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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A.No. 796/1993

New Delhi this the 23rd Day of July 1999

Hon'ble Mr. V.Ramakrishnan, Vice Chairman (A)
Hon'ble Mrs. Lakshmi Swaminathan, Member (J)

Jagmail Singh Saroya
S/o Shri Sham Singh,
Officiating DET, Coaxial Maintenance,
Telephone Exchange,
PATIALA - 147 001
C/o. V.S.R.Krishna, Advocate
A 1/8 Inderpur, New Delhi.

Applicant

(By Advocate: Shri V.S.R. Krishna)

VERSUS

Union of India, through:

1. The Secretary,
Govt. of India,
Ministry of Communication
Department of Telecommunications,
Sanchar Bhawan,
New Delhi.
2. The Chairman
Telecom Comission,
Dept. of Telecommunications,
Sanchar Bhawan,
New Delhi.

Respondents

(By Advocate: None)

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ORDER (Oral)

Hon'ble Mr. V. Ramakrishnan, Vice Chairman (A)

Shri V.S.R. Krishna, learned counsel for the applicant. None for the respondents even on the second call. As this is a 1993 matter, we propose to dispose of the case after perusing the material on records and with the assistance received from Shri Krishna, learned counsel for the applicant.

2. The applicant in this case was initially appointed as JE/JTO and was promoted to TES Group 'B' and was further promoted to Grade A. Consequent to Court directions in the case of Shri P.N.Lal and Brij Mohan, the seniority of officers in TES Group 'B' had to be changed and it was determined on the date of passing the qualifying departmental examination as per para 206 of the P&T Manual. The Department took a number of steps to implement the direction which involved preparation of revised eligibility list, assignment of deemed date of seniority, rescrutiny by a review DPC etc. The applicant states that he was initially promoted to TES Group 'B' on the recommendation of regular DPC on the basis of the earlier seniority list. As per the revised eligibility list, the applicant's seniority has come down and he had been superseded by some officers who were earlier juniors to him in the grade of JE/JTO and also in the panel prepared by the earlier DPC. The Tribunal by its order dated 15.4.93 had directed the respondents to maintain status quo in so far as applicant is concerned. However, we are informed that by ^{that} ~~this~~ time the applicant had already been reverted from Group 'A' to Group 'B'. The applicant states that an earlier DPC had considered the applicant and a number of other persons who were in the zone of consideration and prepared a panel showing the inter se position of the

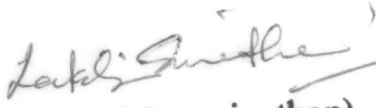
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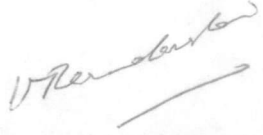
applicant vis-à-vis others. The learned counsel for the applicant submits that the respondents had constituted a review DPC which considered the applicant and other persons who were already considered by the respondents by the earlier DPC but the review DPC's recommendation resulted in the applicant being placed below some of his erstwhile juniors who had not passed the qualifying test earlier which is a modification of the recommendation of the earlier DPC. According to the learned counsel, the review DPC cannot change the grading of the earlier DPC. We have gone through the instructions of D P&T OM dated 10.4.89. We do not see any instructions which preclude the review DPC from assigning a different grading as compared to the earlier DPC so long as it follows the same and uniform standards for all. There is nothing to show that this was not done. Apart from the question of grading, there is also an averment in the OA that the review DPC did not restrict its scrutiny of the CRs for the relevant period and CRs of later years have been taken into account. In the absence of any reply statement, we are not aware as to whether the review DPC had in fact taken into account CRs for years later than ^{the} relevant period on the basis of the deemed date of seniority.

3. The respondents have not filed any detailed reply except short reply on the interim relief. They have therefore, not rebutted the contentions in the OA. In the circumstances, we direct the respondents to treat the OA as a representation and dispose of the same within three months from the date of receipt of a copy of this order by a reasoned order with intimation to the applicant. If they find that on that basis the applicant is entitled to any benefit, they shall extend the same to him and take further action in this regard in accordance with the law and rules.



4. The OA is disposed of with the above direction/observation. No order as to costs.


(Mrs. Lakshmi Swaminathan)
Member (J)


(V. Ramakrishnan)
Vice Chairman(A)

SK/vtc