

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD

M.A. No. 3741/2002

Dy. No. 3756/02 - O.A. No. 1182 of 2002

Allahabad this the 19th day of September, 2002

Hon'ble Maj. Gen. K.K. Srivastava, A.M.
Hon'ble Mr. A.K. Bhatnagar, J.M.

1. Indradew Kardan, aged about 65 years,
S/o Late Shri Gyasi Ram, House No. 1164,
Old Cantt. Sadar Bazar, Mathura.
2. Om Prakash Singh, aged about 69 years,
Son of Late Shri Sundar Lal,
Resident of 2859, Arya Nagar,
Hathras.
3. Giri Raj Kishore Jain, aged about
66 years, Son of late Shri Chokhelal,
Resident of House No. 527, Peepal Wali
Gali, Naya Ganj, Hathras.
4. Nahar Singh, aged about 68 years,
Son of Late Shri Narain Singh,
Resident of 2251-B, Behind Head
Post Office, Madhugarhi, Hathras.
5. Itwari Lal, aged about 63 years,
Son of Late Shri Prasadi Lal,
Resident of Trivedi Nagar, Hathras.
6. Radhe Shyam, aged about 62 years,
Son of Late Shri Karan Singh,
Resident of village & Post- Ladpur,
Hathras.

- Applicants.

Counsel for the applicant - Shri Rakesh Verma.

Versus

1. Union of India through the
Secretary, Ministry of Telecommunications,
New Delhi.
2. The Chief General Manager,
Telecommunications, U.P. West
Circle, Dehradun.

- Respondents.

Counsel for the respondent - Shri R.C. Joshi.

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ORDER (ORAL)

By Hon'ble Maj. Gen. K.K. Srivastava, A.M.

In this OA, filed under Section 19 of the A.T. Act, 1985, the applicants have prayed that respondent No.2 be directed to promote the applicants under B.C.R. scheme against 10% post in the pay scale of Rs.2000-3200 with effect from the date when their juniors have been promoted alongwith all consequential benefit attached thereto.

2. Shri Rakesh Verma, learned counsel for the applicant invited our attention to para 4.viii and para 4.ix wherein the details of the seniority list in respect of applicants as well as others who already stand promoted has been given. On perusal of order dated 11.1.94 passed by Chief General Manager Telecom, U.P.Circle, Lucknow, we find that the applicants are senior to number of persons who have already been promoted under 10% B.C.R. scheme in the pay scale of Rs.2000-3200. The applicants are presently working under Chief General Manager Telecommunication, erstwhile U.P.West Circle, Dehradun now Uttaranchal Circle because of the creation of Uttaranchal State. A similar controversy has been decided by this Tribunal by order dated 25-1-2002 passed in OA No.1212/94. This Tribunal passed the following order :-

"We have considered the submissions of the learned counsel for the parties and in our opinion, the view taken by the respondents for denying the promotion to the applicants

Contd....3.



under BCR scheme is wholly illegal and contrary to the orders passed by the Principal Bench and Lucknow Bench of this Tribunal. The benefit under B.C.R. scheme has to be given to the strength of 10% in service once satisfying certain conditions provided therein."

3. The above judgement squarely covers the case of the applicants. The applicants filed a representation before respondent No.2 on 27.2.2002. The representation so filed has not been decided so far.

4. The O.A. is finally disposed of with the direction to the respondent No.2 to consider the representation of the applicant in the light of judgement of Principal Bench, Lucknow Bench and this Bench of Tribunal. The applicants are given liberty to file a detailed representation annexing the relevant judgements passed by different Benches of this Tribunal alongwith this order within four weeks. The representation so filed by the applicants shall be decided by the respondent No.2 within three months from the date of receipt by a reasoned and speaking order.

5. There shall be no order as to costs.


J.M.


A.M.

RKM