

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

Original Application No. 6 of 1996

this the 27th day of November 2001.

HON'BLE MR. S. DAYAL, MEMBER(A)

HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

A.K. Gupta, aged about 52 years, S/o late Sri R.P. Gupta, at present working as Sub-Divisional Engineer Telecom, Telephone Exchange, Agra.

Applicant.

By Advocate : Sri Rakesh Verma.

Versus.

1. Union of India through Secretary, Ministry of Telecommunication, New Delhi.
2. Chief General Manager (Telecom) U.P. Circle (West), Lodhi Road, Patel Nagar, Dehradun.
3. The Telecom District Engineer, Mathura Division, Mathura.
4. Chief General Manager, Telecom (East), U.P. Circle, Lucknow.

Respondents.

By Advocate : Sri Amit Sthalekar.

O R D E R (ORAL)

BY HON'BLE MR. S. DAYAL, MEMBER(A)

This application has been filed for direction to the respondent no.2 & 3 to promote and place the applicant in the pay-scale of Rs. 2000-3500/- w.e.f. 9.6.91 instead of 1.6.95 under the Lateral Advancement Scheme of Junior Telecom Officers as the applicant had completed 12 years of service. Direction to the respondents is also sought to fix the pay of the applicant in the pay-scale of Rs. 2000-3500/- under the said <sup>for promotion</sup> scheme of Junior Telecom Officers w.e.f. 9.6.91.

2. The applicant has claimed that he was promoted as Junior

Engineer (now known as Junior Telecom Officer) ( in short J.T.O.) on 9.6.1979. A scheme known as Lateral Advancement of JTOs after completion of 12 years of service and placing them in the pay-scale of Rs. 2000-3500/- was introduced. The aforesaid scheme came into effect w.e.f. 1.1.90. The aforesaid scheme provided that the persons working as JTOs in the pay-scale of Rs. 1640-2900/- were entitled to be placed in the next higher pay-scale of Rs. 2000-3500 after completion of 12 years of service. It is claimed that such promotion in the higher pay-scale was automatic and a JTO was entitled to be placed in the higher pay-scale of Rs. 2000-3500/- on completion of 12 years of service. The formalities were to be completed within a period of three months and promotion granted. The applicant had already been promoted to the post of Junior Engineer (now J.T.O.) w.e.f. 9.6.79 on regular basis and as such he completed 12 years of regular service of JTO on 9.6.91. It is claimed that Shri Sobaran Singh, who was junior to the applicant, had been placed in the pay-scale of Rs. 2000-3500/- in the year 1992. The applicant on coming to know made a representation on 28.9.91, hence this O.A.

3. We have heard Sri Rakesh Verma for the applicant and Sri Amit Sthalekar for the respondents.

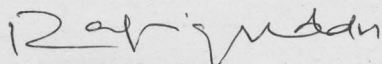
4. The learned counsel for the applicant invites attention to paragraph 14 of Counter reply in which it has been mentioned that the applicant had been promoted to the post of TES Group 'B' in the scale of Rs. 2000-3500 vide CGMT Lko NO. Staff/M-3-2-93/1 dated 3.1.94 and was posted as A.E. Amroha under TDE, Moradabad. It is admitted that the applicant applied for Lateral Advancement Promotion on 20.8.91 to TDE, Mathura, but TDE took no action as he was not authorised to create a post in Lateral Advancement promotion and the circle was responsible for creation of posts under the said scheme. The applicant again applied for Lateral Advancement promotion to TDE, Moradabad on 12.7.94, but this letter ~~was~~ also remained with TDE as it was not addressed to circle authorities


and it was not sent to circle authorities with the recommendation to the controlling authority. Thus, it seems that the representations of the applicant were not considered and decided by the circle authority as they were not properly addressed.

5. We are of the view that the controlling authority <sup>was</sup> ~~the~~ TDE, Mathura as far as the representation of the applicant dated 20.8.91 was concerned and TDE, Moradabad as far as the representation of the applicant dated 12.7.94 was concerned, <sup>They</sup> ~~should~~ have forwarded the representations of the applicant to the competent authority for being considered. Both the authorities had failed to discharge their responsibilities.

6. We, therefore, permit the applicant to make a representation to the respondents within a period of one month from the date of communication of this order and the respondents shall have three months time, from the date of receipt of such representation, to decide the representation of the applicant by a reasoned a speaking order.

7. The O.A. stands decided as above without any order as to costs.

  
MEMBER (J)

  
MEMBER (A)

GIRISH/-