

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 185/97

MONDAY, THIS THE 3RD DAY OF FEBRUARY, 1997.

C O R A M:

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

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

P.K. Narayanan
Sub Divisional Engineer Phones
External (Retired)
Panampilly Nagar, Ernakulam,
Cochin-692 016.

..Applicant

By Advocate Mr. G. Sasidharan Chempazhanthiyil

Vs.

1. Chief General Manager Telecom,
Kerala Circle,
Thiruvananthapuram.

2. Director General,
Telecom Department,
New Delhi.

..Respondents

By Advocate Mr. T.P.M. Ibrahim Khan, SCGSC

The application having been heard on 3.2.97, the Tribunal
on the same day delivered the following:

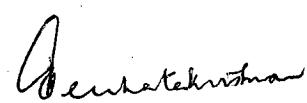
O R D E R

A.V. HARIDASAN, VICE CHAIRMAN

The applicant who retired on superannuation as Assistant
Engineer (Telecom) on 30.6.94, is aggrieved by the fact that
respondents while undertaking a general revision of the seniority
in the Telecom Engineering Service Group-B pursuant to a decision
of the Tribunal and the Supreme Court, did not consider his case
and give promotion to him w.e.f. the date he was entitled namely,
the date on which the persons who passed the departmental
qualifying examination later than him were appointed to TES
Group-B despite a representation made by him claiming that
benefit and therefore, he has filed this application for a
declaration that he is entitled to be promoted to TES Group-B
w.e.f. the date on which the junior was promoted and to be
granted the consequential benefits.

2. Shri T.P.M. Ibrahim Khan, Senior Central Government Standing Counsel appearing on behalf of the respondents submits that the applicant may not at this stage be eligible to raise this claim because he has made his representation only on 29.7.95 one year after the date of his retirement. The seniority list was revised not in June 1994 but in November, 1994. Therefore, the applicant has made the representation within a few months after the revised seniority list was issued. It cannot therefore be held that the applicant is guilty of delay and laches. It is therefore, necessary that the respondents should examine the case of the applicant put forth in his representation Annexure A3 made on 29.7.95. Accordingly, we dispose of the application with a direction to the respondents to consider the representation submitted by the applicant and take a proper decision in the matter. If on such consideration the respondents find that the applicant is entitled to ante-dated promotion, he would be eligible for proforma fixation of pay and revision of pension. The benefit of proforma promotion and refixation of pension and pensionary benefits shall be made by the respondents and the monetary benefits flowing therefrom shall be made available to the applicant within a period of four months from the date of receipt of this order. It is made clear that applicant will not be entitled to any arrears of pay and allowance even if his claim for ante-dated promotion is allowed by the respondents. In any case, a speaking order on the representation shall be communicated to the applicant within the said period of 4 months. No costs.

Dated the 3rd February, 1997.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

LIST OF ANNEXURE

1. Annexure A3: True copy of the representation dated 29.7.1995 sent to the 2nd respondent.

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