

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 21st day of November 2001.

Original Application no. 1188 of 2000.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Administrative Member

1. Rajendra Kumar Bansal, S/o Late RS Bansal,
R/o 157 Kamla Nagar, Agra.
2. Bhagwan Das Verma, S/o Shri CL Verma,
R/o G-72 Kamla Nagar, Agra.
3. Jawahar Lal, S/o Moti Lal,
R/o 23/216 Vazirpura, Agra.

... Applicants

By Adv : Shri S. Kumar

Versus

1. Union of India, through Ministry of Telecommunication,
Department of Telecommunication, New Delhi.
2. Chief General Manager,
Department of Telecommunication,
Dehradun.
3. General Manager Telecom District,
Agra.

... Respondents

By Adv : Shri Amit Sthalekar

O R D E R

Hon'ble Mr. Justice RRK Trivedi, VC.

By this OA, under section 19 of the AT Act, 1985,
the applicants have challenged orders dated 30.12.99 and 1.2.2

.....2/-



(Ann. 11 and 12 to the OA respectively).

2. The facts in short giving rise to this OA are that the applicants were serving as clerk in Grade III. They were given promotion to Grade IV in pursuance of the order dated 13.12.1995. Subsequently, it was found that they were not eligible for promotion to Grade IV, Consequently the order was passed reverting the applicants alongwith many others. The aforesaid order was challenged before the Principal Bench of this Tribunal in O.A. 425 of 2000. The Principal Bench by order dated 2.6.2000 passed the following order :-

"In view of the above discussions, we are of the view that the action of the respondents in reverting the applicants by the impugned orders dated 12.2.2000 is not in order. Accordingly the impugned orders dated 30.12.99 and dated 12.2.2000 are hereby quashed. The order of the respondents dated 13.12.1997 shall continue to be operative.

The OA is accordingly allowed with the above directions. No order as to costs."

3. The respondents however passed the order dated 30.12.99 impugned in this O.A., reverting the applicants to Group III with pay protection under FR 31(a). This order was also challenged before the Principal Bench of this Tribunal in OA no. 425 of 2000 and the order was quashed, against which a Writ Petition was filed before Hon'ble Delhi High Court ^{with} ~~with~~ WP no. 7302 of 2000. The Writ Petition has been dismissed by order dated 18.8.2001. In ^{the} ultimate paragraph the Hon'ble Delhi High Court has held as under :-

"We accordingly find no merit in this petition which is dismissed and impugned Tribunal order is affirmed. It is hoped that petitioners

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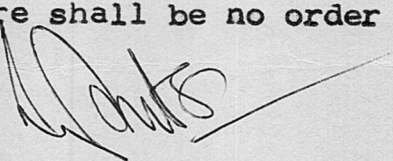
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would revive their first proposal to create supernumerary posts to make suitable administrative adjustments so as to allow respondents to retain their present position and status."

4. The aforesaid position was not disputed by the learned counsel for the respondents. In the circumstances in our opinion the applicants are also entitled for the same relief.

5. For the reasons stated above the impugned order dated 30.12.99 (Ann. 11) and order dated 1.2.2000 (Ann. 12) are quashed. The respondents shall create superannuity post and allow the applicants to continue with the present position and status until they retired. It is submitted that applicant no. 2 has already retired, he may be allowed benefit of this order while giving retirement benefits. The OA is decided accordingly.

6. There shall be no order as to costs.


Member-A


Vice-Chairman

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