

ANNEXURE-P-1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI.

O.A. 42 of 1987.

Madan Lal Chawla and others ... Applicants.
-versus-
Union of India and others ... Respondents.

P R E S E N T :

The Hon'ble Shri B.C.Mathur, Vice Chairman(A)

The Hon'ble Shri G.Sreedharan Nair, Vice Chairman(J)

For the applicants- Shri Umesh Mishra, Advocate

For the respondents- Shri Arun Sharma, Advocate.

Date of Order - 15.5.90.

JUDGMENT & ORDER :

G.Sreedharan Nair, Vice Chairman :

The applicants while working as Telegraphists were promoted to the post of Assistant Telegraph Masters on adhoc basis with effect from 17.3.1983. It is alleged by them that though an order of reversion was passed on 17.8.1983, it was not given effect to and they were allowed to work till 6.12.84 on which date orders were issued to give effect to the reversion and from 17.8.1983. The applicants challenged the order before the High Court of Delhi in Civil Writ Petition No.274 of 1985, wherein it was held that the order dated 6.12.1984 in so far as it reverts the applicants with retrospective effect, that is, from 17.3.1983, is not sustainable and accordingly it was quashed, allowing their reversion to stand from 6.12.84. There was a further direction in the order of the High Court that it "will in no way affect any promotions which may have been granted to the petitioners after the passing of the impugned order".

2. The applicants allege that all the Telegraphists including the applicants were entitled to be promoted to the higher post of Telegraph Master after completing 16 years of service under the One-Time-Bound Promotion Scheme and actually juniors to the applicants have been

so promoted with effect from 30.11.1983 while they have been promoted only with effect from 6.12.1984, which has deprived them of their seniority. It is urged that since the order of the High Court has protected the promotions, the applicants are to be promoted to the cadre of Telegraph Masters from 6.12.1984. They also pray for quashing the order dated 30.8.1985 giving effect to the promotion only from 6.12.1984.

3. In the reply filed on behalf of the respondents, it is stated that the one-time-bound promotion scheme is applicable only to the basic grade, namely, that of Telegraphists, and as the applicants were ordered to be reverted to the basic cadre of Telegraphists by the order dated 17.8.1983, they were given promotions under the one-time-bound promotion/^{scheme} on 30.11.83, the date of implementation of the scheme, but since the date of reversion had to be changed from 17.8.1983 to 6.12.1984 in view of the order of the High Court, the date of promotion had to be changed from 30.11.1983 to 6.12.1984.

4. The question that falls for determination is whether the benefit of ^{the} one-time-bound promotion scheme has to be given to the applicants from 30.11.1983, the date of implementation of the scheme. It is admitted by the respondents that the benefits were actually given to the applicants treating them in the cadre of Telegraphists, the basic grade, though with effect from 17.8.1983 they were allowed to officiate as Assistant Telegraph Masters. It is also admitted that by the instructions contained in the letter of the Director General of Posts & Telegraphs dated 17.8.1983, the cadre of Assistant Telegraph Master was directed to be merged with the cadre of Telegraph Master, and accordingly, the then existing Assistant Telegraph Masters on the basis of their seniority

in the cadre of Telegraphists were promoted to the cadre of Telegraph Masters. This was done by the order dated 17.8.1983, and by the same order the Assistant Telegraph Masters who were junior in the Gradation list of Telegraphists were reverted to the cadre of Telegraphists. The applicants fall within the category of those who were so reverted to the cadre of Telegraphists, and treating them as in the basic grade they were promoted under the One-time-bound promotion scheme with effect from 30.11.1983.

5. The Civil Writ Petition No.274 of 1985 was filed by the applicants challenging the order dated 6.12.1984 under which they were reverted to their substantive post of Telegraphists with effect from 17.8.1983. The retrospective operation of the order of reversion was struck down by the High Court, but the order was allowed to stand with effect from 6.12.1984. 6. On the ground that promotion under the one-time-bound promotion scheme is admissible to the basic cadre only, the respondents changed the date of promotion of the applicants from 30.11.1983 to 6.12.1984, in view of the judgment of the High Court. Evidently, it is unfair and unjustified. More so, in view of the specific direction in the judgment of the High Court that it will in no way affect any promotions which may have been granted to the applicants after the passing of the impugned order. Hence, the order dated 30.8.1985 (Part-II) by which the promotion allowed under the one-time-bound promotion scheme by the order dated 3.4.1984 with effect from 30.11.1983 was altered as to be effective only from 6.12.1984, cannot be sustained. We direct the respondents to treat the applicants as having been granted the promotion under the one-time-bound promotion scheme with effect from 30.11.1983 itself.

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6. This order shall be complied with within a period of two months from the date of receipt of the copy of this order.

7. The application is disposed of as above.

(G.Sreedharan Nair)
Vice Chairman(J)

S.P.Singh/
11.3.90.

14/3/90