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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR.

Date of Order : 29.03.01

ORIGINAL APPLICATION NO. 122/1998.

Heera Lal Shakya son of Shri Duli Chandji, aged about 51 years, resident of K-117, HUDCO quarters Pratapnagar, Jodhpur, at present employed on the post of Senior Technical Supervisor (HG) in Group PABX/PCM in the Office of S D O Phones (Basni), Jodhpur.

...APPLICANT.

VERSUS

1. The Union of India through Secretary to Government of India, Ministry of Communication, Department of Telecom, Sanchar Bhawan, New Delhi.
2. General Manager Telecom District, Kamla Nehru Nagar, P and T Colony Jodhpur.

... RESPONDENTS.

Mr. J. K. Kaushik, counsel for the applicant.
None present for the respondents.

CORAM

Hon'ble Mr. A. K. Misra, Judl. Member.
Hon'ble Mr. Gopal Singh, Administrative Member.

ORDER

(per Hon'ble Mr. Gopal Singh)

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant Heera Lal Shakya filed this application, praying for declaring illegal respondents order dated 24.11.1997 (Annexure A-1), rejecting the claim of the applicant for promotion under 10% quota of Gr IV BCR Scheme and for a direction to the respondents to consider the

Gopal Singh

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case of the applicant for promotion to the post of Chief Telephone Supervisor against 10% quota of Gr IV BCR Scheme as per Rules in force with all consequential benefits.

2. Applicant's case is that he was initially appointed to the post of Technician on 15.09.1972 at Udaipur. He earned his further promotions and got one time bound promotion on 26.08.1992 and further promoted under BCR Scheme w.e.f. 20.08.1993.

3. under BCR scheme 10% of the posts are to be of Chief Telephone Supervisor in the pay scale of Rs. 2000-3200 and these posts are required to be filled up by promotion as per seniority ^{by} following roster reservations. It is the contention of the applicant that he was eligible for promotion under 10% quota of BCR Scheme, however, some of his juniors had been promoted as Chief Telephone Supervisor in the pay scale of Rs. 2000-3200 ignoring his claim. Hence this application.



4. Notices were issued to the respondents and they have denied the case of the applicant.

5. We have heard the learned counsel for the parties and perused the records of the case carefully.

6. The question of reservation in promotion to Gr IV in the pay scale of Rs. 2000-3200 against 10% post in BCR Scheme was under consideration before the Ahmedabad Bench of Central Administrative Tribunal vide O.A. No. 623/1996 with M.A. No. 660/1999. The said O.A. was decided on 11.04.1997 and it was held

Upadhyay

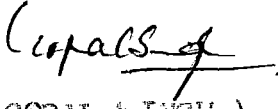
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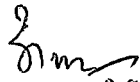


by the Ahmedabad Bench that Reservation Roster will not apply in this case. Accordingly, the respondent's department issued instructions to the lower formations to follow these orders of the Ahmedabad Bench for any promotion to Gr IV w.e.f. 11.04.1997. In this application some of the juniors to the applicant had been given promotion to Gr IV in the pay Scale of Rs. 2000-3200 after the cut-off date of 11.04.1997. The applicant belongs to reserved category and is claiming promotion to the Gr IV on the basis of roster reservation. We are of the view that the applicant cannot be promoted to Gr IV, in view of the orders dated 11.04.1997 in O.A. No. 623/1996^{passed} by the Ahmedabad Bench of the Central Administrative Tribunal.

7. In the light of above discussion, we do not find any merit in this application and the same deserves to be dismissed.

8. The O.A. is accordingly dismissed, with no order as to costs.


(GOPAL SINGH)
Admn. Member


29/3/2001
(A. K. MISRA)
Judl. Member

Part II and III destroyed
in my presence on 2-6-20
under the supervision of
section officer (1) as per
order dated 19-12-20

Section officer (Record)

R/Com
on 16

Revised

17/11/20