

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 14.3.95.

OA 104/95

P.P. SETHI

... APPLICANT.

V/s.

UNION OF INDIA AND OTHERS

....RESPONDENTS.

CORAM:

HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

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

For the Applicant

... SHRI J.K. KAUSHIK.

For the Respondents

... ---

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (J).

Applicant P.P. Sethi, in this application u/s 19 of the Administrative Tribunals Act, 1985, has prayed that the respondents be directed to consider his case for promotion to Grade-III in the scale of Rs.1600-2660 (RP) at par with his juniors without insisting on the applicant's completing the minimum prescribed years of service in the basic grade under the B.C.R. Scheme with all consequential benefits including seniority, arrears of pay and allowances protecting his interest in every respect.

2. We have heard the learned counsel for the applicant. The applicant is presently posted as Section Supervisor in the office of the Executive Engineer, Telecom, Civil Division at Jaipur. The applicant claims that he is discharging his duties in the scale of Rs.1400-2300 w.e.f. 14.12.88 and he is senior in Grade-II by virtue of promotion by merit rating quota and he is now entitled to promotion in the scale of Rs.1600-2660. But the respondents have implemented the B.C.R. Scheme and promoted persons junior to the applicant to the post of Senior Section Supervisor scale Rs.1600-2660 ignoring the applicant's case for promotion for the reason that he had not completed 26 years of service. It is also stated that his case has not been considered for promotion vis-a-vis respondents No.4 and 5, who are juniors to him. The applicant has made a representation to the

concerned authority vide Annexure A-7 dated 15.12.94 and the learned counsel for the applicant wants that the same be disposed of in terms of the decision rendered by the Bangalore Bench of the Tribunal in CA 341/93 on 5.10.93 in the case of K. Sridharan v. Deputy General Manager (Administration) and others, and also in terms of the decision rendered by the Hyderabad Bench of the Tribunal in CA 28/94, decided on 25.3.94 in the case of S.N.C.R.N. Acharya and others v. The Chairman, Telecom Commission & Ors.

3. We, therefore, dispose of this OA at the stage of admission with a direction to the respondent No.3 to examine the representation in the light of the decisions referred to above and decide the same through a speaking order on merits as early as possible. If the applicant is aggrieved by any decision taken on the representation, he may file a fresh OA, if so advised. Let a copy of the OA, alongwith the annexures, be sent to the respondent No.3 alongwith a copy of this order.

(C.P. SHARMA)
MEMBER (A)

(GOPAL KRISHNA)
MEMBER (J)

VK.