

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1698/2001

M.A. NO.1445/2001

New Delhi this the 13th day of July, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI M.P.SINGH, MEMBER (A)

1. Ramji Lal S/O Premchand,
R/O 331, Koti Gate,
New Abadi, Hapur,
Distt. Ghaziabad.
2. JabbarKhan S/O Gaffar Khan,
R/O Azmat Manzil,
Tehsil Road, Upper Kote,
Bulandshahar.
3. Hari Giri S/O Buddha Giri,
C/O Shanta Devi,
Preet Vihar Colony,
Bulandshahar. ... Applicants

(By Shri Aftab Rasheed, Advocate)


-versus-

1. Director General,
Bhartiya Sanchar Nigam Ltd.,
Sanchar Bhawan, New Delhi.
2. Telecom District Manager,
Babu Banarsi Dass Trust Building,
Bulandshahar.
3. General Manager Telecom District,
Jaina Tower, Raj Nagar,
Ghaziabad.
4. Chief General Manager.
Bhartia Sanchar Nigam Ltd.,
Uttar Pradesh (West),
Dehradun. ... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal:-

MA No.1445/2001 for joining together in a single
application is granted.

 Applicant nos. 1 and 2 were appointed as
Telegraph Men in 1984 and applicant No.3 in the same

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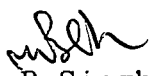
post in 1986. For promotion to the post of Phone Mechanic, an examination was held in 1994 and applicants successfully cleared the same. However, on 23.5.1995 candidates junior to the applicants were promoted whereas applicants though seniors, were left-out. On a representation made by the applicants, 44 candidates who were juniors to applicants and had been wrongly promoted ^{by} bypassing the applicants, were reverted, and by an order passed on 17.9.1996 applicants were granted promotion. However, in the gradation list issued on 22.11.1999 aforesaid 44 candidates have been arrayed senior to the applicants. Applicants, in the circumstances, have submitted their representation in respect of the aforesaid unlawful and illegal inclusion of the aforesaid 44 candidates in the gradation list, on 5.3.2001 at Annexure-E. No decision has so far been given by the respondents in respect of the same.

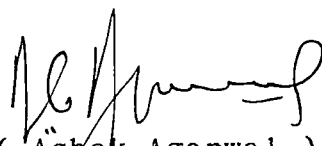
2. In the meanwhile, an examination has been conducted on 26.5.2001 for promotions to the post of Senior Telecom Office Assistant and Telecom Technical Assistant for which the eligibility criteria is five years regular service in the post of Phone Mechanic. Since the applicants have been shown as having been promoted w.e.f. 17.9.1996 though their claim for promotion was from 23.5.1995 when the earlier promotions had been directed, they were not found eligible and were, therefore, not permitted to appear for the examination. A representation dated 24.5.2001



for earlier promotions and the right to appear for the examination had been submitted vide Annexure-G. No decision thereon has also been taken.

3. In the circumstances, we find that interest of justice will be duly met by disposing of the present OA at this stage itself without even issue of notices with a direction to the respondents to take an appropriate decision on the aforesaid representations at Annexures-E and G, and communicate the same to the applicants expeditiously and within a period of six weeks from the date of service of this order. It is clarified that promotions, if granted in pursuance of the examination held on 26.5.2001, will be subject to the decision on the aforesaid representations at Annexures-E and G. We direct accordingly.


(M.P.Singh)
Member (A)


(Ashok Agarwal)
Chairman

/as/