

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..

O.A.No.290/95.

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Date of decision: 3rd November, 1997,

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Between:

P.Venkataswamy.

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Applicant.

And

1. The Union of India represented by  
the Director General, Telecommuni-  
cations, New Delhi 110 001. \*

2. The Chief General Manager,  
Hyderabad 500 001.

3. Telecom Dist. Manager, Nellore 524 001.

Respondents.

Counsel for the applicant: Sri J.V.Laxmana Rao.

Counsel for the respondents: Sri N.R.Devaraj.

CORAM:

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

**B.S. JAI PARAMESWAR**

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

Jr

O.A.No.290/95.  
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Per Hon'ble Sri B.S. Jai Parameshwar, Member(J)  
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None for the applicant. The applicant was also absent when the O.A., was taken up for hearing. Heard Sri Devaraj, the learned counsel for the respondents. We are deciding the O.A., on the basis of the material available on record as per Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

The applicant was originally appointed as Telephone Operator with effect from 27-12-1958. He was promoted as Repeater Station Assistant effective from 7-5-1979 (which was later redesignated as Transmission Assistant). He is presently working as Transmission Assistant at Telephone Exchange, Kavali, Nellore District.

It is stated that his option to basic cadre of Telephone Operator was accepted and he was given promotion under OTBP Scheme with effect from 20-11-1990. The applicant submits that the Department issued instructions under Letter No.27.4/87-TE-II(PT) dated 22-10-1993 for further Promotion under the BCR Scheme with effect from 1-1-1994. He submits that he again opted for his old cadre of Telephone Operator to get promotion under the BCR Scheme. Copy of the said Circular dated 16-10-1990 is at Annexure III at pages 12 and 13. The applicant's option d/16-2-1994 is Annexure VI at pages 16 of the O.A.

It is his case that the respondents ignored his representation and promoted his junior, Satyanarayana under 10% BCR Scheme with effect from March, 1994.

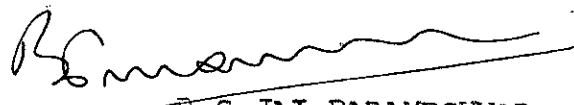
Hence he has filed this O.A., for a direction to the respondents to promote him under 10% BCR Scheme from the date of his first junior promoted during March, 1994 with consequential benefits including the monetary benefits

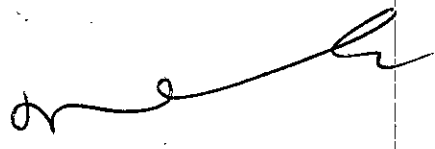
The respondents have filed their counter stating that consequent upon the introduction of OT-BP Scheme, the applicant was given promotion in his basic cadre effective from 20-11-1990 and it was decided by D.O.T.ND letter No.27-4-87-TE/II(PA) dated 22-10-1993 to allow BCR promotion to the Group C & D officials including PIs/RSAs/TAs who have moved to the restructured cadre i.e., Telecom Technical Assistants (TTAs) and opted for OT BP in the basic cadre. They further submit that the applicant was not eligible for promotion under BCR Scheme and that he was erroneously promoted ~~to~~ under the BCR Scheme in the Basic Cadre of Telephone operator effective from 1-1-1994. He submitted his option for ~~restricted~~ <sup>restructured</sup> cadre on 20-7-1994 as such he was not eligible for promotion under BCR Scheme prior to 27-6-1994. Hence the promotion of the applicant was cancelled by the Respondent No.3 as per the letter dated 19-4-1995.

Dr

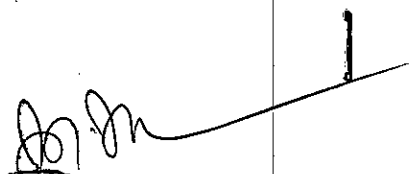
The applicant prays for 10% BCR promotion on par with his junior effective from March, 1994. The respondents have categorically stated that the applicant was erroneously given BCR Scheme promotion effective from 1-1-1994 and he as such he is not eligible for promotion under BCR Scheme prior to 26-7-1994. It is in these circumstances, the Respondent No. 3 cancelled the BCR promotion of the applicant by his letter dated 19-4-1995. The applicant has not filed any rejoinder to the counter filed by the respondents. The applicant has also not challenged the letter of the Respondent No. 3 dated 19-4-1995. In that view of the matter, the applicant cannot claim BCR promotion on par with his juniors effective from March, 1994.

In the circumstances, the O.A., has to be dismissed as having no merits. It is accordingly dismissed. No order as to costs.

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

  
R. RANGARAJAN,  
Member (A)

Date: 3--11--1997.  
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Dictated in open Court.

  
P.D.R.

QA.290/95

Copy to:-

1. The Director General, Telecommunications, New Delhi.
2. The Chief General Manager, Telecom Circle, Andhra Pradesh, Hyderabad.
3. The Telecom Dist. Manager, Nellore.
4. One copy to Mr. J.V.Laxmana Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.R. Devaraj, Sr.CSSC., CAT., Hyd.
6. One copy to BSOB M(3), CAT., Hyd.
7. One copy to D.R.(3), CAT., Hyd.
8. One duplicate.

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TYPED BY  
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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: 3-11-97

ORDER/JUDGMENT

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

in

O.A. NO. 290/95

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 Tribu

प्रेषण/DESPATCH

10 NOV 1997

हैदराबाद न्यायपीठ  
HYDERABAD BENCH