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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, Prakasam 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.

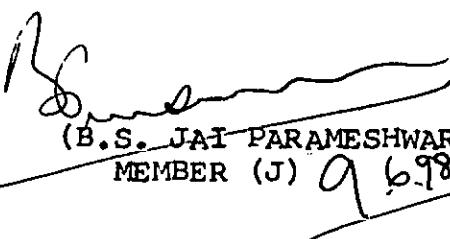
The Applicant has filed this OA for promotion under 10% quota of the posts in Grade III category to be shown in Grade IV category. The Applicant was working in Ongole. Since the post of Grade III in Ongole SSA be was less than 10%, no post could/created in Grade IV. The above instructions were issued 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

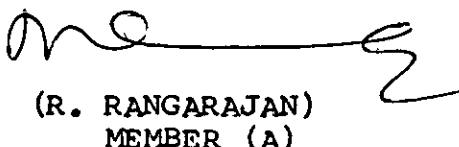
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time of issue of the Circular in Ongole under SSA, Ongole.

If he was aggrieved by the Circular in view of the fact that there was no 10% quota of Grade <sup>IV</sup> ~~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 <sup>and</sup> 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 <sup>shall</sup> ~~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/-

DA. 87/96

Copy to:-

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

srr

15/6/98  
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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 (3)

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

YLR

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

15 JUN 1998

हैदराबाद न्यायालय  
HYDERABAD BENCH