

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 87/1996

DATE OF ORDER : 9-6-1998

BETWEEN :

B. AYYAPPA CHETTY ... APPLICANT

AND

UNION OF INDIA REPRESENTED BY :

1. The Chairman, Telecom. Commission,
Sanchar Bhavan, New Delhi.
2. Chief General Manager,
Telecommunications,
A.P. Telecom. Circle,
Hyderabad.
3. Telecom. Divisional Engineer,
Ongole,
Prakasham District. ... Respondents.

Counsel for the Applicants - Shri K.S.R. Anjaneyulu
Counsel for the Respondents - Shri V. Rajeshwara Rao

CORAM :

The HON'BLE SHRI R. RAJGARAJAN : MEMBER (A)

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

(Order per Hon'ble Shri R. Rajgarajan, Member (A))

Heard Shri D. Subrahmanyam, Learned Counsel for
the Applicant and Shri V. Rajeshwara Rao Learned Counsel
for the Respondents.

The Applicant has filed this OA for promotion under
10% quota of the posts in Grade III category to be
shown in Grade IV category. The Applicant was working
in Ongole. Since the post of Grade III in Ongole SSA
was less than 10%, no post could be created in Grade IV.
The above instructions were issued in terms of a Circular
No. TA/STB/14-5/BCR/Rlgs. dated 10-11-1993 (Annexure VI,
page 15 of the OA). The Applicant was working at the

time of issue of the Circular in Ongole under SSA, Ongole.

If he was aggrieved by the Circular in view of the fact that there was no 10% quota of Grade ^{IV} ~~III~~ under SSA,

Ongole, then he should have challenged that circular

to get the relief, but the Applicant has not challenged

the circular in the OA. Hence, no definite directions

can be given, in view of the fact that the basic

circular has not been challenged ^{and} by setting aside the

subsidiary circulars. The Applicant cannot get the

relief he prays for in this OA, when the basic

circular is in force. Hence, the application is

liable to be dismissed for want of challenge to the

proper circular. Accordingly, it is dismissed.

However, this dismissal will not stand in the way

of the Applicant for filing a fresh application


challenging the circular dated 10-11-1993, in accordance

with the law. In order to further facilitate filing

of a fresh OA, the period from 17-1-1996 to date, i.e.,

9-6-1998 ^{shall} ~~will~~ not be counted for purpose of limitation.

No costs.

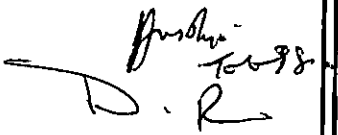

(B.S. JAI PARAMESHWAR)
MEMBER (J) 9.6.98


(R. RANGARAJAN)
MEMBER (A)

DICTATED IN THE OPEN COURT

DATED : 9-6-1998

...js/-


D. R.

*[The applicant
cannot get
any relief.]*

DA.87/96

Copy to:-

1. The Chairman, Telecom, Commission, Sanchar bhavan, New Delhi.
2. The Chief General Manager, Telecommunications, A.P.Telecom.Circle, Hyderabad.
3. The Telecom. Divisional Engineer, Ongole, Prakasam District.
4. One copy to Mr. K.S.R.Anjaneyulu, Advocate, CAT., Hyderabad.
5. One copy to Mr. V.Rajeswar Rao, Addl.CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. one duplicate copy.

srr

15/6/98
TYPED BY
COMPARED BY

II. COURT
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: 9/6/98

ORDER/JUDGMENT

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

in

D.A.NO. 87/96

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

