

SUBJECT NO. 86.

ADMN.NO.1622/85-A1

SUB: To peruse the factual note on the claim of Sri P. Chinmayachari, D.E.E., VUDA for promotion as E.E.

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AGENDA NOTE:

The V.U.D.A. in its resolution No.206 dated 8.7.87 has resolved to request the Vice-Chairman to examine the entire issue and put up a factual note in consultation with the Chairman for the next Board Meeting to take a final decision.

The detailed events related to the promotion of Sri P. Chinmayachari, D.E.E. to the post of Executive Engineer from time to time is at Annexure-A.

In this connection, it is to mention that according to Section 4(1) of the A.P.U.A.(D) Act, 1975 the Authority may, subject to approval of the Government, appoint a suitable persons viz., Secretary/Chief Accounts Officer, Town Planner and Engineer of the Authority.

Subsequently as per the service Regulations approved by Government during 1982 all the posts in the V.U.D.A. Service are classified into the following categories:

Category-I : Posts carrying the scale of pay of Rs.1700/- to Rs.2250/- and above (Revised pay scales of 1978).

Category-II : Posts carrying the scale of pay of Rs.1150/- to Rs.1900/-.

Category-III : Posts in the scale of Rs.425/- upto Rs.1149/-

Category-IV : Posts carrying scale of pay less than Rs.425/-.

As per Regulation No.5(C)(i), a Selection Committee shall be constituted by the Authority for appointment/promotion in respect of posts included in Categories I & II with the Vice-Chairman as Chairman of such committees. The post of E.E. fully in the Category-II.

The Selection Committee shall consist of not less than 3 and not more than 5 members and shall include the Vice-Chairman and Government Representative not less than the cadre of Deputy Secretary. The Committee can co-opt more than 2 experts. As

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per Regulation 5(C), the power to appoint different category of posts, competent Authority for appointment and to relax the age limit, qualifications etc., are as follows:

Category of posts.	Appointing Authority	Authority competent to relax the age limit, qualifications.
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All posts in Categories I, II & III	Vice-Chairman	Authority
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All posts in Category-IV	Secretary	Vice-Chairman
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As seen from the above, the appointing Authority to the post of Executive Engineer, is the Vice-Chairman after selection by the Selection Committee.

Kind attention is invited to the Reg.No.10 of the VUDA Employees Recruitment and Service rules, 1982 regarding temporary promotion.

As per Reg.10(a)(1), when it is necessary in the Administration interests, to fill emergently, a vacancy in a post borne or the cadre of higher category and if the filling up of such vacancy in accordance with these Regulations is likely to result in undue delay, the appointing Authority may promote a person temporarily otherwise than in accordance with these regulations.

Now as per the recent notification of the Government dt.7.5.87, the Government is only competent for promotion of the D.E.Es to the post of Executive Engineer.

In this connection, it is to mention that out of the 2 permanent posts of Executive Engineers one Sri T.Sathiraju, was working in the post of Executive Engineer-I on deputation from P.R.Department since 4.7.83. He was relieved on 19.4.1986 and Sri P.Ramamohana Rao, employee of VUDA, who was working as Executive Engineer-II since 3.11.80 was kept additional charge

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of Executive Engineer-I vide proceedings dt.19.4.86. ^{Then} ~~Hence~~ Sri P.Ramamohan Rao was suspended on 5.12.85. Consequent to the suspension of Sri P.Ramamohan Rao, Executive Engineer-II Sri P.Chinmayachari, D.E.E. has been kept incharge of the post of E.E.II on 5.12.85 and directed Sri P.Ramamohan Rao, to handover the charge to Sri P.Chinmayachari.

Considering his qualification and experience in the cadre of Dy.Executive Engineer Sri P.Chinmayachari, was given a temporary promotion on 2.1.86 in the resultant vacancy caused consequent to the suspension of Sri P.Ramamohan Rao, besides keeping him in full additional charge of the post of D.E.E. which was holding by him.

While reinstating Sri P.Ramamohan Rao, on 6.3.1986 in the post of Executive Engineer held by Sri P.Chinmayachari was reverted as Dy.E.E. Sri P.Chinmayachari proceeded on leave with effect from 6.3.1986 and he went on extending the leave till 15.7.87. In the meanwhile he has requested to issue posting orders as E.E. But orders were already issued reverting him on 6.3.86 as Dy.E.E. and directed him to report for duty as D.E.E. but he did not join duty so far.

He proceeded to High Court on the reversion orders issued to him and the court in its Interim order dt.25.8.86 received on 29.8.86 directed VUDA, to post him as E.E. if there is vacancy. Since Sri K.Jogeswara Rao, E.E., R&B has joined VUDA as Executive Engineer on 25.8.86 on deputation there was no vacancy in existence for the post of Executive Engineer. As such request of Sri P.Chinmayachari to admit him as E.E. could not be considered to. Further the posts sanctioned in G.O.Ms.No.229 H.M.A. & U.D.Department dated 14.5.86 were not utilised in view of insufficient work load on hand, except the posts of 1-E.E., 2-Dy.Executive Engineers and 2-Assst. Engineers and the Government were also requested to ratify the action of Vice-Chairman in not filling up the posts sanctioned in the above G.O.proposed for IIIrd division.

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The detailed examination of the case as enumerated above has revealed the following facts.

1) Sri P. Ramamohan Rao, E.E. was suspended on 5.12.85 and the vacancy of E.E. has been caused.

2) Sri P. Chinmayachari, D.E.E. was promoted as E.E. only on temporarily basis, in the vacancy caused by the suspension of Sri P. Ramamohan Rao, Executive Engineer and the regular process for promotion by Selection Committee has not been taken place.

3) Sri P. Chinmayachari was reverted as D.E.E. on reinstatement of Sri P. Ramamohan Rao after due enquiry.

4) Aggrieved by the reversion orders Sri P. Chinmayachari has taken the matter to court and dragged VUDA into prolonged litigation.

5) Sri P. Chinmayachari has failed to get any favourable orders from the court directing the VUDA, positively, to admit him as E.E. and the main petition is still pending in the court.

6) Sri P. Chinmayachari has ignored the orders of the superiors repeatedly and refused to join duty as D.E.E. even as on date.

7) As per the recent notification of the Government dt. 7.5.87, the competent authority either for promotion or for appointment to the post of E.E., is Government but not V.U.D.A. Hence the relief for Sri Chinmayachari lies with Government but not with V.U.D.A.

8) The present work load does not warrant appointment of third E.E.

Judging from the above the request of Sri P. Chinmayachari for promoting him as E.E. cannot be considered and he may be directed finally to report for duty as Dy. Executive Engineer immediately failing which disciplinary action will

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have to be initiated against him for not only impleading VUDA into prolonged litigation unnecessarily but also for disobeying the orders of superiors.

The above facts are put up to Board for information.

ANNEXURE:

DETAILS OF THE PROMOTION OF SRI P.CHINMAYACHARI, AS E.E.
AND THE CORRESPONDING TIME TO TIME EVENTS.

- 5-12-1985 : Sri P.Chinmayachari, D.E.E. was kept incharge of the Post of E.E.II (under suspension from 5-12-1985(Progs. No.71/79-A1, dt.5-12-1985)).
- 2-1-1986 : Promoted temporarily to the post of E.E.II against the resultant vacancy consequent to the suspension of Sri P.Rama Mohan Rao, E.E.II. (Progs. 71/79-A1, dt.2-1-1986) and also kept full additional charge of post of D.E.E. which he was holding.
- 5-3-1986 : Applied for leave for a period of 2 months from 6-3-1986 onwards since his wife is suffering due to dislocation of some portion of Spinal Cord who is bedridden.
- 6-3-1986 : Sri P.Ramamohan Rao, E.E.II was reinstated. Applied for leave in different spells continuously till 5-7-1986 and the said leave was also granted from 6-3-86 to 5-7-1986.
- 12-6-1986 : Reverted as D.E.E. (on leave) u.s.f. 6-3-86 and the proceedings were served.
- 30-6-1986 : Applied for grant of further extension of leave from 6-7-1986 to 15-7-1986 and the said leave was also sanctioned.
- 4-7-1986 : Received the W.P. filed by the individual No. 7305/86.
- 14-7-1986 : Issued Memo. asking him to report to duty immediately since the execution of works are suffering.
- 26-7-1986 : Applied for grant of further extension of leave upto 15-8-1986.
- 13-8-1986 : Issued Memo requesting to report to duty forthwith since the period of leave applied for by the individual from 16-7-1986 to 13-8-86 is treated as break in service.
- 12-8-1986 : Requested to grant him further extension of leave on private affairs upto 31-8-1986.
- 26-8-1986 : Date of joining of Sri K.Jogeswara Rao as E.E.I in VUDA.
- 29-8-86 & 1-9-86. : Applied for posting orders in the light of the directions issued by High Court on 25-8-1986 by enclosing a copy of the said High Court order.
- 11-9-1986 : Issued Memo to the individual informing that there is no vacant post of E.E. in VUDA based on the work load and he cannot be admitted as E.E. and requested him to report duty immediately as required.
- 26-9-1986 : Submitted a representation requested to admit him as E.E., as per the direction issued by the Hon'ble Court on 26-8-86 to admit him if there is a vacancy.

- 21-10-1986 : Issued Memo stating that his request to accommodate him against the post of E.E. cannot be complied since there is no vacancy of E.E.'s post basing on the work load and requested to report to duty as D.E.E. immediately.
- 3-11-1986 : He has applied to grant him extension of leave upto 30-11-1986.
- 14-11-1986 : The individual was served with a Memo to attend to office on 17-11-1986 and to finalise the accounts in respect of Jalari Yendada since the charge was not handed over to the concerned with proper accounts, and called on to submit his explanation within 7 days from the date of receipt of this Memo.
- 29-11-1986 : He submitted his report on 29-11-1986 stating that the A.E. is entirely responsible for maintenance accounts since he is the correct person who used to issued cement and other materials to the beneficiaries and also receiving the materials, and furnished the reasons for its slow progress.
- 5-3-1987 : The individual was issued charge Memo on improper maintenance of Accounts of Jalari Yendada being a responsible officer in the execution of works and called to submit his written defence within 7 days of the receipt of the charge memo.
- 19-3-1987 : He submitted his explanation stating that the points raised towards him in maintenance of accounts reflects to A.E. who is responsible for all accounts as explained his explanation and requested to drop the same.
- 3-5-1987 : He submitted the events of his case and submitted for Collector, Visakhapatnam as required by District Collector.
- 4-4-1987 : A subject for placing the matter before the Authority is approved by V.C. and the same was placed before the meeting on 1-5-1987 and the subject was adjourned.
- 29-5-1987 : He has further submitted another representation to Chairman, VUDA to do needful in posting me as E.E. by implementing the court orders since the officials are trying to issue a wrong direction, lest he has to again approach the court against the contempt of court order.

As there is sufficient work load during the year 1987-88 as per the budget provision, there is need to open a third division as already S.E., D.E.Es-2Nos. are existed in the third division.

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8-7-1987 : VUDA in its Resolution No.206, dated 8-7-1987 resolved that the V.C. VUDA has to examine the case in detail properly and to submit the real facts before the authority in its next meeting after detailed examination.

SUBJECT NO. 86

Resolved to authorise the Vice-Chairman to dispose off the case of Sri P.Chinmayachari, D.E.E.Keeping in view the existing rules.

ccwv *26/8/87*
CHAIRMAN.

శ్రీ పి. చిన్మయచారి, డి.ఇ.ఇ. వారి యొక్క సమస్యను
ఉపయోగించి నియమనిబంధనలపై ఉపాధ్యక్షుల
వారిని పరిష్కరించుటకు ఉత్తమమైన చర్యలు
అవ్వగలవని నిర్ణయించబడింది.
మంత్రి *26/8/87*