

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

C.A.No.1620/97.  
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Date of decision: 26-3-1999.  
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Between:

N.Sivannarayana.

.. .. Applicant.

And

1. The Chairman, Telecom Commission and Director General, Telecommunications, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, A.P.Circle, Abids, Hyderabad.
3. The Senior Superintendent (TT), SFMS Systems, Central Telegraph, Office, Secunderabad.
4. M.Laxminarayana, JTC, D.T.O., Cuddapah, A.P.
5. N.Rampulla Reddy, JTC, O/o D.E. Data Collection Centre, Suryalok Complex, Gunfoundry, Hyderabad-1. Respondents.

Counsel for the Applicant: Sri V.Venkateswara Rao.

Counsel for the Respondents: Sri B.Narasimha Sarma.

CORAM:

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

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

JUDGMENT.



O.A.No.1620/97.

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

Sri Sri V.Venkateswara Rao, learned counsel  
for the Applicant and Sri/B.Narasimha Sarma for  
the respondents.

The Applicant herein submitted his representation  
for upgrading his seniority above the five of his  
colleagues mentioned in his representation dated 6.10.1994  
viz., (1) M.Laxminarayana (2) N.Rampullareddy (3) Ch.  
Bhagavanthiah (4) N.S.Krishnamurthy and (5) K.G.K.Benarjee.  
That was rejected by the impugned Order No.SDIT/ST/2-6/97-98  
dated 29.7.1997 (Page 40 to the O.A.).

This O.A., is filed to set aside the impugned  
Order rejecting his case by the 2nd respondent which  
was communicated to him by the impugned order dated 29.7.1997  
issued by the 3rd respondent.

The main contention of the applicant is that he  
should be given the seniority from 1989 batch on the  
basis of his marks and he should be placed above the five  
persons mentioned above who got less marks than him  
in the competitive examination.

All the five persons mentioned above are not  
impleaded in the O.A. Only two persons viz., M.L.Narayana  
and N.Rampullareddy <sup>are</sup> impleaded. If any order is to be  
passed fixing the seniority of the applicant above the  
aforementioned five persons, it is necessary to hear them  
also and <sup>not</sup> the only two persons who are impleaded.





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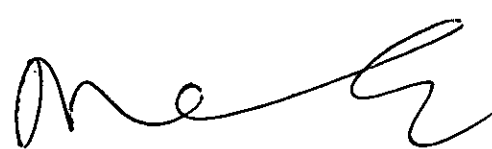
In view of the above, the O.A., is liable to be dismissed for non-joinder of the proper parties. But we do not want to dismiss this O.A., on that ground but thought of giving an opportunity to the applicant to implead them. But this O.A., was filed on 20.4.1997 more than two years ago i.e., in 1997 and the cases filed in 1997 are going to be disposed of very shortly. Hence giving opportunity to implead parties etc., will only prolong the case unnecessarily.

In that view, we feel that the applicant shall file a fresh O.A., impleading all the necessary parties. If such an O.A., is filed, the question of limitation as well as the principle of res judicata may also arise, submits the learned counsel for the applicant before deciding the case on merits.

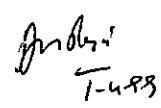
Keeping in view the above submission of the learned counsel for the applicant, the O.A., is disposed of directing the applicant to file a fresh O.A., impleading all the necessary parties according to rules. If such a fresh O.A., is filed that O.A., will be admitted without taking into consideration the question of limitation and resjudicata.

The O.A., is disposed of with the above observations. No costs.

  
(B.S. JAI PARAMESHWAR)  
Member (J)  
26.3.99

  
(R. RANGARAJAN)  
Member (A)

Date: 26-3-1999.  
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Dictated in open Court.

  
T-488

Copy to:

1. HDHND
2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

2  
15/4/99  
IST AND IIND 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 (J)

DATED: 26.3.99

ORDER / JUDGEMENT

MA./RA./CP.No.

IN

O.A. NO. 1620/97.

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS

SRR

7 (Seven) copies

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

12 APR 1999

हैदराबाद ब्याचपीठ  
HYDERABAD BENCH

Expedite petition

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL : HYDERABAD BENCH : HYDERABAD

M.A.NO. OF 1998

in

O.A.NO. 1620 OF 1997

Between:

M. Sivaramayya ... Petitioner

and

The Chairman, Telecom-  
munications, Sanchar  
Bhavan, New Delhi and  
others.

... Respondents

MISCELLANEOUS APPLICATION FILED UNDER  
RULE 40 READ WITH SECTION 8(3) OF  
CENTRAL ADMINISTRATIVE TRIBUNAL  
PROCEDURE RULES, 1987.



Received Copy

20/11/98

(M. Kanakachari)

Law Officer of C.A.T. Hyderabad

Rev. Secy to Jd. C.A.T.  
on 29/11/98

Filed by :

Mr. V. Venkateswar Rao,  
Advocate,  
Counsel for the Applicant.

May 1998  
MHC

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD

M.A.NO. 988 OF 1998

in

O.A.NO. 1620 OF 1997

Between:

N.Sivaramayya s/o.N.C.H.Venkata  
Subbaiah, aged about 34 years, Occ:  
Junior Telecom Officer, Central  
Telegraph Office(SFMSS), Secunderabad,  
Resident of Secunderabad.

... Applicant

and

1. The Chairman, Telecommunications,  
Sanchar Bhavan, New Delhi.
2. The Chief General Manager,  
A.P.Circle, Abids, Hyderabad.
3. The Senior Superintendent - II,  
SFMSSystems, Central Telegraph  
Office, Secunderabad.
4. M.Lakshminarayana, T.T.O., D.D.M.,  
Guddapah, A.P.
5. N.Rampulla Reddy.N.J.T.O.,  
Office of Data Collection Centre,  
Suryalok Complex, Hyderabad.


... Respondents

MISCELLANEOUS APPLICATION FILED UNDER RULE 10 READ WITH  
SECTION OF CENTRAL ADMINISTRATIVE TRIBUNAL PROCEDURE  
RULES, 1987.

For the reasons stated in the accompanying affidavit,  
it is further prayed that this Hon'ble Tribunal may be pleased  
to ~~permt~~ fix an early date for disposal of the above O.A. and  
pass any other order or orders as is deemed fit and proper in  
the circumstances of the case.

Hyderabad,

16.11.1998.

  
Counsel for the Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD

G.A.NO.

988

OF 1998

in

G.A. NO. 1620

OF 1997

Between :

M.Sivaramayya

... Petitioner

and

The Chairman, Telecommunications,

Sanchar Bhavan, New Delhi and 4 others...

Respondents

A F F I D A V I T

I, M.Sivaramayya s/o.N.Ch.Venkata Subbaiah, aged about 33 years, Occ: Junior Telecom Officer, Central Telegraph Office, (SFMS), Secunderabad, R/o. Secunderabad do hereby solemnly affirm and state as follows.

1. I am the applicant herein and as such I am well acquainted with the facts of the case.
2. The above O.A. was admitted on 8.12.1997 by the Hon'ble Central Administrative Tribunal. But so far have not filed their reply statement. The relief prayed is regarding fixation of seniority in the cadre of J.T.O. on the basis of rank obtained by him in the competitive examination and the post training marks obtained by the applicant herein. Since my seniority ~~is not fixed~~ in the said cadre was erroneously fixed, I was put to great loss in the promotion opportunity. If my seniority is not fixed at the proper place as prayed for by me at an early date, I would suffer irreparable loss and damage in the matter of promotion to the next higher cadre.
3. Therefore, it is prayed that this Hon'ble Tribunal may be pleased to pass any other order or orders as is deemed fit and proper in the circumstances of the case.

Sworn and signed  
before me on this the 16<sup>th</sup>  
day of November, 1998.

*M. Sivaramayya*  
(M. SIVARAMAYYA)  
DEPONENT

Advocate

*S. Murthy*  
Before me : Hyderabad.

MA. MA. 988/98 in OA. 1620/97

Dt. 7.1.99

Heard.

In the interest of justice  
although we are not impressed  
with the ground urged by the learned  
counsel, the matter is directed  
to be postponed for final hearing  
in the third week of Feb. 99.

J  
HHRP  
M(A)

HDHNT  
VC



पूरा/ORIGINAL

बेंच केस/BENCH CASE  
CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

दूर संचार TELECOM

M.A.No. 988 of 1998  
IN

O.A.No. NO 1620 of 1997

Ex Parte Petition

Mr. V. Venkateswara Rao  
COUNSEL FOR THE APPLICANT.  
AND

Mr. \_\_\_\_\_  
Sr. ADDL. STANDING COUNSEL FOR G.S.  
C.G. RLY.