

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.249/96

Date of order: 15/3/2007

Man Mohan Krishna, S/o late Shri Har Bhagwan, R/o 8/146, Malviya Nagar, Jaipur, at present employed as P.A to Superintending Engineer, O/o Chief Engineer, Civil Wing, Jaipur.

...Applicant.

,Vs.

Union of India through Secretary to the Govt of India, Mini. of Communication, Deptt of Telecommunication, Sanchar Bhawan, New Delhi.

2. The Chairman, Telecom Commission, Mini. of Communications, Deptt of Telecom Sanchar Bhawan, 20, Ashoka Road, New Delhi.
3. Chief General Manager, Telecom, Rajasthan Telecom, Circle, Sardar Patel Marg, Jaipur.
4. Chief Engineer (C), Telecom Civil Circle, Jaipur.

...Respondents.

Mr. Shiv Kumar - Counsel for the applicant.

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

CORAM:

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

Hon'ble Mr. Gopal Singh, Administrative Member.

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

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

- i) That para 2 of (I) Civil Engineering of impugned order dated 12.8.84 may be declared illegal and deleted and the same may be ordered to be substituted with following:

- |              |    |           |
|--------------|----|-----------|
| 2. Sr. PA/PS | 6. | 1) Bhopal |
|              |    | 2) Jaipur |

- 3) Patna
- 4) Ahmedabad
- 5) Bangalore
- 6) Trivendram

The respondents may be directed to consider the cases of PAs (i.e. applicant and other PA(s) for promotion to the aforesaid posts and allow all consequential benefits.

ii) Any other order/directions reliefs may be passed in favour of applicant which may be deemed fit just and proper under the facts and circumstances of this case.

iii) That the cost of this application may be awarded.

2. In brief facts of the case as stated by the applicant is that the applicant was initially appointed as Clerk on 2.8.66 and after passing the requisite examination, he was appointed as PA to SE(Civil) in the grade of 1400-2600. It is stated that the applicant is continuing on the post of P.A grade 1400-2600 for the last 16 years or more without any promotion avenue. It is further stated that in other Chief Engineer(Civil) Offices, Senior P.A grade 2000-3200 has already been provided but the office of Chief Engineer (Civil) Jaipur, has wrongly been considered to be an office under the control of Central Secretariat Service (Telecom) and in view of this the applicant has neither been considered for promotion in Civil Wing or in CGMT Office. It is also stated that other PAs of Telecom office have already been promoted but the case of PA in Civil Wing has been completely ignored. Therefore, the action of the respondents in this way is discriminatory or in violation of Articles 14 & 16 of the Constitution of India, therefore the applicant filed the Q.A

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for the relief as above.

3. Reply was filed. In the reply, it is stated that as per letter dated 15.12.88, the cadre review was only for the posts belonging to P&T services and not for Central Secretariat Services. It is stated that in-situ promotion scheme was introduced for career advancement of Group-C & D employees of Civil Wing. It is stated that office of Chief Engineer(C) is a participating office of the Central Secretariat Service and the office has been created as per Central Secretariat Service Rules. In the Central Secretariat Service cadre the grades are as under:

|                      |                           |
|----------------------|---------------------------|
| 1. Steno Grade 'D'   | 1200-2040 (initial grade) |
| 2. Steno Grade 'C'   | 1640-2900                 |
| 3. Private Secretary | 2000-3500                 |
| 4. P.P.S             | 3000-4500                 |

It is further stated that the applicant who is locally recruited employee of P&T Civil Circle cadre and whose services are not all India Services cannot claim the post which are meant for Central Secretariat Services, therefore, the applicant has no legal right to claim promotion on the post of different services of which he is not a member, therefore, the applicant is not entitled to any relief sought for.

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

5. The learned counsel for the applicant while arguing the case has drawn our attention to the order passed by Madras Bench of the Tribunal in O.A No.480/91 decided on 3.12.91 and submitted that in view of the order passed by the Madras Bench of the Tribunal the applicant is also entitled to the relief sought for. On the other hand, the learned counsel for the respondents while opposing the arguments has referred to

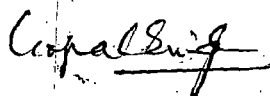
*Surat*

order passed on 30.6.97 by the Hyderabad Bench of the Tribunal and argued that the Hyderabad Bench of the Tribunal after considering the order passed in O.A No.480/91 by the Madras Bench of the Tribunal has disallowed the prayer and dismissed the O.A, therefore, the applicant has no case for interference by this Tribunal.

6. We have given anxious consideration to the rival contentions of both the parties and also perused the record.

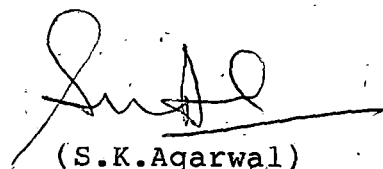
7. In O.A No.128/94 decided on 30.6.97 by the Hyderabad Bench of the Tribunal, it was held that the applicants are the member of Central General Service and not the Central Secretariat Service thus they are not in line of promotion, therefore, they have no legal claim to be considered for promotion for the newly created post. The case of the applicant is also squarely covered by the decision given in O.A No.128/94 decided by Hyderabad Bench of the Tribunal vide order dated 30.6.97 and in view of the decision passed in the aforesaid O.A, the applicant has no case for interference by this Tribunal and the O.A devoid of any merit is liable to be dismissed.

8. We, therefore, dismiss the O.A having no merits with no order as to costs.



(Gopal Singh)

Member (A).



(S.K. Agarwal)

Member (J).