

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1265/96

Date of Order: 30.10.96

BETWEEN:

C.Viswanatham

.. Applicant.

AND

1. The Union of India,  
Rep. by the Director General,  
Telecommunications,  
New Delhi - 1.

2. The Chief General Manager,  
A.P.Telecom Circle, Abids,  
Hyderabad- 1.

3. The General Manager,  
Telecom District Hyderabad,  
Hyderabad-33.

.. Respondents.

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Counsel for the Applicant

.. Mr.J.V.Lakshmana Rao

Counsel for the Respondents

.. Mr.K.Bhaskara Rao

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CORAM:

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

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J U D G E M E N T

{ Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) }

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Heard Mr.J.V.Lakshmana Rao, learned counsel for the applicant and Mr.Sunil Kumar for Mr.K.Bhaskara Rao, learned standing counsel for the respondents.

2. The applicant in this OA is working as J.T.O. in the scale of pay of Rs.1600-2660 w.e.f. 1.11.83 in the Hyderabad Telecom District. He submits that he is entitled for the non functional replacement scale of Rs.2000-3500 and this placement in the lateral/advance<sup>ment</sup> scale does not amount to promotion. He submits as above basing on the memorandum No. 5-10/89-NCG dated 26.6.90 (A-1). He further submits that his name was

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cleared for fixation in the lateral advancement scale of pay by R-2 by his memo No. TA/STA/18/8/VII dated 1.5.96 (A-2). His name stands at serial number 74 of the cleared list of R-2 for placement in the lateral higher scale. It is stated that R-3 is not fixing him on that scale from the date of completion of 12 years of service of J.T.O. which fell on 1.11.95. It is further stated that the applicant was issued with a charge sheet under Rule-16 by memo No. E-3/E-10B/Mtce.Sfd/DISC/96-97 dated 22.4.96 (A-3) much later than the completion of 12 years of service in the grade of Rs.1600-2660 as J.T.O. He has submitted his explanation to the charge sheet as seen from A-4 letter dated 30.4.96. He has also submitted representation *for his* to the ~~the~~ placement ~~of~~ higher scale addressed to R-3 dated 1.7.96. R-3 rejected the same on the ground that his placement in the lateral advancement promotion depends on the disposal of the charge sheet issued to him. || Aggrieved by the above he has filed this OA praying for a direction to the respondents to place him on the lateral advancement scale of pay of Rs.2000-3500 from the date due i.e. 1.11.95 with all consequential benefits.

3. The main contention of the applicant in this OA is that he has completed 12 years of service in the grade of Rs.1600-2660 as J.T.O. on 1.11.95. On that date there was no charge sheet pending against him. The charge sheet <sup>was issued</sup> ~~is~~ much later than that date, hence the charge sheet should not stand in his ~~place~~ <sup>lateral</sup> way *for* placing him in the ~~higher~~ advancement scale. If the charge sheet *results in punishment* ~~is deprived of the~~ action can be taken against him even in the higher scale on the basis of the disposal of the charge sheet.

4. R-2 has issued the memo dated 1.5.96 including his name for placement in the higher lateral scale. Hence it is for the applicant to represent his case through the proper channel to R-2 for not implementing his orders by R-3. If such a representation is received by R-2 the same should be disposed of in a

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time bound ~~process~~ schedule

5. In the result, the following direction is given:-

The applicant should submit a representation addressed to R-2 in this connection and forward the same through R-3 within 15 days from today. If such a representation is received R-2 should dispose of the same in accordance with the law taking due note of the contentions made by the applicants in this OA within 2 months from the date of receipt of the representation in the office of R-3.

6. The OA is ordered accordingly at the admission stage itself. No costs.

7. Registry should send a copy of this OA with its enclosures along with the judgement to R-2

( R. RANGARAJAN )  
Member (Admn.)

Dated: 30th October, 1996

(Dictated in Open Court)

sd

*[Signature]*  
5/11/96  
DY. Registrar (5)

## Copy to:-

1. The Director General, Telecommunications, Union of India, New Delhi-1.
2. The Chief General Manager, A.P. Telecom Circle, Abids, Hyd.
3. The General Manager, Telecom District Hyderabad, Hyd.
4. One copy to Sri. J.V. Lakshmana Rao, advocate, CAT, Hyd.
5. One copy to Sri. K. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
6. One copy to ~~xxx~~ Library, CAT, Hyd.
7. One spare copy.

Rsm/-

9/11/92 (32)

MA 1265/91

Typed By  
Compared by

Checked By  
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED: 30/10/91

ORDER/JUDGEMENT  
R.A./C.P./M.A.NO.

O.A.NO.

in  
1265/96

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

