

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 77/95

DATE OF ORDER : 21-10-1997.

Between :-

P. Bhikshapathi

And

Telecom District Engineer,

... Applicant

... Respondents

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Counsel for the Applicant : Shri K. Vasudeva Reddy

Counsel for the Respondents : Shri V. Rajeshwar Rao, Addl. 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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None for the applicant. Applicant was also absent when this OA was taken up for hearing. Heard Sri V. Rajeshwar Rao, standing counsel for the respondents.

The applicant was appointed as Office Assistant on 16-7-1982 by proceedings dt. 21-10-1982. His services were terminated. The applicant challenged the said termination before the Hon'ble High Court of Andhra Pradesh in Writ Petition, which was transferred to this Tribunal and re-numbered as TA 453/86. On 5-6-87 this Tribunal allowed TA 453/86 and set aside the order of termination of the applicant with a direction to the respondents to re-instate the applicant with all consequential benefits. Accordingly the applicant was reinstated into service on 18-12-1987. On his re-instatement the applicant appeared for confirmation test, in which he became successful as per proceedings dt. 28-12-1988. He submits that though he entered the department in 1982, due to wrongful termination he could not be regularised and submits that all those persons recruited along with him were made permanent during the year 1983 but he was not considered for regularisation. In view of the directions of the Tribunal in TA 453/86 that "with all consequential benefits", he was made permanent with effect from 18-12-87 showing him at Sl.No. 48 in the Divisional Gradation list below to his juniors. The applicant is aggrieved by his placement at Sl.No. 48 in the divisional gradation list and filed this OA for the following reliefs :-

- (1) to declare the action of the respondent in treating the applicant as permanent only

with effect from 29-12-88 and placing him at Sl.No.48 in the Gradation List as illegal and arbitrary;

(ii) to direct the respondent to treat the applicant as permanent with effect from 1983 or with effect from the date when the persons who were appointed along with him were declared as permanent, and grant all other consequential reliefs.

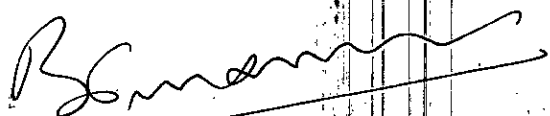
3. Respondents have filed the counter stating that the applicant was treated as permanent only with effect from 29-12-88 and that he cannot claim seniority or any post from retrospective effect. His promotions will be considered subject to the vacancy position.

4. The respondents submit that the applicant was put to confirmation test only on 6-11-88 and as he passed that examination, he was confirmed with effect from 29-12-88. Hence he cannot claim seniority as he ~~has~~ passed the examination ^{and was made permanent} only on the basis of the examination held on 6-11-88.

5. The earlier T.A. was disposed of granting him all consequential benefits. This "consequential benefits" includes for seniority ~~even if~~ ^{confirmation} ~~though~~ ^{even though} he is found fit ~~for~~ in the examination held at a later date. He is ~~to be~~ deemed to be confirmed ^{on par} ~~along~~ with the juniors in the select list.

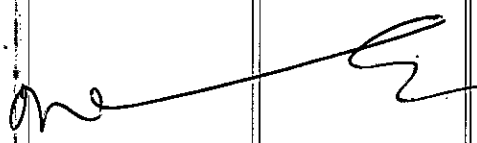
6. Hence the applicant is entitled for the reliefs asked for in this O.A. As the applicant has succeeded in the confirmation test at the first instance, he is eligible for confirmation/regularisation on par with his juniors in the select list when he was selected as Office Assistant. His promotion will be governed by the revised seniority.

7. The Original Application is ordered accordingly. No order as to costs.



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

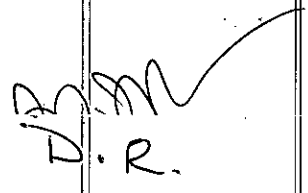
21.10.97



(R. RANGARAJAN)
Member (A)

Dated: 21st October, 1997.
Dictated in Open Court.

avi/


D.R.

OA.77/95

1. The Telecom District Engineer, Kareemnagar.
2. One copy to Mr. Vasudeva Reddy K. Advocate, CAT., Hyd.
3. One copy to Mr. V.Rajeswar Rao, Addl.CGSC., CAT., Hyd.
4. One copy to D.R.(A), CAT., Hyd.
5. One duplicate copy.

srr

7/11/97

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 21-10-97

~~ORDER/JUDGMENT~~

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

in

O.A.NO. 77/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

~~Ordered/Rejected~~

No order as to costs.

YLKR

II Court

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal ब्रेच / DESPATCH - 3 NOV 1997 हैदराबाद ब्याचपीठ HYDRABAD BENCH
