

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 10th August, 2001

OA No.13/1999

H.R.Choudhary s/o late Shri Kana Ram Chaudhary r/o D-40, Chomu House,
Sardar Patel Marg, Jaipur

..Applicant

Versus

1. Union of India through its Under Secretary to Government of India, Telecommunications Department, Sanchar Bhawan, New Delhi.
2. The Chairman, Telecom Commission, Sanchar Bhawan, New Delhi.
3. Chief General Manager (Telecom) Rajasthan Circle, Jaipur.
4. General Manager (Telecom) District, Jaipur
5. Shri M.Khan, SD (Trunk), O/o the General Manager, Telecommunication Department, Jaipur

.. Respondents

Mr. Mahendra Shah, counsel for the applicant

Mr. Vijay Singh, proxy counsel for Mr. Bhanwar Bagri, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member

ORDER

Per Hon'ble Mr. A.P.Nagrath, Administrative Member

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 praying for the reliefs as under:-

- i) "the impugned action of the respondents firstly in not releasing the benefit of efficiency bar since 1994, in not according promotion to the applicant to the post of TES Group-B and in not revising his pay scale from Rs.

2000-3000 to 2075-3500 may kindly be declared illegal, invalid and the same may kindly be quashed and set aside and the respondents be directed by appropriate order or direction firstly to release the benefit of crossing efficiency bar due from 1994 onwards with all consequential benefits and they be also directed to consider the case of applicant for his promotion to the post of TES-Group-B from the date on which his junior person Mustaquddin Khan came to be promoted vide order dated 3.5.1997 and the respondents be further directed to revise the pay scale of the petitioner from 2000-3000 to 2075 to 3500 w.e.f. 1.1.1986 and 24% interest thereon from the due date with all consequential benefits.

ii), award the cost of the application in favour of the applicant."

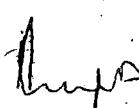
2. It appears that the applicant had not been allowed to cross the efficiency bar since 1994 and also not given promotion to the post of TES Group 'B' because of a pending disciplinary case under Rule 14 of the CCS (CCA) Rules, 1965. On conclusion of the proceedings in the said case, the applicant was exonerated of the charges levelled against him.

3. From the reply filed by the respondents, we find that after his exoneration, the applicant has been allowed to cross the efficiency bar w.e.f. 1.1.95 at the stage of Rs. 2300-2375. Further, for the applicant's regular promotion to Group 'B' in the cadre of TES, his name has been recommended for approval of the competent authority. It has also been stated that in the meantime the applicant has been promoted locally, purely on temporary basis to officiate in the cadre of TES Group 'B'. Learned counsel for the respondents

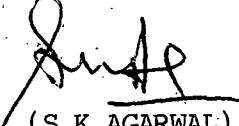


submitted that in view of these developments, the OA has become infructuous. On the other hand, the learned counsel for the applicant while admitting the facts as stated by the opposite side, contended that full relief as prayed for would materialise only if the applicant is actually promoted regularly to Group 'B' in the cadre of TES from the date his junior has been promoted and the applicant granted all consequential benefits. The learned counsel agreed that this OA could be disposed of with appropriate directions to the respondents to grant the benefit of regular promotion and all consequential benefits within stipulated time. The learned counsel did not press before us the relief in respect of revising his pay scale from Rs. 2000-3000 to Rs. 2075 to 3500. We are also not inclined to go into that aspect of the matter as that matter has no direct bearing on the main relief of promotion, as sought by the applicant. This becomes a case of plural not remedies, which can be agitated through one OA.

4. In the light of the above discussion, we dispose of this OA with a direction to the respondents to communicate the orders regarding regular promotion of the applicant to the cadre of TES Group 'B' from the date of promotion of his immediate junior, within two months from the date of this order. The applicant shall be entitled to all consequential benefits including payment of arrears becoming due on account of this promotion. No order as to costs.


(A.P. NAGRATH)

Adm. Member


(S.K. AGARWAL)

Judl. Member