

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Decision: 18.4.2001

OA 205/98

Leela Bhatia, Sr.Section
Telecom District, Jaipur.

Supervisor O/o General Manager

... Applicant

Versus

1. Union of India through Secretary, Deptt.of Telecommunications, Ministry of Communications, New Delhi.
2. Chief General Manager, Telecom, Rajasthan Telecom Circle, Jaipur.
3. General Manager, Telecom District, M.I. Road, Jaipur.
4. Divisional Engineer Phones (Adm) O/o GMTD, Jaipur.

... Respondents

CORAM

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

HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.Hemant Gupta, proxy counsel

for Mr.R.G.Gupta

For the Respondents ... Mr.S.S.Hasan

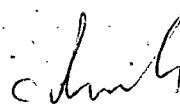
O R D E R

PER HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

The applicant herein seeks a direction to the respondents to promote her in Grade-IV in the pay scale of Rs.6500-10500 with effect from the date her juniors were promoted. It is further prayed that she be granted the benefit of notional promotion and consequential arrears without any discrimination.

2. We have heard the learned counsel for the parties and have also perused all the material on record.

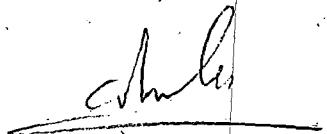
3. The applicant was initially appointed as Telephone Operator on 29.3.62 and was later on transferred to the office of DET, Jaipur, on 11.8.64 under Para-38. she continued on the post for about 12 years and in the absence of any beneficial scheme like OTBP or BCR, she changed her cadre from Telephone Operator to Telecom Office Assistant (TOA) on 1.2.74. She was promoted under OTBP w.e.f. 30.11.83 and under BCR w.e.f. 30.11.90. However, the department issued the impugned order dated 6.1.98 (Ann.A/1) ignoring altogether the services rendered by her during the years 1962 to 1.2.74 and persons junior to her were given promotion on notional basis to the post of Chief Telephone



Supervisor in the pay scale of Rs.6500-10500. She made a representation (Ann.A/3) that while her services upto 1.2.74 were ignored, those who joined during the period from 1965 to 1970 were promoted. In their reply the respondents informed her vide letter dated 17.2.98 (Ann.A/4) that since the applicant had changed her cadre from Telephone Operator to Time Scale Clerk, her seniority was related on that side in accordance with example (ii) under sub rule (3) of Para-38 and since her seniority was regulated in Time Scale Clerks cadre, any special privilege available to her by virtue of being a member of the Telephone Operators cadre got forfeited in accordance with sub rule (4) of Para-38. It was further stated that since the applicant was not holding any lien in the basic cadre gradation list of Telephone Operators, her case for promotion to the post of Chief Telephone Supervisor could not be considered in terms of the instructions given in DOT letter dated 13.12.95. Aggrieved by the rejection of her representation, the applicant has come before us with this OA.

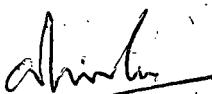
4. The respondents by filing a reply have denied her case. It has been stated on their behalf that since the applicant got her transfer on her own request from the cadre of Telephone Operators to the cadre of Time Scale Clerks and does not have any lien in the cadre of Telephone Operators, she cannot get the benefit of her service as Telephone Operator in the clerical cadre in accordance with sub rule (4) of Para-38. The applicant got time bound promotions under OTBP and BCR in consideration of length of her service in both cadres having identical scales as per the rules. The case of the applicant was considered for promotion to Grade-IV as per her seniority in the cadre of Time Scale Clerks, now designated as TOAs, but she cannot claim promotion in the cadre of Telephone Operators having herself switched over to the cadre of Time Scale Clerks.

5. We have carefully considered the rival contentions. It is quite clear that the applicant, who was initially

A handwritten signature in black ink, appearing to read "Chitra", is written over a horizontal line.

appointed as a Telephone Operator, changed over to the cadre of Time Scale Clerks on her own request. She must have been assigned a particular seniority in the cadre of Time Scale Clerks. Since she was not holding any lien in the cadre of Telephone Operators, there is no question of her service rendered as Telephone Operator from the date of appointment in 1962 to 1.2.74 when she switched over to the cadre of TOAs, being counted for promotions in the cadre of Telephone Operators, now designated as TOA. We, therefore, tend to agree with the contention of the respondents that the applicant cannot have best of ~~more~~^{both the} the cadres and after her switch over to the cadre of TOAs she has to obtain promotions in that cadre itself. It appears that she has already been given time bound promotions under OTBP and BCR Schemes and if her services rendered as Telephone Operator between 1962 and 1.2.74 were counted for consideration of promotions under OTBP and BCR, her such services will also be liable to be counted in case promotion to Grade-IV under the BCR Scheme is under consideration. However, if promotion to Grade-IV in the cadre of TOAs is under consideration, the services rendered between 1962 to 1.2.74 cannot be taken into account.

6. We, therefore, dispose of this application with a direction to the respondents that in case promotion to Grade-IV under the BCR Scheme is under consideration, the services rendered by the applicant as Telephone Operator between 1962 and 1.2.74 should also be considered. However, we make it clear that such services will not be considered if the promotion to Grade-IV within the cadre of TOAs is under contemplation. The OA stands disposed of accordingly with no order as to costs.


(N.P.NAWANI)
member (A)


(S.K.AGARWAL)
Member (J)