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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.1395/97

Date of Order:30.8.99

BETWEEN:

A, Sambaiah

.. Applicant.

AND

1. The Telecom District Manager,
Nalgonda.
2. The Chief General Manager,
Telecommunication, A.P.Circle,
Doorsanchar Bhavan, Nampally Station
Road, Hyderabad.
3. The Chairman, Telecom Commission,
New Delhi. .. Respondents.

- - -

Counsel for the Applicant ..Mr.K.Venkateswara Rao

Counsel for the Respondents .. Mr.V.Vinod Kumar

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CORAM:

HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

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

- - -

O R D E R

)(As per Hon'ble Shri R.Rangarajan, Member(Admn.))(

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Mr.K.Venkateswara Rao, learned counsel for the applicant and Mr.V.Vinod Kumar, learned standing counsel for the respondents.

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2. The applicant in this OA joined as a Time Scale Clerk in Warangal Postal Division on 1.3.66 and he was confirmed in that post on 1.3.68. Subsequently he ~~had~~ qualified ^{for} the Stenographers test and was appointed as Stenographer in the lowest grade on 2.5.73.

Thereafter the Postal and Telegraph Circles were bifurcated. The applicant was appointed in the Telecom Circle.

3. The applicant has filed this OA seeking relief for declaring that the applicant is entitled for promotion as Stenographer Gr-II with effect from the date his immediate junior was promoted to the said post vide letter No.TA/STB/49-22/93, dated 29.9.93 issued by R-2 by holding ^{the} the action of the respondents in refusing to revise the seniority of the applicant in the ~~counting~~ gradation list of Stenographers dated 31.7.92 vide letter No.TA/STB/49-4/90, dated 23.8.96 issued by R-2 is illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution and also opposed to the terms of the Memorandum dated 4.11.92.

4. The main prayer of the applicant in this OA is that he should have been promoted on par with his junior in 1993 itself. As that was not done he is praying for his promotion. Apart from that the applicant also appears to pray for upgradation of the seniority in the gradation list. These prayers are different. Hence filing a single OA for 2 different reliefs may not be appropriate.

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5. The applicant submits that in 1973 itself he should have been confirmed as he had blemishless service before that period and his juniors were confirmed in 1973. It is not understood why the applicant was kept quite from 1973 to 1997 i.e. for 26 years for redressal of his grievance. That itself shows that the applicant is not diligent in pursuing his case.

6. The applicant could not get his confirmation in the year 1980-81 till 1987. It is stated in the reply that the applicant had a series of charge sheets and a series of adverse confidential reports. Because of the punishment and adverse C.Rs the applicant could not get confirmed in the year 1981 to 1987. If the applicant is diligent in getting those punishment orders anulled and also the bad C.Rs modified then he should have prayed for confirmation way back in the year 1980 and 1987. But for the reasons best known to him he kept quite for the long years. This is an another incident of his failure.

7. The applicant submits that his junior was promoted in the year 1993 to the post of Stenographer Gr-II and he was not promoted. In the reply it is stated that the applicant was shown junior to the promoted employee, as the applicant was confirmed with effect from 1988 onwards and that alleged junior was confirmed earlier to him and because of that in the

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gradation list that alleged junior was shown senior to the applicant. That gradation list was issued in the year 1992. It is not understood why the applicant has not challenged that gradation list if he is aggrieved that his erstwhile junior was shown senior in the gradation list. That once again is another ~~on~~ ^{on} ~~particular~~ incident ~~of~~ ^{of} the applicant having failed to approach the appropriate authorities for redressal of his grievance. Even if he had submitted his representation and that representation either not disposed of or disposed of ~~against~~ unfavourably to him he should have challenged that order much earlier. But he approached this Tribunal only on 25.8.97.

8. The applicant submits that his seniority should be shown above ~~to~~ that of his alleged junior who was promoted in the year 1993. That prayer cannot be accepted because of the delay and latches. Even if it is accepted ^{it} in the gradation list the name of the applicant is ~~above~~ ^{below} that of the alleged junior the applicant cannot get any relief in this OA as the service record of the applicant is ~~so~~ ^{very} poor. No employee with that of poor service record ~~can~~ dream for any relief. On that score itself the OA can be dismissed.

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9. With the above, we find that the applicant has filed this OA just to take a chance to get the relief and not with the assured intention of getting relief.

10. In view of what is stated, we find no merit in this OA and the OA is dismissed. No costs.



(R. RANGARAJAN)

Member (Admn.)

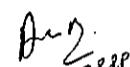


(D. H. NASIR)

Vice-Chairman

Dated : 30th August, 1999

(Dictated in Open Court)



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1ST AND II NO COURT

10/9/99

COPY TO :-

1. HDHND

2. HRRN M (A)

3. HSSJP M (J)

4. D.R. (A)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

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. R. RANGARAJAN :
MEMBER (ADMN.)

THE HON'BLE MR. S. S. JAI PARAMESWAR :
MEMBER (JUDL.)

* * *

DATE OF ORDER: 30-8-99

MA/RA/CP.NT.

IN

CA. No. 139497

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

CA CLOSED

DISPOSED C WITH DIRECTIONS

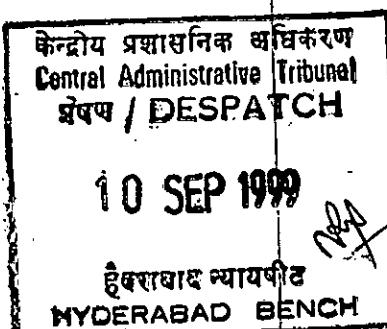
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

✓ copied



Central Administrative Tribunal
Hyderabad Bench, Hyderabad.

O.A. No. 1395 of 1997

MEMO OF APPEARANCE

V. VINOD KUMAR
ADVOCATE

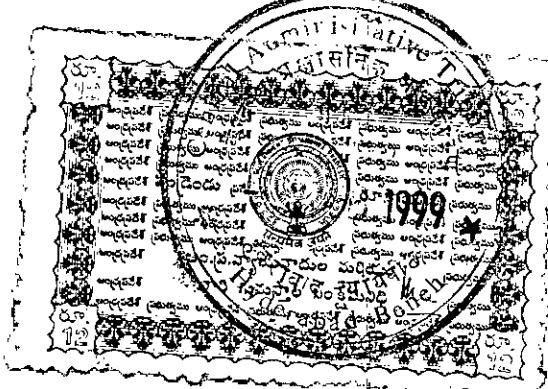
Addl. Standing Counsel for Central Govt.

Counsel for the Respondents

Address for Service :

Phone : 242497

V. VINOD KUMAR
Advocate
Addl. Standing Counsel for Central
Govt.
C.A.T. Hyderabad.



Central Administrative Tribunal, Hyderabad Bench

HYDERABAD.

O.A. / No.

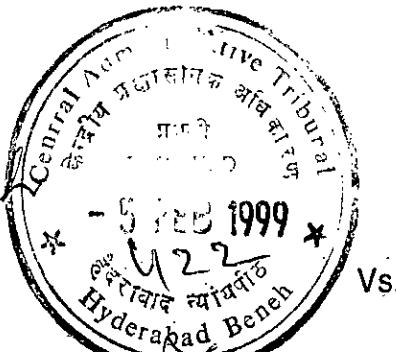
1395

of 199 7

BETWEEN

A. Sambanam

Applicant (s)



The Telecom Distt Manager
Nalgonda & 2 of

Respondent (s)

MEMO OF APPEARANCE

To,

I v. VINOD KUMAR Advocate, having been authorised

(here furnish the particulars of authority)

by the Central/State Government/Government Servant/authority/corporation/society notified under Sec. 14 of the Administrative Tribunals. Act, 1985. Hereby appear for applicant No..... /Respondent No.....1/2/3..... and undertake to plead and act for them in all matters in the aforesaid case.

Place : Hyderabad.

Date : 5.2.99

V. Vinod Kumar
Signature & Designation of the
Counsel

Address of the Counsel for Service
5-9-47, Besides Kirloskar Nursing Home,
Basheerbagh,
H Y D E R A B A D - 29

V. VINOD KUMAR
Advocate,
Add. Standing Counsel for Central Govt.

Form No.9.
(See Rule 29)

BY.R.P.A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.
1st Floor, HAU Bhavan, Opp:Public Garden, Hyderabad-500004.A.P.

ORIGINAL APPLICATION NO.

OF 199

1395. 7.

Applicant(s)

V/S

Respondent(s)

By Advocate Shri:

The Telecom District Manager,
Nalgonda, & 2 others.

(By/Central Govt. Standing Counsel)

To.

Mr. V. Vinod Kumar, Addl. CAGC.

1. The Telecom District Manager, Nalgonda.

2. The Chief General Manager, Telecommunication, A.P.Circle,
Doodhanchar Bhavan, Nampally Station Road, Hyderabad.

3. The Chairman, Telecom Commission, New-Delhi.

Whereas an application filed by the above named applicant under Section 19 of the Administrative Tribunal Act, 1985 as in the copy annexed hereunto has been registered and upon preliminary hearing the Tribunal has admitted the application.

Notice is hereby given to you that if you wish to contest the application, you may file your reply along with the document in support thereof and after serving copy of the same on the applicant or his Legal Practitioner within 30 days of receipt of the notice before this Tribunal, either in person or through a Legal Practitioner/ Presenting Officer appointed by you in this behalf. In default, the said application may be heard and decided in your absence on or after that date without any further Notice.

Issued under my hand and the seal of the Tribunal
This the

Twenty Second, day of . . . October, . . 199 7.

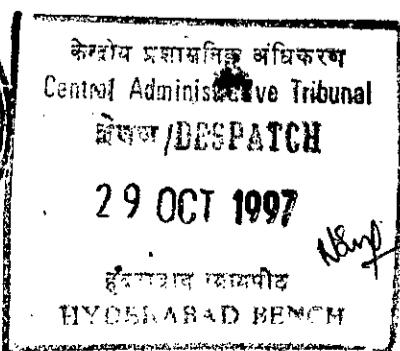
//BY ORDER OF THE TRIBUNAL//

Date:

24-10-97.

FOR REGISTRAR.

18/10/97
27/10/97





S.R. No.

DISTRICT

C.W.
**Andhra Pradesh
Administrative Tribunal
at Hyderabad**

VAKALAT

O.A. No.

of 199

ACCEPTED

Accepted

APPLICANT
Advocate for PETITIONER
RESPONDENT

APPLICANT
Advocate of PETITIONER
RESPONDENT

Address for Service of the said Advocate is at

22-1136/3/1
Tayyara Xoni
Nizam New Nallavalli
Hyd-44

Centsel

**In the Andhra Pradesh Administrative Tribunal
at Hyderabad.**

O. A. No.

1395

of 1997

A. Sambarish

Applicant

Petitioner

Respondent

(1) M.T.D.M. Malgonda and
2 others

1/We A. SAMBARISH

Applicant

Petitioner

Respondent

In the above Petitioner do hereby appoint and retain.



(Cen) V. Venkateswaran

Advocate's of the High Court to appear for me/us in above Petition and to conduct and prosecute (or defend) the and all proceedings that may be taken in respect of any application connected with the same any degree or order passed therein including all application for return of documents or the receipt or any moneys that may be payable to me/us in the said Appeal/Petition and also to appear in all applications under Clause XV of the Letters Patent and in all applications for review and for leave to the Supreme Court of India.

A. Sambarish

I Certify that the contents of this VAKALAT were readout and explained in English and Telugu in my presence to the executants who appeared perfectly to understand the same and made his/her/their signature or mark in my presence.

Executed before me this

18th day of August 1997.

P. V. S. Saru
Advocate's Hyderabad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD
MA. 958/97 M.O.A.S.R.NO. 2668 of 1997

Between:-

A. Sambaiah, S/o, A. Venkaiah, aged about 52 years, Working as Stenographer, (Grade-III), O/o. the Telecom District Manager, Nalgonda.

... APPLICANT

A N D

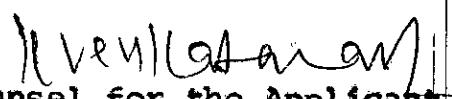
1. The Telecom District Manager, Nalgonda.
2. The Chief General Manager, Telecommunication, A.P. Circle, Doosanchar Bhawan, Nampally Station Road, Hyderabad.
3. The Chairman, Telecom Commission, New Delhi. ... RESPONDENTS

PETITION UNDER RULE 5(4) OF CENTRAL ADMINISTRATIVE TRIBUNAL
PROCEDURE 1987

I am the Counsel in the above O.A.S.R.No. 2668/97. The above O.A.S.R. was returned on 1.9.1997 to me with some objections to be complied with. I submit that unfortunately the bundle was misplaced and it could be traced only on 13.10.1997. I complied with the objections and represented the O.A. in the section on 13.10.1997 itself. I am required to represent before 15.9.1997 but, I could not do so in view of the

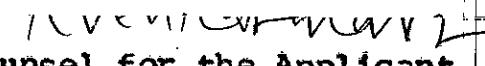
~~above narration~~
I submit that the delay of 29 days from 15.9.97 to 13.10.1997 is neither wilful nor wanton, but for the above said bonafide reason.

In view of the above, I request the delay from to 13.10.1997 may be condoned.


Counsel for the Applicant

VERIFICATION

I, K. Venkateswara Rao, S/o, K. Achutaramaiah, aged about 63 years, Advocate, CAT, Hyderabad, do hereby verify that the contents in the above paras are true to my personal knowledge and I have not suppressed any material facts.


Counsel for the Applicant.

To condone the delay of 29 days
in presenting the case

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL AT: HYDERABAD

M.A.NO.

OF 1997

in

O.A.S.R.No. 2668 of 1997

PETITION FILED, UNDER SEC.5(4) OF
CAT PROCEDURE CODE.



Recd
13/10/97
by [unclear]
for [unclear]

Mr. K.Venkateswara Rao,
Counsel for the Applicant.

Not to be sent
17/10/97

DR Court

मूल/ORIGINAL

Deputy Registry

Delay in representation
of O.A. is condoned.


DR
21.10.97

मुख्य संचार TELECOM

बैच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A. NO.

958

OF 1997.

IN

O.A. NO.

2668

OF 1997

To condone the delay of 29
days in representing the O.A.

Mr. K. Venkateswara Rao
COUNSEL FOR THE APPLICANTS.

AND

Mr. _____

Sr. ADDL. STANDING COUNSEL FOR
C.G. Rlys.