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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 326-OF-1994

DATE OF ORDER: 21st JANUARY, 1997

BETWEEN:

S.PARTHASARADHI

.. APPLICANT

AND

Union of India represented by:

1. The Chief General Manager,
Telecommunications,
Hyderabad,
2. The Telecom District Manager,
Kurnool.

.. Respondents

COUNSEL FOR THE APPLICANT: Mr. KSR ANJANEYULU

COUNSEL FOR THE RESPONDENTS: Mr. N.R.DEVARAJ, Sr.CGSC

CORAM:

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

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

JUDGEMENT

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

Heard Mr.KSR Anjaneyulu, learned counsel for the applicant. None for the respondents.

2. The applicant was promoted to the grade of Rs.2000-3200 i.e, Grade-IV under BCR scheme by the order No.E.1-101/93-94/12 dated 30.12.93 (Annexure-5 at page 11 of the OA). However, his promotion was cancelled by the impugned order No.E 1-100/93-94/93 dated 15.3.94 (Annexure-I at page 6 of the OA).





3. This OA is filed challenging the order of cancellation of his promotion by the impugned order dated 15.3.94 without notice and reason by holding the same as arbitrary and illegal and for a consequential direction to continue the applicant in Grade-IV as per the promotion order dated 30.12.93 (Annexure-5 to the OA).

4. The main contention of the applicant is that the seniority for promotion is to be reckoned on the basis of the basic seniority in the cadre of Telephone Operators and the date of confirmation should not be taken as the basis for deciding the seniority. He also relies on the letter of DoT No.22-6/94 TE-II dated 13.12.95 whereby the promotion of TOA Grade-III official to Grade-IV (Rs.2000-3200) against 10% posts under the BCR scheme will be on the basis of seniority in the basic ^{Cadre} range. He further submits that this letter will have retrospective effect. It is also stated by the learned counsel for the applicant that the Department themselves have taken ^{the} task of revising the seniority on the basis of the letter quoted above.

5. A reply has been filed in this connection. The reason for reverting the applicant is due to the fact that Mr.C.Narayana Reddy was senior to him and also in view of the fact that Mr.C.Narayana Reddy was confirmed earlier to the applicant on 25.7.85 whereas the applicant was confirmed by DPC on 16.10.86. The applicant was promoted earlier to Mr.C.Narayana Reddy due to an error and hence he was reverted.

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6. The learned counsel for the applicant now submits that the seniority list is being revised on the basis of the basic seniority in the grade of Telephone Operators and that seniority list is likely to be finalised soon and that seniority will be the criterion for promotion to the higher grades, even to the grade of Grade-IV. If that be the case, the applicant has to wait till the seniority list is finalised and represent to the concerned authority for giving him promotion on par with his junior to the grade of Grade-IV on the basis of the proposed seniority. If reply to his representation is adverse, he may take such action as he may deem fit under law.

7. The OA is disposed of with the above observations.
No order as to costs.


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

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(R.RANGARAJAN)
MEMBER (ADMN.)

DATED: - 21st -January, - 1997
Dictated in the open Court.

vsn


D.R.J

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)
The Hon'ble Shri B.S.Jai parameshwar: M(J)

DATED: 21/1/97

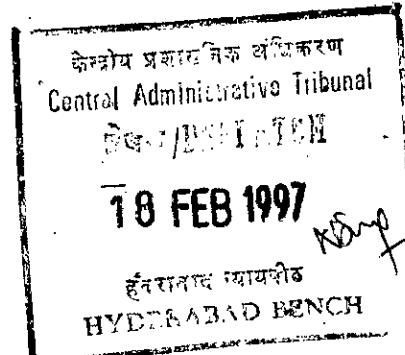
ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

in
O.A.NO. 326/84

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

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II COURT



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