

22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1762/97

Date of Order : 26.2.98

BETWEEN:

G. Prabhakar Rao

.. Applicant.

AND

1. The Director General
Telecommunications,
Sanchar Bhavan,
New Delhi.

2. The Chief General Manager,
Telecommunications, A.P.Circle,
Abids, Nampally Station Road,
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr. V. Venkateswara Rao

Counsel for the Respondents

.. Mr. K. Ramulu

CORAM:

HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

O R D E R

X As per Hon'ble Shri R. Rangarajan, Member (Admn.) X

Mr. V. Venkateswara Rao, learned counsel for the applicant and Ms. Shama for Mr. K. Ramulu, learned standing counsel for the respondents.

2. The applicant in this OA was promoted as TTS Group-B Officer w.e.f. 13.7.83. The applicant joined duty on 5.12.84. Whereas his junior Sri Harnath Babu joined duty as TTS Group-B officer on 13.7.84 itself. The applicant submits as his junior Sri Harnath Babu has been given higher scale of pay as Senior S.D.E. grade Engineer in the scale of pay of Rs.2200-4000 the

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applicant is also entitled to the same on par with Sri Harnath Babu w.e.f. 31.10.96.

3. This OA is filed praying for a direction to the respondents to consider the case of the applicant for placement of Senior SDE grade of Rs.2000- 4000 w.e.f. the date on which his junior was given such placement or w.e.f. 5.12.96 with all consequential benefits such as arrears of pay, and allowances, seniority, etc.

4. A reply has been filed in this OA. In the reply it is stated that the applicant had completed 12 years in December 1996 and as such he is eligible for promotion to Senior SDE grade in the scale of pay of Rs.2200-4000. However when the DPC was conducted in October 1996 the case of the applicant could not be considered as the Confidential Reports of the applicant pertaining to the period he worked as SDE in North Eastern Telecom Circle were not available. The TDM, Nellore where the officer is working wrote/number of letters to the Chief General Manager, North Eastern Telecom Circle to get the CRs of the applicant for that period. It has now been intimated that the applicant's CRs have been sent to TCHQ, ND in connection with the DPC work for his promotion to STS of TTS Grade-A. It is also stated that DO letter has been addressed to Director (Staf) Telecom Commission, New Delhi on 10.2.98 apart from telephonic requests to obtain CRs of the applicant. It is further submitted that as soon as the CRs are received, the case of the applicant will be placed before the DPC for consideration as per the rules in force. Serious efforts are being made to get the CRs immediately from TCHQ, ND.

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5. From the above reply it is evident that the respondents are seized of the problem and it has also been stated that the applicant will be given promotion as Senior SDE in the scale of pay of Rs.2200-4000 from December 1996 onwards if his case has been recommended by the DPC for giving that scale. The reason ^{legally} has been explained in the reply for not considering him when the earlier DPC met. Hence we have no reason to believe that the applicant will not be promoted if his promotion is recommended ^{AK Conducts} by the DPC ~~held~~ shortly.

6. The learned counsel for the applicant submitted that there is no need to look into the CRs of the applicant and there is no need for DPC to consider his case as the promotion has to be given only on the basis of the number of years of ^{had} service put in by the applicant and if he completed 12 years of service then he should be given higher scale automatically. In order to verify the above statement we asked the respondents counsel to produce the Government of India letter in connection with the "Improvement in promotional prospects of Assistant Engineers in TEE Group-B". The letter bearing No.3-2/90-TE.I, dated 25.9.90 is produced today. Under the heading "Eligibility and basis for promotion" the letter clearly states that the "Promotion will be on the basis of seniority subject to rejection of unfit". The above eligibility clearly indicates that the suitability of the applicant has to be assessed and for that the DPC has to meet. The DPC can assess the suitability of the applicant only on the basis of the past CRs.

7. Hence if the Department is trying to get the DPC to ascertain fitness of the applicant it cannot be said that the ~~candidate~~ applicant is rejected for promotion. As the respondents themselves

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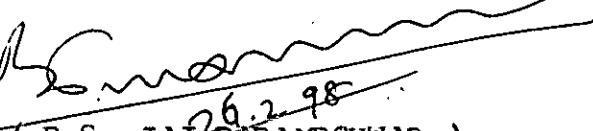
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agreed that they will give him promotion from December 1996 after obtaining the recommendations of the DPC and to expedite that they are taking all actions to get the CRs of the applicant from the North Eastern Telecom Circle, we are of the opinion that no further direction is necessary in this connection.

8. However the respondents are directed to expedite the case and announce the results of the applicant within a short period preferably within 3 months from the date of receipt of a copy of this order. The arrears if any that will arise if he is given higher scale should also be given to him thereafter after the publication of the results.

9. The OA is disposed of with no costs.

NOTE: (The letter dated 25.9.90 is taken on record)


(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

Dated : 26th February, 1998

(Dictated in Open Court)

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D.R.

OA.No.1762/97

Copy to:-

1. The Director General, Telecommunications, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecommunications, A.P.Circle, Abids, Nampally Station Road, Hyderabad.
3. One copy to Mr. V.Venkateswara Rao, Advocate, CAT., Hyd.
4. One copy to Mr. K.Ramulu, Addl. OGSC., CAT., Hyd.
5. One copy to M.R.(A), CAT., Hyd.
6. One duplicate copy.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. BURANGARAJAN : M(A)

AND

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

DATED : 26/2/98

~~ORDER/JUDGMENT~~

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

in

C.A.NO. 1762/97

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~DISMISSED FOR DEFAULT~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

II COURT

YLKR

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal

देशभर/DESPATCH

- 9 MAR 1998

हैदराबाद न्यायपीठ
HYDERABAD BENCH