

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 176/2000

Jabalpur, this the 18th day of June 2003.

Hon'ble Mr. D.C. Verma - Vice Chairman (Judicial)  
Hon'ble Mr. A.K. Bhatt - Administrative Member

Shri Roshan Singh Rajput,  
S/o Shri C.L. Rajput,  
Aged 35 years,  
R/o. Type-III Quarter No. 3,  
Miloniganj, Telephone Exchange Campus,  
Jabalpur.

APPLICANT

(By Advocate - Ku.P.L.Shrivastava for Smt.S.Menon)

VERSUS

1. Union of India,  
Through: Secretary, Dept.of Telecommunications,  
Government of India,  
New Delhi.
2. The Chief General Manager,  
Telecommunications  
Hoshangabad Road,  
Bhopal.
3. The General Manager,  
Telecommunications,  
Telecom District,  
Jabalpur.
4. Shri Pankaj Sahay,  
Adult,  
S.D.E.  
O/o. G.M.T.D. Bhopal.

RESPONDENTS

(By Advocate - Shri P.Shankaran)

ORDER (ORAL)

By D.C. Verma - Vice Chairman (Judicial) :-

The applicant and the respondent no.4 were working as Junior Telecom Officers (in short 'JTO') and were subsequently promoted on adhoc basis. However, both of them were reverted. The respondent no.4 was subsequently again promoted but the applicant was denied promotion because of submission of charge-sheet dated 30.4.1998. This charge-sheet was challenged by the applicant by filing an OA 826/99. But, meanwhile on technical grounds the said charge-sheet was withdrawn by the respondents. Subsequently, on 19.9.2000 another charge-sheet was issued to the applicant. As the applicant was not subsequently promoted on adhoc basis, he filed

Contd....

The present OA claiming promotion on adhoc basis in the grade of TES Group-B as his junior respondent no.4 has been allowed the promotion in the grade of TES Group-B. Consequential reliefs thereto have also been claimed in the relief clauses.

2. The respondents have contested the claim of the applicant. The applicant along with his rejoinder has filed an order of the department dated 26.4.2000 (Annexure-A-13) whereby regular promotions to the post of TES Group-B from JTO have been made. The respondent no.4 has been promoted whereas the applicant has been denied that promotion.

3. The submission of the learned counsel of the applicant is that by the order dated 26.4.2000 (Annexure-A-13) the respondent no.4 who happens to be junior to the applicant has been given promotion on regular basis on the post of TES Group-B, the applicant has been denied the said promotion. However, we find that this order dated 26.4.2000 is not impugned in the present OA, nor any relief with reference to regular promotion has been claimed. The relief claimed in the OA is with respect to adhoc promotion only. The posts occupied by the adhoc appointees have now been filled up by regular promotees. Hence the question of giving an adhoc promotion to the applicant to fill up a post already occupied by regular appointee cannot be made.

4. The learned counsel for the respondents has submitted that the applicant has been served with a charge sheet, though he is unable to give the present status of the departmental proceedings. The submission is that due to pendency of the departmental proceedings, the applicant has not been given promotion to the post of TES Group-B. The learned counsel of the respondents was unable to inform whether the case of the applicant was or was not considered along with respondent no.4 to keep the result in the sealed cover. The learned counsel for the respondents, however, submitted that so far the relief claimed in the present OA is concerned that does not subsist in view of the promotion order given on 26th April, 2000 whereby the applicant has not been promoted on regular basis.

5. Counsel for the parties have been heard and we are of the view that so far the relief claimed in the OA is concerned for granting promotion to the applicant on adhoc basis, that cannot be granted in the present OA, as regular promotion order has already been issued on 26th April,2000, whereby the posts have now been occupied by regular appointees. Further, as the order dated 26th April,2000 is not under challenge, the question of validity of the said order, or the ground on which the applicant's name was not included, cannot be examined in this OA. Further, whether the applicant's name should or should not have been considered at the time of pendency of the departmental proceedings, is also not a matter to be examined in this OA. It will be open to the applicant to challenge the order dated 26th April,2000 or take recourse as may be advised to redress his grievances.

6. So far the relief claimed in the present OA is concerned, that cannot be granted and the OA is dismissed. Costs easy.

(Anand Kumar Bhatt)  
Administrative Member

(D.C.Verma)  
Vice Chairman(Judicial)

rkv.

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Rajendra  
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