

IN THE CENTRAL ADMTNISTRATIVE TRTBUNAL, JATPUR BENCH, JATPUR.

DATE OF ORDER : 23.4.2002

OA No. 318/96

Hiro Harjani son of Shri Late Shri J.S. Harjani aged about 59 years, resident of 26, Sindhi Colony, Bani Park, Jaipur. Retired Sr. Superintendent, Telegraphic Traffic.

VERSUS

1. Union of India through the Secretary to the Government of India, Ministry of Communication, Department of Telecom, New Delhi.
2. Chief General Manager, Telecommunication, Rajasthan Circle, Jaipur.

...Respondents.

Mr. S.K. Jain, Counsel for the applicant.

Mr. R.L. Agarwal, Proxy counsel for

Mr. Bhanwar Bagri, Counsel for the respondents.

CORAM

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

Hon'ble Mr. J.K. Kaushik, Member (Judicial)

ORDER

PER HON'BLE MR. A.P. NAGRATH, MEMBER (ADMTNISTRATIVE)

This OA has been filed u/s 19 of the Administrative Tribunal Act for the following reliefs :-

"(i) That by an appropriate writ, order or direction, the respondents be ordered to give the promotion to the applicant on the post of Senior A.D. in the pay scale of Rs. 2200-4000 since 25.3.1995, on completion of 12 years' service in the TTS Group 'B.'



-2-

- (ii) That the applicant be also allowed all consequential benefits such as fixation of pay, arrears of salaries alongwith interest @ 24% per annum and all the consequential retiral benefits and revision of pension etc.
- (iii) Any other relief which this Hon'ble Tribunal deems fit may also be granted to the applicant, looking to the facts and circumstances of the case.

2. It is not in dispute that the applicant was eligible for promotion as Senior A.D. after completion of 12 years of regular service in the TTS Group 'B.' The reasons given by the respondents for non granting the benefit to the applicant was that the decision of the Department of merging Telegraph Traffic Arm Group 'A' and 'B' with Engineering Arm was under challenge before the Principal Bench and the view will be taken after the said matter is resolved. However, today we have been informed by Mr. R.L. Agarwal, Proxy counsel for Mr. Bhanwar Bagri, counsel for the respondents, that the said matter culminated into an agreement between Department of Telecom Operations, Telegraph Traffic Officers Association and Indian Service Association. The details of this agreement have been given in communication dated August 25, 2000 placed on record by the respondents as Annexure A/25. Para 4 of the said letter provides as follows:-

Lateral advancement scheme is restored retrospectively for TTS Group 'B' Officers. Other facilities available to TES Group 'B' officers like pay scales, post upgradation, pay anomaly settlement and other promotional avenues are applicable to TTS Group 'B' officers also.

3. In view of this fact, the learned counsel for the respondents submits that the cause of grievance of the applicant has been taken away. He further has stated that the applicant shall be extended his due benefits to which he is entitled after completion of 12 years of service in the TTS

(S)

Group 'B.' w.e.f. the date the same became due.

4. We observe that the applicant had already retired in the year 1995. The claim for promotion became due on 25.3.1995. The reasons for not extending the benefit of promotion to him was the dispute pending settlement between the contending parties belonging to different service associations. This final decision had been arrived at when letter dated 25.8.2000 was issued. We are left wondering at the lackadaisical attitude of the respondents. This case had been listed before us on a number of occasions after 25.8.2000 but at no stage, the Department cared to inform us that the matter had been resolved. Naturally this OA could have been decided much earlier and the benefit could be extended to the applicant. It was admitted before us that similarly placed employees have already been granted the due benefits. Lethargic attitude of the respondents resulted into prolonging the agony of the applicant. The learned counsel for the applicant, Shri S.K. Jain, has rightly emphasised on this aspect of the matter. Now that the respondents agree to grant the benefit to the applicant from the date the same is due, we expect all the consequential benefits including revision of the pension of applicant shall be granted without delay.

5. For the reasons above, we pass the following order:

"The OA is allowed. The respondents shall grant the benefit of promotion to the applicant on the post of Senior A.D. in the pay scale of Rs. 2200-4000 w.e.f. the date he completed 12 years of regular service in the TTS Group 'B.' The applicant is also entitled to all arrears of pay & allowances. Consequent to this order, his pension shall also be revised. All additional amount becoming due shall be paid to the applicant within a period of two months from the date of communication of this order. For any delay beyond the period of two months, interest @ 9% shall be paid to the applicant. For prolonging the agony of the

applicant totally unnecessarily, who is a retired person, we imposed a cost of Rs. 1000/- upon the respondents which shall also be paid to him within two months from the date of communication of this order. The Department is at liberty to recover the cost from any functionary held responsible for delaying this matter.

J.K. KAUSHIK

(J.K. KAUSHIK)

MEMBER (J)

A.P. NAGRATH

(A.P. NAGRATH)

MEMBER (A)

ahq