

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. 991/99

Date of decision: 27 Jun 99

Between:

K. Subba Rao

.. Applicant

A N D

1. The Chief General Manager,
Telecommunication, A.P. Circle,
Hyderabad.

2. The Chairman,
Telecom Commission,
New Delhi.

.. Respondents

Counsel for the Applicant: Mr. K. Venkateswara Rao

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

CORAM:

Hon'ble Shri H. Rajendra Prasad, Member (A) $\frac{8}{17}$

O R D E R
(Per Hon'ble Shri H. Rajendra Prasad, Member (A))

Heard Mr. K. Venkateswara Rao for the Applicant and Mr. B.N. Sharma for the Respondents.

2. The Applicant, while functioning as Junior Engineer since 1974, was denied promotion to Gr. 'B'. In disposing of OA 1469/96 filed by him, the Tribunal directed the Respondents to promote the Applicant from the date his juniors were regularly promoted. In compliance with the said direction, the Applicant was promoted notionally from 11-5-1981, but the monetary benefits of such promotion were allowed only from the date of his actual assumption of charge on 19-5-1990.

3. The grievance of the Applicant in this OA is that, having been so promoted to Gr. 'B', CGEGIS recoveries should have been affected from his pay from 1-5-1981. He claims that inasmuch as his regular promotion is w.e.f. 11-5-1981 the recoveries of monthly subscription under the Scheme should have commenced on 1-5-1981. It is his complaint that Respondent No.1, vide his letter No. TAC/PEN/C-21/97-98/91 dt. 17-2-1998, arbitrarily turned down his request for recovery of CGEGIS subscription from 1-5-1981.

4. The Applicant prays for quashing of the impugned order referred to above and to declare that he is entitled to be treated as Gr.'B' officer from 1-1-1982 for the purpose of CGEGIS and further to order payment of differential amount in Gr.'B' cadre after recovery of subscription from 1-10-1997.

5. The Applicant was not 'regularly' promoted

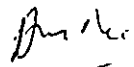
from 11-5-1981 his promotion actually took effect from 19-5-1990; on which he actually assumed charge of the promotional post and the period between the two dates was purely notional which carried no monetary benefits. Such being the case, it is not understood how the Applicant can press a claim to which he is not entitled. It is noted the Group Insurance Scheme for the Central Govt. employees, 1980, specifically lays down that the group to which an employee belongs shall be determined with reference to the post held by him on a 'regular' basis on the 1st January of the relevant year. In the instant case the Applicant can be said to have been promoted on regular basis only on the date he assumed charge of the promoted post. Such being the simple fact of the case, the Respondents cannot be compelled under any rule to make recoveries and arrange refund subscription on the same basis after his retirement.

6. The facts of the case being so clear and the prayer of the Applicant being so patently inadmissible, it was not considered necessary to ask the Respondents to file any reply. However, Mr. B.N. Sharma, Sr.CGSC heard fully before forming an opinion in this case.

7. The OA is misconceived. There is no merit in the OA and the same is dismissed at the admission stage.


(H. RAJENDRA PRASAD)
Member (A)

MD


707-21

COPY TO:-

1. HON'J
2. HRRP M(A)
3. HBSJP M(J)
4. D.P. (A)
5. SPARE

1st AND 11th COURT.

TYPED BY
CHECKED 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 PRA SAO.
MEMBER (ADMIN)

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (ADMIN)

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

ORDER: Date. 22/7/99

ORDER / JUDGMENT

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

981/88

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

7 copies

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13 AUG 1999
हैदराबाद न्यायपीठ HYDERABAD BENCH