

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

10

O.A. No. 1673/91

New Delhi, dated the 4th July, 1995

Hon'ble Shri N.V. Krishnan, Vice Chairman (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Shri A.S. Chaudhary,
r/o 114-H/17, Sector-7,
Rohini, Delhi-85
2. Shri Rajpal
r/o WZ/156, Naraina Village,
New Delhi.
3. Shri Madan Singh
292, Village Jorbagh,
Kotla Mubarakpur,
New Delhi-3
4. Shri Virender Prakash
RZ-3B/5, Gali No.9, Indra Park,
Palam Colony, New Delhi.
5. Shri Tribuvan Singh
r/o A-5/119, Shiv Mandir Marg,
Mandawali, Delhi-110092
6. Shri Mahender Pal
son of Shri Gopal Dass,
485, Old Hospital Street,
Najafgarh, New Delhi.
7. Shri R.K. Sharma
r/o 3684, Narang Colony,
Tri Nagar, Delhi-36
8. Shri T. Katoch
s/o Shri K.C. Katoch,
r/o RB-92, Sewa Nagar,
New Delhi-3
9. Shri Jagdish Raj,
s/o Shri Deep Chand,
r/o L-1/57-B, DDA Flat,
Kalkaji, New Delhi-110019
10. Shri Murari Lal
s/o Shri Ram Avtar
r/o X/2464, Street No.9,
Raghbarpura-II,
Gandhi Nagar, Delhi-110031
11. Shri Nand Kishore,
s/o Shri Shadi Ram
r/o 4/296, Gandhi Road,
Opp. Barat Gas Agency,
Baraut Distt. Meerut (UP)
12. Shri S.S. Gupta,
s/o Shri Het Ram Gupta,
r/o D.O. 41, Jain Mandir,
Ballabh Garg, Faridabad (Haryana)
13. Shri Pawan Kumar Vij
s/o Shri K.K. Vij,
r/o B-129, Pushpanjali Enclave,
Pitampura, Delhi-110034

14. Shri Onkar Singh
s/o Shri Jagjeet Singh
r/o 107/1, East Anand Nagar,
Delhi-51
15. Shri Dinesh Kumar Hasija
s/o Shri Laxman Das Hasija,
r/o Flat No.34, Pocket No.2,
C-X, Janakpuri, New Delhi-50
16. Shri P.K.Chhabra
s/o Shri G.C.Chhabra,
r/o G-9, Phase-I,
Ashok Vihar, New Delhi.
17. Shri Harcharan Singh
r/o C-49, DDA Flat, Kalkaji,
New Delhi.
18. Shri Premod Kumar
s/o Shri Kundan Lal,
r/o 620, Gali Chhawalian,
Najafgarh.
19. Shri P.D. Singhal,
s/o Shri Prem Chand,
r/o C-40, South Extension Part-I,
New Delhi-110049
20. Shri Prem Kumar
s/o Shri Bal Kishan,
r/o M-90, Tagore Gali No.13,
Brahmapuri, Delhi-53

... Applicants

(None for the applicants)

Vs.

1. Union of India through the Secy.,
Ministry of Communication-cum-Chairman,
Telecommunication Commissioner,
Department of Telecommunications,
Sanchar Bhawan, 20-Ashoka Road,
New Delhi.
2. Manager Telephone Nigam Limited
through its Managing Director,
13th Floor, Jeevan Bharti Building,
Janpath, New Delhi-1
3. The Chief General Manager,
Delhi Telephones, M.T.N.L.
Khurshid Lal Bhawan,
New Delhi-110050

... Respondents

(None for the respondents)

ORDER (CR-L)

(Hon'ble Shri N.V.Krishnan, Vice Chairman (..))

When this case was called out today

ll

for final hearing, none appeared for either party, though the case was called twice. Hence we dispose it of after perusal of the record and pleadings.

2. The applicants are Junior Telecommunication Officers in the Ministry of Communication under the Chief General Manager (Delhi Telephone). They are aggrieved by the letter dated 22.8.90 (Ann...1) issued to the concerned subordinate authorities by the IIIrd respondent stating that in accordance with the letter dated 11.7.90 of the Department of Telecommunication, the following decision has been taken:-

" It has been decided to grant two advance increments to those Junior Engineers, Junior Telecom. Officers of TES Group 'B' and officers of ITC in the Junior Time Scale and Senior Time Scale promoted from TES Group 'B' who acquire or have acquired a degree in Engineering in any one of the disciplines of Mechanical, Electrical, Telecommunication, Electronics, Radio Engineering and Computer Sciences from a recognised University or its equivalent qualification while in service.

The advance increments under these orders will be effective w.e.f. 1.5.90. The increments will not be admissible to those officers who have already received advance increments under earlier orders."

In accordance with these orders those officials who have not been given two advance increments in the past would be given two advance increments w.e.f. 1.5.90 if they had acquired a degree in Engineering. The grievance of the applicants is that in other departments like Railways, 6 advance increments are granted. Their claim is that the

Annexure-A-1 order is therefore discriminatory as it provides for grant of only two advance increments instead of six advance increments. Hence a direction is sought to the respondents to grant four advance increments w.e.f. 1.5.90.

2. Respondents have filed their reply in which it is stated that the Annexure A-1 order is in pursuance of a settlement reached between the Management and the workmen on 11.7.90. A copy of this settlement is filed as Annexure R-1. It is stated that the system of granting advance increments was in force before 1.12.1973 i.e. before IIInd Central Pay Commissions recommendations. That scheme was discontinued on the basis of the IIIInd Central Pay Commissions recommendations. On the representations made, it was reconsidered and a settlement as at Annexure R-1 is reached. This resulted in the issue of Annexure A-1 order. Hence it is prayed that the application be dismissed.

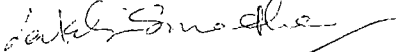
3. We find considerable merit in the reply furnished by the respondents. The charter of demands of the J.F.Os was considered and decisions taken (Annexure R.1). This includes a decision regarding grant of advance increments. The applicants have not made out any case whatsoever that the decision taken is either discriminatory or violatuable of


u

14

Article 14 of the Constitution as compared to the Railways.

4. In the circumstances, we do not find any merit in the O.A. which is dismissed.


(Lakshmi Swaminathan)
Member (J)


(M.V.K. Krishnan)
Vice Chairman (.)

sk