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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.877/95

DATE OF ORDER : 06-01-1998.

Between :-

M.C.Dattatri

... Applicant

And

1. The Chief General Manager, Telecom, AP Hyderabad-1.
2. The General Manager, Telecom, Hyderabad Telecom District, Suryalok Complex - 1.
3. The Director, Regional Telecom Training Centre, Secunderabad-3.
4. The Chairman, Telecom Commission, (rep. Union of India), Sanchar Bhawan, New Delhi-110 001.

... Respondents

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Counsel for the Applicant : Shri N.R.Srinivasan

Counsel for the Respondents : Shri V.Bhimanna, CGSC

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CORAM:

THE HON'BLE SHRI R.R ANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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Heard Sri N.R.Srinivasan, counsel for the applicant and Sri V.Bhimanna, standing counsel for the Respondents.

2. The applicant belongs to SC community and was initially recruited as Mechanic (now called Technician) with effect from 30-5-68. He was subsequently promoted as Higher Grade Technician (now called Technical Supervisor) with effect from 27-10-78 in the scale of Rs.425-640 (revised scale is Rs.1400-2300). He submits that his name was placed at Sl.No.148 in the gradation list of Technicians published by the 1st respondent on Circle basis as on 1-7-86.

3. He submits that he has completed 26 years of service in the department as on 30-6-94 and hence he is eligible to be promoted under BCR Scheme from that date but he is only given that promotion ^{W.E.F.} ~~on~~ 25-4-95.

4. This O.A. is filed praying for a direction to pre-pone his BCR promotion from 25-4-95 to 30-6-94.

5. The respondents have stated that the promotions under the BCR scheme ~~was~~ ^{were} made on the basis of the position of the officials in the gradation list and the name of the applicant did not find a place in the gradation list. The applicant had never represented for inclusion of his name in the gradation list nor he enquired the reasons for not including his name in the gradation list. It was only in 1994, when the BCR promotions ~~have been~~ ^{were} notified and he was not promoted, he made a representation and ~~he~~ ^{then} was promoted with

effect from 25-4-95. It is further submitted that his promotion, which was denied to him with effect from 1-7-94 on completion of 26 years of service can be given prospectively i.e. the promotion takes effect from the date of assumption of charge and that no retrospective effect can be given.

6. The main reason in not giving promotion to the applicant under the BCR scheme is that his name was not included in the Gradation list published by the General Manager. The applicant is not aware of the publication of the Gradation List and he has not submitted any representation. It is only when he was not given promotion under the BCR Scheme submitted a representation and he was promoted only from 25-4-95.

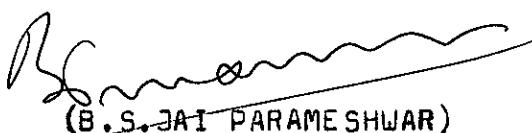
7. During the course of hearing, we enquired from the applicant to cite an instance wherein his junior was promoted under the BCR Scheme earlier to 1-7-94, the date on which he claimed promotion under BCR Scheme, the applicant's learned counsel could not cite an instance whether his junior was promoted earlier to him under the BCR Scheme.

8. The BCR Scheme is applicable to certain categories of employees. If an employee comes under that category for which the BCR Scheme is applicable then that employee is eligible to get promotion under BCR Scheme when he completes 26 years of service irrespective of the fact whether his name was found in the gradation list or not. If the respondents failed to give the BCR Promotion to an employee, who was eligible to get the BCR Promotion on completion of 26 years of service and was given later date, it does not

mean that the employees lost the promotion from the due date as per his date of entry into the Department. The reply given by the respondents that the BCR Promotion is prospective and the applicant was given the promotion from 25-4-95 and it cannot be pre-poned to 1-7-94 has got no substance. If the applicant had completed 26 years of service from the date of entry into service and he was coming within the purview of that scheme, he had to be given that promotion from the date he completed 26 years of service, provided he is otherwise eligible.

9. Hence the respondent No.2 should now consider the case of the applicant for BCR Promotion with effect from 1-7-94, ^{if} he had completed 26 years of service on that date and he was in a category, which is eligible to come under BCR Scheme and he was otherwise eligible for promotion under the BCR Scheme.

10. Time for compliance of this order is three months from the date of receipt of a copy of this order. No costs.


(B.S.JAI PARAMESHWAR)

Member (J)

6.1.98


(R.RANGARAJAN)

Member (A)

Dated: 6th January, 1998.
Dictated in Open Court.


D.R.

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Copy to:

1. The Chief General Manager, Telecom, A.P., Hyderabad.
2. The General Manager, Telecom, Hyderabad Telecom District, Suryalok Complex, Hyderabad.
3. The Director, Regional Telecom Training Centre, Secunderabad.
4. The Chairman, Telecom Commission, Sanchay Bhawan, New Delhi.
Srinivasan
5. One copy to Mr. N.R. Razzaq, Sr. CGSC, CAT, Hyderabad.
6. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
7. One copy to HBSJP, M(J), CAT, Hyderabad.
8. One copy to D.R. (A), CAT, Hyderabad.
9. One duplicate copy.

YLR

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COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

THE HON'BLE MR. B.S. JAI PARAMESHWAR :
M(B)

DATED: 6/1/98

ORDER/JUDGMENT

M.A./R.A./C.R.NO.

in

D.A.NO. 877/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

