

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ORIGINAL APPLICATION NO:350/2009.
DATED THE 4th DAY OF JUNE, 2009.**

CORAM:

**HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER
HON'BLE Ms K NOORJEHAN, ADMINISTRATIVE MEMBER**

P K Anthrayose,
Divisional Engineer(Telecommunications),
Bharat Sanchar Nigam Ltd,(BSNL), Kothamangalam,
Permanent Address:Chirakkal,
Pambadi P.O., Kottayam District. ... Applicant

By Advocate Mr T C G Swamy

V/s.

- 1 The Chairman-cum-Managing Director,
Bharat Sanchar Nigam Ltd, New Delhi.
- 2 The Chief General Manager, Telecommunications,
Bharat Sanchar Nigam Ltd, Kerala Circle,
Trivandrum. ... Respondents

By Advocate Mr T C Krishna

This Original Application having been heard on 04.06.2009 the Tribunal on the same day:delivered the following

(ORDER)

HON'BLE Mr GEORGE PARACKEN, JUDICIAL MEMBER

- 1 In this OA, the applicant alleged that the respondents have arbitrarily denied him promotion on par with his junior Shri K T John and claimed promotion to the cadre of Executive (STS) in scale Rs.14500-350-18700 with effect from 16.7.2003 and to the IDA scale of pay of Rs.16400-400-20800 with effect from 31.7.2008.



2 The applicant had earlier approached this Tribunal and obtained an order in relation to the question of transfer on promotion as seen from the judgment of Hon'ble High Court in Writ Petition No.20147 of 2004 dated 27.9.2007, a copy of which has been filed by applicant as Annexure A-1. A copy of the aforesaid order of this Tribunal is not placed on record. The High Court directed the respondents to consider applicant's claim w.e.f. due date that would inure to him on account of any promotions granted overlooking his legitimate entitlements. According to the applicant, by the Annexure A-3 order dated 24.12.2008, he was assigned the revised seniority and promoted vide Annexure A-4 order dated 9.1.2009 to officiate in the grade of Executives (STS) (purely on temporary and adhoc basis) as per directions of Hon'ble High Court. The contention of the applicant is that he came to know later on that some of his juniors got the benefit of the scale of Rs.14500-350-18700 w.e.f. 16.7.2003 itself and the upgraded scale of Rs 16400-400-20800 with effect from 31.7.2008. He made the Annexure A-9 representation to the Chief General Manager, Telecom, Trivandrum on 22.1.2009 to consider his case and grant him ad hoc promotion w.e.f. 16.7.2003 as his juniors were given promotion to Executive (STS). Thereafter, he has made Annexure A-10 representation to the Chairman & Managing Director, BSNL, New Delhi for the same benefit. The applicant has submitted that he has not been given any reply to the aforesaid representation.

3 In view of the above facts and circumstances, we are of the considered opinion that this OA can be disposed of without waiting for a reply from respondents by directing the first respondent to look into the case of the applicant and to consider his aforesaid representations and pass speaking order under intimation to him within two months from the date of receipt of copy of this order. The respondents shall ensure that the representation is disposed of

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within the aforesaid period taking note of the fact that the applicant is due to retire on superannuation w.e.f. 30.9.2009. With the aforesaid direction, the OA is disposed of. There shall be no orders as to costs.


K NOORJEHAN
ADMINISTRATIVE MEMBER


GEORGE PARACKEN
JUDICIAL MEMBER

abp