

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH:JAIPUR

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Date of Order : 4 .04.2002.

O.A.NO. 446/2001

Ram Pratap Meena S/o Shri Harnanda Ram Meena By Caste Meena, Aged about 55 years, Resident of Village Nangal Kothian , P.O. Dhand Via Amer, District Jaipur, Rajasthan, presently working as Chief Telephone Supervisor O/o Principal General Manager, Telecom District, Jaipur - 10.

.....Applicant.

versus

1. Union of India, through the Secretary to the Government of India, Department of Telecom, Sanchar Bhawan, New Delhi.
2. Bharat Sanchar Nigam Limited through Chairman, Corporate Office, Personnel IV Section, Sanchar Bhawan, New Delhi. 110 001.
3. Chief General Manager, Telecom, Rajasthan Circle, Jaipur-8.
4. Principal General Manager, Telecom District, Jaipur -10.

.....Respondents.

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Mr. P.N.Jatti, Counsel for the applicant.

Mr. B.N.Sandu, Counsel for the respondents.

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CORAM :

Hon'ble Mr. Gopal Singh, Administrative Member

Hon'ble Mr. J.K.Kaushik, Judicial Member

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PER MR.GOPAL SINGH :

In this application under Section 19 of the Administrative Tribunals Act, 1985, applicant, Ram Pratap Meena, has prayed for quashing the impugned order dated 29.8.2001 with Corrigendum dated 3.9.2001 at Annex.A/1.

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2. Applicant's case is that he has been working in the Department of Post and Telegraph since 1964. That the respondent-department introduced a Biennial Cadre Review scheme (for short 'BCR scheme') in the Department of Telecommunications w.e.f. 16.10.1990. Under this scheme, 10% of the employees were eligible to higher pay scale of Rs. 2000-3200. The applicant had rendered 26 years of service as on 1.10.1990 and was thus eligible to be considered for grant of higher pay scale of Rs. 2000-3200 under 10% quota w.e.f. 1.2.1995. Accordingly, he was given the higher pay scale of Rs. 2000-3200 w.e.f. 1.2.1995. The respondent-department issued reversion order of the applicant on 30.12.1999. This reversion order was quashed by the Jaipur Bench of the Central Administrative Tribunal, vide order dated 19.12.2000 (Annex.A/10). The respondent-department has again issued order dated 29.8.2001 followed by order dated 3.9.2001 (Annex.A/1) by which the applicant has been reverted w.e.f. 8.9.1999. It is contended by the applicant that in terms of the law laid down by Hon'ble the Supreme Court in Ajeet Singh's ~~case~~ case, reserved category candidate promoted prior to 1.4.1997 would not be reverted though, they should be allowed to continue on the promotional post on ad hoc basis. Hence, this application.

3. In the counter, it has been stated by the respondents that the applicant was not eligible to be considered for grant of higher pay scale of Rs. 2000-3200 under the BCR scheme. It has, therefore, been urged by the respondents that this application is devoid of any merit and is liable to be dismissed.

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

5. A similar controversy had come up before the Jodhpur Bench of the Central Administrative Tribunal in OA No. 317/1999 ^(Bhagwan Das Vs. UOI & Ors) decided on 11.7.2001, where one of us (Mr. Gopal Singh), was a Member of the Bench. In that case, it was held by the Jodhpur Bench that in terms of Government's

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letter dated 13.2.1997 (Annex.A/8) in-eligible persons promoted to grade IV were not to be reverted but supernumerary posts were to be created for those persons as personal to them. We consider it appropriate to extract below letter dated 13.2.1997 :-

"Sub :Amendment to DGT orders of even number dated 10-5-96 regarding procedure for promotions to Grade IV in the scale of 2000-3200 against 10% posts in the BCR Scheme.

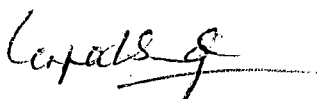
Para 2 (II) and 2 (III) of this office letter of even number dated 10.5.96 is here by amended to read as follows :

Para 2 (II) Those promoted officials who will be rendered ineligible for promotions to Grade IV in pursuance of the orders even number dated 13.12.95 may be protected from reversion by creating as many supernumerary posts as required from to person to person basis.

Para 2(III) The supernumerary posts thus created to protect reversion of ineligible officials promoted to Gr. IV up to 13.12.95, by a different interpretation shall get abolished automatically on vacation of the posts by incumbents due to retirement, promotions/shifting to other grade etc. or till they become eligible for promotion to Gr. IV in their normal turn. Promotions of eligible officials shall continued to be made as per rule and in accordance with the judgement and the instructions issued in the order of even number dated 10th December 1995.

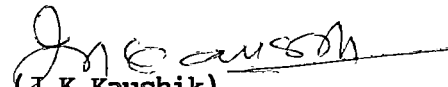
The above amendment to para 2 of this order dated 10.5.96 has the approval of Telecom Commission and issued with the Finance concurrence under their O.O. No. 316/FA-I/97 dated 12.2.97."

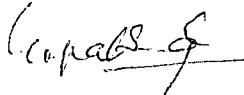
Irespective of the fact whether the applicant has been promoted under roster reservation or otherwise under the BCR scheme, his promotion deserves to be protected under the above mentioned letter. Accordingly, we find much merit in this application and the same deserves to be allowed.



6. The O.A. is accordingly allowed. The impugned order dated 29.8.2001 and the Corrigendum dated 3.9.2001 (placed at Page Nos. 17 and 17-A of the case file), are quashed and set aside with all consequential benefits.

7. The parties are, however, left to bear their own cost.


(J.K. Kaushik)
Judl. Member


(Gopal Singh)
Adm. Member

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