

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 3435/2012

Reserved on 30.03.2017
Pronounced on 03.04.2017

**Hon'ble Mr.P.K.Basu, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)**

1. Ajay Prakash Srivastava,
S/o Lt. Sh.S.S.Lal Srivastava,
Aged about 50 years,
R/o 9/64, Chiranjiv Vihar,
Ghaziabad-2 (UP)
2. Vineet Kumar,
S/o Lt. Shri Jagadish Raj,
Aged about 52 years,
R/o C-15/1, First Floor, Ganesh Nagar,
New Delhi-18
3. Laxman Kumar Ruhela,
S/o Lt. Sh. Ram Pal Singh,
Aged about 49 years,
R/o F-48, Gali No.1,
Ganga Vihar, Delhi-94.
4. Udai Veer Singh
S/o Lt. Sh. Chand Kiran,
Aged about 50 years,
R/o 32, Jute Mill, Patel Nagar,
Ghaziabad-1, U.P.
5. Chandra Shakher,
S/o Lt. Sh. Paati Ram Tiwari,
Aged about 55 years,
R/o C-716, FF, Street No.3,
Ganesh Nagar-II, Shakarpur,
Delhi-92.
6. Chandras Prasad,
S/o Sh. B.P.Yadav,
Aged about 45 years,
R/o Flat No. 40, Sec-1,
Pkt-2, DDA SFS Flat,
Dwarka, New Delhi-75.
7. Parshotam Kr. Sharma,
S/o Lt. Sh. O.P.Sharma,
Aged about 59 years,
R/o 76, Pilak Khand,
Giri Nagar, Kalkaji, New Delhi-19

8. Sheo Bachan Sharma
S/o Sh. Bhagwan,
Aged about 60 years,
R/o A 566, Giri Marg,
Mandawali Fazalpur, Delhi-92
9. Ajab Singh Verma,
S/o Sh.Sita Ram,
Aged about 59 years,
R/o RZ-61, Gali No.3,
Raghu Nagar, Pankha Road,
New Delhi-45
10. Parmanand
S/o Sh.Manga Ram,
Aged about 60 years,
R/o 1, Priyadarshani Appt.,
A-4, Paschim Vihar, New Delhi-63.
11. Bhuvnesh Kr. Chopra,
S/o Sh.Prem Sagar Chopra,
Aged about 57 years,
R/o A-24, Rishi Nagar,
Rani Bagh, Delhi-34
12. Ashok Kumar,
S/o Sh. Govind Lal Shastri,
Aged about 60 years,
R/o M-419A, Rishi Nagar,
Rani Bagh, Delhi-34. ... Applicants

(By Advocate: Mrs. Rani Chhabra)

VERSUS

1. Mahanagar Telephone Nigam Limited,
(A Government of India Enterprise)
Corporate Office through its Chairman
5th Floor, 9, CGO Complex,
Lodhi Road, MTNL Building,
New Delhi-110003
2. General Manager,
Office of the Executive Director
K.L. Bhawan, Janpath,
New Delhi.
3. Joint General Manager (H.R.)
5th Floor, 9, CGO Complex, Lodhi Road,
MTNL Building, New Delhi-3. ... Respondents

(By Advocate: Mr. R.N.Singh)

ORDER**Hon'ble Mr. P.K.Basu, Member (A)**

The applicants were appointed on the post of Junior Telecom Officers (JTOs) in the year 1993. The JTO is IDA scale of E-2. The applicants were given Local Officiating charge of Sub Divisional Engineer (E3) on 5.04.2003 and later granted this scale under Time Bound Promotion (TOP) Scheme w.e.f 1.10.2010. The applicants were granted regular promotion to the E-3 scale on 22.05.2012. The applicants have made the following prayers:

- "a) To direct the respondents to regularize the applicants prior to 01.10.2010 with effect from the date of officiating i.e. 05-4-2003 as they had already been officiating on the said post against their recruitment year 1993 or with effect from 30-11-2006 the date when the colleague recruits of the same year (1993) were regularized as the Hon'ble Court may deem fit and be given all benefits accrue to them according to the promotion policy issued by the respondents vide letter dated 11.9.2007; and
- b) Pass such other or further order(s) as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

However, during the argument it is prayed that what the applicants seek are primarily the benefit of one increment in pay fixation as E-3 under TBP Scheme accordance with FR 22(1)(a)(i).

2. The applicants have enclosed the Time Bound Promotion Scheme (TBPS) dated 11.09.2007. Para II (v) reads thus as follows:

- "(v) Consequent to grant of any post based promotion, the officer's pay will be fixed under FR (22)(1)(a)(i) only in cases where such post carries under Scale from the current scale of the executive being promoted. Further, where executive's Pay Scale is the same as that of promoted post, benefit of the one increment in the current scale of the executive shall be granted on promotion. However in cases where the executive's pay is higher than that of promoted post, such post based promotions will be

treated as placement with the grant of Substantive status of the post. Further, except as provided in instant guidelines, no claim will lie on account of any of the other provisions of FRSR in the context of Pay Scales, Pay Fixation, Substantive status etc."

In view of this provision, the respondents have treated this promotion as placement with the grant of substantive status of the post and fixed their pay accordingly.

3. Heard the learned counsels and perused the relevant instructions.

4. The claim of the applicants is misconceived as the same Office Memorandum dated 11.09.2007 under which they have been granted the time bound promotion stipulates II (v) that in case the pay is higher than that of promoted post such post based promotion will be treated as placement with the grant of substantive status of the post and granting of increment benefit in pay fixation under FR 22 (1)(a)(i) is not admissible. Thus, the OA is, therefore, dismissed. No costs.

(Raj Vir Sharma)
Member (J)

(P.K.Basu)
Member (A)

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