

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD
***O.A. 265/94.Dt. of Decision : 08-08-97.**A. Subramanyam**

.. Applicant.

Vs

1. The Union of India,
Rep. by the Secretary,
Dept. of Posts,
New Delhi-110 001.2. The Chief Postmaster General,
Andhra Circle, Hyderabad-1.

.. Respondents.

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Counsel for the applicant : Mr. J. V. Lakshmana Rao

Counsel for the respondents : Mr. N. V. Raghava Reddy, Addl. CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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

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ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

Heard Mr.J.V.Lakshmana Rao, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.V.Raghava Reddy, learned counsel for the respondents.

2. The applicant in this OA joined as Time Scale Clerk w.e.f., 17-09-64. He was later promoted as UDC w.e.f., 5-5-79. He is now working in the office of the Chief Postmaster General, A.P. Circle, Hyderabad. He was promoted as LSG P.A. under one time bound promotion w.e.f., 26-6-93 ^{u/s/da} under memo No.ST/47-5/Co-RO's/TBOP/93, dt. 4-1-1994. He has also completed 26 years of service and hence he was also promoted under BCR Scheme w.e.f., 26-6-93 under Memo No.ST/4-7/CO-RO's/BCR/93 dated 3/4-1-1994. It is stated that six officials ~~were~~ promoted under the BCR Scheme were shown above him and he was asked to work under them and hence the names of six employees and their dates of entry as Time Scale Clerk is given at Page-3 ^{of} to the OA. Those details are reproduced below:-

<u>Sl.No.</u>	<u>Name</u>	<u>Date of Entry</u>
1.	P.V.Sriramchand	20-4-65
2.	Abdul Ali Baig	19-8-66
3.	G.Mayareja Rao	21-5-66
4.	R.Bhuvaneswari	16-5-66
5.	G.Satyanarayana	17-7-65
6.	Balaiah	01-10-65.

3. The applicant is already working as HSG Grade-II. The only grievance of the applicant in this OA is that he should not be shown below the six employees named above in the impugned order No.ST/4-7/G.O-RO's/BCR/93, dated 3/4-1-94.

4. This OA is filed praying for a direction to the respondents to promote the applicant as HSG-II Supervisory, placing him above the Serial No.15 of the impugned order No.ST/47/Co-RO's/BCR/93, dated 3/4-1-94.

Thru:

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5. As stated earlier the applicant has already been promoted to the HSG cadre. The only point to be considered by the respondents is in regard to his seniority vis-a-vis other six/employees named above in the cadre of HSG Grade-II. An interim order/was passed in this OA to the effect that "any promotion made to the supervisory post in the HSG-II cadre would be subject to the outcome in this OA".

6. No reply has been filed in this OA. The learned counsel for the respondents submitted that he was junior to the six officials named in the OA as he had joined later than them as Time Scale Clerk. When we pointed out to him that as per the OA he has joined Time Scale Clerk on 17-9-64 earlier to the six employees, the learned counsel for the respondents submitted that he ^{would} ~~will~~ check up and submit ^{in the} ~~afternoon of Yesterday~~ i.e., 07-08-97. But even to-day no information is forthcoming. The present case is a case of seniority dispute. The seniority dispute should not be decided without hearing the affected parties. The applicant in this OA requests for seniority above the six officials named ~~as~~ above. But those six officials are not impleaded in the OA. Hence it is essential to hear those six employees ~~about~~ ^{before} better giving any decision in this OA. Non-joinder of proper parties may lead dismissal of the OA. But we do not propose to dismiss the OA on that count, this issue properly taking due note of the observations made by us in regard to the entry of the applicant as Time Scale Clerk after giving due notice to the affected parties. We are of the opinion that the above course of action will meet the ends of justice.

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7. In view of the above the following direction is given:-

The seniority of the applicant should be fixed after following the extant procedure by R-2 after checking the records in regard to his entry in the various grades.

8. Time for compliance is four months from the date of receipt of a copy of this order.

9. The OA is ordered accordingly. No costs.



(B.S.JAI PARAMESHWAR)
MEMBER(JUDL.)

8/8/97



(R.RANGARAJAN)
MEMBER(ADMN.)

Amirthu
18/8/97
DRC.

SPR

25/8/97

(6)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.R. AGARWAL : M. (J.)

AND

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

Dated: 8.8.97

ORDER/JUDGEMENT

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

in

C.A. NO. 265/94.

Admitted and Interim Directions
Issued.

Allowed

Dismissed or with Directions

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

