

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

D.A.No.791/97.

Date of decision: December 11, 1998.

Between:

*. M.Kistayya. Applicant.
and
1. Union of India represented by its
Secretary, Ministry of Urban
Affairs and Employment, Nirman Bhavan,
New Delhi.
2. Director General of Works,
C.P.W.D., Nirman Bhavan,
New Delhi.
3. Superintending Engineer,
Hyderabad Central Electrical Circle,
Nirman Bhavan, Koti, Hyderabad.
4. Superintending Engineer (Co-ordination),
South Zone, C.P.W.D., Chennai.
Respondents.

Counsel for the applicant: Sri P.B.Vijaya Kumar.

Counsel for the respondents: Sri N.Raghava Reddy.

CORUM.

The Hon'ble Sri R.Rangarajan, Member (A)

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

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JUDGMENT.

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

Heard Sri Durga Rao for Sri P.B.Vijayakumar, the learned counsel for the applicant and Sri Lakshmana Rao for Sri Raghava Reddy for the respondents.

2. The applicant herein worked on N.M.R. from 10-1-1984 to 8.1.1993. He was later appointed as Electrical Khalasi from 7.1.1993 on regular basis. He noticed that some of the employees viz., G.Gnanasekar, B.Mahesh, K.Perumal Swamy, K.Sudhakar and Surender were already promoted as Assistant Wiremen. The applicant submitted a representation dated 19.11.1996 followed by reminders to consider his case for promotion to the post of Assistant Wireman. His representations were not considered by the respondents. The Superintending Engineer, Respondent No.3 by his Pros., dated 31.3.1997 clarified that the Electrical Khalasis were regularised from M.R.Service and that their seniority in M.R.Service was prepared on the basis of completion of 240 days in the second consecutive year as per the Orders of the Director General (Works).

3. It is stated that the applicant had completed 240 days later to those persons mentioned above. On this basis he was denied his promotion.

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4. Hence he has filed this O.A., for a direction to the respondents to consider his case for promotion to the post of Assistant Wireman on par with others by duly fixing his seniority.

5. On 7-7-1997 at the time of hearing the O.A., before admission, this Tribunal noticed certain inconsistencies in the averments made in the application and also suggested to the applicant to implead the parties who were already promoted as Assistant Wiremen. It was also noticed by the Bench that the statements of the applicant were not corroborative. The Bench also observed that "we do not understand why he requests for the seniority list of Assistant Wiremen when he is not in the cadre of Assistant Wiremen"

6. Thus Notice was ordered before admission,

7. The respondents have filed their counter stating that the applicant was given seniority as per his turn when he completed 240 days of work in the second consecutive year subsequent to those persons referred to in the O.A., that those persons were promoted to the cadre of Assistant Wiremen as per their seniority in Muster Roll Service and the same was informed to the applicant by letters dated 26.11.1996 (Annexure R-7), 31.3.1997 and 19.5.1997. He was informed that his name would be considered for promotion to the post of Asst. Wireman in his turn as and when vacancy arises. They

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have also enclosed to the reply the seniority list of Muster Roll Workers as on 1.1.1995. In the said seniority list, the name of the applicant is at Sl.No.50. The names of G.Ganeswar, B.Mahesh, K.Perumal Swamy, K.Sudhakar and Surender are shown above the applicant. The respondents have stated that the said persons were given promotion to the cadre of Assistant Wiremen as per seniority and the seniority was fixed taking into consideration the number of days worked in the second consecutive year. The applicant in the D.A., has clearly stated that that he had completed 240 days work in the second consecutive year later than those persons. When that is so, the applicant cannot claim seniority above those persons.

8. The respondents in their counter have specifically stated that none of the juniors to the applicant has been promoted to the cadre of Assistant Wireman.

9. The applicant has not filed any rejoinder disputing the averments made by the respondents.

10. The respondents have produced the relevant records to show the seniority position of the applicant in the cadre of Muster Roll Service workers for regularisation. In that view of the matter the applicant cannot be given promotion to the cadre of Assistant Wireman

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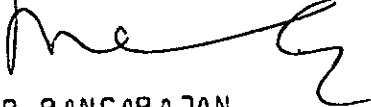
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on par with the aforementioned persons.

In view of the foregoing discussion, we find no merits in this O.A., and the O.A., is liable to be dismissed. Accordingly the O.A., is dismissed.

No costs.


B.S. JAI PARAMESHWAR,
Member (J)
11.12.98


R.RANGARAJAN,
Member (A)

Date: 11th December, 1998.

Dictated in open Court.

sss.

23/12/98

II COURT

Copy to : —

1) HBSSP (M.J)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

2) D.R. (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

3) Spare

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

AND

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

DATED: 11/12/98

ORDER/JUDGMENT

MR/R.A./C.P.No.

in

OA.NO. 791/97

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

22 DEC 1998

हैदराबाद न्यायपीट
HYDERABAD BENCH