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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
HYDERABAD

O.A.No.1285 of 1999.

DATE OF ORDER:13-6-2000.

Between:

M.Thiruvengalam.

...Applicant

and

1. Union of India, rep. by the Chief  
General Manager, Telecommunications,  
AP Circle, Nampally Station Road,  
Hyderabad-500 001.

2. The General Manager, Telecom District,  
Visakhapatnam-530 050.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.N.R.Srinivasan

COUNSEL FOR THE RESPONDENTS : Mr.V.Rajeshwar Rao

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

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

: O R D E R :

(PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

Heard Mr.N.R.Srinivasan, learned Counsel for the  
Applicant and Mr.V.Rajeshwar Rao, learned Standing Counsel  
for the Respondents.

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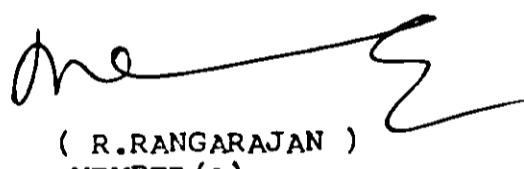
2. No reply has been filed in this OA.
3. The applicant was recommended for lateral promotion by Order No.A/STB/18/8/IX/2, dated 9-12-1997, (Annexure-A1, page 7 to the OA). The applicant having completed 12 years of regular service as JTO, was given the scale of pay of Assistant Engineer with effect from the date recommended by the DPC. It is seen from the enclosure at Annexure A-1, page 10 to the OA, that the applicant has been recommended with effect from 31-10-1997, even though the Order was issued on 9-12-1997. The applicant is eligible for getting the scale of pay of Assistant Engineer on account of lateral advancement of JTOs on completion of 12 years of service with effect from 31-10-1997. It is stated/the applicant that he is entitled for fixation of pay in the higher scale of Assistant Engineer ~~as/his~~ lateral career advancement after completion of 12 years of service. Hence, he submits that on the date when he has to be given the lateral advancement promotion with effect from 31-10-1997, no Charge Sheet was issued to him on that date. The Charge Sheet was issued only on, vide the impugned memorandum dated 20/21-3-1998, (Annexure.A-2, page 13 to the OA). Hence, fixation of his pay as per lateral advancement/cannot be denied to him.
4. This OA is filed praying for a direction to the Respondent No.2 to implement the first respondent's memo No.TA/STB/18/8/IX/2, dated 9-12-1997, promoting the applicant under the lateral advancement scheme in the scale of pay of Rs.2000-3500/- with effect from 31-10-1997, with all consequential benefits including protection of pay and seniority vis-a-vis his juniors.

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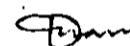
5. It is a fact that on 31-10-1997, the applicant was not issued with any Charge Sheet and the Charge Sheet was issued much later.

6. Hence, there is no reason to deny him the promotion as per the lateral advancement scheme from the date he became eligible. Hence, the applicant should be promoted as on 31-10-1997 and his pay fixed in accordance with the rules from that date in the higher scale of pay of Rs.2000-3500/-. However, this will not stand in the way of the respondents to process the Charge Memo issued to him on 20/21-3-1998 and pass suitable orders in accordance with the law.

7. The OA is ordered accordingly. No costs.



( R.RANGARAJAN )  
MEMBER (A)

  
( D.H.NASIR )  
VICE CHAIRMAN

DATED: this the 13th day of June, 2000

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Dictated in the Open Court

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