

(4)

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**AHMEDABAD BENCH**

C.P.No. 107/97

in

**O.A.NO. 443/89**  
**TxxNo.**

DATE OF DECISION 5.2.1999

Shri M.V. Patel Petitioner

Mr. M.S. Trivedi, Advocate for the Petitioner [s]  
 Versus

Uion of India & Ors. Respondents

Mr. Asim Pandya Advocate for the Respondent [s]

**CORAM**

The Hon'ble Mr. V. Ramakrishnan, Vice Chairman.

The Hon'ble Mr. P.C. Kannan, Judicial Member.

**JUDGMENT**

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lerdships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

(3)

Shri.M.V.Patel  
Working as U.D.C.,  
Office of CGM., Telecom.,  
Khanpur,  
Ahmedabad. .... Applicant

( Advocate : Mr.Trivedi)

Versus

1. Union of India, Through,  
Shri Sunilkumar or  
His Successor,  
The Secretary,  
Dept. Of Telecommunication,  
Sanchar Bhavan,  
New Delhi.
2. Shri S.K.Gupta,  
Chief General Manager;  
Office of CGM,  
Telecom Circle, Kanpur,  
Ahmedabad. .... Respondents

( Advocate : Mr.Asim Pandya)

C.P.No.107/97  
In  
O.A.No.443/89

Date : 5.2.1999.

Per: Hon'ble Mr. V.Ramakrishnan, Vice Chairman.

We have heard Mr. Trivedi for the complainant and Mr. Asim Pandya for the respondents.

152

2. The Tribunal while disposing of O.A.443/89 had directed the Department that subject to availability of vacancy in the level of UDC/Jr.Accountant to restore him to the level of Jr.Accountants/UDC from the date of his reversion as LDC subsequent to 15.7.88 and give him all consequential benefits including arrears of pay and allowance and also count his adhoc service with effect from 27.4.88 as UDC/Jr.Accountant for the purpose of further promotion as laid down by the circular. It is now seen from the reply affidavit that the applicant has been awarded the arrears of pay and allowance for the period from June 1989 till 28<sup>th</sup> July 1992 when he was regularly promoted as UDC/Jr.Accountant. It is also averred in the reply affidavit that the adhoc service of the petitioner rendered in the level of UDC/Jr.Accountant with effect from 21.4.88 is being considered for the purpose of further promotion. Mr. Pandya and Mr. Trivedi now confirm that the applicant in fact been promoted to~~s~~ the next higher level as Sr.Accountant in 1997. Mr.Trivedi however says that the direction of the Tribunal was to consider the adhoc service from 27.4.88 as also qualifying service for the purpose of eligibility for promotion to the post of Sr.Accountant in terms of the relevant instructions. While the applicant had no doubt got his promotion as Sr.Accountant from 1997, it is possible that there might have been vacancies earlier against which he could have been considered and if found fit could have been promoted. Mr.Trivedi however is not able to show that any junior to the complainant has <sup>been</sup> given promotion as Sr.Accountant prior to 1997 but submits that if the applicant is eligible and if there are vacancies he had a right to be so considered.

3. We find from the reply affidavit that while promoting the applicant as Sr.Accountant from 1997 they have taken into account the adhoc service

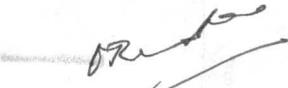
(1) (2)

from 27.4.88 onwards. However, if there was any vacancy prior to 1997 from a date subsequent to the date on which the complainant became eligible for being considered for promotion as Sr.Accountant, it is open to the complainant to submit a representation giving such details and if he does so, the Department may consider and dispose of the same.

4. Subject to the above observation the contempt petition is disposed of and the alleged contemners are discharged.



(P.C.Kannan)  
Member(J)



(V.Ramakrishnan)  
Vice Chairman.

Vtc.