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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH, AT HYDERABAD.

D.A. No. 782 of 1987

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DATE OF DECISION: 26-2-1990

V. Ramakrishna Sastry & 2 others

Petitioner.

Shri KSR Anjaneyulu

Advocate for the
Petitioner(s).

Versus

Director-General, Telecommunications, Respondent.
New Delhi & 3 others.

Shri E. Madan Mohan Rao, Addl. CGSC, Advocate for the
for Respondents 1&2 Respondent(s)

CORAM:

THE HON'BLE MR. B.N. JAYASIMHA, VICE-CHAIRMAN.

THE HON'BLE MR. D. SURYA RAO, MEMBER (JUDICIAL).

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunals ?
5. Remarks of Vice Chairman on columns 1, 2, 4 (To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

NO

B.N.J.

D.S.R.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

O.A.No.782 of 1987

Date of Order: 26-2-1990

Between:

1. V.Ramakrishna Sastry
2. M.S.Murthy
3. M.V.R.J.S.Sarma

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Applicants

and

1. The Director-General, Telecommunications, New Delhi.
2. The General Manager, Telecommunications, A.P., Hyderabad.
3. V.Madhusudhana Rao
4. S.V.Subbarayan

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Respondents

Appearance

For the Applicants : Shri KSR Anjaneyulu, Advocate.

For the Respondents 1&2: Shri E.Madan Mohan Rao, Addl. Central Govt. Standing Counsel

For Respondents 3&4 : Neither of them in person nor represented by their counsel is present.

CORAM

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 applicants herein, who are originally appointed as Steno-Typists in the combined Postal/Telecommunications Department (prior to bifurcation), are aggrieved by a common order issued by the 2nd respondent vide his Memo No.TA/STB/49-21/80, dated 7-12-1987, enclosed as Annexure-I to the application. It is contended that the ~~grade~~^{gradakam} of list of Steno-graphers for 1985 was issued by the 2nd respondent in his

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letter dated 22-1-1986, wherein the applicants were shown at serial Nos.9, 10 and 12 respectively. Thereafter, the 2nd respondent issued revised orders revising the said seniority list, showing respondents 3 and 4, who were ^{previously} at serial Nos. 16 and 17 ~~originally~~, at serial Nos.4(a) and 4(b) respectively. It is contended that the applicants have been continuously working as Stenographers and are in the Stenographers Gradation list since 1980. It is also alleged that ~~while issuing a~~ ~~the issue of~~ ~~the impugned order~~ revising the seniority of respondents 3 and 4, no notice was given to the applicants before issuing the said order. It is therefore contended that the alteration of seniority list is ex facie illegal. ~~Therefore~~ ^{they therefore} ~~they~~ seek a direction to quash the impugned order.

2. On behalf of the respondents 1 & 2 a counter has been filed stating that the revision was done in accordance with the rules. On behalf of respondents 3 & 4 representations were received.

3. We have heard the learned Counsel for the applicants, Shri KSR Anjaneyulu, and the learned Addl. Central Govt. Standing Counsel, Shri E. Madan Mohan Rao, for respondents 1 & 2. The respondents 3 & 4, though served notices, are not present nor are they represented by their counsel.

4. Shri KSR Anjaneyulu limited his argument to the question that the notices should have been given to the applicants before respondents 3 and 4 were brought above them in the seniority list. It is well settled that an order adversely affecting the seniority of an employee could not have been issued without affording ^{him} an opportunity to the affected

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persons against the proposed revision of seniority. The facts disclose that such an opportunity was not given to the applicants in this case.

5. In the circumstances, we set aside the impugned order No.TA/STB/49-21/80, dated 7-12-1987 issued by the 2nd respondent, and direct the respondents to issue a show-cause notice to the applicants setting out the grounds on which it is proposed to revise the seniority and afford them an opportunity to represent against the proposed action and decide the matter thereafter on merits. With this direction the application is disposed of. No order as to costs.

(Dictated in the Open Court)

B.N.Jayasimha

(B.N.JAYASIMHA)
VICE-CHAIRMAN

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

Date: 26-2-1990

A. S. Deo 13/3/90
Pv DEPUTY REGISTRAR (J)

TO:

1. The Director-General, Telecommunications, New Delhi.
2. The General Manager, Telecommunications, A.P.Hyderabad.
NSR3. One copy to Mr.K.S.R.Anjaneyulu, Advocate, 1-1-365/A,
Jawaharnagar, Bakaram, Hyderabad.
4. One copy to Mr.E.Madan Mohan Rao, Addl.CGSC, CAT, Hyderabad.
5. One spare copy.

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k.j.