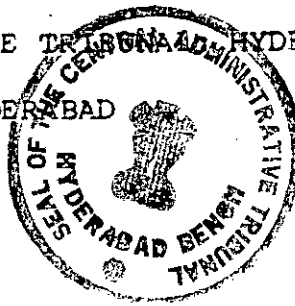


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD



OA.957/94

dt.25-6-97

Between

M. Saṅyam

: Applicant

and

1. Director General
Telecommunications
Sancharbhavan
New Delhi 110001

2. Chief General Manager
Telecommunications, AP Circle
Hyderabad 1

3. Supdt. (Telegraph Traffic)
Telecommunications
Rajahmundry

: Respondents

Counsel for the applicant

: V. Venkateswara Rao
Advocate

Counsel for the respondents

: N.R. Devaraj
Sr. CGSC

CORAM


HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

HON. MR. A.M. SIVADAS, MEMBER (JUDL) (ERNAKULAM BENCH)


applicant. If the applicant is found eligible for promotion whatever consequential benefits he is entitled to shall be paid to him without delay.

9. OA is disposed of as above. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY


न्यायालय अधिकारी
COURT OFFICER

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
इलाहाबाद बेंच
MUMBAI BENCH

Case Number	257/97
नमूना का नम्बर	256-97
Date of Judgment	7-7-97
कॉपी तैयार किया गया दिन	7-7-97
Copy Made Ready on	7-7-97
 अनुभाग अधिकारी (न्य. विभा.) Section Officer (J)	

3. The applicant says that the juniors viz. Audi Seshalaiah S ri K. Bashkar Rao were promoted as Telegraph Masters (0) as per order dated 6-5-1982 on adhoc basis and subsequently as per order dated 14-7-1983 they were given regular promotion. The applicant was denied promotion on the ground of pendency of disciplinary proceedings.

4. The applicant submitted Annexure-5 representation dated 3-5-1994 to Respondent-3. Since there was no response to A-5, he submitted another representation A-6 dated 6-7-1994. That has also met with the same fate.

5. The respondents had not filed any reply statement. In the absence of filing of any reply statement it is only to be taken that the respondents have no grounds to resist the claim of the applicant. It is quite unfortunate that Respondent-3 has not responded to A-5 and A-6. The applicant has also retired from service. It cannot but be mentioned that ~~one order was issued in favour of~~ without waiting for A-6 ~~applicant's~~ decision should have been taken on A-5/^{or} applicant at least on receipt of A-6 and intimated to the ~~the~~ within a reasonable period. It cannot be a case that the officers of the Department are not accountable to any body. No doubt, they are really accountable. When a representation is received, the authority receiving it, ~~it~~ is bound to consider the same and take appropriate decision on it with least delay.

6. Since there is no reply statement filed it has to be taken that relief sought for by the applicant is not resisted by the respondents.

7. Thus the OA is only to be allowed.

8. Accordingly the OA is allowed directing the respondents to consider the case of promotion of the

withdrawing the selection grade, was implemented resulting in availability of only one rank in Pharmacist cadre. The Vth Pay Revision Commission proceeded on the assumption that three grades already exist and suggested for revision of three grades upwards and suggested for creation of one more grade at the top as special grade. This recommendation has also been accepted by the Government of India and some Departments have implemented. The Railways have gone a step further and created two higher grades over and above the earlier three grades. For reasons best known to the authorities, these benefits were not passed on to Pharmacist cadre of Ordnance Factories;

(c) The issue of parity of treatment between Pharmacist in Ordnance Factories and Pharmacists in Railways stood concluded by the Judgement of Jabalpur Bench of this Tribunal dated 16.8.1996 passed in O.A.No.54 of 1990. Thus, the respondents cannot treat the applicants differently in the matter of organising the cadre. Such action of the respondents is illegal and unconstitutional and offends Article 14 read with Article 16 of the Constitution of India. There were anomalies in other cadres also such as, Drivers, Chargemen etc.,. The said anomalies were rectified by the Government. Only the Pharmacists were being given step motherly treatment;

(d) It was a settled principle of law that avenues of promotions have to be created to ensure periodical progress in service. Stagnation in a particular grade or post is anti-thetical to good administration. Infact, recognising the need and necessity of periodical advancement in service, the IVth Pay Revision Commission suggested for three grade structure in Pharmacist cadre. The applicants have a right to seek for advancement in their cadre. When a person joins in public

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