held on 04.01.2018, has been opened and file is under process to implement the recommendations of the DSC. Recommendations of the DSC will be implemented after obtaining approval of Hon'ble MoS (IC) MoC on the same.

R K Tondar
05/10/18

(R K Tondar)
Director (Staff)
Tel. No. 23036645

To:-

1. Sh. Kunj Bihari Sharma, Director (R2), Rajashtan LSA, D/o Telecom, Jaipur
2. PS to Secretary (T)/Member (S)
3. DDG (Pers)/CVO DoT Hq
4. Controller of Communication Accounts, D/o Telecom, J & K HUDKO Bhawan, Rail Head Complex, Jammu (J&K)-180012
- ✓ 5. Sh. N K Sharma, OS for uploading the same on DoT website
6. Order bundle

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