

GENERAL ADMIRAL'S INVESTIGATIVE TRIBUNAL

LUCKNOW BRANCH

O.A.No.975/92 with 342/91, 343/91, 767/93, 328/92,  
493/92, 808/93, 11/94, 208/94, 203/94, 565/94, 704/94,  
9/96.

Lucknow this the 12 the day of March 2001.

HON'BLE SMT. LAKSHMI S. MALLINATH, VICE CHAIRMAN (J).  
HON'BLE MR. A.K. MISHRA, MEMBER (A).

1. O.A.No.75/92.

Brij Lohan, aged about 46 years,  
son of Sri. Narayan Lal, resident of,  
IV/110 Pilecot Colony Sector-2,  
Aliganj, Lucknow.

.... Applicant.

By Advocate Shri. N.V. Jaiswal.

Versus.

Union of India,  
Secretary of Government of India,  
Ministry of Tele-Communication,  
New Delhi.

2. Director General,  
Tele Communications,  
Union Of India, Sanchar Bhawan,  
New Delhi.

3. Assistant Director General (S24),  
Tele Communications,  
Union Of India, Sanchar Bhawan,  
New Delhi.

4. Chief General Manager,  
Tele Communication, U.P. Circle,  
Lucknow.

5. Pawanand Lal, aged about 47 years,  
son of Late Phoolan Lal,  
Assistant General Manager (A.G.),  
Office of Chief General Manager U.P.C.,  
New Delhi.

.... Respondent.

(By Advocate Shri. N.V. Chaturvedi.)

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2. O.A. 342/91

Rajendra Kumar Singh, aged about 30 years, son of Shri. Anad Bahadur Singh, resident, of M.I.G. 171/A Phase-I, Tikait Rai, L.D.A., Colony, Lucknow.

.... Applicant.

(By Advocate-None Present)

Versus.

Union Of India, through the Secretary to, Government of India, Ministry of Telecommunication, Dak Bhawan, New Delhi.

2. Director General, Telecommunication, Government of India, Dak Bhawan, New Delhi.

3. Chief General Manager, Telecommunication, U.P. Circle, Lucknow.

4. General Manager, Telecommunication, U.P. Circle, Lucknow.

5. Sri. P.C. Ojha, A.E. Nallanagar Telephone Nigam, Ltd. New Delhi.

.... Respondents.

( By Advocate Shri A.K. Chaturvedi )

3. O.A. No. 343/91.

K.L. Srivastava, aged about 42 years, son of Shri. Babulal Srivastava, resident, of 551 Cha/189 Net Kere, Alambagh, Lucknow.

.... Applicant.

(By Advocate-None Present.)

Versus.

Union Of India, through the Secretary to, Government of India, Ministry of Telecommunication, Dak Bhawan, New Delhi.

2. Director General, Telecommunication, Government of India, Dak Bhawan, New Delhi.

3. Chief General Manager, Telecommunication,  
U.P. Circle, Lucknow.

4. General Manager, Telecommunication,  
U.P. Circle, Lucknow.

5. Sri. P.C. Ojha, A.E. Mahanagar Telephone Nigam Ltd.  
New Delhi.

.... Respondents.

( By Advocate Sri. A.K. Chaturvedi )

4. O.A. No. 767/93.

1. Jag n Behari Verma aged about 55 years,  
S/o Late Sri. K.B. Verma R/o Triveni Nagar,  
Sitapur Road, Lucknow.

2. B.K. Mullick aged about 46 years,  
S/o Late Sri. P.C. Mullick R/o Sood Building,  
Subhash Nagar, Bareilly.

3. Ramesh Chandra Srivastava aged about 48 years,  
S/o Sri. Raghunath Prasad Srivastava,  
R/o D-196 Avas Vikas Colony, Suraj Kund,  
Corakhpur.

.... Applicants.

( By Advocate Sri. Vinod Kumar )

Versus.

Union Of India through Secretary,  
Communication, Sanchar Bhawan, New Delhi.

2. Director General, Telecommunication,  
Sanchar Bhawan, New Delhi.

3. Chief General Manager, Telecommunication,  
U.P. Circle, Lucknow.

.... Respondents.

( By Advocate Sri. A.K. Chaturvedi.)

5. O.A. No. 328/92.

Chirju Nath Singh aged about 33 years,  
son of Sri. R.S. Singh resident of A-2,

Y2

Sector 'B' Aliaganj Lucknow working as,  
Sr. A.E. Microwave Project (Offg. D.E.T. Planing,  
and Coordination) G/o G.M. Project A-2 Sector,  
'B' Aliaganj, Lucknow.

2. Ashfaq Husain aged about 36 years,  
son of Late Sri. Zawar Husain resident,  
of 11/135 Gwalloli Ranpur 283001, working,  
as Sr. A.E. Offg. D.E.T. Telecommunication project u  
under C.M. Project A-2 Sector 'B' Aliaganj,  
Lucknow.

3. R.D. Ojha aged about 34 years,  
son of Sri. Pandit Ganesh Ojha resident of,  
172/87-K Maya Lalkuan Arinabad Lucknow,  
working as Senior Assistant Engineer planning,  
and Coordination G/o G.M. Project Lucknow,  
A-2 Sector 'B' Aliaganj, Lucknow.

4. A.V.S. Chauhan aged about 31 years,  
son of Late Sri. N.S. Chauhan resident,  
of 152, Maya Sardari Khera Alambagh Lucknow,  
working as Assistant Director Telecommunication,  
G/o C.C.M.T. U.P. Circle, Lucknow.

5. C.L. Dhusia aged about 49 years,  
son of Late Sri. Hari Chasan, resident of,  
76, Saudagar Mohal Sadar Bazar Cantt,  
Lucknow working as Sr. A.E. Acceptance ,  
Testing B-1 Mahanagar, Lucknow.

6. Prasidh Narayan aged about 52 years,  
son of Sri. Sampati Prasad resident of,  
104/2 Mughal Pura Faizabad under C.C.I.O.,  
U.P. Circle Hazarotganj, Lucknow.

7. S.P. Agnihotri aged about 53 years,  
son of Late Sri. Balak Ram Agnihotri,  
resident of C-2 Sector-G Aliaganj Lucknow,  
working as S.O.O. Phones Mahanagar, Lucknow.

8. S.P. Gupta aged about 50 years,  
son of Sri. Ganesh Prasad Gupta resident of,  
Senior Assistant Engineer Installation G/o Director,

Transmission Nizala Nager Lucknow,  
Local Address:- Sector 'D' P & T Colony,  
Allaganj Lucknow.

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.... Applicants.

( By Advocate - None present )

Versus.

The Union of India through Secretary,  
Ministry of Telecommunication, Sanchar Bhawan,  
New Delhi-110001.

2. Chairman, Telecommunications Commission,  
Sanchar Bhawan, New Delhi-110001.

3. Director General, Department of  
Telecommunications Sanchar Bhawan,  
New Delhi-110001.

.... Respondents.

( By Advocate Sri. A.K. Chaturvedi.)

6. O.A. No. 493/92.

Dyare Lal Singh aged about 50 years,  
S/o Late Sri. S.B. Singh R/o 53 Palleon,  
Colony, Sector-D, Allaganj, Lucknow.

2. Sunder Singh aged about 50 years,  
S/o Late Sri. Suraj Lal R/o 531/82 C,  
Bara Chandganj, Lucknow.

3. Radhey Shyam Pande aged about 40 years,  
S/o Sri. Ramanand Pande R/o N.I.G. 158,  
Shastrinagar, Gorakhpur.

.... Applicants.

( By Advocate Sri. Vinod Kumar )

Versus.

Union Of India through Secretary,  
Communication, Sanchar Bhawan, New Delhi.

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2. Director General, Telecommunication,  
Sancha r Bhawan, New Delhi.

3. Chief General Manager, Telecommunication,  
U.P. Circle, Lucknow.

.... Respondents.

( By Advocate Sri. A.K. Chaturvadi )

7. O.A. No. 108/93.

Ratan Lal aged about 43 years,  
S/o Sri. Chunni Lal R/o A-226,  
Trans Yamuna Colony, Agra.

.... Applicant.

( By Advocate Sri. Vinod Kumar )

Versus.

Union Of India through Secretary,  
Communication, Sancha r Bhawan,  
New Delhi.

2. Director General, Telecommunication,  
U.P. Circle, Lucknow.

3. Chief General Manager, Telecommunication,  
U.P. Circle, Lucknow.

.... Respondents.

( By Advocate Sri. A.K. Chaturvadi )

8. O.A. No. 11/94.

Mahendra Lal Agrawal, aged about 41 years,  
S/o Late Sri. Hazari Lal Agrawal R/o A-19/31,  
Sanjai Apartment Cotton Hill, Chauka Ghat,  
Varanasi.

.... Applicant.

( By Advocate Sri. Vinod Kumar )

Versus.

Union of India through Secretary,

Communication, Sanchar Bhawan, New Delhi.

2. Director General, Telecommunication U.P., Circle, Lucknow.

3. Chief General Manager, Telecommunication, U.P. Circle, Lucknow.

.... Respondents.

( By Advocate Sri. A.K. Chaturvedi )

9. O.A. No. 208/94.

B.S. Bhandari aged about 48 years,  
S/o Late Sri. N.S. Bhandari, R/o,  
Q.N.6, Telephone Exchange Building,  
Chopla, Bareily.

.... Applicant.

( By Advocate Sri. Vinod Kumar )

Versus.

Union of India through Secretary,  
Communication, Sanchar Bhawan,  
New Delhi.

2. Director General, Telecommunication U.P., Circle, Lucknow.

3. Chief General Manager, Telecommunication, U.P., Circle, Lucknow.

.... Respondents.

( By Advocate Sri. A.K. Chaturvedi )

10. O.A. No. 543/94.

Prakesh Chandra Rastogi, aged about 34 years,  
S/o Sri. Shiv Dayal Prasad Rastogi R/o C-3392,  
Rajajipuram, Lucknow.

2. Ram Chandra aged about 49 years, S/o Sri. Binda  
Prasad R/o K 94/3 Pandey Tola, Aliganj, Lucknow.

.... Applicants.

( By Advocate Sri. Vinod Kumar )

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Versus.

Union Of India through Secretary Communication,  
Govt. of India, Sanchar Bhawan, New Delhi.

2. Chairman, Department of Telecommunication,  
Sanchar Bhawan, New Delhi.

3. Chief General Manager, Telecom. U.P. Circle,  
Lucknow.

4. General Manager Telecom., Telephone Distt. Lucknow.

.... Respondents.

(By Advocate Sri. A.K. Chaturvedi )

11, O.A. No. 565/94.

Brij Mohan, aged about 48 years,  
S/o Sri. N. Lal, R/o 4/110 Telecom Colony,  
Sector D, Aliganj, Lucknow.

.... Applicant.

( By Advocate Sri. N.N. Jaiswal )

Versus.

Union of India through Secretary to,  
Government of India, Ministry of,  
Telecommunication, New Delhi.

2. Telecom Commission through its Chairman,  
New Delhi.

3. Director General, Telecommunications,  
Union of India, Sanchar Bhawan,  
New Delhi.

4. Assistant Director General (STG),  
Telecommunications, Union of India,  
Sanchar Bhawan, New Delhi.

5. Chief General Manager, Telecommunication,  
U.P. Circle, Lucknow.

.... Respondents.

( By Advocate Sri. A.K. Chaturvedi )

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12. O.A. No. 704/94.

Shashi Bhushan,  
aged about 34 years,  
son of Sri. G.P. Srivastava,  
resident of 19/279,  
Sector - 19, Indira Nagar,  
Lucknow, presently posted,  
as Junior Telecom Officer,  
( TAX ), Office of  
Chief General Manager,  
Telecom, U.P. Circle,  
Lucknow.

2. Sumeri Lal,  
aged about 46 years,  
son of Sri. Parmeshwar Din,  
presently posted as,  
J.T.O. ( Telegraphs ),  
Lucknow.

3. Kashi Nath Ram,  
aged about 44 years,  
son of Sri. Sukhaandan,  
Ram, presently posted,  
as J.T.O. ( Phones ),  
Ballia, U.P.

4. Prabhat Kumar Misra,  
aged about 36 years,  
son of Late Sri. Ram,  
Krishna Misra,  
presently posted as,  
J.T.O. ( Equipment -  
Planning ), office of,  
General Manager, Telecom,  
District - Kanpur.

5. Mahesh Prasad Gupta,  
son of Sri. Chandra Pal,  
Presently posted as,  
J.T.O., Carrier & Voice,  
Frequency Telegraphy,  
Maintenance, Lucknow.

6. C.P. Singh,  
aged about 34 years,  
son of Sri. Indra Pal,  
Singh, presently posted,  
as J.T.O. ( Cut Door )

Kaiser Bagh, Lucknow.

7. Ram Murti Verma,  
aged about 34 years,  
son of Sri Raj Karan,  
Verma, presently posted,  
as J.T.O., Central Telegraph,  
Store ( C.T.S. ) Talkatora,  
Lucknow.

8. Onkar Nath Upadhyaya,  
aged about 43 years,  
son of Sri. Harish Dutt,  
Upadhyaya, presently posted  
as J.T.O. ( Telegraphs ),  
Telephone Exchange,  
Rudrapur, Nainital.

9. Krishna Gopal,  
aged about 34 years,  
son of Sri. Ram Kumar,  
Geel, presently posted  
as J.T.O. ( External ),  
West, Muzaffarnagar.

10. Rudal Singh,  
aged about 38 years,  
son of Sri. Kamta Singh,  
presently posted as,  
J.T.O., Acceptance,  
Testing ( A/T ),  
Lucknow.

11. Hasan Rashid,  
aged about 32 years,  
son of Sri. Mohd. Rasheed,  
presently posted as,  
J.T.O. ( Electrical ),  
Kaiserbagh, Lucknow.

12. Ram Kishore Pandey,  
son of Sri. Ram Anuj Pandey,  
presently posted as ,  
J.T.O. , Microwave Maintenance,  
Faizabad.

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13. Kamta Prasad Shukla,  
aged about 33 years,  
son of Sri. Ram Dutta Shukla,  
presently posted as,  
J.T.O. ( Cross - Bare  
Multiplexing ) Telephone,  
Exchange, Meerut.

14. Shambhu Nath Sinha,  
aged about 45 years,  
son of Late Sir Rama,  
Shanker Sinha, presently ,  
posted as J.T.O. , Coaxial,  
Maintenance, Lucknow.

15. Ajai Kumar Garg,  
aged about 34 years,  
son of Sri. Ishwar Dayal  
Garg, presently posted  
as J.T.O., in the office,  
of sub Divisional Engineer,  
( S.D.E. ) - I, Meerut.

16. Mohd. Naeem Khan,  
aged about 43 years,  
son of Late Sri. Mohd.,  
Saleem Khan, Presently,  
posted as J.T.O. ( Out-  
Door ), Farrukhabad.

17. Sunil Kumar Misra,  
son of Sri. G.P. Misra,  
presently posted as,  
J.T.O., Microwave,  
Maintenance, Lucknow.

18. Achal Kumar Chaturvadi,  
aged about 35 years,  
son of Sri. B.F. Chaturvadi,  
presently posted as,  
J.T.O. ( Phones ),  
Shastri Nagar, Meerut.

19. Bimal Prasad,  
aged about 42 years,  
son of Sri. Atar Singh,  
presently posted as,  
J.T.O., Co-Axial,  
Maintenance, Muzaffarnagar.

20. Prabhat Kumar Sharma,  
aged about 36 years,  
son of Late Sri. Bhairon,  
Prasad, presently posted  
as J.T.O., Carrier Maintenance,  
Group ( C N G ), Lucknow.

21. Mathu Ram,  
aged about 35 years,  
son of Sri. Jiua Lal,  
Pal, presently posted as  
J.T.O. Co-Axial Maintenance,  
Lucknow.

22. Syadir Ahmad,  
aged about 46 years,  
son of Sri. Gulam Jilani,  
presently posted as,  
J.T.O. , Pulse Code,  
Modulation ( PCM ),  
Out Door, Lucknow.

23. Madhu Sudhan,  
aged about 39 years,  
son of Sri. Kapil Deo Ram,  
presently posted as J.T.O.  
( Electrical ) , P.K. Bhawan,  
Office of General Manager,  
Telecom, Lucknow.

24. Nramesh Chandra Khare,  
aged about 35 years,  
son of Sri. Ram Bahadur,  
Khare, presently posted as.  
J.T.O. , Multi Access,  
Radio Relay ( MARR ),  
Faizabad.

25. Pravcen Kumar,  
son of Sri. Parus Nath,  
presently posted as,  
J.T.O. ( Switching -  
Installation ) Bhopal,  
House , Lalbagh,  
Lucknow.

26. U.C. Upadhyaya,  
aged about 34 years,  
son of Sri. L.P. Upadhyaya,  
presently posted as,  
J.T.O. ( Out Door ),  
Mahanagar, Lucknow.

27. A.K. Srivastava I,  
aged about 45 years,  
son of Sri. Jayant Kumar,  
Srivastava, presently,  
posted as J.T.O. ( Switching  
Installation ) Bhopal House,  
Lalbagh, Lucknow.

28. Vinod Chand Jain,  
aged about 45 years,  
son of Sri. Virendra Das Jain,  
presently posted as J.T.O.,  
( Cross - Bar - Multiplexing ),  
Telephone Exchange,  
Meerut.

29. P.K. Dubey,  
aged about 48 years,  
son of Sri. Chandrika Dubey,  
presently posted as,  
J.T.O., Time Division,  
Multiplexing Voice Frequency,  
Telegraphy ( T D M V F T ),  
Allahabad.

30. Kedar Rai,  
son of Sri. Ambika Rai,  
presently posted as,  
J.T.O. ( Phones ),  
Telephone Exchange,  
Kashipur, Nainital.

31. Masudhan Rab,  
aged about 32 years,  
son of Sri. Mahmudur Rab,  
presently posted as J.T.O.,  
Time Division Multiplexing Voice,  
Frequency Telegraphy ( T D M V F T ),  
Allahabad.

32. Mahak Singh,  
aged about 35 years,  
son of Sri. Seva Ram,  
presently posted as,  
J.T.O. ( External ) East,  
Muzaffarnagar.

33. Saltoo Ram,  
aged about 43 years,  
son of Late Sri B. Ram,  
presently posted as,  
J.T.O. ( Out Door ),  
Mahanagar, Lucknow.

34. Anjani Krishna,  
son of Late Sri. Jagjivan,  
Krishna, presently posted as,  
J.T.O., Optical Fibre Communication,  
( O.F.C. ) Maintenance,  
Lucknow.

35. R.N. Srivastava,  
aged about 35 years,  
son of Late Sri. K.N.  
Srivastava, presently  
posted as J.T.O. ( Planning ),  
office of C.G.M.T., U.P.,  
Circle, Lucknow.

36. Chandra Pratap Pandey,  
son of Sri. Brahma Pand,  
Pandey, presently posted  
as J.T.O. ( Observation ),  
Office of C.G.M.T.,  
Lucknow.

37. Chandra Shekher Yadav,  
aged about 41 years,  
son of Sri. Ram Bhal Yadav,  
presently posted as J.T.O.,  
Central Telegraph Store Depot.  
( C.T.S.D. ), Lucknow.

38. A.K. Srivastava -II,  
aged about 37 years,  
son of Sri. Ganti Prasad,  
Srivastava, presently posted,  
as J.T.O. ( Switching Installation ),  
Bhopal House, Lalbagh, Lucknow.

39. O.P. Srivastava,  
aged about 35 years,  
son of Sri. B.S. Lal,  
presently posted as J.T.O.,  
( Phones ) Telephone Exchange,  
Faizabad.

40. Rajendra Bahadur Singh,  
son of Sri. Hanuman Prasad,  
Singh, presently posted as,  
J.T.O. ( Switching Installation ),  
Bhopal house, Lalbagh,  
Lucknow.

41. Sahid Ali Khan,  
aged about 33 years,  
son of Sri. Mohd. Yar Khan,  
presently posted as,  
J.T.O. ( Cable ),  
Kaiserbagh, Lucknow.

42. Vinay Kumar Misra,  
son of Sri. R.K. Misra,  
presently posted as,  
J.T.O. ( Out Door ),  
Mahanagar, Lucknow.

43. Indra Mani,  
son of Sri. Maha Deo,  
presently posted as J.T.O.,  
( Cable Planning ),  
Office of C.G.M.T.,  
Lucknow.

44. Gajendra Singh Teofia,  
son of Sri. Ram Vir Singh,  
Teofia, presently posted  
as J.T.O. ( Telegraph ),  
Meerut.

45. S.S. Pandit,  
son of Sri. Shyam Lal,  
presently posted as ,  
J.T.O. ( Phones ),  
Telephone Exchange,  
Faizabad.

46. Praveen Kumar Agrawal,  
son of Sri. Tara Chandra,  
Agrawal, presently posted,  
as J.T.O., Office of Sub-,  
Divisional Engineer ( S.D.E.-I ),  
Meerut.

47. Y.P. Gupta,  
son of Sri. R.D. Gupta,  
presently posted as,  
J.T.O. Transmission Project,  
Lucknow.

48. Alok Srivastava,  
son of Late Sri. K.K. Srivastava,  
presently posted as,  
J.T.O. , Microwave Maintenance,  
Lucknow.

49. Ashok Kumar,  
son of Sri. Ram Narain,  
presently posted as,  
J.T.O. (In.Door) Telephone,  
Exchange, Gomti-Nagar,  
Lucknow.

50. Shabbir Hussain Khan,  
son of Sri. Munsari Ahmad,  
Khan, presently posted as  
J.T.O. ( Cable ),  
Mahanagar, Lucknow.

51. Praveen Kumar Sharma,  
son of Sri. Jai Deo Shah,  
Sharma, presently posted as,  
J.T.O. ( O.F.C. ) Maintenance,  
Kosi Kalan, District - Mathura.

52. Pradeep Kumar Sharma,  
son of Sri. Krishna Chand,  
Sharma, presently posted as  
J.T.O., Go-Axial Maintenance,  
Muzaffarnagar.

53. Dhara Singh,  
Son of Sri. Ram Swaroop,  
presently posted as,

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J.T.O. ( Cross-Bar Multiplexing ),  
Telephone, Exchange,  
Meerut.

54. Bhuley Singh Sharma,  
son of Sri. Bhagwat Prasad,  
Sharma, presently posted as,  
J.T.O. ( Cross-Bar Multiplexing ),  
Telephone Exchange, Meerut.

55. Sanjai Vishnoi,  
son of Sri. Yogendra Pal,  
Singh Vishnoi, presently,  
posted as J.T.O. ( Telegraph ),  
Meerut.

.... Applicants.

(By Advocate-None Present)

Versus.

Union Of India through,  
the Secretary to Government,  
of India, Ministry of,  
Communications, (Department-  
of Telecommunications ),  
Sanchar Bhawan,  
New Delhi.

2. The Director General of,  
Telecom, Sanchar Bhawan,  
New Delhi.

3. The Director ( ST-I ),  
Office of Director General,  
of Telecom, Sanchar Bhawan,  
New Delhi.

4. Chief General Manager,  
Telecom, U.F. Circle,  
Lucknow.

.... Respondents.

Y2 ( By Advocate Sri. A.K. Charuvali )

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13. O.A. No. 9/96.

Vishvambhar Nath Singh, S/o Shri. Bijai, Pal Singh, R/o D/51-A, Sector -P, Aliaganj, Lucknow, presently posted as Junior Telecom Officer (s) Office of S.D.O. Phones-I, Mahanagar, Lucknow.

2. Chandra Shekher Misra, Son of Shri. R.N. Misra, R/o ED/8, Sector 'C' Aliaganj Lucknow, presently posted as Junior Telecom Officer, Co-axial Telephone Exchange, Kaiserbagh, Lucknow.

3. Keshari Prasad Misra, S/o Shri. Ram Nidhi, Misra, R/o 133/9E/6 Telierganj, Allahabad, presently posted as J.T.O. (Planning) Office of T.O.I. Allahabad.

4. Ram Sunder, S/o Shri. Bhagwan Deen, Vill. & Post Munder, Distt. Hardoi, presently posted as, J.T.O. Switch Room, Shahjahanpur.

5. K.D. Singh, S/o Shri. R.N. Singh, R/o D/4-1-F-2-1, Madhopur Sigra Varanasi, presently posted as J.T.O., Director Transmission, Project Lucknow, Head Quarter, at Varanasi.

.... Applicants.

( B : Advocate-None Present)

Versus.

Union of India through the Secretary to Government, of India, Ministry of Communication, (Department, of Telecommunication) Sancha Bhawan, New Delhi.

2. The Director General of Telecom, Sancha Bhawan, New Delhi.

3. The Director (S.T-I), Office of Director General, of Telecom, Sancha Bhawan, New Delhi.

4. Chief General Manager, Telecom, All Circle, Lucknow.

.... Respondents.

*Y* ( By Advocate Sri. A.K. Chaturvedi )

## O R D E R

Hon'ble Smt. Lekhmi Swaminathan, Vice Chairman(J).

Shri A.K. Chaturvedi, learned counsel has submitted that the controversy involved in all the aforesaid 13 cases has been finally decided by the Hon'ble Supreme Court in the judgement dated 26.4.2000 in Union of India Vs. Madras Telephone SC & ST Social Welfare Association (2000(9) SCC 71). He has submitted that the Supreme Court had granted six months time from 26.4.2000 to the respondents to proceed in accordance with law and the observations of the Supreme Court with regard to the promotions. He has submitted that further time has been granted by the Supreme Court upto 31.3.2001 for this purpose. He has submitted that in the case of <sup>applicant</sup> Brij Mohan (CA 75/92) and Purnamand Lal, the Supreme Court has directed that their interests will not suffer and their promotions already made in pursuance of the judgement of the Allahabad High Court dated 20.2.1983 and the order dated 8.4.1986 in SLP No.3384-86 of 1998 will not be affected. He has drawn our attention to the letters dated 8.6.2000 and 4.9.2000 (Annexures SCR-2 and SCR-3) to the supplementary counter reply) with regard to the promotion and the benefits already given to Shri Brij Mohan, the applicant in CA 75/92. He has also submitted that the respondents have already issued the provisional seniority lists of the Telecom Engineering Service, Group 'B' officers in compliance of the judgement of the Supreme Court dated 26.4.2000 and objections have been invited within a period of one month. In the supplementary counter reply, they have also stated that after the finalisation of the seniority list, the promotions shall be made in compliance of the judgement of the Supreme Court. Learned counsel has, therefore, submitted that it is only in the cases of Shri Brij Mohan and P.N. Lal who had earlier filed Writ

Petitions in the Allahabad High Court that in pursuance of the judgement of the Allahabad High Court in Writ Petition No. 2739/81 dated 20.2.1985 and the order dated 8.4.1986 by the Supreme Court, the benefits which had accrued to them <sup>and</sup> could be protected, and the payment to Shri Brij Mohan which is under process shall be paid shortly.

2. Shri N.N. Jaiswal, learned counsel for the applicant in OA 75/92 has, relying on the judgement of the Supreme Court in Madras Telephone SC & ST Social Welfare Association's case (supra), submitted that there is no reason why the applicant should not be given all the benefits accruing to him as a result of implementation of these orders of the Courts from the due date. He has also submitted that there has been undue delay on the part of the respondents in implementing the order of the Supreme Court dated 8.4.1986 and even after the judgement dated 26.4.2000, the applicant has not been given the due benefits. He has also submitted that during the pendency of this litigation, juniors to the applicant have also been promoted. In the circumstances, he has submitted that a direction may be given to grant consequential benefits to the applicant as well as costs.

3. Shri Vinod Kumar, Learned counsel for the applicants in the other cases, has adopted the contentions of Shri N.N. Jaiswal, learned counsel, although he has submitted that none of the other applicants were parties before the Allahabad High Court in Writ Petition No. 2739/81 and the Supreme Court in SLP No. 3384-86 and only Shri Brij Mohan (applicant in OA 75/92) was the petitioner. He has made certain submissions with regard to OA 563/96 in which he has stated that the <sup>some of</sup> applicants have been given ad hoc promotions to the next higher

post of TPS Group 'E' w.e.f. 1.3.1996. His contention is that while implementing the judgement of the Supreme Court dated 26.4.2000, the respondents should not disturb the ~~from the ad hoc promotions~~ application where they have already earned increments. Learned counsel for the respondents has, however, disputed this position stating that the respondents are bound to implement the order of the Hon'ble Supreme Court in letter and spirit. He has submitted that as a large number of employees, that is more than ten thousand are involved, and the final order of the Supreme Court has only been given in April, 2000 which the respondents are implementing; he has prayed that no costs may be given as prayed for as there is no deliberate delay on their part.

4. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

5. We note that in paragraphs 17 and 18 of the aforesaid judgement of the Supreme Court dated 26.4.2000, reference has been made to the grievances of the applicant, Shri Brij Mohan in CA 75/92, and the decision of the Allahabad High Court and ~~MAILED~~ <sup>MAILED</sup> by the Apex Court the dismissal of the SLP by the Union of India/against that order. The Supreme Court has after discussing the relevant provisions and the judgement of the Allahabad High Court concluded that the judgement of the Allahabad High Court is incorrect. However, the Court made it clear that "the persons who have already got the benefit like Parmanand Lal and Brij Mohan by virtue of the judgments in their favour, will not suffer and their promotions already made will not be affected by this judgement of ours". Further, the Court held:

"Since the departmental authorities had not implemented the decision of this Court in Civil Appeal No.4339 of 1995 for which a contempt petition had been filed, having regard to the circumstances under which the departmental authorities entertained bona fide difficulties, it would not be proper to proceed against the authorities under the contempt and the contempt proceedings accordingly are dropped. We would, however, direct the departmental authorities to proceed in accordance with law and ~~in accordance with law and~~ in accordance with the observations made by us in this judgement and promotions may be made within a period of six months from the date of this judgement".

6. By the order dated 6.12.2000, the Supreme Court has extended the time for implementation of the above order till 31.3.2001 in which it has also been observed that the concerned authorities have been trying their best to comply with the Court's direction and hopefully would comply with the same/stipulated date, that is 31.3.2001. Further, a direction has been given that the matter should be put up to the Apex Court in April, 2001.

7. It is seen from the annexures to the/counter reply of the respondents dated 8.3.2001 that with regard to the applicant Shri Brij Mohan, the Department is taking appropriate action to implement the judgement in their letters dated 8.8.2000 and 4.9.2000. In the later letter, they have specifically referred to the directions of the Apex Court that the promotion and confirmity of Shri Brij Mohan in TES Group 'B' on the basis of the judgement of Lucknow Bench of Allahabad High Court should not be altered in any manner after dismissal of the SLP filed by the Department against it. It is further seen that the Department is taking necessary action for fully implementing the judgements of the Supreme Court with regard to the applicant Shri Brij Mohan in OA 75/92. In the facts and circumstances of the case, we note the submissions of the learned counsel for the respondents that the aforesaid judgements will be implemented in letter and spirit with all consequential benefits in accordance with law.

8. In the facts and circumstances of the case, considering the fact that the issues raised in the aforesaid cases have been finally settled by the order of the Hon'ble Supreme Court dated 26.6.2000, we are unable to agree with the contentions of Shri N.N. Jaiswal, learned counsel that this is a fit case

to award costs against the respondents. This would also be contrary to the observations and orders of the Apex Court, referred to above.

9. In the light of the judgement of the Supreme Court dated 26.4.2000 which has dealt with the very issues raised in the aforesaid 13 cases, including the issues raised by Shri Brij Mohan in OA 75/92, we do not think it proper to give any further directions to the Department, other than that the judgement of the Apex Court should be properly implemented within the time allowed by the Court.

10. In the above circumstances, the aforesaid applications are disposed of noting the fact that the respondents have stated that they are implementing the directions of the Supreme Court <sup>the</sup> in/order dated 26.4.2000. There shall be no order as to costs.

11. Let a copy of this order be placed in each of the aforesaid O.A.O.

  
(A.K. Misra)  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Vice Chairman(J)

'SRD'