

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

CIRCUIT BENCH AT BILASPUR

Original Application No. 615 of 2000

Bilaspur, this the 8th day of December, 2003

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

C.L. Dewangan, S/o.  
Shri L.P. Dewangan, aged about  
48 years, O/o Telecom District  
Manager, Bilaspur (M.P.).

... Applicant

(Applicant in person)

V e r s u s

1. Union of India, through  
Secretary, Ministry of  
Communication, Sanchar Bhawan,  
New Delhi.
2. Chief General Manager,  
Telecom, M.P. Circle,  
Bhopal (M.P.).
3. General Manager,  
Telecom Area, Raipur,  
G.E. Road, Raipur (M.P.).
4. Telecom District Manager,  
Telephone Exchange Building,  
Bilaspur (M.P.).

... Respondents

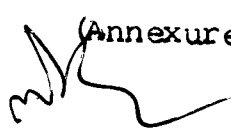
(BY Advocate - None)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

As none is present on behalf of the respondents, we are disposing of this Original Application in the absence of counsel for the respondents by invoking provisions of Rule 16 of CAT (Procedure) Rules, 1987.

2. By filing this Original Application the applicant has sought relief by seeking direction to quash the impugned orders dated 22.10.1991 (Annexure A-1) and 25.06.1992 (Annexure A-2).



3. The facts of the case are that the applicant, Senior Telecom Office Assistant, was initially appointed as Time Scale Clerk on 03.01.1973 and was posted at Raipur. Thereafter he was transferred from Raipur to Bilaspur

in February, 1977. As per the departmental scheme two <sup>promotion were</sup> time bound/scheme, <sup>was</sup> introduced. One after completion of <sup>of service</sup> 16 years/named as OTBP scheme and another after completion of 26 years of service, named as BCR scheme. The applicant had completed 16 years of service on 4th January, 1989 and was granted the benefit of OTBP scheme. The respondents thereafter has cancelled this order and have promoted him again with effect from 9th October, 1990. The applicant has been granted the benefit of BCR scheme with effect from 1st July, 1999, on completion of 26 years of service. The contention of the applicant is that he became due for grant of OTBP scheme on completion of 16 years of service i.e. on 4th January, 1989 and he was given the benefit of the scheme also. It was only afterwards that the respondents have cancelled this promotion and have post-poned the same to 9th October, 1990. Aggrieved by this he has filed this Original Application, claiming the aforesaid reliefs.

4. The applicant is present in person and has submitted that nothing adverse have been communicated to him and he was rightly granted the benefit of this scheme with effect from 4th January, 1989. It is not understood as to why the same benefit granted to him was cancelled and was again given to the applicant with effect from 9th October, 1990. According to the applicant <sup>there is</sup> no adverse remarks in his CRs, as no adverse remark has ever been communicated to him. Therefore the benefit of the scheme should have been given to him with effect from the due date i.e. 4th January, 1989.

5. On the other hand the respondents in their reply have

stated that the DPC had considered him fit for the benefit of the JTB scheme with effect from 4th January, 1989. However due to certain confusion and mistake the applicant was issued the promotion order vide letter dated 08.04.1991, with effect from 04.01.1989. After the mistake was noticed by the respondents the same was revised vide order dated 17.07.1991 and the applicant was promoted from the next date of the DPC i.e. 9th October, 1990. According to the respondents a mistake which was made by them has been corrected and therefore the action taken by them cannot be termed as arbitrary and malafide. Hence the Original Application is therefore liable to be dismissed.

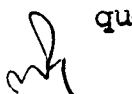
6. We have carefully considered the pleadings of both the parties and have heard the applicant in person.

7. We find that the respondents themselves have stated that the applicant was given promotion with effect from 4th January, 1989 and have also stated that this was done due to their mistake. The relevant para 5 of the reply to the OA is extracted below :


"5. That, due to certain confusion and mistake, the applicant was issued the promotion order vide office letter No. ST-03/105/03/TBP Ryp/34 dated 08.04.1991 from 04.01.1989. But after this mistake was noticed by the respondent, the same was revised vide office letter No. ST-03/05/03 TBP/Ryp/40, dated 17.07.1991 and was promoted from the next date of DPC i.e. 09.10.1990."

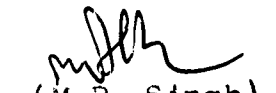
It is therefore clear that the applicant has not misrepresented the facts when he was granted promotion with effect from 4th January, 1989. It was the mistake of the respondents and the applicant should not suffer for the mistake committed by the respondents.

8. Accordingly, we allow the Original Application and quash and set-aside the order passed by the respondents on



22.10.1991 (Annexure A-1) and 25.06.1992 (Annexure A-2) and further direct the respondents to effect the promotion of the applicant under the JBP scheme with effect from 4th January, 1989 as granted to him earlier vide order dated 08.04.1991. The applicant shall also be entitle for all other consequential benefits. No costs.

  
(G. Shanthappa)  
Judicial Member

  
(M.P. Singh)  
Vice Chairman

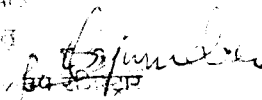
"SA"

पृथक्पत्र सं. ०१/१९९३.....जयपुर, दि.....

सूचना एवं जागरूकता कार्यक्रम के तहत

- (1) सा. अ. १९९३/१९९४ ए. के. १९९३/१९९४
- (2) सा. अ. १९९३/१९९४ ..... अर्थात् applicant
- (3) प्रत्यक्ष १९९३/१९९४ ..... अर्थात्
- (4) सा. अ. १९९३/१९९४ जयपुर न्यायाधीश

सूचना एवं जागरूकता कार्यक्रम के तहत

  
S.A. Sharma  
Aet.

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*sm*  
*17.12.03*