

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 030.

Dated: **3 APR 1995**

APPLICATION NO. 1706 of 1994.

APPLICANTS: Sri.M.G.Sagarkar,Dandeli-
V/s.

RESPONDENTS: The Secretary,M/o.Communications,
New Delhi and five others.,

To

1. Sri.Shivarudra,Advocate,
No.186/4, J.C.Complex,
Sirur Park Road,
Seshadripuram,Bangalore-20.
2. Sri.M.S.Padmarajaiah,Senior
Central Govt.Stng.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 21-03-1995.

Issued on
3/4/95
gm*

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 1706/ 1994

TUESDAY, THE 21ST DAY OF MARCH, 1995

SHRI V. RAMAKRISHNAN ... MEMBER (A)

SHRI A.N. VUJJANARADHYA ... MEMBER (J)

Shri M.G. Sagarkar,
S/o Shri G.M. Sagarkar,
Age: 49 years,
Telephone Operator,
Telephone Exchange,
Dandeli-581325, N.K.

... Applicant

(By Advocate Shri Shiva Rudra)

Vs.

1. The Secretary,
Ministry of Telecommunications,
Government of India,
New Delhi - 110 001.
2. The Chairman,
Telecom Commission Dak Bhavan,
Sansad Marg,
New Delhi - 110 001.
3. The Director General,
Telecommunications,
Government of India,
Department of Telecommunications,
New Delhi - 110 001.
4. The Chief General Manager,
Telecommunications,
Karnataka Telecom Circle,
Maruti Complex,
Gandhinagar,
Bangalore-560 009.
5. The Director, Telecommunications,
(DOT) Mangalore Area,
Mangalore - 575001.
6. The Telecom District Engineer,
Karwar Division, Karwar - 581 301,
District U.K.

... Respondents

(By Senior Standing Counsel for Central Govt.,
Shri M.S. Padmarajaiah)



ORDER

Shri V. Ramakrishnan, Member (A):

We have heard Shri Shiva Rudra for the applicant and Shri M.S. Padmarajaiah for the respondent department. The applicant herein is aggrieved by what he claims to be the non-consideration of his case for promotion to one time bound promotion scheme. He submits that as a member of the Scheduled Caste, he became eligible for consideration for promotion under the OTBP scheme on completion of 10 years of service, namely, with effect from 14.6.86 as sufficient number of SC candidates who have put in 16 years of service were not available. He further states that people junior to him have already been promoted without considering his case. Hence the present application.

2. The respondents submit that under the OTBP scheme a person is eligible for being considered for appointment after completion of 16 years of service. The question of giving some concession to SC & ST candidates was agitated before the Supreme Court in the case of P&T Staff Welfare Association vs. Union of India and the same was disposed of by the apex Court by its order dated 29.8.88 where the Supreme Court had directed the department to confer some extra advantage to members of SC and ST in the matter of such promotion. After that the department had considered SC/ST candidates who had put in 10 years of qualifying service by reducing the qualifying service from 16 years, if sufficient number of SC/ ST candidates are not available. It is further stated by the respondents that the applicant was considered under this scheme for the period from August 1988 to 31.3.91, 1991-92, 1992-93 & 1993-94 but, was found unfit on such occasions. The DPC which met on 21.9.94 found

the applicant fit and accordingly he was given promotion from 14.12.94. The respondents, therefore, deny the allegation that the applicant was not considered for promotion and contend that the application is devoid of any merit.

3. We find that the same applicant had approached this Tribunal in OA 1222/94 with the grievance that he was not promoted under the OTBP scheme to the higher grade right from 1989. After detailed consideration, the Tribunal by its order dated 1st March, 1995 dismissed the application observing that it cannot accede to the prayer that he should have been promoted from an anterior date. It is further noticed that the Tribunal had also gone into the records of the several DPCs before coming to this conclusion.

4. As the relief sought for in the present application had already been agitated by him in 1222/94 which was disposed of by the Tribunal after detailed consideration, it is not open to the applicant to re-agitate the same issue once again before us and the case is barred by the principle of res judicata. In the circumstances, we find no merit in this application and accordingly it is dismissed with no order as to costs.



A.N. WUJANARADHYA)
MEMBER (J)

(V. RAMAKRISHNAN)
MEMBER (A)

TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore