

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 597/95.

Dt. of Decision : 10-3-98.

V. Jagannatha Rao

.. Applicant.

Vs.

1. The Telecom District Engineer,
Mahabubnagar.

2. The Chief General Manager,
Telecommunication, AP Circle,
Hyderabad.

.. Respondents.

Counsel for the applicant

: Mr. K. Venkateswara Rao

Counsel for the respondents

: Mr. K. Bhaskara Rao, 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 (ADEN.))

Heard Mr.K.Venkateswara Rao, learned counsel for the applicant and Mr.K.Bhaskara Rao, learned counsel for the respondents.

2. The applicant in this OA is a B.Sc., Degree holder and was appointed as Telecom Office Assistant under the control of the first respondent w.e.f., 19-9-81 and he states that he is continuing in the said cadre without any complaints whatsoever. It is also from 8-6-92 to 27-6-92 by ~~the~~ R-1 by his letter No.TRA/ACcts/Computer/92-93/18 dated 13-5-92 and he had successfully completed the said training by securing 75% of marks.

3. In view of the above, the applicant submits that he is fully qualified for promotion to the post of Sr.TOA under R-1. But he was not promoted, whereas he submits that his juniors were promoted to that cadre. He also relies on the Annexure-VIII document to show that he is eligible for promotion to the cadre of Sr.TOA (General) as his name finds a place in the list at Sl.No.9.

4. This OA is filed ^{for a direction to the respondents} to promote him to the post of Senior Telecom Operating Assistant in the scale of pay of Rs.1320-2040/- w.e.f., 1-5-93, the date on which his immediate juniors were promoted to the said cadre, vide Memo No.E.5-49/93-94/3 dated 8-12-93 issued by R-1 with all consequential benefits such as seniority, pay and allowances and other attendant benefits.

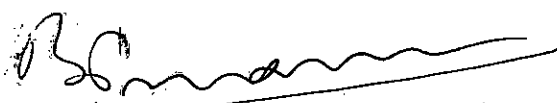
5. A short reply has been filed in this OA. It is stated that the applicant had completed 14 years of service as on 7-9-95. He was due for ~~ad hoc~~ promotion on 24-3-95 alongwith other officials but ^{then} it was contemplated to take disciplinary action against the applicant and hence he was not considered for ad hoc promotion by the


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Head of the department. They rely on the circular of the DoF
 Lr.No.249/18/91-STN dt.11-10-91 and vide CGMT-HD Lr.No.TA-STA/
 56-1/Rlgs/VII/52 dt.26-11-91. Though it is stated that the applicant
 was not considered for promotion due to the contemplation of the
 disciplinary action, nothing has been enclosed to the reply. ^{the effect.} The
 letters of 11-10-91 and 26-11-91 are also not enclosed to the reply.
 However it is to be noted here that the disciplinary action is
 only under contemplation and no-where it is stated that the
 applicant has been charge sheeted which prohibits him for getting
 promotion as Sr.TOA.

6. No employee can be denied promotion just because some
 disciplinary action is under contemplation. This is a well settled
 law. As no charge sheet has been issued, the case of the applicant
^{is} ~~was~~ also to be considered for adhoc promotion to the post of Sr.TOA
 (General) on par with his juniors in accordance with law,
 notwithstanding the fact that the disciplinary action is under
 contemplation. If the applicant is considered fit for promotion
 by the DPC as per extant rules, then the applicant should be
 promoted with all consequential benefits ^{on par with his juniors} even though some disci-
 plinary action is under contemplation, as no charge sheet has been
 issued. But this promotion will not stand in the way of the
 respondents to issue a charge sheet for the reasons for which the
^{disciplinary action is under contemplation}
~~charge sheet to be issued~~ and proceed on the basis of the rules
 and if he is found guilty, he may be punished in the higher grade.

7. With the above direction the OA is disposed of. No costs.

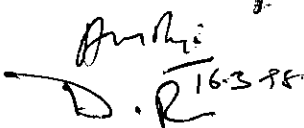

 (B.S. JAI PARAMESHWAR)
 MEMBER (JUDL.)


 (R. RANGARAJAN)
 MEMBER (ADMN.)

10398

Dated : The 10th March, 1998.
 (Dictated in the Open Court)

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 D.R. 16.3.98

DA.597 of 1995

Copy to :-

1. The Telecom District Engineer, Mahabubnagar.
2. The Chief General Manager, Telecommunication, A.P.Circle, Hyderabad.
3. One copy to Mr. K.Venkateswara Rao, Advocate, CAT., Hyd.
4. One copy to Mr. K.Bhaskara Rao, Addl.CGSC., CAT., Hyd.
5. One copy to Mrx D.R.(A), CAT., Hyd.
6. One duplicate.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED: 10/3/98

~~ORDER/JUDGMENT~~

~~M.A./P.A./C.A. NO.~~

in

O.A. NO. 597/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

