

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

D.A.No.171 OF 1999.

DATE OF ORDER:4-3-1999.

BETWEEN:

P.Varadaiah.

....Applicant

a n d

1. The Union of India, rep. by the
Secretary, Department of Telecom,
New Delhi - 110 001.
2. The Chief General Manager,
Telecom Circle, Abids,
Hyderabad-500 001.
3. The Telecom District Manager,
Khammam.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr.J.V.Lakshmana Rao

COUNSEL FOR THE RESPONDENTS:: Mr.B.Narasimha Sharma

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

Heard Mr.J.V.Lakshmana Rao, learned Counsel
for the Applicant and Mr.B.Narasimha Sharma, learned
Standing Counsel for the Respondents.

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2. The applicant in this OA is officiating as a Group-'B' Officer in the T.E. service. In the meantime, he has been empanelled for the post of TES-Group-'B'. However, his regular promotional order on the basis of his empanelment has not been issued. The applicant submits that there was no charge sheet pending and no disciplinary proceedings have been pending against him. He relied upon the decisions of the Supreme Court in the case of UNION OF INDIA Vs. JANAKIRAMAN (reported in AIR 1991 SC P.2010), and also in the case of C.H.VENKATARATNAM Vs UNION OF INDIA (reported in 1987(2) SLJ, P.115 CAT Madras of this Tribunal).

3. He has filed this OA to call for relevant records including DPC minutes and direct the respondents to promote him to TES Group-'B' on regular basis from the date of his juniors ^{who} promoted with all consequential benefits.

4. In this OA an Interim Order was passed on 23-2-1999. The interim order reads as follows:-

"If any charge sheet is issued after filing this OA i.e., on or after 1-2-1999, that charge sheet will not be considered as proper charge sheet."

5. The learned Counsel for the Respondents submits that no charge sheet is pending against him as on date. However, a charge sheet was issued to the



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applicant way-back in 1995 and that charge sheet was disposed of exonerating the applicant from the charges levelled against him. However, a review is being done to amend the Order passed in the earlier charge sheet. But so far not even a Show Cause Notice has been issued to the applicant for the review of the observations in the previous charge sheet.

6. The learned Counsel for the Respondents further submits that the applicant has already filed a representation, which is pending. He also submits that the interim order is only to continue him in the officiating capacity.

7. We have considered the above submission. The applicant is free of any charges pending against him as on date. A review which is contemplated is not a material to come to the conclusion that some punishment is likely to be imposed and on that basis he should not be promoted on regular basis. Hence, we find that the respondents have not made out a case to deny him the regular promotion on the basis of the empanelment. However, promoting him on regular basis to the TES-Group-'B' will not stand in the way of the respondents to issue a charge sheet even in the higher grade of TES-Group-'B' service.



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8. In the result, the OA is allowed and the respondents are directed to promote the applicant, if he is empanelled for TES.Group-'B' service on par with his junior in that empanelment list. Liberty is given to the respondents to proceed with the charge contemplated against him in the higher grade. No costs.


(B.S.JAI PARAMESHWAR)

MEMBER(JUDL)

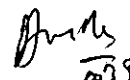
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(R.RANGARAJAN)

MEMBER(ADMN)

DATED: this the 4th day of March, 1999

Dictated to steno in the ^uOpen Court


23.9.99

DSN

Copy to:

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2. HHRP M(A)
3. HBSJP M(J)
4. D.R. (A)
5. SPARE

19/3/99
A
IST AND IIND COURT

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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)

DATED: 4/3/99

ORDER/ JUDGEMENT

MA./RA./CP.NO.

IN

O.A. NO. 171/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

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