

21

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

O.A.No.284 of 1987

Date of Order: 23-2-1990

Between:-

V.S.Rao

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Applicant

and

1.Union of India represented by its
Secretary, DGET, Ministry of Labour,
New Delhi.

2.Director, Advanced Training Instt.
for Electronics & Process Instru-
mentation, Ramanthapur, Hyderabad.

3.Director, Advanced Training Instt.,
Vidyanagar, Hyderabad.

4.S.Satyanarayana Rao, Administrative
Officer, ATIEPI, Ramanthapur,
Hyderabad. ..

Respondents

Appearance

For the applicant : Shri B.G.Ravinder Reddy,
Advocate.

For the Respondents : Shri E.Madan Mohan Rao,
Addl.Central Govt.SC.

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THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI D.SURYA RAO, MEMBER(JUDICIAL).

(JUDGMENT OF THE BENCH DELIVERED BY HON'BLE SHRI D.SURYA RAO,
MEMBER(JUDICIAL)).

1. The applicant is an employee of the Advanced Training Institute, Ramanthapur, Hyderabad, under the Ministry of Labour, Government of India. He states that he was originally appointed as Lower Division Clerk in the year 1952. He was promoted to the post of Upper Division Clerk in the year 1960. He was subsequently promoted as Stores Keeper (Technical) in October 1966. He was later appointed as Accountant in the

year 1967. He was subsequently appointed as Superintendent on adhoc basis in the year 1970. Later he was given a senior grade post of Office Superintendent with effect from 1-1-1973. Afterwards the applicant was transferred to ATIEPI in 1975. ~~As the applicant is senior to the respondent~~

2. The applicant states that in the year 1977, he was shown at serial No.7 in the seniority list of senior staff members in the higher scale of Rs.550--750, whereas the 4th respondent was shown at serial No.3 in the lower scale of Rs.425--700. The applicant is thus senior to the 4th respondent. As the applicant is the seniormost Office Superintendent, his case was recommended by the Director, Advanced Training Institute for Electronics and Process Instrumentation, Ramanthapur, Hyderabad, by his letter dated 3-2-1986, for appointment to the post of Administrative Officer on adhoc basis. Though the applicant was recommended by the Director and though he is the senior-most Office Superintendent working right from 1970 continuously, his case is not being considered by the respondents on the ground that he is only working on adhoc basis. He further states that one Mr.S.R.Chouhan filed a Writ Petition No.7749 of 1979 in the A.P.High Court claiming that he is senior to the applicant. Therefore, the services of the applicant were regularised from 1980 instead of 1970. Since the said W.P. ^{is} pending, the respondents ~~have~~ been postponing the consideration of the applicant's case. He further contends that the 4th respondent, who was promoted as Superintendent much later to the applicant is now promoted as Administrative Officer. He states that on 1-6-1980 a seniority list of Office Superintendents was prepared wherein the 4th respondent was shown as regularly appointed with effect from 1-1-1974 at Sl.No.10. whereas the applicant was

shown at Sl.No.14 though he was promoted on adhoc basis with effect from 14-9-1970, as Office Superintendent. He made a number of representations and the last representation was on 10-3-1987. He states that there was no response from the respondents. He therefore contends that the action of the respondents in not regularising his services as Office Superintendent and in not considering his case for further promotion to the post of Registrar and Administrative Officer is in violation of Articles 14 and 16 of the Constitution of India. He therefore seeks a direction to the respondents 1 to 3 to regularise his services as Office Superintendent from the date of his appointment in that post and to further direct the respondents to consider his case for promotion to the post of Registrar and Administrative Officer and to set aside the proceedings Reg.A-19018/2/8/TA-ID, dt.4-10-85 and No.A.19014/15/87-Estt/1485, dt.31-3-87 issued by the 2nd respondent.

3. We have heard Shri B.G.Ravinder Reddy, learned Counsel for the applicant, and Shri E.Madan Mohan Rao, Additional Central Government Standing Counsel for the respondents 1 to 3. The 4th respondent has neither appeared himself nor was represented by his Counsel.

4. Shri Madan Mohan Rao has placed the relevant records before us. He says that the applicant was working as Office Superintendent on adhoc basis from 14-9-'70. His services as Office Superintendent were regularised only on 27-3-1980. His place in the seniority list of Office Superintendent is at Sl.No.14. He, therefore, became eligible for promotion to the post of Registrar only after regularisation in the year 1980. His case for further promotion as Registrar in accordance with the eligibility was accordingly considered

and he was appointed on adhoc basis as Registrar vide order dated 6-5-1987. He further states that Shri Satyanarayana Rao, 4th respondent, was senior to the applicant in the eligibility list/seniority list of Office Superintendents. Consequently he has been promoted as Registrar in the year 1985 and subsequently as Administrative Officer in the year 1986. The question of applicant's promotion did not arise at that time. It is, therefore, stated that the contention of the applicant that his junior had gone two steps ahead is not correct.

5. From the facts stated above, it is clear that the 4th respondent was shown as senior to the applicant in the seniority list of Office Superintendent in the year 1980 and the applicant was shown therein at sl.No.14 whereas the 4th respondent was shown at sl.No.10. Further, when the 4th respondent was promoted as Administrative Officer, superseding the applicant, in the year 1985, the applicant gave a representation objecting to the same vide his representation dated 6-9-1985. However, when no action was taken on his representation, the applicant has not questioned the action of the respondents by filing an application before a Court of competent jurisdiction. He thereby accepted the seniority and promotion of the 4th respondent. Consequently the consequent assailing of the promotion of the 4th respondent as Administrative Officer in the year 1987 does not therefore arise. In regard to the prayer of the applicant for regularisation of his services as Office Superintendent, the same could not be done by the respondents as the matter was pending in the High Court. Shri Madan Mohan Rao brings to our notice that the applicant's services were regularised as Office Superintendent on 27-3-1980. If the

25

applicant was aggrieved on that ^{ground}, he ought to have questioned the same at that time itself. ^{Since} Further, the cause of action arose for the applicant in the year 1980. Under section 21 of the Administrative Tribunals Act, 1985, this application cannot be entertained as the cause of action arose in this case three years prior to the year 1985. The application is liable to be dismissed ~~even~~ on this ground alone.

6. In view of the above facts, we find no merits in this application. We accordingly dismiss the same. No costs.

(Dictated in the Open Court)

B.N.Jayasimha
(B.N.JAYASIMHA)

VICE-CHAIRMAN

D.S.Rao
(D.SURYA RAO)
MEMBER (JUDICIAL)

Date: 23-2-1990

Deputy Registrar (B)

TO:

NSR

1. The Secretary, (Union of India), DGET, Ministry of Labour, New Delhi.
2. The Director, Advanced Training Institute for Electronics & Process Instrumentation, Ramanthapur, Hyderabad.
3. The Director, Advanced Training Institute, Vigyanagar, Hyderabad.
4. S.Satyanarayana Rao, Administrative Officer, ATIEPI, Ramanthapur, Hyderabad.
5. One copy to Mr B.G.Ravinder Reddy, Advocate, Plot 5-C, Bagh Amberpet, Durgabhai Deshmukh colony, Hyderabad, A.P.
6. One copy to Mr.E.Madan Mohan Rao, Addl.CGSC, CAT, Hyderabad.
7. One spare copy.

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k.j.

*Satyanarayana
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