

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH:

AT HYDERABAD

O.A.No.162 of 1996.

Date of Order:26-6-1998.

Between:

M.Satyana<sup>r</sup>ayana.

.. Applicant

a n d

1. The Telecom District Engineer,  
Nizamabad.
2. The Chief General Manager, Telecom  
A.P.Circle, Deorsanchar Bhavan,  
Nampally Station Road, Hyderabad.
3. The Sub-Divisional Officer, Telecom,  
Armeer, Nizamabad District.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr. K. Venkateshwar Rao

COUNSEL FOR THE RESPONDENTS :: Mr. V. Bhimanna

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE B.S.JAI PARAMESHWAR (MEMBER (JUDL))

: O R D E R :

(AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (A) )

Heard Mr. K. Venkateshwar Rao for the Applicant  
and Mr. V. Bhimanna for the Respondents.

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2. The applicant in this O.A. joined as Lineman under the control of Respondents with effect from 7-12-1979. He was confirmed in that post from 1-4-1988. The applicant submits that he passed S.S.C. in March, 1982. In the reply it is stated that the applicant passed S.S.C. in March, 1982 on compartmental basis (S.S.C. certificate of the applicant is enclosed as Annexure A-2 to the OA). During 1961 an incentive scheme was proposed for promoting officials of lower grade to the cadres of clerks with effect from 1-1-1961, vide DGP&T letter No. 610/3/59-SPB-I, dated 21-6-1961 and that scheme was further modified by DG P&T ND letter No. 62/11/62-SPB-I, dated 30-5-1963 laying down conditions for promotion under this scheme (Enclosed as Annexure-R-I to the reply).

3. The contention of the applicant is that his Juniors were promoted as per the scheme of 1994 and hence he should have been promoted along with them and his promotion in the normal course in 1995 has to be ~~prepared~~ to 1994 when his juniors were promoted to that scheme.

4. This O.A. is filed praying for a declaration that the applicant is entitled for promotion to the cadre of Telecom Office Assistant (TOA) under incentive scheme of Departmental candidates in accordance with letter No. 62/24/03-SPB-I, dated 9-4-1964 from 30-5-1994, the date on which Shri S. K. Khasim Vali, his Junior was promoted with all consequential benefits such as pay and allowances, seniority and other attendant benefits.

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5. In the reply it has been stated that the applicant is not eligible for consideration under incentive scheme as he has passed his SSC examination compartmentally and hence his case was rejected by the Director, Telecom, Secunderabad, vide his Letter No.TAH/RE/2-17/87, dated: 6-1-1989 (Annexure.R-3 to the reply). Hence the applicant cannot be granted promotion under the scheme.

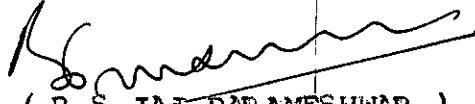
6. It is a obvious fact that the applicant was in turn for promotion under the incentive scheme only in the year 1998 though he had become eligible by virtue of his being put in the required years of service in the year 1988 itself. Mere satisfying the eligible condition of service cannot be taken as entitlement, ignoring the letter No. 202-36/86-STN, dated:30-7-1986 (Annexure.R-2 to the reply). It is essential that the applicant should fulfill all the conditions laid down in accordance with the Rules on the day he became eligible for grant of promotion under the incentive scheme. The turn of the applicant for promotion under the said scheme had come in 1994 and at that time the letter dated:30-7-1986 (Annexure.R-2) was very much in existence. As per this letter, an employee who has passed SSC examination compartmentally is not eligible for consideration for promotion under the incentive scheme. As is evident that the applicant had passed S.S.C.examination compartmentally,  <sup>Hence</sup> rejection of his case for promotion under the said scheme cannot be termed as illegal.

7. As stated earlier, the conditions precedent for promotion under the said scheme should be applied on the

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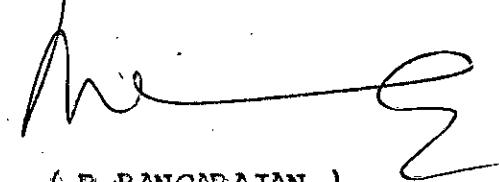
date of notification when he was considered actually for promotion. Hence, even if he has became eligible earlier service-wise, in view of letter dated :30-7-1986 bearing No. 202-36/86-STN, he cannot be given promotion as he has not fulfilled the equational qualification on the date of his promotion.

dismissed. No costs.

  
( B.S. JAI PARAMESHWAR )

MEMBER (JUDL)

26.6.98

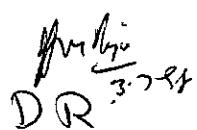
  
( R. RANGARAJAN )

MEMBER (ADMN)

Dated : this the 26th day of June, 1998

Dictated to steno in the Open Court

\*\*\*  
DSN

  
DR 3-7-98

Copy to:

1. The Telecom District Engineer, Nizamabad.
2. The Chief General Manager, Telecom, A.P.Circle,  
Doorsanchar Bhavan, Nampalli Station Road, Hyderabad.
3. The Sub Divisional Officer, Telecom Armoor,  
Nizamabad District.
4. One copy to Mr.K.Venkateswara Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.V.Bhimanna, Addl.CGSC,CAT, Hyderabad.
6. One copy to D.R(A),CAT, Hyderabad.
7. One duplicate copy.

YLKR

15/7/98 (X) II COURT

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CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI D.S. DAI PHAMESHWAR :  
M(J)

DATED: 26/6/98

ORDER/JUDGMENT

M.A/R.A/C.P.H.C.

in

C.A.NO. 162/96

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

