

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO.307/2000
AND 405/2000
DATED THE 3RD DAY OF MAY 2001.

CORAM:HON'BLE SHRI JUSTICE ASHOK C AGARWAL, CHAIRMAN
HON'BLE SMT. SHANTA SHAstry, MEMBER(A)

1. Shri M.P.Nandanwar
2. Shri G.R.Dara
3. Shri N.R.Ahire
4. Shri M.B.Pendam
5. Shri H.M.Nikam
6. Shri M.R.Mahajan
7. Shri R.S.Madavi
8. Shri S.D.Ratanpal
9. Shri V.K.Raravikar
10. Shri R.M.Dhum
11. Shri V.Y.Kokane
12. Shri P.M.Kenny

... Applicants in
OA-307/2000

1. Shri M.D.Mohadikar
2. Shri C.Y.Tambey
3. Shri S.B.Jamankar
4. Shri S.R.Kilnake
5. Shri D.r.Paunikar
6. Shri H.L.Khandkar
7. Shri G.H.Nimje

... Applicants in
OA-405/2000

By Advocate Shri G.S.Walia

V/s.

1. Union of India through
The Secretary,
Department of Telecommunications,
Sanchar Bhavan,
Ashoka Bhavan,
New Delhi -110 001.

2. Chief General Manager,
Maharashtra Telecom Circle,
Fountain Telecom Building,
fort, Mumbai - 400 001.

3. Chief Superintendent,
Central Telegraph Office,
Nagpur - 440 001.

... Respondents in
both the OAs.

By Advocate Shri V.S.Masurkar

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(ORAL) (ORDER)

Per Smt. Shanta Shastry, Member (A)

Since the issue involved in both the OAs is common and facts are similar, we are proceeding to dispose them of by a common order.

2. The applicants are seeking to set aside their reversion, from the BCR Gr.IV pos in the scale of 6500-10500 and to protect their promotions and pay with consequential benefits. The applicants who are working as Telegraph Masters/Chief Section Supervisors in the CTO, Mumbai are presently in the scale of Rs.6500-10500. The respondents introduced the scheme to expand and enhance the promotional avenue for the Basic Cadre employees to which 2/3 LSG posts in the pay scale of Rs.425-640 were filled on seniority-cum-fitness basis and balance 1/3 thereof by those employees who qualified in the qualifying examinations which was to be held annually. The applicants state that all of them were promoted and appointed in the LSG posts under the said 20% LSG scheme on different dates. A scheme mentioned as OTBP (One Time Bound Promotion) was introduced w.e.f. 30/11/83 by replacing the 20% LSG scheme to ensure promotion to lower selection grade pay scale, For all those officials in basic cadre in Group 'C and D' who had completed a total service of 15 years in their basic grades. It was provided in the said OTBP scheme that all those who were already promoted to LSG posts prior to 30/11/1983, were to be placed en-bloc senior to those who got promoted to LSG pay scales under the said OTBP scheme. In the year 1990, the Department of Telecommunications introduced a fresh scheme known as Biennial

w.e.f. 16/11/90. In the said BCR scheme, it was stipulated that all those officials who had completed a total of 26 years of service in their respective basic grades/cadres on or before 1st January and 1st July every year were to be placed in the pay scale of Rs.1600-2660 (4th Pay Commission Recommendation) on promotion to BCR Grade III, by upgrading their posts held by them. It was further stipulated that 10% of the BCR Grade III posts were to be in the BCR Grade IV scale of Rs.2000-3200 (4th Pay Commission) and placement in this scale was to be made on the basis of inter se seniority amongst the promotees to the BCR Grade III posts. Applicants were promoted to BCR Grade III posts under the said BCR scheme and were placed in BCR Grade IV posts on different dates on the basis of their inter se seniority amongst the promotees to BCR Grade III posts.

3. Later on certain promotees under the said BCR Grade III scheme from the Northern Telecom Region and working in the Telegraph Office New Delhi office challenged the D.O.T. orders with regard to the method of placement in BCR Grade-IV, by approaching the Principal Bench of this Tribunal by an OA 1455 of 1991 contending therein that the placement to BCR Grade IV was required to be made on the basis of the Original seniority in the basic cadre amongst the promotees to BCR Grade III, under the said BCR scheme. The learned counsel for applicants also stated that the Principal Bench of CAT, upheld the contentions of the applicants therein but further observed that all those employees

who had already been placed in BCR Grade IV posts by a different interpretation of the said BCR scheme must however be protected against reversion by creating supernumerary posts. The counsel for applicant also stated the the Hon'ble Supreme Court also rejected the SLP against the decision of the Principal Bench. Accordingly supernumerary posts were created and the applicants reversion was protected vide order dated 26/11/98. This matter was reviewed and the department decided that those whose reversion was protected through creation of supernumerary posts vide letter dated 13/2/97 and who were otherwise ineligible for Gr.IV promotion in accordance with the procedure prescribed vide order dated 13/12/95 may be reverted immediately with pay protection under the provisions of FR 31A and the additional pay may be treated as personal to them and this should be adjusted in their future increments. Further orders were issued on 10/2/2000 reverting the applicants to BCR- Grade III post in the scale of pay of Rs.5000-8000 w.e.f. 30/12/99. Some of the employees who were affected by these orders approached the Principal bench of the Tribunal in OA 425/2000 and the Principal Bench by order dated 2/6/2000 quashed the impugned order dated 30/12/99 and continued the order dated 13/12/1997 and the applicants have been protected against reversion.

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5. We find that the applicants in the present OAs are similarly placed to the applicants in OA 425/2000 and the facts are identical. We therefore are bound to follow the orders in OA-425/2000. We therefore quash and set aside the impugned orders dated 30/12/99 and 10/2/2000. The Interim Relief granted is made absolute. The OAs are allowed without any orders as to costs.

MEMBER(A)

CHAIRMAN

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