

(11)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.445/95

Date of order: 8/12/2000

M.B.Bagrath, S/o Sh.Govind Sahai Sharma, working as
officiating Telecom District Engineer, Sikar.

...Applicant.

Vs.

1. The Union of India through Secretary Telecommunications,
Mini. of Communication, Sanchar Bhawan, New Delhi.
2. Chairman, Telecommunication Board, New Delhi.
3. Chief General Manager Telecom, Rly.Electrification Project
Circle, 46, Bajaj Nagar, Nagpur.
4. Chairman cum Managing Director, Telecom Consultants of
India Ltd, 43, Nehru Place, New Delhi.
5. Shri Girdhari Lal, Divisional Engineer, C/o Chief
General Manager Telecom, Punjab Circle, Ambala.
6. Sh.V.G.Patel, Divisional Engineer, O/o Chief GMT, Gujarat
Circle, Ahmedabad.

Mr.K.S.Sharma - Counsel for applicant.

Mr.Hemant Gupta, proxy of Mr.M.Rafiq- Counsel for respondents.

CORAM:

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

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

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

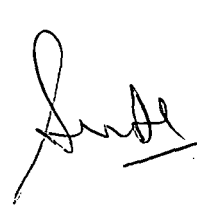
In this O.A filed under Sec.19 of the Administrative
Tribunals Act, 1985, the applicant prays for the following
reliefs:

- i) to direct respondent No.1 to 4 to implement the order
dated 18.4.91 (Annx.A4) by giving promotion and consequential
benefits from the date on which juniors to the applicant were
promoted.
- ii) to direct the respondents to implement the order dated
14.1.93 (Annx.A2) by promoting the applicant on the post of
Junior Time Scale of ITS-A from the very date with

consequential benefits and

iii) to direct the respondents to issue orders of promotion to the applicant for the post of Sr.Time Scale of ITS-A from the date it was given to his juniors (Respondents Nos.5 & 6) vide order Annx.A3 dated 25.1.93 with all consequential benefits.

2. Reply was filed. It is stated in the reply that representations at Annx.A9 and A10 have already been decided by the respondents and as a consequence of the decision on these representations, the applicant has been given proforma promotion to the grade of Sr.AE in the pay scale Rs.2200-4000 w.e.f.18.4.91 vide letter dated 21.6.96. It is also stated that the applicant has also been given promotion to the grade of DE(STS of ITS Group-A) in the pay scale Rs.3000-4500 on officiation/ad hoc basis vide letter dated 12.7.96 and CGMT letter dated 30.7.96. It is further stated that the request of the applicant for promotion to JTS of ITS Group-A, in terms of Directorate of Telecommunication, New Delhi letter dated 14.1.93 could not be acceded to as these orders were related to ad hoc promotion to ITS of ITS Group-A vide letter dated 14.10.96. It is further stated that vide orders dated 14.1.93, promotions were given only on ad hoc basis when the applicant was not available and went on deputation to South Africa and on repatriation his representations have been accepted and he has been allowed the substantial relief. It is denied that the service record of the applicant has been good/excellent. It is stated that in fact the applicant was chargesheeted under Rule 14 of the CCS(CCA) Rules, 1965 in the year 1989-90 and a penalty of Censure was imposed vide letter dated 29.6.92 and the applicant was dealt with in accordance with the extant rules and there is no violation of the rules. Therefore, the applicant has no case and this O.A is liable to be dismissed.

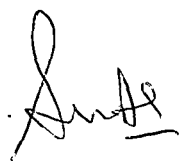


3. Heard the learned counsel for the parties and also perused the whole record.

4. On a perusal of the averments made by the parties, it appears that the applicant has already been given proforma promotion to the grade of Sr.AE in the pay scale Rs.2200-4000 w.e.f. 18.4.91 vide letter dated 21.6.96. It also appears that vide order dated 30.7.96, the applicant alongwith others were promoted to officiate as DE in the pay scale Rs.3000-4500 on purely officiating, temporary and ad hoc basis but the applicant was entitled to this promotion w.e.f. 14.1.93, from the date on which his juniors have been promoted.

5. It also appears that the applicant alongwith respondents Nos.5 and 6 were considered for promotion by the DPC and this DPC was definitely convened after the order of Censure was passed by the respondents on 21.6.92, therefore, it can be presumed that the penalty of Censure must have been taken into consideration by the DPC at the time of consideration of candidature of the applicant in the year 1993 and on the basis of the penalty of Censure imposed upon the applicant in the year 1992, the order of with-holding of promotion of the applicant was not sustainable whereas respondents Nos.5 & 6 were given promotion with reference to the decision taken by the DPC in this regard. Therefore, in our considered view, the applicant is entitled to promotion on the post of JTS w.e.f. 14.1.93, from the date on which his juniors respondents Nos.5 & 6 were given promotion, may be on ad hoc promotion but the same has been denied to the applicant without any rhyme or reason.

6. In view of the above, this O.A is allowed and the respondents are directed to implement the orders dated 18.4.91 (Annx.A4), 14.1.93 (Annx.A2) and 25.1.93 (Annx.A3) at par with respondents Nos.5 & 6 and allow all consequential benefits.



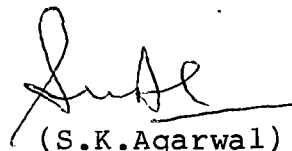
The whole process shall be completed within 3 months from the date of receipt of a copy of this order.

7. No order as to costs.



(A.P.Nagrath)

Member (A).



(S.K.Agarwal)

Member (J).