

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.924/94

DATE OF ORDER : 03-06-1997

Between :-

A.Surya Rao

... Applicant

And

1. Union of India rep. by its Secretary,
Ministry of Communications,
Dept. of Telecommunications,
New Delhi - 110 001.
2. The Director General, Telecom,
New Delhi.
3. The Chief General Manager,
Telecommunications,
Andhra Pradesh, Hyderabad-1.
4. The Sr.Superintendent,
Telegraph Traffic,
Visakhapatnam-20.

... Respondents

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Counsel for the Applicant : Shri M.P.Chandramouli

Counsel for the Respondents: Shri Kota Bhaskar Rao, 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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...2.

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

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None for the applicant. Shri Kota Bhaskar Rao, learned standing counsel for the respondents. As this O.A. was filed in 1994, it is disposed of under Rule 15(1) of the CAT (Procedure) Rules, 1987.

2. The applicant in this O.A. was appointed in the Department of posts as a Clerk on 19-10-62. Subsequently he was appointed as a Postal Signaller after undergoing prescribed training with one advance increment. Later he applied for the post of Telegraphist through proper channel. After completing successfully the prescribed training of nine months, he was appointed as a Telegraphist on 4-10-68 with three advance increments. ^{Subsequently} ~~Consequently~~ one advance increment ^{to him} granted when he was appointed as Signaller was ~~subsequently~~ ~~withdrawn~~ and the over payment was calculated and recovered.

3. He was given the OTB promotion with effect from 30-11-83 counting the service rendered by him in the Postal Arm also earlier to his posting as Signaller, but it was stated that counting of the service rendered by him in the Postal Arm was found to be incorrect when the applicant represented for stepping up of his pay on par with his junior one Sri K.Sathiraju. Hence his OTBP promotion was postponed to 30-9-84 instead of 30-11-83. He filed a petition against postponement of his date of promotion against OTBP scheme but the same was rejected. The applicant was promoted ~~as~~ against the second time bound promotion scheme on the basis of his service rendered by him as Signaller discounting the period of training he

underwent for the post of Telegraphist. The applicant also states
P3.

that his service in the postal Arm as well as the Training period should be counted for the purpose of giving him the BCR Promotion. His prayer in this connection was also rejected by the impugned letter No.1-62/85 NCG (Vol.II) dt.14-5-92.

4. This O.A. is filed to grant the applicant OTBP with effect from 30-11-63 and BCR Promotion with effect from 16-10-90 with all consequential benefits by setting aside the letter No.1-62/85 NCG (Vol.II) dt.14-5-92 issued by the respondent No.2 and the consequential letter of ministry of communication letter No.208-6/93 STN dt.29-7-93. The main contentions of the applicant are two fold. They are :-

(i) His service in the Postal Arm right from his entrance in the postal service way back on 19-10-62 should be counted for the purpose of granting him promotion under OTBP as well as BCR scheme;

(ii) The training period of Telegraphist should also be taken into service for counting as eligible service for promotion under those two schemes.

5. The applicant further submits that non-inclusion of service period as ^{above} ~~below~~ is arbitrary. The training period is ~~also~~ counted for the purpose of increments as well as for final settlement benefits. Hence deleting the period for the purpose of promotion ^{under} ~~of~~ OTBP and BCR Scheme ^{is} ~~as~~ arbitrary and irregular.

6. The respondents have filed a reply. Their contention is that the applicant was posted as a Telegraphist under outsider quota. Hence his services in the ^{Telegraphist} cadre for the purpose of OTBP and BCR ^{should only be counted} ~~and~~ the services rendered by him in Postal Arm ^{have} ~~has~~ got no relevance. The training period is taken into account only for the

purpose of increment and as qualifying service for pension.

The qualifying service is different from the regular service ^{and} ^{hence} for the purpose of promotion ^{the training period} cannot be ^{counted} ~~agreed to~~. They further state that EOL without Medical Certificate does not count as regular service whereas the same ^{is} taken into account for qualifying service for retirement benefits. According to DOT-ND Lr. No.1-62/85-NGG (Vol-II) dt.14-5-92 in case of officials who were recruited as Telegraphist against outsider quota, their basic cadre is Telegraphist for all purposes and their services/cannot be counted ^{for} ~~as~~ OTBP and BCR.

7. The applicant was initially given one ~~month~~ ^{month} increment when he was posted as Telegraphist and that was subsequently withdrawn. The applicant did not make any attempt to re-gain the same if rejected by the Respondent authorities, by approaching the judicial forums. The applicant failed in taking suitable measures for treating his promotion as OTBP as on 30.11.83 when it was postponed to 30.9.84. At this stage, the applicant cannot come to this Tribunal to revise his OTBP scheme promotion as 30.11.83. Hence ^{challenge to} ~~treating~~ his promotion ^{w.e.f. 30.9.84 instead of 10.11.83} is to be treated as a time barred and cannot be agreed to. Further the applicant for unknown reasons have not taken any proper action when his increment was reduced and his date of promotion under OTBP Scheme was postponed. This would indirectly shows that he ^{had} ~~reconciled~~ that his service under Postal Arm ^{would} ~~will~~ not count for OTBP scheme and BCR Scheme. This ~~means that he has~~ ^{also} not agitated for ^{ignoring} ~~counting~~ his training period as regular service ^{earlier}.

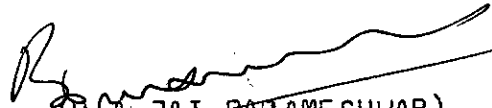
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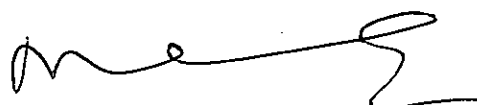
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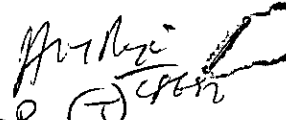
8. In the reply affidavit it was stated that according to the DOT Letter dt.14-5-92 that the officials who were recruited against outsider quota, their basic cadre is telegraphist for all purposes and as such their services in the Postal Arm will not be counted for OTBP and BCR. When such a clear cut instructions are available, the applicant cannot claim the relief as prayed for. Further it has been stated that the training period is only to be counted for the purpose of increment and qualifying service for pension. It is further stated that the qualifying service is different from the regular service. The training period will be counted for the purpose of increment and qualifying service for the purpose of pension but not for the purpose of promotion under the said two schemes. This statement of the respondents is not controverted by the applicant by filing a rejoinder to the counter. In the absence of any such material, ^{the contention that} that the statement of the respondents as indicated above is illegal and arbitrary, ~~the same cannot be over ruled.~~ *accepted.*

9. In view of the forgoing reasons, the applicant has not made out a case for counting his Postal Arm services as well as the service rendered by him during training for promotion under the OTBP and BCR scheme. Hence it has to be held that the OA lacks merits.

10. In the result, the O.A. is dismissed. No costs.


(B.A. JAI PARAMESHWAR)
Member (J)
31/6/97


(R. RANGARAJAN)
Member (A)


D-R (J)

Dated: 3rd June, 1997.
Dictated in open court

8/7/97 (8)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

DATED: 3/6/97

ORDER/JUDGEMENT

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

in
O.A. NO. 924/94

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

