

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 170/99

Date of Order : 18.2.99

BETWEEN :

M.P.Vemaiah

.. Applicant.

AND

1. The General Manager,  
Telecom Area,  
Visakhapatnam.2. The Telecom District Manager,  
Ongole.3. The Sub Divisional Officer,  
Telecom, Ongole.

.. Respondents.

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Counsel for the Applicant

.. Mr.N.R.Srinivasan

Counsel for the Respondents

.. Mr.B.N.Sharma

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CORAM :

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

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

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O R D E R

X As per Hon'ble Shri B.S.Jai Parameshwar, Member (J) X

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MR.N.R.Srinivasan, learned counsel for the applicant and Mr.B.Narasimha Sarma, learned standing counsel for the respondents.



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2. The applicant herein was appointed as Telephone Operator in the Telecom Department in October 1969. He completed 16 years of service in the cadre (presently designated as Telecom Operating Assistant) on 8.10.95. He is presently working as Telecom Operating Assistant at Telecom Centre, Kandukur.

3. The applicant was served with a memorandum of charges on 24.12.90. He submits that the said charge sheet was concluded by the authorities imposing a punishment of stoppage of one annual increment for six months without cumulative effect. The appeal preferred by the applicant <sup>also</sup> came to be rejected.

4. The applicant became eligible for consideration for promotion under OTBP Scheme in the cadre of TOA to the next higher scale of pay of Rs.1400-2300 on completion of 16 years of service.

5. The DPC met on 10.1.96 to consider the case of the applicant and it was not recommended. Further the DPC met on 30.12.96 and considered the case of the applicant w.e.f 30.12.96 and the respondents by the letter dated 9.9.97 (A-8) informed the applicant that he can submit an appeal to the next higher authority for considering his case for promotion under OTBP scheme with <sup>1 a</sup> retrospective date. Accordingly the applicant submitted an appeal to the next higher authority <sup>to</sup> <sub>who</sub> the General Manager, Telecom area, Visakhapatnam by his proceeding dated 4.8.98 rejected his appeal.

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6. The applicant has filed this OA to call for the records pertaining to the impugned memo dated 4.8.97 (A -11) and to set aside and quash the same declaring that the applicant is entitled to get his promotion to the next higher scale of Rs.1400-2300 under the OTBP Scheme w.e.f. 1.10.95 i.e. from the date the applicant completed 16 years of service with all consequential benefits including arrears of pay and seniority.

7. We have perused the impugned letters. The impugned letters does not convey any reason as to why the case of the applicant has been rejected. Normally when an appeal is filed the respondents should give a concise reasons for rejecting his case. Without that, the reply to the representation cannot be treated as a very valid reply.

8. The whole issue revolves around the proceedings of the DPC which which had considered the case of the applicant and had not recommended the case under the said OTBP scheme. Hence we asked the respondents to produce the DPC proceedings for our perusal. Today the proceedings were produced before us., which were perused and returned back.

9. The DPC which met on 10.1.96 consisted <sup>of</sup> the Deputy General Manager, Telecom, Guntur who was designated as Chairman of that Committee, AGM, GMT, Guntur and DE Telecom, Narasaraopet <sup>the</sup> <sub>were</sub> Members. The DE Telecom, Narasaraopet was SC member of

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that DPC's Check list enclosed to the DPC proceedings was perused. Some signs are given in the column under the CRs for the past 5 years. It is not understood what those signs signify. The Chairman has cryptically remarked "not recommended".  
 However, by some other sign language, <sup>other members</sup> he had also come to the conclusion that the applicant was not recommended due to the punishment given during the year 1991-92.

10. The above DPC proceedings does not give us the reason as to why the case of the applicant was not considered in accordance with the rules. Normally, the DPC proceedings should indicate the bench mark for promotion and on that basis the recommendation should be made. There is no bench mark indicated in the DPC proceedings. The sign language cannot be considered as bench mark. Further whether the punishment which had expired about 4 years back stands in the way of the applicant to get his promotion under the said scheme is also not indicated in the DPC proceedings. Hence after perusing the DPC proceedings we have come to the conclusion that the DPC has not made a thorough scrutiny of the records and decided his case properly on that basis.

11. Hence we are of the opinion that the case of the applicant has to be reviewed for promotion ~~from the date from which the DPC met on 10.1.96.~~ <sup>by a review Committee</sup>. The review DPC must clearly indicate the reasons if his case is not recommended for the promotion under the OTBP Scheme. If the applicant is not once again recommended a detailed reply should be given to him indicating the reasons for rejecting his case.

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11. Time for compliance is 3 months from the date of receipt of a copy of this order.

12. The OA is ordered accordingly. No costs.

  
( B.S. JAI PARAMESHWAR )

Member (Judl.)

18/2/99

  
( R.RANGARAJAN )

Member (Admn.)

Dated : 18th February, 1999

(Dictated in Open Court)

  
Amulya  
MPP.

sd

5/3/99  
Ist and IIInd Court.

Copy to:

1. HOMO

2. HHRP M(A)

3. HSSD M(J)

4. D.R. (A)

5. SPARE

Typed By  
Compared by

Checked by  
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE O.H. NASIR:  
VICE CHAIRMAN

THE HON'BLE H. RAJENDRA PRASAD :  
MEMBER (A)

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

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

DATED: 18/2/99

ORDER/JUDGMENT

M.A./R.A/C.P.NO.

IN

Case No: 170/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WATDORMIN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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