

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

O.A.No.377/1995

New Delhi the 5th day of October, 1999.

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE SHRI S.P.BISWAS, MEMBER(A)

Shri Bhola Das,
S/o Late Shri Balbir Singh,
Junior Telecom Officer, No.JE-1509,
in the Ministry of Communication,
Department of Telecom,
R/o 344, Bhonjha, Patel Nagar,
Ghaziabad (U.P.)

.. Applicant

(By Advocate Shri V.C.Sondhi)

vs.

1. Union of India, through the Secretary,
Ministry of Communication,
Department of Telecom,
Sanchar Bhawan, 20, Ashok Road,
New Delhi.
2. The Chief General Manager,
Mahanagar Telephone Nigam Limited,
(Eastern Court, Khurshid Lal Bhawan),
Janpath, New Delhi.
3. The Assistant Director General(ST-C),
Government of India,
Ministry of Communication,
Sanchar Bhawan,
20, Ashok Road, New Delhi.
4. General Manager,
Telecom,
Ghaziabad(U.P.)

.. Respondents

(By Advocate Shri M.M.Sudan for R-1 & 2
Shri V.K.Rao for R-3)

O R D E R (ORAL)

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant a Junior Telecom Officer is aggrieved by the denial of the benefits under the Lateral advancement scheme of J.T.Os brought into effect by order dated 26th June, 1990(Annexure A-3). As per the scheme a J.T.O. who has completed 12 years of service is entitled to be placed in the higher grade of Rs.2000-60-2300-EB-75-3200-100-3500/- . The

placement in the higher scale, according to the scheme, is subject to fitness and vigilance clearance. The applicant was not given the placement because a disciplinary proceedings initiated in the year 1982 was still kept pending. However the disciplinary proceedings was disposed of by a final order dated 11.10.1990 imposing on the applicant a penalty of reduction of his pay by one stage from Rs.2000/- to Rs.1940/- in the time scale of pay of Rs.1640-2900 for a period of 6 months. The applicant was given the benefit of the placement only with effect from 5.7.1994 by an order dated 9.8.1994. According to the applicant the benefit should have been given to him in accordance with the scheme with effect from 1.1.1990. He has therefore filed this application praying that the respondents may be directed to place the applicant in the grade of Rs.2000-3500 with effect from 1.1.1990 with all the consequential benefits.

2. When the application came up for hearing, the learned counsel for the respondents brought to our notice that an order has been passed on 30.10.1998 changing the date of placement of the applicant in the higher grade to 11.4.91 from 5.7.1994 earlier given to him. and the counsel states that as the applicant has been given the placement immediately on the expiry of the currency of the punishment, the grievance of the applicant has since been redressed in full and that no further grievance survives.

3. Since the benefit under the lateral advancement scheme is to be given on vigilance clearance, the action on the part of the respondents in not giving the placement to the applicant with effect from 1.1.90 cannot be faulted. However the respondents should have before the applicant filed this application granted to him the placement in the higher scale

with effect from 11.4.91 as the currency of the punishment had expired then. Now that the benefit had been given to the applicant, what remains is the monetary benefit that should be given to the applicant. We therefore dispose of this application with a direction to the respondents to make available the arrears of pay and allowances consequent on the placement in the higher scale with effect from 11.4.91 within a period of four months from the date of receipt of a copy of this order. There is no order as to costs.


S.P.BISWAS
MEMBER(A)


A.V. HARIDASAN
VICE CHAIRMAN

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