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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

..
O.A.No.951/1996.

Date of decision: 4th November, 1997.

Between:

George Santosh Marshall

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 Road, New Delhi.
4. The Secretary, Department of
Personnel & Training, New Delhi.
5. The Chief General Manager,
Telecoms, AP. Circle, Hyderabad. Respondents.

Counsel for the applicant: Mr. Madhusudhan Guruvula

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

CORAM:

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

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

Jan

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O.A.No.951/1996.

(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 1982. However, the letter of appointment was issued to him in the year, 1989. 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 Assistant Engineer under JTS Grade on 7-3-1988 and later promoted to the STS Higher Grade on 22-5-1992 and assumed the office as DE Telecom.

Hence he has filed this O.A., for fixation of his seniority along with JTS Batch of 1982 by holding that the action of the applicant in the impugned letter No.10-6/94-STG-I dated 10-5-1995 conveyed to him through letter No. TA/STA/70/10/116 dt. HD the 0-7-1995 issued by the Assistant Director (Staff) Office of the Chief General Manager Telecom Andhra Pradesh, Hyderabad as arbitrary, illegal and violative of Article 14 of the Constitution.

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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 ^{and} four years, / the applicant was promoted as ADET in the scale of Rs.2,200-4000, ^{and} the applicant was considered for promotion to STS of ITS Gr."A" in the scale of Rs.3000--4,500 and was promoted 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 directions in this O.A., similar to those given in O.A.949/96.

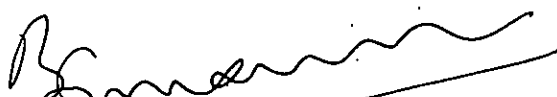
The non-receipt of the Police Verification Report was the reason for giving the letter of appointment to the applicant during the year 1989, even though he passed the Examination of 1985. After completing four years of service as ADET he was considered for promotion during July, 1992. So far as the seniority 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 verification report in time. No explanation for the delay has been given and

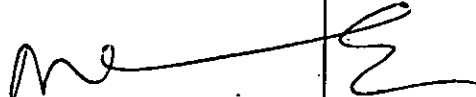
Or

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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 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 ^{applicant} 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.

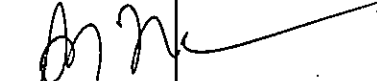

B.S. JAI PARAMESHWAR,
MEMBER (J)


R. RANGARAJAN,
MEMBER (A)

4-11-97

Date: 4--11--1997.

Dictated in open Court.


D.R.

DA.951/96

Copy to:-

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 Road, New Delhi.
4. The Secretary, Department of Personnel & Training, New Delhi.
5. The Chief General Manager, Telecoms, A.P. Circle, Hyderabad.
6. One copy to Mr. Madhusudhan Guruvula, Advocate, CAT., Hyd.
7. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
8. One copy to BSJP M(J), CAT., Hyd.
9. One copy to D.R.(A), CAT., Hyd.
10. One copy to duplicate.

srr

10/11/97
TYPED BY
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(10)
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
D.A.NO. 951/96

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

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
वैद्यनाथ/DESPATCH
10 NOV 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH