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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

O.A. 505 OF 2000 WITH MA 78/02 & MA 902/03

Present : **Hon'ble Mr. B.N.Som, Vice-Chairman**
Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman

Surendra Kumar Sahoo,
S/o Mohini Mohan Sahoo,
Electrician, Telecom, Elec. Sub-Division,
Bhubaneswar

VS

1. Bharat Sanchar Nigam Ltd.
Through the Director of Telecommunication,
Sanchar Bhawan, New Delhi
 2. Chief Commercial Manager, Telecom.
B.S.N.L. Orissa Circle,
Bhubaneswar, Khurda
 3. Superintending Engineer (Elec.)
Telecom, Electrical Circle,
Bhubaneswar, 92, Saheed Nagar,
Bhubaneswar, Khurda
 4. Executive Engineer, Telecom (Elec.)
Bhubaneswar, Doorsanchar Bhawan,
Saheed Nagar, Bhubaneswar
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5. Sri S.B.Dalbehera,
Wireman, O/o Asst. Engineer (Elec.)
Telecom, Electrical Sub-division,
Berhampur, Dist. Ganjam

For the applicant : Mr. S.K.Pattnaik, Counsel
Mr. U.C.Mohanty, Counsel

For the respondents : Mr. S.B.Jena, Counsel
Mr. P.K.Padhi, counsel
Mr. P.K.Panda, Counsel
Mr. D.K.Nayak, counsel

Heard on : 4.2.04 : Order on : 4.2..04

ORDER

Per Justice B.Panigrahi, VC

Heard Id. Counsel for the applicant and the Id. Counsel appearing for the respondents.

2. In this case, the applicant is claimed to have been appointed as Assistant Wireman under the Executive Engineer, P & T (Electrical) Division, Calcutta-II w.e.f. 1.3.79. While in service he acquired Supervisor's Certificate of Competency granted by the Electrical Inspector to Govt. of Orissa and Secretary, Electrical Licensing Board, Orissa. The applicant thereafter was promoted as Wireman on 18.1.82. For further promotion from Wireman to Electrician, as per extant recruitment rules, 75% posts were to be filled by direct recruitment and 25% by promotion. The applicant's grievance is that even though he was eligible to be promoted

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as Electrician as per quota, he was ignored by the authorities and some other persons were promoted. Therefore, being aggrieved by such action of the respondents, he has filed this case. He has prayed for promotion w.e.f. 16.8.96 and also for fixation of his seniority on such promotion.

3. It appears that the applicant has since been given promotion by the respondents to the post of Electrician w.e.f. 9.9.97. In this background, the question that arises for our consideration is from which date he should be given seniority. In other words, whether he should be given seniority from the date he claims, i.e., from 16.8.97, or from 9.9.97 i.e. the date from when he was given promotion when a vacancy within the quota was available.. In our considered opinion this will depend on the availability of vacancy within the quota.

4. In any event, we are of the opinion that at this stage, we should not go into the question of determination of his seniority. The applicant will be free to make appropriate representation before the appropriate authority as regards his seniority and if such representation is made, the authorities shall consider the same as per rules and fix his seniority according to the availability of vacancy within the quota for promotion and pass appropriate orders. If the applicant still feels aggrieved by such decision of the

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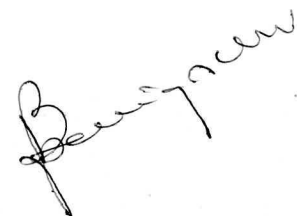
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authorities, he will be at liberty to approach appropriate forum for redressal of his grievance if so advised.

5. With the above observation, the application is disposed of. The connected MAs are also disposed of. No costs.


(B.N.SOM)
VICE CHAIRMAN


(B.PANIGRAHI)
VICE-CHAIRMAN

jrc