IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 30.6.2000

OA 94/2000

Basanti Lal Tak, Red. Chief Telecom Supervisor, Deoli, Tonk (Rajasthan).

... Applicant

Versus

1. Union of India through Secretary, Department of Telecom, Sanchar Bhawan, Sansad Marg, New Delhi.
2. Chief General Manager, Telecom Rajasthan Circle, Jaipur.
3. General Manager, Telecom District, Ajmer.
4. Telecom District Manager, Sawaimadhopur.

... Respondents

CORAM:

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

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

For the Applicant ... Mr.P.N.Jati

For the Respondents ... Mr.Hemant Gupta, proxy counsel for Mr.M.Rafiq

O R D E R

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

In this OA filed u/s 19 of the Administrative Tribunals Act, the applicant makes a prayer to quash and set aside the order dated 21.2.2000 alongwith the order dated 30.12.99, circulated on 18.2.2000.

2. In brief the facts of the case, as stated by the applicant, are that applicant was working under Telecom District Manager Sawai Madhopur, at Deoli, Tonk, on the post of Chief Telephone Supervisor w.e.f. 28.9.95. Since then he has been working sincerely and with no complaint but without any reason and rhym respondent No.4 issued order dated 21.2.2000, by which the applicant alongwith other is to be reverted. It is stated that orders of the respondents are arbitrary, illegal, unjust and also against the principles of natural justice. It is further stated that the applicant was promoted on the recommendations of the DPC as per rules vide order dated 31.12.97 w.e.f. 28.9.95 and pay fixation of the applicant was also made accordingly. It is also stated that no opportunity was given to the applicant to represent his case before issuing the impugned order dated 21.2.2000. Therefore, the applicant has filed this OA for the relief as mentioned above.

3. Reply was filed. In the reply it is stated that on the basis of the seniority in BCR, one Shri S.M.Jain was promoted to Grade-IV vide GMT (E),

jaipur, office order dated 28.9.95, which was challenged by certain officials of the department and Principal Bench of the Central Administrative Tribunal vide its order dated 7.7.92 directed that promotion to 10% posts in the scale of Rs.2000-3200 would have to be based on seniority in the basic cadre subject to fulfilment of other conditions of BCR i.e. those who are regular employees as on 1.1.90 and had completed 26 years of service in the basic grade (inclcuding higher grades). It is stated that the respondent department filed SLP against the said order before Hon'ble the Supreme Court of India and Hon'ble the Supreme Court vide its judgement dated 9.9.93 upheld the order of the Principal Bench of Central Administrative Tribunal, New Delhi. Therefore, in view of the order passed by the Principal Bench, which was upheld by Hon'ble the Supreme Court, it was decided that promotion to Grade-IV may be given from amongst the officials in Grade-III on the basis of their seniority in basic cadre. Accordingly, the order dated 13.12.95 was issued. It is stated that consequent to the order dated 13.12.95, some of the officials, already promoted in Grade-IV, become ineligible and were facing reversion. Therefore, it was decided that those promoted officials who will be rendered ineligible for promotion to Grade-IV in pursuance of the order dated 13.12.95 may be protected from reversion by creating as many supernumerary posts as required from person to person basis. It is pertinent to mention here that Shri S.M.Jain (applicant in OA 86/2000) was also to be reverted consequent to DOT New Delhi order dated 13.12.95, as he was junior-most amongst the officials in Grade-III on the basis of his seniority in the basic cadre. But he was protected from reversion and regulated by giving promotion to all officials of Grade-III who were senior to Shri S.M.Jain on the basis of their seniority in the basic cadre. The applicant, including 12 others, was accordingly promoted w.e.f. 28.9.95 by TDM Sawai Madhopur but now the applicant, including others, has been reverted from Grade-IV to Grade-III vide TDM Sawai Madhopur order dated 21.2.2000, which was perfectly legal and justified. it is stated that the applicant was promoted to regulate the promotion of Shri S.M.Jain and to protect his reversion without availability of post by creating as many supernumerary posts as required from person to person basis. It is, therefore, denied that the order of reversion is in any manner arbitrary, illegal and unjustified and the principles of natural justice are not applicable in the facts and circumstances of the present case and this OA having no merits is liable to be dismissed.

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

5. This Tribunal vide order dated 6.3.2000 directed the respondents not

9. We, therefore, allow this OA and quash and set aside the impugned orders dated 30.12.99 and 21.2.2000. No order as to costs.

(N.P.NAWANI)
MEMBER (A)

(S.K.AGARWAL)
MEMBER (J)