

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 208 of 1993

New Delhi, this the 24th day of August, 1998

HON'BLE MR. N. SAHU, MEMBER (A)
HON'BLE DR. A VEDAVALLI, MEMBER (J)

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1. Sh. Vijay Rajpal, S/O Sh. Hakim
Rai, Staff Number - 05189. A.E.
(Video), A.L.T.T... Ghaziabad -
201002.
2. Sh. A K Pandev, S/O Sh. P N
Pandev, Staff No. 05268,
Assistant Director, T.E.C. New
Delhi - 110001.
3. Sh. Ram Bilas Gupta, S/O Sh.
Harbhaj Rai, Staff No. 07497,
Assistant Director, T.E.C. New
Delhi - 110001.
4. Sh. Om Prakash, S/O Sh. Tej
Singh, Staff No. 04914,
Assistant Director, T.E.C. New
Delhi - 110001.
5. Sh. Sudarshan Khanna, S/O Late
Sh. J S Khanna, Staff No.
06251. Engg. Secretary (Plg.),
O/O G.M. (Plg.) M.T.N.L.,
Eastern Court, New Delhi -
110001.
6. Sh. Inderjit Nagpal, S/O Late
Sh. Ram Lal Nagpal, Staff No.
07218, A.E. (S.P.) A.L.T.T.C.,
Ghaziabad - 201002.
7. Sh. P K Datta, S/O Late Sh. R P
Datta, Staff No. 05100, A.E.,
O/O. C.G.M., T.T.C., Jabalpur -
482001.
8. Sh. Sudhir Kumar Biswas, S/O
Late Sh. U N Biswas, Staff No.
03569, Sr. A.E., O/O. C.G.M.,
T.T.C., Jabalpur - 482001.
9. Sh. G R Rathore, S/O Sh. M L
Rathore, Staff No. 05827, A.E.,
O/O. C.G.M., T.T.C., Jabalpur -
482001.
10. Sh. A K Chattopadhyay, S/O Late
Sh. S C Chatterji, Staff No.
05005, A.E., O/O. C.G.M.,
T.T.C., Jabalpur - 482001.
11. Sh. Jagdish Chandra S/O Gopal
Ram, Staff No. _____ A.E., O/O.
C.G.M., T.T.C., Jabalpur -
482001.

Enclosure

12. Sh. T G Saha S/O Late Sh. Tritoy Givind Saha, Staff No. 06152, A.E., O/O. C.G.M., T.T.C., Jabalpur - 482001.

13. Sh. A K Srivastava, S/O Sh. S N L Srivastava, Staff No. 14308, A.E., O/O. C.G.M., T.T.C., Jabalpur - 482001.

14. Sh. M K Dasgupta, S/O Sh. U K Dasgupta, Staff No. 05723, A.E., O/O. C.G.M., T.T.C., Jabalpur - 482001.

15. Sh. Om Prakash, S/O Sh. Nihal Chand, Staff No. 07094, Asstt. Director, T.E.C., New Delhi - 110001.

16. Sh. Tilak Raj Khanna, S/O Sh. G L Khanna, Staff No. 06032, Asstt. Engineer, O/O D.G.M. (Comp), Nehru Place, New Delhi - 110019.

17. Sh. G P Gupta, S/O Late Sh. Sita Ram Gupta, Staff No. 07823, Asstt. Engineer (CD) A.L.T.T.C., Ghaziabad - 201002.

18. Sh. Mohd. B A Sidhique, S/O Mohd. Hanif J.T.O., MH Circle, O/O C.G.M., T.T.C., Jabalpur - 482001.

19. Sh. S Upadhyaya, S/O Sh. D N Upadhyaya, JE-02588, O/O C.G.M., T.T.C., Jabalpur - 482001.

20. Sh. Gadadhar Giri, S/O Late Sh. B C Giri, J.T.O., WB Circle, O/O C.G.M., T.T.C., Jabalpur - 482001.

21. Sh. P K Srivastava, S/O Sh. I P Srivastava, J.T.O., MP Circle, O/O C.G.M., T.T.C., Jabalpur - 482001.

22. Sh. G Jagadeesan, S/O Sh. R Govindswamy, J.T.O., O/O C.G.M., T.T.C., Jabalpur - 482001.

23. Sh. K V Mutalik, S/O Sh. V R Mutalik, J.T.O., KK Circle, O/O C.G.M., T.T.C., Jabalpur - 482001.

24. Sh. D C Sonkhla, S/O Sh. Kirpa Ram Sonkhla, J.T.O., MP Circle, O/O C.G.M., T.T.C., Jabalpur - 482001.

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Revised by

25. Sh. A L Mahapatro, S/O Sh. L N Mahapatro, J.T.O., MP Circle, O/O C.G.M. T.T.C., Jabalpur - 482001.

26. Smt. Vinita Varshneya, W/O Dr. Manoj Varshneya, J.T.O., (ES-02872), O/O D.G.M., (Comp) M.T.N.L., New Delhi.

27. Sh. Anil Kumar Kapoor, S/O Sh. Yash Pall Kapoor, J.T.O., (JE-02346), O/O D.G.M., (Comp) M.T.N.L., New Delhi - 110 019.

28. Sh. Laj Pat Gupta, S/O Sh. K M Gupta, J.T.O., (JE-02067), O/O D.G.M., (Comp) M.T.N.L., New Delhi - 110 019.

29. Sh. Rakesh Kumar Gupta, S/O Sh. Raj Bihari Gupta, J.T.O., (JE-02467), Tel. Exchange, Pusa Road, M.T.N.L., New Delhi - 110 015.

30. Sh. Anuj Jain, S/O Sh. Vimal Prasad Jain, J.T.O., (JE-02552), Data Lab, T.E.C., New Delhi - 110 001.

31. Sh. Rakesh Kumar Chopra, S/O Sh. Y P Chopra, J.T.O., (JE-02695), C/O Dir (SE), T.E.C., New Delhi - 110 001.

32. Sh. Yeshveer Singh, S/O Sh. Chandra Prakash Tyagi, J.T.O. (ES-02000), O/O D.G.M. (BD), M.T.N.L., Chandralok Building, Janpath, New Delhi - 110 001.

33. Sh. Kamal Kishore Rawat, S/O Sh. R S Rawat, J.T.O. (JE-02251), O/O G.M. (BD), M.T.N.L., Chandralok Building, Janpath, New Delhi - 110 001.

34. Smt. Suresh Devi, W/O Sh. Sunil Dutta, J.T.O., (JE-02796) O/O C.G.M., A.L.T.T.C., Ghaziabad - 201002.

35. Sh. Sudhish Deshpande, S/O Sh. N K Deshpande, J.T.O. (JE-26001), O/O G.M. (Plg.) M.T.N.L., Bombay - 400028.

36. Km. Sunita Mutheja, D/O Sh. T C Mutheja, J.T.O., (JE-02375), O/O Director (Traffic), Northern Telecom Region, Kidwai Bhavan, New Delhi - 110 001.

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37. Sh. Mahendra Pal Sharma, S/O Late Sh. R R Sharma, J.T.O., (JE-01388) C/O G.M. (Admin), M.T.N.L. New Delhi - 110 001.

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38. Sh. R B L Srivastava, S/O Sh. L L Srivastava, J.T.O., M.P. Circle, O/O C.G.M., T.T.C., Jabalpur - 482001.

39. Sh. K L Srivastava, S/O Late Sh. Satya Narain Lal, Staff No. 4854, Asstt. Director (TL), T.E.C., New Delhi.

(By Advocate Sh. Naresh Kaushik)

Versus

1. Union of India through Secretary, Department of Telecommunications, Sanchar Bhavan, New Delhi - 110 001.
2. Chairman, Telecom Commission, Sanchar Bhavan, New Delhi - 110 001.
3. Member (Services), Telecom Commission, Sanchar Bhavan, New Delhi - 110 001.

(By Advocate: None)

ORDER (ORAL)

By Mr. N. Sahu, Member (Admnv) -

This case was fixed several times on 20.4.98, 22.4.98, 28.5.98, 16.7.98, 22.7.98 and also appeared today but there is no response from the respondents. We have to record that respondents ~~are~~ seem to be not interested in defending their case. We have also noticed that no counter has been filed and the Registry records that as per directions of the Court, the respondents have forfeited their right to file the counter. We have also issued a fresh notice on 1.6.1998; even so, there is no response from the respondents.

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(b)

2. We have heard Sh. Naresh Kaushik, counsel for applicants at length. His claim, in this OA, is to seek a direction to the respondents to grant six advance increments to the applicants on acquiring higher qualification as had been given earlier. It is also stated that similar increments were given to the Accounts Department in the same Organisation and a similar scheme is in vogue in the Railway Administration. The applicants, through their association, Telecommunication Engineering Services Association (India), Central Headquarters, New Delhi, ~~dated~~ presented a representation, dated 16.9.91 to the Member (Finance), Telecom Commission, Sanchar Bhawan, New Delhi. We find that Member (Finance), Telecom Commission has not been impleaded as a respondent. On the other hand, Member (Services), Telecom Commission, is respondent No. 3 in this OA. Counsel for applicants points out that the Annexure A-IX (page 25), the grievance of the applicants relating to extending the benefit of advance increments to the JTOS entering the grade with the qualifications like BE or its equivalent, has been addressed to Member (Services).

3. The applicants' claim that they are discriminated against in an unjust manner. This facility was extended earlier but it was reduced to two increments from six increments for all the Branches but again other Branches like, the Accounts were restored six advance increments denying the same to the engineering graduates. The applicants have pointed ^{out} that the Technical Engineering Officers in the Railways are granted six advance

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increments on their acquiring degree in Engineering while in service. The Railway Finance and Accounts Officers are also granted six advance increments in a similar manner. They urge that Engineers in Telecom Branch should not be deprived of a similar benefit without a worthwhile reason.

4. It is necessary particularly in a matter of this type where an element of policy decision is involved to await the decision of the respondents. The Department should apply its mind to the grievance of the applicants, to hear them and dispose of their representation at pages 24-25 of OA (Annexures A-8 & 9) by a speaking order. We accordingly direct respondent No. 3, Member (Services) to hear a representative group from amongst the applicants and dispose of their representation by way of a speaking order after consulting respondent No. 2, Chairman, Telecom Commission within a period of eight weeks from the date of the receipt of a copy of this order. The applicants are free, thereafter if they are not satisfied by the order of Member (Services) to approach the Tribunal.

The OA is disposed of as above. No costs.

A Vedavalli
 (DR. A VEDAVALLI)
 MEMBER (J)

Narasingh
 (N SAHU)
 MEMBER (A)

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