

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.961/99.

Dt. Of Decision : 19-08-99.

J. Gopala Rao

.. Applicant.

Vs

1. The Union of India rep. by the Secretary,
Dept. of Telecommunications, Min. of
Communications, 209, Ashoka Road,
Sanchar Bhavan, New Delhi-110 001.

2. The Chief General Manager,
Telecom Projects,
No.3, Ethiraj Salai,
Chennai-600 105.

.. Respondents.

Counsel for the applicant : Mr.N.R.Srinivasan

Counsel for the respondents : Mr.B.N.Sharma, Sr.CGSC.

CORAM:-

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

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

ORDER

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

Heard Mr.N.R.Srinivasan, learned counsel for the applicant and
Mr.B.N.Sharma, learned counsel for the respondents.

2. The applicant in this OA was issued with the promotion order from the post of JTO to Telecom Engineering Service Group-B by order No.2-7/98-STG -II dated 21-10-98 (Annexure-I). His name is at Sl. No.1845 as can be seen from the Page-9 of the OA. It is stated that even the copy of the promotion order was not served on him as some disciplinary proceeding was contemplated against him. The applicant was issued with the charge sheet vide memo No.DIR/OFP/VJ/X/Rule-16/98-99 dated 10-02-99 (Annexure-II). In view of the pending charge sheet the applicant was not promoted. It is stated that the charge sheet ended with a punishment. The applicant is undergoing the punishment and it is stated that it will come to ^{an} end on 11-9-99.

[Signature]

[Signature]

3. This OA is filed praying for a direction to R-2 to implement the R-1 Memo No.2-7/98-STG-II dated 21-10-98 (Annexure-I) appointing the applicant to TES Group-B post in the Southern Telecom Projects Circle with effect from 21-10-98 with all consequential benefits.

4. The applicant was not issued with the charge sheet on 21-10-98 when his promotion order to the post of TES Group-B was issued by the R-1. He was issued with the charge sheet subsequently. Hence on the day of issue of the promotion order the applicant had no charges pending against him nor he was undergoing any punishment. Hence not promoting him to the post of TES Group-B as per the order dated 21-10-98 is irregular. Hence he should be deemed to have been promoted on the day when his junior was promoted to the post of TES Group-B. The respondents however are entitled to continue the charge sheet proceedings on his promotion and punish him if required in accordance with the rules. Hence the following direction is given:-

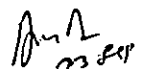
The applicant should be deemed to have been promoted as TES Group-B from the date his junior was promoted. The charge sheet should be dealt with in accordance with the rules in the promoted cadre of TES Group-B.

5. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER(JUDL.)
19.8.99

Dated : The 19th August, 1999.
(Dictated in the Open Court)


(R. RANGARAJAN)
MEMBER(ADMN.0)


23.8.99

SPR

COPY TO:-

1. HON'BLE
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A) ✓
5. SPARE ✓
6. ADVOCATE
7. STANDING COUNSEL

1st AND II nd 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. R. RANGARAJAN:
MEMBER (ADMN)

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

ORDER DATE: 19/8/99

MA/RA/CP.NO
IN
DA.NO. 941/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

O.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDER AS TO COSTS~~

