

CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..

O.A.No.949/96.

Date of decision: November 4, 1997.

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Between:

K. Narender.

.. Applicant.

and

1. The Chairman Telecom Commission,  
Ministry of Communications,  
Sanchar Bhavan- Parliament St.,  
New Delhi.
2. The Member (Services), Ministry of  
Communications, Sanchar Bhavan,  
Parliament Street, New Delhi.
3. The Chairman UPSC Dholpur House,  
Shahjahan Road, New Delhi.
4. The Secretary, Department of  
Personnel & Training,  
New Delhi.
5. The Chief General Manager, Telecom  
AP Circle, Hyderabad. Respondents.

Counsel for the applicant: Sri Madhusudhan Guruvula.

Counsel for the respondents: Sri N.R.Devaraj.

CORAM.

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S. Jai Parameshwar, Member (J)

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O.A.No.949/96  
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(per Hon'ble Sri B.S.Jai Parameshwar, Member (A))  
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None for the applicant. The applicant was also absent when the O.A., was taken up for hearing. Heard Sri N.R.Devraj, the learned counsel for the respondents.

We are deciding this O.A., on the basis of the material available on record in accordance with Rule 15(1) of the Central Administrative Tribunal (Procedure) Rules, 1987.

The applicant herein passed the Engineering Services Examination conducted by the Union Public Service Commission. He belongs to 85 Batch and was initially appointed as Assistant Divisional Engineer Telecom on 20-2-1989. It is stated that since he could not receive the letter of appointment, though his juniors who had secured lower rank than him had received the appointment orders. Hence, he approached this Tribunal in O.A.500/89 and during the pendency of the said O.A., he received the letter of appointment Order No.6-2-/87 STG-I-Dt. 13.1.1989. In view of that, it is submitted that this Tribunal directed the applicant to report for training on 20-2-1989 and also ordered that in so far as the seniority of the petitioner is concerned, he would be assigned his due seniority in accordance with the rules relating to the direct recruitment to the Indian Telecommunication Service Group-A, as the delay in issuing the appointment orders ~~was~~<sup>2</sup> was not due to the applicant's fault but due to administrative delay.

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It is submitted that as per the directions of the Tribunal in the said O.A., in the blue book of 1989 his position was indicated correctly and the same was changed in the new blue book of 1993. It is submitted that he was placed at Sl.No.1651 against the date of recruitment of STS dated 31-7-1992. He claims that he is entitled for refixation of his seniority along with his batch recruitees of 1985. According to him he should be placed in between Serial No.1456 and 1457 of the new Blue Book.

Hence he has filed this O.A., for directing the respondents to protect the seniority of the applicant along with the batch recruitees of the year, 1985 select list and to revise the seniority list placing the applicant in the appropriate place.

A counter has been filed by the respondents. The respondents submit that though the applicant was successful in the 1985 examination, he could not be deputed for training till 1988 because the Police Verification Report from the District Collector was not received, that subsequently on completion of 4 years of service in the scale of Rs.2,200--4,000 he was considered for promotion to STS of ITS Gr."A" in the scale of

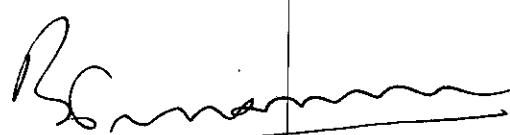
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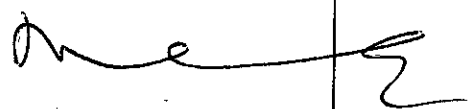
Rs.3,000--4,500 and was promoted in July,1992, that the applicant is presently working in the STS Cadre, that the applicant had completed the training only after 20.12.1989, that on account of this delay, he could not be promoted along with his batch mates of 1985 and as such he became junior to them.

The non-receipt of the Police Verification Report was the reason for giving the letter of appointment ~~for~~ the applicant during the year,1989, even though he passed the examination of 1985. After completing four years of service as ADET he was considered for promotion during July,1992. So far as the seniority in the STS cadre is concerned, we humbly feel that the Merit list should be followed as his late joining in service was due to the failure on the part of the concerned Department to submit the <sup>police</sup> verification report in time. No explanation for the delay has been given and hence it has to be held that unexplained delay should not stand in the way of the applicant to get his legitimate right of the seniority. As the applicant was promoted after the completion of the requisite years of service as per rules, he cannot ask for promotion on par with his juniors from an earlier date. He cannot also ask <sup>for</sup> notional fixation of pay on par with his juniors. However, the applicant retains his seniority in the cadre of STS as per

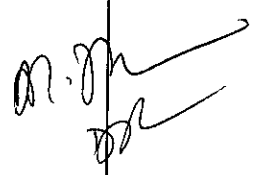
the merit list approved by the Union Public Service Commission at the time of initial selection to the service provided he is promoted to the STS Cadre in the first instance following the necessary rules. He should be considered for future promotion on the basis of that seniority as per the Merit list provided he fulfils the other rules for promotion to the higher cadre.

The O.A., is ordered accordingly. No costs.

  
B.S. JAI PARAMESHWAR,  
MEMBER (J)  
6.11.97

  
R. RANGARAJAN,  
MEMBER (A)

Date: 4--11--1997.  
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Dictated in open Court.



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Copy to:

1. The Chairman Telecom Commission,  
Min.of Communications, Sanchar Bhavan,  
Parliament Street, New Delhi.
2. The Member(Services), Min.of Communications,  
Sanchar Bhavan, Parliament Street, New Delhi.
3. The Chairman, UPSC, Dholpur House, Shajahan Road,  
New Delhi.
4. The Secretary, Dept.of. Personnel & Training,  
New Delhi.
5. The Chief General Manager, Telecom,  
A.P.Circle, Hyderabad.
6. One copy to Mr.Madhusudan Guruvula, Advocate,CAT,Hyderabad.
7. One copy to Mr.N.R.Devraj,Sr.CSSC,CAT,Hyderabad.
8. One copy to HBSJP, M(J),CAT,Hyderabad.
9. One copy to D.R(A),CAT,Hyderabad.
10. One duplicate copy.

YLKR

10/11/97  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

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

Dated: 4/11/97

ORDER/JUDGMENT

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

in

O.A.NO. 948/86

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

II Court

