

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

Original Application No. 621 of 1995

this the 16th day of May 2002.

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

Anirudh Singh, S/o Sri Ram Lal Singh, R/o 463/360-D/1,  
Sulem Sarai, Allahabad.

Applicant.

By Advocate : Sri R.S. Kushwaha.

versus.

1. Union of India through Ministry of Telecommunication,  
New Delhi.
2. The Director General, Department of Telecom., Sanchar  
Bhawan, New Delhi.
3. The Chief General Manager, Telecom. Department, U.P.  
Circle, Lucknow.
4. Telecom District Manager, Allahabad.

Respondents.

By Advocate : Sri Amit Sthalekar.

ORDER (ORAL)

BY HON'BLE MR. S. DAYAL, MEMBER (A)

This application has been filed for setting aside the orders dated 16.8.94 and 6.5.94 and directions to the respondents to treat the applicant on the promotional post w.e.f. 1.6.1974 on the post of 20% L.S.G. Clerk grade in the scale of Rs. 425-640 and w.e.f. 24.10.1990 on the post of 10% B.R.C. Scheme and against 10% post in the scale of Rs. 2000-3200 with arrears of salary on the promotional post.

*(Signature)*

2. The case of the applicant is that he was appointed on the post of Time Scale Clerk in the grade of Rs. 260-480/- and on 3.3.58 he was regularised, while one Mr. T.N. Chaturvedi was appointed as Time Scale Clerk on 25.9.57, his services were regularised in the year 1961. It is claimed that Sri T.N. Chaturvedi was promoted under 20% LSG Clerk Grade in the scale of Rs. 425-640 w.e.f. 1.6.1974, while the applicant was promoted only on 29.6.1983. He claims to be senior to S/Sri Ram Singh Verma, Brij Behari Lal, M.L. Gupta and T.N. Chaturvedi. The name of the applicant stands at sl. no. 313 in the gradation list, while others are sl. nos. 322, 327, 331 and 333 respectively in the same list. Since Sri T.N. Chaturvedi had been promoted under 20% LSG Clerk Grade in the pay-scale of Rs. 425-640/- on 1.6.1974, the other three persons filed O.A. no. 226/92 and 498/92 before the Lucknow Bench of the Tribunal and the said officials were allowed to be promoted under the directions of the Tribunal under 20% L.S.G. Clerk Grade w.e.f. 1.6.1974 and under B.C.R. Scheme against 10% in the scale of Rs. 2000-3200/- w.e.f. 24.10.90. The applicant filed a representation pursuant to the order of promotion dated 2.12.93 on 16.5.1994 but all in vain.

3. We have heard Sri Amit Sthalekar, learned counsel for the respondents, since none has appeared on behalf of the applicant today.

4. We find from the Supplementary Counter that the department of Telecom. had since accepted the principle laid down by the Principal Bench in the case of Smt. Santosh Kapur & Others by means of the judgment dated 7.7.92, which has been upheld by the Hon'ble Supreme Court by means of the judgment dated 9.9.93. The respondents have stated that the applicant is entitled to the benefit under <sup>the said</sup> L

dispensation.

5. The applicant alongwith his affidavit has filed a letter of A.G.M. Telecom (Admn.), Allahabad addressed to A.G.M. (Admn.), C.G.M.T. (East), U.P. Circle, Lucknow, in which the respondents have proposed to consider Sri Anirudh Singh for the benefit under 10% B.C.R. Scheme on notional basis w.e.f. 21.9.94 on the basis of the seniority of the applicant over Sri R.N. Srivastava, Thus, the applicant is entitled to be considered for promotion to the post of L.S.G. Clerk Grade against 20% quota and for promotion under B.C.R. Scheme in the scale of Rs.2000-3200 subsequent to the date on which his junior has been given the promotion.

6. The respondents are directed to consider the case of the applicant for promotion to L.S.G. Clerk Grade as well as under BCR Scheme in the light of the above facts within a period of three months from the date of receipt of copy of this order. The applicant shall be entitled for the financial benefit w.e.f. the date of filing of this O.A. He shall also be entitled to the benefit of seniority and the benefit consequent to determination of seniority <sup>with reference to</sup> on the basis of date of promotion of his junior to whom his case has been considered for promotion. No costs.

*D. Girish*  
MEMBER (J)

*S. S. S.*  
MEMBER (A)

GIRISH/-