

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

O.A.46/97.

Dt. of Decision: 17-03-97.

M. Laxminivas. ...

Applicant.

Vs.

1. The Union of India,
rep. by the Director General,
Telecommunications,
New Delhi-110 001.

2. The Chief General Manager,
Telecom, A.P.Circle,
Abids, Hyderabad-500 001.

... Respondents.

Counsel for the Applicant. .. Mr. J.V. Lakshmana Rao

Counsel for the Respondents: .. Mr. V.Rajeswara Rao,
Addl. CGSC.

GORAM:

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

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

ORDER

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

Heard Mr.J.V. Lakshmana Rao, learned Counsel
for the applicant and Mr. V. Rajeswara Rao, learned
Counsel for the Respondents.

2. The applicant in this O.A. is a Class I Officer
of the Telecommunication Department under R-1. It is
stated that he was asked to discharge the duties of
the J.A. Grade on adhoc basis. The applicant submits

that he is eligible in all respects to be posted regularly in the Junior Administrative Grade. However, the selection committee comprising of the Member of UPSC and two other nominated officers of the Department did not grade him fit enough to be regularised in the Junior Administrative Grade of Dot for the year 1991-92, 1992-93 and 1993-94. His juniors were regularised in the J.A. Grade of I.T.S. Group-A by the order No.314-2/94-STG-III dated 8-7-96 (Annexure-2 to the OA) and Order No.314-46/96-STG-III dated 21-11-96 (Annexure-6 to the OA). The applicant is aggrieved by the above orders promoting his juniors to the JA Grade on a regular basis. Hence, he has filed this O.A. praying for calling for records of the DPC proceedings of regularisation of Junior Administrative Grade 'A' and also praying for a direction to the respondents to regularise his services in J.A. Grade from the date he was promoted on adhoc basis i.e., from 2-4-92 or atleast from the date his Juniors were regularised as per impugned order No.314-2/94-STG-III dated 8-7-96 and No.314/1/94-STG-III dated 21-08-96 with all consequential benefits.

3. The only point to be seen here is whether the applicant was empanelled for regularisation in JA Grade by DPC after perusing the relevant records. In that connection we have called for the minutes of the DPC which was produced today. (The DPC proceedings dated 13-9-95 was perused and returned back).

4. The DPC was held from 11/13 Sept. 1995. There

62
3
11

were three Members in the DPC including one Member
including that of the ACR of the Officers and prepared
panel yearwise for the years 1991-92, 1992-93 and
1993-94 respectively. In the year 1991-92 there were
63 vacancies, 1992-93 there were 88 vacancies and
1993-94 there were 88 vacancies.

5. For the year 1991-92 130 officers were considered
for regularisation on the basis of the selection. The
applicant was one of them. He was graded good. There
were Officers who had grading higher than good such as
Very Good and Outstanding and they were empanelled.
Whereas the applicant who had grading only Good was
empanelled.

6. In the year 1992-93, 180 Officers were
considered for regularisation for the J.A. Grade Post
by the DPC. Once again the applicant had secured the
grade of only Good and those who had the grading
superior to him were empanelled.

7. For the year 1993-94 once again 180 officers
were considered. The applicant as in the previous two
years was graded only Good and the officers with higher
grading were regularised for the JA by the selection
committee.

8. In all the three years the Selection Committee
selected the Officers equal to the number of vacancies
indicated by the DoS for which selection was held.

9. In view of the above, we are of the opinion that the selection committee after having considered all the aspects came to the conclusion that the applicant is not fit to be regularised in the JA Grade Officers in the Telecommunication service. In view of the above the question of challenge to the DPC proceedings does not arise. The applicant fairly submitted that he has not indicated any malafide to the members of the DPC. Hence, this Tribunal cannot give any relief to the applicant.

10. The learned counsel for the applicant relied on the judgment of the Supreme Court reported in AIR 1996 SC 1328 (State Bank of India Vs. V. Kashinath Kher and Others) especially Para 16 of the Judgment. We do not find any reason that the DPC has deviated from the condition set out in the judgment.

11. In view of the above, we find no merit in this O.A. Hence, the O.A. is dismissed at the admission stage itself. No costs.

CERTIFIED TO BE TRUE COPY.

Sd/-

COURT OFFICER,
CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH.

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(SPECIAL ORIGINAL JURISDICTION)

TUESDAY THE TWENTY SECOND DAY OF JULY
ONE THOUSAND NINE HUNDRED AND NINETY SEVEN

PRESENT:

THE HON'BLE MR. JUSTICE N. Y. HANUMANTHAKA

AND

THE HON'BLE MR. JUSTICE Y. V. NARAYANA

WRIT PETITION NO. 14944 of 1997

BETWEEN:

M. Laxminivas

.... PETITIONER.

AND

1. The Union of India rep by the Director General,
Tele-Communications, New Delhi-1

2. The Chief General Manager, Telecom, A.P., Circle,
Abids, Hyd.

.... RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High court will be pleased to issue an appropriate writ, order or direction more especially one in the nature of writ of mandamus declaring the order dated 17-3-97 passed by the Central Administrative Tribunal Hyderabad Bench, Hyderabad in O.A.NO. 46 of 1996 as illegal and unconstitutional, set aside the same and consequently direct the respondents to consider my case for regularisation in JAG Grade 'A' with effect from 2-4-92 or with effect from 30-10-1995 from which date my juniors were ordered to be promoted on regular basis with all consequential benefits including selection Grade, arrears of pay and eligibility for being considered to SAG Group 'A'.

FOR THE PETITIONER: MR. V. V. S. RAO, SENIOR COUNSEL

FOR THE RESPONDENTS: S. C. FOR THE CENTRAL GOVT.

THE COURT MADE THE FOLLOWING ORDER: -

The learned senior counsel Sri. V. V. S. Rao seeks permission of the court to withdraw the writ petition with liberty to approach the appropriate forum, if necessary. Permission granted and the writ petition is accordingly dismissed as withdrawn. No costs.

Sd/- S. S. R. N. SARMA
ASST. REGISTRAR

: TRUE COPY :

SECTION OFFICER.

TO

- 1. The Union of India, rep by the Director General, Tele. Communications New Delhi-1
- 2. The Chief General Manager, Telecom, A.P., Circle, Abids, Hyd.
- 3. 2 CD copies.
- 4. ~~1 CD to~~ Mr. C. V. Bhasker Reddy.

T: CDE

C: SAM

