

C.S. BALAN AND ORS.

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v.

CHIEF GENERAL MANAGER, TELECOM AND ORS.

APRIL 26, 1996

[G.N. RAY AND B.L. HANSARIA, JJ.]

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*Service Law :*

*Promotion—To the post of Junior Telecommunication Officer from out of quota—Vacancies available—Not promoted—Central Administrative Tribunal not going into that question—Only ordering that seniority be given—Matter remitted to Tribunal for considering the claim of appellants to get promotion from earlier date.*

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 8907/96.

From the Judgment and order dated 28.11.94/2.12.94 of Central Administrative Tribunal, Ernakulam in O.A. No. 1327/93.

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G. Prakash for the Appellants.

V.R. Reddy, Additional Solicitor General, Hemanshu Sharma and C.V.S. Rao for the Respondents.

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The following Order of the Court was delivered :

Leave granted.

Heard learned counsel for the parties. The appellant's grievance is that before the General Administrative Tribunal, Ernakulam Bench, the appellants sought for a declaration that they were entitled to be promoted w.e.f. December, 1990 to the post of Junior Telecom Officer because vacancies in the quota, in which they were entitled to be promoted, were available. It, however, appears from the impugned order that the question of the appellants' entitlement to get promotion has not been gone into, but the application has been disposed of by noting the concession of the respondent that the appellants would be given due seniority. Since the claim for promotion is also required to be considered, we allow this appeal and remit the matter to the Tribunal for consideration of the claim of the

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A appellants to get promotion from earlier date as sought to be agitated in the application presented before the Tribunal. In the facts of the case, it is directed that such consideration be made by the Tribunal after hearing the parties within four months from the date of communication of this order. The appeal is accordingly disposed of with no order as to cost.

B G.N.

Appeal disposed of.