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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 1021/92.

Dt. of Order:9-3-94.

P.Rajendra Babu

...Applicant

Vs.

1. The Director General,
All India Radio,
Akashvani Bhavan, Civil
Construction Wing,
New Delhi - 110 001.
2. The Chief Engineer (Civil),
Civil Construction Wing,
All India Radio, P.T.I.
Building, IInd Floor, New Delhi.
3. The Executive Engineer (Civil),
Civil Construction Wing,
All India Radio, Hyderabad.

....Respondents

Counsel for the Applicant : Shri T.Suryakaran Reddy

Counsel for the Respondents : Shri N.R.Devraj, Sr.CGSC

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

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O.A.NO.1021/92.

JUDGMENT

Dt: 9.3.94

(AS PER HON'BLE SHRI A.B.GORTHI, MEMBER (ADMINISTRATIVE)).

Aggrieved by his non consideration for promotion to the post of Assistant Engineer by the Departmental Promotion Committee that met in 1989, the applicant has filed this application with a prayer for a direction to the respondents to convene a review DPC for considering his case and to promote him if he is found suitable to the post of Assistant Engineer with effect from 24.1.1990, the date when other eligible candidates were so promoted.

2. The applicant was appointed as Supervisor (Civil) in the Irrigation Circle, Dandakaranya Project with effect from 27.5.1981 in the scale of pay of Rs.425-700. The said post was equivalent to that of the Junior Engineer. While serving with the Dandakaranya Project, he was declared surplus and on redeployment was appointed in All India Radio with effect from 4.7.1988. As per the extant instructions governing a redeployment, he was given the bottom seniority in A.I.R. When he completed a total period of 8 years of service including the service rendered by him in Dandakaranya Project, he represented to the authorities concerned that his name should be considered for promotion to the next higher post of Assistant Engineer for which minimum ~~xxxxx~~ service required is 8 years in the grade of Junior Engineer. The respondents, however, rejected his plea on the ground that he came to A.I.R.

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and was given the bottom seniority and accordingly his past service with Dandakaranya Project would not be taken into consideration for promotion to the post of Assistant Engineer.

3. Similarly situated individuals approached this Tribunal. In OA 970/89 on the file of this Bench decided on 22.6.1990, it was held that the entire service of the applicant therein from the date he was appointed in Dandakaranya Project as Supervisor has to be counted for ascertaining as to whether he completed 8 years of service required for promotion to the post of Assistant Engineer ^{in A.I.R.} Following the said judgment, another OA (OA 898/90) also was decided by this Bench of the Tribunal on 4.3.1994 on similar lines.

4. As the facts in the present case are identical to the above cases, ^{as} in all respects ~~except~~ for a few ~~details~~ discussed above, this application also is allowed with the following directions:-

The respondents shall convene a review Departmental Promotion Committee for consideration of the case of the applicant along with those who completed 8 years of service by the date the DPC met after ^{is} 27.5.1989 and if he ~~found~~ suitable for promotion to the post of Assistant Engineer, he has to be given promotion from the date his junior was promoted. As for the placement to be given to the applicant and in case he has to be placed at the bottom of the panel, he

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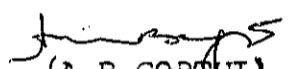
20/8/90

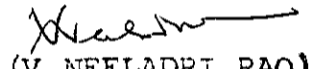
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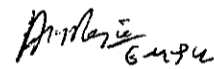
has to be given promotion from the date on which the last candidate of the panel was promoted, as it is stated that ^{the} a number of vacancies which existed in the cadre of Junior Engineer as on that date were more than the number of the eligible candidates.

The applicant will be entitled to the monetary benefits in case he is promoted from the date of promotion as he was a party to the OA 733/90 which was disposed of on 17.9.1990. The respondents to comply with this order within a period of four months from the date of communication of this order. No order as to costs.


(A.B.GORTHI)
MEMBER (ADMN.)

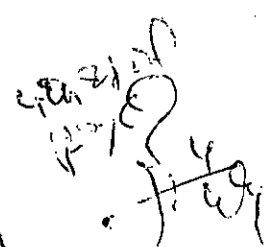

(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 9th March, 1994.
Open court dictation.


Deputy Registrar(J)CC

- To vsn
1. The Director General, All India Radio, Akashabani Bhavan, Civil Construction Wing, New Delhi-1.
 2. The Chief Engineer (Civil) Civil Construction Wing, All India Radio, P.T.I. Building, IInd Floor, New Delhi.
 3. The Executive Engineer (Civil), Civil Construction Wing, All India Radio, Hyderabad.
 4. One copy to Mr. T. Suryakaran Reddy, Advocate, 16-11-741/D/57 Moosarambagh, Hyderabad.
 5. One copy to Mr. N. R. Devraj, Sr. CGSC CAT. Hyd.
 6. One copy to Library, CAT. Hyd.
 7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated 9-3-1994

ORDER/JUDGMENT

M.A./R.A./C.A./No.

in

O.A.No. 1021/92

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

Central Administrative Tribunal

DESPATCH

15 APR 1994

HYDERABAD BENCH.