

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1732/1994

FRIDAY, THIS THE 10TH DAY OF MAY, 2002

HON'BLE MR. C.S. CHADHA .. MEMBER (A)

HON'BLE MR. A.K. BHATNAGAR .. MEMBER (J)

Kamla Prasad Singh,
S/o Sakal Narayan Singh,
Aged about 50 years,
R/o Village Pauni Pergana Kerakat,
Tehsil Kerakat, Dist. Jaunpur,
at present employed as Technical
Supervisor under General Manager, Telephone,
District Varanasi. ... Applicant

(By Advocate Shri S.P. Sinha)

versus

1. Union of India, through
the Secretary,
Government of India,
Ministry of Communication,
Department of Telecom,
New Delhi.
2. The Chief General Manager, Telecom-
munication, Lucknow.
3. The General Manager, Telephone,
District - Varanasi. ... Respondents

(By Advocate Shri A. Sthalekar)

ORDER - (ORAL)

Hon'ble Mr. C.S. Chadha, Member (A):

The case of the applicant is that he should have received promotion in the Grade of Rs.2000-3200/- by virtue of Circular dated 26.6.1991 (Annexure-4).

2. In their counter affidavit, the respondents have stated that the applicant was not found eligible for promotion by the D.P.C. and therefore, not promoted from

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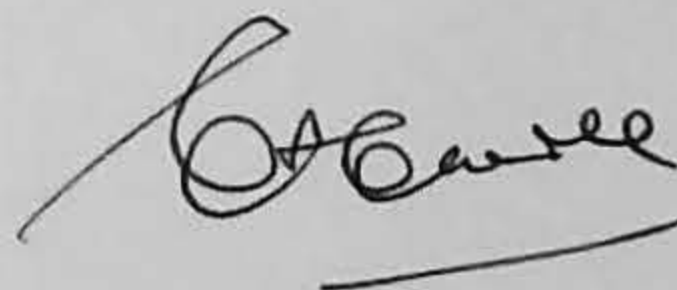
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the date mentioned in Para 'A' of the said circular. He was promoted in accordance with the recommendations of the Departmental Promotion Committee when found eligible i.e., from 15.9.1994.

3. The learned counsel for the applicant has stated that the scale ought to have been given automatically and it is not a matter of promotion. We cannot agree with this contention, because the said circular at Annexure-5 itself mentions in the last paragraph "These instructions may be brought to the notice of all concerned for compliance and personal attention may kindly be given for immediately holding of D.P.C. and furnishing of requisite details in the prescribed proforma to this Office." In effect, every such case had to go through a D.P.C. All that the circular did was that it enabled more people to be promoted because of stagnation. This was done after a biennial Cadre Review and the department felt that because of stagnation such persons should be promoted to the grade of Rs.2000-3200/-. It was never the intention of the department to promote them without any selection process.

4. The applicant in his O.A. has also alleged that his junior Ram Naresh Singh was promoted before him. This has however, been clarified by the respondents by stating that in D.P.C., when Shri Ram Naresh Singh was found fit, he was promoted. The learned counsel for the applicant has

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contended that the yardstick used by the D.P.C. should have been known to him. We are afraid that this is not *at le* all necessary. His case was put up to the D.P.C., he was found unfit and therefore, he was not promoted. We see no reason to interfere with the supersession of the applicant which was done strictly in accordance with the accepted norms and rules.

5. The O.A. is therefore rejected. No order as to costs. However, if the said benefit granted to him from 15.9.1994, has not already been ^{*paid to him Or*} ~~granted~~, the same should be done within one month of the order.

Atk
MEMBER (J)

Reshore
MEMBER (A)

psp.