

I/10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

.....
Date of Order : 23.05.2003.

O.A. NO. 292/2001

Bhag Chand Joshi S/o Shri Ram Pal Joshi, aged about 47 years, resident of 3 & 4, Adhi Nath Colony, Karimgarm Road, Gulabpura, District Bhilwara, at present employed on the post of JTO (Out Door), Telephone Exchange, Bhilwara.

.....Applicant.

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Communication, Department of Telecom, Sanchar Bhawan, New Delhi.
2. Member Telecom Commission, Govt. of India, Ministry of Communication, Department of Telecom, Sanchar Bhawan, New Delhi.
3. Chief General Manager Telecom, Rajasthan Circle, Jaipur.
4. Chief General Manager Telecom, QA Circle, No. 61, Cockburn, Bangalore - 560 051.

.....Respondents.

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CORAM :

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman
Hon'ble Mr. G.C. Srivastava, Administrative Member

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Mr. B. Khan, counsel for the applicant.

Mr. B.L. Bishnoi, Advocate Brief Holder for

Mr. Vijay Bishnoi, counsel for the respondents.

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ORDER

[PER MR. JUSTICE G.L. GUPTA]

The applicant was initially appointed as Technician on 5.12.1978. On passing requisite departmental examination, he was promoted as Repeater Station Assistant. After passing the J.E. competitive examination, he was promoted on the post of J.T.O. on 3.10.1993. Thereafter, vide communication dated 26.4.2000 (Annex.A/1), the applicant was promoted to the post of



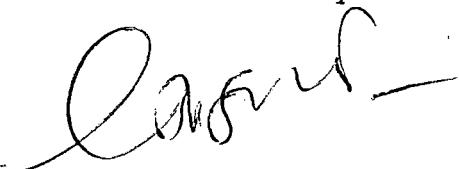
Telecommunication Engineering Group 'B' (TES Group 'B'). The posting order was issued on 5.6.2000 (Annex.A/2) by respondent No. 4, but, before the applicant was relieved to join the new post, he was served with a Chargesheet under Rule 14 of the CCS (CCA) Rules, vide Memorandum dated 8.6.2000, and hence, he was not relieved. He made detailed representation on 16.6.2000 to the respondent No. 2 to relieve him to join the promotional post, but, the representation was not replied and verbally, the applicant was informed that he was not entitled to promotion in view of the O.M. dated 14.9.1992.

2. The say of the applicant is that since he had already been granted promotion and till the date, the promotion orders were issued, no disciplinary proceedings were pending against him, he ought to have been relieved for joining the promotional post.

3. In the counter, the respondents' case is that in the promotion order Annexure A/1, it was specifically mentioned that if, disciplinary proceedings were pending/initiated against the official after the issuance of the promotion orders, he would not be relieved and hence, the respondents have not rightly relieved the applicant to join the promotional post.

4. We have heard the learned counsel for the parties and perused the documents placed on record.

5. The learned counsel for the applicant pointed out that the applicant had filed a representation on 16.6.2000 (Annex.A/4) against his non-relieving to join the promotional post, and the same is still pending. He submitted that for the present, his client will be satisfied if a direction is given to the respondents to consider and dispose of the representation of the applicant. He pointed out that identical controversy had arisen in cases of O.A. No. 103 and 104 of



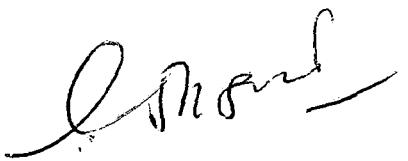
2001 - D.C. Jain and V.K. Agarwal versus Union of India and others decided on 7.9.2001. He stated that if the respondent authorities are directed to dispose of the representation of the applicant Annexure A/4, they may consider the same keeping in view the decision rendered in the O.As of D.C. Jain and V.K. Agarwal.

6. In view of the submissions made by the learned counsel for the applicant, we do not think it necessary to go into the merits of the case and think it appropriate to direct the respondents to consider and dispose of the representation of the applicant Annexure A/4, within a fixed time limit.

7. Consequently, the respondents, particularly the respondent No. 3, is directed to consider and dispose of the representation of the applicant Annexure A/4, within a period of two months from the date of communication of this order. A speaking order be passed and the applicant be informed about the same. The O.A. stands disposed of accordingly.

8. No order as to cost.


[G.C. Srivastava]
Administrative Member


[G.L. Gupta]
Vice Chairman

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jrm

*Part II and III
destroyed
in my presence on 30.7.08
under the supervision of
Section Officer (1) as per
order dated 30.7.08*

*Part II and III
destroyed
in my presence on 30.7.08
under the supervision of
Section Officer (1) as per
order dated 30.7.08*

Part II and III destroyed
in my presence on 30.7.08
under the supervision of
Section Officer (1) as per
order dated 30.7.08

Signature
Section Officer (Record)