

(11)

Central Administrative Tribunal  
Principal Bench

O.A. No. 915 of 1999

New Delhi, dated this the 6<sup>th</sup> February, ~~January~~ 2001

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Lachhman Tekchandani,  
S/o Shri Nathirmal Tekchandani,  
Section Supervisor (Regular) Grade III,  
Telegraph Office, Nehru Place,  
New Delhi-110019.  
R/o 44, Janta Quarters,  
G.T.B. Enclave, Nand Nagri,  
Delhi. .. Applicant

(By Advocate: Sant Lal)

Versus

1. Union of India through  
the Secretary,  
Ministry of Communications,  
Dept. of Telecom.,  
Sanchar Bhawan,  
New Delhi-110001.
2. The Chief General Manager (MTCE),  
Northern Telecom Region,  
Kidwai Bhawan,  
New Delhi-110001. .. Respondents

(By Advocate: Shri Rajinder Nischal)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 3.4.98 (Annexure A-1) and dated 16.3.99 (Annexure A-2) and seeks a direction to respondents to treat his promotion in Grade IV w.e.f. 1.7.95 on ad hoc basis, as a regular promotion with all consequential benefits.

2. Heard both sides.

3. It is not denied that applicant was considered twice, once on 1.7.95 and again on 1.1.96,

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12

for promotion to Grade IV on regular basis as per earlier order of inter se seniority, but was not found fit by DPC because of the criteria of bench mark laid down for promotion to Grade IV, vide Telecom Dept.'s circular dated 6.11.92 (Annexure I) which lays down that promotion from Grade III to Grade IV would be on seniority-cum-fitness basis subject to obtaining minimum bench mark of 'good' for general candidates.

4. We have perused the DPC minutes which graded him good for 1990-91; satisfactory for 1991-92; satisfactory for 1992-93; satisfactory for 1993-94; and Very Good for 1994-95; and overall graded him unfit for the aforementioned five preceding years and hence did not promote him to Grade IV on regular basis w.e.f. 1.7.95.

5. Shri Sant Lal asserted during hearing that the aforesaid circular dated 6.11.92 which prescribes a bench mark of 'good' offends DP&T's circulars which is the nodal Ministry and when promotions are to be made on the basis of seniority subject to rejection of the unfit, or seniority-cum-suitability or even seniority-cum-merit, no bench mark can be prescribed.

6. If so, applicant should have specifically challenged Telecom. Department's circular dated 6.11.92 which he has not done.

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13

7. A perusal of applicant's ACRs for the relevant period shows that he received an adverse remark for the year 1991-92 which was communicated to him to which he did not make any representation. Shri Sant Lal asserted that the aforesaid remarks were only regarding absence from duty, which had been regularised by grant of leave ~~and~~ and were, therefore, not adverse, but in that case, all the more <sup>for</sup> applicant <sup>to</sup> ~~should~~ have taken steps to have the same expunged. Furthermore for the period 1.4.1993 to 11.8.1993 he has been described overall only as an average worker.

8. Shri Sant Lal also asserted that on the basis of the same remarks applicant was promoted from Grade II to Grade III on regular basis, but that by itself does not entitle him to claim promotion on the basis of these remarks to Grade IV because as per respondents' circular dated 9.11.92 while promotion from Grade II to Grade III is on the basis of seniority-cum-fitness alone, promotion from Grade III to Grade IV is on the basis of seniority-cum-fitness subject to obtaining the minimum bench mark of good, which applicant did not achieve.

2

(14)

9. Under the circumstances, we find nothing in respondents' action which warrants judicial interference. The O.A. is dismissed. *No costs.*

*A. Vedavalli*  
(Dr. A. Vedavalli)  
Member (J)

*S.R. Adige*  
(S.R. Adige)  
Vice Chairman (A)

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