

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

.....

O.A. No. 457 of 1993.

Tuesday this the 8th day of August, 1995.

CORAM:

HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR. P. SURYAPRAKASAM, JUDICIAL MEMBER

D. Philip (Lecturer RTTC),
Divisional Engineer SBP)
O/o the Telecom Divisional
Manager, Kollam.

: Applicant

(By Advocate Shri Sasidharan Champazhanthiyil)

Vs.

1. Telecom Commission, represented
by its Chairman,
Sanchar Bhavan, New Delhi.
2. Review Departmental Promotion
Committee for TES Group 'B' Officer,
Telecom Commission,
Sanchar Bhavan represented by its
Chairman, New Delhi.

3. Union of India represented by its
Secretary in the Ministry of
Communications, New Delhi.

: Respondents

(By Advocate Shri Varghese P. Thomas, ACGSC)

The application having been heard on the 8th day of August,
1995, the Tribunal on the same day delivered the following:

O R D E R

P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant contends that he had filed O.A. 1648/91
seeking promotion with effect from a date prior to the date of
promotion of the juniors. Applicant states that this prayer
was allowed by the Tribunal in OA-1648/91 (A-9) He challenges
the seniority list A-5 and contends that his name should find
a place in A-5 immediately above staff No. 3274. He prays
for consequential benefits also. According to applicant,

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though he got these benefits from the Tribunal in OA-1648/91, the respondents have not implemented the directions of the Tribunal.

2. Respondents have stated that:

" The Department was hitherto assigning seniority as provided for in Rule 206 of P&T Manual, Volume IV in the higher cadre of TES Group 'B'. This was challenged by a number of JTOs before the different Benches of this Hon'ble Tribunal on the plea that the provisions contained in Rule 206 of the P&T Manual Volume IV stipulated, assignment of seniority on the basis of passing of qualifying examination in the lower cadre of JTO itself making them eligible for earlier promotion. The contention raised in the original applications were upheld by the various Benches of the Tribunal and also by the Hon'ble Supreme Court."

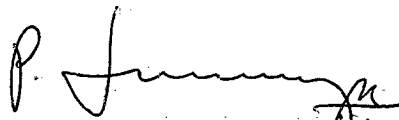
Respondents state that following this, the seniority was revised. Respondents contend that applicant could not have been included in the A-5 seniority list since he was not promoted along with other juniors and that there is no violation of Rule 206.

3. We notice that applicant bases his claim on the findings of the Tribunal in OA-1648/91. It is common ground that this was taken up on appeal to the Supreme Court. Learned counsel for applicant submits that the Supreme Court upheld the decision of the Tribunal in OA-1648/91 except to the extent that the direction regarding the arrears of pay and allowances was modified. Be that as it may, the position which emerges is that the order which

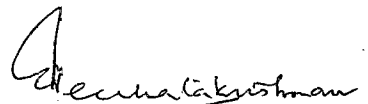
now governs the field is the order of the Supreme Court. The contention of the applicant in effect amounts to a contention that the order of the Supreme Court has not been obeyed by the respondents. That being the case, we do not see our way to grant the reliefs prayed for in this application and applicant has to seek his remedies, if any, elsewhere.

4. Application is accordingly dismissed. No costs.

Tuesday this the 8th day of August, 1995.



P. SURYAPRAKASAM
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

rv 10/8

List of Annexures

Annexure A5 : True copy of Order No.16-5-92-STG.II dated 22.9.92 issued on behalf of 1st respondent.

Annexure A9 : True copy of the judgement of this Hon'ble Tribunal in OA-1648/91 dated 28.5.92.