

(B)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH
CIRCUIT BENCH : NAGPUR

O.A. No. 733
T.A. No.

198 7

DATE OF DECISION 13.11.91.

Shri J.H. Bhawalkar & Others Petitioner

Shri Y.B. Fadnis &
Shri M.W. Hasulkar.

Advocate for the Petitioner(s)

Versus

Union of India & Others Respondent

Ramesh Darda

Advocate for the Respondent(s)

CORAM By Hon. Mr. Justice U.C. Srivastava, V.C.

The Hon'ble Mr. Justice U.C. Srivastava, V.C.

The Hon'ble Mr. M.Y. Priolkar, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement Y
2. To be referred to the Reporter or not ? N
3. Whether their Lordships wish to see the fair copy of the Judgement ? Y
4. Whether it needs to be circulated to other Benches of the Tribunal ? Y

14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH
CIRCUIT BENCH : NAGPUR

Registration No.O.A. 733 of 1987

Shri J.H.Bhawalkar & Others Applicants
Vs.
Union of India & Others Respondents

Hon'ble Mr.Justice U.C. Srivastava, V.C.
Hon'ble Mr.M.Y.Priolkar, Member (A)

(By Hon.Mr.Justice U.C.Srivastava, V.C.)

The applicants were appointed as Time Scale Clerks in the Nagpur Telegraph Engineering Division in the year 1960 when the Nagpur Phone Division was formed. They were promoted as Section Supervisors under 20% S.G. Scheme in the year 1974. The applicants could not get the due promotions in the grade of 20% Section Supervisors Grade i.e. in the L.S.G. Scale Rs. 425- 640/- from the grade of Time Scale Clerks, the applicants have approached this Tribunal.

2. The applicants have stated that the Nagpur district was earlier formed in Maharashtra Circle, and in the year 1972 it was separated for certain reasons. But one of the condition of this bifurcation that is option will be taken from all such persons, but the same was not taken by the applicants in the result the applicants were staying in the Nagpur Division. In the meantime promotions were given to those who were juniors to the applicants w.e.f. 1.6.74 and that promotions have not been given to the applicants. The applicants are also entitled for promotion with effect from the date their juniors were promoted that is also expressed by this Tribunals Judgment at Chandigarh.

3. The respondents have contested the claim of the applicants and have stated that the benefit of 20%

have been accorded with effect from 1.6.1974 to those Clerks who were recruited between the year 1949 and 1959 due to revision of seniority on the basis of length of service, as per Supreme Court Judgment. In the instant case even though the seniority of the applicants was revised according to length of service the benefit of 20% promotions on a par with the juniors promoted on 1.6.1974 of Maharashtra Circle could not be offered to the seniors of Nagpur Telecom. District by Maharashtra Circle because the Nagpur Telecom District was not under the control of Maharashtra Circle, on 1.6.1974 and the promotions were restricted to the Circle Level and District Level separately. The Nagpur Telecom. District was merged and brought under the control of Maharashtra Circle with effect from 1.8.1975 and the seniority of the applicants have been refixed in the circle Gradation List as on 1.1.1977 wherein the applicants though promoted after 1.5.1974 have been shown as seniors to those who were promoted as L.S.G. on 1.6.1974 on the basis of length in service in ^{as} clerical cadre. Thus/ the applicants seniority have been restored, the applicants have got no cause of action. Undoubtedly in the year 1977 in Gradation List the names of the applicants have been shown, But as the applicants have been shown seniors to the respondents they will obviously get the benefit of this seniority.

3. It appears that some misapprehension in minds of applicants as they were promoted on latter date they will not get seniority. It appears that the mistakes ^{were} _{have been} realised by the respondent for not calling the options, and that is why the benefit has been given

to the applicant. Thus as the seniority having been restored, obviously the applicants are entitled to all such benefits which will go to the juniors and the applicants were unfounded. With these observations the application stands disposed of.

Member (A)

Vice-Chairman.

13th November, 1991, Nagpur

(sph)