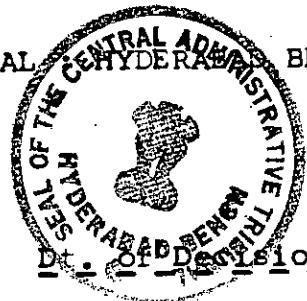


IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD

O.A. 1054/94.



Dt. of Decision : 24-06-97

R. R. Lakshmana Murthy

.. Applicant.

Vs

1. The Director General,
Dept. of Posts, New Delhi.
2. The Chief Postmaster General,
A.P.Circle, Hyderabad.

.. Respondents.

Counsel for the applicant : Mr. S. Ramakrishna 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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6. The respondents in their reply submit that in terms of the letter No.10-1/87-SPG dated 20-10-89 that the Stenographers Gr-I with 2 years of regular service or Stenographer Gr-I with combined regular service of 7 years in the Grades of Stenographer Gr-I and Gr-II or both, Gr-II with 7 years of service could only be considered for the post of Sr.P.A. and that also should be in a regular capacity. The applicant had never worked in the regular capacity in the Stenographer Gr-II. He was posted to the Steno Gr-II only from 21-02-94. Further none of his juniors were posted as Sr.P.A. Hence they submit that there is no case for the applicant for the relief asked for in this OA. At the outset it is to be stated that the relevant recruitment rule dt.20-10-89 which is very relevant to this issue has not been enclosed to the reply. Hence, the statement of the respondents cannot be taken at the face value in the absence of the relevant recruitment rules. It is also not made very clear in the reply why the applicant was allowed to continue as Adhoc Stenographer Gr-II from 1982 onwards. If there was a vacancy that vacancy should have been filled by suitable selection process. Allowing the employees to work on adhoc works to the detriment of the employees is not conducive to proper administration. Hence, in that view also we do not find much reason why the applicant had allowed to continue as adhoc Stenographer Gr-II from 1982 onwards. The reasons for treating the leave period from 7-4-88 to 30-11-88 as break in service is not explained fully. If his junior had been asked to officiate elsewhere even on adhoc basis during the period when the applicant was on leave the reasons for not asking his willingness to work in that posts is not explained in the reply. In view of what is stated above we feel that the reply has not been drafted with enough care. Hence we cannot deliver any judgement on the basis of the reply in the OA. We cannot also take ^Q stand on that basis

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4. The respondents have filed their counter stating that the circumstances under which the applicant was appointed purely on adhoc basis and contending that the DPC met on 25-6-83 considered the names of 7 Gr-III officials senior to the applicant. Mr.Khader Masthan whose name was placed before the DPC was also not selected for promotion to Gr-II PA cadre that however the adhoc arrangements of the applicant and Mr.Shaik Khader Mastan were continued since the two seniormost officials were working on adhoc basis in Gr-I cadre, that the DPC held on 21-10-87 recommended promotion of one Mr.T.J.Shankaran to Gr-II cadre and he was posted as PA to DPS, Kurnool relieving the applicant that then the applicant was reverted that the applicant did not join the reverted post, that the applicant proceeded on leave that on the retirement of Mr.T.J. Shankaran on 30-11-88, the applicant was again posted on adhoc basis as PA to DPS, Kurnool, that there was break in his adhoc service between 7-4-88 to 30-11-88, that the applicant had not satisfied the minimum service, that he was not eligible for consideration for Sr.P.A. cadre that Mr.Shaik Khader Mastan had completed 7 years of service and therefore he was promoted as Sr.P.A. that since the applicant had not satisfied the condition therefore the case of the applicant could not be compared with that of Mr.Shaik Khader Mastan who was senior to the applicant and that the OA be dismissed with costs.

5. The main contention of the applicant in this OA is that he was not considered for Sr.PAs post because of not following the minimum condition of 8 years of service in Gr-II Stenographers posts. It is further stated that even in the adhoc officiation can be counted for the purpose of counting the eligibility. The period he was on leave from 7-4-88 to 30-11-88 cannot be treated as a break in service as his junior was working elsewhere in Visakhapatnam as Stenographer Gr-II. In view of the the applicant submits that he should have been considered for promotion to the post of Sr.P.A. along with others.

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that the applicant has to be given the relief as that will work out to the detriment of some of his co-employees. In the absence of that employees being associated with this case we do not propose to give any judgement in favour of the applicant.

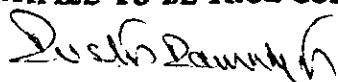
7. The only relief that can be given in this OA and which is justifiable also is that the representation of the applicant dated 9-2-93 (Annexure-9) which the applicant states is not disposed of has to be considered, and we direct the respondents to dispose of the said representation of the applicant dt.9-2-93 in accordance with law after considering the various contentions made in the representation as well as in the CA.

8. In the result, R-1 is directed to dispose of the representation of the applicant dated 9-2-93 in accordance with law taking due note of the contentions raised in this OA as well as in the representation.

9. Time for compliance is 4 months from the date of receipt of a copy of this order.

9. The OA is accordingly disposed of. No costs.

प्रमाणित प्रति
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भारतीय विधारी
COURT OFFICER
भारतीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद व्यावर्षिक
HYDERABAD BENCH