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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 769/96

Date of Order : 28.8.98

BETWEEN :

C.Rama Krishna

.. Applicant.

AND

Chief Commissioner of Income-tax,
Andhra Pradesh, Hyderabad.

.. Respondent.

Counsel for the Applicant

.. Mr.G.V.R.S.Vara Prasad

Counsel for the Respondent

.. Mr.V.Bhimanna

CORAM :

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

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

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Mr.G.V.R.S.Vara Prasad, learned counsel for the applicant and Mr.V.Bhimanna, learned standing counsel for the respondents.

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2. The applicant in this OA while working as IDC in Gujarat came on request transfer to Hyderabad under the respondent organisation. In the year 1993 DPC met for consideration of promotion of IDC to the post of UDC. The case of the applicant was not considered as he had not put in the minimum ^{as LDC} 3 years of service in Hyderabad even though he had more than 3 years of service put together at Hyderabad and Gujarat. The applicant's representation dated 22.11.93 was disposed of by the impugned order dated 8.12.93 stating that his name for promotion to the cadre of UDC cannot be considered as he did not complete the required service of 3 years as envisaged in the recruitment rules.

3. This OA is filed for considering his service put in by him in Gujarat charge also for the purpose of counting the 3 years of service as per recruitment rules and on that basis set aside the impugned order dated 8.12.93. Further consequential direction is also prayed for considering his case for promotion if in the DPC held in November 1993 and he found fit to promote him with all consequential benefits of pay, seniority, etc.

4. It is stated that the applicant was promoted as UDC subsequently in the year 1994. Hence the prayer is to the effect that the applicant should be shown in the DPC panel of 1993 and his seniority is fixed accordingly. His pay should be refixed on the basis of inclusion of his name in the 1993 panel.

5. When an employee comes on request transfer to another unit his earlier service in the parent unit should also be counted for purpose of counting the qualifying service. This is the verdict of the Apex Court in Renu Mallik's case 1994 (1) SCJ 28. Hence if the case of the applicant was not

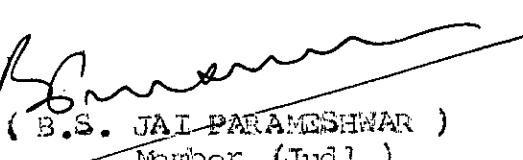
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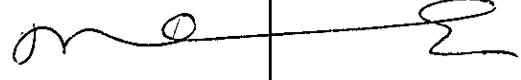
considered for promotion to UDC in the year 1993 on the basis that he has not completed 3 years of service in AP charge. ^{The same is} is incorrect. The service eligibility should be counted by taking into account the number of years of service put in by him both in Gujarat charge as well as AP charge. On that basis if the applicant is eligible for having completed minimum period of service for promotion to UDC then his case should be reviewed for which DPC met in the year 1993. If he is found fit on the basis of the review DPC he should be deemed to have been promoted from 1993 as per the panel position. The applicant was promoted as UDC in 1994. Hence his seniority if found fit in 1993 DPC will date back to the earlier date of panel position. However if he ^{is} included in the panel of 1993 he will be deemed to have been promoted notionally from the date when his immediate junior in that panel was promoted as UDC and he is eligible for notional fixation of pay on that basis and arrears of pay from the date he shouldered higher responsibilities.

6. Time for compliance is 3 months from the date of receipt of a copy of this order.

7. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)

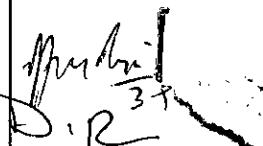
28.8.98


(R. RANGARAJAN)
Member (Admn)

Dated : 28th August, 1998

(Dictated in Open Court)

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D.R.

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II COURT

TYED BY

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 B.S. JAI PARAMESHWAR :
M(J).

DATED:

28/8/98

ORDER/JUDGMENT

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

in

C.A.NO. 769/98

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

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

11 SEP 1998

हैदराबाद अधिकरण
HYDERABAD 44