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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

CIRCUIT SITTING AT NAINITAL

THIS THE 23rd DAY OF OCTOBER, 2002

Original Application No. 1415 of 1997

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Subhash Chandra, aged about 37 years
S/o Shri S.N.Sharma, R/o village
Kargi, post Bangarwaala, Dehradun.

... Applicant.

(By Adv: Shri K.C.Sinha)

Versus

1. Union of India through
Chief General Manager,
Department of Telecom
U.P.Circle, Lucknow.
2. Chief General Manager,
Telecom, Dehradun.
3. District Engineer,
Telecom, Dehradun.
4. Shri Beer Singh,
O.C.B.Telephone
Exchange, Patel Nagar,
Dehradun.

... Respondents

(By Adv: Shri Ganga Ram Gupta)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has
prayed for a direction to the respondents 2 and 3 to
hold a review JTO screening test which was held on
January 1995 and applicant may be allowed ^{to appear} in the JTO
screening test and in case he passes the said test he
may be given promotion on the post of JTO prior to
respondent no.4. It is not disputed that during pendency
of this OA applicant has been promoted as JTO. The only
grievance is that he has not been restored seniority and
respondent no.4 who was junior to applicant has been

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given promotion earlier ignoring the seniority of the applicant.

The facts are that respondent no.4 was sent for training on 3.10.1994(Annexure 3). When the applicant learnt about this fact he immediately made a representation before the authorities on 27.1.1995. On this representation an order was passed by the Telecom District Engineer Dehradun to the following effect.

"It is strange to notice that two officials have completed TTA training after which you have represented for the said training.

Had you brought to my personal notice about the lapse on my office part I would have arranged for one more seat to accommodate you for training. The gradation list of Tech. corrected upto 28.2.1986 was circulated on 22.3.86.

It is presumed that you must have been it. It is hoped that next batch of training will be started soon and you will be sent for the said traaining.

However, inconvenience cause to you is regretted."

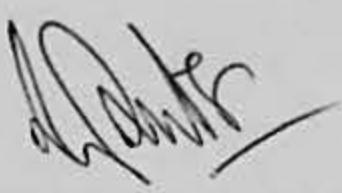
From the aforesaid letter it is clear that the grievance of the applicant was justified and it was the mistake of the office, either deliberate or due to inadvertance, that applicant suffered. In any case, the applicant could not be allowed to suffer on account of the lapse on the part of the office and the respondent no.3, District Engineer, Telecom Dehradun ought to have taken corrective steps to rectify the injustice caused to the applicant.



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The OA is accordingly allowed with the direction to respondent no.3 to take necessary steps so that applicant may be restored the seniority for which he would have been entitled in ordinary course.

Subject to the above, the OA is disposed of with no order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: 23rd October, 2002

Uv/