

(69)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.41 of 1996

DATE OF JUDGEMENT: 6th May, 1998

BETWEEN:

R.K.SINGH

.. APPLICANT

AND

1. The Chief Engineer (C)-I,
Civil Construction Wing,
All India Radio, PTI Building,
2nd Floor, Parliament Street,
New Delhi 110 001,
2. The Secretary,
Ministry of Information & Broadcasting,
Sastry Bhawan, New Delhi,
3. The Secretary to Government,
Govt. of India, Ministry of Personnel,
Public Grievances & Pensions,
Dept. of Personnel & Training,
New Delhi,
4. The Secretary,
Union Public Service Commission,
New Delhi 110 011.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.S.RAMAKRISHNA RAO

COUNSEL FOR THE RESPONDENTS: Mr. V.RAJESWARA RAO, Adl.CGSC

CORAM:

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

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

JUDGEMENT

ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.S.Ramakrishna Rao for the applicant who
is reported to be on record and Mr.V.Rajeswara Rao, learned
standing counsel for the respondents.

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2. This OA is filed praying for a direction to the respondents to conduct a review DPC for consideration of promotion of the applicant as Executive Engineer from the date his junior, Mr.Velu Kutty is promoted with all consequential benefits of pay and allowances and also seniority for consideration for promotion to the post of Superintending Engineer (Civil).

3. Though the applicant has filed this OA including the consequential benefits of pay and allowances, it cannot be strictly read as stepping up of his pay on par with his junior who has been promoted earlier to him on adhoc basis. Hence he may file a comprehensive OA for stepping up of his pay on par with his junior, if he is aggrieved by the fact that his junior is drawing more pay and allowances when his junior was regularly promoted.

4. The applicant is an aspirant for the post of Superintending Engineer. It is stated that his junior Mr.Velu Kutty is being considered for promotion as Superintending Engineer. The Recruitment Rules stipulate that for promotion, an employee should have five years of regular service as Executive Engineer. The adhoc service of Mr.Velu Kutty was to be taken into account for consideration of his promotion. Mr. Velu Kutty, junior to the applicant, ^{is to be considered for promotion} ~~was promoted~~ to the post of Superintending Engineer in view of the direction of the Central Administrative Tribunal, Ernakulam Bench in OA ^{829/ab} ~~829/86~~ dated 18.11.97. The applicant though senior is not having the requisite five years of regular service even counting his

corrected as per can order dt. 23.6.98
23/6

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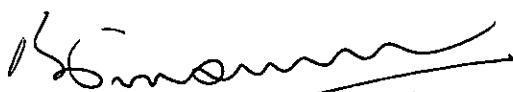
adhoc service earlier to his regular promotion as Executive Engineer. It is stated that the applicant is put to disadvantage in view of the judgment of the Ernakulam Bench in OA ^{829/96.} 829/86. It is further denied by the applicant that Mr. Velu Kutty was ~~not~~ promoted as per the rules as Executive Engineer while he was promoted on adhoc basis and hence the position was not properly submitted to the Ernakulam Bench. If that is so, the remedy left to the applicant is to file a Review Application in the judgement in OA 829/96 on the file of Ernakulam Bench.


Corrected
as per order
order dt
23.6.98
23.6.98

5. The learned counsel for the applicant submitted that he will file a fresh OA for stepping up of his pay on par with his junior and he will also take action for filing Review Application as referred to above. In view of that, he further added that he ^{may be permitted to} ~~is~~ withdrawing this OA with permission to take action as indicated above.

6. The applicant is permitted to withdraw this OA and liberty is given to act as per his submissions as above ^{as per law}

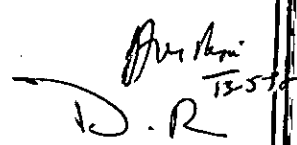
7. The OA is disposed of accordingly. No order as to costs.


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


(R. RANGARAJAN)
MEMBER (ADMN.)

6.5.98

DATED: 6th May, 1998
Dictated in the open court.


D.R.

DAF.41/96

Copy to:-

1. The Chief Engineer (C)-I, Civil Construction Wing, AIR., PTI Building, 2nd Floor, Parliament Street, New Delhi.
2. The Secretary, Ministry of Information & Broadcasting, Sastry Bhavan, New Delhi.
3. The Secretary to Government, Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Dept. of Personnel & Training, New Delhi.
4. The Secretary, Union Public Service Commission, New Delhi.
5. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT., Hyd.
6. One copy to Mr. V. Rajeswara Rao, Addl. CGSC., CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

srr

26/5/98

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

DATED:

6/5/98

ORDER/JUDGMENT

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

in

O.A.NO.

41/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

