

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.**

ORIGINAL APPLICATION No. 702/2016 & 616/2016

Date of Decision: 13.03.2020.

**CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N. SINGH, MEMBER (J)**

1. Smt. Rekha Pradeep Kulkarni,
Aged 66 years, Ex-Telephone Supervisor,
Group 'B' (Non- Gaz.), at Communication
Network Centre, INS Angre, Mumbai 400 023.
R/at A-5, Balkrishna Hsg. Society, Dr. R.P. Road,
Opp. Tilak Nagar P.O., Dombivali (E), Thane 421 201.
2. Smt. Sugandha Mohan Sandu,
Aged 66 years, Ex-Telephone Supervisor, Group 'B'
(Non- Gaz.), at Communication Network Centre,
INS Angre, Mumbai 400 023.
R/at 03, B Wing, Rajeshwari Krupa, Nandivali Road,
Dombivali (E), Thane - 421 201.
3. Smt. Shailaja Shashank Vechalekar,
Aged 63 years, Ex-Telephone Supervisor, Group 'B'
(Non- Gaz.), at Communication Network Centre,
INS Angre, Mumbai 400 023.
R/at Block No.1, Uniya Krupa, Off Nerurkar Road,
Padmashri Hospital, Shrikhande Wadi, Dombivali (E),
Thane - 421 201.
4. Smt. Rani Haresh Chachad,
Aged 62 years, Ex-Telephone Supervisor, Group 'B'
(Non- Gaz.), at Communication Network Centre,
INS Angre, Mumbai 400 023.
R/at R.No.161, 4th Floor, Parekh Mahal, L.J. Road,
Mahim, Mumbai 400 016.

... Applicants in OA 702/2016

(Advocate Shri A.I. Bhatkar)

1. Smt. Surekha Milind Shilotri, Aged 57 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.), at Communication Network Centre,
INS Angre, Mumbai 400 023.
R/at A-1-902, Sandesh Co-op Society, Tilak Nagar,
Chembur, Mumbai 400 089.
2. Smt. Smruti Vilas Ghag, Aged 51 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.), at Communication Cell, MYAS, Lion Gate,

Mumbai 400 023. R/at C-4, Om Shiv Sudama Coop. Hsg. Society, Near Om Banglow, Ayare Road, Dombivli (E), 421 201.

3. Smt. Sandhya G. Joshi, Aged 58 years, Presently working as Telephone Supervisor , Group 'B' (Non- Gaz.), at Communication Network Centre, INS Angre, Mumbai 400 023. R/at B-24, Rajhans Society, Behind S.T. Workshop, Thane.
4. Smt. Shahnaz Samsuddin Chougule, Aged 58 years, Presently working as Telephone Supervisor , Group 'B' (Non- Gaz.), at Communication Network Centre, INS Angre, Mumbai 400 023. R/at 1601/A, Sauda Heights, 60, Dr. Mesheshwari Road, Opp. Sandhurst Road Station, Mumbai 400 009.
5. Shri Vijay Shantaram Chavre, Aged 61 years, Ex-Telephone Supervisor , Group 'B' (Non- Gaz.) Communication Network Centre , INS Angre, Mumbai - 400 023. R/at B-405, Desrai Co-op.Hsg. Society Ltd., Opp. Bazar Peth Police Station, Doodh Naka, Kalyan (W), Dist. Thane - 421 3011.
6. Smt. Anju Sunil Kataria, Aged 61 years, Ex-Telephone Supervisor , Group 'B' (Non- Gaz.) Communication Network Cent r e, INS Angre, Mumbai 400 023. R/at E-24, Nanddham Co-op. Hsg., Society, Bhausahed Parab Marg, Near Dahisar Bridge , Dhisar (W), Mumbai - 400 068.
7. Smt. Fatima Ravindra Suley, Aged 59 years, Presently working as Telephone Supervisor , Group 'B' (Non- Gaz.) at Communication Network Centre, INS Angre, Mumbai 400 023. R/at Bldg. No.44/1003, A Wing, Tilak Nagar (W), Chembur , Mumbai 400 089.
8. Smt. Sugandha Satish Kamat, Aged 59 years, Presently working as Telephone Supervisor , Group 'B' (Non- Gaz.) at Communication Network Centre, INS Angre, Mumbai 400 023. R/at "Ambaji Dharshan", D-504, Opp. MES School, Bhandup (W), Mumbai 400 078.
9. Smt. Bridget B Alphanso, Aged 57 years, Presently working as Telephone Supervisor , Group 'B' (Non- Gaz.) at Communication Network Cent r e, INS Angre, Mumbai 400 023. R/at 203, Chandor Castle, New Land Street , Mazgaon, Mumbai 400 010.

10. Smt. Megha Suresh Khodke, Aged 56 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.) at Communication Network Centre, INS
Angre, Mumbai 400 023.
R/at 1/7, Nava Ganesh Krupa,
Wadavli Senction, Ambarnath, Dist. Thane.
11. Smt. Jyotsna Arun Satyadas, Aged 59 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.) at Communication Network Centre, INS
Angre, Mumbai 400 023.
R/at Flat No. 1405, Bldg. Kaveri Heights,
Okpp. Mhatre Lake, Kalwa (W), Thane.
12. Smt. Aruna Anil Shet ti, Aged 56 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.) at Communication Network Centre, INS
Angre, Mumbai 400 023.
R/at Shiv Darshan D' 23, Central Railway
Co-op. Hsg. Society, MMM Road, Mulund (W), Mumbai
80.
13. Smt. Jyoti Jayprakash Balekar, Aged 57 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.) at Communication Network Centre, INS
Angre, Mumbai 400 023.
R/at 43, Ranade Niwas, 1st Floor,
Parel Village, Parel, Mumbai 400 012.
14. Smt. Vijaya Vijaykumar Sule, Aged 59 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.) at Communication Network Centre, INS
Angre, Mumbai 400 023.
R/at New Akhand Jyot Co-op. Hsg.
Society Ltd., Block No. 24 C, Manish Nagar,
Bldg. No. 119, Jay Prakash Road, Andheri (W), Mumbai
400 053.
15. Smt. Uma Bharat Dubey, Aged 55 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.) at INS Trata, Civilian Section, Sir
Pochakanwala Road, Worli Sea Face, Mumbai 400 030.
R/at 29, Kailash Parvati, Gilbery Hill Road, near
Bhavans College, Andheri (W), Mumbai 400 058.
16. Smt. Karamseva Daljit Singh Dogra, Aged 54 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.) at INS Trata, Civilian Section, Sir
Pochakanwala Road, Worli Sea Face, Mumbai 400 030.
R/at D-33/2, Godrej Hill Side Colony, LBS Marg,
Vikhroli (W), Mumbai 400 089.

17. Smt. Samidha Sudhir Bhosle, Aged 54 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.) at Commodore Bureau of Sailors, Sion
Trombay Road, Mankhurd, Mumbai 400 088.
R/at Flat No.303 B, Sec 8/B, Shivrushti Coop. Hsg.
Society, CBD Belapur, New Mumbai - 400 614.
18. Miss Dhangauri Somabhai Patel, Aged 61 years,
Ex.Telephone Supervisor, Group 'B' (Non- Gaz.)
Communication Network Centre, INS Angre,
Mumbai 23.
R/at 36 Goa Street, Lal Bldg., 4th Floor, R.No.69,
Fort, Mumbai 400 001.
19. Smt. Snehal Sunil Rasal, Aged 56 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.) at Communication Network Centre, INS
Angre, Mumbai 400 023.
R/at B/303, Dhuri Tower,
Anand Nagar, Vasai (W), Pin - 401 202.
20. Smt. Alka Uday Pradhan, Aged 59 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.) at Communication Network Centre, INS
Angre, Mumbai 400 023.
R/at 32, Corner View, Gokhale Road (North)
Dadar, Mumbai 400 028.
21. Smt. Shakuntala Vitthal Kamble, Aged 57 years,
Presently working as Telephone Supervisor, Group 'B'
(Non- Gaz.) at Communication Network Centre, INS
Angre, Mumbai 400 023.
R/at 5A/01, Sudama Co-op. Hsg. Society,
S.M. Joshi Marg, Kalwa (W), 400 605.
22. Shri Vitthal Maruti Kamble, Aged 60 years,
Ex-Telephone Supervisor, Group 'B' (Non- Gaz.)
Commodore Bureau of Sailors, Sion Trombay Road,
Mankhurd, Mumbai - 400 088.
R/at 5A/01, Sudama Co-op. Hsg. Society, S.M. Joshi
Marg, Kalwa (W) - 400 605.
23. Smt. Sunita Vinayak Dandekar, Aged 61 years,
Ex-Telephone Supervisor, Group 'B' (Non- Gaz.) at
Communication Network Centre, INS Angre,
Mumbai - 40023 and residing at CHITANYA VILA
Row House No.13, Near Gimavne Grampanchayat,
Dapoli.

... Applicants in OA No.616/2016

(Advocate Shri A.I. Bhatkar)

VERSUS

1. The Union of India, through the Secretary,
Ministry of Defence, South Block,
New Delhi 110 001.
2. The Chief of the Naval Staff,
Integrated Headquarters, Ministry of Defence (Navy),
Director of Civilian Personnel, Sena Bhavan,
New Delhi - 110 011.
3. The Flag Officer Commanding- in-Chief,
Headquarters, Western Naval Command,
Shahid Bhagat Singh Road, Mumbai 400 001.

...Respondents in both the OAs.

(Advocate Shri N.K. Rajpurohit & Advocate Shri A.M. Sethna)

ORDER (Oral)

Per : R.N. Singh, Member (J)

Heard Shri A.I. Bhatkar, learned counsel for the Applicant and Shri N.K. Rajpurohit, learned counsel and Shri A.M. Sethna, learned counsel for the Respondents.

2. In the aforesaid OAs, the facts and issues are admittedly common. The prayers made by the applicants in both the OAs are also same. Therefore with the consent of the learned counsels for the parties both the OAs have been heard together and are being adjudicated by the present common order.

3. For convenience the facts are being taken from OA No.702/2016. In the present OAs filed under Section 19 of the Administrative Tribunals Act, 1985 the applicants have challenged the order dated 05.05.2011 by which the respondents have refused to grant Second Time Bound

Promotion to them after completion of 26 years of continuous service from the date of their initial appointment.

4. In the impugned order dated 05.05.2011, it is asserted by the respondents that an Appeal vide WP (C) No.21384/2007 has been filed by the respondents to challenge the order dated 10.10.2006 of Ernakulam Bench of this Tribunal in OA No.232/2005 (It is informed by the learned counsels for the parties that the correct number is OA No.23/2005). It is further informed therein that the persons named in the impugned order dated 05.05.2011 i.e. a non-petitioners Telephone Staff are not entitled for the benefits of Time Bound Promotion from the date of initial appointment and therefore the benefits cannot be extended to similarly placed employees till the finalization of appeal under reference.

5. In the aforesaid background, the applicants prayed for the following reliefs in both the OAs:

"8(a) This Hon'ble Tribunal will be graciously pleased to call for the records and proceedings pursuant to the issuance of the impugned order dated 05.05.2011 and after going through the legality and validity of the same quash and set aside the same.

b) This Hon'ble Tribunal will be graciously pleased to direct the respondents to treat the applicants as having been appointed on regular basis from the date of their initial appointment for the purpose of grant of Second Time Bound Promotion/ financial upgradation.

c) This Hon'ble Tribunal will be graciously pleased to direct the respondents to grant Second Time Bound Promotion/financial upgradation to the applications after completion of 26 years of service from date of their initial appointment/regular appointment.

d) This Hon'ble Tribunal will be graciously pleased to direct the respondents to grant all consequential benefits including arrears of pay and allowances due and admissible to the applicants.

e) This Hon'ble Tribunal will be graciously pleased to pass such other and further orders as deemed fit in the facts and circumstances of the case.

f) Cost of this application be awarded to the applicants."

6. The brief facts, not in dispute and leading to the present OAs are that the applicants were initially appointed from different dates as Telephone Operators in Grade II on casual basis, in the relevant Pay Scale for the said post. The applicants were endorsed by the Employment Exchange and after due selection process they were appointed to the said post. The applicants continued in the said post without break till they were converted as regular employees. It is also added that while being regularised to the said post no further selection process was resorted to. In this background, the applicants claim that they are entitled to reckon their services from their initial appointment as Telephone Operators, Grade II for Time Bound Promotion after completion of 26 years.

7. Learned counsel for the applicant argues that the respondents were duty bound to count the services of the applicants from the date of their initial engagement as Telephone Operator, Grade II for granting the Time Bound Promotion after 26 years at their own. However, when the respondents failed and neglected to do the same, similarly placed persons approached Ernakulam Bench of this Tribunal vide OA No.755/2000 which was disposed of by the Tribunal vide order/judgment dated 20.09.2002 (Page no.231-239) and para 13 thereof reads as under:

"...13. In the conspectus of the facts and circumstances, we allow the OA and set aside the impugned order Annexure A-1 dated 30.05.2000 and declare that the applicants are entitled to ACP Scheme on the basis of their regularisation from the date of their initial appointment (including the services rendered on casual basis). The respondents are directed to grant all consequential benefits of the Scheme in terms of this order, within three months from the date of receipt of a copy of this order. However, we are not inclined to grant any relief of interest on arrears, as prayed for in the OA."

8. It is further contended that the judgment dated 20.09.2002 under reference was implemented by the respondents in respect of the applicants there in the OA. It is further added that when the said benefit was not accorded to the similarly placed persons, another OA No.23/2005 titled **All India Naval Clerks Association & Anr. Vs. Union of India & Ors.** was filed before the

Ernakulam Bench of this Tribunal for the similar reliefs and the said OA was disposed of by this Tribunal vide order/judgment dated 10.10.2006 (page 240-245) and para 8 thereof reads as under:

"....8. In the result, we hold that all those who are similarly placed like the applicants in the earlier OA No.755/2000 shall be extended the same benefits granted in Annexure A-1 judgment and declare that the decision of this Tribunal in the above judgment is a judgment in rem so that future litigation on this subject can be avoided. OA is allowed."

9. The Respondents had challenged the said order dated 10.10.2006 before the Hon'ble High Court of Kerala at Ernakulam *vide WP(C) No.21384/2007(Z)* and the same was decided by the Hon'ble High Court vide order/judgment dated 17.01.2012 (Page 246-255) and paras 13 to 15 thereof reads as under:

"....13. The establishment had in fact placed a communication before the Tribunal in CP(C)No.39 of 2003 in O.A. No.755 of 2000 as follows:

"Govt. has already approved implementation of CAT order in OA 755/2000 to the applicants as well as those who are members of AINC Association and petitioners to the OA irrespective of their place of work thus fully complying with the CAT (E) order in letter and spirit. Request apprise Hon'ble CAT accordingly through SCGSC. The Association may inform their members of the Govt. decision."

All that is to be done is that the writ petitioner before us, the establishment, gives effect to the aforesaid statement given before the Tribunal.

14. Having regard to the factual matrix and legal position, we order that if any employee entitled to the benefit of the order of the

Tribunal dated 20.9.2002 in O.A.No.755 of 2000 is yet to enjoy the benefit of that order, though not a party by name to those proceedings, he may make appropriate representation to the competent authority among the respondents within a period of three months from now and such representation shall be considered and orders issued on a case to case basis considering all relevant aspects within an outer limit of three months from the date of receipt of each of such representation and a copy of this judgment, whichever is later.

15. We further clarify that the time bound consideration ordered hereby is regarding the cases of persons who are as of now eligible to claim the benefit of ACP in view of the fact that the order dated 30.5.2000 of the Flag Officer Commanding in Chief stands quashed by the Tribunal in O.A.No.755 of 2000. If any person becomes subsequently eligible, it will be open to such employee to move the competent authority in the establishment within a reasonable time limit preferably within three months from the date on which such eligibility arises and seek redressal in accordance with law. The writ petition ordered accordingly."

10. Learned counsel for the applicants submits that in pursuance of the aforesaid order dated 17.01.2012 of the Hon'ble High Court, the respondents have taken a conscious decision to collect the details of persons who are similarly placed, however, are neither the petitioners in the aforesaid cases nor are the member of Naval Clerks Association in order to have the approval of Ministry of Defence for extending the benefit of judgment of this Tribunal in the aforesaid OA No.755/2000 and such decision was communicated to all concerned vide communication dated 26.04.2013 (Annex. A-7). He has also brought to our notice the communication dated

05.01.2016 from the Integrated Headquarters Ministry of Defence (Navy), Directorate of Civilian Personnel, New Delhi whereby it is informed that the financial upgradation is made as per the DoP&T orders under ACP scheme and the benefit of casual service for the purpose of ACP/MACP is granted to the petitioners on the basis of merit of Court directives in each cases after approval of the competent authority and in this background all concerned have been requested to furnish the details of the employees who are appointed on casual basis and subsequently regularised in a consolidated manner in the format prescribed there in the communicated dated 05.01.2016.

11. Learned counsel for the applicants submits that though in the impugned order dated 05.05.2011, the respondents have taken a stand that the benefits to all those who are similarly placed like the applicants in OA No.755/2000 cannot be extended keeping in view the fact that the matter is pending adjudication before the Hon'ble High Court of Kerala, however, the respondents have not re-visited their impugned order dated 05.05.2011 in spite of a conscious decision of the competent authority in communication dated 12.01.2007 (Annex. A-4), 26.04.2013 (Annex.A-7) and 05.01.2016 (Annex.A-8), referred to above. He further adds that the

respondents have failed and neglected to revisit their decision communicated in the impugned order dated 05.05.2011 even after the fact that the Hon'ble High Court of Kerala has already decided the pending Writ vide order/judgment dated 17.01.2012.

12. Learned counsel for the applicant further argues that when similarly placed persons approached this Tribunal vide various OAs including the **OA No.526/2009 in the case of Shri Subhash V. Chari & Ors. Vs. Union of India & Ors.**, the same along with a batch of OAs was disposed of by this Tribunal vide order/judgment dated 02.12.2013 (Annex.A-15). While disposing of the said batch of OAs, this Tribunal has considered the aforesaid communication dated 26.04.2013. Paras 10 & 11 of the aforesaid common order/judgment dated 02.12.2013 of this Tribunal reads as under:

"...10. In view of this submission, the learned counsel for the respondents Shri R.R. Shetty submitted that when his clients, the Union of India, have themselves at the highest level decided that even those persons who were neither the petitioners before the Ernakulam Bench in the OA No.755/2000, in which orders dt. 20.09.2002 were passed, nor were they Members of the Naval Clerks' Association, would all be extended the benefit of the judgment of the High Court of Kerala at Ernakulam dt. 17.01.2012, no dispute or lis remains to be judicially adjudicated by us.

11. Therefore, when once the respondents themselves have, through the letter circulated on 26.04.2013 produced before us, agreed to

extend the benefit sought by the applicants of the present cases, there is no dispute or lis which remains for our judicial determination in accordance with law. Therefore, all these OAs stand disposed of accordingly, but there shall be no order as to costs."

13. It is informed by the learned counsel for the applicants that the benefits as claimed by the applicants in the present OAs have already been extended to the similarly placed persons in OA No.526/2009, etc and also in OA No.755/2000. He invites our attention to the communication dated 20.10.2014 (Annex.A-16) which clearly indicates that the directions of this Tribunal in common order/judgment dated 02.12.2013 in a batch of cases have already been given effect to by the respondents. Subsequent thereto, another **OA being OA No.283/2011 in the case of Dilip Sitaram Zad Vs. Union of India & Ors.** was filed before this Tribunal by a similarly placed persons and the same was disposed of by this Tribunal vide order/judgment dated 17.04.2015 (Annex.A-17) and para 20 thereof reads as under:

"....20. In view of the above, we hold that the grounds raised by the applicant are similar to the group OAs discussed above and therefore, he is eligible to be granted the financial benefits of second financial upgradation with effect from 28.12.2002 when he completed 26 years of service counting his initial appointment as 28.12.1976. The respondents are directed to issue appropriate orders to this effect with all consequential benefits within a period of 8 weeks from the date of receipt of a copy of this order. The OA is accordingly allowed only to this extent. Misc. Petitions are also disposed of. No order as to costs."

And directions of this Tribunal in the judgment dated 17.04.2015 has also been implemented as would be evident from the communication dated 24.11.2015 (Annex.A-18).

14. Learned counsel for the applicants submits that once the issue raised in the present OAs has already been adjudicated by the Ernakulam Bench of this Tribunal as well as the Hon'ble High Court of Kerala and the same has been implemented by the respondents, there was no reason for the respondents not to extend the benefits thereof to the present applicants also. He further adds that the respondents have themselves made a statement that the benefits of the judgment of this Tribunal in OA No.755/2000 are being extended to the similarly placed persons and keeping in view the statement on behalf of the respondents before this Tribunal, this Bench of the Tribunal has disposed of a batch of OAs vide order/judgment dated 02.12.2013 and further another OA being OA No.283/2011 vide order/judgment dated 17.04.2015 and directions in both the said judgments have already been given effect to by the respondents. Learned counsel for the applicants argues that the respondents being model employer are not expected to compel each and every similarly placed persons to the Tribunals/Courts for the benefits in

respect of the issue which was already adjudicated and a decision had already been taken by the respondents to give effect to and therefore the impugned action of the respondents is in blatant violation of the powers vested with the respondents.

15. Per contra, the learned counsel for the respondents Shri N.K. Rajpurohit and Shri A.M. Sethna, vehemently oppose the submissions made on behalf of the applicants. They submit that the present OAs are hopelessly barred by limitation inasmuch as admittedly these OAs have been filed in the year 2016 wherein the order dated 05.05.2011 has been challenged. They further add that the applicants are seeking directions to the respondents to count their services from the date of their initial engagement for grant of benefits of Time Bound Promotion after completion of 26 years and that indicates that the applicants have filed the present OAs after considerable delay and laches.

16. In Rejoinder, the learned counsel for the applicants submits that though the claim of the applicants is of recurring in nature and the OAs do not suffer from limitation, delay or laches however as a matter of abundant precaution the applicants have filed the aforesaid MAs seeking condonation of delay. He further argued that the applicants have been seeking the

extension of benefit of the judgment and from the communications dated 26.04.2013 (Annex.A-7) and 05.01.2016 (Annex.A-8), referred to above, it is clearly evident that the respondents have been in the process of extending the benefits to the similarly placed persons and therefore the aforesaid OAs are well within the limitation. He adds that otherwise also when the applicants are seeking the extension of benefit of judgment and this Tribunal has considered the objection of the limitations while deciding the aforesaid OA No.283/2011 vide order/judgment dated 17.04.2015 (Annex.A-7), the objections raised by the respondents with regard to the limitation are not sustainable in the eyes of law.

17. We have perused the pleadings on record and we have also considered the submissions made on behalf of the parties.

18. The facts stated by the applicants referred to herein above are not disputed. The only issue which has been raised by the learned counsel for the respondents on merit is that the judgment of the Hon'ble High Court of Kerala in order/judgment dated 17.01.2012 in WP(C) No.21384/2017 is subject matter of challenge before the Hon'ble Apex Court and therefore the present OAs are not maintainable. We have considered the submissions

made on behalf of the parties. It is not in dispute that even during the pendency of the challenge against the order/judgment of the Hon'ble High Court before the Hon'ble Supreme Court, the respondents themselves have taken a decision to grant the benefits to similarly placed persons vide communication dated 26.04.2013 (Annex.A-7) and 05.01.2016 (Annex.A-8). It is also not in dispute that during the pendency of the said appeal before the Hon'ble Supreme Court, the respondents have made a statement before this Tribunal that extension of benefits of judgment of this Tribunal in OA No.755/2000 are being extended to the similarly placed persons and after recording the same this Tribunal has disposed of a batch of OAs vide common order/judgment dated 02.12.2013 and the same have been implemented. Accordingly, we do not find any reason or justification available to the respondents not to extend the similar benefits to the present applicants also when admittedly the applicants are also similarly placed.

19. In view of the aforesaid facts and circumstances, we are of the considered view that MAs seeking condonation of delay also deserve to be allowed and the same are accordingly allowed.

20. In view of the aforesaid facts, discussions and law, the present OAs are allowed. The respondents are

directed to grant financial upgradation/Time Bound Promotion after completion of 26 years by reckoning their services from the initial date of their engagement as Telephone Operator, Grade II under the respondents. The Applicants are also held to be entitled to consequential benefits.

21. The Respondents are directed to complete the aforesaid exercise as expeditiously as possible and in any case within three months from the date of receipt of a certified copy of this order. However, in the facts and circumstances, no order as to costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

dm.

JD
16/09/2020