

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Date of order:02.01.2002

OA No.327/99

Murli Thadani s/o Shankerdas r/o 29A, Sindhuwadi,
Ashaganj, Ajmer and working as Ex-Senior Telegraph Master,
Central Telegraph Office, Ajmer.

..Applicant

Versus

1. Union of India through the Secretary to the
Govt. of India, Department of
Telecommunications, Ministry of Communications,
Sanchar Bhawan, 20, Ashoka Road, New Delhi.
2. Chief General Manager Telecom, Rajasthan
Telecom Circle, Jaipur
3. General Manager, Telecom Distt., Ajmer.
4. D.R.Meena, Chief Telegraph Master, Departmental
Telegraph Office, Pratap Nagar, Udaipur.

.. Respondents

Mr.K.L.Thawani, counsel for the applicant.

Mr. R.L.Agarwal, proxy counsel to Mr. Bhanwar Bagri,
counsel for the respondents

CORAM:

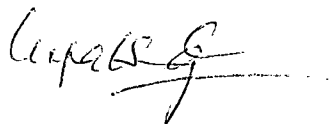
Hon'ble Mr. Justice O.P.Garg, Vice Chairman

Hon'ble Mr. Gopal Singh, Administrative Member

ORDER

Per Hon'ble Mr. Gopal Singh, Administrative Member

In this application under Section 19 of the
Administrative Tribunals Act, 1985, applicant, Murli
Thadani, has prayed for quashing the impugned order at
Ann.A1 being illegal, unconstitutional and violative of
Articles 14 and 16 of the Constitution of India and for a



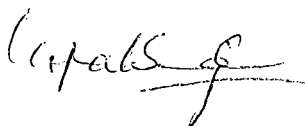
direction to the respondents to convene a review DPC to consider name of the applicant for placing him in the higher scale of pay against 10% quota in Grade-IV under the Biennial Cadre Review (BCR, for short) w.e.f. the due date as per his seniority, but in any case earlier than D.R.Meena (respondent No.4).

2. Applicant's contention is that he is senior to respondent No.4 (D.R.Meena) in the basic grade seniority and eligible for consideration for upgradation against 10% quota in Grade-IV, but the respondent Department has not granted him the benefit under the BCR scheme. Instead, the respondent Department had given the upgraded scale to respondent No.4 (D.R.Meena) w.e.f. 13.10.1995 under the reservation roster. It is also contended by the applicant that the reservation roster does not apply to upgradation under the BCR scheme. The applicant retired on superannuation on 31.12.1997. The representation made by the applicant in this regard elicited no response from the respondents. Hence, this application.

3. In the counter, the respondents have denied the case of the applicant.

4. We have heard the learned counsel for the parties and perused record of the case carefully.

5. This controversy had come up earlier before the Jodhpur Bench of the Central Administrative Tribunal where one of us (Mr. Gopal Singh) was also a member. In that case (OA No.317/99) one Bhagwan Das had sought the benefit

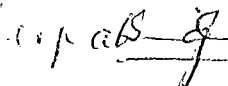


of upgradation under 10% quota of the BCR scheme to Grade-IV w.e.f. the date the same benefit was given to D.R.Meena (respondent No.4) on the ground that he was senior to D.R.Meena and that roster reservation would not apply to the upgradation under the BCR scheme. The applicant therein stood at Sl.No.19 of the basic gradation list whereas D.R.Meena was placed at Sl.No.33 of that list. The present applicant (Murli Thadani) appears at Sl.No.8 of the said basic gradation list. Thus, the applicant is senior to Bhagwan Das (applicant in OA No.317/99). In our order dated 11.7.2001 passed in OA No. 317/99, Bhagwan Das was held entitled to the benefit of BCR scheme over and above D.R.Meena (respondent No.4). Since the present applicant is senior to even Bhagwan Das, he would be entitled to the benefit under BCR scheme over and above D.R.Meena (respondent No.4). We are, therefore, of the view that the present case is squarely covered by our order dated 11.7.2001 passed in OA No. 317/99. We accordingly, following the detailed reasons recorded in our order dated 11.7.2001 passed in OA No.317/99, pass the order as under:-

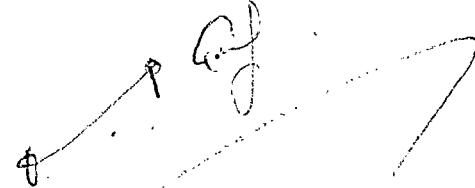
Application is allowed. The respondents are directed to promote by upgradation, the applicant under 10% BCR scheme to Grade-IV w.e.f. the date respondent No.4 (D.R.Meena) has been promoted by according notional seniority to the applicant over and above respondent No.4. The applicant's pay may be stepped up and shall be brought to the stage that is accorded to Shri D.R.Meena (respondent No.4), but the applicant would not be entitled to any arrears on this count. The applicant would, however be

(Signature)

entitled to pensionary benefits on the basis of revised pay fixation as per these orders. No costs.


(GOPAL SINGH)

Adm. Member


(O.P. GARG)

Vice Chairman