

Central Administrative Tribunal
Principal Bench: New Delhi

OA 2293/95

New Delhi, this the 7th day of October, 1999

Hon'ble Shri A.V. Haridasan, Vice Chairman (1)
Hon'ble Shri S.P. Biswas, Member (A)

Anil Kumar Matta
A.C. Mechanic,
O/O Telecom, Electrical Sub-Division,
T.E.C. Building,
New Delhi - 110 001.

R/o 22/91-92, West Patel Nagar, New Delhi.
Postal Address: A-374A, DDA Flats, New Ranjit Nagar,
New Delhi.

.....Applicant

(By Advocate: Shri M.L.Chawla)

Versus

1. Union of India through
Secretary Communication,
Govt. of India, Sanchar Bhawan,
Ashok Road, New Delhi - 1.
2. The Chairman,
Tele-communication, Department
of Tele-communication,
Sanchar Bhawan, Ashok Road,
New Delhi.
3. The Chief Engineer (Civil/Electrical)
Dept. of Tele-communication,
Sanchar Bhawan, Ashok Road,
New Delhi.
4. The Superintending Engineer,
Electrical, Department of Tele-Com,
Tele-com Electrical Circle,
Samrat Bhawan, Ranjit Nagar,
New Delhi.

..... Respondents

(By Advocate: Shri S.Mohd. Arif)

O R D E R (ORAL)

by Hon'ble Shri S.P. Biswas, Member (A)

The applicant, an A.C. Mechanic under the respondents, is before us seeking reliefs in terms of declaring the Schemes at Annexures A-1 & A-2 as ultra-vires to the extent that it excludes the operative cadre of the A.C. Mechanic of the Civil Wing of the Telecom Department

from the benefits of the aforesaid Scheme. He also seeks relief of One Time-Bound Promotion(OTBP, for short) Scheme after completion of 16 years of service as has been made applicable to clerical staff of Civil Wing under the same respondents.

2. While challenging respondents denial, the applicant ~~withdrew~~ our attention to the seniority position of one Shri Bhagwati Sarup allegedly appointed on the same day as A.C. Mechanic who has been allowed illegally a senior position as Senior Mechanic superseding the superior claim of the applicant. The applicant also submits that the Department had subsequently introduced a domestic Scheme of Promotion which also excludes the category of A.C. Mechanic.

3. The counsel for the respondents states that the claim of the applicant in respect of internal Scheme cannot be entertained since the said Scheme excludes the category and staff to which the applicant belongs.

4. We shall now examine the merits of the applicant's claim for promotion. The fact that the applicant has continued to serve the Department from 1978 and has not obtained any promotion, what-so-ever, is not in dispute. Nor is there any complain of his working ~~being~~ unsatisfactory. What is in question is whether the applicant's case for consideration for promotion could be covered under the O.T.B.P. Scheme or under the Scheme of in situ promotion or under the Assured Career Progression

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(ACP for short) Scheme introduced by the Government of India on 09.08.1999. We find that applicant's case is fully covered by "in situ" promotion which is applicable to Group 'C' & 'D' employees. The conditions and the category of staff which would get covered under the "in situ" promotion scheme are elaborated in details in para 2 of the Scheme introduced by the Govt. of India vide its OM No. 10/1/E dated 13.09.1992. Since the applicant has reached the maximum of the scale as A.C. Mechanic and belongs to group 'C' category, we do not find any ground to deny the applicant the benefits of "in situ Scheme". We also find that the ACP Scheme introduced recently on 9.8.99 by Government of India is meant for those who have not received/obtained any promotion what-so-ever despite having worked in a cadre over long years. Such an official would be eligible for two financial upgradations at the end of 12th and 24th years subject to the conditions as stipulated in the annexure enclosed with the OM. We are of the view that the applicant's case would be fully covered either under the "in situ" Scheme or 'ACP' Scheme introduced by the Government of India.

5. Coming to the applicant's claim that he has been made to face hostile discrimination vis-a-vis Sh. Bhagwati Sarup, we are unable to accept applicant's contention since Shri Bhagwati Sarup already stands at serial no. 1 in a different category of Sr. A.C. Mechanic as on 01.02.1991. It is ^{also} too late for the applicant to take up the issue of seniority at this stage. Applicant's claim for discrimination vis-a-vis Sh.

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Bhagwati Sarup therefore falls on the ground.

6. In view of the details in para 4 aforesaid, we allow the O.A. with the following directions:-

a) The applicant shall be considered for promotion either under the in situ Scheme or A.C.P. Scheme. The applicant shall also be entitled to the consequential benefits including arrears from the date the promotion/upliftment became due for him.

b) Respondents shall complete the exercise in respect of our orders above within a period of three months from the date of receipt of a copy of this order. We make it clear that we have not expressed any opinion on the merits/infirmities of either OTBP or of ACP Scheme annexed at A-2.

c) There shall be no order as to costs.

S. P. Biswas
(S. P. Biswas)

Member (A)

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A. V. Haridasan
(A. V. Haridasan)
Vice Chairman (J)