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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.656/99

dt. 31-3-2000

Between

D. Ramanjaneyulu : Applicant

and

1. Union of India, rep. by
the Chief General Manager
Telecommunications AP Circle
Nampally Station Road
Hyderabad 500001

2. General Manager
Telecommunications
Hyderabad Area, CTO Bldg.
Sarojini Devi Road
Secunderabad 500003

3. Telecom District Manager
Cuddapah 560001 : Respondents

Counsel for the applicant : N.R. Srinivasan
Advocate

Counsel for the respondents : V. Rajeswara Rao
CGSC

Ceram

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

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

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Order

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

Heard Mr. N.R. Srinivasan, for the applicant and Mr.V. Rajeswara Rao for the respondents.

1. The applicant in this OA was appointed as Technician by the then Divisional Engineer, Telecommunications, Cuddapah, with effect from 14.10.1982. The cadre of Technicians is a dying cadre. Hence, cadres were restructured and new cadre of Telecom Technical Assistant (TTA) was formed. The grouse of the applicant is that his juniors were sent for training to become TTAs whereas he was not sent. The applicant submits that he went on representing his case but no reply was received. However, by the impugned order No.E1-57/DPC/SH/III/98-99 dated 17.3.99 (Annex.14) he was informed that the promotion of TTA in respect of the said official was not considered by the DPC conducted on 22.1.98 due to adverse entries in his CRs.

2. Aggrieved by the above the applicant has filed this OA to set aside the impugned order dated 17.3.99 by declaring the same as illegal and for a consequential direction to the Respondent No.3 to promote the applicant as TTA with effect from the date his immediate junior in the cadre of Technician as TTA with all consequential benefits including pay fixation, seniority etc. and for a consequential further direction to permit the applicant to appear for the Second Qualifying Screening test being held for promotion to the cadre of Junior Telecom Officer (JTO) under 35% ^{1/4} ~~departmental vacancies~~ ^{vacancies} ~~and date~~ quota ~~of departmental vacancies and date~~.

3. An interim order was passed on 28.4.99, which reads as under:

"...the applicant be permitted to appear at the Screening test for promotion to JTO scheduled to be held on 23.5.99. His results, shall however, be not declared and mere permission to appear at the Screening test shall not, ipso-facto make him entitled to promotion."

4. A reply has been filed in this OA. In reply, the respondents have indicated the various reliefs asked for in this OA in para-2 of the reply. In para-3 the respondents have given punishments granted to the applicant. In para-4 the absence of the applicant without intimation is indicated. The period of unauthorized absence of 117 days was treated as dies-non and hence his case was not recommended for promotion by DPC held in 1992-93.

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5. It is stated that subject to clearance by the constituted DPC pre-appointment training for eligible officials irrespective of availability of posts were arranged. The appointment to the post of TTA is based on seniority and selection by DPC and availability of posts. Hence, the applicant was sent for TTA training and was asked to report back as Technician along with many others. The trained official will be posted as TTA based on the seniority, clearance by the DPC and also on the basis of availability of the posts. The respondents admit that on expiry of his punishment *and his term* he was given promotion to the cadre of TTA in December, 1994 till he was deputed for pre-appointment training. On his returning back from training the official was posted *as technician* *on account of the fact that he* *the post* was not cleared by the DPC.

6. The applicant was absenting himself without intimation from 1-7-97 to 10-8-97 for 102 days. He submitted a medical certificate. For that absence the official was granted leave taking a lenient view. Once again without intimation he absented from 22.10.97 to 1.5.98 and the entire period of unauthorized absence from 22.10.97 to 1.5.98 was treated as dies-non. In the DPC held on 22.1.98 six employees were recommended for promotion to the post of TTAs and the case of the applicant was passed over due to consistent bad record of the official. However, his case was considered by DPC held on 18.11.98 for promotion to the cadre of OTBP and his case was recommended for OTBP in the scale of Rs.4500-7000 with effect from 29.1.1999. The applicant was not promoted as TTA, hence he was not eligible for promotion as JTO against 35% departmental quota reserved to the cadres of PI/TA/WO/AEA/TTA.

7. From the above material available on record it is evident that the applicant was not recommended for promotion to the post of TTA due to his consistent bad records. The applicant has quoted some of his juniors who had been promoted as TTA and requested that he should also be promoted along with others. But we find no material in regard to date of promotion of his juniors. Even if they are promoted the applicant cannot demand as a matter of right for promotion unless he is found suitable by the DPC. Mere fact that he was sent for pre-appointment training does not give any right for promotion to TTA. The promotion to the post of TTA and promotion to the cadre of OTBP are two different matters. Just because he has been given OTBP scales of *him* pay it does not entitle to get TTA post. OTBP is on the basis of number of years of service put in whereas TTA *as revealed by the material available* is a selection post to *work in* various cadres such as PI/TA/WO/AEA/TTA. No body can demand inclusion for consideration for promotion to the post of *JTO* unless that employee is promoted as TTA and comes within the zone of consideration for promotion as JTO against 35% departmental quota. The applicant as evident from the material is not promoted to the post of TTA. Hence his promotion for the post of JTO does not arise.

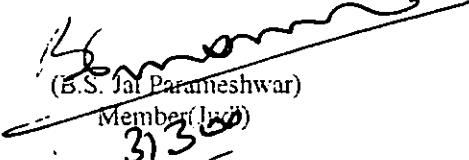
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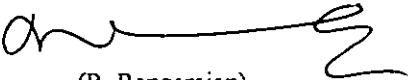
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8. The only consideration in this OA is whether rejection of his case for promotion to the post of TTA by the impugned order dated 17.3.99 is in order or not. For that we called for DPC proceedings and also the CRs of the applicant. The DPC, which was held on 22.1.98, has clearly stated that the case of the applicant has been passed over for promotion as TTA due to consistent bad record of the official. We have perused the CRs of the applicant also. The CRs of the applicant do not speak high of him. As a matter of fact his performance was only just satisfactory. He was not recommended by the Supervising officer for further accelerated promotion. This is evident from the three ^{Annual reports} ~~CRs~~ produced before us dated 26.12.97, 24.6.97 and for the period from 1.4.94 to 31.3.95. The CR for the period from 1.4.95 to 31.3.95 also categorises him as average. The CR of 1.4.96 and 31.3.97 also categorises him as average and nothing more than that.

9. Considering the above record of service of the applicant we do not find any error in passing over the case of the applicant for promotion to the post of TTA by the DPC which met on 22.1.98. He was rightly informed about the position by the impugned order referred to above.

10. In view of the above we find no merit in the OA. Hence, the OA is dismissed. No costs.


(B.S. Lal Parameshwar)
Member(Law)


(R. Rangarajan)
Member(Admn)

Dated : 31 March, 2000
Dictated in open court

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,
HYDERABAD.

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

COPY TO

1. HON'BLE MR. JUSTICE D.H. NASIR
VICE CHAIRMAN

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

3. HON'BLE MR. B.S. DAI PARASHUWAR
MEMBER (JUDL)

4. HON'BLE MR. D.R. (ADMN)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

DATE OF ORDER 31/3/2000

MA/RA/CD.NO

IN

C.A. NO. 656/99

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

केन्द्रीय प्रशासनिक विभाग
Central Administrative Tribunal
हैदराबाद स्थायी
HYDERABAD BENCH

APR
17 APR 2000
Despatch No
RECORDED
डाक विभाग / APPALI SEITU