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CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:
AT HYDERABAD.

O.A.NO.569 OF 1995.

DATE OF ORDER :- 25TH NOVEMBER,1997.

BETWEEN:

G. NANCHARIAH

... APPLICANT

AND

1. The Telecom District Manager,
West Godavari Telecom District,
Eluru - 534050.
2. The Chief General Manager,
Telecommunications, A.P.Circle,
3. Shri S.S.Nayak,s/o not known,
aged about 39 years,
Senior Telephone Supervisor,
Telephone Exchange,
Tanuku - 534211.

... RESPONDENTS

COUNSEL FOR THE APPLICANT : MR.N.R. SRINIVASAN

COUNSEL FOR THE RESPONDENTS : MR.K.BHASKARA RAO,CGSC.

CORAM :

HONOURABLE MR. R. RANGARAJAN, MEMBER (ADMINISTRATIVE)

HONOURABLE MR. B.S.JAI PARAMESHWAR, MEMBER (JUDICIAL)

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O R D E R.

(Per Hon. Mr. R. Rangarajan, Member (Admn.))

1. Heard Mr. N.R. Srinivas for the applicant and Mr. K. Bhaskara Rao for the respondents. Notice has been served on R-3 but he was called absent.
2. The applicant and R-3 were appointed on 17.6.1975 in Visakhapatnam Division as Telephone Operator. The applicant submits that he is shown senior in the merit list while ~~appoint~~ appointing him as per the Memo. No. El/Genl.s/T.Os/75-76/188 dated 12.6.1975 (Annexure-1 to the O.A.), but the learned counsel for the respondents submits that it is not a merit list.
3. The applicant was transferred at his request on mutual transferto Tadepalligudem under Rajahmundry Division under Rule 38 of P&T Manual Vol. IV. and Tadepalligudem was merged under Eluru Division. On the basis of the option exercised by the applicant, he was absorbed in Eluru Division on 31.8.1980. The applicant was confirmed in the cadre of Telephone Operator with effect from 1.3.1979 after joining in Eluru Division only. The 3rd respondent was confirmed in Visakhapatnam Division with effect from 1.3.1977. On 1.3.1977 when both the applicant and respondent No. 3 were in Visakhapatnam Division, ~~Why~~ the case of the applicant was not considered for confirmation, ^{in not explained} on the date when R-3 was considered for confirmation. ~~Even~~ if the applicant was not available in the seniority list of the said Division. As that confirmation took place much later than 1.3.1977, it is for the respondents to consider all the employees who were in the seniority list of the Visakhapatnam Division as on 1.3.1977 and confirm them accordingly. But the respondents failed to do that. Hence the date of

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confirmation of the applicant with effect from 1.3.1979 cannot be held to be tenable. The applicant should have also been considered along with R-3 from 1.3.1977 if he is found otherwise suitable for confirmation. The respondents are not submitting that the applicant was not found fit for confirmation on that date. Hence it has to be held that the applicant and respondent No.3 were to be confirmed from the said date i.e.1.3.1977. When they were transfered to the other Divisions, their seniority will also be from the date they joined in the respective Divisions. It is seen that R-3 came to Tanuku on 20.11.1980. Hence his seniority in the cadre of Telephone Operator will be shown as 20.11.1980 and when it was merged with Bhimavaram Division, he carried the seniority along with him as it was an administrative merger. Subsequently when the Eluru Division was formed, both Tadepalligudem and Tanuku had come under the Eluru Division, the date of joining of the applicant at Tadepalligudem and the date of joining of R-3 at Tanuku will decide the inter se seniority between them. ^{from} For ~~that~~ the date of entry ^{in the cadre} of the applicant will rank senior to R-3 in that seniority unit.

4. The learned counsel for the respondents submits in para-14 of the reply that the promotion order issued to the 3rd respondent was cancelled and the applicant was promoted with effect from 6.6.1995. On that basis the learned counsel for the respondents submits that the seniority of the applicant has been shown above R-3. Further the respondents' counsel relying on the last few lines in para-16 of the reply at page 5 submits that the applicant's date of birth being earlier to that ^{of} R-3, he was shown senior to R-3 as both of them joined as


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Telephone Operators on the same date.

5. In view of what is stated above, no further direction is necessary in this connection as the respondents themselves have conceded that R-3 is junior to the applicant in the cadre while giving promotion to the S.T. ^{City} ~~cadre~~ staff.

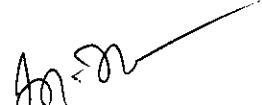
6. This O.A. is filed mainly for deciding the seniority of the applicant vis-a-vis R-3. As the respondents themselves conceded that R-3 is junior to the applicant ~~though~~ ⁱⁿ belong to the S.T. community, no further direction is necessary in this connection. Hence the O.A. is disposed of accordingly. No costs.


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

25.11.97


(R. RANGARAJAN)
MEMBER (ADMINISTRATIVE)

Dated the 25th November, 1997.
Dictated in the Open Court.


D.R.

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Copy to:

1. The Telecom District Manager, West Godavari Telecom District, Eluru.
2. The Chief General Manager, Telecommunications, A.P.Circle, Hyderabad.
3. One copy to Mr.N.R.Srinivasan, Advocate,CAT,Hyderabad.
4. One copy to Mr.K.Bhaskara Rao, Addl.CGSC,CAT,Hyderabad.
5. One copy to D.R(A),CAT,Hyderabad.
6. One duplicate copy.

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COMPARED BY

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: 25/11/97

ORDER/JUDGMENT

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

in

O.A.NO. 568/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

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II Court

