

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1433/97

Date of Order : 29.10.97

BETWEEN :

M.Gowri Shankara Rao

.. Applicant.

AND

1. The Telecom District Engineer,
Vizianagaram.
2. The Sub Divisional Officer, Telecom,
Vizianagaram.
3. The Sub Divisional Engineer (MM)
O/o The Telecom District Engineer,
Vizianagaram.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.K.Venkateswara Rao

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

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CORAM:

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

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O R D E R

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

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

2. The applicant was posted as a Store Linemen by memo No. E.1/Linemen/Corr/Genl/96-98/43, dated 1.7.97 (A-3). It is seen from that order that he was posted in that capacity w.e.f. 1.7.97 and the period of tenure in that post will be four years only. It is stated that the applicant was relieved only w.e.f. 7.7.97. By memo No. E-3/L.S./96-97/29, dated 7.7.97 (A-4) the applicant

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joined in that post on the same day as can be seen from the memo No. E-45/PM/APPTS/96-98, dated 24.7.97 (A-2). The applicant by the impugned order dated 24.7.97 (A-2) has been posted as a Phone Mechanic w.e.f. 3.7.97 in the pay scale of 975-1540. However it is stated that the applicant accepted to continue as Phone Mechanic from 8.7.97 and is continuing as Store Lineman. The pay of the applicant was also fixed in the scale of pay of Rs.975-1540 w.e.f. 8.7.97. By the impugned order No.E-1/LM/Genl/96-98/51, dated 9.10.97 (A-1) willingness in writing through Unir Officers has been called for from the Lineman of Vizianagaram to work as Store Lineman under SDE (MM) for a tenure period of four years and it is stated in that letter that the willingness should ~~be reached~~ the office before 31.10.97.

3. The applicant now submits that his tenure as Store Lineman is 4 years and hence he cannot be discharged even if he is promoted or posted as Phone Mechanic. Store Lineman who were promoted as Phone Mechanics are to be retained in the post of Phone Mechanic till they complete their tenure period.

4. Instead of adhering to the rules as mentioned above the respondents are trying to establish him as Phone Mechanic and calling for willingness from others to post ~~viê~~ him dated 9.10.97.

5. This OA is filed to quash the impugned orders dated 24.7.97 (A-2) and the impugned order dated 9.10.97 (A-1) and for a consequential declaration that the applicant is entitled to continue as Store Lineman under the SDE (MM) Office of Telecom District Engineer for the tenure of 4 years in terms of memo No. E-I/Lineman/Corr/Genl/96-98/43, dated 1.7.97 issued by Telecom District Engineer, Vizianagaram.



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6. The contention of the applicant is that even if he is posted as Phone Mechanic he is entitled to work as Store Lineman in the scale of pay of Rs.975-1540 till he completes the tenure of 4 years in accordance with the established rule. The respondents are flouting that rule and forcing him to go as Phone Mechanic and calling for the volunteers to fill up the post of Phone Mechanic to be vacated by him. Hence the applicant submits that the above action of the respondents is irregular and hence the relief as prayed for in this OA has to be granted to him

7. When a question^{ed} the learned counsel for the applicant whether he approached the Chief General Manager for the relief asked for in this OA, he submitted that he has not approached them but approached this Tribunal for obtaining necessary relief.

8. Normally the applicant should approach the departmental authorities to get ^{his} relief. If they rejected only then ^{he} they should approach the Tribunal. In this case the applicant has not followed the normal procedure to be adopted. I feel the applicant should approach the Chief General Manager by filing for a detailed representation to him asking the relief for which this OA is filed. The applicant fears that his pay may be reduced though from 8.7.97 onwards is drawing the pay in the scale of pay of Rs.975-1540, hence he requests status-quo order in regard to his pay may be issued till the disposal of the representation by the Chief General Manager.

9. In view of the above submission the applicant if so advised may submit a detailed representation for the relief as asked for in this OA within 20 days from the date of receipt of a copy of this order. If such a representation is received within the stipulated time then that representation should be disposed of expeditiously. Till such time the representation is disposed of by the respondents the pay of the applicant as he is drawing today should not be reduced. *and he should not be asked to take over as phone Mechanic.*

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10. With the above direction the OA is disposed of at the admission stage itself. No costs.


(R. RANGARAJAN)
Member (Adm.)

Dated : 29th October, 1997

(Dictated in Open Court)

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31-10-97
D. R.

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OA.1433/97Copy to:-

1. The Telecom District Engineer, Vizianagaram.
2. The Sub Divisional Officer, Telecom, Vizianagaram.
3. The Sub Divisional Engineer (MM), O/o The Telecom District Engineer, Vizianagaram.
4. One copy to Mr. K.Venkateswara Rao, Advocate, CAT., Hyd.
5. One copy to Mr. V.Rajeswara Rao, Adl.CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

srr

6/11/97

C.C. Today

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TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 29-10-97

ORDER/JUDGMENT

M.A./R.A./C.A.NO.

in

O.A.NO. 1433 / 97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

वेपथु/DESPATCH

03 NOV 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH