

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 1 MAR 1988

APPLICATION NO 11 /88 (F)

W.P.No. _____

APPLICANT

Vs

RESPONDENTS

Shri G.R. Parthasarathy

The GM, Telephones, Telecom District ,
Bangalore & another

To

1. Shri G.R. Parthasarathy
No. 100/1, Bull Temple Road
Bangalore - 560 019
2. Shri S.K. Srinivasan
Advocate
35, (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
3. The General Manager
Telephones
Telecom District
Bangalore - 560 009
4. Smt K. Jayamma Narayan
Telephone Supervisor
C/o The General Manager
Telephones
Bangalore - 560 009
5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~order~~/

~~order~~ passed by this Tribunal in the above said application

on 24-2-88.

1-3-88

Encl: as above.

O/c

P. R. Parthasarathy
for DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS 24th DAY OF FEBRUARY, 1988.

Member (A)

Present : Hon'ble Sri P.Srinivasan

APPLICATION No. 11/88(F)

G.R.Parthasarathy,
No.100/1, Bull Temple Road,
Bangalore - 19. ...

Applicant

(Shri S.K.Srinivasan ... Advocate)

vs.

1. The General Manager,
Telephones, Telecom Distnct,
Bangalore - 9.

2. Smt.K.Jayamma Narayan,
Telephone Supervisor,
C/o General Manager,
Telephones, Bangalore - 9. ...

Respondents.

(Sri M.Vasudeva Rao ... Advocate)



This application has come up before the court today.
Hon'ble Sri P.Srinivasan, Member (A) made the following :

ORDER

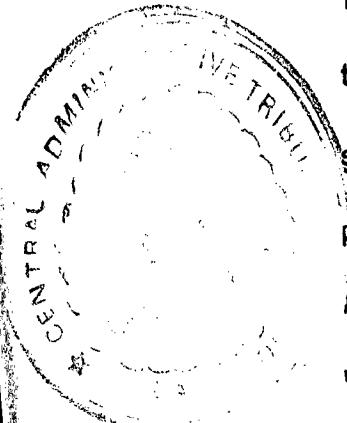
The grievance of the applicant in this application is that though he was promoted to the grade of Telephone Supervisor in the grade of Rs.425-640 with effect from 1.4.1976 alongwith R-2 who was his junior in the lower grade, the date of next increment in his case has been shown as 1.6.1975 while the date of next increment for R-2 was shown as 15-12-74. The applicant has prayed in this application that in his case also the date of increment should be taken as 1.12.1974 as in the case of R-2. He has, therefore, pleaded that order dated 21.9.1987 denying his claim in this regard be quashed.

P J B

2. Sri M.Vasudeva Rao, learned counsel for the Respondents, raised a preliminary objection at the hearing about limitation. Sri Srinivasan opposed this contention. After looking into the facts of the case I am satisfied that limitation has to be calculated with reference to the order dated 21.9.1987 and if that were done the application is well within time. The objection of Sri Rao is rejected.

3. Sri Srinivasan submitted that earlier R-2 was erroneously shown as senior to the applicant in the lower grade of Telephone Operator(TO) and because of this, R-2 was given officiating promotion for short periods to the higher post of TS on a number of occasions in the past. However, subsequently the applicant's seniority in the lower grade was restored and Sri Srinivasan admits that in the grade of TS to which the applicant was promoted from 1.6.1974 the applicant's seniority over R-2 has been maintained. If the applicant's seniority in the lower grade had been shown correctly in the past, the applicant would have got officiating promotion on earlier occasions when R-2 was given such promotions. As it happened when both of them were promoted from 1.6.1974, R-2 was given credit for the total period for which she had worked in the higher grade in officiating capacity in the past and that is why her date of promotion was advanced to 1.12.1974 while the date of increment in the case of applicant was fixed after completion of one year i.e., on 1.6.1975. Since the officiating promotions earned by R-2 in the past were due to an error in the seniority list which had since been corrected the applicant should not have been made to suffer. He, therefore, submits that the date of next increment so far as the applicant is concerned should also be fixed as 1.12.1974 and the letter of Respondent 1 dated 21.9.1987 denying this claim should be quashed.

P. J. M.



4. Sri M.V.Rao opposing the contention of Sri Srinivasan submitted that the claim of the applicant was not based either on FR 27 or on FR 22(c) but on a speculative assumption that on the basis of the seniority subsequently accorded to him he would have received officiating promotions in the past in place of R-2. Officiating promotions made for short periods need not necessarily follow the order of seniority. Therefore, the claim of the applicant based on the assumption that he would have been promoted on officiating capacity instead of R-2 in the past cannot be entertained.

5. Having considered the rival contentions I am of the view that this application should fail. It cannot be assumed automatically that the applicant would have been given officiating promotion in the past on every occasion when R-2 was so promoted, even if his seniority had been shown above R-2 in the lower grade at the time. It is admitted on behalf of the applicant that his seniority over R-2 has been duly accorded to him in the higher grade of TS. This being so, I decline to interfere in the matter of fixation of the date of increment of the applicant on a mere speculation. This need not, however, prevent the Department, if it thinks fit, from considering the case of the applicant in terms of FR 27. I leave the matter at that.

6. In the result the application is dismissed. Parties to bear their costs.

Sd/-

(MEMBER-A)

11/3/88

FOR DEPUTY REGISTRAR (JDAn.)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

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Deputy Registrar
(JUDICIAL)

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P.S. *[Signature]*

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13/88

for DEPUTY REGISTRAR (JDL)
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BANGALORE