

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA 376/2001 with MA 444/2003
& MA 445/2003

DATE OF ORDER: 30.1.2004

J.S. Jodha son of Shri Omkar Singh aged about 57 years, resident of 1/35/Champa Nagar, Beawar, at present employed on the post of CTS, Beawar, Department of Telecommunication.

.... Applicant.

VERSUS

1. Union of India through its Secretary, Department of Telecommunication (Bharat Sanchar Nigam Ltd.), New Delhi.

2. General Manager, Department of Telecommunication, Ajmer (Bharat Sanchar Nigam Ltd.), Ajmer Division, Ajmer.

.... Respondents

Mr. Shiv Kumar, Counsel for the applicant.

None present for the respondents.

CORAM:

Hon'ble Mr. M.L. Chauhan, Member (Judicial)

Hon'ble Mr. A.K. Bhandari, Member (Administrative)

ORDER (ORAL)

MA No. 444/2003 has been filed for restoration of the OA, which was dismissed in default on 18.11.2002. The application for restoration was moved on 17.10.2003 after a lapse of one year whereas limitation for moving such application is thirty days. The applicant has also ~~also~~ filed an application for condonation of delay alongwith this MA, which was registered as MA No. 445/2003.

2. Notice of these applications was given to the respondents. In the reply, it has been stated that ground taken by the applicant that he was sick as he could not move the application for restoration within prescribed period has been controverted and the respondents have given the detailed period during which the applicant remained on leave. ~~Exe~~

3. From the reply affidavit, it is apparent that plea of sickness taken by the applicant cannot be accepted. Accordingly both these MAs are dismissed.

4. We have perused the ~~case~~ ^{case} on merit also. The applicant has not made out any case for relief. The prayer in the OA is regarding grant of higher pay scale w.e.f. 30.11.1983 under OTPB Scheme instead of 30.6.1992 and also benefit under BCR Scheme w.e.f. 30.11.1990 instead of 01.07.1992.

5. In the reply, the respondents have taken specific stand that the case of the applicant was considered under both these Schemes in the year 1984 and he was found not fit. They have also annexed copy of letter dated 04.04.1984 (Annexure R/1). It is further stated that the case of the applicant was again considered in the year 1988 but was not found fit. It is stated that vide order dated 16.8.1988, in the departmental inquiry under Rule 16 of the Central Civil Services (CCS) Rules, 1965, he was awarded punishment of stoppage of one increment. These facts have not been controverted by the applicant. In case the applicant was aggrieved of non grant of CTE/ promotion under BCR Scheme from the relevant date and his case was wrongly rejected by the respondents in the year 1984 and 1988, he should have approached the Tribunal on that occasion. The applicant has not challenged these orders whereby he was denied benefit under CTE/ BCR Scheme. He cannot be permitted to raise these pleas at this belated stage. More particularly, ^{when} the applicant has not filed any application for condonation of delay.

6. Accordingly OA as well as both the MAs nos. 444/2003 and 445/2003 are dismissed. No costs.

~~X/13/IV~~
(A.K. BHANDARI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)