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CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench, New Delhi.

O.A.855/93
M.P.1100/93

New Delhi, This the 14th Day of February 1994

Hon'ble Shri P.T. Thiruvengadam, Member (A)

1.	Sh. Amar Nath III	S/o	Sh. Shankar Dass	56½ yrs
2.	Sh. M.R. Nagpal	S/o	Sh. N.C Nagpal	57 yrs
3.	Sh. Mahipal Arera	S/o	Sh. Babu Ram Arera	51½ yrs
4.	Sh. Surender Mehan	S/o	Sh. Manohar Lal	52 yrs
5.	Sh. Lakhpat Rai Gumber	S/o	Sh. H.R. Gumber	52½ "
6.	" . Shyam Lal Kataria	S/o	" A.N. Kataria	45½ "
7.	" M.J. Narula	S/o	" Kanshi Ram	52"
8.	" I.N. Kapur	S/o	" B.D. Kapur	54 "
9.	" Revti Prasad	S/o	" Ram Prasad	52 "
10.	" Ram Prakash Dua	S/O	" Sain Ditta Ram	54 "
11.	" Nand Lal Dua	S/O	" R.D. Dua	51½ "
12.	" G.L. Narula	S/O	" K.C. Narula	51½ "
13.	" Mulk Raj Dua	"	" S.D. Dua	51 "
14.	" Brij Mehan	"	" Prakash Chand	51½ "
15.	" Mehan Lal Vaid	"	" Behari Lal Vaid	51½ "
16.	" A.N. Bhatia	"	" Tilok Chand	58 "
17.	" M.S. Tomar	"	" Ram Singh	53½ "
18.	" Hira Singh	"	" Munshi Ram	45 "
19.	" Satya Prakash	"	" R.S. Geel	56 "
20.	" Hans Raj Gupta	"	" R.N. Gupta	54 "
21.	" Madan Lal Arera	"	" Gebind Ram	52 "
22.	" T.R. Bhalla	"	" Tepan Dass	52 "
23.	" Rattan Singh Rathore	"	" R.N. Singh	51½ "
24.	" Sachidanand Srivastva"	"	" L.P. Srivastva	53½ "
25.	" V.K. Rustagi	"	" Pyare Lal	52 "

All the above applicants are working as Telegraph Masters under the Chief Superintendent Central Telegraph Office, New Delhi, C/o Shri Sant Lal, Advocate, C-21(B) New Multan Nagar, New Delhi-110056.

...Applicants

By Advocate Shri Sant Lal

Versus

1. The Union of India
Through the Secretary
Ministry of Communication,
Department of Telecommunication
Saobhar Bhawan, New Delhi-110001.
2. The Chief General Manager, (NTR)
Department of Telecommunications,
Kidwai Bhawan, New Delhi-110050.
3. The Chief Superintendent,
Central Telegraph Office,
Eastern Court, New Delhi - 110050.

....Respondents

By Advocate Shri PP Khurana

ORDER(Oral)

Hon'ble Shri P.T. Thiruvengadam, Member(A)

1. This OA has been filed by the applicants who were appointed as Telegraphists in Delhi circle from various dates. They were subsequently promoted as Asstt. Telegraph Masters(ATMs) during 1978 to 1981 in the pay scale of Rs.380-560. They were further promoted to the post of LSG(T.M.s) in the scale of Rs.425-640 ^{effective} during ~~from~~ early 80's. It is the case of the applicants that on promotion as LSG TMs they were not given the benefit of fixation of pay under FR 22(C) but the pay was fixed by applying the rules under FR 22 a(ii). Their representations in this regard has been rejected by letter dated 23.9.93 and hence this OA, where the following reliefs have been claimed:-

- (i) To declare the impugned orders which restrict the benefit of pay fixation of ATMs on promotion to the grade of TMs under FR-22 C to the applicants only in the case of Sunilendu Chaudhry & Ors (OA-439/90) as arbitrary, discriminatory and violative of Articles 14 & 16 of the Constitution.
- ii) To direct the respondents to extend the benefits of the order dated 28-9-92 and the judgements of the Tribunal(Annexure A-3 to A-5) to the applicants also who are similarly placed and to fix their pay from the the grade of ATMs to that of T.M.s by applying the principle of FR-22-C(sld) and new F.R.22 I(a)(i) in accordance with the law declared by the Hon'ble Tribunal in the said cases:-
- iii) To grant all consequential benefits of arrears of pay and allowances and increments.
- iv) To award the costs of this application.

2. A number of OAs have been filed before various Benches of this Tribunal by similarly circumstanced applicants. The issues raised have been discussed in detail and in the latest order passed in OA 1120/93 on 17.1.94 by Principal Bench a reference to some of these orders has been made.

3. I subscribe to the views taken by the various Benches of this Tribunal and accordingly pass the following order:-

"In view of the facts and circumstances the application is allowed and the respondents are directed to extend the benefit of the order dated 28 Sep 92 issued by Ministry of Communications, Department of Telecommunications, New Delhi to fix the pay of the applicants in the grade of ATMs on their promotion to the post of Telegraph

Masters by applying the principle of equality of law. The applicants are also entitled to arrears if any on account of re-fixation of pay. The respondents to comply with the above directions within three months of receipt of this order. No costs."

P. J. 20-

(P.T. THIRUVENGADAM)
Member (A)

LCP