

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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Date of Order : 06.06.2003.

O.A. NO. 551/2001

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Umesh Chandra Sharma S/o Shri Erij Bihari Lal Sharma, by Caste Sharma, aged about 50 years, resident of 30, Uma Path, Ram Nagar, Sodala, Jaipur, presently working as P.S. to the General Manager (Rural & Administration) O/D 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, Sansad Marg, New Delhi.
2. Chief General Manager Telecom, Rajasthan Circle, Jaipur - 8.
3. Principal General Manager, Telecom District, Jaipur - 10.

.....Respondents.

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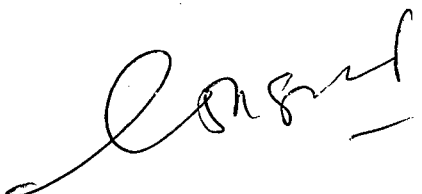
CORAM :

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman  
Hon'ble Mr. G.C. Srivastava, Administrative Member

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Mr. P.N. Jatti, Counsel for the applicant.  
Mr. Neeraj Eatra, Counsel for the respondents.

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ORDER  
[Per Mr. Justice G.L.Gupta]

The relief claimed in the instant O.A. are as follows :-

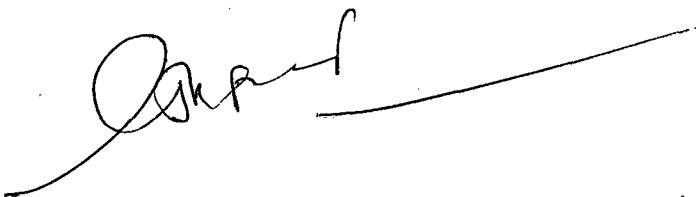
8.1 "that by a suitable writ/order or direction the respondents be directed to allow the promotion of Stenographer Grade-II to the applicant with effect from the month of February 1991 as receiving the orders dated 30.1.91 instead of 10.2.1993 and further promotion of Stenographer Grade I as per the rules of the Department on the subject and the onward promotions of Senior P.A./PS as per the rules of the Department with all the consequential benefits,

8.2 that the impugned order dated 8.3.2001 be quashed and set aside,

8.3 any other relief which the Hon'ble Bench deems fit."

2. The applicant was appointed in the Department of Tele-Communication as a Stenographer Grade III w.e.f. 10.12.1975. He got promotions in the Stenographer Grade II, Stenographer Grade I and then Private Secretary.

2.1. The say of the applicant is that the Ministry of Personnel and Training, New Delhi, had issued an order dated 30.1.1991 providing for higher pay scale to the Stenographers of Grade III and Grade II. It is averred that this order was to be implemented from the date of its issue i.e. 30.1.1991 but, the respondents have implemented the said order w.e.f. February 1994 with the result that the applicant was deprived of the benefit of the order dated 30.1.1991 and he could not get promotion from Stenographer Grade III to Grade II and Grade I on completion of the stipulated service period. It is averred that the applicant has suffered great loss in his pay and allowances. He made representation and his case was even recommended to the higher authorities and even the information was



collected but, the said representation was rejected vide communication dated 8.3.2001 (Annex.A/1). Hence, this application.

3. In the counter, the respondents' stand is that a copy of the order dated 30.1.1991 was received in the department of Telecom vide letter dated 11.2.1994 and, therefore, necessary action was taken from that date. It is further averred that it may be that the order of 1991 was implemented by the other departments of the Government of India but, on that basis, the employees of Telecom department cannot get the benefit of the 1991 order from the date of its issue.

4 In the rejoinder, the applicant's case is that the benefit of 1991 order has been given to the Stenographers of Department of Posts which is the sister Department of Telecom Department and the applicant has been made to suffer because of the negligence on the part of the respondents.


5. We have heard the learned counsel for the parties and perused the documents placed on record.

6. The relevant provision of the order Annexure A/2 dated 30.1.1991 reads as follows :-

"In order to improve the promotion prospects of Stenographers in the Non-Secretariate/Subordinate Offices it has been decided to take the following measures :-

(a) xxxxxx

(b) In order to relieve stagnation in the lowest grade of Stenographers (Gr.III), wherever possible, on functional considerations, one Stenographer Gr.II (Rs.1400-3600) may be provided to two Officers entitled for a Stenographer Gr.III (Rs.1200-2040) each. Such arrangement once made will be final. The implementation of this decision may be suitably phased to ensure that it does not lead to any



of the existing Stenographers Gr.III being rendered surplus.

(c) xxxxx

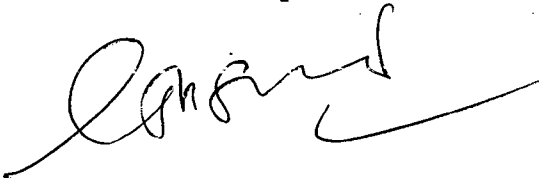
(d) Stenographic assistance at the level of Rs. 1640-2900 (Gr.I) may also be provided to functional posts in the scale of Rs. 4500-5700 and 25% of JAG posts in the scale of Rs. 3700-5000 after identifying such post on the basis of stenographic workload.

It is requested that Ministry of Agriculture, etc. may initiate expeditious action to implement these decisions so as to relieve stagnation along stenographers in non-secretariat/subordinate offices under them."

6.1. A reading of the order shows that it was issued by the Department of Personnel & Training (DOPT) and it was meant for all the departments of the Government of India. Copy of the order was sent to all the Ministries and the departments of Government of India. Incidentally, it may be stated that it is not the case for the respondents that the Office Memorandum dated 30.1.1991 did not apply to the Stenographers of the Telecom Department.

6.2. What is the stand taken by the respondents is that a copy of the order dated 30.1.1991 was received in the Telecom department in the year 1994 and thereafter the order dated 11.2.1994 was issued and the Stenographers of the Telecom department were not entitled to the benefit of the Memorandum dated 30.1.1991 from the date of its issue.

7. In our opinion, this contention of respondents is not acceptable. When the Government had issued memorandum and the object of issuing of the memorandum was to improve the promotion prospects of the Stenographers of the subordinate offices, the Stenographers of the Telecom Department could not be deprived of the benefit of the memorandum on the ground that a copy of the same was not received in the Ministry of Communication in the year 1991 and the Ministry



issued the orders in the year 1994.

7.1. As a matter of fact, there is not clear averment that the department of Telecommunication had not received the copy of the Memorandum dated 30.1.1991 in the year 1991 itself. It is possible that the department of Telecommunications took a lot of time in issuing the order dated 11.2.1994. If some delay was caused in the Ministry or in the department, the employees of the subordinate offices, cannot be allowed to suffer. The applicant is right when he says that there was negligence on the part of the respondents and the applicant should not be made to suffer.

8. It is not disputed that the Postal department, which is also under the Ministry of Telecommunication, has implemented the Memorandum dated 30.1.1991 from the year 1991 itself. It is further seen that the Chief Manager, Telecommunications vide letter No. MA/14 dated 1.8.2000 had observed that the exercise, in terms of the Memorandum dated 30.1.1991, ought to have been completed in the year 1991 and, had it been done, the sanctions of the post would have been obtained. It shows that though the department is satisfied that the claim of the Stenographers is not without substance but, as no steps were taken earlier, the officer felt a problem in implementing the Memorandum dated 30.1.1991.

9. In this case, the claim of the applicant cannot be defeated on the ground of delay because the applicant was vigilant for his rights from the year 1994 itself, when he came across the communication Annexure A/2 in which the DOPT's O.M. dated 30.1.1991 was referred. The applicant made representation, but the department

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did not take decision in the matter.

10. Having considered the entire material on record, we are of the considered view that the respondents must apply the Memorandum dated 30.1.1991 from the date of its issue for the Stenographers working in the subordinate offices of the Telecom department.

11. Consequently, the O.A. is allowed. The respondents are directed to apply the Memorandum dated 30.1.1991 from the date of its issue to the Stenographers working in the Telecom department and if, the applicant is found fit to get promotion(s) in Grade II and Grade I in terms of the said O.M., he should be given the benefit of the promotions with consequential benefits.

12. No order as to costs.

  
(G.C. Srivastava)  
Adm. Member.

  
(G.L. Gupta)  
Vice Chairman

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