

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1283/93

DATE OF ORDER : 03-06-1997.

Between :-

M.V.Krishna Rao

.. Applicant

And

1. The Union of India,
rep. by the Director General,
Telecommunications,
New Delhi - 110 001.
2. The Chief General Manager,
Maintenance, Telecommunications,
Madras.
3. The General Manager,
Telecommunication Maintenance,
Bangalore.
4. The Director of Maintenance,
Southern Telecom Sub Region,
Vijayawada-520008.

.. Respondents

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Counsel for the Applicant : Shri M.Pandu Ranga Rao

Counsel for the Respondents : Shri N.V.Raghava Reddy, Addl.CGSC

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CORAM:

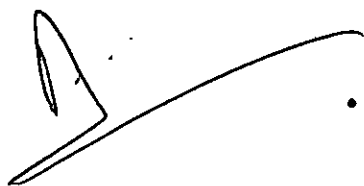
THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Shri K.Ravi for Shri M.Pandu Range Rao, learned counsel for the applicant and Shri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The applicant in this O.A. joined as an Engineering Supervisor in the Telecom Department of the Govt. of India. He worked in Rajahmundry and Kakinada up to May, 1971 when he was transferred to Kothagudem and later to Hyderabad. A Departmental Promotion Committee met in 1973-74 and 1974-75 but in those two Departmental Promotion Committees he was not selected ^{for} ~~to the~~ promotion ^{to} of TES Group-B services. The applicant alleges that the grading ^{was} given by the DPC on uncommunicated adverse entries of the confidential Records. He further submits that the adverse remarks were not communicated and he submitted a representation to the Director Telecom, AP Circle, Hyderabad, and the adverse entries made in the confidential reports were ^{later} expunged. Consequent thereupon his case for promotion to the higher grade of Group-B in the succeeding DPC held in 1976-77 without re-fixing his seniority was considered. He complains that the non-restoration of his seniority in Group-B services deprived ^{the} the consequential benefits due to his lowered seniority. The applicant further submits that a review DPC was constituted in 1992 for the purpose of fixing the seniority of Group-B officer ^s of Telecom Department. In the communication of Director General through his letter No.16-3/92-STG-II dt.14-7-92, ^{(The} All India eligibility list of Junior Engineers, the appli-

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cent's seniority was shown at Sl.No.463. The applicant had no grievance against the said seniority list and hence he did not file ~~any~~ objection but only sent a letter indicating his staff number. Subsequently the seniority fixed by the review D.P.C. was communicated by order of the Director General by letter No.16-6/92-STG-II dt.23-10-92, wherein his seniority was shown at Sl.No.1252. The applicant in this O.A. questions this revised seniority list dt.23-10-92.

3. This O.A. is filed praying for a direction to the respondents to cancel the seniority position of the applicant as revised in the impugned order No.16-6/92-STG-II dt.23-10-92 by restoring his original seniority at Sl.No.00673 and for consequential benefits on that basis.

4. From the above narration of the facts, the following issues arise :-

(i) The applicant was considered by the DPC held in 4-5-93 and 9-2-94 with or without the adverse remarks expunged. The applicant categorically states that the adverse remarks in his confidential reports were expunged after meeting of the DPC in 1973-74 and on that basis he was promoted by the DPC held in 1976-77.

The reply filed in this connection is very short and does not touch the vital points as stated above. The reply states that his case for promotion to TES Group-B Services was rejected by the DPC held in 1973-74 as his relative merits does not make him fit for empanelment, but nowhere it is stated that the relative merit of the applicant was considered by the DPC in

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~~1976-77~~ with the adverse remarks expunged. It is possible that ^{later} the adverse remarks expunged and on that basis his case was considered by the DPC in the year 1976-77. It is possible that the relative merits were taken into consideration by the DPC in the year 1973-74 ^{without adverse remarks} when passing its recommendations. As respondents failed to give any categorical reply in this connection in their counter affidavit, it has to be held that the DPC held in 1973-74 considered the applicant with the adverse remarks and hence his name did not find a place in the panel. Subsequently, the adverse remarks have been expunged. Hence it is necessary for the department to review the DPC held in the year 1973-74 ^{so} as far as the applicant is concerned and on that basis his empanelment in the DPC held in 1973-74 has to be ^{decided} ~~ascertained~~. We have examined the DPC proceedings placed before us in a sealed cover (it was re-sealed and handed over after perusal). Even this DPC proceedings did not indicate ^{that} the applicant's case ^{was} ~~is~~ considered without adverse remarks. Hence we feel it is fit ~~case~~ to re-consider the applicant's case without adverse remarks by the review DPC of the year 1973-74.

5. The second issue is that the applicant complains that he was not given a show cause notice before lowering his seniority by the impugned seniority list dt.22-10-93. If so, such a seniority list cannot be treated as a valid one. In any case, in view of the direction given above in issue No.1, the case of the applicant has to be re-considered and on that basis his seniority should be re-fixed, if required.

6. The third issue is in regard to his adhoc promotion ~~in~~ to ~~the~~ STS - STS Group-B services in Telecom Department. In the reply it is

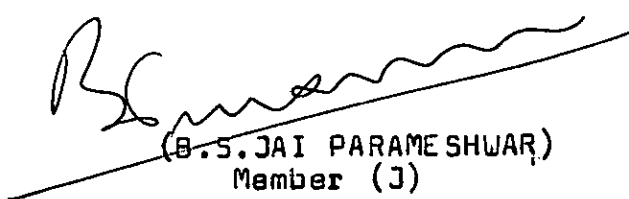
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stated that in the screening committee meeting held for adhoc promotion to STS Group-B service, the applicant was assessed to be unfit for promotion. After fulfilling the directions given in item one, ^{R-1} (~~Annexure R-I~~) may reconsider whether the case of the applicant ^{needs to} ~~should~~ be reviewed for the adhoc promotion of STS Group-B. // In the result, the case of the applicant for promotion to the TES Group-B has to be reviewed for the DPC held on 4-5-93 and 9-2-94 without taking ~~into~~ note of adverse entries. If on the basis of the review he is found fit for promotion to TES Group-B, his name should be interpolated at the appropriate place in the TES Group-B services. On that basis his further consequential benefits such as fixation of seniority and adhoc promotion to STS Group-B services should be considered.

7. The Original Application is disposed of accordingly.

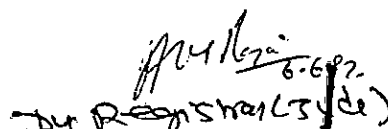
No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)


(R. RANGARAJAN)
Member (A)

3/6/97

Dated: 3rd June, 1997.
Dictated in Open Court.


J. R. Shanley (Sd/-)

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