

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. NO. 29 OF 1997

Dated, the 16th March, '99.

BETWEEN :

S.D. Narayana Bai Ramchander

..... Applicant

A N D

1. The Chief General Manager,
Telecom (Reptg. Union of India),
AP Circle, Hyderabad 500 001.
2. The General Manager, Telecom
District, Suryalok Complex,
Hyderabad 500 033.
3. The Divisional Engineer, Trunks,
Telephone Bhavan, Hyderabad 500 004.
4. Smt. PS Varalakshmi, W/o not known,
aged about 56 years, CSTS, TMX,
Telephone Bhavan, Hyderabad 500 004.
5. Smt. P. Padmaja (SC), W/o Sri P. Bhaskar,
aged about 56 years, CSTS, TMX,
Telephone Bhavan,
Hyderabad - 500 004.

..... Respondents.

COUNSELS:

For the Applicant : Mr. C. Suryanarayana

For the Respondents : Mr. B. Narasimha Sarma
(For R-1 to R-3)

CORAM :

THE HON'BLE MR. R. RANGARAJAN, MEMBER (ADMIN)

THE HON'BLE MR. B. S. JAI PARAMESHWAR, MEMBER (JUDL)

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O R D E R

(PER : HON'BLE MR. B. S. JAI PARAMESHWAR, MEMBER(J)

1. Heard Mr. C. Suryanarayana, Learned Counsel for the applicant and Mr. B.N. Sharma, Learned Standing Counsel for Respondents No.1 to 3. Notices served on Respondent No.4 and 5. They are called absent.

2. The applicant herein aggrieved by the promotion of respondent No.4 to the post of Telephone Traffic Superintendent post is which/above that of Telephone Supervisor has filed this O.A. The contention of the applicant is that she is the senior most Telephone Supervisor and is fit enough for promotion to Telephone Traffic Superintendent (GCS Group 'B'), but the respondents over looked her and promoted the Respondent No.4 herein, who is junior to her.

3. The respondent No.4 was promoted even as GCS Group 'B' on ad hoc and temporary basis by their order dt. 31.10.96 (Annexure-A8.)

4. This O.A. is filed for setting aside the promotion issued of respondent No.4, by respondent No.1 by the impugned order dt. 31.10.96, and to promote the applicant retrospectively with effect from 1.9.96 at least notionally, the date from which she was directed by verbal orders to function as TTS with all consequential and attendant benefits.

5. A reply has been filed in this O.A. The main contention of the respondents is that the Respondent No.4 is senior to the applicant in view of her earlier promotion as Telephone Supervisor.

6. We asked the learned counsel for the respondents to produce the seniority list of the applicant and R-4.

7. To-day the learned Counsel for the respondents produced the letter dt. 27.12.91 showing the combined Gradation List of Senior Telephone Supervisors of A.P. Circle as on



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1.11.91. In that combined Gradation List of Senior Telephone Supervisor of A.P. Telecom as on 1.11.91, the name of R-4 is shown at Srl. No.18. In that seniority list, the name of the applicant is not figuring. Though the letter dt. 27.12.91 also contains the ~~combined~~ Gradation List of Telephone Supervisors as on 1.11.91, the name of the applicant is shown at Srl. No.110 and that of R-5 is shown at Srl. No.178. Thus the respondents submit that the applicant is junior to R-4.

8. A study of the letter dt. 27.12.91 clearly indicates that this is not ~~the~~ final seniority list, as objections were called for if there was any discrepancy in the seniority list, for rectification. This clearly indicates that the seniority list as on 1.11.91 circulated is only a provisional list and hence it is not yet finalised.

9. In view of the fact that the provisional seniority list as on 1.11.91 is not yet finalised, the applicant has to be given an opportunity to point out the discrepancy, if any, in notifying seniority by that order. It may be said that the time for submission of objections has already been over. But that objection cannot be shown against the applicant as the respondents themselves failed to issue a final seniority list even though the said seniority list was issued as far back as 27.12.91. Hence, we are of the opinion that now a further opportunity has to be given to the applicant for submitting ~~his~~ objection if any to the Telephone Supervisors Seniority list issued vide letter dt. 27.12.91 and on that basis the seniority list already issued should be finalised. In case the applicant has objections if any, the same should be submitted to the respondents within one month from the date of receipt of the seniority list. The learned Counsel for the applicant submitted that as the



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applicant has already retired from service a copy of the Telephone Supervisors seniority list may be sent to her house address so as to enable her to submit her representation. The above view is in order.

10. Hence a copy of the memorandum dt. 27.12.91 along with Annexure containing seniority list should be sent to the address of the Learned Counsel for the applicant viz. C. Suryanarayana, ~~to the address~~ as given in the O.A. When the seniority list is finalised the senior most suitable candidate in accordance with the rules should be promoted to GCS Group 'B'. If the applicant is going to be aggrieved by the result of her representation or if she is not promoted she is at liberty to challenge that order in accordance with Law.

11. In that view of the matter, the following directions are given :

- i) A copy of the memorandum dt. 27.12.91 along with its annexure thereof should be sent to the address of Mr. C. Suryanarayana, Learned Counsel for the applicant ~~as furnished~~ in the O.A.
- ii) The applicant, if so, advised may submit a detailed representation against the ~~seniority~~ provisional seniority list within a period of ~~one~~ one month from receipt of the date of the Memorandum dt. 27.12.91.
- iii) The respondents shall consider the representation of the applicant and reply to the same in accordance with Law and on that basis finalise the seniority list of the applicant and R-4 within 45 days from the date of receipt of the same.
- iv) Promotion to the post of GCS Group 'B' should be ordered in accordance with the finalised seniority list following the extant rules in force now.
- v) The applicant is at liberty to challenge the reply to be given to her representation ^{if she is aggrieved by the reply} or the final seniority list

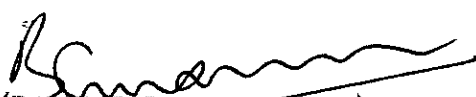
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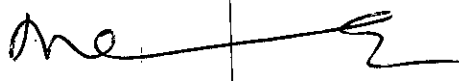
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on which promotion to the post of GCS Group 'B' to be ordered by the respondents, in case, she is not promoted according to Law.

12. The O.A. is ordered accordingly. No order as to costs.


(BS JAI PARAMESHWAR)
MEMBER (JUDL)

16.3.99


(R RANGARAJAN)
MEMBER (ADMIN)

Dated, the 16th March, '99

Dictated in Open Court.


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Copy to:

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

1ST AND IIND COURT

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COMPARED BY

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

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

THE HON'BLE MR. R. RANGARAJAN
MEMBER (A)

THE HON'BLE MR. B.S. JAI PARAMESWAR
MEMBER (J)

DATED: 16.3.99

ORDER/JUDGEMENT

MA./RA./CP.No. —

IN

O.A. NO. 29/97.

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

8 Copies

