

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

D.A.235/93.

Dt. of Order:31-3-95.

M.R.Subba Rao

.. Applicant

Vs.

1. The Director General,  
Telecommunications, New Delhi.
2. General Manager, Telecommunications,  
Hyderabad.
3. District Manager, Telecommunications,  
Labbipet, Vijayawada.

.. Respondents

\* \* \*

Counsel for the Applicant : Shri T.Lakshminarayana

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

\* \* \*

CORAM:

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

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

\* \* \*

.. 2.

(Order passed by Hon'ble Justice Shri V.Neeladri Rao,  
Vice-Chairman)

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No one is present for the applicant. Heard Shri N.R.Devaraj, standing counsel for the Respondents.

2. This Original Application was filed praying for setting aside the order of the District Manager, Telecommunications, Vijayawada, issued in proceedings No.Endt.No.E1/Genl/TOS/V/84-87/95, dt.13-10-86.

3. The applicant was appointed as Telephone Operator on 20-6-1970. As per instructions contained in para-3 of D.O.T/ NO Lr.No.6-56/77-SPB II dt.4-10-77 promotions against 1/3rd quota of vacancies have to be made on the basis of the qualifying examination in the order of seniority from among those who actually qualified in the examination. Further as per the instructions, one who qualified in the examination need not again appear for the examination, when he was not promoted on the ground that his turn for promotion had not come. Thus they will be considered for the vacancies in the later years on the basis of their seniority ~~list~~.

4. It is stated for the Respondents that the last DC vacancy was filled up in the year 1982 by the employee who is at Sl.No. 1247 while the applicant was at Sl.No.1434 and hence ~~it~~ he had not got the promotion in 1982. It is further pleaded for the Respondents that as per letter dt.19-11-84, the vacancies from 1-1-1983 to 30-11-1983 have to be filled up on seniority-cum-fitness and the last employee who was promoted towards 1/3rd

To

1. The Director General, Telecommunications,  
New Delhi.
2. The General Manager, Telecommunications,  
Hyderabad.
3. The District Manager, Telecommunications,  
Labbipet, Vijayawada.
4. One copy to Mr.T.Lakshminarayana, Advocate, CAT.Hyd (P.M.P.M.)
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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quota for the vacancies up to 30-11-83 was at Sl.No.1183 while the last employee who was promoted towards 2/3rd quota for the vacancies up to 30-11-83 was at Sl.No.1169 and thus the turn of the applicant for promotion had not come.

5. It is stated that later the Time Bound One time Promotion scheme (TBOP Scheme) had come into existence whereby <sup>one</sup> who completed 16 years of service had to be given promotion if he is declared as fit for promotion. Hence the applicant did not ~~not~~ have the benefit of promotion on the basis of his pass in the qualifying examination in 1980. The applicant was informed accordingly by order dt.13-10-86. The same is challenged in this Original Application, which was filed on 17-7-92.

6. The contentions for respondents are two fold :-

- (i) this O.A. is barred by limitation and
- (ii) the applicant is not entitled to the relief claimed even on the basis of the merits, for his turn had not come in regard to the vacancies which existed before TBOP Scheme was introduced.

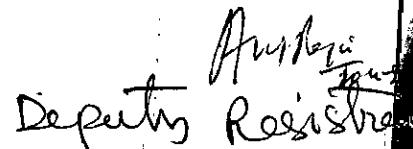
7. It might be a case where no representation is made for the applicant eventhough it is listed for dismissal on the ground that there are no merits in this case, or the absence might be due to some other reason. Be that as it may, this O.A. is dismissed for default. No order as to costs. /

  
(A.B.GORTHI)  
Member (A)

  
(V.NEELADRI RAO)  
Vice-Chairman

Dt. 31st March, 1995.  
Dictated in Open Court.

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Deputy Registrar

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

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

AND

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

DATED - 31-3-1995.

~~ORDER/JUDGMENT:~~

M. A. / R. A. / C. A. NO.

O. A. NO. 235 <sup>in</sup> (95) 93

T. A. NO. (W. P. )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

