

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 22/12/1999

(13)

OA 109/95

K.S. Anand, Jr. Telecom Officer in the office of SDO(T), Kota.

... Applicant

Versus

1. Union of India through its Secretary, Ministry of Communication, Deptt. of Telecommunication, New Delhi.
2. Director (C.T), Deptt. of Telecommunication, Dak-Tar & Bhawan, Sansad Marg, New Delhi.
3. Chief General Manager, Telecom Department, Jaipur.
4. General Manager, ~~Ex~~ Telecom (East) Department, Jaipur.

... Respondents

CORAM:

HON'BLE MR. S. K. AGARWAL, MEMBER (J)
HON'BLE MR. N. P. NAVANI, MEMBER (A)

For the Applicant

... Mr. V. B. Srivastava

For the Respondents

... Mr. Tirupati Kandoi, proxy
counsel for Mr. M. Rafiq

ORDER

(PER HON'BLE MR. N. P. NAVANI, ADMINISTRATIVE MEMBER)

In this application filed u/s 19 of the Administrative Tribunals Act, 1985 the applicant has essentially prayed that the service he had rendered as Section Officer, Mechanical (Junior Engineer) in Beas Construction Board from 24.6.1972, prior to his absorption in the Department of Telecommunication, should be considered as qualifying service for giving him higher scale of JTO viz. Rs. 1640-2900 w.e.f. 1.1.1986 and the scale of Rs. 2000-3500 on lateral promotion w.e.f. 1.1.1990 (the date from which the scheme of lateral promotion is implemented) and the impugned reply dated 3.1.95 (Annexure A-13) may consequently be quashed and set aside.

[Signature]

2. The respondents have contested this in their written reply on the same argument which they have taken in some other OAs filed in various Benches of this Tribunal, about which we will have an occasion to mention hereinafter, that the service rendered by persons declared surplus and subsequently absorbed vide the scheme of redeployment in the Departments of the Central Government has to be reckoned only from the date they join the recipient Department and, therefore, unless they complete the qualifying service in the recipient Department, they cannot be given the benefit of either horizontal or vertical higher scales.

3. This controversy has been agitated before various Benches of this Tribunal. Some of these are (i) Tarlok Singh v. IOI & ors in OA No.613-JK of 1988 decided ~~by~~ by the Chandigarh Bench on 18.11.1988, (ii) Rajkumar Sharda v. UOI & Ors., OA No. 609/CH/88 decided by the Chandigarh Bench on 5.1.1989 (iii) Rayagrao Latorao Baraskar v. UOI, OA no.866/93 decided by Bombay Bench, Camp Nagpur on 19.7.1995 (iv) R.K. Bhiman & Ors. v. UOI decided on 29.11.1996 by the Chandigarh Bench of this Tribunal and (v) Chandra Mani Sharma & ors. v. UOI & ors. decided by the Chandigarh Bench on 15.5.1998. The SLP filed by the ~~Chandigarh Bench~~ UOI & ors. against the order of the Tribunal in R.K. Bhiman & ors. v. UOI & ors. was dismissed by Hon'ble the Supreme Court of India vide their order dated 28.7.1997 and the decision has acquired finality.

4. In all above mentioned OAs, it has been held that the service rendered by the applicants in an equivalent grade in Beas Construction Board shall inure to the qualifying service for eligibility for promotion to higher horizontal and vertical scales, provided they are otherwise found fit.

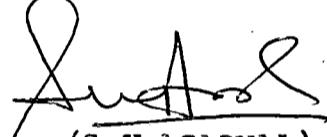
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(B)

5. We have heard the learned counsel for the parties and have also examined the material on record. We have no hesitation in coming to a conclusion that the applicant in this OA is similarly placed and the decisions cited in the preceding para fully cover the case of the applicant.

6. In the circumstances, the OA is allowed. We quash and set aside the impugned letter dated 3.1.1995 (Annexure A-13) and direct the respondents to take into account the service rendered by the applicant in Beas Construction Board as qualifying service. Respondents are further directed to consider the applicant for grant of the pay scale in the grade of Rs.1640-2900 w.e.f. 1.1.1986 and that of Rs.2000-3500 w.e.f. 1.1.1990, subject to his being found fit otherwise. The OA is accordingly disposed of with no order as to costs.

(S.P.NAWANI)
MEMBER (A)


(S.K.AGARWAL)
MEMBER (J)