

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.875 of 1988

V.K.V.Raghavan,
C-1/3 P & T Colony,
Vakola, Santacruz(E),
Bombay-400 029.

.. Applicant

V/s.

1. Union of India
through the Secretary,
Ministry of Communication,
Door Sanchar Bhawan,
New Delhi-110 001.
2. The Chairman,
Telecom Board,
Department of Telecommunications,
Door Sanchar Bhawan,
New Delhi-110 001.
3. The Chief General Manager,
Telecom,
Maharashtra Telecom Circle,
2nd floor, G.P.O.Building,
Bombay-400 001.
4. The Chief General Manager,
Telephones, Bombay Telephones,
Mahanagar Telephone Nigan Ltd.,
Telephone Bhavan, Colaba,
Bombay-400 005. .. Respondents.

Coram: Hon'ble Member(J), Shri M.B.Mujumdar
Hon'ble Member(A), Shri P.S.Chaudhuri

Appearance:

1. Applicant in person.
2. Shri S.R.Atre(for
Shri P.M.Pradhan)
Advocate for the
respondents.

ORAL JUDGMENT:-

Dated: 8.2.1989

IPER: Shri M.B.Mujumdar, Member(J)]

Heard the applicant and Shri S.R.Atre (for Mr.
P.M.Pradhan) learned advocate for the respondents. The

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applicant has claimed the following reliefs in para 7 of the application:-

- a) The respondents may please be directed to draw and pay the arrears of pay and allowances from 24.3.86 on ad hoc posting as Group-A cadre as per the judgment of the Hon'ble Court on 25.8.87.
- b) The respondents may please be directed to expunge the adverse entries of 80-81 in the petitioner's C.R. as per Bombay High Court Judgment on Petition 1006/82.
- c) In absence of fundamental records of ACRs as per para 176 of P & T Manual Vol-III, the DPC minutes from 1981 onwards may please be set aside restoring the original seniority of the petitioner and to direct the respondents to promote the petitioner as such from the date the petitioner's junior was promoted on regular basis and to pay the arrears of pay and allowances accordingly.
- d) The respondents may please be directed to pay the cost of this petition.

2. For understanding relief (a), it will be necessary to quote the order passed by us in O.A.No.63 of 1987 filed by the applicant and decided on 25.8.1987. The applicant has produced a copy of that judgment at Exhibit 'A'. In para 1 of the judgment we have quoted the main reliefs claimed by the applicant in that case. The final order passed by the Tribunal in that case is as under:-

- "1) The respondents shall consider the case of the applicant for promotion as Divisional Engineer Group 'A' on ad hoc basis, on the basis of his seniority, by ignoring the vigilance case which was then said to be contemplated against him and he should be promoted on ad hoc basis, if not otherwise found unfit, from the date his next junior was promoted, with all consequential benefits.

- 2) If the applicant was not considered by the DPC held in January or February, 1987 for promotion to the post of Divisional Engineer Group 'A' on the ground that vigilance case was contemplated against him, then the respondents shall convene a special DPC and consider his case by ignoring the contention that a vigilance case was contemplated against him at that time.
- 3) The rest of the prayers made by the applicant in para 7 of the application are rejected.
- 4) Parties to bear their own costs."

3. Coming to the relief (a) claimed by the applicant in this case, we find that in clause (1) of our order in O.A.No. 63 of 1987 we had specifically directed that the respondents shall consider the case of the applicant for promotion as Divisional Engineer Group 'A' on ad hoc basis, on the basis of his seniority, by ignoring the vigilance case which was then contemplated against him and he should be promoted on ad hoc basis, if not otherwise found unfit, from the date his next junior was promoted, with all consequential benefits (emphasis supplied by us). We are now told on behalf of respondents and it was not disputed by the applicant that the applicant is promoted on ad hoc basis as Divisional Engineer Group 'A' with effect from 24.3.1986. But the grievance of the applicant is that he is not given arrears.

4. Shri Atre, learned advocate for the respondents urged that there is no direction for giving arrears to the applicant from the date of his ad hoc promotion. But in our view consequential benefits will include

arrears also. Hence the applicant is entitled to arrears from the date of his promotion on ad hoc basis i.e. from 24.3.1986. We, therefore, direct that the respondents shall pay the arrears to the applicant with effect from the date of his ad hoc promotion, namely, 24.3.1986 as per our directions in clause(1) of our order dated 25.8.1987. This is about the relief (a) claimed by the applicant.

5. As regards relief (b) claimed by the applicant in para 7 of the application, we find from the judgment of the High Court in Writ Petition No.1006 of 1982 decided on 13.8.1984 that no direction for expunging the adverse entries for 1980-81 was given by the High Court in the judgment. A copy of the judgment was shown to us by the learned advocate for the respondents. The applicant has also read before us the relevant portion of the judgment. But we could not find any direction in the judgment for expunging the adverse remarks for 1980-81. Hence the applicant is not entitled to relief (b) claimed by him.

6. As regards relief (c) claimed by the applicant, we cannot find any justification for setting aside the minutes of the D.P.Cs. from 1981 onwards and for restoring original seniority of the petitioner as claimed by the applicant. We also find no justification for the claim made by the applicant in relief (c) for directing the respondents to promote him from the date

his junior was promoted on regular basis and to pay arrears of pay and allowances to the applicant. The directions given in Clause (2) of our judgment in Original Application No.63/87 decided on 25.8.1987 may be recalled in this connection. We cannot go behind that direction.

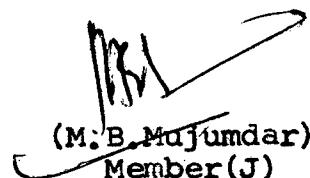
7. We may point out that the Assistant General Manager (Administration-I) Telephone Bhavan, Colaba by his letter dated 14.8.1988 has informed the applicant that the D.P.C. which was held in February/March, 1987 had considered the name of the applicant for promotion to I.T.S. Group 'A', but did not recommend his name for promotion. In view of this position the applicant was informed that it was not necessary to convene a special D.P.C. In view of the reply we feel that the directions given by us in Clause (2) of the order is complied with.

8. We, therefore, find no merits whatsoever in reliefs (b) and (c) claimed by the applicant in this case. As regards relief (a) claimed by the applicant we have already given a suitable direction in para 4 above. The direction given in that paragraph be complied with within two months from the date of receipt of a copy of this judgment.

9. With this direction, we reject the application summarily with no order as to costs.



(P.S. Chaudhuri)
Member(A)



(M.B. Majumdar)
Member(J)