

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

Registration T.A. No. 1008 of 1986
(O.S. 352 of 1984)

Iqbal Hussain

...

...

Plaintiff
Petitioner

Versus

Union of India
and others

...

...

... Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

Feeling disparate from his non promotion to the post of Telephone Operator, the applicant who was Lineman ultimately knocked the door of the Civil Court by filing a suit for declaration in which he has prayed that he may be declared that he is entitled to be promoted to the post of Telephone Operator from the date his juniors were promoted from the post of Lineman retrospectively with all benefits attached to that post inclusive of salary and allowances.

1. The applicant was appointed as Lineman on 23.3.1963 in Telephone Exchange on permanent post. He appeared in the departmental examination for the promotion to the post of Telephone Operator in the year 1967 and according to him, he passed in the examination and even then he was directed to present himself at the office of the Divisional Engineers in the year 1968, for the test of the Additional Qualification. As per direction, the applicant appeared in the said test. The applicant was again directed by the S.D.O. Telegraphs

Contd ..2p/-

Allahabad on 16.10.1968 to obtain a certificate of fitness from the Medical Officer P & T Dispensary Allahabad. The applicant submitted the certificate of physical fitness to the P.M.G. Office, Lucknow. Despite the completion of these formalities by the applicant, the charge was not given to him though, the charge of telephone operator was given to the other candidates of his batch, and without any communication to him that he was found unfit in the selection. After serving notice on the respondents he filed a suit. The respondents have refuted the claim of the applicant and have stated in their written statement that the applicant was confirmed only in the year 1978 and he did appear in the examination for the telephone operation but in the examination, he did not qualify and that is why he was not promoted as Telephone Operator. No explanation has been given as to why he was required to appear in the Additional Test and he was medically examined again. According to the respondents it was in anticipation of his being selected for the promotion, and consequently he was not promoted because he was not appeared in the Additional Test. The counsel for the applicant stated that last 25 years have been passed but the applicant has not been promoted. There appears to be no reason why further opportunity had not been given to him to appear in the test after having so much experience with the applicant. We direct the ^{Respondents} applicant to give him one more opportunity to appear in the test. The application is otherwise dismissed with the above observations without any order as to costs.

thirgs
Member (A)
Dated 25.2.1992

R.n.u.)

LL
Vice-Chairman