

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 597/95.

Dt. of Decision : 10-3-98.

26

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.

for a direction to the respondents
4. This OA is filed 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 adhoc promotion on 24-3-95 alongwith other officials but it was contemplated to take disciplinary action against the applicant and hence he was not considered for adhoc promotion by the

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/Rigs/VII/52 dt. 26-11-91. Though it is stated that the applicant was not considered for promotion due to the contemplation of the ^{therefore} disciplinary action, nothing has been enclosed to the reply. 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 nowhere 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} 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 ^{on par with his juniors} promoted with all consequential benefits, even though some disciplinary 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 dispensed of. No costs.


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

10.3.98

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

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(R. RANGARAJAN)
MEMBER (ADMN.)


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 Mr. D.R.(A), CAT., Hyd.
6. One duplicate.

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10/3/98
TYPED BY
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

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

DATED: 10/3/98

~~ORDER/JUDGMENT~~

~~M.A./R.A./C.A. NO.~~

in
D.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

