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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A. No. 446/92,

this the 19th day of May, 1994.

HON. MR. V.K. SETH, ADMN. MEMBER

HON. MR. R.K. SAXENA, JUDL. MEMBER.

S.P. Misra, aged about 59 years son of Sri Rama Nnand Misra resident of House No. C 432 Mohalla Rajaji Puram, Lucknow.

Applicant.

By Advocate Shri H.B. Pandey.

versus

Union of India through Secretary/Chairman, Telecommunication, Sunehar Bhawan, Ashoka Road, New Delhi- 110 001 and others

Respondents.

By Advocate Shri A.K. Chaturvedi.

ORDER

HON. MR. V.K. SETH, ADMN. MEMBER.

In this O.A. the applicant who was an officer under Telecom Department, and retired as Deputy General Manager from the office of Chief General Manager, U.P. Telecom Circle, has sought the following reliefs:

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- i) That the respondents may be commanded/ordered to follow the policy of equal pay for equal work in case of the applicant who discharged the similar administrative duties but the applicant has been paid lower pay than his juniors.
 - ii) That the respondents may be commanded/ordered to modify their orders dated 24.9.1990 attached as Annexure No. I to this application to the extent that the applicant is entitled for his promotion to J.A.G. w.e.f. 24.9.1990 instead from 31.1.1991.
 - iii) That the respondents may be commanded/ordered to cancel their orders dated 31.1.1991 attached as Annexure 3 to this application keeping in view stated in para 11 above.

iv) That the respondents may be commanded/ordered to pay the arrears of pay to the applicant happened to this effect early.

2. The brief facts of the case as mentioned in the O.A. are as follows. The applicant joined the Telecom Department on 12.9.1956, was promoted to D.E.S. grade B from 18.7.1964 and was lastly promoted to the cadre of Junior Administrative Grade on 31.1.1991 and retired with effect from 30.11.1991 as A.C.G.M., office of the Chief General Manager U.P. Telecom Circle as stated earlier.

as
3. Briefly stated, and / also admitted by the respondents in their counter affidavit, ^{the case is that} while some of the juniors of the applicant were promoted on adhoc basis to the Junior Administrative Grade of G.C.S. I with effect from 24.9.90, the applicant could not be so promoted from that date even though being senior, on account of non-availability of his Annual Confidential Report ^{at} the relevant time of consideration for adhoc promotion to the level of Junior Administrative Grade, with the result that the applicant could be promoted as J.A.G only with effect from 31.1.1991 after his Annual Confidential Rolls were available and he was adjudged suitable for such promotion.


4. The respondents have ^{not} disputed the fact that the applicant did not have any hand in delaying his promotion which was merely on account of non-availability of ^{his ACRs due to} lapse on the part of the concerned officers and officials of the department charged with the responsibility of maintenance and safe custody of ~~the Annual Custody of~~ Annual Confidential Rolls of the applicant.

5. We have carefully considered the records of the case as also the arguments advanced by the learned counsel for the parties.

6. In view of the facts and circumstances of the case and in the interest of equity and justice, therefore, we deem it fit to allow the applicant to be deemed as promoted to the Junior Administrative Grade with effect from 24.9.90, when his immediate juniors were so promoted and order accordingly. The applicant shall also be allowed the difference of pay denied to him from 24.9.90 to 31.1.91 and other consequential benefits by way of increments, if any due before his superannuation and any higher retirement benefits as may be admissible to him as a consequence of the same. The above orders shall be complied with within a period of 4 months from the date of communication of this order.

7. In the facts and circumstances of the case, there shall be no order as to costs.


JUDL. MEMBER


ADMN. MEMBER

Lucknow: Dated 19.5.94.