

3H

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A.No.541/93

Date of Order:01.11.93

Between

N.V.G.K.Murthy

.. Applicant

AND

- 1.The Chairman,
Telecom. Commission,
Department of Telecommu-
nications, New Delhi.
- 2.The Asst. Director (STC)
Ministry of Communications,
Department of Telecom,
Govt. of India,
Samacharabhavan, New Delhi.
- 3.The Chief General Manager,
Telecomm, A.P., Circle,
Govt. of India, Abids,
Hyderabad - 500 001.
- 4.The Divisional Engineer
Telecommunications,
Govt. of India, Guntru, A.P.

.. Respondents

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Counsel for the Applicants : Mr.V.Venkateswara Rao

Counsel for the Respondents : Mr.N.V.Ramana

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CORAM:

THE HON'BLE MR.A.B.GORTHY : MEMBER (ADMN.)

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

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T. J. R.
9/11

O.A.No. 541/93

Dt. of Decision : 1.11.93.

O R D E R

{ As per the Hon'ble Mr. A.B. GORTHI, MEMBER (ADMN.) }

The applicant while working as a Telephone Operator at Telephone Exchange, Tenali, appeared for the departmental qualifying examination held on 13.6.1976 for promotion to the post of Telephone Supervisor. He qualified in the said examination and was expecting to be promoted but the respondents did not promote him. This examination was held for filling up the vacancies against 1/3 quota of Supervisors. Thereafter by virtue of his seniority he became eligible for promotion to the post of Telephone Supervisor against the 2/3 quota. He was accordingly promoted to the post of Supervisor in March 1980.

2. The Director General, Posts & Telegraphs issued a policy letter dated 18.1.1980, with regard to filling up of the vacancies which arose in 1977 and 1978 in the 1/3 selection quota. It seems that no qualifying examination was held either in 1977 or in 1978 and hence the question came up as to how the vacancies falling in the years 1977-78 were to be filled up. On consideration of the problem, the department decided that the vacancies would be filled up by the candidates who had qualified in the departmental qualifying examination in 1975 and 1976, but could not be promoted in the 1/3 quota. On the issuance of this policy letter, the department reconsidered the case

24/11/93

of applicant and gave him promotion against the 1/3 selection quota for the year 1977. The order dated 31.12.1980 clearly states that the applicant, along with some others, who qualified in the 1/3 quota examination were promoted to the post of Telephone Supervisors in the Scale of Rs. 425 - 640. Vide another communication dated 27.4.1981, it is stated that the officials who were thus promoted would be given seniority in the cadre of Supervisors with effect from the date indicated in the said order. Unfortunately, however, in the said order in Column No. 7 no date was indicated, but it was left blank. A perusal of the said order, however, would indicate

such promotion, would be notionally fixed in the Supervisor cadre with effect from the date of promotion, but arrear's of pay consequent on such notional pay fixation would be paid only for the period they actually worked in the Supervisor post cadre.

3. The respondents in their reply affidavit have not stated in the application. They however contend that the applicant would be entitled to the pay in the post of Telephone Supervisor from the date of promotion, that is, in March 1980 and not from 1977, when he was shown as having been promoted vide orders 31.12.1980 and 27.4.1981.

4. We have heard the parties. There is no dispute that the applicant qualified in the

37

examination for the 1/3 selection quota in 1976, but could not be promoted along with his colleagues. In the reply affidavit it is stated the 22 candidates who qualified along with the applicant in 1976 were found eligible for promotion by a duly constituted DPC, and were promoted. The applicant was not promoted along with those who qualified in the said examination. It was only as a result of the revised policy that the applicant became entitled to be promoted against the 1/3 selection quota for the year 1977. The

... having considered the case of all such candidates,, promoted them also against

1977 and 1978. In the reply affidavit it is stated

... promotion of the applicant also was accordingly fixed, keeping in the view the fact that

to have been promoted against the 1977 vacancies.

5. In view of the admission by the

that the applicant was accorded his due seniority, and keeping in view the facts that

... to have been promoted with effect from 1977, we do not see any

justification for the refusal by the respondents to fix

the pay of the applicant, on a notional basis, with effect from the date on which he was deemed to have been promoted

in the 1977 quota. As the actual date of such deemed

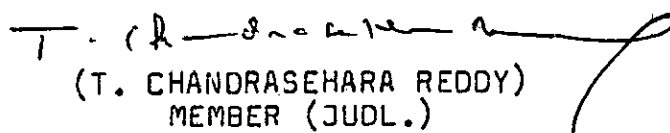
promotion is not easily ascertainable either from the

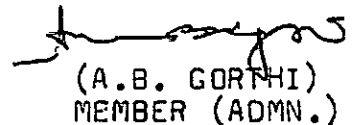
statements made in the application or from the respondents' counter affidavit, we leave it to the

it. Once the date of such promotion is fixed tallying


with the seniority of the applicant, the respondents shall fix his pay and allowances, on notional basis, with effect from that date. Payment of arrears would, however, accrue to the applicant only from March 1980 when he was actually promoted to the post of Telephone Supervisor.

6. The respondents shall comply with above direction within a period three months. The application is disposed of in the above terms without any order as to costs.


(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)


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

Dictated on 11th November 1993.


Deputy Registrar (J)

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To

Dept. of Telecom & Telecomm. Commission,

2. The Assistant Director (STC) Ministry of Communications,
Dept. of Telecom, Govt. of India, Sancharbhavan, New Delhi.

3. The Chief General Manager, Telecom, A.P. Circle,
Govt. of India, Abids, Hyderabad-1.
The Divisional
Govt. of India, Guntur A.P. Communications.

copy to Mr. v. Venkateswara Rao, Advocate, CAT. Hyd.

copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.

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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

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 (A)

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 1 - 11 - 1993

~~ORDER~~ JUDGMENT:

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

in

O.A. No. 541/93

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.

pvm

