

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Original Application no.
Transfer Application no.

715/90

Date of Decision 25.9.96

Khurshid Ahmad Siddiqui & Petitioner
others

Sri N.K. Nair, Advocate for the
Petitioner

V E R S U S

Union of India & others Respondents.

Sri N.B. Singh, Advocate for the
Respondents.

C O R A M

Hon'ble Mr. R.K. Saxena J.M.

Hon'ble Mr. D.S. Banerjee A.M.

1. Whether Reporters of local papers may be allowed to see the judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordship wish to see the fair copy of the judgement ?
4. Whether to be circulated to all Bench ?

No

Saxena
SIGNATURE

PIYUSH/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Allahabad this the 25th day of Sept 1996

Coram: Hon'ble Dr. R.K.Saxena, J.M.
Hon'ble Mr. D.S.Baweja, A.M.

Original Application No.715 of 1990

1. Khursheed Ahmad Siddiqui S/o Sri Intizamuddin Siddiqui, r/o 88/178-B, Chamanganj, Kanpur.
2. Virendra Singh S/o Sri R.K.Singh R/o 18 Sadanand Nagar, Harjinder Nagar, Kanpur.

C/A: Sri N.K.NairApplicants

Versus

1. Union of India, through the Secretary, Ministry of Telecommunication, Govt. of India, Sanchar Bhawan, New Delhi.
2. Director General of Telecommunication, Department of TELECOM, Sanchar Bhawan, New Delhi.
3. General Manager, TELECOM DISTRICT KANPUR, Tax Building, Mall Road, Kanpur.
4. Deputy General Manager (Admn), Kanpur Telecom District, Westcott Building, Mall Road, Kanpur.

C/R: Sri N.B.SinghRespondents

ORDER

(Hon'ble Dr. R.K.Saxena, J.M.)

This O.A. has been filed by Khursheed Ahmad Siddiqui and Verendra Singh seeking the directions to the respondents to upgrade them in the pay scale of Rs. 1400-2600 of Senior Accountant u.e.f. 1-4-1987.

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2. Briefly stated facts of the case are :

That the applicants were initially appointed as Telecom accounts clerk (for short T.A.Cs.) in the offices of the Chief Accounts Officer, Telecom Accounts under the General Manager Telecom, U.P. Circle, Lucknow. On the creation of the office of the District Manager Telephones, Kanpur in the year 1970, 8 posts of T.A./Cs. were sanctioned for that office of Kanpur but those incumbents of 8 posts continued on the gradation list of T.A./cs. of U.P. Circle, Lucknow. Subsequently in May, 1979 office of the General Manager Telephone, Kanpur was set up and therefore some more staff was sent to Kanpur from General Manager Telephones, U.P. Circle, Lucknow. It appears that option for transfer to the office of General Manager Telephone, Kanpur was sought and these applicants were transferred to Kanpur in October, 1980.

It appears that in the year 1982 cadre structure took place and Telecom Accounts Clerk were made Lower Division Clerk, or Upper Division Clerks according to ^{the} strength of their service. Pre-revised of scale of L.D.C. was Rs. 260-400 and ^{of} U.D.C. was Rs. 330-560. The ratio of L.D.C. and U.D.C. was 2.5. Office of the General Manager Telephone, Kanpur was made independent circle in the year 1984 and thus the gradation list of Kanpur employees was separated.

The IVth Pay Commission report further brought changes in the structure of the employees. According to this report, 80% of the U.D.Cs. were to be made Senior Accountants in the revised pay scale of Rs. 1400-2600 and remaining 20% of U.D.C. were to be designated as Junior Accountants in the pay scale of Rs. 1200-2040. The scheme of re-structuring was implemented in Kanpur Circle in the year 1990 after several representations were allegedly made by the staff including the applicants. The contention of the applicants is that by introduction of the scheme of restructuring, the scales were to be upgraded but it was not done and the applicants were deprived of

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the benefits in the ~~sense~~^{that} they were not made senior accountants. It is further contended that since it was upgradation of the posts, there was no question of reservation to be adopted in its implementation. The applicants claimed to have agitated this point before the respondents but with no results. Hence this O.A. with relief indicated earlier.

The respondent filed counter-reply of one Sri M.C. Srivastava, Accounts-Officer. The main contentions of the respondents is that the applicants were not entitled for promotion because there was no vacancy. It is specified that there were 5 upgraded posts of Senior Accountants, one post was given to the Scheduled Caste category and one post for Scheduled Tribe category. It is denied if the rule of reservation had no application.

The applicants also filed rejoinder reiterating the facts which were given in the O.A.

We have heard the learned counsels for the parties and have perused the records.

The main question for decision in the case is whether the roster system was applicable in the scheme of restructuring the posts and if the applicants could be promoted. The ~~h~~^history of the creation of office of District Manager Telephones and thereafter the General Manager Telephones at Kanpur ~~is~~ only of historical value. It has no direct connection with the restructuring of the posts. Thus we are not interested in dwelling upon the past history of the creation of two offices at Kanpur.

It is an admitted fact to both parties that restructuring of accounts staff in organised accounts cadre was introduced and a letter dated 17-5-88 annexure A-1 was issued in this regard. This is a letter on the basis of which restructuring was done at all places. We have carefully gone through this letter. It gives the details of restructuring scheme. It speaks of a decision to place 80% of the

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posts of Junior Accountants including non-functional selection grade of Junior Accountants to the higher functional grades of Rs. 1400-2600 w.e.f. 1-4-1987. It is further mentioned that the posts in the higher functional grade of Rs. 1400-2600 will be designated as Senior Accountants and classified with Group C ^{posts of} non-gazetted ministerial. Para 5 of the letter provides that the promotion to the higher functional grade of Senior Accountants will be on the basis of seniority-cum-fitness. The constitution of D.P.C. for the purpose will be as indicated in the schedule attached to the draft recruitment rules. Para-6 deals with fixation of pay and para 10 deals with application of existing rule and order of the Government of India regarding reservation on promotion and maintenance of roster there for in respect of S.C. S.T. categories. It was specifically mentioned that the reservation quota would be applicable to the promotion to the higher grade of senior accountants. Para-11 of the scheme provides that the deployment of senior accountants would be made in such a way that they were relatively given more important charges depending on local condition. We have given the details of the scheme in order to arrive at the conclusion if the contention of ^{the} learned counsel for the applicants about upgradation of the posts is correct. What appears from the arguments on behalf of the applicants ^{is} ~~says~~ that the scheme should have been implemented in a manner that higher grade of scale was made admissible to every one. We are afraid it is not the intention of the scheme. It has been specifically laid down in the scheme that higher grade ^{is} ~~to~~ be given to the senior accountants on the basis of seniority-cum-fitness but upto 80% of the posts. It is, therefore, clear that there is no automatic upgradation of the posts. Para-10 of the order annexure A-1 is very clear on the point that the quota system of reservation shall be applicable. The respondents have come out with clear averments that there were 5 posts and of them one was given to S.C. category and the other to the S.T. category. It is further mentioned that no other vacancy was available and for that reason the applicants could not be promoted. In our opinion, there is nothing on record not to accept this version.

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In view of the facts as are discussed above,
we find that there is no merits in the O.A. which
is dismissed. No order as to costs.

[Signature]
MEMBER (A)

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MEMBER (J)

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