

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA-3012/2003

New Delhi this the 20th day of July, 2004.

Hon'ble Shri Shanker Raju, Member(J)  
Hon'ble Shri S.A. Singh, Member(A)

Shri G.R. Kalra,  
S/o late Sh. Lekh Raj Kalra,  
R/o 1043, Sector-4,  
R.K. Puram,  
New Delhi-22.

..... Applicant

(through Ms. S. Janani, Advocate)

Versus

1. Union of India through  
its Director General,  
Ministry of Communication,  
Sanchar Bhawan,  
New Delhi.

2. Bharat Sanchar Nigam Ltd.,  
through the Chief General Manager,  
Northern Telecom Region,  
New Delhi.

..... Respondents

(through Sh. R.N. Singh, proxy for Sh. R.V. Sinha,  
advocate)

ORDER (ORAL)

Hon'ble Shri Shanker Raju, Member(J)

Heard the learned counsel.


2. Applicant seeks post retirement promotion.


Before his retirement, the applicant alongwith others has preferred a Civil Mis. Petition No. 27233 of 1988. In view of the decision of the Allahabad High Court in J.C. Mallik Vs. U.O.I. (Civil Writ Petition No. 1809/1972) which ruled post based roster to be adopted, Apex Court by an interim order dated 15.12.1988 directed that promotion which may be made

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hereafter will be strictly in accordance with the judgement of the High Court. Unfortunately, the applicant superannuated by this date. The aforesaid Writ Petition was finally disposed of on 17.4.1996 adopting the ratio delivered by the Apex Court in a Constitution Bench decision in R.K. Sabharwal & Ors. Vs. State of Punjab & Ors. (1995(2)SC 745).

3. On perusal of the decision (supra) we find that in the penultimate para, it has been observed that the interpretation given to the working of the roster shall be operative prospectively. This decision was delivered on 10.2.1995. This makes it clear that the post based roster shall come into operation only prospectively i.e. from 10.2.1995. Accordingly, the claim of the applicant who seeks his promotion on post based roster cannot be countenanced. O.A. is dismissed. No costs.

  
(S.A. Singh)  
Member(A)

  
(Shanker Raju)  
Member(J)

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