

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
JABALPUR

Original Application No.15/1998

Jabalpur, this the 17th day of December, 2003

Hon'ble Sh. M.P.Singh, Vice Chairman
Hon'ble Shri G. Shanthappa, Judicial Member

Ashok Kumar Jain
s/o Late Shri D.L.Jain
aged 44 years
resident of Ashok Building
Opposite Garha Police Station
Medical College Road
Jabalpur
working as W.C.Grade-I (U.D.C.)
Office of Assistant Engineer
Postal Circle Sub Division
Head Post Office Compound
Jabalpur.

Applicant

(By Advocate: Shri V. Tripathi)

Versus

1. Union of India through
the Secretary
Ministry of Communications
Department of Telecom
New Delhi.
2. Superintending Engineer (C) (HQ)(Posts)
Office of Chief Engineer (C)
Department of Posts
Dak Bhawan
20, Parliament Street
New Delhi - 110 001.
3. Chief Engineer (Civil)
Department of Telecom Civil
M.F.Zone
127, Narayani Complex
Bhopal.
4. Superintending Engineer (C)
Postal Civil Circle
Patna G.P.O., 6th Floor
Patna - 1.
5. Executive Engineer (C)
Postal Civil Division
Post office Building Pipalani
Bhopal - 20.
6. Chief General Manager Telecom (CGMT)
Hoshangabad Road, Bhopal (M.P.). Respondents

(By Advocate - Shri P. Shankaran on behalf of Shri B.da.Silva)

ORDER (Oral)

By G. Shanthappa, Judicial Member -

The applicant has filed the above Original Application
seeking the relief to direct the respondents to consider the

case of the applicant for his promotion under OTBP and provide him all benefits as has been given to the employees whose name find place in the orders dated 22.01.1996 and 27.03.1996, with effect from 09.09.1992 and also for a direction to provide all consequential benefits including back wages, difference of pay, increments, seniority etc. as if the applicant is also promoted from 09.09.1992 when his juniors or contemporaries have been promoted. In para 7 a new sub para (g) has been incorporated through amendment for upholding that clause 7 of document dated 16.03.1994 Annexure R-6 is ultra-vires to the Constitution and to the Scheme of OTBP and set aside the same.

2. After hearing the advocate for the applicant, he states that he is not ~~not~~ pressing for the said amended relief, regarding quashing the clause 7, document dated 16.03.1994 Annexure R-6.

He further submitted that a
3. *Similar* relief has been granted by the Chandigarh Bench of this Tribunal in OA No. 886-HR/1998, dated 6th February, 2002. The advocate for the applicant has submitted that the facts of the present case and the facts of the aforesaid OA No. 886-HR/98 *are* similar and the applicant is entitled for promotion under OTBP Scheme. The learned counsel for the respondents submitted that there is no dispute regarding grant of relief as granted in the *aforesaid* OA No. 886-HR/1998.

4. Accordingly, the benefits granted in OA No. 886-HR/98, dated 06.02.2002, be also granted in this case, as the *as* admitted by both the parties. Accordingly, *the* respondents are directed to grant the benefits as given in OA No. 886-HR/98, to the applicant within a period of three months from the date of receipt of copy of this order.

Accordingly,
5. Original Application stands disposed of accordingly.

No costs.

G. Shanthappa
(G. Shanthappa)
Judicial Member

M.P. Singh
(M.P. Singh)
Vice Chairman

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22/12/03

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पुस्तकालय से लेना

K. Tripatti, Adv.
P. Shankaran, Adv.

Bijendra
22/12/03