

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

T.A.No.516 of 1987.

Tarkeshwar Prasad SinhaApplicant.

Versus

Secretary Ministry of Telecommunication, Govt. of India
& others.....Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, A.M.

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

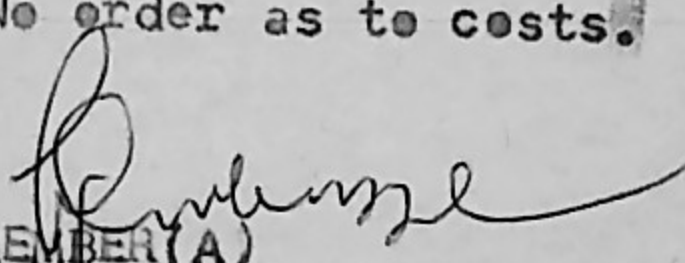
This is a transferred case under section 29 of the
Administrative Tribunal Act.

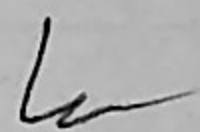
2. The applicant, who is said to have retired from service, filed a suit in the Court of Munsif, Gorakhpur praying that the applicant may be declared to have continued in Senior Supervisor Post from 11.5.81 till his retirement on 31.1.83 with all appending benefits of the post and in consequence automatically flowing out of the said declaration the respondents be directed to reimburse the applicant all dues including pensionary benefits.

3. The applicant, who started his service as an employee of the Telecom-Wing of P & T Department, was promoted to the cadre of Senior Supervisor on 6.8.76 and held that post till 31.3.77. He was again promoted to the said post on 1.3.79 but vide order dated 11.5.81, he was reverted to yield the Senior Supervisor post for promotion of a juniorman Shri Ram Surat Prasad who occupied a very low position in the seniority list. The position of the applicant in the gradation list was at Sl.No.84 whereas the position of Ram Surat Prasad was 170. The applicant made representation against the same but as he failed to get any relief, he ultimately filed a suit.

4. The respondents have opposed the application and filed their written statement in which it was stated that during his leave vacancy, the post of Senior Supervisor was managed on local and adhoc basis by promoting and posting of the next seniormost Junior Supervisor Shri N.B.Shahi as Senior Supervisor from 18.11.76 to 24.1.77 and the applicant was never promoted as Senior Supervisor during the period from 6.8.76 to 31.3.77 and he was promoted to the said post on temporary and adhoc basis after retirement of Shri N.B.Shahi and reverted to his substantive post w.e.f. 11.5.81 because of promoting Shri Ram Surat Prasad- the Senior Supervisory post. The order dated 28.4.81 from G.M.T.UP Lucknow reveals that actually eight Junior Supervisors of different stations were appointed as Senior Supervisors amongst which two were scheduled caste candidates. It was further submitted that the promotion to the Senior Supervisors Cadre is purely a subject of GMT. U.P.Circle Lucknow and local promotion on Divisional seniority does not confer upon the applicant any right for regular absorption in the cadre of Senior Supervisor. As such the applicant has no case for the said post and the pay and allowances for the period from 1.3.79 to 11.5.81 under which he worked as Senior Supervisor, were paid to the applicant. The promotion of Shri Ram Surat Prasad to the cadre of Senior Supervisor was made on the recommendation of Departmental Promotion Committee. It has nowhere been stated by the respondents as to whether the case of the applicant was also considered for the said post for the general community or not. In case, the applicant was senior, his case ought to have been considered for promotional post but the written statement is silent.

As the applicant has retired from service, his application could have been dismissed but in view of the fact that the case of the applicant has not been considered, we give only direction that the respondents will consider the case of the applicant within a period of three months and in case he was also a senior person within the eligibility criteria, they may consider the case of the applicant for promotional post on the basis of ACRs and in case it is found that he was entitled for the said promotion, he may be promoted notionally with effect from the date his junior was promoted. With these observations, the application is disposed of. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: SEPTEMBER 28, 1992.

(ug)