

(40)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

D.A.No.728 of 1987

Date of Order : 20/10/89

R.Nagaraj

...Applicant

Versus

The Director General,
Telecommunications,
Sanchar Bhavan, New Delhi & 2 others.

...Respondents

Counsel for the Applicant : Shri K.S.R.Anjaneyulu

Counsel for the Respondents : Shri E.Madan Mohan Rao

CORAM

Honourable Shri B.N.Jayasimha, Vice-Chairman
and
Honourable Shri J.Narasimha Murthy, Member (Judl)

(Judgment of the Bench delivered by Hon'ble
Shri B.N.Jayasimha, Vice-Chairman)

The applicant is a Group-E officer in the Telecommunications Department. He has filed this application aggrieved by the orders issued by the respondents promoting his juniors to Group-A, superseding him.

2. The applicant joined in the telecommunications department in the year 1956 and later appointed as Junior Engineer in the year 1962. Thereafter he came out successfully in the T.E.S.Group-B examination and was appointed as Group-B officer in 1973. As a Group-B officer he shouldered heavy responsibilities and worked in Andhra Circle and also in Bombay Telephones. In Bombay he was promoted in higher capacity as Divisional Engineer in ITS Group-A Service on an

officiating basis. He is continuing as Group-A Officer on officiating basis under the General Manager, Telecommunications, Hyderabad.

3. The Director General of Telecommunications, New Delhi vide Memo No.12/2/87 STG-I dated 16-04-1987 promoted T.E.S. Group-B officers to Group-A. The applicant has not been promoted while several juniors to him have been promoted. He submitted a representation dt. 08-05-1987 against his supersession. He stated that he completed the targets and the assignments allotted to him according to schedule and also received appreciation from his superiors. Having regard to the uniform good service, there is no reason for over looking him. He also stated in his representation that during the year 1981-82 an adverse entry was given by the D.E.T. and the same was expunged by the D.G.P & T in his letter dated 16-11-1982. He represented that he should not be over-looked due to an adverse remark given on a mistaken ground. The Director General of Telecommunications had sent a reply dt. 16-06-1987 stating that the D.P.C. did not included him in the select list. Aggrieved by this reply he has filed this application.

4. In the reply the respondents state that the D.P.C. considered his case in accordance with the procedure and assessed him the grade "good". Hence his name was not recommended for promotion to the Junior Time Scale of ITS Gr.A.

5. We have heard the learned counsel for the applicant Shri K.S.R. Anjaneyulu and Shri E. Madan Mohan Rao, learned Standing Counsel for the Department. The department also placed before us the proceedings of the D.P.C. and also annual Confidential Reports of the applicant. On a consideration of the CRs for the relevant years the D.P.C. assessed the applicant as 'good'. As a number of other officers who came within the zone of consideration obtained a higher grade they were placed above those who were graded as 'good' only. The non-promotion of the applicant is because of the grading obtained by him. We have also seen the report for the year 1981-82 and find that the adverse remarks have been expunged by the G.M., Telecommunications in his letter dated 18-10-82. The contention that the D.P.C. might have taken into consideration the adverse remarks while awarding him the grade 'good' is therefore without any basis.

6. It is well settled that where a selection committee assigns grades on the basis of an overall assessment of the service record, the findings of the DPC are to be accepted. It is only in case where the DPC has taken extraneous material into consideration, the proceedings of the DPC can be called into question. We do not find that there has been any violation of the instructions or guide lines issued by the government. No extraneous material has been taken into consideration by the DPC. We therefore find no merit in this

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case and
/accordingly we dismiss the case. There will be no
order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman

J.N. Murthy
(J.N. MURTHY)
Member (J2)

Dt. 20th October, 1989.

S. R. ...
DEPUTY REGISTRAR (J)
15/11/89

TO

AVL.

To

1. The Director General of Telecommunications, Sanchar Bhawan, New Delhi.
2. The General Manager, Telecommunications, Hyderabad.
3. Sri Sukumar Ghosh, Divisional Engineer, Office of General Manager, Telephones, Calcutta.
4. One copy to Mr. K.S.R. Anjaneyulu, Advocate, 1-1-365/A, Jawaharnagar, Bakaram, Hyderabad.
5. One copy to Mr. E. Madan Mohan Rao, Addl. CGSC, CAT, Hyderabad.
6. One ~~xxxxxx~~ Spare copy.

unclasp
[Signature]
8/11/89