

41

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :HYDERABAD BENCH

AT HYDERABAD

O.A.967/97.

Dt. of Decision : 9-4-99.

Murke Venkata Rajeswara Rao

.. Applicant.

Vs

1. The Union of India, rep. by its
Director, National Sample Survey
Organisation, Field Operation Division
(FCD), New Delhi.

2. The Dy. Director,
National Sample Survey Organisation
(FOD), A.P., North Region, 8th Floor,
West Wing, Gagan Vihar,
M.J.Road, Hyderabad-1.

3. The Regional Asst. Director,
National Sample Survey Organisation
(FOD), A.P., North Region, 8th Floor,
West Wing, Gagan Vihar,
M.J.Road, Hyderabad-1.

.. Respondents.

Counsel for the applicant : Mr.K.K.Chakravarthy

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

CORAM:-

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

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

R

..2/-

D

CRDER

42

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

Heard Mr.K.K.Chakravarthy, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The applicant in this OA joined the department on 20-6-1973 at Hyderabad. It is stated that he was given the promotion ^{as} Daftri on 17th October, 1988 and posted at Cuddapah. However the applicant due to his personal reasons wants to be reverted as Peon and posted at Hyderabad. Accordingly he was posted at Hyderabad on request. Thereafter he was given in-situ promotion w.e.f., 1-4-95 as per office order No.A-46011/1/Estt/96 dated 9-1-96 (Annexure-1). But that was cancelled by the impugned order No.A-46011/1/Estt/96 dated 1-7-96 (Annexure-2).

3. This OA is filed praying for a declaration that the action of R-1 in declaring that the applicant is not ~~eligible~~ entitled for in-situ promotion by Memo No.A/20015/2/97, Estt-4 dated 9-6-97 (Annexure-10) is illegal, arbitrary against the Govt. of India Orders dated 13-9-91 and memo dated 6-10-92 and for a consequential direction to the respondents to reconsider the issue by granting in-situ promotion to the applicant without effecting the recovery of the amount paid to him and also allow him to draw the same.

4. No interim order has been passed in this OA.

5. It is an admitted fact that the applicant got his promotion as Daftri in the year 1988. Because he could not work as Daftri at Cuddapah he requested his transfer to Hyderabad. Though the applicant submits that he was forced to submit his

43

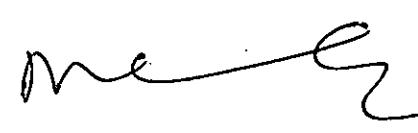
request for coming to Hyderabad as Peon the same cannot be taken note of unless there are sufficient records to prove this allegations. Without having any proper records the allegations has to be rejected. The applicant was also given promotion as Daftri by order No.A-22014/Estt/91 dated 20-2-91 with monetory benefit and it is stated that the same was declined by him. Hence, granting him in-situ promotion by order dated 9-1-96 is erroneous.

6. The respondents acted without checking records. When that error was deducted the same was set right by ~~the~~ withdrawing the in-situ promotion by the order dated 1-7-96. As per the in-situ promotion scheme, 1991 the in-situ promotion is permitted only to those employees in Group-C & D who could not get any promotion after ~~examining~~ stagnating in the ~~highest~~ ^{maximum} pay stage of that scale of pay for one year. In the present case the applicant was promoted earlier to reaching the higher stage of pay and was posted ~~examined~~ as Daftri. Because his personal inconveniance he wanted reversion and posted at Hyderabad. Subsequently also in 1991 when promotion was offered to him he refused to accept the same. Hence, the applicant has no claim for in-situ promotion in accordance with the scheme, 1991. Hence, it has to be held that granting of in-situ promotion by order dated 9-1-96 itself is erroneous and hence impugned the cancellation of that order dated 1-7-96 and also informing him by the impugned letter dated 9-6-97 is in order.

7. In view of what is stated above we find no merits in this OA. Hence, the OA is dismissed. No costs.


(B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)

9.4.97


(R. RANGARAJAN)
MEMBER (ADMN.)

13-4-97

Dated : The 9th April, 1997
(Dictated in the Open Court)

COPY TO:-

1. HONO
2. HHRP M(A)
3. HOSDP M(J)
4. B.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 Q.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.DAI PARAMESWAR :
MEMBER (J)

DATED: 9-4-98

ORDER / JUDGEMENT

MA/R.A./C.P.NO.

IN

D.A. No. 967 | 9

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P.CLOSED.

R.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

6 MAY 1999
SRR
HYDERABAD BENCH

7 (Seven)