

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/406/2014

Hyderabad, this the 2nd day of December, 2019



***Hon'ble Mr. Justice L Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

B. Rama Rao, S/o. Narasanna,
Aged about 63 years,
Occ: Senior Sub Divisional Engineer,
Bhimavaram, West Godavari District,
R/o. 19-22-6/2, II Street, Bhahmaiah Nagar,
Bhimavaram, West Godavari District.

... Applicant

(By Advocate Dr. A. Raghu Kumar)

vs.

1. Union of India, Rep. by its Secretary,
Department of Telecommunications,
20 Ashoka Road, New Delhi – 110 001.
2. Bharat Sanchar Nigam Limited,
Rep. by its Chairman and Managing Director,
Harischandra Mathur Lane, Janpath,
New Delhi – 110 001.
3. The Chief General Manager, Telecom,
A.P. Circle, BSNL, Door Sanchar Bhavan,
Nampally, Station Road, Abids, Hyderabad -1.

... Respondents

(By Advocate Mrs. K. Rajitha, Sr. CGSC for R-1;
Mr. M.C. Jacob, SC for BSNL)

ORDER (ORAL)
{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}



While the applicant was working as Sub-Divisional Engineer (for short “SDE”) in the BSNL, he was promoted on officiating basis to the post of Divisional Engineer (“DE”), through an order dt. 02.08.2006. However, on account of his involvement in a criminal case, he was reverted through an order dt. 04.03.2010. It is stated that the applicant was acquitted in the criminal case on 20.10.2011. In view of this development, applicant went on making representations with a request to restore his officiating promotion to the post of DE. Complaining that no action was taken thereon, applicant filed OA 988/2013 before this Tribunal. The same was disposed of with a direction to the respondents to pass orders on the representation. In compliance of the same, respondents passed orders dated 07.2.2014 rejecting the request of the applicant. The same is challenged in this OA.

2. We heard Dr. A. Raghu Kumar, learned counsel for the applicant; Mrs. K. Rajitha, learned Senior Standing Counsel for the 1st Respondent and Mr. M.C. Jacob, learned Standing Counsel for BSNL.

3. It is no doubt true that the applicant was promoted on officiating basis to the post of DE. However, he was reverted on 04.03.2010 on account of his involvement in a criminal case. The acquittal thereof, does not by itself, lead to restoration of that. The officiating promotion is purely contingent upon the existence of work, availability of the candidates. The

applicant contends that he did not suffer from any infirmity for being assigned the officiating promotion. However, the respondents cannot be compelled to do that if there was no work. Things would have been different had it been a case, where any officiating promotions were made subsequent to 04.03.2010 till 20.10.2011. The applicant is not able to demonstrate the same.



4. At any rate, the acquittal of the applicant was only after his retirement from service. Therefore, the question of promoting a retired employee does not arise. Still worse is the case as regards the officiating promotions.

5. We do not find any merit in the OA. OA is accordingly dismissed.

6. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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