

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1252/95.

Dt. of Decision : 2-3-98.

Y. Jayanna

..Applicant.

Vs

1. The Sub-Divisional Officer,
Telephones, Cuddapah.
2. The Telecom
Cuddapah.
3. The Chief General Manager,
Telecommunication, Doorsanchar
Bhavan, Nampally Station Road,
Hyderabad .
4. The Director General,
Telecommunication, New Delhi.

..Respondents.

Counsel for the applicant : Mr.K.Venkateswara Rao

Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.

CORAM:-

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

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

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

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

2. The applicant belongs to the SC community and was originally appointed as Telecom Office Assistant w.e.f., 14-6-67. He was subsequently promoted as Section Supervisor in the scale of pay of Rs.1400-2300/- during the year 1988. The applicant became eligible for promotion under BCR Scheme w.e.f., 1-7-92.

3. However by proceedings No.E44/SS/BCR/Vol.II/113 dated 27-8-94 the applicant was informed he was passed over. The respondents have not produced the earlier letter dt. 27-8-94. It is also stated that the said letter dated 27-8-94 was not served the applicant.

4. The applicant was promoted under BCR scheme w.e.f., 11-

5. Hence the applicant has filed this CA for a declaration that he is entitled for promotion under the BCR Scheme w.e.f., 1-7-92 in terms of DOT letter No.1-62/85-NCG/(Vol.II) dt.10-2-92 with all consequential benefits by holding the action of the respondents in promoting the applicant under the scheme w.e.f., 1-11-94 instead of from 1-7-92 in the guise of Lr.No.E6/TOASGSSOS/137 dt.3-9-94 issued by the Sub-Divisional Officer, Telephones, Cuddapah intimating that his claim was passed over for BCR selection is illegal, arbitrary and DISCRIMINATORY in violation of Article 14 and 16 of the Constitution of India.

6. The respondents have filed their counter wherein in para-4 they have stated as follows:-

"It is submitted that the applicant has been passed over for promotion under BCR and that he has been informed vide letter dated 3-9-94. However, he was found fit by the review DPC and has been promoted w.e.f., 1-11-94."

It is not known under what circumstances the respondents held the review DPC. Further they have not placed any material to justify that his case was passed over vide letter dated 27-8-94.^{or 3}

7. In the absence of material particulars and ^{as} on the reply filed by the respondents is vague, we feel it proper to direct the respondents to conduct a review DPC of the applicant to consider his claim for promotion under the BCR Scheme w.e.f., 1-7-92, because on that date he was also not issued any charge sheet as it is stated by the learned counsel for the respondents and he was issued charge sheet only on 28-7-92.

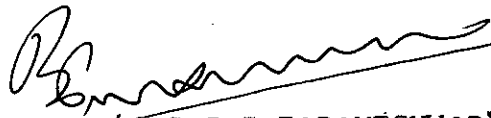
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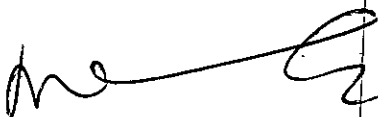
8. In that view of the matter we direct the respondents to constitute a review DPC to consider the case of the applicant for promotion under the BCR scheme w.e.f., 1-7-92 and if he is found suitable then he should be promoted from 1-7-92 instead of 1-11-94 in which event he shall be entitled ^{to} all consequential

9. Time for compliance 3 months from the date of receipt of a copy of this order.

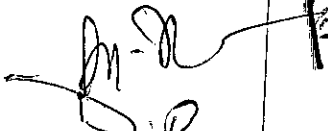
10. With the above direction, the OA is disposed of. No order as to costs.


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

2/3/98


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 2nd March, 1998.
(Dictated in the Open Court)


B.R.

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DA.1252/95

Copy to:-

1. The Sub-Divisional Officer, Telephones, Cuddapah.
2. The Telecom District Engineer, Cuddapah.
3. The Chief General Manager, Telecommunication, Doorsanchar Bhavan, Nampally Station Road, Hyderabad.
4. The Director General, Telecommunication, New Delhi.
5. One copy to Mr. K.Venkateswara Rao, Advocate, CAT., Hyd.
6. One copy to Mr. V.Bhimanna, Addl.CGSC., CAT., Hyd.
7. One copy to BSJP M(J), CAT., Hyd.
8. One copy to D.R.(A), CAT., Hyd.
9. One duplicate copy.

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6/1/98
17/3/98
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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: 2/3/98

ORDER/JUDGMENT

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

in

B.A. NO. 1252/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

N^o ORDER AS TO COSTS.

II COURT

YLKR

