

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 08th day fo March 2002

Original Application no. 1510 of 2000.

Hon'ble Mr. Justice R.R.K. Trivedi, VC
Hon'ble Maj Gen K.K. Srivastava, AM

Swami Dass, S/o Sri M. Ram,
R/o SW 63 Swami Bagh, Agra.

... Applicant

By Adv : Sri S. Kumar

V E R S U S

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

... Respondents

By Adv : Sri G. Prakash

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, VC

The applicant ~~has~~^{is} joined as Telephone Operator on 16.11.1965. He was given promotion on 31.10.1980 to Higher Selection Grade (Ann A-1). Under B.C.R. Scheme, the applicant was given adhoc promotion by order dated 01.01.1993 in Grade IV (Ann 2). The applicant has now approached this Tribunal challenging order dated 30.10.1999 by which it has been provided that those grade IV officials whose reversion were protected through creation of supernumerary posts vide order dated 13.2.1997 and who were otherwise ineligible for Gr. IV promotion in accordance with the procedure prescribed vide order dated 13.2.1995 may be reverted immediately with pay protection under the provision of FR 31 A. The ...2/-


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additional pay may be treated ^{personal} to them and this should be adjusted in their future increments. It is not disputed that after the aforesaid general order no specific order reverting the applicant has been ^{reverted on} ~~filed~~ by the applicant. Learned counsel for the applicant, however, submitted that this controversy has been considered by this Tribunal in O.A. no. 1188 of 2000 and by order dated 21.11.2001, the order dated 30.12.1999 and 01.02.2000 were quashed. The order also provided that the applicant in that case shall be allowed to continue in the present status until retirement. This Tribunal passed the order on the basis of the judgment of Principal Bench dated 2.6.2000, passed in OA no. 425/2000 which has been quoted in the order. Learned counsel for the applicant has submitted that the applicant is entitled for the relief as he has serious apprehension that the order ^{reverting him may be a} ~~has been~~ passed against him.

2. Sri G. Prakash, learned counsel for the respondents on the other hand submitted that the applicant may be given liberty to place the judgment of Principal Bench as well as of this Tribunal before the respondents and request them not to pass the order.

3. We have considered the submissions of learned counsel for the parties. However, as the impugned order dated 30.12.1999 has already been quashed by this Bench as well as by the Principal Bench which is the main order, We do not see any reason why the interest of the applicant may not be protected in the present case also. More ^{over} ~~over~~ when no reply has been filed by the respondents, pointing out any

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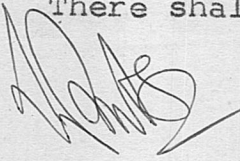


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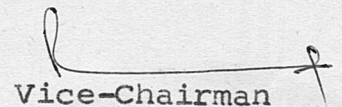
change in the situation after the judgment of Principal Bench & of this Tribunal.

4. For the reasons stated above this OA is allowed. The impugned order dated 30.12.1999 and 01.02.2000 are quashed. The respondents may create a superannuary post and allow the applicant to continue in the present position until he retires.

5. There shall be no order as to costs.



Member (A)



Vice-Chairman

/pc/