

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
AHMEDABAD BENCH

**O.A.NO.** 707/93

**T.A.NO.**

DATE OF DECISION 24.8.98

Shri Ishwarchand Tawani Petitioner

Shri M.D.Rana Advocate for the Petitioner [s]

Versus

Union of India & Ors. Respondent

Mrs.P.Safaya Advocate for the Respondent [s]

**CORAM**

The Hon'ble Mr. V.Radhakrishnan : Member(A)

The Hon'ble Mr. P.C.Kannan : Member(J)

**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 Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

Shri Ishwarchand Tawani  
Serving as TES Class I,  
Group A, Divisional Engineer in  
Telecommunication Department,  
Residing at Block D-1,  
Quarter No.5,  
Doorsanchar Colony,  
Ghod Dod Road, Surat,  
District: Surat.  
(Advocate: Mr.M.D.Rana)

: Applicant

Versus

1. Union of India  
Notice to be served through the  
Chairman, Posts & Telegraphs Deptt.  
Daktar Bhavan, Parliament Street,  
New Delhi.
2. Assistant Director General (SGT)  
Telecom.  
Daktar Bhavan,  
Parliament Street,  
New Delhi (Posts & Telegraph Deptt.)
3. Chief General Manager,  
Telecom, Gujarat Telecom Circle,  
Khanpur,  
Ahmedabad.

: Respondents

(Advocate: Mrs.P.Safaya)

ORDER

O.A.707/93

Date: 24.8.98

Per: Hon'ble Mr.V.Radhakrishnan : Member(A)

Heard Mr.M.D.Rana and Mrs.P.Safya, learned counsels  
for the applicant and the respondents respectively.

The applicant has approached this Tribunal praying  
for the following reliefs:-

- la*
- " (A) The respondents may be directed to  
promote the petitioner to the post of  
TES Gr.B Class II with retrospective  
effect by granting him the deemed date  
of seniority by refixing his seniority  
and refixation in the pay and allowances

which should not be less than that of his next junior with back wages in pursuance of the direction given by the Hon'ble Benches of the Tribunal taking the base of the Allahabad High Court which was ultimately confirmed by the Supreme Court, and pay him the arrears with backwages.

(B)The respondents may be directed to follow the principle laid down by the Benches granting the benefit of enblock promotion to those employees who have passed the qualifying cum competitive examination and have been declared successful before the employees who subsequently clear the examination.

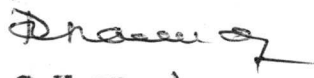
(C)The respondents may be further directed to consider his case for promotion to the post of TES Class I consequent upon the refixation of inter-seniority and notional promotion with retrospective effect in TES Class B which has been directed to make by the Tribunal and to refix his pay and allowance which should not be less than that of his next junior. His pay and allowances may also be refixed by counting his total services as officiating period with regular promotion to TES Class I. As he was required to be promoted before he was regularly promoted on 24th Sept., 1984.

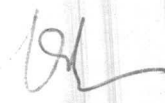
(D)The respondents may be further directed to consider his case for further promotion to junior Administrative Grade A as consequential benefit of refixation of seniority and notional promotion with retrospective effect in TES Gr.B and TES Group A cadre by counting officiating and regular service in TES Group A as his juniors have been given adhoc promotion to Junior Administrative Grade A."

" The applicant declares that he has not filed any other application either in the Hon'ble either in this Hon'ble Court or any other Benches of the Tribunal."

After discussion at the bar, Mr.Rana points out that the applicant had given a representation to the respondents on 5.3.92 to refix his seniority with retrospective effect and consequent promotion to TES Group 'B', which the respondents have so far not considered and replied to. The respondents are hereby directed to consider ~~and decide the~~ said representation of the applicant by a speaking order, which is one of the alternative remedy as prayed for, within a period of three months from the date of receipt of a copy of this order. In case the decision goes against the applicant, the applicant shall have liberty to challenge the same as per law.

With the above observations and directions,  
O.A. stands disposed of. No costs.

  
(P.C.Kannan)  
Member(J)

  
(V.Radhakrishnan)  
Member(A)