

(P2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALIABAD BENCH
CIRCUIT BENCH : LUCKNOW.

Registration C.A.NC.258 of 1990 (I)

Krishna Swaroop	Applicant
	vs.	
Union of India & Others		Respondents.

Hon'ble Mr. Justice U.C.Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C.Srivastava, V.C.)

The applicant who is holding the post of Telephone Inspector since 18.11.1974 was selected for the post of Junior Engineer Telephone/Junior Telephone Officer against the quota for Ex-servicemen in the year 1979. But he has not yet been sent for requisite training, though respondent No. 3 who was also selected alongwith applicant has been promoted and posted as Junior Telephone Officer, and the petitioner has not been sent for training and he did not get his due promotion. Again in the year 1981 a selection for promotion to the said post was held and 9 Telephone Inspectors were selected for promotion to the post of Junior Engineer(T)/Junior Telephone Officer after requisite training. Similarly the selection was held in different years 1979, 1980 and 1981, and the result of the same were published in the year 1983. The applicant was selected in the year 1979 for the said post. In the year 1983 the applicant was offered a temporary post of Junior Engineer(T) in the U.P. Circle on the terms and conditions enumerated in the appointment letter, a copy of the said is annexed to the application. One of the terms of the appointment

was that before appointment the candidate will have to deposit security of Rs.500/- . The applicant had deposited the said security of Rs.500/- on 26.9.1983. Even though he was not promoted to the post of Junior Engineer/ Junior Telephone Officer. Thereafter the applicant made representations after representation but no response was given to him from the Department. He finally approached this Tribunal praying that the respondents be directed to send him for training for the post of Junior Engineer/ Junior Telephone Officer and thereafter promote him to the said post.

2. The respondents in their Counter Affidavit stated that an offer was sent to the applicant in the year 1983 with specific terms and condition that applicant was required to furnish Health Certificate from Chief Medical Officer and security deposit of Rs.500/. The applicant however, deposited the security money but he failed to submit the Health Certificate, which he submitted on 1987. Thereafter, General Manager, Telecom Training Centre, Jabalpur was asked for allotment of seats for the training of candidates recruited against the said vacancies of 1979. The matter was referred to the Department of Telecom, New Delhi on May, 2nd, 1988 for approval, but the Department of Telecom, New Delhi did not accept the said proposal, keeping in view the unusual administrative problems of seniority which may arise after training of these candidates.

3. It appears that the applicant had fulfilled all formalities before promotion, and once the selection was made on merit it cannot be delayed on ^{the ground of} unusual problem of seniority. Yet the respondents did not send him for requisite training for the post of Junior Engineer Telephone/Junior Telephone Officer and he is

superseeded by his juniors. Accordingly we direct the respondents to send the applicant for training for the post of Junior Engineer Telephone/Junior Telephone Officer as early as possible and thereafter give him promotion to the said post in accordance with law with all consequential benefits of arrears of salary. The applicant is allowed in the above terms.

No order as to costs.

Shankar Singh
Member (A)

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Vice-Chairman.

4th November, 1991, Lucknow

(sph)