

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 23.03.2001

OA No.542/1997

Gaurilal Meena s/o Shri Mool Chand Meena r/o C-93, J.P.Colony, Tonk Phatak, Jaipur, at present working as Senior Supervisor Barket Nagar Telephone Exchange, Jaipur.

.. Applicant

Versus

1. Union of India through Secretary, Department of Telecommunication, Ministry of Communication, Sanchar Bhawan, New Delhi.
2. The Chief General Manager Telecom, Rajasthan Telecom. Circle, Sardar Patel Marg, Jaipur
3. The General Manager Telecom, District, Jaipur District, Jaipur.
4. Shri P.G.Bhandari (Staff No.0781) Chief Supervisor, Office of the S.D.O.P., Shastri Nagar, Jaipur.

.. Respondents

Mr. K.S.Sharma, counsel for the applicant

Mr. Hemant Gupta, Proxy counsel to Mr. M.Rafiq, counsel for respondents

CORAM:

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

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

Order

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

In this Original Application, filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant seeks the following reliefs:-

"8.1 That the respondents may kindly be directed to promote the humble applicant on the post of chief telephone supervisor in grade-IV of scale worth Rs. 2000-3200 (revised

pay scale 6500-10500) prior to the Respondent No.4 and other promoted junior colleagues promoted with Respondent No.4. And the benefit of ST reserved post may kindly be extended to the humble applicant on all levels i.e. in 20%, 10% and senior supervisors (in grade IIInd, IIIrd and IVth) with consequential benefits.

8.2 That the Respondents may kindly be directed to quash the promotion order of Annexure A/1, A/2 and A/3 and revise the seniority list of Annexure A/4, placing the humble applicant on the correct position as he was shown vide Annexure A/9.

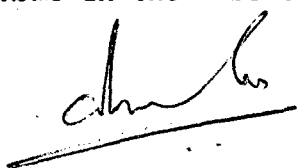
8.3 That the consequential benefits alongwith the due arrears and interest thereon @ 18% per annum may kindly be awarded in favour of the humble Applicant.

8.4 That the cost of the suit may kindly be allowed in favour of humble applicant.

8.5 That any other appropriate relief which may kindly be deemed fit in favour of humble applicant be awarded."

2. We have heard the learned counsel for the parties and have gone through all the material on record, including the rejoinder to the reply.

3. After carefully considering the rival contentions, we are of the considered opinion that the controversy raised in this OA is also essentially regarding applicability of either District/Division level seniority list or a Circle level seniority list for determining promotion to Grade-IV (Chief Telephone Supervisor in the scale Rs. 2000-3000) under the ECF scheme. We also find that the applicant in this OA is similarly placed to Shri Gajraj Singh, applicant in OA No.541/97 and also aggrieved by non-inclusion of his name in the list of officers promoted to Grade-IV




vide order dated 13.2.1997 (Ann.A1 in both the OAs). In view of this, we do not propose to re-examine the same controversy in this OA and feel that ends of justice will be served by following the decision rendered in OA No. 541/97.

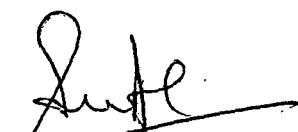
4. We accordingly dispose of this OA with following directions as was rendered in OA No.451/97 :-

We dispose of this OA with a direction to respondent No.2 to review the case of the applicant, especially vis-a-vis the D.G. P&T's letter No.257/129/74-STB.I/7486 of 30.7.1975 (copy placed as Ann.A11) and if the applicant is entitled to restoration of his seniority, consider and decide the case of the applicant for promotion to the Grade-IV in the pay scale of Rs. 2000-3200 w.e.f. the date such promotion has been given to his junior. If, however, the applicant is not entitled to any benefit, he may be suitably informed through a reasoned and speaking order. This direction may be implemented within four months of receipt of a copy of this order.

In the circumstances, there will be no order as to costs.

  
(N.P.NAWANI)

Adm. Member

  
(S.K.AGARWAL)

Judl.Member