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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 679 of 2000

Jabalpur, this the 26th day of April, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri A.S. Sanghvi, Judicial Member

N.P. Kori, Aged about 55 years,
son of Shri N.K. Kori, Occ : Chief
Telephone Supervisor, Distt : Sagar. ... Applicant

(By Advocate - None)

Versus

1. Union of India,
through : Secretary,
Ministry of Telecommunication,
New Delhi.
2. T.D.M. Department of Telecommunication
Operation, Sagar, Distt : Sagar. ... Respondents

(By Advocate - Shri P. Shankaran)

ORDER (Oral)

By M.P. Singh, Vice Chairman -

None for the applicant. Since it is a old case of 2000 we proceed to dispose of this OA by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

2. By filing this Original Application the applicant is claiming the following main reliefs :

"i. to quash the impugned order dated 21.7.2000 (Annexure A-6) and also direct the respondent to immediately give the due promotion by maintaining the prior order of promotion."

3. The brief facts of the case are that the applicant was appointed initially as Telephone Operator on 1.10.1966. He was given the benefit of BCR promotion in the year 1992 and vide order dated 15.9.1994 the applicant was given promotion on adhoc basis ~~to~~ ⁱⁿ the pay scale of Rs. 2000-3200/- under 10% Grade-IV promotion. The applicant was granted this higher grade of

B.M.

Rs. 2000-3200/- against vacancy reserved for Scheduled Caste/Scheduled Tribe. Later on, the respondents have found that the applicant was not the senior most Telephone Supervisor and there was no reservation for the promotion to the higher grade for Scheduled Caste/Scheduled Tribe. Therefore, the respondents vide order dated 21st July, 2000 reverted the applicant to the post of Senior Telephone Supervisor in Grade-III in the pay scale of Rs. 1640-2900/- and his pay was protected under the provisions of FR 31(A). The applicant has challenged this order dated 21st July, 2000 and filed this OA claiming the aforesaid reliefs. The main ground taken by the applicant is that he has not been given prior notice before his reversion to the post of Senior Telephone Supervisor.

4. The learned counsel for the respondents has submitted that as per rules there is no reservation for the Scheduled Caste and Scheduled Tribe for promotion to the post of Chief Telephone Supervisor against 10% quota. The promotion to this post is made on the basis of seniority. Since the applicant was not the senior-most and the promotion was only on adhoc basis, he has been reverted and the senior most person has been granted this promotion. However, the applicant has not been granted the pay protection. Therefore he should not have any grievance. (since it was an adhoc promotion, no prior notice for reversion was required).

5. We have given careful consideration to the rival contentions made on behalf of the parties and we find that the applicant was promoted to the higher grade of Rs. 2000-3200/- against 10% quota, as he belongs to Scheduled Caste/Scheduled Tribe. Since there was no reservation for Scheduled Caste/Scheduled Tribe for promotion to the post of Chief Telephone Supervisor, the senior most person was

required to be promoted. As the applicant was neither the senior most, in the grade of Senior Telephone Supervisor in Grade-III nor there was any reservation for Scheduled Caste/Scheduled Tribe but the applicant was given the promotion of Rs. 2000-3200/- and the ~~on ad hoc basis, therefore the respondents are justified~~ in reverting the applicant from the post of Chief Telephone Supervisor to the post of Senior Telephone Supervisor in Grade-III. However, the pay of the applicant has already been protected in the scale he was drawing i.e. Rs. 2000-3200/-. we, therefore, do not find any infirmity with the order passed by the respondents on 21st July, 2000.

6. For the reasons mentioned above, the original Application is bereft of any merit and is accordingly dismissed. No costs.

A.S.Sanghvi
(A.S.Sanghvi)
Member (Judicial)

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

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पृष्ठांकन सं. ओ/न्या.....जबलपुर, दि.....
प्रतिलिपि लाचे छित्रः—

- (1) सचिव, उच्च व्यापार वाद एवं विवाद, जबलपुर P. V. Chaturvedi
- (2) आदेश श्री/श्रीकर्ती/कु.के कार्यालय P. Shankar
- (3) प्रव्यार्थी श्री/श्रीकर्ती/कु.के कार्यालय
- (4) योग्यता, के ग्राम, जबलपुर व्याधीन
संघना एवं अवरथक कार्यकारी देश P. V. Chaturvedi

*Final
on
06.05.04*