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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 934/99

DATE OF ORDER : 12-4-2000

Between :-

C.V. Subba Rayudu

...Applicant

And

1. Union of India rep. by The Chief General Manager, Telecommunications, AP Circle, Nampally Station Rd, Hyderabad-1.
2. The General Manager, Telecommunications, Hyderabad Area, CTO Building, Sarojini Devi Rd, Sec'bad-500 003.
3. The Telecom District Manager, Cuddapah-516 001.

...Respondents

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Counsel for the Applicant : Shri N.R.Srinivasan

Counsel for the Respondents : Shri V.Rajeshwar Rao, 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 N.R.Srinivasan, learned counsel for the applicant and Sri V.Rajeshwar Rao, learned Standing Counsel for the Respondents.

2. The applicant in this OA joined as Telephone Operator on 2.2.1976. He completed 16 years of service on 2.2.1992. Thus he became eligible for OTBP promotion in the scale of Rs.1400-2300/- from 2.2.1992. The above statement of the applicant is also accepted by the respondents in their reply. Normally the DPC for promotion to the OTBP should be held twice in a year. As the applicant had completed 16 years on 2.2.1992, the DPC for promoting him should have met in June, 1992. But he was ~~not~~ considered for promotion under OTBP scheme on 30.12.1994 and was passed over.
3. This OA is filed praying to declare the respondent's action in denying the applicant promotion to the OTBP scale of Rs.1400-2300 with effect from 2.2.1992 on the ground of penalties imposed subsequently is arbitrary and illegal and consequently direct the 3rd respondent to promote the applicant to the said OTBP scale with effect from 2.2.1992 i.e. from the date when he completed 16 years of service with all consequential benefits including pay arrears, seniority etc...

4. The applicant was issued with a charge sheet on 20.8.1993, about 1½ years after he had completed 16 years of service. As stated earlier, the DPC should have met some time in June, 1992 for considering the case of the applicant for promotion under

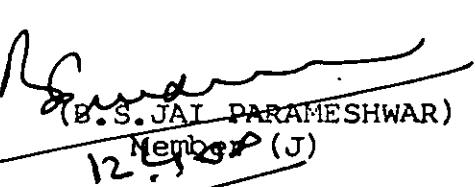
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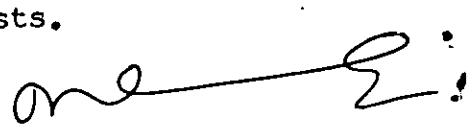
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DPC

OTBP Scheme but the DPC met in 1994. Even if the DPC met in the year 1994, the case of the applicant should be considered for promotion under OTBP scheme only taking note of the punishment and adverse entries entered in the CRs of five years earlier to the normal meeting of the DPC. As stated earlier, the DPC in the case of the applicant should have met in June, 1992. Hence the CRs of the applicant should have ~~met in~~ ^{seen five years earlier} June, 1992. Hence the CRs of the 5 years before June, 1992 only should have been considered. The CRs and the punishment after June, 1992 should not have been taken note by the Respondents. It appears ~~that~~ ^{from} the DPC proceedings ~~does not clearly state~~ ^{which is now} ~~in regard to~~ the number of CRs that was considered for rejecting the case of the applicant and also it does not state that the applicant was passed over because of the issue of the charge sheet in August, 1993. In any case the issue of charge sheet in August, 1993 has no relevance in rejection of promotion under OTBP Scheme. Confidential Reports of the applicant for 3 years or 5 years ^{as the case may be} earlier to June, 1992 should be considered and the case of the applicant on that basis should be ~~decided~~ ^{the proceedings} ~~considered~~. As the DPC has not prepared ⁱⁿ that manner, we are left with no other alternate except to direct the Respondents to hold the Review DPC keeping in view the observations made above by us.

5. Time for compliance is two months from the date of receipt of a copy of this order. No order as to costs.

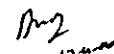

(B.S.JAI PARAMESHWAR)
Member (J)
12/4/2000


(R.RANGARAJAN)
Member (A)

Dated: 12th April, 2000.

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Dictated in Open Court.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY 

COPY TO:

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

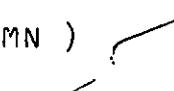
1. HONMJ

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN) 

2. HRRN(ADMN) MEMBER

THE HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL)

3. HBSJP(JUDL) MEMBER

4. D.R. (ADMN) 

5. SPARE 

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 12/4/2000

MA/RA/CP. NO.

IN

DA. NO.

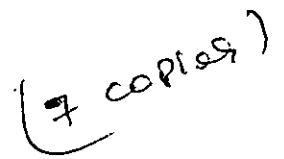
934/09

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS 

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

Central Administrative Tribunal
Hyderabad, Andhra Pradesh
HYDERABAD BENCH

28 APR 2000

Deputy Manager
RECORDED

Regd. Section/CAPITAL SECTION