

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.951/94

Date of Order: 25.6.97

BETWEEN:

M.S.Siva Prasad

.. Applicant.

AND

1. The Director General, All India Radio,
Parliament Station, New Delhi.2. Union of India, rep. by its Secretary.
Ministry of Information and Broadcasting,
Sastry Bhavan, New Delhi.3. The Station Director, All India Radio,
Vijayawada.

.. Respondents.

Counsel for the Applicant

.. Mr. K.Venkateswara Rao

Counsel for the Respondents

.. Mr.V.Rajeswara Rao
for
Mr.N.V.RamanaCORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR ; MEMBER (JUDL.)

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.K.Venkateswara Rao, learned counsel for the applicant and Mr.V.Rajeswara Rao for Mr.N.V.Ramana, learned standing counsel for the respondents.

2. The applicant in this OA ^{was} ~~has~~ directly recruited as Programme Executive in Group-B service in IBPS. The applicant was promoted on adhoc basis to the JTS grade of IBPS by order No. 20/93-SI(A), dt. 14.6.93 (A-2). The

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applicant's case was considered for regular promotion to the JTS grade of IBPS. By order No.3 (59)91-SI(A), dt. 23.7.94 135 officers working on adhoc basis in the JTS of IBPS were regularly promoted to the JTS. The applicant was not promoted but his juniors were promoted to the JTS grade of IBPS by the impugned order dt. 22.7.94.

3. This OA is filed to set aside the impugned order No.3 (59)91-SI(A), dt. 22.7.94 and for a consequential direction to promote the applicant herein also to the post of JTS in IBPS service on regular basis.

4. The contentions of the applicant in this OA are as follows:-

(a) The applicant is a directly recruited Group-B officer in IBPS and he was also working on adhoc basis in the JTS grade of IBPS and hence not promoting him regularly to the JTS cadre is irregular. If the selection has been conducted by following rule "seniority-cum-fitness" he would have been promoted. By following the selection method irregularly the applicant has been by-passed.

(b) The applicant submits that year-wise panel has to be formed for promotion to the JTS cadre. The present selection was done clubbing the vacancies for number of years thereby the zone of consideration of eligible employees were expanded which resulted in promoting his juniors ignoring his seniority.

(c) When an employee works on adhoc service in the higher grade his grading in the service record should be stepped up by one step and on that basis his fitness for promotion to the higher grade in which he is working on

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ad hoc basis should be decided. For this he relies on the judgement as reported in S.S.Sambu's v. Union of India (1992) 19 ATC 571 (Full Bench, Hyderabad) ATR 1993 (1) CAT 109, dated 29.10.91.

5. The contentions as above are answered as follows:-

Mere direct recruitment to the Group-B service initially does not give any extra edge to the applicant for regular promotion to higher JTS grade if he is not found fit over others who came to the Group-B service from the lower grade of IBPS. All those who are in the Group-B service whether promoted from a lower grade or directly recruited to the Group-B service are to be assessed by the DPC on the basis of the Service Record. If a directly recruited Group-B officer is not found fit ~~is~~ for promotion to the higher grade by DPC ~~he~~ cannot claim promotion to the higher grade. Hence this contention is rejected.

6. The method of promotion to the JTS Group-B whether by selection or by non-selection-seniority-cum-fitness-has already been decided on 3.6.97 by the Full Bench in OA.960/94 on the file Madras Bench of this Tribunal. For the reasons stated in OA.925/94 the applicant cannot demand adoption of the seniority-cum-fitness method for regular promotion to JTS from the eligible employees in the Group-B service. Hence this contention fails.

7. The applicant submits that an year-wise panel is to be formed and vacancies of all years cannot be clubbed. The respondents in Para-5 of the counter submits that "the DPC prepared year-wise panels against the available vacancies in conformity with Rule 6.4.1 of DPC procedures (Annexure R-1) The applicant has not contraverted the statement in his rejoinder though he has contraverted some other points.

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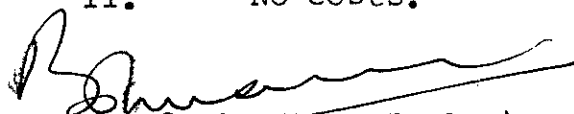
Hence it means that the applicant indirectly agreed with the averments made in the reply by the respondents in regard to this contention. Further we do not find in the relief that the applicant prays for setting aside the impugned order and ask for preparation of the year wise panel. When such a prayer is not made in the relief portion the applicant cannot now demand such a relief. The relief should be unambiguous. In the absence of such a clear cut prayer we do not see any reason to countenance this contention.

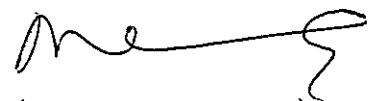
8. The applicant relying on the judgement referred to above submit that his grading should be stepped up by one step as he is working on adhoc basis in the JTS of IBPS. Since that was not done the DPC proceedings needs review. It is his own admission that the officers promoted in the impugned list were also working in the JTS service on adhoc service. Even if we concede that his grading has to stepped up by one step it is not going to give any relief to the applicant as others also may have to ... considered similarly. Hence this citation will not come to the rescue of the applicant to conduct review DPC. There is no other alternate hence except to reject this contention also.

9. In view of the above we come to the conclusion that the OA is liable only to be dismissed and accordingly it is dismissed.

10. The orders in this OA will take effect from 7.7.97.

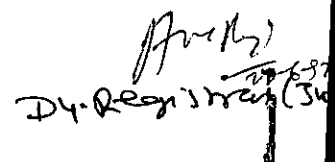
11. No costs.


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


(R. RANGARAJAN)
Member (Admn.)

26/6/97

Dated: 25th June, 1997
(DICTATED IN OPEN COURT)


Dy. Registrar

Copy to:-

1. The Director General, All India Radio, Parliament Station, New Delhi.
2. The Secretary, Ministry of Information and Broadcasting, Union of India, Sastry Bhavan, New Delhi.
3. The Station Director, All India Radio, Vijayawada.
4. One copy to Sri. K.Venkateswara Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Deputy Registrar(A), CAT, Hyd.
7. One spare copy.

Rsm/-

27/6/97
C.C. To Jy
27/6/97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDRABAD

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

AND

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

DATED: 25/6/97

ORDER/JUDGEMENT

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

in

O.A. NO. 951/cy

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

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II Court.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
बेचना/DESPATCH

30 JUN 1997

हयद्राबाद बेंच
HYDRABAD BENCH