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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 1.2.96.

OA 593/94

Raghu Nath Singh

... Applicant

Versus

Union of India and others

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. O.P. SHARMA, MEMBER (A)

For the Applicant

... Mr. Shiv Kumar

For the Respondents

... Mr. U.D. Sharma

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Raghu Nath Singh, in this application u/s 19 of the Administrative Tribunals Act, 1985, has sought a direction to the respondents to consider his case for promotion to the Junior Administrative Grade Rs.3700-5000 at par with his junior, respondent No.5, w.e.f. 24.6.94 with all consequential benefits.

2. We have heard the learned counsel for the parties and have gone through the records of the case carefully. The learned counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. The contentions of the applicant are as follows. The applicant was initially appointed as a Telephone Operator in May, 1988. On bifurcation of the Telecom Department from that of the P&T Department, the applicant was promoted in 1960 as an Engineering Supervisor (now Junior Telecom Officer). He earned promotion as Assistant Engineer in November, 1971. Thereafter, he was further promoted as a Divisional Engineer. His name figures at Sl.No.1548 in the All India Gradation List. Since promotion of Divisional Engineers in the pay scale of Rs.3000-4500 to the post of Junior Administrative Grade of the Indian Telecom Service Group-A in the pay scale of Rs.3700-5000 is made on the basis of seniority-cum-suitability, the applicant, being within the zone of consideration, was ignored for promotion and despite his representation and good service records, the action of the respondents in ignoring his promotion to the said grade has been assailed on the ground that his case was not considered by the Departmental Promotion Committee for want of complete service records/CRs. It is also stated

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that the action of the respondents in giving promotions to his juniors is arbitrary and unsustainable and the applicant was accorded differential treatment.

4. On the contrary, the respondents have stated that the applicant being within the cone of consideration, his case for ad hoc promotion to the Junior Administrative Grade was duly considered by the Screening Committee, which, after screening his Annual Confidential Reports for the preceding 5 years, had adjudged him "not yet fit for promotion". Consequently, he could not be promoted to the Junior Administrative Grade on ad hoc basis and, therefore, his name did not find place in the impugned order dated 24.6.94, at Ann.A-1. The representation made by the applicant, having been not made through proper channel, is not available in the records of the respondents.

5. It is obvious from the reply of the respondents that the applicant's case was duly and properly considered by the Screening Committee on the basis of his 5 years' Annual Confidential Reports, but he could not be granted promotion as the Screening Committee had assessed him as "not yet fit". Once the Screening Committee found him "not yet fit for promotion" on a careful consideration of the applicant's Annual Confidential Reports for the preceding 5 years, we cannot interfere with the assessment made by the Screening Committee. This application is, therefore, not maintainable on merits. However, as and when there are regular promotions made to the Junior Administrative Grade, the applicant's case may be considered afresh in accordance with law.

6. The OA is disposed of accordingly with no order as to costs.

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(O.P. SHARMA)

MEMBER (A)

C. Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

VK