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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH AT HYDERABAD
TUES DAY THE THIRTEENTH DAY OF JUNE
ONE THOUS ND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

THE HONOURABLE MR. B.N. JAYA SINGH : VICE-CHAIRMAN

AND

THE HONOURABLE MR. D. SURYA RAO : MEMBER (JUDL)

AND

THE HONOURABLE MR. D.K. CHAKRAVERTY : MEMBER (ADMN)

AND

THE HONOURABLE MR. J.N. RASIMHA MURTHY : MEMBER (JUDL)

ORIGINAL APPLICATION. 417 OF 1989

BETWEEN:-

G. Venkateswara Rao,

...Applicants

AND

1) The General Manager,

Telecommunications,

Andhra Pradesh, Hyderabad.

2) The Telecom

district manager,

Mizayawada - 520 050.

3) The Assistant Engineer,

Trunks, Mizayawada - 520 001.

...Respondents

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II

ORDER OF THE TRIBUNAL DELIVERED BY HON'BLE SHRI D.SURYA RAO,
MEMBER (JUDL.)

The applicant herein has filed this application claiming
the following reliefs:-

- (i) To direct the respondents to give one time bound promotion as per the directions of the Deputy General Manager in his letter dated 28.1.1988.
- (ii) To award the costs of this O.A.

2. The order passed by the Deputy General Manager as communicated by the Assistant General Manager (Admn.) by memo No.TA/STB/13-2/87-88 dated 28.1.1988 reads as follows:-

"The Deputy General Manager, Telecommunications, Andhra Pradesh is pleased to promote Sri G.Venkateswara Rao (CGL.No.580), Telephone Operator, Vijayawada to the higher scale of pay under One Time Bound Promotion Scheme in the scale of pay of Rs.1400 to 2300.

The date of entry of the official in the cadre of Telephone Operators may be verified with reference to the entries made in the Service Book of the official and he may be promoted after completion of 16 years of qualifying service in TO's cadre after excluding the periods which cannot be counted as service and intimate the date of promotion of the official to this office.

The official may be promoted if no vigilence/disciplinary cases are pending against him.

(b)

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Option for fixation of pay if any may be exercised within one month of receipt of this Memo as per the instructions contained in O.M.No.E.7/1/80-Estt.P.1 dated 26.9.81 from the Ministry of Home Affairs."

3. At the time of admission of the case, we had passed the following orders:-

"Heard counsel for both in part. The short question which arises for determination is whether the applicant is entitled to a direction that the order dated 28.1.88 of the office of the G.M.T., A.P., Hyderabad is to be implemented within a reasonable time. Shri Parameswara Rao seeks time to obtain records/instructions. Post for orders on 6.7.1989 (immediately after admissions) before this Bench."

Shri Parameswara Rao today refers to a telegram received by him wherein it is stated that the service book of the applicant had not been made upto date and that there were missing entries therein. After making the service book upto date, it had been received back on 10.3.1989.

4. We have heard the learned counsel for the applicant and Shri Parameswara Rao representing Shri P.Ramakrishna Raju, Senior CGSC. Shri Parameswara Rao states that the report discloses that after due date of completion of 16 years of qualifying service and after excluding the ineligible period tentatively, it would be seen that the applicant completes

TO

- 1) The General manager,
Telecommunications,
Andhra Pradesh, Hyderabad.
- 2) The Telcom Distt. Manager,
Vijayawada - 520050.
- 3) The Assistant Engineer, Trunks,
Vijayawada - 520001.
- 4) One copy to Mr. V.S.R. Antangulu, Advocate,
H.No. 1r 8-38/ A/1, Chikkadpally, Hyderabad
-500020.
- 5) One copy to Mr. P. Rama Krishna Raju, Sr. Cuse,
CAT, Hyderabad.
- 6) One copy to Hon'ble Mr. D.K. Chakravarthy, member (A),
CAT, Hyderabad.
- 7) One spare copy.

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Done
10/15/6

16 years of service on 22.7.1985. However, a further report has been sought from the AE concerned and ~~that~~ he submits that on receipt of the report, final order would be passed determining the exact date on which the applicant completes 16 years of qualifying service to enable him to obtain one time bound promotion. It is clear that the matter has been pending since 28.1.1988 and the department has taken long time in determining as to when the applicant is entitled to one time bound promotion. In the circumstances, the relief asked for by the applicant ordered viz., the order of the Deputy General Manager dated 28.1.1988 referred to above will be implemented within one month from the date of this order.

5. The applicant claims that he is entitled to one time bound promotion from 16.2.1983 as he completes 16 years of service by that date. The respondent's case is that the ineligible periods are to be excluded. When passing final orders, it will be made clear that what are the ~~is~~ ineligible periods and why those periods cannot be counted. With these directions the application is disposed of. There will be no order as to costs.

Dictated in the open court.

Delekbaro
(D.K.CHAKRAVORTY)
Member(Admn.)

D. Surya Rao
(D.SURYA RAO)
Member(Judl.)

Dated: 13th June, 1989.

S. Venkateswaran
DEPUTY REGISTRAR(J).
v/ 6/89
P.T.O.