

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.1605/95.

Dt. of Decision : 30-4-98.

S. Jagannadham

.. Applicant.

Vs

1. The Union of India, Rep. by
the Director General,
Telecommunications,
New Delhi-1.
2. The Chief General Manager,
Telecom., A.P., Abids,
Hyderabad-1.
3. The Area Manager,
Telecom (North)
Minerva Complex,
Sec'bad-3.



.. Respondents.

Counsel for the applicant : Mr. J.V. Lakshmana Rao

Counsel for the respondents : Mr. K. Ganulu, Addl. CGSC.

COMRA:-

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

THE HON'BLE SHRI B.S. JAI PARAMESWAR : MEMBER (JUL.)

Jk

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ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.))

Heard Mr. T.V.V.S. Murthy, for Mr. J.V. Lakshmana Rao, learned counsel for the applicant. None for the respondents.

2. The applicant in this OA joined as a time scale clerk on 25-10-58. He was promoted to the Section Supervisor cadre i.e., LSG Cadre on 1-6-74 and he was confirmed in Section Supervisor cadre on 1-3-83. He was promoted to the Sr. Section Supervisor cadre on 19-8-85. He was shown in the gradation list of SS cadre at Sl.No.11. He requests for showing him in ^{the} seniority list above that of one Mr. R.S. Mallick. The service particulars of Mr. R.S. Mallick are as follows:- Mr. R.S. Mallick joined as LDC on 22-9-59 later than the applicant and he was confirmed in the SS cadre on 1-3-71 and promoted to the SSS cadre on 1-3-85/15-3-85. His seniority and the gradation list in SSS cadre is at Sl.No.4.

3. Before the case is explained further it has to be noted that in Hyderabad there were two seniority units in clerical category. One was Telephone Revenue Accounts and another one was Divisional Engineer Telegraphs, Hyderabad Division. The applicant was initially appointed in the Divisional Engineer Telegraphs Division, Hyderabad whereas the said Mallick was appointed in the Telephone Revenue Accounts ^{Unit} ~~work~~. Mr. Mallick was promoted to the SS cadre on 10-1-66 in the Telephone Revenue Accounts work cadre whereas the applicant was promoted to that of SS cadre on 1-6-74. Merger of both the divisions took place in the year 1970. At that time of merger, Mr. Mallick was in the SS cadre whereas the applicant was promoted to the SS cadre only on 1-6-74. The date of confirmation of Mr. Mallick in SS cadre is also earlier to the applicant so also the promotion to the SSS cadre.

JK

4. The present OA is filed for stepping up of his pay on par with Mr. Mallick joined in the service later than him so as to ensure confirmity with the Director General, P&T, New Delhi letter No. 253/67/67-STB-III dated 10-8-70.

5. This OA is filed for refixation of seniority showing him above Mr. Mallick as per the instructions contained in Director General, P&T, New Delhi letter No. 253/67/67-STB-I, dated 10-8-70 and step-up his pay accordingly with all consequential benefits including monetary benefits due.

6. From the above narration of the facts it ~~is~~ is clear that it is a seniority dispute case. In any seniority dispute case an employee who wants seniority above another employee, that employee also has to be impleaded as a party to the proceedings. In this case the applicant wants seniority above that of Mr. Mallick. Unfortunately, Mr. Mallick is not made ~~as~~ a party to this OA by impleading ^{him} as R-4 in the cause title. Hence without hearing Mr. Mallick no order for fixing seniority of the applicant above Mr. Mallick can be given. Hence this OA is liable to be dismissed for non-joinder of necessary parties.

7. The applicant submits that he joined as TSC clerk on 25-10-88 earlier to the date of entry of Mr. Mallick as LDC on 22-9-59. Initially both the applicant and Mr. Mallick had joined in different organisation or different seniority unit. Hence comparing their seniority at that stage does not arise. Further both the units were merged in the year 1970, Mr. Mallick was already working as SS w.e.f., 10-1-66. At the time of merger the applicant continued to be a TSC clerk in the lower grade. If he is aggrieved by the fact that he had joined earlier to Mr. Mallick who joined later than him as LDC and if he is convinced that his seniority should have been stepped up on par with that of Mr. Mallick on merger

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In accordance with the Director General, F&T, New Delhi letter No.253/67/67-STB-I dated 10-8-70 he should have filed his representation then itself. The learned counsel for the applicant submits that he repeatedly filed representation and he was replied only in 1994 and hence he approached this Tribunal belatedly. The reply for approaching this Tribunal belatedly though the cause of action arose in the year 1970 and 1971 is not explained satisfactorily. Repeated representations will not enlarge the period of limitation. If for the first representation the applicant had not received any reply within a reasonable time then he should have approached the judicial forum immediately. He need not wait for a reply for his representation indefinitely for approaching the Tribunal. We feel that the reasons given for approaching the Tribunal very late cannot be accepted. Further it is also to be noted that Mr.Mallick was promoted to SS cadre way back in January 1966 in the Telephone Revenue Accounts Section on the basis of his seniority in that cadre and also on the basis of availability of the post. But the applicant continued to be a TSC clerk till 1-6-74. Hence comparing his case with that of Mr.Mallick may not be appropriate. He has joined initially in a unit where probably the promotion opportunities were less and that will not be a reason to give him seniority above that of Mr.Mallick when the cadre merged.

8. In view of what is stated above, we find no merits in this OA. Hence the OA is dismissed. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]

न्यायालय अधिकारी
COURT OFFICER
 केन्द्रीय प्रशासनिक न्यायाधिकरण
Central Administrative Tribunal
 हैदराबाद बेंच
HYDERABAD BENCH

केस संख्या	
CASE NUMBER	CA-165/90
निषेध का दिनांक	
Date of Dismissal	20/4/98
कॉपी नंबर	19/5/98
Section (1)	Strar (1)

Review Applications

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT: HYDERABAD

REVIEW APPLN. NO. OF 1998

in

O.A.No. 1605 of 1995

- (1) Service to be effected on the other side
- (2) Rule provision to be mentioned -
- (3) Order copy to be filed
- (4) ~~How far O.A. is within?~~

1/9/98

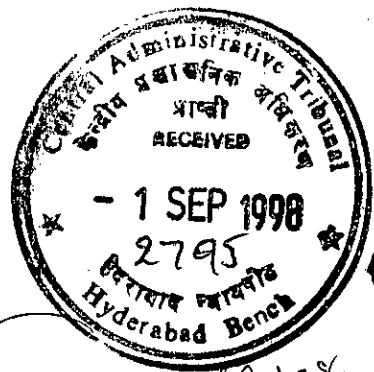
14 days limit

- (1) Once authorized
- (2) Once authorized
- (3) Once authorized

K Venkateswara
Advocate



REVIEW APPLICATION



Received
Copy
K. Ramuliga Reddy
Addl. Secy. to Secy. on 1/9/98

Mr. K. Venkateswara Rao,

Counsel for Applicant.

may be filed
18/9/98