

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

O.A. No.1104 of 1994. (7)

New Delhi, dated this the 31st of August 1994.

HON'BLE MR. J.P. SHARMA, MEMBER (J)

HON'BLE MR. P.T. THIRUVENGADAM, MEMBER (A)

Arun Kumar Gupta,  
C-8/8633, Vasant Kunj,  
NEW DELHI-110 070.

... Applicant-1

Har Kishan Lal Bansal,  
Qtr.5, Type IV, GPO Complex,  
AMBALA CANTT.

... Applicant-2.

By Advocate: Shri G.K. Aggarwal.

Versus

Union of India through Secretary,  
Ministry of Communications &  
Chairman, Telecom Commission,  
Sanchar Bhavan, Ashoka Road,  
NEW DELHI-110001.

... Respondent-1

R.N. Khurana,  
Suptdng Engr. (Civil),  
Telecom Civil Circle-5,  
5, Jamnalal BajajNgr, C-Scheme,  
JAIPUR-302001.

... Respondent-2

H.S. Kasotia,  
Suptdng Surveyor of Works (Civil),  
Deptt. of Telecom, 6th Floor,  
Mohan Singh Place,  
Baba Kharaksingh Marg,  
Connaught Place,  
NEW DELHI-110 001.

... Respondent-3

A.S. Gulati,  
Suptdng. Engr. (Civil) Hqrs,  
O/O Chief Engineer (Civil), Telecom,  
SCO 58/59, Sector 34D,  
CHANDIGARH-160 022.

... Respondent-4

By Advocate: Shri V.S.R. Krishna for official respondent.

Dr. D.C. Vohra for Private Respondent-2,3,4.

ORDER (Oral)

MR. J.P. SHARMA, MEMBER (J)

The applicants as well as the respondents 2 to 4 are executive Engineers serving in the P&T Department (Civil Wing). The next promotion is to the post of SE and SSO.

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The applicants in this O.A. have prayed that the respondent be directed to make promotion to the post of SE(C) strictly in accordance with the recruitment rules from the feeder grade of Executive Engineer on the basis of valid seniority.

2. On notice, the official respondent filed a short reply only on the interim relief. The private respondents have also adopted the reply filed by the official respondent. In the meantime MA No.1568/94 was filed by the applicants for further ~~for~~ issuing of directions to the respondent to make appointment to the post of SE strictly in accordance with the existing recruitment rules. By the order dated 1.7.1994 in para 8 following interim direction was issued:

"Having heard the ld. counsel for the applicants in detail, an interim order is passed to the effect that any further promotion to the grade of SEs/SWs should be only from those who fulfill the eligibility as per Annexure A-1, whether such promotions are on regular or on adhoc basis or on full charge-holding basis. This order shall remain in force for a period of 14 days from today."

The matter for continuance of the interim relief was taken up today.

3. Both the counsels of the parties stated that the original application should also be disposed of and the interim pray<sup>er</sup> in the MA as well as in the OA amounts to disposal of the original application itself. The counsel of the parties therefore, after submitting the argument in support of their rival contentions have agreed as follows:

- 1) That the recruitment rules has since been finalised as well as notified by the respondent on 6.8.1994. The respondents shall follow it in letter and spirit for promotion as per aforesaid extant Rules (Annexure A-1)

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- 2) The respondents undertake ~~and were asked to undertake~~ to draw the seniority list of the Executive Engineers P&T (Civil) within 2 months after merging two grades of Assistant Engineer and Assistant Executive Engineers at the level of Executive Engineer and the draft seniority list shall be published and circulated among the concerned officers inviting objections from them, if any.
- 3) The respondents may, however, give promotion as an interim measure on the basis of the draft seniority list strictly on the basis of seniority subject to final seniority list and that such promotees shall be informed that they are liable to be adjusted or even reverted on the basis of the final seniority list to be notified after the decision of the objections as said above.
- 4) No promotion will be made by the department during this period of finalisation of the seniority list in para 2 above.
- 5) However, it is to make it clear that the promotions made till today on any basis whatsoever on adhoc basis temporary basis or on current charge shall not be affected and all such promotions shall be subject to the above in para (3) and the outcome of the final seniority list.

Under these circumstances, the parties to bear their own cost.

  
(P.T. THIRUVENGADAM)  
MEMBER (A)

  
(J.P. SHARMA)  
MEMBER (B)

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