

ORIGINAL APPLICATION NO.134/1996

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**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.**

Original Application No.134/96
Dated this 14th the the day of December, 2001

**CORAM: HON'BLE SHRI S.R.ADIGE, VICE CHAIRMAN (A)
HON'BLE SHRI S.L. JAIN, MEMBER (J)**

Shri R.K. Jain,
Presently working as Asst. Engineer
(Electrical), Department of Telecom,
2nd floor, Fountain Telecom Bldg.,
Asstt. Engineer (Electrical) III,
Mumbai 400 023, and residing at
31, B Wing, Siddhi Vinayak Towers,
New Runwal Nagar, Eastern Express,
Highway, Thane-400 601.
(Applicant in person)

... Applicant

vs.

1. The Union of India,
through the Secretary to the
Government of India,
Ministry of Communications,
Department of Telecommunications,
Sanchar Bhavan, New Delhi - 110 001.
 2. The Chairman & Director General,
Telecom Commission, Sanchar Bhavan,
New Delhi 110 001.
 3. The chairman,
Union Public Service Commission,
Dholpur House, Shahajahan Road,
New Delhi - 110 001.
 - 3A. The Secretary,
Dept. of Personnel & Administrative Reforms,
Ministry of Personnel & Administrative
Reforms, South Block,
New Delhi - 110 010.
 4. Shri K.P. Ramanadan,
 5. Shri V.K. Dogra,
 6. Shri R. Ramesh Babu,
 7. Shri I.K. Sukhiya,
 8. Shri J.K. Puri,
 9. Shri S.K. Virmani,
 10. Shri S.K. Dewan
 11. Shri M.S. Gayatri
 12. Shri K.K. Jindal
 13. Shri A.P. Chaudhary
 14. Shri Pradeep Nattur
 15. Shri Gulshan Rai
 16. Shri S.S. Dhumbhere
 17. Shri C. Gopalan
 18. Shri J.S. Baidwan
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19. Shri D.R.Rao
20. Shri V.M. Kohli
21. Shri S.N. Parashar
22. Shri T.R.Vishwanathan
23. Shri S.C.Jarrel
24. Shri M.V. Avudainayagam
25. Shri Ramdhar Sharma
26. Shri R.M.Bangera
27. Shri Om Prakash
28. Shri P.S.R. Patrudu
29. Shri P. Varshaney.

... Respondents

(Since respondents Nos. 4 to 27 are posted as Executive Engineers and Respondents Nos.28 and 29 as Superintending Engineer (Electrical) at various places all over India, the notices, if any, to them be served through the Office of the Respondent No.2 herein under Rule 11 of the Administrative Tribunals Act (Procedure) Rules, 1987).
(Respondents by Shri V.S. Masurkar, Advocate)

O R D E R

[Per: S.R.Adige, Vice Chairman (A)]:

Applicant impugnes respondent's order dated 11.8.1995 (Annexure A.1), wherein regular promotions, have been made from the grade of Assistant Engineer (Electrical) to that of Executive Engineer (Electrical) in P & T Building and Works (Grade A) Services in which his name does not find inclusion.

2. Heard both sides.

3. During hearing applicant who argued his case in person, asserted that his name should have found mention between Shri Gulshan Rai (Sr.No.16) and Shri S.S. Dhumbhere (SC) (Sr.No.17) in that list.

4. Official respondents in para 14, of their reply to the OA have clearly and categorically stated that applicant was considered for regular promotion, to EE (E) along with his juniors, based on the revised seniority position, by a review DPC convened by UPSC in April, 1995, but the select panel, did not include his name because he was not recommended for promotion.

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5. This clear specific and categorical assertion of respondents in their reply has not been denied or even challenged by applicant, in any corresponding para of his rejoinder. In the absence of any ^{challenge} ~~change~~ to the same, *prima facie*, we have reason to doubt that the DPC convened by UPSC, which is a high powered constitutional body with vast experience in recommending selection/promotions, did not recommend applicant for regular promotion as EE (E) in its meeting in April, 1995 for good and sufficient reasons.

6. In any case, while disposing of OA.No.10/95 filed by the applicant vide oral order dated 12.12.01 we have noticed that CAT, Mumbai Bench vide its order dated 19.10.2001 while disposing of OA No.39/1999 and connected cases has directed recasting of the Seniority List of the feeder Grade of A.E. (E), in the light of various Supreme Court judgements and the Tribunal's own directions, contained in the body of that order. Applicant is a private respondent in one of the OAs covered by that order dated 19.10.2001. During the course of hearing of that OA. No.10/95, respondent's counsel very fairly submitted that the Seniority List of AE (E) would have to be recast pursuant to Tribunal's order dated 19.10.2001, for which objections would have to be invited and disposed of before the same was finalised, and after the finalisation of the same, review DPC would have to be held for giving promotions to the grade of EE(E).

7. As the Seniority List of AE(E) which forms the feeder grade, is still to be recast and finalised, and pursuant to the same, respondents would be holding review DPC for making regular promotions to the grade of EE(E), the present O.A. warrants no

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interference at this stage. If after holding of review DPC, any grievance still survives, it will be open to applicant to agitate the same through appropriate proceedings, in accordance with law, if so advised.

8. The present O.A. stands disposed of accordingly. No costs.

S.L.Jain
(S.L.Jain)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

sj*