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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 330/97

Date of Order : 6.1.99

BETWEEN :

K.C.Ramesh

.. Applicant.

AND

1. Union of India, rep. by its
Secretary to Govt. of India,
Ministry of Health & Family
Welfare (Dept. of Family Welfare)
Nirman Bhavan, New Delhi.

2. The Director, Dept. of Personnel &
Public Grievances and Pensions, Ministry
of Personnel, Public Grievances and
Pensions, Govt. of India,
New Delhi.

3. The Director General of Health
Services, Nirman Bhavan,
New Delhi.

4. The Regional Director (Health &
Family Welfare), Govt. of India,
(Regional Office for Health &
Family Welfare), 3rd Floor, B Block,
Kendriya Sadan, Sultan Bazar,
Hyderabad.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.N.Rama Mohana Rao

Counsel for the Respondents

.. Mr.V.Vinod Kumar

- - -

COURT :

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

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

J

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O R D E R

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

Mr. Shiva for Mr. N. Rama Mohana Rao, learned counsel for the applicant and Mr. V. Vinod Kumar, learned standing counsel for the respondents.

2. The applicant is a Driver under R-4. The applicant submits that in terms of the Government of India office memorandum No. 22036/1/92/Estt(o), dated 30.11.93 (A-4) a promotion scheme for staff car drivers with graded structure of pay was issued. As per that office memorandum there are 3 grades of staff car drivers were introduced; namely staff car driver in the scale of pay of Rs. 950-1500 ordinary grade, Rs. 1200-1800 staff car driver Gr-II, Rs. 1320-2040 staff car driver Gr-I. ^{are like} _{3 grades} in the proportion of 55:25:20. Further as per the office memorandum the staff car drivers who had put in 15 years of service will be promoted to Gr-I subject ^{passing} to other conditions such as ~~passing~~ of seniority and passing of trade test. If there are no vacancies even if they ~~are had~~ put in 15 years of service they will not be promoted as Gr-I but they will be promoted as Gr-II. ^{for promotion to Gr-II} 9 years service is stipulated.

3.

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3. The applicant submits that he had put in total of 23 years service under R-4 as driver in the lower scale. Hence he is entitled for promotion to the post of Driver Gr-I in the scale of pay of Rs.1320-2040. The applicant submitted a representation for promoting him to the post of Gr-I staff car driver dated 27.4.95. That representation was disposed of by the impugned order No.A.12033/4/95-RD Cell dated 7/13.3.96 (A-6) on the ground that there was only one post of Driver in the organisation and hence the request of the applicant cannot be acceded to.

4. This OA is filed for setting aside the impugned order dated 7/13.3.96 and for a consequential direction to the respondents, to promote the applicant to Gr-I staff car driver as he fulfills the condition of 15 years laid down in the memorandum dated 30.11.93.

5. A reply has been filed in this OA. The reply is very inadequate. From the reply it appears that the respondents ~~have~~ not read the full text of the memorandum dated 30.11.93. In para-2.2 of that memorandum some directions were given by the respondents for combining of different cadres and operating it on a nodal basis if the cadre is too small for purpose of creation of the higher post. The impugned reply given by the respondents does not state whether the respondents had considered the directions given in para-2.2 referred to above. If the respondents have not considered that then the reply given is to be held as a reply without considering

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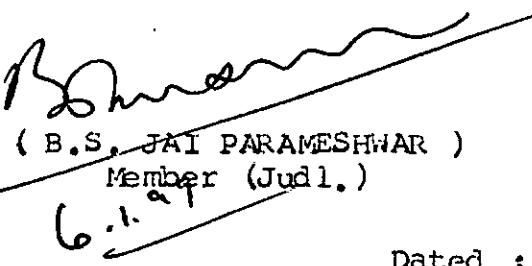
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the full text of the memorandum. Hence a direction has to be given to the respondents to consider the case of the applicant in accordance with para-2.2 of that memorandum and inform the applicant suitably expeditiously in any case within 3 months from the date of receipt of a copy of the judgement.

6. In the result, the following direction is given :-

The impugned reply of the respondents dated 7/13.3.96 is set aside. The respondents are directed to consider the case of the applicant in accordance with para-2.2 of the memorandum dated 30.11.93 and issue an elaborate suitable reply considering all the points expeditiously but in any case within a period of 3 months from the date of receipt of a copy of this order.

7. The OA is ordered accordingly. No costs.


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

6.1 Dated : 6th January, 1999


(R.RANGARAJAN)
Member (Admn.)


(Dictated in Open Court)

sd

25/1/99
1ST AND 2ND COURT

COPY TO:-

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

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

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

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

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

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

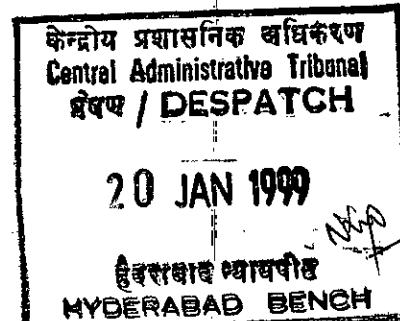
DATED: 6/1/99

ORDER/JUDGMENT

M.A./R.A./C.P.NO.

IN
O.A. NO. 330/98
ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS

SRR



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

MA. No.400 of 1999

in

OA. No.330 of 1999

Between:

Dated: 3.6.99

1. The Secretary,
Min. of Health & Family
Welfare, Nirman Bhavan,
New Delhi.
2. The Director, Dept. of Personnel
& Public Grievances & Pensions,
Min. of Personnel, Public Grievances
and Pensions, New Delhi.
3. The Director General of Health Services,
Nirman Bhavan, New Delhi.
4. The Senior Regional Director (Health
& Family Welfare), Sultan Bazar, Hyderabad... Applicants

And

K.C.Ramesh

.. Respondent

Counsel for the Applicants

: Mr.V.Vinod Kumar

Counsel for the Respondent

: Mr.N.Rama Mohan Rao

CORAM:

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

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

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:

Heard Mr.Vinod Kumar for the applicant and Mr.Shivappa for
Mr.Ram Mohan Rao for the respondent.

Time Extended upto 1.7.99. No further extension of time
will be granted.

MA. disposed off.

Dinesh
Section Officer

1ST AND 2ND COURT

COPY TO:-

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

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

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)

ORDER: 3/6/99

ORDER / JUDGEMENT

MA./PA./CP NO. 400/99

in
DA. NO. 350/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

O.A. CLOSED.

MA IS
DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS

SRR

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केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण / DESPATCH
14 JUN 1999
हैदराबाद न्यायालय HYDERABAD BENCH