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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1523 of 1995

DATE OF JUDGEMENT: 23rd APRIL, 1998

BETWEEN

G.MALLAIAH

.. APPLICANT

AND

1. The Chief General Manager,
Telecommunications,
A.P.Circle,
Door Sanchar Bhavan,
Hyderabad 500 001,

2. The Chief Superintendent,
Central Telegraph Office,
Hyderabad-1,

3. The Asst. Director (Telegraph Traffic),
Office of the General Manager,
Telephones,
Hyderabad 500 001.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI V.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS: Mr.V.BHIMANNA, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

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

JUDGEMENT

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

Mr.V.Venkateswara Rao, learned counsel for the
applicant is present. None for the respondents.

2. The applicant in this OA was appointed as
Telegraphman and was promoted as Clerk with effect from
11.3.59. It is stated that he was originally appointed as
LSG Clerk under 20% scheme with effect from 25.8.74 vide

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Director, Telegraphs letter No.TFC/ST/8-36 dated 10.7.75 (Annexure A.II at page 7 to the OA). It was subsequently modified with effect from 14.7.75 by the General Manager, Telecom, Hyderabad Memo No.TRC/ST/8-36/III dated 26.5.76. The applicant submits that in 1976 itself, he protested against shifting of his promotion to LSG Clerk from 1974 to 1975. He further submits that he submitted further representation also and his last representation dated 23.11.94 was replied by the impugned letter No.E-9/94-118/HD-1 dated 17.12.94 rejecting his representation for retaining his promotion with effect from 25.8.74 instead of from 14.7.75 and rejecting his request for stoppage of recovery of the pay and allowances paid to him as LSG Clerk from 25.8.74 to 14.7.75.

3. This OA is filed for setting aside the impugned order No.E-9/94/118/HD-1 dated 17.12.94 (Annexure A-VI at page 13 to the OA) and for consequential direction that the applicant is entitled for promotion to the post of LSG Clerk in the grade of Rs.425-640 with effect from 1.6.74 with all consequential benefits such as fixation of pay, payment of arrears of pay and allowances, seniority etc.

4. The applicant's request is for showing him as having been promoted as LSG Clerk with effect from 25.8.74. The applicant waited till 15.6.95 to file this application to get that relief. Though he submits that he has filed representation in 1976, it appears that he has not followed up his representation. If no reply had been received by him in time for that representation, he should have approached the judicial forum then itself probably in the

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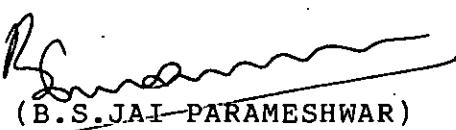
year 1976 or 1977. He approached this Tribunal only in 1995, that is, about 20 years after the event took place. Hence the OA is liable to be dismissed due to delay and laches. The impugned reply clearly states that the representation is a belated one and that the records of 1974 and 1976 are not available to comment about the representation said to have been submitted during the year 1976. In the reply in para 4, the assessment ~~for~~ ^{of} the applicant for the post of LSG Clerk then in the year 1974 and 1975 has been explained. It is seen from the reply that there were adverse entries in the CRs of the applicant for the year 1971-72 and 1973-74 and his case was not recommended by the SOTT in the special report. It is also seen from paragraph 5 of the reply that the applicant was awarded the punishment of Censure on 23.2.74 for certain lapses for which he was charge sheeted under Rule 16 during 1973-74. Though the applicant in the OA submits that no charge sheet has been issued to him, the reply clearly states that he was charge sheeted during 1973-74. The applicant did not controvert the same. Hence it has to be held that he was Censured on 23.2.74 following the extant instructions under ^{the} CCS (CCA) Rules. The reply further states that in his representation in the year 1994 the date and month of earlier representations reported to have been submitted ^{were} ~~have~~ not been mentioned and also those representations are not available. In view of the above, the application has to be rejected, submits the respondents.

5. We have already said that this OA is liable to be rejected due to delay and laches as he has filed this OA 20

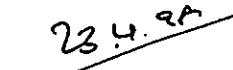
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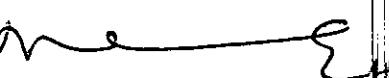
years after his date of promotion was changed from 1974 to 1975. Further from the reply, it appears that the record of service of the applicant earlier to his promotion was not satisfactory and hence on that count he was superseded for promotion when his juniors ^{were} ~~are~~ promoted. Considering the above points, we are of the opinion that the applicant cannot get any relief now at this belated stage. Hence we have left with no other option except to dismiss this application as devoid of merits.

6. In the facts and circumstances of the case, the OA is dismissed with no order as to costs.

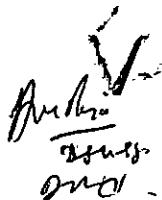

(B.S.JAI-PARAMESHWAR)

MEMBER (JUDL.)


23.4.98


(R.RANGARAJAN)

MEMBER (ADMN.)


R.RANGARAJAN
MEMBER (ADMN.)

DATED: 23rd April, 1998
Dictated in the open court.

vsn

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5.5.5

Copy to:

1. The Chief General Manager, Telecommunications, A.P.Circle, Doorsanchar Bhavan, Hyderabad.
2. The Chief Superintendent, Central Telegraph Office, Hyderabad.
3. The Asst. Director (Telegraph Traffic), O/O General Manager, Telephones, Hyderabad.
4. One copy to Mr. V. Venkateswara Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
6. One copy to HBSJP, M(J), CAT, Hyderabad.
7. One duplicate copy.
8. One copy to D.R(A), CAT, Hyderabad.

YLKR

19/3/98
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II COURT

TYPED BY
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED : 23/4/98

ORDER/JUDGMENT

M.A/R.A/G.P.NO.

in
D.A.NO. 1523/95

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

केंद्रीय प्रायोगिक अधिकार
Central Administrative Tribunal
हैदराबाद बैठक
27 HYDERABAD BENCH

4 MAY 1998
Despatched
RECEIVED
प्रिया/DOPPAL SECT