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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No. 12/97

Date of order: 16.8.2000

Madhusudan Gupta, S/o Shri Brij Mohan Gupta, R/o Gurudwara Road,
Kota Jn, working as Telgraphist, CTO, Kota.

...Applicant.

Vs.

1. Union of India through Secretary to the Govt, Deptt. of Telecommunications, Sanchar Bhawan, New Delhi.
2. Chief General Manager Telecom, Rajasthan Circle, Jaipur.
3. General Manager, Telecom Deptt, Kota.
4. J.T.O, Incharge, CTO Office, Kota.

...Respondents.

Mr.P.N.Jati - Counsel for applicant.

Mr.M.Rafiq) - Counsel for respondents

Mr.Hemant Gupta)

CORAM:

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

Hon'ble Mr.N.P.Nawani, Administrative Member

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

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to pay the applicant the Pay & Allowances of the post of Senior TOA(T) w.e.f. 9.5.95 and to fix the pay of the applicant accordingly.

2. In brief the case of the applicant is that he has been working as TOA under the respondents in CTO, Kota, w.e.f. 9.5.95 and for this purpose an order dated 11.7.95 was also issued. The applicant was sent for training of Sr.TOA w.e.f. 17.6.96 in CTC, Jhalana Doongri, Jaipur and he successfully completed the training w.e.f. 17.6.96 to 12.7.96 and his name appeared in the list of successful candidates issued on 12.7.96. But the respondents did not allow the applicant the pay scale of Sr.TOA(T) and issued a letter rejecting the request of the appli

for granting pay and allowances of Sr.TOA (T) on 27.11.96. Therefore, the applicant filed the O.A for the relief as mentioned above.

3. Reply was filed. It is stated in the reply that the applicant was facing disciplinary enquiry and having been served with a charge sheet for major penalty on 5.8.91. Therefore, he could not be allowed to be promoted in restructured cadre in terms of DG P&T letter 25.6.95. Therefore, it is stated that the issuance of the impugned order dated 26.11.96, rejecting the claim of the applicant is perfectly legal and justified and the applicant has no case for interference by this Tribunal, therefore the O.A is liable to be dismissed.

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

5. It is not disputed that the applicant was allowed to officiate w.e.f. 9.5.95 in the cadre of Sr.TOA(T) as is evident from the letter dated 11.7.95. It is also not disputed that in pursuance of the said letter, the applicant was sent for training and he has completed the same and the applicant is still working on the post of Sr.TOA(T).

6. As the applicant was allowed to officiate on the post w.e.f. 9.5.95 vide order dated 11.7.95 and after successfully completing the training he is working on the post of Sr.TOA(T), therefore, the applicant is entitled to pay and allowances of the post of Sr.TOA(T). Merely a disciplinary proceeding is pending against the applicant does not disentitle him from getting the pay and allowances of the post on which he is working.

7. We, therefore, allow the O.A and direct the respondents to pay the applicant the pay and allowances of the post of Sr.TOA(T) w.e.f. 9.5.95 till he is working on the post and to fix his pay in the pay scale applicable for Sr.TOA(T) within two months from the date of receipt of a copy of this order. In the facts and circumstances of this case, the applicant shall not be entitled to any interest on the amount so payable to him.

For the Tribunal.

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8. No order as to costs.



(N.P. Nawani)

Member (A).



(S.K. Agarwal)

Member (J).