

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 51197

(22)

DATE OF ORDER : 21-04-1997

Between :-

1. S.Surya Rao
2. K.Thana Reddy

... Applicants

And

1. The Chairman,
Telecom Commission,
New Delhi.
2. The Chief General Manager,
Telecommunication,
AP Circle, Hyderabad.

... Respondents

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Counsel for the Applicants : Shri K.Lakshmi Narasimha

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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...2.

(Order per Hon'ble Shri R.Rangarajan, Member (A)). 23

Heard Shri K.Lakshmi Narasimha, counsel for the applicants and Shri V.Rajeshwar Rao, learned standing counsel for the respondents.

2. There are 2 applicants in this O.A. They are presently working as Sub Divisional Engineer at Hyderabad Telecom District. Their next promotion is to the post of Divisional Engineer in the A.P.Region of the Telecom Circle. The applicants submit that ^{With the Cashier AFS} their date of notional seniority ^{is} ~~has~~ been fixed in accordance with para-206 of the P & T Manual Vol. IV by memo No.TA/STA/70/4/XXIX dt.25-2-97. It is further stated that number of sub divisional Engineers whose seniority is below that of the applicants herein were promoted to the post of Divisional Engineer. One such posting order is enclosed to this O.A. vide Memo No.IA/51670/3/XIX dt.5-2-97 (Annexure-4 to this OA). It is to be noted here that ^{and the same} the promotion is dt.5-2-97 ^{is} earlier to the DOT order which was issued on 25-2-97. The applicants submitted a representation dt.12-3-97 and 14-3-97 respectively (enclosed as Annexure A-2 and A-3 to the OA) ~~for promoting them also~~.

3. The applicants submit in their representation that their seniority having been re-fixed by the DOT by the order dt.25-2-97, the applicants should have been promoted in preference to their ^{older} juniors who were ~~promoted~~ after 18-4-79. Inspite of this representation it is stated that the respondents have issued another promotion order No.TA/STA/70/3/XIX dt.17-4-97 promoting the juniors onceagain.

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4. Aggrieved by the above promotions, the applicants have filed this O.A. praying for a direction to the respondents to promote them as Divisional Engineers based on their respective promotion as Asst.Engineer as 18-4-79 issued vide order No.TA/STA/70/4/XXIX dt.25-2-97 in preference to persons who were promoted as Asst.Engineer after 18-4-1979.

5. Some arguments were advanced by the learned counsel for the respondents ~~in regard to the~~ ^{order} justifying the promotion issued on 5-2-97 and 17-4-97. If the O.A. has to be disposed of on merits after hearing both sides lot of time will ~~hapse~~ ^{then} as the promotion is alleged to have been given to ~~his~~ juniors, we think it proper to direct Respondent No.2 to dispose of the representations dt.12-3-97 and 14-3-97 respectively in accordance with the law before giving any further promotion to the post of Divisional Engineers. That will enable quick remedy in ~~regard to~~ ^{order of} the grievance of the applicants herein. The applicants if still feel aggrieved after receipt of the reply to the representations, they are free to approach the appropriate judicial forum in accordance with the law.

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

The Respondent No.2 is directed to dispose of the representations of the applicants dt.12-3-97 and 14-3-97 in accordance with the law. Till such time the representations are disposed of, no further promotion to the post of Divisional Engineer is to be effected.

7. The Original Application is ordered accordingly at the admission stage itself. No costs.

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(B.S.JAI PARAMESHWAR)
Member (J) 21/4/97

Dated: 21st April, 1997 (Dictated in open court)

(R.RANGARAJAN)
Member (A)

D.R (S)
A.P. 17-5-97

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Copy to:

1. The Chairman, Telecom Commission, New Delhi.
2. The Chief General Manager, Telecommunication, A.P.Circle, Hyderabad.
3. One copy to Mr.V.Rajeswara Rao, AddlGSC,CAT,Hyderabad.
4. One copy to Mr.K.Lakshminarasimha, Advocate,CAT,Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

YLKR

9/6/97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.R. RAO, M(A)

AND

THE HON'BLE SHRI B.B.JAI PARAMESHWAR,
M(J)

DATED: 21/4/97

ORDER/JUDGEMENT
R.A/C.P/M.A.No.

in

D.A. No. 511/97

ADMITTED INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS

YLKR

II COURT

A/W Copy sent to N.R.

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेस्पैच/DESPATCH
19 MAY 1997
हैदराबाद व्यायामीन HYDERABAD BENCH