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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD.

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O.A.No.546/1997.

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Date of decision: December 17, 1998.

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
LSG Postal Assistant cadre ~~as per time~~ ~~as per 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
~~not been~~
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 ^{first} much earlier than the year 1991. The adhoc promotion was in the year 1978. Hence, the applicant if at all aggrieved against the promotion ^{should} he 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 ^{under} ~~as~~ Time Bound One promotion Scheme in Mancherial. The applicant has not approached any judicial forum when ^{was} he ~~has~~ not ~~been~~ given reply to his representation dated 19.3.1991.

Repeated representations cannot be taken note/of to grant the ~~is~~ relief asked in this O.A. Further the Apex Court

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in UNION OF INDIA Vs. M.SURYANARAYANA RAO (1998 SCC(L&S) 1509

an
held that/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.

Dictated in open Court.

sss.

7/1/99

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

Copy to:-

D.D.R. (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABADI 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

MR.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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