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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1620/97.

Date of decision: 26-3-1999.

Between:

N.Sivannarayana. Applicant.

And

1. The Chairman, Telecom Commission and Director General, Telecommunications, Sanchar Bhawan, 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
Jacob for Sri
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. Bhagavantaiyah (4) N.S.Krishnamurthy and (5) K.G.K.Benarjee. That was rejected by the impugned Order No.SDTT/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 ^{are} ~~were~~ 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 ^{not} also and the only two persons who are impleaded.



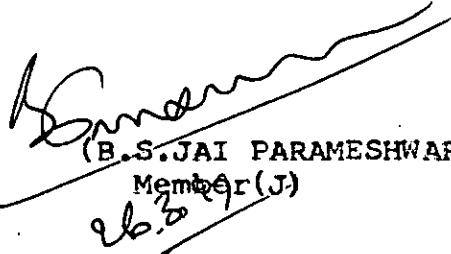

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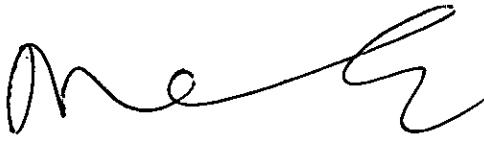
In view of the above, the O.A., is liable to be dismissed for non-joinder of the proper parties. But we do not want to dismiss this O.A., on that ground but thought of giving an opportunity to the applicant to implead them. But this O.A., was filed on 20.4.1997 more than two years ago i.e., in 1997 and 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 res judicata.

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


(B.S.JAI PARAMESHWAR)
Member(J)
26.3.


(R.RANGARAJAN)
Member(A)

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

26.3.1999
T-488

sss.

Copy to:

1. HOHNC
2. HHRP M(A)
3. HBSJP M(J)
4. D.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 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

COMMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

7 (Seven) copy's

केन्द्रीय प्रशासनिक अधिकार ट्रिब्यूनल Central Administrative Tribunal प्रेषण / DESPATCH
12 APR 1999
हैदराबाद आयणी HYDERABAD BENCH

Ex parte petition

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL : HYDERABAD BENCH : HYDERABAD

M.A.NO. OF 1998

in

D.A.NO. 1620 OF 1997

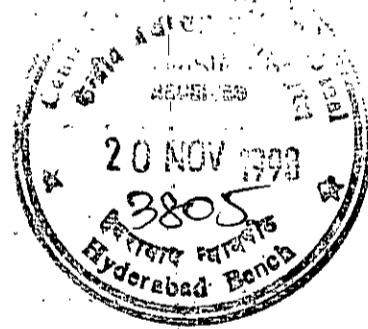
Between:

M.Sivaramayya ... Petitioner

and

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

MISCELLANEOUS APPLICATION FILED UNDER
RULE 10 READ WITH SECTION 8(3) OF
CENTRAL ADMINISTRATIVE TRIBUNAL
PROCEDURE RULES, 1987.



decided C.R.Y

20/11/98

(Mr. Venkateswar Rao,
Law Officer of Comptelcom HQ)

Re: Smt. Smt. 20/11/98

Filed by:

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

Non-
1/1/1

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.,
Cuddapah, A.P.
5. M.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 ~~permitt~~ 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.

W.W.
Counsel for the Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD

R.A.NO. 988 OF 1998

in

O.A. NO. 1620 OF 1997

Between :

M.Sivaramayya ... Petitioner

and

The Chairman, Telecommunications,
Sanchar Bhavan, New Delhi and 4 others... Respondents

AFFIDAVIT

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 ~~as~~ 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 16th
day of November, 1998.

affidavits
(M. SIVANNA RAYAIAH)
DEPONENT

Advocate

S. Murthy
Before me : Hyderabad.

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

✓ **ORIGINAL**

Dt. 7.1.99

Heard.

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

8/
HHRP
M (A)

DA
HDHNT
VC

बैच केस/BENCH CASE

टेलिकॉम
टेलिकॉम TELECOM

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A.N.

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.