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(Court No. III)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

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Original Application No. 697 of 1997

this the 7th day of February 2002.

HON'BLE MR. RAFIQ UDDIN, MEMBER (J)  
HON'BLE MR. C.S. CHADHA, MEMBER (A)

Jagdish Bahadur Singh, a/a 38 years, S/o Sri SBS Singh,  
presently posted as Divisional Engineer (phones), Kalyanpur,  
under the General Manager (phones), Kanpur.

Applicant.

By Advocate : Sri V. Budhwar for Shri S. Agrawal.

Versus.

1. Union of India through the Secretary, Ministry of Communication (Department of Telecommunication), West Block 'I' Wing-II, Ground floor, R.K. Puram, Sector 'I', New Delhi.
2. The Chief General Manager Telecom, U.P. East Circle, Lucknow.
3. Sri S.K. Mittal, Staff No. 08289, presently posted as Director Vigilance, Circle Office, Lucknow.
4. Sri R.M. Tewari, Staff No. 098298 posted as Telecom. District Manager, Etawah.

Respondents.

By Advocate : Sri Amit Sthalekar.

ORDER (ORAL)

RAFIQ UDDIN, MEMBER (J)

The applicant is directly appointed in the Indian Telecom services ( Group 'A' ) through the Union Public Service Commission ( UPSC in short ) has filed this O.A. for quashing of the order dated 8.5.97 (Annexure A-1) and order dated 13.5.97 (Annexure A-2) and further seeks directions to be issued to the respondents to consider the applicant for promotion to the higher post as Junior Administrative cadre

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Respondents.

By Advocate : Sri Amit Sthalekar.

O R D E R (ORAL)

RAFIQ UDDIN, MEMBER (J)

The applicant is directly appointed in the Indian Telecom services ( Group 'A' ) through the union public Service Commission ( UPSC in short ) has filed this O.A. for quashing of the order dated 8.5.97 (Annexure A-1) and order dated 13.5.97 (Annexure A-2) and further seeks directions to be issued to the respondents to consider the applicant for promotion to the higher post as Junior Administrative cadre

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and for restraining the respondents from giving any promotion in any capacity the respondent nos. 3 & 4 who are junior to the applicant and have been promoted with all consequential benefits.

2. The case of the applicant as disclosed in the O.A. is that the applicant, at present, is holding the post of Divisional Engineer in the Senior Time Scale. According to the applicant, in the seniority list of Divisional Engineers Telecom, his name was figured at sl. no. 8279, while the name of the respondent nos. 3 & 4 were figured at sl.nos. 8284 and 8298. Thus, the applicant is eligible to be considered for promotion in the cadre of Junior Administrative cadre. A Departmental Promotion Committee (DPC in short) was held on 31.12.96 for considering the cases of promotion of eligible candidates. The applicant was apprehensive of the fact that his case will not be considered by the DPC due to punishment awarded to him, which was stayed by this Tribunal vide interim order passed in O.A. no. 511/96 filed by the applicant and, therefore, he submitted a representation dated 20.12.96. The applicant came to know about the respondent nos. 3 & 4 having been promoted on ad hoc basis vide impugned orders dated 8.5.97 and 13.5.97 (Annexure A-1 & A-2 respectively). The applicant again submitted a representation dated 14.5.97 stating that the respondent nos. 3 & 4 being junior to the applicant, are not entitled for promotion even on ad hoc basis.

3. We have heard the learned counsel for the parties and have perused the pleadings on record.

3. It has been contended by the learned counsel for the respondents that the applicant has not legally eligible to be promoted because the penalty was imposed on him, who had filed O.A. no. 511/96 before this Tribunal against the order of penalty and the same was stayed by this

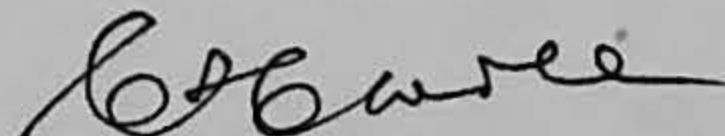
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Tribunal. It is, however, admitted to the respondents that the applicant was considered and will be considered for promotion on ad hoc basis before any junior is considered and promoted after getting the vigilance clearance.

5. It is not disputed that the applicant is senior and is eligible to be considered for promotion to the next higher post. We find force in the contention of the learned counsel for the applicant at the time of DPC, there was no departmental proceedings against him because the same was stayed by this Tribunal. The punishment order also stands quashed today vide separate order passed in O.A. no. 511/96.

6. Considering the facts and circumstances of the case, we direct the respondents to consider the case of the applicant for promotion to the next higher post by holding a review DPC within a period of three months from the date of communication of this order.

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

  
MEMBER (A)

  
MEMBER (J)

GIRISH/-