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**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA-1803/2004

New Delhi this the 26<sup>th</sup> day of April, 2007

Hon'ble Shri Shanker Raju, Member (J)  
Hon'ble Mrs. Neena Ranjan, Member (A)

Shri B.P. Saxena  
C/o Purushottam Saxena  
Qtr. No.7, P.N.T. Colony,  
Pai Bagh, Bharatpur.  
Presently at  
Qtr. No.10A, Gali No.7,  
Kundan Nagar,  
Laxmi Nagar, New Delhi.

-Applicant

(By Advocate: Shri A.K. Bhattacharya)

Versus

1. Union of India  
Through its Secretary  
Ministry of Communication  
Department of Telecommunication,  
Sanchar Bhawan, New Delhi.
2. Chief General Manager, Telecom,  
Department of Telecommunication,  
Jaipur, Rajasthan.
3. General Manager, Telecom District  
Department of Telecommunication  
Bharat Sanchar Nigam Limited  
Bharatpur, Rajasthan.
4. Chief Accounts officer,  
C/o General Manager, Telecom District  
Bharat Sanchar Nigam Limited  
Telecom District Manager,  
Bharatpur, Rajasthan.
5. Accounts Officer,  
C/o, Chief General Manager, Telecom  
Rajasthan Cireli, D.T.O. Cell,  
Jaipur, Rajasthan.

-Respondents

(By Advocate: Shri V.K. Shukla)

**ORDER (Oral)**

**Hon'ble Shri Shanker Raju, Member (J)**

Heard the counsel.



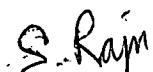
2. Applicant superannuated on 31.01.1996 when a disciplinary proceeding was pending against him. Ultimately, the aforesaid proceeding was finalized and as a result thereof the retiral benefits of the applicant have been released. The grievance of the applicant is that he has not been considered for promotion on higher scale during his continuous service of 26 years as well as withholding of revision of pay scale in accordance with the Fifth Central Pay Commission.

3. On perusal of the counter reply, we find that antedating of promotion of the applicant was pending consideration due to disciplinary action. Applicant claims for retrospective promotion as per of recommendation of V CPC as well as BCR promotion, which is legally due to him.

4. In this light, OA is disposed of with a direction to the respondents to consider the claim of the applicant with retrospective effect for promotion as well as BCR in revision of pay scale. If applicant is found fit, the same would be allowed to him by revising the retiral benefits, with all consequential benefits, within a period of three months from the date of receipt of a copy of this order. No costs.



(Mrs. Neena Ranjan)  
Member (A)



(Shanker Raju)  
Member (J)