

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 821/88
TxxNx

198

DATE OF DECISION

8.12.1988

Shri S T Shelke

Petitioner

Shri G S Walia

Advocate for the Petitioner(s)

Versus

Union of India & 2 ors.

Respondent

Shri S R Atre

(for Shri P M Pradhan)

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M B Mujumdar, Member (J)

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? *No*3. Whether their Lordships wish to see the fair copy of the Judgement? *No*4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

ORIGINAL APPLICATION NO.821 OF 1988.

Shri S.T. Shelke,
Cashier,
DTO Office,
Dadar,
Bombay - 400 014.

... Applicant

V/s.

- 1) Union of India, through
Chief General Manager,
Telecommunication,
Maharashtra Circle,
Bombay - 400 001.
- 2) Chief Superintendent
Central Telegraph Office,
Bombay - 400 001.
- 3) A.S.T.T.-in-Charge
D.T.O. Dadar,
Bombay - 400 014.

... Respondents

Coram: Hon'ble Member(J), Shri M.B. Mujumdar
Hon'ble Member(A), Shri M.Y. Priolkar

APPEARANCE:

Shri G.S. Walia,
Advocate
for the Applicant.

Shri S.R. Atre
(for Shri P.M. Pradhan)
Advocate
for the Respondents.

ORAL JUDGMENT:

Date: 8.12.1988

[Per: M.B.Mujumdar, Member(J)]

After hearing Advocates for both the sides we
are admitting this application and delivering this judgment.

2. By an order dated 6.10.1986 the applicant who was
working as Telegraph Assistant in the scale of Rs.975-1660
was approved for the post of Cashier and appointed as a
Cashier with effect from 6.10.1986 for a period of four
years. The DPC which had met on 4.2.1988 had recommended

....2/-

WY

his name for the higher scale of pay of Rs.1400-2300. It was under the scheme of one time-bound promotion. Having come to know about his promotion to that higher scale, he made two representations dated 4.1.1988 and 25.6.1988 refusing the promotion. To the latter representation the respondents replied on 29.9.1988. By that reply the applicant was informed that his representation had been rejected. It may be pointed out that the applicant is at present getting basic pay of Rs.1420 plus Rs.100 for working as Cashier. The applicant has filed this application on 15.11.1988 praying that the respondents be directed to accept his request for refusal of promotion and for directing the respondents to continue him in the post of Cashier till he completes his tenure of four years i.e., upto 5.10.1990.

3. By an order dated 17.11.1988 we had issued notices to the respondents regarding admission and interim relief returnable on 1.12.1988. We had also directed that in the meanwhile the respondents shall not discontinue the applicant from his post of Cashier till 1.12.1988. By an order dated 1.12.1988 that interim order was continued upto tomorrow i.e., 9.12.1988. The respondents have filed their written statement on 30.11.1988. In para 6 of the written statement they have stated that the validity of the panel prepared on the basis of the recommendations of the Departmental Promotion Committee is for a period of 1½ years and as such the applicant would not be entitled to any time-bound promotion after that period is over. They have further stated that, as such even if the applicant's prayer is granted, he will not be entitled for postponement of his promotion till he completes the four year tenure in the post of Cashier i.e., upto 5.10.1990. According to them, in such an eventuality, the applicant will

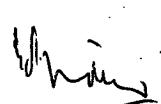
have to be considered afresh after he completes the tenure and it would be only on the recommendations of the DPC when it holds its meeting, that the applicant would be promoted, if otherwise found suitable.

4. Other contentions taken in the written statement need not be stated here. We have heard the arguments of Mr. Walia, the learned advocate for the applicant and Mr. S.R. Atre (for Shri P.M. Pradhan), the learned advocate for the respondents.

5. Mr. Walia submitted that the applicant is prepared to lose the seniority vis-a-vis those who would be promoted under the time-bound promotion scheme provided he is continued as Cashier upto 5.10.1990. He has also shown his willingness to be considered by the DPC afresh after 5.10.1990 for promotion under the said time bound promotion scheme. The applicant has also given an application in writing accepting these terms.

6. Hence we pass the following order:-

- 1) The respondents letter dated 29.9.1988 rejecting the representation of the applicant dated 25.6.88 (Annexure 'E' to the application) is hereby quashed and set aside.
- 2) Respondents are directed to continue the applicant in the post of Cashier upto 5.10.1990.
- 3) It is clarified that the applicant shall lose his seniority vis-a-vis those who are and who would be promoted under the time bound promotion scheme upto 5.10.1990. It is further clarified that the case of the applicant under that scheme will be considered afresh by the DPC after 5.10.1990.
- 4) The application is disposed of on the above lines with no order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A)


(M.B. MUJUMDAR)
MEMBER(J)