

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION 637 OF 1998  
Cuttack this the 13th day of April, 1999

Bhubaneswar Behera

Applicant(s)

-Versus-

Union of India & Others

Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? *Yes.*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *NO.*

*G. Narasimham*  
(G.NARASIMHAM)  
MEMBER(JUDICIAL)

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN  
*13.4.99*

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 637 OF 1998  
Cuttack this the 13th day of April, 1999

CORAM:

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI G.NARASIMHAM, MEMBER(JUDICIAL)  
...

Bhubaneswar Behera, aged about  
49 years, S/o. Trilochan Behera,  
At/Po: Titalagarh, Dist; Bolangir,  
at present working as Sub-Inspector  
Office Sitting, At; Telephone Exchange,  
PO: Saintal, Dist: Bolangir

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Applicant

By the Advocates : M/s.S.N. Biswal  
S.N.Sahoo

-Versus-

1. Union of India represented through  
Chief General Manager, Telecom,  
Orissa Circle, At/PO: Bhubaneswar  
Dist: Khurda
2. Telecom District Engineer,  
At/PO/Dist: Balangir
3. Junior Telecom Engineer,  
At/Po/Dist: Bolangir

...

Respondents

By the Advocates : Mr.S.B.Jena,  
Addl.Standing Counsel  
(Central)

...

*S. Som.*

ORDER

MR. SOMNATH SOM, VICE-CHAIRMAN: In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for a direction to respondents to quash order dated 18.9.1998 at Annexure-3 rejecting his request for forgoing promotion ~~for~~ for the post of Phone Mechanic. The second prayer is to allow him to do his duty ~~in~~ <sup>in the</sup> present parent cadre of S.I.(O) at Saintal.

2. <sup>Som</sup> According to applicant, he is working as Sub-Inspector at Saintala. In order dated 15.5.1998 he was promoted to the post of Phone Mechanic in the scale of Rs.3200-4900/- and posted at Saintala. After receiving order dated 15.5.1998, the applicant made a representation for forgoing his promotion due to his personal difficulties, but the same has been rejected in order dated 17.8.1998 at Annexure-3. The applicant's case is that respondents, without following the rules and regulations regarding refusal of promotion have unjustly rejected his prayer for forgoing promotion and that is why he has come up in this application with the prayers referred to earlier.

3. The respondents in their counter have stated that the applicant has been working as Sub-Inspector(Officiating) with effect from 11.1.1988. Consequent upon introduction of promotional cadre of Phone Mechanic in the scale of Rs.3200-4900/- after restructuring of Deptt. of Telecommunications, the applicant exercised his option for being promoted to the post of Phone Mechanic and was sent for training. After training he became eligible for promotion and accordingly

he was promoted and posted as Phone Mechanic, Saintala. and subsequently after bifurcation of Bolangir Telecom District into two Districts, viz., Bolangir and Kalahandi Mayurbhanj, he has been transferred from Saintala to Langigarh. It is submitted by the learned Addl. Standing Counsel Shri S.B.Jena that in pursuance of this order the applicant has already joined at Langigarh and therefore, the application has become infructuous. In this Original Application the petitioner has not prayed for any relief with regard to his transfer. His prayer is only confined to rejection of his prayer for forgoing promotion. In this case we find from the counter filed by the respondents that originally the applicant gave his option for promotion to the post of Phone Mechanic and according to his option being exercised, he was sent for training. Having exercised option once for promotion, obviously the respondents having acted upon thereon accordingly by sending the applicant for necessary training, the applicant is estopped at this stage for forgoing his promotion, more so when the department, presumably have spent some time and money in his training. In consideration of the above, we find nothing wrong in the order dated 17.8.1998 at Annexure-3 passed by the respondents rejecting his prayer for forgoing promotion. The Original Application is, therefore, held to be without any merit and the same is rejected, but without any order as to costs.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

B.K. SAHOO

Somnath Som  
(SOMNATH SOM)  
VICE-CHAIRMAN 18.8.99