

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:1017/97

WEDNESDAY the 6th day of MARCH 2002

CORAM: Hon'ble Shri Gopal Singh, Member (A)

Hon'ble Shri S.L.Jain, Member (J)

Smt. M.A. Gopalani  
Residing at  
Safal Cosmopolitan  
Kaveri, B-8/403, Sector 19-A  
Nerul, New Bombay.

...Applicant.

By Advocate Shri G.S. Walia.

V/s

1. Union of India through  
Chief General Manager  
Telecom, Maharashtra Circle  
Fountain Telecom Bldg. No.II  
Fort, Mumbai.

2. Chief Superintendent  
Central Telegraph Office,  
Fort, Mumbai.

...Respondents

By Advocate Shri V.S. Masurkar.

ORDER (ORAL)

{Per Hon'ble Shri Gopal Singh, Member (A)}

This is an application under Section 19 of the Administrative Tribunals Act 1985. The Applicant Smt. M.A. Gopalani has prayed for as under:

(a) This Hon'ble Tribunal be pleased to declare that the Applicant had exercised her option within the stipulated period from 16.5.1994 to 27.5.1994 and or also during the extended period upto 20.6.1994.

(b) This Hon'ble Tribunal be pleased to direct the Respondents to pay the financial benefits to the applicant by way of her officiating promotion as Senior Telecom Operating Assistants (T) from the same date on which her juniors were given officiating promotion without any training.

(c) This Hon'ble Tribunal further be pleased to direct the Respondents to treat the Applicant to be officiating as Senior Telecom Operating Assistants (T) continuously without any break till she is deputed to the prescribed pre-appointment training.

...2...

Gopal Singh

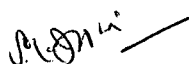
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(d) This Hon'ble Tribunal further be pleased to direct the Respondents to depute the Applicant for the prescribed pre-appointment training immediately and give her appointment in the post of Senior Telecom Operating Assistants (T), immediately thereafter.

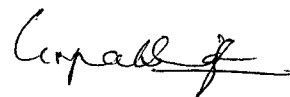
(e) This Hon'ble Tribunal further be pleased to direct the Respondents to fix the seniority of the Applicant suitably in the cadre of Senior Telecom Operating Assistants (T), on the basis of her post-training marks in the same batch in which her immediate junior in the basic grade was sent for training.

(f) Any other or further order as to this Hon'ble Tribunal may deem necessary in the circumstances of the case may be passed.

2. The learned counsel for the parties submits that this case is squarely covered by the judgement dated 26.2.2002 passed in OA 187/99 by this Tribunal. Following the detailed reasons given in order dated 26.2.2002 passed in OA 187/99 this OA is disposed of with a direction to the respondents to treat the applicant as having given her option with the extended period from 27.5.1994 to 20.6.1994 i.e. dates from which her juniors had sought the option. We make it clear that the applicant shall get notional pay for the period from the date her juniors have got it till the applicant got her regular absorption in the re-structured cadre. However, the arrears shall be payable to the applicant only for the period from one year prior to the date of making of the application. The applicant shall not be entitled the benefit of seniority on account of this as it would amount to unsettling the settled position of a large number of officials. No costs.



(S.L.Jain)  
Member(J)



(Gopal Singh)  
Member (A)