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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.747/94

Date of Order: 1.4.97

BETWEEN:

G.Chandrasekhara Rao

.. Applicant.

AND

1. The Union of India,
rep. by its Secretary,
Ministry of Defence,
New Delhi.

2. The Engineer-in-Chief,
Army Headquarters,
Kashmir House, DHQ PO,
New Delhi - 11.

HQ Southern Command,
Pune- 411 001.

4. The Chief Engineer,
HQ Hyderabad Zone,
Secunderabad.3.

.. Respondents.

Counsel for the Applicant

.. Mr.N.Rama Mohan Rao

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM:

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUD L.)

J U D G E M E N T

X Oral order as per Hon'ble Shri B.Rangarajan, Member (ADMN.) X

Heard Mr.Shiva for Mr.N.Ramamohan Rao, learned counsel
for the applicant and Mr.W.Satyanarayana for Mr.N.V.RaghavaReddy.
standing
learned/counsel for the respondents.

2. The applicant in this OA while working as L.D.Clerk under R-4 was issued with a charge sheet for certain lapses. That charge sheet was disposed of awarding him penalty of withholding of one increment due to him on First October, 1989 without cumulative effect. It is stated ~~that~~ by the respondents that he was not eligible for promotion as per extant government orders during the currency of the punishment period i.e. from 1.10.89 to 30.9.90. Hence he was not promoted as U.D.C. on regular basis. The applicant was further promoted as a regular U.D.C. in terms of the memo No.132402/26/E 1B(S), dt. 17.12.93.

3. The present OA is filed praying for a direction to the respondents to promote him as a regular UDC immediately after his punishment period ^{was} ~~is~~ over on 30.9.90 on the ground that he was empanelled earlier to the awarding of punishment in October, 1989.

4. The applicant has filed a representation dt. 17.1.92 in this connection to R-1 for promoting him immediately after the expiry of the currency of the punishment period. He was informed by the letter No.150101/37/B09/E1B(R-DPC), dt. 7.8.92 (A-2) that his case has been forwarded to headquarters along with the statement of the case and a decision is still awaited. It is now submitted that he had send reminders thereafter also but his representation is not yet disposed of.

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5. The applicant now states that the department is following the rules for promotion as per the rules ^{in vogue} ~~in vogue~~ for Central Government employees. In this connection the applicant relies on Rules 3.1 and 3.2 of Government of India letter No. G.I., Dept. of Per. & Trg., O.M.No.22011/3/91-Estt.(D), dt. 13.5.91 of the Swamy's Compilation on seniority and promotion in Central Government service incorporating orders received upto 1st July 1989 - 5th Edition published in the year 1996. He further submits that on that basis the selection has to be conducted yearwise and if he is found fit during the year 1991 after the currency of his punishment period is over or in the year 1992 he should ^{be} ~~have been~~ deemed to have been promoted from that date and his seniority should be fixed accordingly.

6. As the applicant submitted his representation dt. 17.1.89 ~~in connection with~~ that representation is still to be disposed of, we feel it ~~is~~ proper to give a direction to R-1 to dispose of that representation in accordance with the law taking due note of the contentions made by the applicant in this OA. A speaking order, after considering all the points, should be given to him within a period of 4 months from the date of receipt of a copy of this order. It is needless to say that in case the applicant is going to be aggrieved by the reply to be given he is free to take necessary steps as provided for in law.

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Copy to:

1. The Secretary, Min. of Defence, New Delhi.
2. The Engineer in Chief, Army Head Quarters, Kashmir House, DHQ PO, New Delhi.
3. The Chief Engineer, HQ Southern Command, Pune.
4. The Chief Engineer, HQ Hyderabad Zone, Secunderabad.
5. One copy to Mr. N. Rama Mahana Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. N. V. Raghava Reddy, Advocate, Addl. CGSC, CAT, Hyderabad.
7. One copy to D.R.(A), CAT, Hyd.
8. One duplicate copy.

28/4/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.R. G. RAJAN : M(A)

AND

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

DATED: 1.4.97

ORDER/JUDGEMENT

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

in

C.A.No. 747/94

ADMITTED INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS

YLKR

II COURT

