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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 288/92.

Dt. of Decision : 27.4.1994.

Sathaiah

.. Applicant

Vs

1. The Union of India
rep. by the Director
General, Telecommunications,
New Delhi - 110 001.

2. The General Manager,
Hyderabad Telecom District
Suryalok Complex,
Hyderabad - 500 001.

.. Respondents.

Counsel for the Applicant : Mr. T.V.V.S.Murthy

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

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

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

O.A.No.288/92

Dt. of order: 27.4.1994

Judgement

As per the Hon'ble Sri Justice V. Neeladri Rao,
Vice Chairman

This OA was filed praying for a direction to the respondents to repromote the applicant retrospectively from 20-7-91, the date on which he was reverted with all consequential benefits.

2. The short facts which are necessary for consideration are as under. The applicant joined service as Time Scale Office Assistant on 18-9-61 and later he was promoted as Section Supervisor (Operative). Vide Telecommunications directive Lr.No.27-4/87-TE11(1) dt. 16-10-90 those who completed 26 years of service ⁱⁿ basic cadre are eligible for second time bound biennial promotion and the eligible employees will be screened by the review committee for assessing their performance and for determining their suitability for advancement. In ⁱⁿ pursuance of the said scheme, the applicant was promoted w.e.f. 16-10-90 by order dt.30-9-90. By order dt. 14-8-91 his biennial promotion was regularised, But vide impugned order dt. 21-8-91 the applicant was informed that his second time bound biennial promotion as Section Supervisor was cancelled and he was reverted as Section Supervisor (Operative). The same is assailed in this O.A.

3. It is contended inter alia for the applicant that the impugned order dt.21-8-91 cancelling his second time bound biennial promotion is vitiated as no notice was given before that order was passed. We feel that when the entire material is placed before the Tribunal, it is

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P. J.

just and proper to consider the case on merits instead of setting aside the impugned order dt.21-8-91 merely on the ground that no opportunity was given to the applicant before the said order was passed.

4. The respondents produced record to disclose that by order dt.23-1-89 warning was given to the applicant and his increment was also withheld for one year without cumulative effect. It is stated for the applicant that the ~~anomaly~~ ^{annual} on which the increment was due in December. Hence the punishment had come into effect in December, 1989 and it was over by December, 1990 when the applicant was undergoing the punishment during October, 1990, ~~He~~ ^{he} could not be considered for promotion for second time bound biennial promotion. As such the contention for the respondents that due to mistake the applicant was given second time biennial promotion and the same was ^{also} regularised w.e.f. 16-10-90, and the same was cancelled when the mistake was realised and hence the same cannot be held as illegal, ~~and had~~ ^{has} to be upheld.

5. During the pendency of this OA, the applicant was given the second time bound biennial promotion w.e.f. 1-1-93 only. It is not known as to whether the case of the applicant was not considered for the said promotion as on 1-1-91 after he had undergone the punishment, or even if it was considered he was not found suitable for that year.

6. Hence in the circumstances it is just and proper to pass the following order. The case of the applicant for second time bound biennial promotion has to be considered as on 1-1-91. ^{it} ~~If~~ ^{was} ~~it is~~ not considered, and if the same was

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considered and if ^{then} the applicant ^{was} found not suitable for said promotion, he had to be informed about it, and when the applicant is free to move this Tribunal if so advised to challenge the same. The O.A. is ordered accordingly. No costs.

(R. Rangarajan)
Member (A)

(V. Neelakrishna)
Vice Chairman

Dt. 27-4-1994
Open Court Dictation

4.584.
Deputy Registrar (Judl.)

kmv

Copy to:-

1. Director General, Telecommunications, Union of India, New Delhi-001.
2. The General Manager, Hyderabad Telecom District, Suryalok Complex, Hyd-001.
3. One copy to Sri. T.V.V.S. Murthy, advocate, CAT, Hyd.
4. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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Prd. 10/11/94
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OA-288792

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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.GORTHY : MEMBER(AD)

AND

THE HON'BLE MR.TCCHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

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

Dated: 27/4/1994

ORDER/JUDGMENT

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

O.A.No.

in
288/92

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.

