

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No.RA- 195/92 In
OA- 2667/91

Date of decision: 29.06.92.

Telecommunication Engineering Applicants
Services Association (India)
and Another

Versus

Union of India & Another Respondents

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. A.B. Gorthi, Administrative Member.

1. Whether Reporters of local papers may be allowed
to see the Judgment? *Ye,*

2. To be referred to the Reporters or not? *No*

(Judgement by Hon'ble Mr. P.K. Kartha, V.C.)

The petitioners are the original applicants in
OA-2667/91 which was disposed of by judgement dated
22.4.1992 along with a batch of applications in which
similar issues had been raised. ~~Two~~ *Two* basic issues
arose for consideration, namely, (i) whether the
applicants and persons similar to them are entitled
to promotion from the grade of Junior Engineers to the
next higher grade in the Telegraph Engineering Service
Group 'B' (Assistant Engineers and equivalent posts) on

(2A)

the basis of the year of passing of qualifying departmental examination envisaged in para. 206 of the P & T Manual and not on the basis of their respective seniority as had been adopted and followed by the respondents; and (ii) whether in the facts and circumstances, they are entitled to refixation of inter se seniority on the said basis and promotions with retrospective effect together with back wages.

2. After going through the records of the case carefully and hearing the learned counsel for both the parties, the Tribunal disposed of the application with findings, orders and directions in para. 24 thereof. It was held that in the event of refixation of seniority and notional promotion with retrospective effect, the applicants would be entitled only to refixation of their present pay which should not be less than that of those who were immediately below them and that they would not be entitled to back wages. It was also held that in case the drawing of the seniority list results in reversion of officers who had been duly promoted already, their interests should be safeguarded at least to the extent of protecting the pay actually drawn by them, in case the creation of the requisite number of supernumerary posts to accommodate them in their present posts is not found to be feasible.

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3. In the present R.A., the petitioners have prayed that the aforesaid directions be reviewed and that the respondents be directed to pay to them the consequential benefits, including pay and allowances and also to create sufficient supernumerary posts to accommodate all the officers.

4. On carefully going through the grounds set out in the R.A., we see no error apparent on the face of the judgement. The petitioners have also not brought any fresh facts warranting a review of the judgement. The R.A. is, accordingly, dismissed.

transcript
(A.B. Gerthi)
Administrative Member

recd
(P.K. Kartha)
Vice-Chairman(Judl.)