

(94)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.604/95

DATE OF ORDER : 03-03-1998.

Between :-

1. T.L.N.Murthy
2. Mohd. Ismail

.. Applicants

And

1. The Union of India rep. by  
The Secretary, Department of  
Telecommunications, Sanchar Bhavan,  
New Delhi - 110 001.
2. The Chief Superintendent,  
Central Telegraph Office,  
Hyderabad-1.
3. The Chief General Manager,  
Telecommunications, AP Circle,  
Hyderabad-1.

.. Respondents

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Counsel for the Applicants : Shri T.V.V.S.Murthy

Counsel for the Respondents : Shri V.Bhimanna, CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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Heard Sri T.V.V.S.Murthy, counsel for the applicant and Sri V.Bhimanna, standing for official respondents i.e. Respondents 1 to 3 and Sri V.Venkateshwar Rao, counsel for Respondent No.4.

2. There are two applicants in this OA and they are Section Officers in the grade of Rs.1600-2660 in Central Telegraph Office, Hyderabad. In the seniority list issued in memorandum No.TA/TFC/35-50/90 dt.20-9-90 (Annexure A9 page-36 to the OA) both the applicants stand at Sl.No.30 and 31 respectively whereas respondent No.4 is shown at Sl.No.20. The applicants submit that they were seniors to Respondent No.4 as they have joined as Telegraph Assistants earlier to the Respondent No.4. The applicant No.1 joined as Telegraph Assistant on 1-9-64 whereas the Applicant No.2 was posted as Telegraph Assistant on 8-10-64 and earlier to that he was initially appointed as Telephone operator on 2-2-60. Respondent No.4 was taken as Telegraph Assistant on 18-9-64 (Annexure-10, page-38 to the OA). Thus the applicants are seniors to Respondent No.4 in the basic cadre of Telegraph Assistant. The Respondent No.4 was promoted as DTO Accountant with effect from 18-12-1969 and when he became DTO Accountant, he discontinued his <sup>lien</sup> ~~been~~ from the Telegraph Assistant cadre. However, Respondent No.4 was given confirmation as Section Supervisor with effect from 1-3-84 and the applicants were given confirmation in that cadre with effect from 1-4-85 and 1-7-85 respectively. The post of DTO Accountant was abolished and the Respondent No.4 was reverted back to the general line of Telegraph Assistant and when he was posted in the cadre of Telegraph Assistant,

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*by earlier seniority list*

his seniority is governed as he joined as Telegraph Assistant initially. As he joined as Telegraph Assistant later than applicants, he should have been shown below them when he was reverted back to the post of Telegraph Assistant after the DTO Accountant post was abolished. Counsel for the applicants relies on letter No.E.9/77 dt.19-6-93 (Annexure A3 page-21 to the OA) <sup>*to state*</sup> that the above submission that the applicants should be shown above that of the Respondent No.4

when Respondent No.4 was brought as Telegraph Assistant was accepted <sup>*by the respondent*</sup> by making <sup>*necessary*</sup> asterisk mark underneath that line. The counsel for the applicant <sup>*Further*</sup> submits that this letter dt.19-6-93 is to be followed <sup>*on that basis*</sup> and Respondent No.4 should be placed at the appropriate place as given in the seniority list issued vide letter No.TFC.35-50/LSG clerical dt.15-10-80 (Annexure A6, page-28 to the OA). In the annexure to letter dt.15-10-80 Respondent No.4 is shown at Sl.No.86 whereas the applicants are shown at Sl.Nos.79 and 80 respectively. If the instructions of the higher authorities in their letter dt.19-6-93 are strictly followed, then both the applicants will become senior to Respondent No.4 as shown in the seniority list at Annexure A6 to the OA.

3. The applicants have filed a number of representations for showing them above Respondent No.4 in the seniority list but it <sup>*is*</sup> stated that these were disposed of.

4. This OA is filed praying for a direction to Respondent No.3 to revise the seniority list issued on 1-7-95 and dt.1-7-90 by showing the applicants 1 and 2 as seniors to Respondent No.4.

5. The learned counsel for the applicant mainly relies

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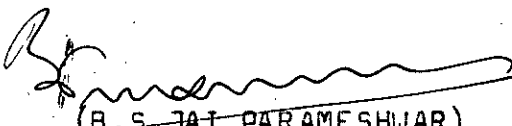
on the letter of the Respondents dt.19-6-93 (Annexure-3 to the OA) to state that the applicants should be given the seniority as was given in the 1980 seniority list. When we questioned the counsel for the applicant whether such a representation was made, the learned counsel for the applicant tried to show us all the representations submitted by them but we find that the contention raised as above has not been made clear in any of the representations. However in the representation dt.17-9-93 (Annexure A-13 to the OA) the applicants appeared to have requested Respondent No.3 to adhere to the seniority list issued on 15-10-80. Even in this representation no reference has been made to the letter dt.19-6-93 of the respondents. Hence it is preferable for the applicants to make a detailed representation quoting letter dt.19-6-93 and request Respondent No.3 to revise the seniority in accordance with the seniority list dt.15-10-80. The above representation <sup>if no advice may be</sup> ~~should be~~ submitted by the applicants within a period of one month from the date of receipt of a copy of this order. If such a representation is received, then the Respondent No.3 should dispose of the representation after due notice to <sup>affected parties including R-4</sup> ~~otherside~~ in accordance with the law within a period of 3 months from the date of receipt of that representation.

6. The learned counsel for the applicants submits that an interim order dt.5-5-95 has been issued in this O.A. wherein it is stated that "if any promotion is going to be made to the post of Grade-IV under BCR Scheme, the same will be subject to the result in the OA and it has to be stated in the order of promotion". Respondent No.4 has been promoted to the post of Gr.IV under BCR Scheme by order dt.1-2-96 (Annexure-3 to the rejoinder). <sup>By</sup> ~~In~~ that

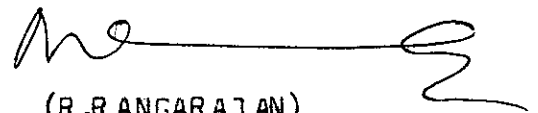
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order Applicant <sup>was</sup> 1 also promoted and the necessary stipulation as directed in the interim order has also been included. Counsel for the applicant submits that in case the applicants succeed in the representation, then the direction given in the interim order should be followed. We have no doubt in our mind that the respondents, if applicant's revised the seniority, will definitely take note of the conditions for promotion and order promotion accordingly. Hence no specific direction is necessary in this connection.

7. It is stated that Applicant No.2 had already retired. If his seniority is revised in pursuance of the representation submitted by him, then his case for promotion if his junior <sup>had been</sup> <sup>before</sup> is promoted ~~by~~ that time when he had retired from service, his case <sup>should</sup> ~~will~~ also be considered to Gr.IV promotion under BCR Scheme in accordance with the law. In view of the above, O.A. is ordered accordingly. No costs.

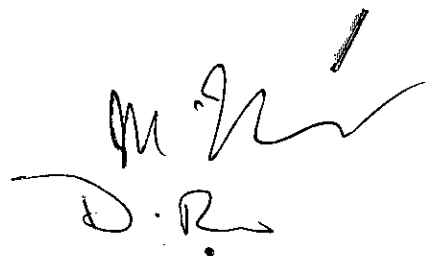
  
(B.S. JAI PARAMESHWAR)  
Member (J)

3/3/98

  
(R.R. ANGARAJAN)  
Member (A)

Dated: 3rd March, 1998.  
Dictated in Open Court.

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D.R.

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- 6 -

OA.604/95

Copy to:-

1. The Secretary, Department of Telecommunications, Sanchar Bhavan, New Delhi.
2. The Chief Superintendent, Central Telegraph Office, Hyderabad.
3. The Chief General Manager, Telecommunications, A.P.Circle, Hyderabad.
4. One copy to Mr. T.V.V.S.Murthy, Advocate, CAT., Hyd.
5. One copy to Mr. V.Bhimanna, Addl.CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate.

srr

26/3/98  
TYPED BY  
COMPILED BY

CHECKED BY  
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: 3/3/98

ORDER/JUDGMENT

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

in

D.A.NO. 604/95

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

