

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH:MUMBAI

OA No. 811/1994
THIS THE 16TH DAY OF OCTOBER, 2000.

HON'BLE MR.JUSTICE ASHOK AGARWAL, CHAIRMAN
HON'BLE MR.B.N.BAHADUR, MEMBER (A)

R.C.Rao
Divisional Engineer-Instrn.O/O GM(PB)
Office of Chief General Manager Telephones
Fountain Bld. II, Fort
Fountain,
Bombay-400023.
(By Advocate Shri S.P.Saxena)

.... Applicant

vs.

1. Union of India through the
Secretary
Ministry of Communication
Dak Bhavan
Sansad Marg
New Delhi-110001.
2. The Chief General Manager Telephones
General Post Office
Bombay-400028.
3. The Secretary
U.P.S.C.
Dholpur House,
New Delhi-110011.
(By Advocate Shri V.S.Masurkar)

... Respondents

ORDER(ORAL)

JUSTICE ASHOK AGARWAL:

By the present OA, applicant claims promotion to the post of Senior Assistant Engineer with effect from 25.9.1990 when his juniors were promoted. He claims further promotion to the post of Divisional Engineer from the date his juniors were promoted to that post. He also prays for consequential benefits such as refixation of seniority, arrears of pay fixation and monetary benefits etc.

2. Applicant was not considered for promotion to the post of Senior Assistant Engineer on 25.9.1990 when his juniors were promoted as a charge sheet had been issued against him on 30.7.1990. In respect of the aforesaid charge sheet, a penalty of

...2.

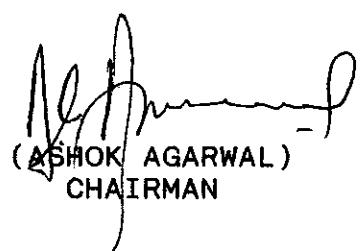

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"censure" was imposed on the applicant on 31.5.1993. Applicant, in the circumstances, was promoted as Senior Assistant Engineer on 28.3.1994. It is common ground and this is reflected by the averments contained in para 15 of the written statement that penalty of censure does not bar promotion. It is however, true as has been asserted on behalf of the respondents that applicant will not be entitled to an automatic promotion, as this is a selection post. In the circumstances, all that the applicant claim is that he should be considered for promotion. To this extent, applicant appears to be justified.

3. In the circumstances, the present OA is disposed of with a direction to the respondents to convene a review DPC to consider the claim of the applicant for promotion to the post of Senior Assistant Engineer. If he is found fit, he will be entitled to be promoted w.e.f. the date his juniors were promoted i.e. from 25.9.1990. Based on the aforesaid promotion if granted, his claim for further promotion to the post of Divisional Engineer will also be considered. Since the applicant has retired, he will be entitled to difference in salary only from the date of filing of the present OA i.e. 29.6.1994. His retirement benefits will also be calculated on the basis of the promotions, if granted.

4. Present OA is allowed in the aforesated terms. No costs.

B.N.BAHADUR
(B.N.BAHADUR)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

SNS.