

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.2531/94

HON'BLE SHRI JUSTICE V.RAJAGOPALA REDDY, VC(J)
HON'BLE SHRI R.K.AHOOJA, MEMBER(A)

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New Delhi, this the 30th day of July, 1999

Shri S.K.Jaiswal
S/o M.P.Jaiswal
A.E.Telex
O/o Area Manager (Telex)
Kidwai Bhawan
New Delhi.

... Applicant

(By Shri J.C.Madan, Advocate)

Vs.

1. Union of India
through Secretary
Deptt. of Telecom
Govt. of India
Sanchar Bhawan
New Delhi.

2. Chief General Manager
Mahanagar Telephone Nigam Ltd.
Khurshid Lal Bhawan
New Delhi.

... Respondents

(By Sh.V.K.Rao through Ms.Geetanjali Goel, Advocate)

O R D E R (Oral)

Hon'ble Shri R.K.Ahooja, Member(A)

The applicant submits that he was appointed as a Junior Engineer in the Department of Telecommunication on 16.1.1967. The rules for promotion to the next higher rank, i.e., Assistant Engineer require appearance in a qualifying examination. The applicant claims to have passed the qualifying examination in July, 1974 on completion of the requisite service of five years. His grievance is that though he had thereby becoming entitled for promotion to the rank of Assistant Engineer, he was included in the promotion list only in 1983. His representations against this decision were not considered. He has now come to the Tribunal seeking a direction to the respondents that he should be

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declared to have been promoted as Assistant Engineer since 1981 as was done in the case of other candidates who had cleared the qualifying examination in July, 1974 along with the applicant with all consequential benefits. (41)


2. Despite number of opportunities granted to the respondents, they have failed to file any reply. We have however heard their counsel. Shri J.C.Madan, learned counsel for the applicant argues that as per the settled law inter-se seniority in such cases has to be according to the ranking in the examination and those passing earlier examinations are to be placed en bloc above those who pass the examinations ~~not~~ a later date. He submits that Shri M.K.Haq, who was junior to the applicant, in the rank of Junior Engineer and whose rank was also lower to him in the qualifying examination held in July, 1974 has been given promotion from December, 1980 while the applicant was considered and granted promotion only w.e.f. 29.8.1983.


3. We find that this position has not been controverted by the respondents. The applicant had clearly a right to be considered for promotion, at the same time and from the same date when his junior was considered. Since we have no explanation as to why the applicant was not promoted at the same time as his next junior was promoted, we cannot but conclude that his case was not properly considered by the respondents.

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4. In view of this position, without going into the other submissions made on behalf of the applicant, we dispose of this OA with a direction that the respondents will convene a review DPC to consider the case of the applicant and ascertain the eligibility of the applicant's promotion from the same date as in the case of Shri M.K.Haq. In case the review DPC finds the applicant's suitable promotion, he may be given the consequential benefits also. This will be done within four months from the date of receipt of a copy of this order.

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(R.K.AHOOJA)
MEMBER(A)


(V.RAJAGOPALA REDDY)
VICE-CHAIRMAN(J)

/RAO/