

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00777/2018

Chandigarh, this the 6th day of July, 2018

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**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

...
Harjit Singh son of Bakshish Singh, aged about 52 years, resident of H. No. 348/C, Type-III, RCF Township, Kapurthala, District Kapurthala, posted as JTO, CM NWO Nadala, District Jalandhar-144602.

....Applicant

(Argued by: Mr. H.S. Bath, Advocate)

Versus

1. Union of India, Ministry of Telecommunication, Sanchar Bhawan, New Delhi through its Secretary – 110001.
2. D.O.T. Cell, Punjab Circle, Sector 27-A, Madhya Marg, Chandigarh through its Officer-in-Charge – 160027.
3. Bharat Sanchar Nigam Ltd. (BSNL) through its C.M.D. Corporate Office, Bharat Sanchar Bhawan, Janpath, New Delhi – 110001.
4. Chief General Manager, Telecom, Punjab Circle, Sanchar Sadan, Plot No. 2, Sector 34-A, Chandigarh – 160034.
5. General Manager, Telecom, District Jalandhar – 144006.

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Respondents

**ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)**

1. By way of the present O.A, the applicant has sought issuance of a direction to the respondents to promote him from the post of JTO (T) to the grade of SDE (T), from the date, when his juniors have been so promoted, and to grant all consequential benefits arising there from.
2. Learned counsel for the applicant submitted that upon the acquittal of the applicant in a criminal case, filed against him, under Prevention of Corruption Act, vide judgment dated 31.10.1998, by the Competent Court, he has been reinstated into service. He submitted that once his conviction has been set aside and it was ordered by the Court of Law that the applicant be

reinstated and the entire period of absence from the date of removal from service to the date of his reinstatement/joining duty shall be treated as duty for all purposes, then he is entitled for the promotion to the post of SDE (T) from the date when his juniors have been so promoted.

3. Learned counsel submitted that the applicant, at the first instance, requested the respondents to grant him the benefit of promotion from due date, vide representation dated 22.05.2017 (Annexure A-10), followed by another one dated 28.09.2017 (Annexure A-11), but the same have not been answered till date. He further submitted that the applicant will be satisfied if a direction is issued to the respondents to consider and decide his pending representations in accordance with law.

4. Considering the above, we are in agreement with the learned counsel for the applicant that the claim, at the first instance, be decided at the hands of the authorities. Therefore, we dispose of this O.A., in limine, with a direction to the respondents to consider the indicated representations of the applicant, and decide his claim, in accordance with law, within a period of two months from the date of receipt of a certified copy of this order. The order so passed be duly communicated to the applicant.

5. Needless to mention, that disposal of the O.A. shall not be construed as an expression of any opinion on the merits of the case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 06.07.2018

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