

(28)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

D.A.No.695 OF 1997.

DATE OF ORDER:13-4-1999.

Between:

M.P.Kendhuli.

.....Applicant

and

1. The Telecom District Manager,
Kurnool - 518 005.
2. The General Manager, Telecom(Rayalaseema),
CTO Compound, Secunderabad-3.
3. The Chief General Manager,
Telecom, Sanchar Bhavanam, Abids,
Hyderabad.
4. The Director General,
Department of Telecom, New Delhi.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.Krishna Devan

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narasimha Sharma

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER(ADMIN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER(JUDL)

: ORDER :

ORAL ORDER(PER HON'BLE SRI R.RANGARAJAN, MEMBER(A))

Heard Mr.Krishna Devan, learned Counsel for the
Applicant and Mr.Jacob for Mr.B.Narasimha Sharma, learned
Standing Counsel for the Respondents.

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2. The applicant in this OA joined as a Clerk in the Department of Telecom on 23-7-1963. He was promoted from the Clerical Cadre to the cadre of Repeater Station Assistant(RSA) also called as Transmission Assistant(TA) carrying the pay scale of Rs.380-560 from 28-6-1972. The applicant stood promoted as Selection Grade-II Transmission Assistant with effect from 19-11-1982, and his pay was fixed on 13-2-1984 in the scale of Rs.425-640/- as per FR.22(a)(ii).

3. The applicant submits that he had completed ^{time} 16 years of service by adding the clerical cadre to the Station Assistant and also separately as Transmission Assistant. If his service of 16 years is calculated from the date of his joining as Transmission Assistant, he is entitled for TBOP promotion in the year 1988 itself, whereas it was not given to him and some of his juniors as per the enclosures at Annexure.6 were given the TBOP promotion in Transmission Assistant cadre. If suppose his total service is counted including the clerical cadre, he had completed 16 years of service earlier to 1988 and that also entails him to get the TBOP promotion as per Circular No.1-71/83-NCG(Vol.II), dated:20-11-1990 (Annexure.R-1 to the reply).

4. This OA is filed praying for a direction to the respondents to promote the applicant with effect from 30-6-1988, on which date he became eligible by holding that the action of the respondents in promoting his juniors Transmission Assistants to OTBP Scheme on the

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same date of eligibility and thereby discriminating the applicant is arbitrary, discriminatory even though he exercised his option on 5-11-1996 in terms of CGMT, Hyderabad letter dated: 20-2-1995.

5. We have perused the various Circulars. The Circular enclosed as Annexure.5 clearly states that, a Transmission Assistant can get his promotion under OTBP Scheme after completion of 16 years of service. But that promotion will be only from 16-10-1990 or later. It is not known why the applicant has not challenged this letter at Annexure.5, if he demands his OTBP promotion earlier to 16-10-1990. Without challenging that letter, no order can be passed for giving him the OTBP promotion in the Transmission Assistant cadre from the year 1988. It is also seen that his juniors as per Annexure.6 got the promotion only after completing 16 years of service as Transmission Assistants. Hence, that Annexure.6 letter will not give him any relief for giving him the OTBP promotion from 1988 onwards. But he may reasonably request for giving him T80P promotion with effect from 16-10-1990 as per Annexure.5 letter as it stands today. However, if he challenges the Annexure.5 letter to get the promotion from 16-10-1990 and is successful, the case has to be considered as per the law laid down.

6. The applicant submits that even counting his service from the date of his joining as a Clerk i.e., basic cadre, he is entitled for promotion and retain him as Transmission Assistant in view of the Para.2



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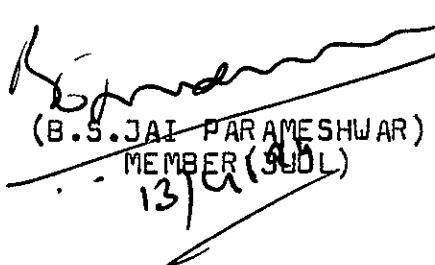
of the letter dated:20-11-1990. The prayer in this OA does not indicate any such relief. Hence, no relief can be given to him in view of the nature of the contentions raised in this OA.

7. Considering the above factors, we feel that the applicant should submit a detailed representation for promoting him under the TBOP Scheme in the way in which he wants to be promoted to the appropriate respondent-authorities. If such a representation is received, that authority should dispose of the same expeditiously preferably within three months from the date of receipt of that representation.

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

"The applicant, if so advised, may submit a detailed representation for promoting him under the TBOP Scheme in the manner in which he desires his promotion to be given. If such a representation is received, the respondents should dispose of the same in accordance with the law within a period of three months from the date of receipt of that representation."

9. The OA is ordered accordingly. No costs.

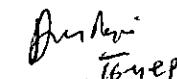

(B.S.JAI PARAMESHWAR)
MEMBER (SOL)
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(R.RANGARAJAN)
MEMBER (ADMN)

DATED: this the 13th day of April, 1999

Dictated to steno in the Open Court

DSN


Justice
T. Venkateswaran

Copy to:

1. HONORABLE MEMBER
2. HONORABLE MEMBER (A)
3. HONORABLE MEMBER (B)
4. D.R. (A) ✓
5. SPARE ✓

1ST AND 2ND COURT

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 (B) ✓

DATED: 13-4-99.

ORDER/JUDGEMENT

MA. / RA / CP. NO.

IN

O.A. NO. OA 69597

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

(8 copies)

केन्द्रीय प्रशासनिक अधिकार Central Administrative Tribunal प्रेषण / DESPATCH
- 6 MAY 1999
हैदराबाद प्रापर्टी HYDERABAD BENCH