

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1601/94

dt.10-9-97

Between :

1. V. Ravinder  
2. Md. Ulfath Hussain  
3. K. Nagabhushanam : Applicants  
and

Karim Nagar

2. Chief Genl. Manager  
Telecommunications  
Doorsanchar Bhavan  
Nampally Station Road  
Hyderabad : Respondents

Counsel for the applicants : K. Venkateswara Rao  
Advocate

Counsel for the respondents : N.V. Raghava Reddy

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HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

HON. MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL)

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Oralorder (per Hon. Mr. R. Rangarajan, Member(Admn.)

none for the respondents.

1. There are three applicants in this OA. They are appointed in the Telecom Department as Office Assistants(Gen). Presently they are working as Cashiers in Respondent-1 office. They are eligible for the posts of Senior Telecom Office Assistants(Gen) but they were not promoted on the plea that they should first revert back to Telecom Assistants before being considered for promotion to the post of Senior Telecom Office Assistants (Gen).
2. The applicant-1 has filed representation dated 1-11-94 addressed to R-1 for promotion to the post of Senior TOA. In that representation the said applicant has requested R-1 to the and that they can be promoted as Sr.TOA only if they revert back to the original position of TOA from the post of Cashier. Similar representations were filed by Applicants 2 and 3. All these representations are yet to be disposed of.
3. This OA is filed praying for a declaration that the to be considered applicants are entitled/for promotion to the restructured cadre of Senior TOA(Gen) from the day their next immediate juniors were promoted to the said post with all consequential benefits such as pay and allowances seniority and other benefits by holding the action of the respondents in directing the respondents to exercise options either to continue

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Orders vide ~~vide~~ No.E-223/94-95/36, dt.25-10-94 and E-168/94-95/187 dt.29-10-1994 issued by Telecom District Engineers, Karimnagar is illegal, arbitrary, discriminatory and violative of

4. A reply has been filed in this OA. The main contention raised by the respondents in this OA is that in normal course the TOA(G) are entitled to be considered for promotion to restructured cadre of Senior TOA(G). Declarations were obtained from Cashier-cum-Assistants whether they wish <sup>ed</sup> to ~~to~~ On receipt of options from Cashier/Cashier-cum-Assistants, the selection of Sr. TOA(G)s were also held. Hence, juniors <sup>the</sup> to ~~the~~ Applicants 1 and 2 were promoted. They further submit that because of the applicants submitted options that they wish <sup>ed</sup> to ~~to~~ <sup>hence</sup> continue in Cashier posts, ~~their~~ their juniors were promoted. If they give options to ~~Sr. TOA(G)~~, they will be considered for promotion to Sr.TOA(G).

5. From the above reply we find that no rule has been quoted for asking any declaration though it is stated that the above declaration had to be obtained in view of the letter dated 25-10-94 of Respondent-1. We asked the learned counsel for the applicant to show us the Avenue chart or the rule which permits them to be promoted as Sr.TOA(G) eventhough they are working as Cashiers if ~~referred~~ <sup>they do not yet</sup> <sup>working</sup> ~~themselves~~ as TOA(G).

6. Though the learned counsel for the applicants submitted that he will produce the letter we are of the view that it is a fit case for Respondent-2 to decide by replying their representations referred to above. While replying their representations R-2 may take due note of the contentions

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raised in this OA, which clearly indicates the extant rules for asking for the declaration from the applicants before being promoted as Sr.TOA(G). If there are no rules, the applicants are requested to give declarations. Hence, R-2 should examine the points raised by the applicants and dispose of their representations in accordance with law.

7. If the representations of Applicants 2 and 3 are not readily available the same may be obtained from them now.
8. With the above directions the OA is disposed of.

No costs.

R.S. Jai Parameshwar  
(R.S. Jai Parameshwar)  
Member (Judl)

10.9.87

R. Rangarajan  
(R. Rangarajan)  
Member (Admn.)

Dictated in open Court

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*Auth. for  
D. R. (S)*

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DA. 1601/94

1. The Telecom District Engineer, Karimnagar.
2. The Chief General Manager, Telecommunications, Doosanchar Bhavan, Nampally Station Road, Hyderabad.
3. One copy to Mr. K. Venkateswara Rao, Advocate, CAT., Hyd.
4. One copy to Mr. N.V. Raghava Reddy, Addl. CGSC, CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

Off  
25/9/97

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CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R. R. VARGAONKAR : M (n)

AND

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

Dated: 10/8/97

ORDER/JUDGEMENT

C.A. NO.

in

C.A. NO. 1601/84

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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