

2

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1579/2002

M.A.No. 1270/2002

Friday, this the 7th day of June, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. S.C. Garg  
S/o Shri Dev Raj Garg,  
R/o 203, Sector 15,  
Faridabad.
2. Amitabh Kumar,  
S/o Shri Umesh Prasad Singh  
R/o Flat No.44, Building No.30  
MTNL Quarters, Bandra Reclamation  
Mumbai.
3. M.K.Tyagi,  
S/o Shri K.D.Tyagi,  
R/o C-76 P&T Colony,  
Wadala, Mumbai-31.

(By Advocate: Shri Vikas Singh)

Versus

1. Union of India represented  
by Secretary to Government of India,  
Department of Telecommunications  
Sanchar Bhawan, 20, Ashoka Road,  
New Delhi.
2. Member (P)  
Telecom commission,  
Department of Telecommunications  
Sanchar Bhawan, 20, Ashoka Road,  
New Delhi-110001.
3. Director (Civil)  
Department of Telecommunications  
10th Floor, Chanderlok Building,  
Janpath, New Delhi-110001.

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

Applicants, three in number, all directly recruited Assistant Executive Engineers (AEEs) currently working in the posts of Executive Engineer (EE), aspire for promotion to the post of ~~Assistant~~ <sup>Superintending</sup> Engineer. Twenty five vacancies in the post of Superintending Engineer (SE) exist and promotions can be made against all these

(2)

vacancies by considering the applicants along with the others, both their seniors as well as juniors. For the present, however, the respondents have decided to fill up only nine vacancies in the post of SE and for this purpose, they have placed reliance on the seniority list dated 27.2.2002. Filling up of only nine vacancies will mean, according to the learned counsel for the applicants, that only Assistant Engineers (AEs) will be considered for promotion to the post of SE to the exclusion of the applicants and this will jeopardize the chances of the applicants, insofar as the chances of their further promotions to the post of Chief Engineer (CE) are concerned. This is because the experience gained in the post of SE is to be taken into account at the stage of promotion to the post of CE.

2. The learned counsel appearing for the applicants has placed before us an extract from the seniority list dated 27.2.2002 which does show that the first nine persons listed in it from Sl.Nos. 123 to 192 belong to the cadre of AE. Thereafter, in the same list, we notice a number of AEs also along with several AEEs. It cannot, therefore, be said that the respondents' decision to fill up only nine vacancies, to begin with, is an inspired decision with a view to benefiting only the AEs. However, there must be some explanation for not filling up all the twenty five vacancies which have come into existence.

3. Having regard to the aforestated position and the submissions made by the learned counsel appearing on

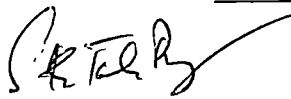
2

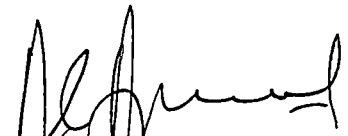
(3)

behalf of the applicants, we are inclined to feel that the interest of justice will be duly met in the present case by directing the respondents at this very stage even without issuing notices to consider the present OA as a representation made on behalf of the applicants and to ~~take~~ <sup>a</sup> reasoned and a speaking decision in the matter expeditiously and in any event within a period of one month from the date of receipt of a copy of this order.

4. The present OA is disposed of in the aforestated terms.

Issue Dasti.

  
(S.A.T. Rizvi)  
Member (A)

  
(Ashok Agarwal)  
Chairman

/sunil/