

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
(CAMP OFFICE AT INDORE)

Original Application No. 476/2000

Jabalpur, this the 6th day of May, 2004

Hon'ble Shri M.P. Singh - Vice Chairman
Hon'ble Shri Madan Mohan, Member (J)

Laxminarayan Verma
s/o late Sh. Madanlal Verma,
Aged 52 years, occupation: Service
(Senior Telephone Supervisor)
Resident of 484, Shramik Colony,
Rao, Tehsil and Distt. Indore.

...Applicant

(By Advocate: Shri B.A.Nigam, Advocate with Sh. S.C.
Bhatnagar).

-versus-

1. Union of India through
Secretary,
Department of Tele-communications,
Sanchar Bhawan,
New Delhi.
2. Chief General Manager,
Tele-communications,
Madhya Pradesh Circle,
Bhopal.
3. General Manager,
Tele-communications,
Indore Telecome District,
Narayan Kothi,
Indore (MP).
4. Shri L.S. Gehlot,
Chief Telephone Supervisor,
D.P.E. Internal, Nehru Park-II
Indore (MP).
5. Shri S.T. Gandhe,
Chief Telephone Supervisor,
D.E.P. Internal,
Transport Nagar Exchange,
Indore (MP).
6. Shri P.R. Urdhwareshi,
Chief Telephone Supervisor,
D.E. Phones, Chandan Nagar Exchange,
Indore (MP).
7. Shri Sharad Agase,
Chief Telephone Supervisor, DEP Internal,
Nehru Park-I, Indore (MP).
8. Shrimati Padma Jethwani,
Chief Telephone Supervisor, D.E.P. External,
Transport Nagar Exchange, Indore (MP). ...Respondents

(By Advocate: Shri Vivek Saran)



O R D E R

By Madan Mohan, Member (J):

By filing the present application the applicant has sought the following main reliefs:

- "i) That the respondents be kindly directed to promote the applicant to the post of Chief Telephone Supervisor Grade IV from 8.8.1997 when the applicant's immediate juniors - respondents no. 4 to 8 were promoted to the post of Chief Telephone Supervisor vide orders Annexure A/2 and A/3.
- ii) That the respondents be kindly directed to consider the claim of the applicant to the post of Chief Telephone Supervisor and accord him due seniority over respondents no. 4 to 8 and further grant him consequential benefits accruing thereby."

2. The brief facts of the case are that the applicant was appointed in the grade of Telephone Operator w.e.f. 16.8.1967. He was promoted to the post of Supervisor on 10.11.1983 against 1/3rd quota, examination under 20% Selection Grade Scheme. The respondents no. 4 to 8 were appointed on 17.9.1962, 26.5.64, 16.6.64, 11.7.1964 and 29.9.1964 respectively on the post of Supervisor. In the Gradation List of BCR Gr.III of TOA (Phones) as on 1.1.1990, the applicant is shown at sl. no. 83 whereas the respondents nos. 4 to 8 find figure at serial nos. 95, 96, 97, 98 and 100 respectively but it was all of a sudden changed on 30.7.1997 placing the applicant at serial no. 145 and the respondents no. 4 to 8 were shown at serial nos. 83, 84, 85, 87 & 88.

2.1 ^{official} on implementation of B.C.R. Scheme, the respondents have promoted the private respondents no. 4 to 8 as Senior Grade-III Telephone Supervisor/having completed 26 years of service w.e.f. 30.11.1990. The applicant was, however, promoted to the post of Senior Telephone Supervisor Gr.III w.e.f. 1.1.1994 after completion of 26 years of service on 16.8.93, i.e. three years after the respondents no. 4 to 8. This is relevant to note that the applicant was promoted from Telephone Operator Grade-I to LSG-Gr.II (operative-cum-

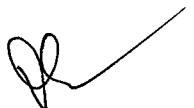
Supervisory) cadre against 1/3 Departmental Examination quota on 10.11.1983 and private respondents no. 4 to 8 were promoted from Grade-I to Grade-II cadre on the basis of seniority-cum-fitness basis on 30.11.1983 against 2/3rd quota. !

2.2 Respondents have stated that as per statutory provision laid down in Rule 272-A of P & T Manual Volume IV, the applicant is junior to respondents no 4 to 8 wherein it is clarified that appointment made on promotion in one calendar year in that event person appointed on the basis of seniority cum-fitness would en-block senior to those appointed by selection. Thus respondents no. 4 to 8 are senior to the applicant in the grade-II and Grade-III and they were promoted to the higher grade of Chief Telephone Supervisor Grade-IV under the BCR Scheme earlier than the applicant. Therefore, the applicant is not entitled to be considered for promotion as Chief Telephone Supervisor Grade-IV from the date his seniors i.e. respondents no. 4 to 8 were considered.

3. Heard the learned counsel for the parties and perused the material and pleadings carefully.

4. The issue involved in the present case has already been decided by the Tribunal in OA No. 862/98 vide its order dated 4.9.2003 in the matter of Shaikh Abdul Alim vs. UOI & ors holding that the length of service for granting promotion under the BCR Scheme should be based on the length of service in the basic grade. It is an admitted fact that the applicant was appointed in the basic grade subsequent to the private respondents no. 4 to 8. Therefore, the applicant is not entitled to be considered for promotion to the post of Chief Telephone supervisor Grade-IV from the date his seniors i.e. respondents nos. 4 to 8 were considered.

5. In the facts and circumstances of the case and in the light of the judgement of the Tribunal, referred to above,



we are of the considered view that the present O.A.
is bereft of merit and the same is accordingly dismissed.
No costs.

(Madan Mohan)
Member (J)

(M.P.Singh)
Vice Chairman

/na/

पूछांकन सं.ओ/न्या..... जबलपुर, दि.....
द लिटिलिपि लाइ लिमिटेड
(1) सोनिव, अध्यक्षक, लाइ लिमिटेड, जबलपुर
(2) अध्यक्षक श्री/मि. देवेन्द्र लंड इंडियन BA M. you
(3) प्रस्तुती श्री/मि. कृष्ण/दु..... के काउंसल
(4) वायपाल, लोपाल, जबलपुर इंडियन
सूक्ष्मा एवं अध्यक्षक घोर्हीदी हेतु

V. Saran

उप राजस्वार

Recd
on
12-5-04