

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

(PQ)

Original Application No.3235/92

NEW DELHI THIS THE 11TH DAY OF FEBRUARY, 1994.

HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)  
HON'BLE MR.B.N.DHOUNDIYAL, MEMBER(A)

Shri B.L.Sapru,  
S/o Late Shri Prithvi Nath Sapru  
R/o A-17, Hillview Apartments  
Vasant Vihar, New Delhi-57. .... Applicant

BY ADVOCATE SHRI R.K.KAMAL.

Vs.

1. Union of India  
through Ministry of Telecommunication.
2. Secretary, Communication,  
Department of Telecommunication,  
Sanchar Bhawan,  
20 Ashoka Road,  
New Delhi.
3. Dy. Director General(Personnel) STG-II  
Sanchar Bhawan,  
20 Ashoka Road  
New Delhi.
4. Chief General Manager  
Telecommunication, J&K Circle,  
Camp Office Jammu.
5. Chief General Manager, Telecommunication,  
Kashmir Province  
Exchange Road, Srinagar
6. The Chief General Manager,  
Defence Communication,  
S.C.O 68, IIIrd Floor,  
Sector 17-D, Chandigarh.
7. Sh.S.N.Hak, A.D.T  
Room No.421, Dak Bhawan,  
through D.D.G(Personnel) S.T.G II  
Department of Telecom  
Sanchar Bhawan  
20.Ashoka Road,  
New Delhi.
8. Sh.B.L.Tikoo  
Sr.A.E.(HRD)  
o/o Telecom District Manager  
Jammu Tawi ....

Respondents

BY SENIOR ADVOCATE SHRI P.H.RAMCHANDANI  
WITH SHRI J.C.MADAN, COUNSEL.

ORDER(ORAL)

JUSTICE S.K.DHAON:

The applicant, a retired Assistant Engineer Group 'B', has come to this Tribunal with the grievance that his case for giving him promotional scale of Rs.2200-4000 was not considered by the authority concerned on the

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basis of the scheme as contained in the Memo dated 25.9.1990 and supplemented by communication of even date.

2. We have perused the Memorandum dated 25.9.1990. It is recited therein that a decision on a decision taken on the Joint Charter of Demands submitted by JTOA and TESA, it is agreed that from now onwards TES Group 'B' officers who will be completing 12 years of service on year to year basis will be given promotion to the scale of Rs.2200-4000 by conversion of sufficient additional posts from Assistant Engineer in Group 'B'. It is also provided therein that the officers of the TES Group 'B' who have completed 12 years of regular service will be eligible for promotion to the said post on the basis of seniority subject to rejection of the unfit.

3. The applicant retired from service in December, 1991. As already indicated, the scheme came into force with effect from September, 1990. The applicant has demonstrated that one Shri S.N.Hak whose seniority No. is 4371 was given the benefit of the scheme with effect 28.9.1991. The applicant has pointed out that his seniority No. is 4228.

4. In the reply filed by the respondents, they have pointed out that the benefit of the scheme was given on ad hoc basis on the recommendations of a Departmental Promotion Committee. It is stated that on the relevant date, when the Departmental Promotion Committee met to consider the case of the applicant and others, the papers relating to the past career

of the applicant were not available and that is why he could not be considered on that particular date when the Departmental Promotion Committee met <sup>u</sup> viz 1.9.1991.

5. We have considered the matter and have heard the counsel for the parties. We feel that this is a case which requires adjustment of equities. The applicant cannot be faulted for his case not being considered by the Departmental Promotion Committee on 1.9.1991. He having retired, he is surely entitled to some relief from us. Had he been given the benefit of the scheme, there would have been some modification in his pensionary benefits plus he would have earned some extra money. We, therefore, direct that a review DPC shall be held to consider the case of the applicant for giving him the benefit of the scheme. If the applicant is found fit by the review DPC, he shall be put on par with juniors to him in the matter of giving the said benefit. He shall be paid the difference between the amount actually paid to him and the amount which would have been payable to him with effect from 1.9.1991 on the basis of the aforesaid memorandum. The said difference will be computed from 1.9.1991 till his retirement. The pension payable to the applicant shall be revised and the arrears of pension shall be paid to him.

6. The respondents shall arrange the meeting of the DPC within a period of three months from the date of receipt of a certified copy of this order by their learned

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counsel Shri P.H.Ramchandani.

7. The review DPC while considering the case of the applicant shall bear in mind the contents of the Office Memorandum dated 30.1.1978 and para(v), in particular, thereof. This memorandum was issued by the Ministry of Home Affairs in the Department of Personnel and Administrative Reforms and was numbered as O.M.No.21011/1/77-Estt.A.

8. With these directions, this OA is disposed of finally. There shall be no order as to costs.

*B.N.Dhundiyal*  
(B.N.DHOUNDIYAL)

MEMBER(A)

*S.K.Dhaon*  
(S.K.DHAON)  
VICE-CHAIRMAN(J)

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