

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1944/97

New Delhi: this the 3rd day of MAY, 2001

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Banarsi Dass,
S/o Sh. Manni Lal,
SDE, ITS (X) Chanakya puri,
Telephone Exchange,
New Delhi.

R/o

Banarsi Dass,
A-359, Gobind Puram
Ghaziabad

.....Applicant.

(By Advocate: Shri G. D. Bhandari)

Versus

1. Union of India
through
Chairman,
Deptt. of Telecom.,
Telecom. Commission/Sanchar Bhawan,
New Delhi.

2. The Chief General Manager,
MTNL, Khurshid Lal Bhawan,
New Delhi.

3. Chief General Manager,
Northern Region,
2nd Floor Kidwai Bhawan,
New Delhi.

....Respondents.

(By Advocate: Shri V. K. Rao).

ORDER

S. R. Adige, VC (A):

Applicant impugns respondents' order dated 29.8.96 (Annexure-A1) and dated 2.9.96 (Annexure-A2) by which his deemed date of promotion to TES Group 'B' is 27.5.94 with seniority No. 15268.1. He seeks a direction to respondents to implement the promotion orders dated 16/19.11.90 or alternatively to reckon his seniority in TES Group 'B' w.e.f. 8.7.91, with consequential benefits.

2. In so far as applicant's claim for promotion to TES Group 'B' w.e.f. 16/19.11.90 is concerned, it is not denied that applicant had been chargesheeted on

22.10.90. That chargesheet ended in penalty order dated 5.3.91 for recovery of Rs.77 40/- p.m. from applicant in 1 lump sum. As applicant could not have been promoted during the pendency of the DE against him, the prayer for promoting him to TES Group 'B' w.e.f. 16/19.11.90 is rejected.

3. As regards reckoning applicant's seniority in tes Group 'B' w.e.f. 8.7.91 it is clear that he was officiating in that grade w.e.f. 8.7.91 by local arrangements and he has therefore no claim to seniority in TES Group 'B' from that date.

4. Indeed the fixation of applicant's seniority by respondents is in consonance with the Tribunal's directions dated 10.11.95 in OA No.2930/92 filed by applicant earlier, and warrants no interference.

5. The OA is dismissed. No costs.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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