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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 547/99

DATE OF ORDER : 21.2.2000

Between :-

Sri Mallikarjun

...Applicant

And

1. The Secretary to the Govt. of India,
Dept. of Telecom,
The Chairman, Telecom Commission,
Sanchar Bhavan, 20, Ashoka Rd,
New Delhi- 110 001.
2. The Chief General Manager, Telecommunications,
AP, Door Sanchar Bhavan, Hyderabad-1.
3. The Principal General Manager, Telecommunications,
Hyderabad Telecom District, Suryalok,
Gunfoundry, Hyderabad-1.

...Respondents

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Counsel for the Applicant : Shri URS Gurupadam

Counsel for the Respondents : Shri V.Rajeshwar Rao, Addl.CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R. RANGARAJAN, Member (A)).

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Heard Sri URS Gurupadam, learned counsel for the applicant and Sri V. Rajeshwar Rao, learned Standing Counsel for the Respondents.

2. The applicant in this OA was a Technician and was promoted under OTBP scheme on 25.6.1984. After his promotion under OTBP Scheme he was taken as a Sports Inspector and he is continued till today as Sports Inspector. The applicant completed 26 years of service on 25.6.1994. He requests for his promotion under the BCR Scheme with effect from 1.7.1994 on which day he ~~becomes~~^{came} eligible for promotion with all consequential benefits. But he was given BCR promotion with effect from 16.1.1996 instead of 1.7.1994 as per the order dated 22.4.1996 (page-22 to the OA). Para-7 of that letter is to be noted :-

7. As per the DOT ND Ir.no.205-1/94-STN (Pt). DT.16.1.1996 the officials who are on deputation as Sports Inspector whose basic cadre are TO/TOA/Technician etc., and are covered under OTBP/BCR Scheme, benefits of proforma promotion may also be granted to them subject to the condition that if basic pay exceed the maximum of pay scale of deputation post, the incumbent should be repatriated to his parent cadre within six months, under Chief General Managers delegated power.

3. This OA is filed to extend the promotion under BCR Scheme from 1.7.1994 the date on which he became eligible after completion of 26 years of service on 25.6.1994 with all consequential benefits instead of from 16.1.1996 as envisaged in letter No.205-1/94-STN (Pt) dated 16.1.1996 of Respondent No.1.

4. No reply is filed in this OA.

5. The learned counsel for the respondents submit that the applicant did not go back to his parent cadre after he was promoted under BCR Scheme and that resulted in granting him BCR promotion with effect from 16.1.1996. In addition to the portion extracted above, the learned counsel for the applicant further

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submits that the applicant went back to his parent cadre only in 1999 but no date is furnished. There is no record to come to the conclusion that the applicant was relieved after completion of 26 years of service in his parent cadre to go back to his parent cadre for granting BCR promotion. The ^{present} ~~applicant~~ cannot take law into his hands without any proper orders. Hence in our opinion, the respondents erred in not granting him BCR promotion in his parent cadre with effect from 1.7.1994. Granting BCR promotion on 16.1.1996 is not proper decision on the part of the respondents.

6. In view of the above, the applicant should be deemed to have been promoted with effect from 1.7.1994 and the consequential benefits arising of such retrospective promotion should be granted accordingly to the applicant.


(B.S.JAI PARAMESHWAR)

MEMBER (J)


(R.RANGARAJAN)

MEMBER (A)

Dated: 21st February, 2000.

Dictated in Open Court.

Avl/