

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 128/98

Tuesday, this the 31st day of July, 2001.

CORAM :

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE SHRI T.N.T. NAYAR, ADMINISTRATIVE MEMBER

A. Subbalakshmy,
Senior Section Supervisor,
Planning Section,
Office of the General Manager, Telecom,
Palghat. ... Applicant

(By Advocate Mr. Shafik M.A.)

Vs

1. General manager,
Telecom,
Palghat - 678001.
2. Assistant General Manager, (Staff Section),
O/o the General Manager, Telecom,
Thiruvananthapuram.
3. Chief General Manager,
Telecom,
Thiruvananthapuram.
4. V. Kesavan,
Chief Section Supervisor (Officiating),
O/o the General manager, Telecom,
Palakkad. ... Respondents

(By Mr. Sunil Jose, ACGSC(R 1-3)
Mr. T.C. Govindaswamy, R-4)

The application having been heard on 31.7.2001, the Tribunal on the same day delivered the following :

O R D E R

HON'BLE SHRI A.V. HARIDASAN, VICE CHAIRMAN

The applicant, Senior Section Supervisor in the office of the General Manager, Telecom, Palghat since retired on 30.9.2000 filed this application. Consequent on the restructuring of cadre, the applicant opted to go to the restructured cadre of Senior Telecom Office Assistant (TOA). As per the decision dated 16.6.97 Annexure R-1(a), promotion to the Grade IV was to be given to the persons opted to the

restructured cadre only after their junior non optee is given promotion. In this case the 4th respondent, the junior non optee to the applicant was given promotion as Grade IV w.e.f. 11.4.97 but the applicant was not given. Therefore the applicant has filed this application for a direction to respondents 1 and 2 to promote the applicant as Chief Section Supervisor(Grade IV) on a regular basis with effect from 1.5.1996 with all consequential benefits including arrears of pay and allowances.

2. The official respondents contended that the applicant's claim is not sustainable because she on her transfer from Calicut SSA to Palghat SSA became junior to the 4th respondent. When the application come up for hearing, the learned counsel on either side stated that as no vacancy arose after promoting the 4th respondent till the retirement of the applicant and therefore the applicant could not be promoted. In the conspectus of facts the applicant could not have been promoted. The applicant therefore does not have any legitimate grievance.

3. In view of the facts and circumstance of the case, the application is dismissed leaving the parties to bear their own costs.

Dated the 31st July, 2001.



T.N.T. NAYAR,
ADMINISTRATIVE MEMBER



A.V. HARIDASAN,
VICE CHAIRMAN

oph

List of Annexures referred in the order :

Annexure R-1(a): True copy of the order No.27-4/87-TE-II(Pt.) dated 16.6.97 from DOT, New Delhi.