

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH
J A I P U R .

OA No.582/93

Date of order: 10.1.1996

R.K.Gadhwai

: Applicant

Vs.

Union of India and others : Respondents

Mr. P.V.Calla, counsel for the applicant

Mr. M.Rafiq, counsel for the respondents

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HON'BLE SHRI GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE SHRI C.P.SHARMA, MEMBER (ADMINISTRATIVE)

O R D E R

(PER HON'BLE SHRI GOPAL KRISHNA, VICE CHAIRMAN)

The applicant R.K.Gadhwai in this application under Section 19 of the Administrative Tribunals Act, 1985, has mainly challenged the order Annexure A-1 dated 25.8.1993 by which he was posted at the enquiry of the Telecom District Engineer Office Kota thereby shifting him from the post of Section Supervisor to a post which is non-supervisory.

2. We have heard the learned counsel for the applicant and the learned counsel for the respondents and have gone through the records of the case carefully.

3. The contentions of the applicant are that in the provisional Gradation List of Permanent Telecom Office Assistants Gr. 260-480 corrected upto 31.7.83, the applicant figures at Sl.No.215 while respondent No.5

Shri S.S.Sharma figures at Sl.No.232. This gradation

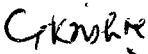
list is marked as Annexure A-2. The learned counsel for the applicant drew attention to the gradation list of Higher Selection Grade Supervisors SS(D) and TOAs of the office of Kota Telecom District Engineer as on 31.12.1991 wherein the name of the applicant has been shown at serial No.4 while that of the respondent No.6 Shri S.S.Sharma at serial No.6 and the learned counsel for the applicant with reference to OM dated 25.6.1993 (Annexure A-19) on the subject of the welfare of SC/ST communities has urged that the Parliamentary Committee had also recommended that there should be reservation in adhoc appointments also for members of SC/ST communities and has therefore pleaded that the applicant should be retained on a supervisory post. He has drawn attention to Annexure A-17 which, according to him, is the last available seniority list which shows the applicant senior to respondent No.6. He has also urged that appointment to a supervisory post is made on the basis of seniority and therefore the applicant is entitled to hold a supervisory post and the impugned order is liable to be quashed. It is specifically mentioned in the order dated 14.10.1991 at Annexure A-3 that the officials named therein were granted adhoc promotions on completion of 26 years of service and these officials so placed in the higher grade will continue to perform their present duties. No question had in fact arisen to give any post carrying supervisory duty to the applicant. The learned counsel for the applicant has also relied upon ~~an~~ item No.3 of Annexure A-6 dated 18.3.1992 which provides that officials in Grade-IV in the cadres of TCA(General),

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TOA(Phones), TOA(Telegraph), TOA(Telegraph General) will perform supervisory duties without any extra remuneration or allowance and in the case of non-availability of Grade-IV officials, the supervisory duties will be performed by the senior most Grade-III official in the station without any extra remuneration or allowance. However a clarification letter dated 30.11.1992 (Annexure R-1) makes clear that persons promoted in the 1/3rd quota of Lower Selection Grade will rank senior to all those who are placed in the scale of 1400-2300 under One Time Bound Promotion Scheme. The applicant who was given the benefit of adhoc promotion cannot be therefore considered senior to the person who has been promoted in the 1/3rd quota of the Lower Selection Grade . Respondent No.6 has been given promotion in the 1/3rd quota of the Lower Selection Grade. In terms of this letter dated 30.11.1992 (Annexure R-1), a revised seniority list was issued by the respondents on 12.4.93 vide Annexure R-2 in which the name of the applicant has been shown at serial No.6 and name of the respondent No.6 has been shown at serial No.3. The applicant, therefore, cannot claim to hold the supervisory post on the basis of his seniority in Grade-III pay scale 1500-2600. There is no challenge to the revised seniority list corrected upto 31.3.1993. The applicant being junior to respondent No.6 in this revised seniority list, is not entitled to hold the supervisory post in preference to respondent No.6.

4. In view of the facts stated above, this application is dismissed. No order as to costs.


(O.P. SHARMA)
MEMBER (A)


(GOPAL PRISHNA)
VICE CHAIRMAN