

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..  
O.A.No.546/1997.  
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Date of decision: December 17, 1998.  
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Between:

R.Lakshmaiah.

.. Applicant

And

1. The Post Master General, Hyderabad  
Region, Hyderabad - 500 001.
2. The Superintendent of Post Offices,  
Adilabad Division, Adilabad 504 001.
3. Sri P.Prabhakar LSG PA H.O. Adilabad  
Division, Adilabad 504 001. Respondents.

Counsel for the Applicant: Sri P.Rathaiah.

Counsel for the Respondents: Sri V.Bhimanna.

CORAM.

Hon'ble Sri R. Ranga Rajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member(A)





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O.A.No.546/1997.

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(by Hon'ble Sri R. Rangarajan, Member (A))  
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Heard Sri M, Sanyasi Rao for Sri P. Rathaiah,  
counsel for the applicant and Sri V. Bhimanna for the  
respondents.

The applicant in this O.A., was promoted to  
under the  
~~XXXX~~ LSG Postal Assistant cadre ~~to~~ ~~XXXX~~/Time Bound One  
promotion Scheme with effect from 7-2-1989. His  
junior Sri P. Prabhakar was promoted to the TBOP  
Scheme on 9-5-1990. However the pay of his junior  
Sri Prabhakar who was also in the same Division was  
fixed higher than the applicant when he was promoted.

The applicant filed this O.A., for a  
declaration that the action of the respondents in  
not fixing his pay on par with his junior when he  
was regularly promoted is illegal, arbitrary and  
violative of principles of natural justice and  
for a consequential direction to the Respondent No.1  
to consider his representation dated 11.4.1996  
(Annexure 2 page 7 to the O.A.) which was forwarded  
to the 2nd respondent by the Respondent No.1.

A reply has been filed in this O.A.

It is stated in the reply that his junior had  
~~on adhoc basis~~  
officiated under the TBOP Scheme as LSG Postal Asst.,  
in different spells as indicated in the reply.

The respondents submit that the adhoc promotion of  
Sri Prabhakar in different spells had resulted in the


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fixation of his pay higher than the applicant. Hence, the learned counsel for the respondents submit, that the applicant has no case.

given officiating  
Sri Prabhakar was ~~giving~~/promotion  
in 1978, 1981, 1984, 1985, 1986 and 1988 in different spells totalling one year. If the applicant is senior to Sri Prabhakar, he should have protested against the officiating promotion given to Sri Prabhakar then and there itself. The applicant submits that he had submitted a representation in the year, 1991 way back on 19.3.1991 (Annexure A-1 page 6 to the O.A.). It is clearly seen from page 2 of the reply that the adhoc officiating promotion was given to his junior Sri Prabhakar much earlier than the year 1991. The <sup>first</sup> adhoc promotion was in the year 1978. Hence, the applicant if at all aggrieved against the promotion he <sup>should</sup> ~~would~~ have represented to the Authorities in 1978 itself and not in the year, 1991. After 1988 no adhoc promotion was given to Sri Prabhakar. Hence, it has to be held that the applicant has not followed up his case in time when Sri Prabhakar was given adhoc promotion <sup>under</sup> ~~as~~/time Bound One promotion Scheme in Mancherla. The applicant has not approached any judicial forum when he <sup>was</sup> ~~has~~ not ~~been~~ given reply to his representation dated 19.3.1991. Repeated representations cannot be taken <sup>of</sup> note/to grant the relief asked in this O.A. Further the Apex Court

in UNION OF INDIA Vs. M.SURYANARAYANA RAO (1998 SCC(L&S) 1509  
held that <sup>an</sup> ad hoc promotion given to a junior will not entitle  
the senior for stepping up his pay even if junior's ad hoc  
officiation is for a long period.

In view of what is stated above, we find  
no merit in this O.A., and it has to be dismissed.  
Accordingly, the O.A., is dismissed. No costs.

  
B.S. JAI PARAMESHWAR,  
Member (J)  
17.12.98

  
R. RANGARAJAN,  
Member (A)

Date: 17-12-1998.  
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Dictated in open Court.

A  
7/1/99

II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

Copy to:-

D D.R. (A)

2) Spcc

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESWAR :  
M(J)

DATED: 17/12/98

ORDER/JUDGMENT

MA/R.A./C.P.No.

in  
OA.No. 546/97

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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केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH  
- 6 JAN 1999  
हैदराबाद ब्याचपीट  
HYDERABAD BENCH