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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..

O.A.No.208/1995.

Date of decision: 21st October, 1997.

Between:

K.R. Easwar.

..

.. Applicant.

and

1. The Director General of Telecommuni-
cations, Ashoka Road, Sanchar Bhavan,
New Delhi.

2. The Chief General Manager, Tele-
communications, A.P.Circle, Sanchar
Bhavan, Hyderabad - 500001.

Respondents.

Counsel for the applicant:

Counsel for the respondents: Mr. N.V.Raghava Reddy.

Coram:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J).

JUDGMENT.

(per Hon'ble Sri B.S.Jai Parameshwar, Member (J))

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Heard Sri Phaniraj for Sri Venkateswara Rao, the
counsel for the applicant and Sri N.V.Raghava Reddy,
the learned counsel for the respondents.

The applicant was initially appointed as TWM
at Central Telegraph Office, Secunderabad. Later he became
clerk with effect from 1-5-1959 and was confirmed as

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Time Scale Clerk with effect from 1-3-1962. He was promoted as Section Supervisor (0) with effect from 1-6-1974 under 20% scheme vide General Manager, Telecom, Hyderabad letter No. TFC/SI/8-30 dated 5.10.1974. He was confirmed as Section Supervisor with effect from 1-8-1981. The Biennial Cadre Review (B.C.R.) Scheme was introduced in the Central Telegraph Office vide Department of Telecommunications letter dated 16-10-1990. The case of the applicant was not considered under that scheme. It is submitted that one Sri Kesavan who was a junior to the applicant was considered under 10 per cent BCR Scheme. Hence the applicant has filed this O.A., praying for a declaration that the applicant is entitled for upgradation of the 10% B.C.R. scale of pay of Rs.2,000--3,200 with effect from 1-1-1992 by declaring the letter No. ES-244/94-95/67 dated 21.12.1994 issued by the 2nd respondent is illegal and arbitrary and to set aside the same and for consequential benefits.

The applicant in this O.A., contends --

- 1) that there is no roster point to be observed for filling up the post against 10% quota in the pay scale of Rs.2,000--3,200 and even the roster point is applied ⁽ⁱⁱ⁾ ~~representation~~ there is enough representation against 10% quota
- Jaw

in the pay scale of Rs.2,000--3,200 and hence the roster should be treated as suspended.

For this he relies on the judgment of the Principal Bench in O.A.No. 1455/91 decided on 7-2-1992.

We leave open the decision on contention No.1 as it is not essential to be considered at this stage, as the applicant gets the relief in this O.A., in view of his second contention.

The respondents have filed their counter. Their main contention is that in view of the Circular instructions dated 22.1.1991, 11.3.1991 and 16.5.1991 the roster point is observed under 10% BCR Scheme. As on 1.1.1992 there were 81 BCR Grade officials, 10% of which comes to 8. Out of 8 vacancies, 4 were already *already working there were* working. Out of 4, 2 Ocs., *filled* and 1 SC and 1 ST were ~~working~~. For the remaining 4, 3 Ocs., and 1 SC Officials were ~~to be~~ selected and accordingly Shri C.Keshavan was promoted in the SC vacancy. The points in 40 point roster are 1st SC, 4th ST and 8th SC.

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When in the cadre of 8, there ~~are~~^{is} already one SC
~~is~~ available, then the percentage fixed i.e., 15% for

essence of the direction given by the Principal Bench
 in the above referred O.A. Hence, there ~~is~~^{was} no need
 to fill up one more vacancy against the 4th vacancy

notified. There are ^{sufficient} SC officials. The respondents

Sri C.Keshavana, a SC official treating as 8th point ⁱⁿ ~~in the~~ roster point. The above decision of the

respondents is incorrect in view of the direction ^{given}
 by the Principal Bench in O.A.1455/91 which was

confirmed by the Supreme Court by dismissing the SLP4244/93
 filed by the Union of India. Hence, it has to be held

that 4 vacancies to be filled up for which the
 applicant submits that he is the seniormost candidate

~~and~~ that post should have been filled by O.C. candidate

only and not ~~by~~ SC official. Since Sri Kesavan was
 promoted as SC official is not impleaded as party/~~in~~^{respondent} this

O.A., it will be incorrect on our part to give any
 direction against the interests of Sri Kesavan.

Hence, the only direction that can be given in this O.A.,

is to consider the case of the applicant and promote him
 if he is otherwise eligible in the next vacancy that arises

: 5 :

in the pay scale of Rs.2,000--3,200. If any of his juniors have been promoted to that post at the earlier selection, ^{then} If in pursuance of the above direction, ^{if} the applicant is promoted his pay and allowances should be fixed on par with his junior notionally. The applicant is entitled for actual pay and allowances in the scale of Rs.2,000--3,200 from the date he is promoted to the said scale.

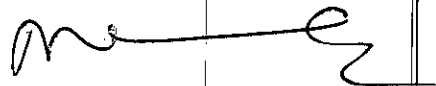
The O.A., is ordered accordingly. No costs.



E.S. JAI PARAMESHWAR

Member (J)

21.10.97

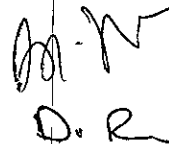


R. Rangarajan,

Member (A)

Date: 21--10-1997.

Dictated in open Court.



SSS.

OA.208/95

1. The Director General of Telecommunications,
Ashoka Road, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecommunications,
A.P. Circle, Sanchar Bhavan, Hyderabad.
3. One copy to Mr. V. Venkateswar Rao, Advocate, CAT., Hyd.
4. One copy to Mr. N.V. Raghava Reddy, Addl. CGSC., CAT., Hyd.
5. One copy to HBSJP M(J), CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One copy duplicate.

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22/10/97

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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

D.A.NO. 208/95

Admitted and Interim Directions
Issued.

Allowed

~~Interim Directions~~

Dismissed

Dismissed as withdrawn

Dismissed for Default

~~Ordered/Rejected~~

No order as to costs.

YLKR

II Court

