

29

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 881/99

Date of Order : 14.6.99

BETWEEN :

R.Anka Rao

.. Applicant.

AND

1. The Chairman, Telecom
Commission, New Delhi.
2. The Chief General Manager,
Telecommunication, A.P.Circle,
Doorsanchar Bhavan,
Nampally Station Road,
Hyderabad.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.K.VenkateswaraRao

Counsel for the Respondents

.. Mr.B.N.Sharma

- - -

CORAM :

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

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

- - -

O R D E R

X As per Hon'ble Shri B.Rangarajan, Member (Admn.) X

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Mr.K.Venkateswara Rao, learned counsel for the
applicant and Mr.B.N.Sharma, learned standing counsel
for the respondents.

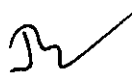


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2. The applicant was promoted to the post of TES Group-B by letter No. 2-7/98-STG-II~~dated~~ 21.10.98. But R-2 by his impugned letter No.TA/STA/70/4/XXX dated 27.10.98 did not promote the applicant since disciplinary case ^{was} ~~is~~ contemplated/pending against him.

3. This OA is filed for a declaration that the applicant is entitled for posting as T.E.S. Group-B officer pursuant to the TCHQ Lr.No.2-7/98-STG-II, dated 21.10.98 issued by R-1 with all consequential benefits such as seniority, pay and allowances and other attendant benefits from 27.10.98 (the date of issue of posting orders by C.G.M.) by holding that the impugned order dated 27.10.98 is illegal, arbitrary and discriminatory and violative of Articles 14 and 16 of the Constitution.

4. The Apex Court in Janakiraman's case (reported in AIR 1991 (1) SC 173) had held that stoppage of promotion can be ordered only if the charge sheet has been issued. In ^{the} other OA this Bench went to the extent of saying that the disciplinary proceedings starts from the stage of the suspending the official for some contemplated disciplinary proceedings even if charge sheet is not issued by then. It is evident that the applicant was not suspended not any ~~charge sheet~~ Charge sheet issued to him on 27.10.98 when the impugned order was issued.



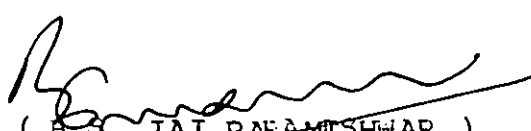



5. Hence the impugned order dated 27.10.98 has to be set aside in so far as the ^{applicant} ~~respondent~~ is concerned in ~~not promoting him~~ ~~refusing the applicant to promote~~ to the post of T.E.S.

Group-B. The applicant should be promoted to the post of T.E.S. Group-B from the date his junior was promoted. But this promotion will not stand in the way of the respondents to proceed with the charge sheet if it is already issued. The charge sheet may be taken to the logical conclusion and suitable punishment on the basis of the enquiry may be awarded to the applicant.

6. With the above observation the OA is disposed of.

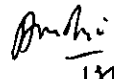
No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)
14.6.99


(R. RANGARAJAN)
Member (Admn.)

Dated : 14th June, 1999

(Dictated in Open Court)


18/6/99

sd

COPY TO:-

1. HOHND

2. HHRP M(A)

3. HBSOP M(J)

4. D.R. (A)

5. SPARE

1ST AND IIND 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.H.RAJENDRA PRASAD :
MEMBER (A)

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

THE HON'BLE MR.B.S.JAI PARAMESWAR :
MEMBER (J)

ORDER: 14.6.89

ORDER / JUDGEMENT

MA./DA./CP No.

DA. No.

881/89

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.

SRR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

29 JUN 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH

6 8/2/1999