

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT SITTINGS AT NAGPUR

Tr. Application No. 504/1986

Shri Pandurang Deorao Patil,
Telephone Operator,
Deptt., of Telecommunication,
Telephone Exchange,
Khamgaon,
Tq. Khamgaon,
Dist: Buldana.

.. Applicant

V/s.

1. Union of India
through the Secretary,
Ministry of Communication,
Parliament House,
New Delhi.
2. The General Manager,
Telecommunication
Maharashtra Circle,
G.P.O., Building,
Bombay.
3. The Divisional Engineer,
Telegraphs,
Old Cotton Market,
Akola.

.. Respondents

Coram: Hon'ble Vice-Chairman, Shri B.C. Gadgil
Hon'ble Member(A), Shri P. Srinivasan

ORAL JUDGMENT:-

Date: 22.6.1988

(PER: Shri P. Srinivasan

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This application has been received on transfer from the Court of the Civil Judge, Senior Division, Khamgaon where it was filed as Regular Civil Suit No. 52/86. The applicant has been working as a Telephone Operator in the Department of Telecommunication since 25.9.1966. Under a scheme introduced by the Director General, Post & Telegraphs in his order dtd. 16/17.12.1983

P. Srinivasan

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employees in Group 'C' and Group 'B' who had completed 16 years of service in the grade would be placed in the next higher grade. Since this scheme was introduced only on 17.12.1983 the scheme provided that those who had completed 16 years of regular service in a post prior to 30.11.1983 would be given the promotion from 30.11.1983 and ^{or not} from the date they completed the said period of 16 years. The promotion was to be made after the fitness of persons due for such promotions were considered by a D.P.C. The applicant completed 16 years of service on 25.9.1982 and according to the aforesaid scheme he became due for promotion for the next higher grade w.e.f. 30.11.1983. A D.P.C. met in November, 1984 to consider cases of persons who were due for promotion w.e.f. 30.11.1983. The case of the applicant was not considered by the DPC. Another DPC met on 9.5.1984 and again the case of the applicant was not considered because his character rolls were not available. A third D.P.C. met on 10.1.1985, considered the case of the applicant and recommended his promotion w.e.f. 10.1.1985. The applicant's grievance is that when the D.P.C. held in January, 1985 considered the applicant fit for promotion, he should have been given the benefit of promotion from 30.11.1983 itself.

2. Shri Khapre for the applicant submitted that the D.P.C. which met in January, 1985 could only assess the applicant's fitness for promotion and could

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