

Central Administrative Tribunal  
Principal Bench: New Delhi

R.A. No. 103/99 In  
O.A. No. 329/98

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New Delhi this the 31th day of August 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)  
Hon'ble Mrs. Shanta Shastri, Member (A)

A.K. Sharma  
Dy. General Manager  
(Planning & Project Finance)  
Mahanagar Telephone Nigam Ltd.  
Khurshid Lal Bhawan, Janpath  
New Delhi.

..Applicant

(By Advocate: Shri D.S. Choudhary)

Versus

1. Union of India through  
The Secretary  
Ministry of Telecommunication  
Sanchar Bhawan,  
New Delhi.

2. Shri Mohinder Singh, Director(F)
3. Shri Prahalad Singh, Director (F)
4. Mrs. Sujata Ray, Director (F)
5. Shri K.C.G.K. Pillai, Director (F)
6. Shri A. John Thomas, Director (F)
7. Shri B.B. Singh, Director (F)
8. Shri A.C. Padhi, Director (F)

Services on Respondents 2 to 8 to be  
effected through  
The Secretary, Ministry of  
Telecommunication, Sanchar Bhawan,  
New Delhi.

...Respondents

ORDER (Oral)

By Reddy, J.-

Heard the counsel for the applicant.

2. The contention of the learned counsel for the applicant is that the relief claimed in the OA was to hold a review DPC and consider the case of the applicant for promotion whereas the order in question did not give any such relief. The order

COA

only says that a fresh DPC should be convened for the purpose of regular selection to the post of General Manager in the Senior Administrative grade. 35

3. Learned counsel, therefore, contends that the case be reviewed. Considering the contentions raised by the learned counsel for applicant and the respondents, at the time of hearing the MAs, with the consent of the counsel for respective sides, the MAs as well as OA were disposed of with a direction to the respondents to complete the process of selection by convening a DPC, within a short period and to consider the case of all eligible candidates as per the rules for regular promotion to the post of General Manager in the SAG. This order was passed in view of the fact that post fell vacant during 1997 itself and without filling up that post on regular basis, various orders have been passed to fill up that post by promotion, on temporary basis. It appears that a grievance was expressed during the arguments that the DPC was not convened for filling up the post on regular basis so much so the juniors are being promoted ignoring the seniors, including the applicant. In fact the impugned order pertains to the promotion of Juniors Officers, temporarily. In the circumstances we passed the above orders. It is also pertinent to notice that no relief is claimed to promote the applicant w.e.f. 1997 or any other date, the request made was for promotion prospectively.

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4. Learned counsel for review applicant submits that various contentions raised by learned counsel for applicant have not been dealt with in the order and that his grievance was not properly met. We do not agree. In fact, no other arguments were raised except seeking a direction to fill up the post, on regular basis. It is open to the applicant, however, to question this order in higher court, if the order is wrong. We are unable to hold that the said contention would be construed as an error apparant on the face of the record.

5. We do not find any grounds for review.  
R.A. dismissed. No costs.

*In ante J*

(Mrs. Shanta Shastry)  
Member(A)

*V. Rajagopala Reddy*

(V. Rajagopala Reddy)  
Vice-Chairman (J)

cc.