

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 6 of 2002

Jabalpur, this the 15th day of June, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Shri Sushil Vishwakarma,
S/o. Shri Hubilal, aged
38 years, R/o. House No. 1/11,
T&D Circle Colony, Theatre
Road, Jabalpur.

... Applicant

(By Advocate - Ms. P.L. Shrivastava on behalf of Smt.
S. Menon)

V e r s u s

1. Union of India,
through : Secretary,
Ministry of Communications,
Sanchar Bhawan, 20, Ashok
Road, New Delhi.

2. The Bharat Sanchar Nigam Ltd.,
Sanchar Bhawan, New Delhi,
through : The Chief Managing
Director.

3. Chief General Manager,
T&D Circle, Jabalpur.

... Respondents

(By Advocate - Shri B.da.Silva)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant
has claimed the following main relief :

"(i) to direct the respondent to consider the
applicant for promotion to Carpenter Grade I from a
retrospective date and to grant him all consequential
and ancillary benefits."

2. The brief facts of the case are that the applicant
was initially appointed on daily wage basis as a Casual
Carpenter in the office of respondent No. 3. Thereafter
applications were invited for appointment on regular basis
for the post of Carpenter Grade-II. As the applicant
fulfilled the requisite qualification, vide order dated

Q/

31.1.1990 the applicant was appointed on the vacant post of Carpenter Grade II in the scale of Rs. 800-1150/- . The applicant on having come to know about vacancy of Grade-I Carpenter, represented to the respondent No. 3 requesting for consideration in the said post, since he fulfilled the requisite experience, qualification as detailed in the Post & Telegraphs (Carpenter) Recruitment Rules, published in the notification dated 22.4.1987. Since nothing has been done, the applicant submitted another representation to the respondent No. 3 (Annexure A-7). The respondents, despite there being vacancy and the applicant being within the zone of consideration have not communicated any decision on the representations of the applicant. Hence it is violation of the principles of natural justice and fair play, in as much as, his representations have not been considered by the authority concerned. Thus, the applicant has filed this OA claiming the aforesaid relief.

3. Heard the learned counsel for the parties and perused the records carefully.

4. It is argued on behalf of the applicant that the applicant had moved several representations to the respondents for the post of Grade-I Carpenter as he had the requisite qualification and experience and also was within the zone of consideration for the said post, the respondents have not considered the representations of the applicant which is violation of the rules.

5. The learned counsel for the respondents argued that there was no post of Carpenter Grade-I in T&D Circle, Jabalpur. He further submitted that only one single post of Carpenter Grade-II was sanctioned for T&D Circle, Jabalpur and the said post is occupied by the applicant. The respondents have drawn our attention towards the letter

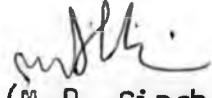


dated 28.3.2002, in which the applicant was informed that his representations were considered and at present there is no post of Carpenter Grade-I in the Circle and efforts are being made for creation of this post/whenever in future this post is created his representations shall be reconsidered. He has also drawn our attention towards letter dated 21.5.2002 in which it is mentioned that the CGM, T&D Circle is pleased to grant first financial upgradation under the ACP Scheme to the applicant with effect from 31.1.2002 in the pay scale of Rs. 3050-4590/- after completion of 12 years of regular service.

6. After hearing the learned counsel for the parties, we find that the applicant has claimed relief in the OA for promotion to Carpenter Grade-I. But as there is no such vacancy presently available in the office of the respondents and the respondents also assured that whenever in future this post is created the representations of the applicant shall be reconsidered, at this stage the relief of the applicant cannot be granted. We also find that the respondents have given the applicant the benefit of ACP Scheme with effect from 31.01.2002 in the pay scale of Rs. 3050-4590/- after completion of 12 years of regular service. Thus we are of the ^{considered opinion that the} applicant has failed to prove his case and also the Original Application is liable to be dismissed as having no merit.

7. Accordingly, the Original Application is dismissed. ^{on} However/the assurance of the respondents, they are directed to consider the representations of the applicant, whenever in future the post of Carpenter Grade-I is created. No costs.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman