

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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O.A.No. 950/1996.
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Date of decision: November 4, 1997.
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between:

B.Chandra Sekhar. .. Applicant.

And

1. The Chairman, Telecom Commission
Ministry of Communications, Sanchar
Bhavan-Parliament Street, New Delhi.
2. The Member (Services), Ministry of
Communications Sanchar Bhavan- Parliament
Street, New Delhi.
3. The Chairman UPSC Dholpur House-Shahjahan Rd.,
New Delhi.
4. The Secretary, Department of Personnel &
Training, New Delhi.
5. The Chief General Manager, Telecoms-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.950/1996.

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

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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 appeared for the Engineering Services Examination conducted by the Union Public Service Commission in the year, 1983. However, the letter of appointment was issued to him in the year, 1988. The delay in giving the letter of appointment, it is submitted was due to the non-receipt of the Police Verification Report from the District Collector. After completion of the training, the applicant was appointed as regular ADET. On completion of the eligible service as ADET in the scale of Rs.2,200 --4,000 the applicant was considered for promotion to STS of ITS Gr."A" and was promoted in ^{July} 1992.

Hence he has filed this O.A., for refixation of his seniority in STS along with JTS batch of 1983 by holding that the action of the Directorate of Telecom in rejecting the claim of the applicant under the impugned letter No. 10-6/94-STG-I dated 10--5--1995 conveyed through

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letter No. TA/STA/70/10/118 dated Nil -7-1995 issued by the Assistant Director (Staff) Office of the Chief General Manager, Telecom, Andhra Pradesh, as arbitrary, illegal and violative of Article 14 of the Constitution of India.

The respondents in their counter stated that the delay in issuing the letter of appointment was due to non-receipt of the Police Verification Report from the District Collector. It is, however, stated that on completion of the training and eligible service of four years, the applicant was promoted ~~xx~~ in the scale of Rs-2,200-4,000 and the applicant was considered for promotion to STS of ITS Gr.A" in the scale of Rs.3000-4,500 in July,1992.

The grounds urged and the reliefs claimed in this O.A., are similar to O.A.949/96 which was disposed of today. Hence we feel it proper to give the direction in this O.A., similar to those given in O.A.949/96.

The non-receipt of the Police Verification Report was the reason for giving the letter of appointment to the applicant during the year,1988, even though he passed the Examination of 1985. After completing four years of service as ADET he was considered for promotion

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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 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 ^{for} 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.

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The O.A., is ordered accordingly.

No costs.


B.S. JAI PARAMESHWAR,

MEMBER (J)

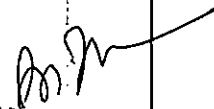

R. RANGARAJAN,

MEMBER (A)

4.11.97

Date: 4--11--1997.

Dictated in open Court.


D.R.

SSS.

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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.CGSC,CAT,Hyderabad.
8. One copy to HBSJP,M(J),CAT,Hyderabad.
9. One copy to D.R(A),CAT,Hyderabad.
10. One duplicate copy.

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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. 950/96

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

II Court

