

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.646/99

dt.7-4-2000

Between

B. Srinivas : Applicant

and

1. Chief General Manager  
Telecommunication, AP Circle  
Hyderabad

2. General Manager  
Telecom District  
Vijayawada

3. Chairman  
Telecom Commission  
New Delhi

4. Union of India  
rep. by the Chairman  
Telecommunications  
New Delhi

: Respondents

Counsel for the applicant : K. Venkateswara Rao  
Advocate

Counsel for the respondents : B. Narasimha Sharma  
Sr. CGSC

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameshwar, Member (Judl.)





## Order

Oral order (per Hon. Mr. R. Rangarajan, Member (Admn))

Heard Mr. K. Venkateswara Rao, learned counsel for the applicant and Mr. B. Narasimha Sharma, learned counsel for the respondents.

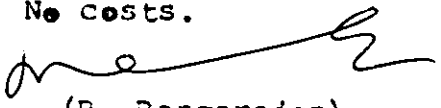
1. The applicant was appointed on compassionate ground appointment as TOA to Electrical Division, Vijayawada, vide order No.TA:STA(R):13-25/93 dated 6-10-1993 (Annex.II). He was appointed to TOA(G) Grade I on 25-1-1994 vide order No. TA/STB/55.7/BS dated 22/23-3-94 (Annex.III) by the Respondent-1. The applicant was promoted as TTA by order No.E-16/TTA.Appot./95-96/45 dated 15-5-1997 (Annex.XI). The applicant was inducted to TTA after training from 17-5-1997 by order issued NO.E-16/TTA.Appots./97-98/Vol.III/13 dated 23-6-1997
2. When the matter stood thus, the applicant's appointment as TTA was cancelled by the impugned order dated 15-4-99 issued vide No.E-242/Sr.TOA(G):ST.TRG:98-99/121 (Annex-I).
3. This OA is filed to set aside the impugned order dated 15-4-1999 issued by the General Manager, Telecommunication District, Vijayawada, and for a consequential direction to the respondents to continue him as TTA from the date of his promotion i.e. from 17-5-1997 with all consequential benefits such as seniority, pay and allowances and other attendant benefits.
4. The only point made out in the reply is that the Recruitment rules issued by the notification dated 22-7-1991 (Annex. R-4) the applicant is not in Telecom Engineering Branch of the Department. Hence, he cannot be promoted as TTA as he belongs to the Electrical Branch.

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2.

5. In Chapter X of the P&T Manual, para 426 clearly states that 'Non-gazetted staff in the Engineering Branch (including the Electrical Branch) of the Department consists of class of officials indicated therein (Annex.R-4). The clerks or TOAs come under that part. When the Engineering Branch as per the Manual provision includes the Electrical Branches, it cannot be stated that the Electrical Branch TOAs are excluded as per the recruitment rules. Probably, it may be mistake on the part of the respondents to clarify that the Telecom Engineering branch <sup>includes</sup> ~~(including)~~ Electrical branch is not spelt out. If it is the intention of the order dated 22-7-91 to exclude the Electrical Branch then the said recruitment rules could have been clearly stated that the Telecom Engineering Branch <sup>does not</sup> include Electrical Branch. When that is not said so the Manual position has to be <sup>relied upon</sup> ~~upheld~~. The Manual position clearly states that the Engineering Branch <sup>includes</sup> ~~(including)~~ the Electrical Branch <sup>hence</sup> (it cannot be stated that the Electrical Branch staff should be excluded as per the notification dated 22-7-1991).
6. The applicant has been correctly promoted as TTA by order dated 23-6-1997 as TTA. Hence, his reversion by the impugned order dated 15-4-1999 is irregular.
7. In view of what is stated above the order dated 15-4-99 reverting the applicant from the post of TTA to the post of TOA is hereby set aside as far as the applicant is concerned. The applicant has to be treated as <sup>having been continued as</sup> TTA from the date of his reversion from the post of TTA and is entitled for all consequential benefits due to him as TTA from the date of his reversion.
8. The OA is ordered accordingly. No costs.

  
(B.S. Jai Parameshwar)  
Member (Judl.)

  
(R. Rangarajan)  
Member (Admn.)

Dated : 7 April, 2000  
Dictated in Open Court