

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,

Miscellaneous Appln.No.148 of 1995 in BANGALORE - 560 030.

Dated: **3 MAY 1995**

APPLICATION NO. 330 of 1994.

APPLICANTS: **sri.C.M.Gaddi,**

V/S.

RESPONDENTS: **Secretary, Ministry of Communications,
New Delhi and others.**

To

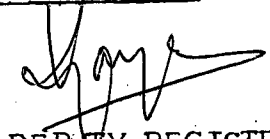
1. **Sri.P.A.Kulkarni, Advocate, No.48, Second Floor,
57-A-Cross, Fourth Block, Rajajinagar, Bangalore-10.**
2. **Sri.M.Vasudeva Rao, Additional Central Government
Standing Counsel, High Court Bldg, Bangalore-1.**

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 19-04-1995.

Issued on
3/5/95


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

Srs. C.M. Baddi, r/s Secy. M/o. Communications New Delhi
MA NO. 148/95 in OA 330/94

Date	Office Notes	Orders of Tribunal
		<p>Orders on MA 148/95</p> <p>VR (MA) / ANV (MS)</p> <p>19/4/95.</p> <p>Heard.</p> <p>MA 148/95 is allowed granting two more months from today for complying with the directions of this Tribunal.</p>

Sd/-
m(J)

Sd/-
m(A).

TRUE COPY



[Signature]
03/5/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 12 DEC 1994

APPLICATION NO: 330 of 1994

APPLICANTS:- Sri.C.M.Gaddi,
V/S.

RESPONDENTS:- Secretary, Ministry of Communications, N Delhi & Others.

To

1. Sri.P.A.Kulkarni, Advocate,
No.47, Second Floor, 57th-A-cross,
Fourth Block, Rajajinagar, Bangalore-10.
2. Sri.M.Vasudeva Rao, Addl.C.G.S.C.
High Court Bldg, Bangalore-1.

Copy Received (S. No. 1)
JPF
13/12/94

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.

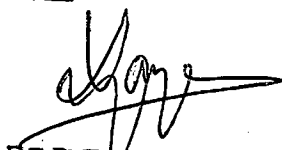
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Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 16-11-1994.

Issued on
12/12/94

R

O/C

for 
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

ORIGINAL APPLICATION NO.330/94

WEDNESDAY, THE SIXTEENTH DAY OF NOVEMBER, 1994

SHRI V.RAMAKRISHNAN.

...MEMBER (A)

SHRI A.N.VUJJANARADHYA.

...MEMBER (J)

Shri C.M.Gaddi,
S/o Mahadev Basappa Gaddi,
aged about 57 years,
Sub-Division Officer Phones,
Belgaum.

...Applicant

By Advocate Shri P.A.Kulkarni.

Versus

1. Union of India
represented by its Secretary,
Ministry of Communication,
Sanchar Bhavan,
No.20 Ashoka Road, New Delhi.
2. Department of Telecommunication,
represented by its Head of the
Department, Sanchar Bhavan,
No.20 Ashoka Road,
New Delhi-511 001.
3. Chief General Manager,
Telecom Centre,
Karnataka Telecom Circle,
No.1 Old Madras Road,
Ulsoor, Bangalore-560 008.

...Respondents

By Advocate Shri M.Vasudeva Rao, A.C.G.S.C.

O R D E R

Shri V.Ramakrishnan, Member (A)



We have heard both sides. The issue that needs to be considered in this case is whether the services rendered by the applicant in the post of Dy. DET, Gulbarga, which is in the cadre of TES Group 'B' with effect from 24.8.81 upto the date of his joining as AE in Bombay Telephone District in September, 1982 should be taken as regular service in Group 'B' or not.

2. The facts in brief are that the applicant, who joined the Telecom Department in 1972 was promoted as SG JE on 28.11.79. It is also not in dispute that he was asked to function as Dy. DET, Gulbarga, which is in the cadre of TES Group 'B' with effect from 24.8.81 and he continued to hold that post till he joined on regular basis in Bombay in September, 1982. Even though the applicant was given officiating charge in August, 1981 his case for regular promotion seems to have been considered later and Director of Telecommunication had issued an order dated 30.6.82, which was communicated further by the Chief General Manager Telecom, Karnataka Circle, Bangalore by his order dated 03.7.82. The relevant portion in so far as the applicant is concerned reads as follows:-

"Shri C.M.Gaddi, Junior Engineer, Hubli Telegraph Division, now officiating as Deputy D E T Gulbarga is promoted to the cadre of TES GR.B and posted to Bombay Telephones District. He shall make over the charge to the reliever posted vide this office Memo of even no. dated 29.6.82."

According to the relevant rules for promotion to the level of Sr. A.E. an AE TES Group 'B' should have completed 12 years of regular and continuous service as Assistant

Engineer. While it is agreed on both sides that he functioned as AE from August, 1981, the department contends that he had not completed 12 years of regular service as AE before the date of his retirement, which took place on 31.7.94. Shri P.A.Kulkarni, the learned counsel for the applicant argues that the applicant's service on officiating basis was followed without a break by regular promotion and the period rendered on officiating basis should also be taken into account for promotion as Sr. AE. He also makes a distinction between a local promotion in order to tide over a leave vacancy etc., and an officiating promotion, which is done after some scrutiny. He also submits that the applicant has since retired w.e.f. 31.7.94 and the relief sought for by him is ^{primarily} ~~providing~~ for pension and retirement benefit.

3. Shri Rao for the department argues that the applicant was given regular promotion only by order dated 30.6.82 and his eligibility will commence only from the date he joined duty as AE on regular basis in Bombay Telephone District, which was on 19.9.82. In other words his eligibility for promotion as Sr. AE will arise only after 19.9.94, by which time he had already retired. Shri Rao also does not agree with the contention that any scrutiny was done before giving officiating promotion. He was directed to produce relevant records to demonstrate as to how the order giving officiating promotion was given at the relevant time. He submits that the event took place more than 13 years back and the records are not available. He also brings to our notice the letter of Chief General Manager Telecom, Karnataka Circle, Bangalore stating that



the file pertains to 1981 and the same could not be traced. However, he shows another file where orders have been issued in respect of some other persons giving them officiating promotion. This file shows that the matter was considered purely on the basis of seniority without any further reference to the service records etc. Shri Rao argues that this has been the practice followed by the department and the period of service rendered by him as Dy. DET, Gulbarga from August, 81 to September, 82 cannot be taken as regular service.

4. We have carefully gone into the matter. We see no reason to dis-agree with the contention of the department that for giving officiating promotion, only seniority was considered and no further scrutiny on the basis of service records had been done. However, the admitted position is that order was issued by the DOT on 30.6.82 promoting the applicant to the grade of ~~TES Group 'B'~~. The same was communicated by the Chief General Manager Telecom, Karnataka Circle, Bangalore by his order dated 3.7.82 and the applicant took charge in Bombay in September, 1982. It is also not denied that there is no break in service in respect of his functioning in Group 'B'. It is also relevant to take into account that the applicant had since retired. As the applicant's eligibility has been duly assessed by a duly constituted DPC before the order of 30.6.82 was issued and the applicant continued to discharge the duties of higher post of Group 'B' and keeping in view the ~~fact~~ ^{fact} that the applicant has since retired, we hold that it is appropriate

to issue direction that in the facts and circumstances of the present case the department should convene a review DPC to assess the eligibility of the applicant for promotion to Sr. A.E. post with effect from 1.7.94 i.e. on expiry of 12 years of service from the date of issue of orders by the DG P&T on 30.6.82 and assess the suitability of the applicant for such promotion. We are informed that the assessment in such case is done only on completion of 12 years of service and there is no need to create a post. If on the basis of such assessment, the applicant is found eligible for promotion as Sr. AE, he should be given the pay and allowances as will be admissible in the higher post for the period from 1.7.1994 to 31.7.1994 i.e. the date of retirement. His retirement benefit will be calculated on the basis of such revised pay. This exercise should be completed by the department within a period of four months from the date of issue of this order.

5. With the above observation, the application is finally disposed of with no order as to cost.

Sd/-

(A.N.VUJJANARADHYA)
MEMBER (J)

Sd/-

(V.RAMAKRISHNAN)
MEMBER (A)



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abg
12/1/94
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

In the Central Administrative Tribunal
Bangalore Bench

Bangalore

MA 282/95 for Extn of time

In D. Application No. 330 of 1994

ORDER SHEET (Contd.)

Sri C.M. Gaddi Vs. Secy. M/o. Communications, New Delhi & Co.

Date

Office Notes

Orders of Tribunal

VR. (MA)

26.6.95..

Heard P.A. Kulkarni and also
Shri M.V. Rao. Time extended for a
further period of two months with
effect from today making it clear
that no further extension will be
given.

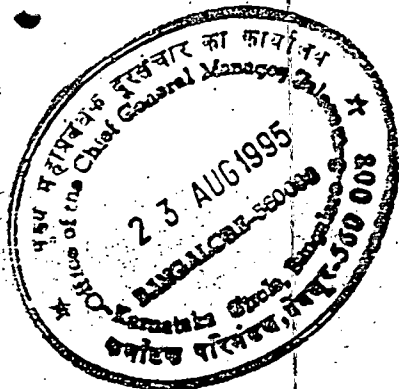
Sd/-



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M(A)

26/6/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore



856

BY FAX
URGENT / CAT CASE

R,
L40

No. 15-21/95-STG-II
Government of India
Ministry of Communications
Department of Telecommunications

New Delhi, the 21st August, 95.

To,

The Chief General Manager,
Karnataka Telecom Circle,
BANGALORE

L0

(Attention:- Shri R.S.S. Iyenger, AE(Leg))

Sub: CA No. 330/94 filed by Shri S.M. Gaddi, STC Phones,
Belgaum - filing of SLP/review petition.

Apropos telephonic conversation today regarding
expeditious disposal of the above mentioned Court Case.

2. As the action regarding filing of SLP/Review Petition
in the case has been initiated and it is under process, it will
be better if further extension of time from the CAT is sought
on the next date of hearing. The date so sought may be intimated
to this Department urgently..

Copy to 2
6/11

Recd
2/8

Handwritten signature

(VINCENT PARIJA)
SECTION OFFICER (STG-II)
Tele 3032100
3032167

Date

Office Notes

Orders of Tribunal

VR(MA)

30.08.1995

Orders on M.A.No.367/1995

Heard Shri M.V. Rao on M.A. No. 367/95 praying for further ~~ext~~ time to implement the directions of the Tribunal. The only ground urged for extension of time is that the department is taking steps to file an SLP before the Supreme Court and the same is under progress and it will take some more time. It was the same reason which was given in the earlier occasion also and time was granted for a period of two months which expired on 25.8.1995.

The orders of the Tribunal were pronounced on 16.11.1994 and it was received by the department within a month and the direction contained in that order said that directions contained in para 4 should be complied within a period of four months from the date of issue of the order.

This would show that the department had about 10 months time to take a decision as to whether or not to file an SLP and to take follow up steps. It seems that despite granting time on earlier occasions also, the department has been ~~derelicting~~. In view of this, I see no reason to grant any more time and the M.A. is therefore rejected.



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Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

MEMBER (A)