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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
OA.No.129/91

Dated this the 27th Day of March, 1995.

Hon. Shri N.V. Krishnan, Vice Chairman(A)
Hon. Dr. A. Vedavalli, Member(J)

1. Bhartiya Telecom Employees Federation,
T-15, Atul Grove Road, New Delhi 110 001
through its Secretary Sh.Manas Mukharjee.
2. Shri Gian Chand, Technical Supervisor,
Trunk Maintenance, Kidwari Bhawan, New Delhi.
3. Shri Bir Singh, S/o Shri Sekhar Singh Negi,
Sector 6.739, R.K. Puram, New Delhi.
Technician, Trunk Exchange, Kidwai Bhawan,
New Delhi.
4. Sh.Udai Vir Singh S/o Sh.Ram Prasad,
3388, Strcet No.II, Raghubarapura No.II,
Gandhi Nagar, Delhi 110 031,
Technician, Trunk Exchange, Kidwai Bhawan,
New Delhi.
5. Sh.Ramesh Chandra Sati S/o K.D.Sati,
E-976, Saraswati Vihar, Delhi,
Technician, Staff No.TK-7060,
Office of AEP, Telex IRS, Kidwai Bhawan,
New Delhi. ...Applicants

versus

Union of India, Ministry of Telecommunication, Sanchar
Bhawan, New Delhi through its Secretary...Respondents

O R D E R (Oral)
(By Shri N.V. Krishnan)

When this OA was taken up for hearing today,
none appeared for either party, though called twice.
We had noted on 3.1.95 that the matter had come up in
the cause list for a long time and though the name of
the counsel Ms. Sheila Goel was mentioned as
appearing on behalf of the applicants, we directed
notice to be issued to the applicants, as none was
present. On 9.2.95, Shri C.V. Sinha, Advocate,
entered appearance on behalf of the applicants and
stated that he would be filing his vakalatnama. The
case was listed thereafter on 9.3.95. The matter was

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taken up on 10.3.95 after it was listed on Board, but none was present. None is present today also. Hence we proceed to pass orders after perusing the records.

2. The Board of Arbitration was constituted in respect of C.A. Reference No.2 of 1987 presided over by Mr. Justice K. Bhaskaran as Chairman and one Member Dr. Shanti Patel representing the staff side and one Member Shri N.R. Subramanyan representing the official side. The terms of reference as mentioned by the staff side and the official side to the Board are as follows:-

"Staff Side:

"The Technicians formerly known as Mechanic appointed/promoted before 1967 and thereafter be granted advance increments from the date of their appointment."

"Official Side:

"Whether Technicians are eligible for advance increments in view of their longer period of training and whether there is justification for grant of advance increments to those Technicians having higher entry qualifications than the minimum prescribed in the Recruitment Rules?"

3. The Board gave its award on 26.5.81. It stated that the award will take effect from 16.4.86, ~~as can be seen from the OA~~ ^{which is}, the date on which, a final disagreement was recorded between the parties and it was decided to make a reference to the Board of Arbitration. Consequent to this award, the Ministry of Telecommunication, the respondent herein, issued an order dated 8.3.90, implementing the award as given by the Board of Arbitration. The relevant order reads

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as follows :-

"2. ...Pursuant to the Award of the Board of Arbitration it has been decided by the Telecom Commission that:-

i) One advance increment be given in the scale of pay of Technicians who have passed i) Matriculation or a recognised equivalent examination and those who have passed diploma/certificate course from an institution recognised by the Government of India for admission to which the minimum qualification is below matriculation and who were/are appointed as Mechanic/Technician after undergoing the prescribed training satisfactorily, with effect from the 16th April 1986 or the date of such appointment whichever is later.

ii) An additional increment over and above the one mentioned in clause (i) above be given to those who have passed the Diploma certificate course the duration of which is not less than one and half years from an institution recognised by the Government of India for admission to which the minimum educational qualification is Matriculation or a

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recognised equivalent examination and who were/are appointed as Mechanic/Technician after undergoing the prescribed training satisfactorily with effect from the 15th April 1986 or the date of such appointment which is later.

3. These orders shall cover all those who were in position as Technicians in the pay scale of Rs.975-25-1150-EB-30-1660 on 16.4.86 and those who enter/entered service as Technician after that date."

4. These orders were made effective from 16.4.86.

5. Some other Technicians (Mechanics) were aggrieved that they were not benefitted by the orders issued by the Government. It is stated that by a letter dated 24.4.90 to the 1st respondent it was pointed out that there has been discrimination against some categories as follows:-

(a) Technicians with same qualifications and nature of work recruited before 1.4.1966 and after 3.9.1966 were not allowed increments while Technicians recruited during period from 1.4.1966 to 3.9.1966 always continued to get increments. Technicians recruited during period from 1.4.1966 to 3.9.1966 are about 400.

(b) Technicians with same qualification and nature of work not in position on 16.4.1986 are not allowed increments. Similarly placed Technicians cannot be denied same pay merely because they either retired or got promoted to next higher scale of Technical Supervisor when on logic of equal work and qualification they were entitled to equality of treatment. It may be mentioned that under time bound once promotion scheme Technicians on completing 16

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applicants, particularly those who did not have the necessary qualifications also have a claim that they are entitled to advance increments, it was open to them to move the Departmental Council² of the JCM, to have that dispute also submitted to Arbitration. The award given, applies to all those persons, who satisfy the conditions specified in para 1 and 2 of the award reproduced in para-3 above.

10. Though the orders of the Government was issued on 8.3.90, they have been made applicable from 16.4.1986, which is the date on which the disagreement was recorded and a decision taken to refer it to arbitration. Therefore, all persons who were in service on 16.4.1986, and satisfy these qualifications and those who got recruited thereafter, would get the benefit of this award.

11. If this award is not extended either to those who do not have these qualifications or those who were not in service as on 16.4.1986, either because they retired before that date, or, have been promoted to higher grades on that date, we do not see how any discrimination is made against them.

12. In the circumstances, we see no discrimination has been made in the category of Mechanic/Technician as on 16.4.1986.

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13. We, therefore, find no merit in this OA and accordingly it is dismissed.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

N.V. Krishnan
22.3.85

(N.V. Krishnan)
Vice Chairman(A)

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