

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1240/94

Date of Order: 15-11-95.

Between:

N.R.Anantha Murthy.

... Applicant

and

1. The Union of India, rep. by the Director, General, Telecommunications, New Delhi-1.
2. The General Manager, Telecom Dist. Suryalok Complex, Gunfoundry, Hyderabad-33.
3. The Divisional Engineer, Telephones, Musheerabad Telephone Exchange, Hyderabad-20.

Respondents.

For the Applicant :- Mr. J.V.Lakshmana Rao, Advocate.

For the Respondents: Mr. N.V.Raghava Reddy,
Sx./Add.CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

JUDGMENT

X as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Heard Sri J.V.Lakshmana Rao, learned counsel for the applicant and Sri N.V.Raghava Reddy, learned Standing Counsel for the respondents.

2. The applicant herein joined as a Clerk in the office of the Accounts Officer, Telephone, Hyderabad with effect from 4.9.1961. Later, he was transferred to the office of General Manager, Telecom District, Hyderabad. At the time of filing this OA he was working as Section Supervisor (Operative) in Musheerabad Telephone Exchange, Hyderabad.

3. The applicant was promoted to the scale of Rs.425-700 in terms of the directives of A.P.High Court in W.P.M.P.No.2738/85 in W.P.No.1934/85 on 13.3.1985 as Section Supervisor (Operative).

4. A scheme called "BCR promotion scheme" was introduced in the Department of Telecom to promote the officials when an employee completes 26 years of service in the department. The said scheme became operative from 16.10.1990 and those who have completed 26 years of service by then were promoted on the date of introduction of the above scheme. Subsequent to that, promotions are to be effected to those officials who have completed 26 years of service on the crucial date viz. 1st January and 1st July of every year.

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5. The case of the applicant is that he is entitled for BCR promotion as on 16.10.1990; but the same was not given to him on the alleged reason that he was not cleared by Vigilance. Subsequently his case was considered by the D.P.C. and he was promoted with effect from 20.7.1991. He retired from service on superannuation in March, 1995.

6. This OA is filed praying for a direction to the respondents to revise his date of BCR promotion from 20.7.1991 to 16.10.1990 with all consequential benefits including monetary benefits.

7. The applicant submits that number of his juniors were promoted under BCR scheme from 16.10.1990. His further contention is that his case was not considered by the D.P.C. as a disciplinary case was pending against him at the time of consideration by the D.P.C. in 1990 for promotion as on 16.10.1990; but the charge-sheet issued to him was dropped by order No.DISC/DEP/ MBD/91-92/52 dt. 13.1.1992 (Annexure-VII). In view of this there was no vigilance case against ^{him} and he has to be promoted with effect from 16.10.1990.

8. Charge Sheet bearing No.SD-1226/21 dt. 31.8.1983 was issued to the applicant for mis-appropriation of Stores, thereby contravening Rule 3(1) of CCS(Conduct) Rules, 1964. Enquiry conducted on the basis of the above charge-sheet had come to conclusion that the charges of mis-appropriation of Stores valued at Rs.9,330/- was not proved. In view of the above, charges were dropped and the applicant was exonerated of all charges in terms of order dt. 13.1.1992 bearing No.DISC/DEP/MBD/91-92/52.

...4/-

9. The learned Standing Counsel submitted that the case of the applicant was not considered under BCR scheme for promotion with effect from 16.10.1990 as the charge issued to him was pending against him and hence, the vigilance had not cleared him. Now, that the charges are dropped and the applicant has been exonerated, it is fair and just to consider him for promotion with effect from 16.10.1990 when the BCR scheme was introduced and his juniors were promoted on that date, vide order dt. 14.8.1991 bearing No.SP-166/ TOAs (Annexure-IV) to the scale of Rs.1600-2660. Hence, a direction has to be given to consider his case for promotion as on 16.10.90 by a review D.P.C. and if the applicant is found suitable for promotion by the review DPC, he should be deemed to have been promoted from that date with all consequential benefits. The review DPC should consider only these records pertaining to the period as was considered by the DPC for others for promotion with effect from 16.10.1990. As the applicant had retired from service in March, 1995, his pension shall also to be refixed if he is promoted in pursuance of the above direction.

10. In the result, the following direction is given:-
(i) The case of the applicant for promotion under BCR scheme after completion of 26 years of service to as on 16.10.90 the grade of Rs.1600-2660 should be considered by the Review D.P.C. and if he is found fit, the date of his promotion has to be preponed from 27.10.1991 to 16.10.1990. While considering his promotion by the review D.P.C., only those records which were perused by the DPC for others viz. who were promoted with effect from 16.10.1990 should be considered.

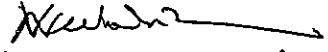
(ii) If the review DPC clears his promotion, his pay should be fixed in the grade of Rs.1600-2660 in accordance with rules with effect from 16.10.1990 and arrears accruing thereon should be paid to him.

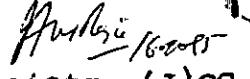
(iii) In pursuance of the above directions, if the applicant is promoted with effect from 16.10.1990 pension and other his/pensionary benefits have to be refixed on the basis of the revised pay fixation with effect from 16.10.1990 and all the arrears of pensionary benefits have to be paid to him.

11. The time for compliance of the above is 4 months from the date of receipt of a copy of this order.

12. The OA is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman


dated 15th Nov., 1995.

Deputy Registrar (J) CC

Grh.

To

1. The Director General, Telecommunications, Union of India, New Delhi-1.
2. The General Manager, Telecom Dist. Suryalok Complex, Gunfoundry, Hyderabad-33.
3. The Divisional Engineer, Telephones, Musheerabad Telephone Exchange, Hyderabad-20.
4. One copy to Mr. J. V. Lakshmana Rao, Advocate, Flat No. 301, Balaji Towers, New Bakaram, Hyderabad.
5. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

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

DATED: 15-11-1995

ORDER/JUDGMENT

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

in
O.A.No. 1240/94.

T.A.No. (W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare Copy

p.v.m.

