

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

Transferred Application No. 167/1986.

Shri Sambhaji M. Chavan,  
Quarter No. 331,  
Bhauraao Nagar,  
NAGPUR.

... Applicant.

V/S

- 1) The Union of India,  
Through the Director, General,  
P & T Department, Dak-Tar Bhavan,  
New Delhi.
- 2) The General Manager,  
Telecommunication,  
Maharashtra Circle,  
BOMBAY.
- 3) The District Manager,  
Telephones,  
NAGPUR.
- 4) Junior Supervisor,  
Telephone Exchange,  
NAGPUR.
- 5) Senior Supervisor,  
Telephone Exchange,  
Ulhasnagar,  
Dist. - Thane.

... Respondents.

Coram: Hon'ble Member(A), P. Srinivasan.

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

**ORAL JUDGMENT:**

(Per Hon'ble Member(A), P. Srinivasan)

Dated: 14.4.1987.

This is a transferred application received from the High Court of Bombay, Nagpur Bench, U/S 29 of the ~~Abbreviations may be~~ M expanded Administrative Tribunals Act, 1985. The applicant is now working as a Telephone Supervisor in the Department of Telecommunications at Nagpur. He had made various representations in the ~~past~~ about fixation of his seniority in the grade of Telephone Operator in which he was first appointed and consequential revision of seniority in the higher grade of Supervisor. The respondents 1 to 3 have already M in the allowed his claim of seniority with grade of Telephone Operator. The

P. Fröhle

grievance of the applicant is that on the basis of this seniority ~~that~~ <sup>1</sup> he should have been promoted retrospectively as Supervisor (20%) from 1.6.1974 when his juniors were so promoted, but the respondents had given him such promotion only from July, 1976, though they had restored his seniority in that grade also.

2. Shri Phadnis contended that though the applicant's seniority in the original grade and in subsequent higher grades have been settled to his satisfaction, the only step that remains to be carried out is to give effect to the promotion of the applicant to the cadre of Supervisor from 1.6.1974. While persons like him in the lower grade had been promoted w.e.f. 1974, and arrears had also been paid to them from that date, the applicant, however, had not been given promotion from 1974 and resultant arrears.

3. Shri P.M. Pradhan vehemently opposed the contention of Shri Phadnis and contended that all the reliefs to which the applicant was entitled ~~is~~ <sup>1</sup> in law have been allowed to him.

4. Having considered the rival contentions, we find considerable merit in the contention of Shri Phadnis. We direct the respondents 1 to 3 to give the applicant promotion to the post of Supervisor (20%) from 1.6.1974 on which date his juniors were promoted to that grade, and to give all consequential monetary benefits to him.

5. The next grievance of the applicant is that on the basis of his revised seniority in the grade of Supervisor, he is entitled to the next higher post of Senior Supervisor and that while his juniors had been promoted to that grade he had been ignored. Reiterating this contention, Shri Phadnis urges that this Tribunal should direct the respondents 1 to 3 consider the applicant for promotion to the post of Senior Supervisor as and when a vacancy arises.

*P. S. -*

6. Shri Pradhan on behalf of the respondents 1 to 3 explains that the applicant was offered promotion to the post of Senior Supervisor in accordance with his revised seniority in the lower grade but he had declined the promotion by his letter dated 18.4.1985, a copy of which appears as the first annexure to the reply of respondents 1 to 3. Since he had declined promotion, he could not be considered for promotion for a period of one year thereafter. He also assures us that since the period of one year has elapsed, the respondents will have no objection to consider him for promotion to the post of Senior Supervisor as and when a vacancy arises.

7. In the light of the submissions of counsel on both sides, we direct the respondents 1 to 3 to consider the applicant for promotion to the post of Senior Supervisor in the next vacancy that may arise in future.

In the result, the application is allowed as indicated above. Parties to bear their own costs.

P. Srinivasan  
( P. SRINIVASAN )  
14/4/87  
MEMBER(A).

M. B. Mujumdar  
( M. B. MUJUMDAR )  
MEMBER(J).