

23.

OA 2528/91

16.07.92

Present : Sh. Ashish Kalia, proxy counsel for
Sh. R.L. Sethi, counsel for the
applicant.

None for the respondents.

Respondents have not filed their reply
dispite ample opportunities given to them. O.A. is
admitted. The case may, therefore, be listed for
final hearing in its turn.

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MEMBER(A)

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MEMBER(J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 2528 of 1991

New Delhi this the 22nd day of September, 1995.

HON'BLE SHRI A. V. HARIDASAN, VICE CHAIRMAN (J)
HON'BLE SHRI R. K. AHODJA, MEMBER (A)

D. B. Singh,
Assistant Engineer (Works),
G.M. Telephones, Raj Nagar,
Ghaziabad (UP). ... Applicant

(By Shri Ashish Kalia, Advocate)

-versus-

Union of India through
the Director-General,
Department of Telecommunication,
Sanchar Bhawan,
New Delhi. ... Respondent

(None present)

O R D E R (ORAL)

Shri A. V. Haridasan, V.C. (J) :-

The applicant has filed this application under Section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the respondents to adjust the applicant's seniority strictly in accordance with Rule 206 (2) of the P. & T. Manual Vol. IV and extend the same benefits of promotion and payment of salary and allowances allowed to his similarly placed colleagues Shri P. N. Lal and Brij Mohan.

2. The applicant commenced his career as an Engineering Supervisor. He passed the departmental examination for promotion to the post of Telegraph Engineering and Wireless Service Class-II in the year 1975. His colleagues, P.N.Lal and Brij Mohan also passed the same examination in the same year. In the seniority list of Engineering Supervisors as on 1.2.1985 the position of the applicant was

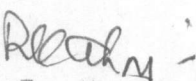
correctly shown , but P. N. Lal and Brij Mohan aggrieved by their seniority position approached the Allahabad High Court with the grievance that they were not given promotion to Telegraph Engineering and Wireless Service Class-II on the due date, that is, before the promotion of those who had passed departmental qualifying examination on a later date and their writ petition was disposed of with a direction to the department to promote the petitioners before the High Court with effect from the date prior to a date of promotion of any person who passed the departmental qualifying examination subsequent to them and to adjust their seniority and to pay them salary and allowances accordingly with effect from that date. As a result of these directions, the benefit was given to Brij Mohan and P. N. Lal and consequently their position in the seniority list was correctly shown in the relevant grade as on 1.1.1989. The grievance of the applicant is that the respondents should have revised his date of promotion also and should have given him due placement in the seniority list. Claiming this benefit, the applicant made a representation to the respondents on 18.9.1990. Finding no response to this representation, the applicant has filed this application.

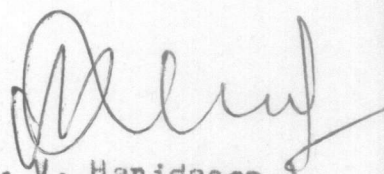
3. After issuing the notice to the respondents and after hearing the applicant and the respondents, the application was admitted. Though the case was listed on several occasions to enable the respondents to file their reply, they did not file any reply. When the application came up for final hearing also, the respondents did not appear. Therefore, we did not

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have not only the privilege of hearing the respondents' counsel, but also to understand whether the respondents wished to contest the application and controvert the averments made in the application. Since the applicant had passed the departmental qualifying examination in the year 1975, just as Shri Brij Mohan and P. N. Lal did, we are of the considered view that the applicant is also entitled to the same benefit of being promoted to TES Group 'B' with effect from a date prior to the date of promotion of any person who had passed the departmental qualifying examination later than the applicant.

4. In the result, the application is allowed in part. The respondents are directed to promote the applicant to TES Group 'B' with effect from a date prior to the date of promotion of any person who had passed the departmental qualifying examination later than the applicant and adjust his seniority in accordance with Rule 206 (2) of the P & T Manual Volume IV, and to re-fix his pay and allowances accordingly. As regards arrears of pay and allowances, we direct that the consequential relief of pay and allowances shall be restricted to a period one year prior to filing of this application and the same shall be paid to the applicant within a period of three months from the date of communication of this order. No costs.


(R. K. Ahooja)
Member (A)


(A. V. Haridasan)
Vice Chairman (J)

/as/