

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 16TH DAY OF JULY, 2001

Original Application No.1145 of 1999

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

R.K.Sharma, S/o Shri B.P.Sharma
R/O 272, Gali Ghorian Chahbai,
Bareilly, presently working as
Chief Section Supervisor(TR)
Since 26.5.95 Bareilly in the office
of G.M.Telecom District Bareilly
C.T.O. Compound Bareilly.

Applicant

Along with OA 1146 of 1999

C.L.Sagar, S/o Late Sri gulab Rai
R/o 164/7, Civil Lines, Bareilly
Retired on 31.12.1994 from the post
of Chief Section Supervisor, O/o T.D.M
Bareilly(UP)

Applicant

With OA No. 1147 of 1999

Tula Ram (SC) Son of Late Sri Laxman Prasad
R/o C-533, Rajendra Nagar, bareilly
(U), presently working as a Chief
Section Supervisor since 25.9.95
in the office of General Manager,
Telecom District Bareilly CTO
compound, bareilly Cantt.

Applicant

(By Adv: Shri R.C.Pathak)

Versus

1. Union of India through the
Secretary, Ministry of Tele Communication,
Sanchar Bhawan, new Delhi.
2. The Director General
Telecommunication,
Telecommunication Directorate
Sanchar Bhawan, new Delhi.
3. The Chief General Manager,
Telecom circle U.P.(Eastern)
Lucknow'(UP)

:: 2 ::

4. The Chief General Manager
Telecom Circle, U.P.(Western)
Dehradun(UP)
5. The General Manager
Telecom. District Bareilly,
C.T.O compound Bareilly Cantt(UP)

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..Respondents

(By Adv: Shri Amit Sthalekar)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

In the above OAs questions of fact and law are similar and they can be decided by a common order, against which learned counsel for the parties have no objection.

Counter and Rejoinder affidavits have been exchanged between the parties and the cases are decided finally at the admission stage.

The applicants are serving in Telecommunication department as Chief Section Supervisors. It is submitted that two of the applicants one in OA No.1146/99 and another in OA No.1147/99 have retired. Applicants have approached this Tribunal for a direction to the respondents 3 and 4 to implement the judgement of Principal bench of this Tribunal and Hon'ble Supreme Court ^{and to} grant them promotion with consequential benefits since 24.10.1990. This controversy came up for consideration in this Bench in OA 833/96 which was resolved by the bench on 18.11.1998. A copy of the order has been filed as (Annexure 10 to the OA 1146/99). The Bench followed the judgement of the Principal Bench and judgement of Hon'ble Supreme Court

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:: 3 ::

in case of Smt. Santosh Kapoor Vs. Union of India and Others granted relief to the following effect.

"In the result, the OA is partly allowed. Respondents are directed to consider seniority of the applicant at Circle level, decide the representations by speaking order in view of the judgement of Principal bench, C.A.T OA New Delhi decided on 7.7.1992 in Smt. Santosh Kapoor Vs. union of India and Others. S.L.P against which was decided on 9.9.93, constitute Review Committee to assess the performance and determine suitability of the applicant in the B.C.R. Second Time Bound Scheme within a period of three months."

learned counsel for the applicant has submitted that the applicants are entitled for the same relief.

Shri Amit Sthalekar, learned counsel appearing for the respondents submitted that the similar controversy has already been decided in Smt. Santosh Kapoor's case which has been affirmed by Hon'ble Supreme Court, this OA may be decided on the same terms.

For the reasons stated above, this OA is partly allowed. The respondents are directed to consider seniority of the applicant and decide their representations by speaking order in view of the ^{*in case of*} judgement of Smt. Santosh Kapoor Vs. Union of India and Others given by the Principal bench of the CAT and the order dated 18.11.1998 passed by this bench in OA- 833/96 Siyaram guptrishi Vs Union of India and Others. The Respondents shall constitute Review Committee to assess the performance and determine suitability of the

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applicants in the B.C.R. ^{Second} Time Bound Scheme within
a period of three months from the date a copy of this
order is filed.

However, there will be no order as to costs.

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