IN THE CENTRLADMINISTRTIVE TRIBUNAL,JAIPUR BENCH,
JAIPUR

.....

Date of Order : 5th April, 2002.

O.A. NUMBERS : 6, 19, 20, 21, 22 and 23 OF 2002

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1. L.R. Meena S/o Shri Ghisa Lal Meena by caste Meena, Aged about 56 years, Resident of Plot No. 3, Outside Gangapole, Meena Colony, Jaipur, presently working as Chief Telegraph Master, Central Telegraph Office, Jaipur.

.....Applicant in OA 6/2002

2. Gopi Ram Bunkar S/o Shri Dhanna Ram Bunkar, Aged about 56 years, Resident of 147, Prem Nagar, New Sanganer Road, Jaipur, presently working as Chief Telegraph Master, Central Telegraph Office, Jaipur.

.....Applicant in OA No. 19/2002

3. Babu Lal Meena S/o Shri Gopi Lal Meena, Aged about 55 years, Resident of PL-10, Jaikishan Colony, Rooparampura, Jaipur, presently working as Chief Telegraph Master, Central Telegraph Office, Jaipur.

.....Applicant in OA No. 20/2002.

4. Ram Lal Lodia S/o Shri Ganga Ram Lodia by caste Lodia, Aged about 58 years, Resident of 650, Barkat Nagar, Jaipur, presently working as Chief Telegraph Master, Central Telegraph Office, Jaipur.

.....Applicant in OA No. 21/2002

Laxmi Narain Meena S/o Shri Ranjeet Singh Meena, Aged about 56 years, Resident of 25A, Jai Kishan Colony, Rooparampura, Jaipur, presently working as Chief Telegraph Master, Central Telegraph Office, Jaipur.

.....Applicant in OA No. 22/2002

Gopi Lal Meena, S/o Shri Rampratap Meena, Aged about 58 lyears, Resident of 24, Meena Colony, Gangapole Gate, Jaipur, presently working as Chief Telegraph Master, Central Telegraph Office, Jaipur.

.....Applicant in OA No. 23/2002

VERSUS

1. Union of India, through the Secretary to the Government of India, Department of Telecom, Sanchar Bhawan, New Delhi.

2. Chief General Manager, Telecom, Rajasthan Circle, Jaipur - 7.

3. Principal General Manager, Telecom District, Jaipur - 10.

.....Respondents in all the OAs.

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Mr. P.N.Jatti, Counsel for the applicants.
Mr. R.L. Agarwal, Advocate, Proxy Counsel for
Mr. Bhanwar Bagri, 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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ORDER

(Per Hon'ble Mr. Gopal Singh,Administrative Member)

The controversy involved in all these applications and the relief prayed for by the applicants are common, therefore, all the six applications are being disposed of by this common order.

2. The controversy involved in these cases had also come up before the Jodhpur Bench of the Central Administrative Tribunal in OA No. 317/1999 (Bhagwan Das Vs. Union of India and 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 letter dated 22.2.1997 (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. It was also held by the Jodhpur Bench in the above mentioned case that in terms of the judgement of Hon'ble the Supreme Court in Ajeet Singh's - II case, (1999 SCC (L&S) 12) a reserved category candidate promoted in excess of the prescribed percentage prior to 1.4.1997, would not be reverted though, he may be continued on ad hoc basis, the applicants belonging a scheduled caste candidate, gets protection under this law also. We

consider it appropriate to extract below letter dated 13.2.1997 issued by the Department of Telecommunication in this regard :-

"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 persuance 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 elegible 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 concurrance under their O.O. No. 316/FA-I/97 dated 12.2.97."

Irrespective of the fact whether the applicants have been promoted under roster reservation or otherwise under the BCR scheme, their promotions deserves to be protected [illegible] matter. Accordingly, [illegible] merit in these applications and the same deserve to be allowed.

3. The Original Applications are accordingly allowed. The impugned order dated 26/12/2002, at Annex. A/1, is hereby quashed and set aside with all consequential benefits. No costs.

(J.K.Kaushik)
Judl.Member

TRUE COPY ATTESTED
19-4-2005
Section Officer (Judicial)
Central Administrative Tribunal
Jaipur Bench, JAIPUR

(Gopal Singh)
Admv.Member

mehta