

Central Administrative Tribunal
Principal Bench
OA 119/2000

New Delhi, this the 1st day of July, 2002.

Hon'ble Shri M.P.Singh, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

Shri Premveer Singh
S/o Shri Rajpal Singh
R/o Quarter No. 16, Type-III
Telephone Exchange Colony
Sector 39
Noida
District-Gautam Budh Nagar (U.P.)

Working as Sr. TOA (P)
in the office of SDO(Phones)
RLU-39, Sector 39, Noida
District - Gautam Budh Nagar (UP).

None for the applicant

Versus

1. Union of India
Through its Secretary
Ministry of Communications
Sanchar Bhavan
New Delhi-110001.
 2. The Chief General Manager, Telecom
U.P. Circle, Lucknow-226001.
 3. Chief General Manager Telecom
U.P., Western Telecom Circle
Windlass Shopping Complex
Dehradun (UP).
 4. General Manager Telecom
Ghaziabad Telecom District
Jaina Tower, Raj Nagar
Ghaziabad (UP).
- Respondents
(Shri K.R.Sachdeva, Advocate)

ORDER(Oral)

By Hon'ble Shri M.P.Singh, Member (A)

None is present for the applicant.

2. Heard Shri K.R.Sachdeva, learned counsel for the
respondents.



3. Since it is an old case of 2000 we proceed to dispose of the same under Rule 15 of Central Administrative Tribunal's Procedure Rule, 1987.

4. By filing this OA the applicant is claiming the following relief:-

a) That the applicant be paid his Sr. TOA (P) scale of Rs. 1320/- with consequential benefits from 01.01.1994 in view of the letter dated 7.6.98 annexed herewith as Annexure - A. AND

b) That the applicant be given his OTBP scale of Rs. 4500-125-7000/- from April, 1998 in view of the letter dated 29.7.99 annexed herewith as Annexure-B & C. AND

c) That the applicant be given the scale of Rs. 5000/- from December, 1998 in view of letter dated 20.4.99 annexed herewith as Annexure-C.

5. The facts of the case are that the applicant was appointed as Telephone Operator on 7.4.1982 and was promoted to the post of Sr. TOA (P) on 1.3.1997. He was granted the pay scale of Sr. TOA (P) from March, 1997 while the other similarly situated and similarly placed employees were granted this scale from Jan., 1994, (Annexure B and C). The applicant has also been denied the benefit of OTBP from April, 1998 while many of his juniors have been granted the benefit from the same date. The applicant made representations dated 24.12.1998, 28.12.1998, 27.1.1999, 17.2.1999 and 20.4.1999 to the respondents. Since the respondents have not granted these benefits to him, he has filed this OA claiming the aforesaid reliefs.

6. The respondents have contested the case and have filed an additional affidavit on 4.7.2001. They have stated that as regards the relief prayed for by the applicant in para 8 (b) and (c), the same has been granted to him by an order dated



11.12.2000 (Annexure-R.I). The consequential benefits have also been paid to him vide order dated 27.6.2001 (Annexure-R.II). As regard the relief claimed by the applicant in Para 8(a) the same is not tenable on the ground that Shri J.C.Yadav who was given the scale of Sr.TOA (P) from January, 1994 had undergone the qualifying training w.e.f. 22.1.96 to 18.2.1996 whereas the applicant took the same training w.e.f. 3rd February, 1997 to 28th February, 1997 i.e. one year later. Moreover Shri J.C.Yadav is senior to the applicant as he was appointed on 4.4.1982 whereas the applicant was appointed on 7.4.1982. That apart the applicant did not submit his option for getting entry into the re-structured cadre of Sr. TOA (P) while Mr. Yadav had submitted his option in time. The promotion to Sr.TOA(P) was purely based on option called for. In the light of these submissions, there is nothing which survives in the present OA.

7. We have perused the record and find that the applicant has been granted the relief prayed for by him in para 8 (b) and (c) and he has also been paid arrears by the respondents on 19.4.2001. As regards his promotion for grant of Sr.TOA scale w.e.f. 01.01.1994 he is not entitled for the same on the ground that (i) he is junior to Shri J.C.Yadav as the date of appointment of Shri Yadav is 4.4.1982 whereas the applicant was appointed on 7.4.1982 and that (ii) he had undergone ~~for~~ qualifying training in the year 1997 whereas Shri Yadav completed his training in 1996. That apart Shri Yadav had opted for grant of the Sr. TOA scale in time whereas the applicant did not opt for the same within time.

8. For the reasons stated the OA does not survive anymore and is accordingly disposed of. No costs.

S. Rajm
(Shanker Raju)
Member (J)

M.P. Singh
(M.P. Singh)
Member (A)