

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A.1003/96

Date of decision: 29.9.98

Between:

L. Suryanarayana

.. Applicant

-versus-

1. Union of India
through
The Chief General Manager
Telecommunications,
A.P. Circle,
Hyderabad - 500 001.

2. The Telecom District Engineer,
Sanchar Bhavan,
Srikakulam - 532 001.

.. Respondents

Counsel for the applicant : Mr.J.V. Lakshmana Rao

Counsel for the respondents : Mr.V. Rajeshwara Rao

Coram:

Hon'ble Shri H. Rajendra Prasad, Member(A)

O R D E R

(Per Hon'ble Shri H. Rajendra Prasad, M(A)

The facts and circumstances of this case are identical to OA 309/96, except that in this instance an order for the recovery of overpayments made to the applicant herein has actually been ordered by Respondent No.2 vide Annexure-6 to the O.A. (A-23/Genl/92-96/83 dt.

13-8-96)

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2. Mr.J.V. Lakshmana Rao, learned counsel for the applicant, argues that even as per the recruitment rules issued by the DOT vide No. 9-3/93 NCG dt. 6-7-1994 the Draughtsman Gr.I is a non-selection post and no educational or other qualifications were required, ^{no period} of probation was prescribed and ^{further that} 100% of the posts ~~were~~ reserved for promotions from among ^{officers} Gr.II having not less than 4 years of regular service in the earlier grade. Mr. Rao asserts that the applicant, having completed 4 years of service, has necessarily to be promoted to Gr.I even as per the recruitment rules.

3. The flaw in this argument is that the overall ratios and percentages laid down for three grades of Draughtsmen are duly given in the schedule to the Rules, ^{fact is} which [^] overlooked by the applicant in advancing the argument. The fact remains that promotion to Gr.I could not be ordered beyond 10% of the total strength of Draughtsmen, and unless the applicant was senior enough to be placed within the said percentage of posts he could not have been promoted and, if promoted erroneously, the same could not be sustained. Any refixation of pay in such a situation is also unsustainable.

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4. The remaining facts, pleadings and circumstances of the case are similar to OA 309/96. Therefore, the directions issued in the said OA are applicable to this case too.

5. It is therefore held that: (i) the refixation of Pay ordered by TDE, Srikakulam, vide Memo No.Q-253/95-96/4 dt. 1-1-1996 was erroneous and without competence and jurisdiction (ii) the orders, issued by (a) CGM, AP Circle vide No.TA/STA/29-1/Rlgs/11 dt. 2-2-1996, and (b) TDE, Srikakulam vide No.Q-253/95-96/6 dt. 7-3-96 are in order and not arbitrary or illegal in anyway. It is also directed that the recovery ordered from the pay of the official shall be extended to maximum number of monthly instalments permitted under the rules.

6. Thus the OA is disposed of.

MD

(H. Rajendra Prasad)
Member (A)

29 SEP 97

Deputy Registrar

O.A. 1003/96.

To

1. The Chief General Manager, Union of India,
Telecommunications, A.P.Circle,
Hyderabad-1.
2. The Telecom Dist.Engineer,
Sanchar Bhavan, Srikakulam-1.
3. One copy to Mr.J.V.Lakshmana Rao, Advocate, CAT.Hyd.
4. One copy to Mr.V.Rajeswar Rao, Addl.CGSC. CAT.Hyd.
5. One copy to Mr.HHRP.M.(A) CAT.Hyd.
6. One copy to D.R.(A) CAT.Hyd.
7. One spare copy.

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I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

DATED:- 29/9/97

ORDER/JUDGMENT.

M.A../RA../C-A.No..

in
O.A.No. 1003/96

T.A.No. (W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No. order as to costs.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ब्रेषण/DESPATCH
6 OCT 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH