

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2769/2019

Tuesday, this the 17th day of September 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

R V Singh, age 65 years, Group B Officer
s/o Shri Diwan Singh,
the then Assistant General Manager (AGM)
Bharat Sanchar Nigam Limited (BSNL)
Office of General Manager, BSNL Agra, Uttar Pradesh

r/o E 595, Kamla Nagar
Agra 282005 Uttar Pradesh

..Applicant
(Mr. Mohit Siwach and Dr. A K Gautam, Advocates)

Versus

1. Chairman-cum-Managing Director (CMD)
Bharat Sanchar Nigam Limited (BSNL)
Govt. of India Enterprises
H C Mathur Lane
Janpath, New Delhi – 110 001
2. Director (Human Resources)
Bharat Sanchar Nigam Limited (BSNL)
Govt. of India Enterprises
H C Mathur Lane
Janpath, New Delhi – 110 001
3. Chief General Manager (UP West Circle)
Telecommunications Circle
Shastri Nagar, Meerut
Uttar Pradesh – 250001

..Respondents

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant retired from the service of Bharat Sanchar Nigam Limited (BSNL) as an Assistant General Manager in the

year 2014. Through an Office Memorandum dated 18.01.2007, the BSNL framed a 'Time bound / post based executive promotional policy for Group 'B' level officers of BSNL'. Stating to be in implementation of the policy, the applicant was promoted from Level E-3 to E-4, through an order dated 28.04.2010.

2. According to the policy, the officers, who completed five years of term after such promotion, are to be considered for next higher promotion. An order of promotion was passed on 06.12.2014. The name of the applicant, however, did not find place therein. He made several representations in this behalf. Since no orders were passed thereon, the present O.A. is filed with a prayer to direct the respondents to grant him the time bound / post based promotion from Level E-4 to E-5 w.e.f. 01.10.2014.

3. We heard Mr. Mohit Siwach, learned counsel for applicant, in detail, at the stage of admission.

4. The policy framed by the BSNL for time bound / post based executive promotion provided for upgradation at two stages. The first upgradation is on completion of four years of service in IDA scale, in case the basic pay has crossed the pay scale. The eligibility for the subsequent upgradation is on

completion of five years. However, it is not automatic. The relevant provision reads as under:-

“I. (3). Qualifying Service Conditions:

3.1 First Upgradation : The First Upgradation of IDA Scale of individual Executive will be due for consideration on completion of 4 (Four) years of Service in the current IDA scale subject to the condition that the Executive's basic pay in the current IDA scale has crossed / touched the lowest of the higher IDA scale for which his/her upgradation is to be considered OR he/she has completed 6 (Six) years of service in the current IDA scale, whichever is earlier.

3.2 Subsequent Upgradation: The subsequent upgradation of IDA scale to the next higher IDA scale will be due on completion of 5 (five) years of service in the current IDA scale.

4. The qualifying service conditions indicated in sub Para 3 above will only enable the Executive for "consideration" for upgradation to next higher IDA scale. Completion of such period alone shall not entitle any Executive for automatic upgradation to the next higher IDA scale.

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c. Upgradation criteria:

1. Review: The review for all Executives meeting the qualifying service conditions of sub Para b – 3 above will be done every year with reference to Review date i.e. on 1st October. On being found fit, the IDA scale upgradation will be effective from the due date.

2. The fitness for IDA pay scale upgradation to the next higher IDA scale of the eligible executives will be judged by prescribed Screening Committee on the basis of performance rating of ACRs, as per details given in sub Para 3 below, subject to necessary disciplinary / vigilance clearance and no punishment is current.”

5. The 'performance ratings in ACRs' is also indicated in paragraph (c) (3). It only shows that the second upgradation is only on being found fit by the Departmental Promotion Committee (DPC), on the touchstone of the criteria prescribed in the scheme itself.

6. A perusal of the order dated 06.12.2014 discloses that the upgradations were made purely on selection basis. Several officers were extended the benefit of upgradation from Level E-4 to E-5, vide order dated 28.04.2010. Those who got the benefit of second upgradation were not in the same order, as contained in the order of upgradation dated 28.04.2010. Several juniors were placed above the seniors. This only shows that the selection process was applied. Obviously because the DPC did not find the applicant fit enough to be upgraded to next higher level, his name did not find place. Except making representations, the applicant did not pursue the matter before appropriate forum. Five years after his retirement, the applicant approached the Tribunal. Though strictly speaking the O.A. cannot be entertained, we are of the view that the applicant needs to be informed of the reasons on account of which he was denied the second upgradation.

7. We, therefore, dispose of the O.A. directing the respondents to pass a reasoned order on the representations made by the applicant, indicating the reasons for exclusion of

his name from the list of officers, who were upgraded from Level E-4 to E-5, within two months from the date of receipt of a copy of this order.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

September 17, 2019
/sunil/

