

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

OA.952/92

date of decision : 29/4/93

Between

V. Swamy : Applicant

and

1. The Telecom District Engineer
Nalgonda

2. The Chief General Manager
Telecommunications
AP Circle, Doorsanchar Bhavan
Hyderabad

: Respondents

Counsel for the Applicant : K. Venkateswara Rao
Advocate

Counsel for the Respondents : N.V. Raghava Reddy
SC for Central Govt.

CORAM :

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMN.)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri K. Venkateswara Rao, learned counsel for the applicant and Sri N.V. Raghava Reddy, learned counsel for the respondents.

2. The applicant was selected for the post of Telecom Office Assistant in Nalgonda Division in 1984 as against Ex-Servicemen Quota. Training was commenced on 1-3-1984. The applicant completed his training on 4-6-1984. By letter No.E.3-1/I/76 dt.24-6-1985, the applicant was appointed as Short-duty Telecom Office Assistant instead as regular Telecom Office Assistant. When by representation dated 11-7-1990 A request in the R-1 was made to issue regular appointment orders to him with effect from the date of completion of the

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Paper

To

1. The Telecom District Engineer, Nalgonda.
2. The Chief General Manager,
Telecommunications, A.P.Circle,
Doorsanchar Bhavan, Hyderabad.
3. One copy to Mr.K.Venkateswara Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC CAT.Hyd.
5. Copy to Library, CAT.Hyd.
6. One spare copy.

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training, ~~he~~ was informed by letter dated August, 90, No. E-3-2/0.S./21 that there was delay in issual of order of ~~of these posts ban~~ ^{in regard to appointment} appointment which had come into effect from 1-1-1984 but in para 3 of the counter it is stated that the ban was only in regard to the creation of new posts. It is admitted that at the time of argument that the regular vacancies for the posts of Telecom Assistants were existing by 4-6-1984, the date on which the applicant completed his training.

3. Thus it is a case where there was delay in issual of order regularly appointing the applicant as regular Telecom Office Assistant w.e.f. 1-6-1985 in misconstruing the letter No.2-1/82-Fin/Cond, dated 20-1-1984 of DG P&T New Delhi, whereby the ban was imposed in regard to creation of new posts w.e.f. 1-1-1984. As ~~the~~ applicant joined the post as ^{Short Duty} Telecom Office Assistant in pursuance of letter No.E-4/1/76 dated 27-6-1984 of R-1 and if the letter dated 28-1-1984 of DG P&T ND was properly construed, the applicant would ~~not~~ have been given an order appointing him regular Telecom Office Assistant.

4. We feel that it is just and proper to regularise the services of the applicant as Telecom Office Assistant w.e.f. the date on which he joined as Short Duty Telecom Office Assistant. That date had to be taken as criteria for fixing the seniority of the applicant.

5. As this OA was filed on 27-10-1992 and as the period of limitation under Section 21 of AT Act is one year, it is just and proper to allow arrears w.e.f. 1-11-1991.

6. The OA is ordered accordingly at the admission stage.
No costs.

l. J. A
(P.T. Thiruvengadam)
Member (Admn.)

V. Neeladri Rao
(V. Neeladri Rao)
Vice-Chairman

Dated : April 29, 93
Dictated in the Open Court

sk

8/5/93
Deputy Registrar (5)