

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 230 of 1996.

Tuesday this the 5th day of November 1997.

CORAM:

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

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

G. Narayanan Namboothiri,  
Section Supervisor, Office of the  
General Manager, Telecom, Kozhikode. .. Applicant  
(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. The General Manager, Telecom, Calicut.
2. The Chief General Manager, Telecom,  
Kerala Circle, Trivandrum.
3. Union of India represented by  
Secretary, Ministry of Communications,  
New Delhi. .. Respondents

(By Advocate Shri James Kurien)

The application having been heard on 4th November 1997, the  
Tribunal on the same day delivered the following:

ORDER

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

Applicant who has since retired as Section Supervisor  
in the office of the General Manager, Telecom, Kozhikode is  
aggrieved by A-5 orders dated 20.9.95 by which his representa-  
tion dated 7.3.95 (A-4) was rejected. The applicant had  
represented against his junior being promoted as Chief Section  
Supervisor overlooking his legitimate claim. By the impugned  
letter A-5 respondents stated that the promotion to Chief  
Section Supervisor is considered on seniority-cum-fitness basis  
subject to obtaining minimum Bench Mark which is "Good" except  
for SC/ST candidates where it is on seniority-cum-fitness basis.  
Applicant does not belong to SC/ST. Applicant also challenges

the A-6 instructions by which the minimum Bench Mark of "Good" was prescribed. We called for the proceedings of the DPC and find that the applicant was not selected because he did not have the minimum Bench Mark of "Good" in his Confidential Reports.

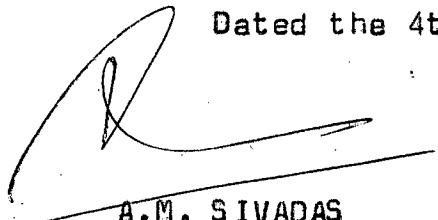
2. At the time of hearing learned counsel for applicant submitted that after the original application has been filed the respondents have issued instructions dated 17.5.96 in which they have directed that all the promotions to Grade IV against 10% posts in the BCR Scheme be reviewed and regulated in terms of the orders dated 13.12.95 and 10.5.96. The orders dated 13.12.95 states that promotion to the Grade IV (10%) may be given on the basis of seniority in the basic grade and promotions would be subject to fitness which should be determined by the DPC as usual. He further submits that what was stated in A-6 viz., ~~that seniority-cum-fitness was subject to obtaining the minimum Bench Mark of "Good" except for SC/ST candidates where the criterion is seniority-cum-fitness is now changed to seniority-cum-fitness basis for all persons~~ and therefore, rejection of the claim of the applicant for promotion on the basis that he did not have the Bench Mark of "Good" is not in accordance with the revised instructions.

3. Since the respondents themselves have issued instructions dated 17.5.96 that all promotions made since the inception of the scheme are to be reviewed and regulated in terms of the orders dated 31.12.95 and 10.5.96, we consider that the applicant may approach the respondents for the relief sought. Applicant may submit a representation to the first respondent particularly referring to the orders dated 17.5.96, 13.12.95 and 10.5.96, within three months. If such a representation is made the first respondent shall

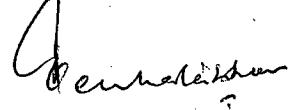
consider it and pass appropriate orders in the light of the instructions mentioned above within two months from the date of receipt of the representation.

4. Application is disposed of as aforesaid. No costs.

Dated the 4th November, 1997.



A.M. SIVADAS  
JUDICIAL MEMBER



P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

rv

LIST OF ANNEXURES

1. Annexure A4: Representation dated 7.3.1995 submitted by applicant to the 2nd respondent.
2. Annexure A5: Order No.5QS-5250/52 dated 26.9.1995 issued by Assistant General Manager(Administration) for General Manager, Telecom, Calicut to the applicant.
3. Annexure A6: Letter No.DOT No.1-21/92 NCG Dated 6-11-1992 issued by Department of Telecom.

• • • •