

Meeby

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA No. 1404/2013

Dated Friday the 30th day of October Two Thousand Fifteen

P R E S E N T

**HON'BLE MR. JUSTICE B. SESHASAYANA REDDY, Member (J)
&
HON'BLE DR. P. PRABAKARAN, Member (A)**

Mrs. T. N. Latha,
Junior Accounts Officer,
Office of General Manager,
Bharat Sanchar Nigam Ltd.,
Thanjavur- 613 007. Applicant

By Advocate: **Mr. S. Retnaswamy**

Vs.

1. Union of India represented by
The Chairman-cum-Managing Director,
Bharat Sanchar Nigam Ltd.,
New Delhi- 110 001;

2. The chief General Manager,
Bharat Sanchar Nigam Ltd.,
Tamil Nadu Circle,
Anna Salai,
Chennai- 600 002;

3. The General Manager,
Bharat Sanchar Nigam Ltd.,
Thanjavur 613 007. Respondents

By Advocate : **Mr. M.S. Velusamy**

ORDER

(Pronounced by Hon'ble Mr. Justice B. Seshasayana Reddy, Member(J))

This O.A. is filed by T.N. Latha Under Section 19 of the Administrative Tribunals' Act, 1985 assailing the letter No.RET/52-3/2000/II dated 20.06.2013. A direction has been sought for to the respondents to appoint her as Junior Accounts Officer with effect from 21.5.1992 with all consequential benefits.

2. Applicant was appointed as a Time Scale Clerk under the Scheduled Tribe quota on 06.12.1976 in the office of the Divisional Engineer, Telegraph Department, Thanjavur. Cloud with regard to the community of the applicant has been arisen in the year 1981. Applicant approached the court of competent jurisdiction and got a decree with regard to her status as Scheduled Tribe. However, the respondents denied her promotion doubting her community status. She initiated various proceedings, ultimately, the dispute with regard to the community certificate has been resolved in her favour. She cleared Part-I Junior Accounts Officer (JAO) Examination in 1991. She has not been permitted to write J.A.O. Part-II examination in view of the dispute with regard to her community certificate. She submitted representations seeking promotion with effect from 1992. Her request came to be rejected by an order dated 20.06.2013. The said rejection order is assailed in this Original Application.

3. Respondents filed reply statement.

4. It is stated in the reply statement that the dispute with regard to the

community status of the applicant came to be settled with the disposal of the 2nd appeal being S.A. No. 1249/1997. The applicant cleared Junior Accounts Officer Part-II examination in 2012 and thereupon, she came to be promoted to the post Junior Accounts Officer. In para 6 of the reply, the particulars of years in which the applicant failed/ absented in Part-II examination have been furnished.

5. Heard Learned counsel appearing on both sides

6. It is contended by learned counsel for the applicant that applicant has not been permitted to write Part-II J.A.O. Examination in the year 1992 and thereby she has been deprived of her right of promotion to the post of Junior Accounts Officer. A further contention has been advanced that had the applicant been permitted to write J.A.O. Part-II examination in the year 1992, she would have cleared and would have been promoted to the post of Junior Accounts Officer.

7. Per contra, learned counsel for the respondents submits that applicant has been appearing for Part-II J.A.O. examination from the year 1995 till December 2012 and it is only in the month of December, 2012 she cleared her J.A.O. Part-II examination and therefore she became entitled to promotion as J.A.O and thereupon she has been promoted.

8. As seen from the material placed on record, a dispute arose with regard to her community status and she approached the Civil Court and obtained a decree. Thereupon the department challenged the judgment and decree passed in O.A. No. *2000*

179/1981 on the file of the District Munsif, Tanjore by filing an appeal (A.S. No.22/1985, on the file of the Subordinate Judge, Tanjore) and the appeal filed by the department came to be allowed on 21.7.1987. The applicant challenged the judgment of the 1st Appellate Court by filing S.A. No. 1249/87 and the said appeal came to be allowed on 6.8.1999. It is also a matter of record that the applicant had been appearing for Part-II examination right from the year 1995 to 2012. She cleared the examination in the month of December, 2012 and thereupon she has been promoted as a Junior Accounts Officer. The relief sought for by the applicant is promotion from the year 1992. Admittedly she cleared J.A.O. Part-II examination in the year 2012 and therefore, the relief sought for by the applicant cannot be granted. Accordingly, this O.A. is dismissed. There shall be no order as to costs.