

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 43 of 1993.

DATE OF DECISION 25-2-1993

Mr D Sivasankara Kurup & 12 Applicant (s)  
others

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

UII represented by Secretary, Respondent (s)  
M/o Communications, New Delhi & another

Mr K Karthikeya Panicker, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

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1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. To be circulated to all Benches of the Tribunal? *no*

## JUDGEMENT

All the applicants while working as Assistant Telegraph Masters in the scale of Rs.380-560 were promoted as LSG Telegraph Masters in the scale of pay of Rs.425-640. But thereafter they were by order dated 17.5.1984 reverted as Telegraphists w.e.f. 17.8.1983 consequent on the abolition of the cadre of Assistant Telegraph Masters. But later by order dated 9.12.1986 of the CGMT the reversion was cancelled and they were promoted w.e.f. 17.8.1983 against the upgraded post of ATM as LSG Telegraph Masters. / as the post of Telegraph Master is a higher post involving greater duties and responsibilities, the applicants were on their promotion as Telegraph Masters entitled to have their pay fixed under FR-22-C. But as the respondents refused

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to give the benefit of fixation of FR-22-C, their pay on promotion was fixed only on the basis of the pay drawn by them in the cadre of Telegraphists. Several Telegraph Masters affected by similar treatment approached the Hon'ble High Court of Delhi in C.W.P. No.274/85 and various Benches of this Tribunal for the relief of getting their pay fixed under FR-22-C. This Bench of the Tribunal had in OA-1334/91 filed by some Telegraph Masters claiming the benefit of fixation of pay under FR-22-C on their promotion from the post of Assistant Telegraph Masters to that of Telegraph Masters declared that the denial of fixation of pay to the applicants therein invoking provisions of FR-22-C was illegal and unjustified. Inviting attention of the respondents to the ruling of the Tribunal in OA-1334/91 and requesting that the pay of the Assistant Telegraph Masters on promotion as Telegraph Masters may be fixed in the light of the above ruling, the All India Telegraph Traffic Class-III Union of Employees, Kerala Circle submitted a representation to the second respondent. In reply to this representation the Circle Secretary of the Union received a letter dated 24.8.1992 informing him that the implementation of the judgement in OA-1334/91 cannot be done for the time being as the matter was under active consideration of the DG, Telecom. Now having understood that the respondents would not give the benefit of the directions in the judgement in OA-1334/91 to the applicants, they have filed this application under Section 19 of the A.T.Act for a declaration that they are entitled to get their pay fixed under FR-22-C on the basis of the pay drawn by them as ATMs and for a direction to the respondents to

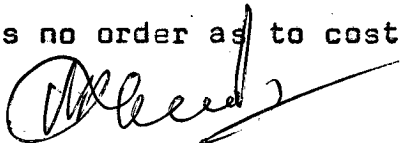
fix their pay accordingly and to grant them all consequential benefits including arrears of pay.

2. When the application was admitted, it was suggested that without filing a reply statement the same could be disposed of as the issue involved is fully covered by the judgement in OA-1334/91. The learned Additional Central Government Standing Counsel undertook to verify the facts ~~at the stage~~ and to state on the next date of hearing whether the applicants in this case are persons entitled to the benefits of the judgement in OA-1334/91. When the application came up today, the learned ACGSC submitted that as the facts and circumstances of the case are similarly to those in OA-1334/91, it would not be necessary to file a statement in this case separately and that he may be allowed to argue the case without filing a reply statement. Hence I heard the counsel on either side and have also carefully gone through the pleadings and the documents on record.

3. There is no dispute the fact/<sup>of</sup>that on promotion as LSG Telegraph Masters from the post of ATM, the applicants were not given the benefit of fixation of pay under FR-22-C. The argument advanced on the side of the respondents/<sup>is</sup>that there is no change of duties and responsibilities between Assistant Telegraph Masters and Telegraph Masters and therefore the provisions of FR-22-C are not attracted. The post of Assistant Telegraph Masters carries the pay scale of Rs.380-560 whereas <sup>post of</sup>the Telegraph Master carry a pay scale of Rs.425-640. The nomenclator of the posts of Assistant Telegraph Masters and Telegraph Masters clearly indicate

that the post of Telegraph Master is not a non-functional selection grade but a functional higher post. The post of Telegraph Master carrying a higher pay scale naturally must involve duties and responsibilities of a higher degree than the post of Assistant Telegraph Master. Therefore it is idle to content that there is no difference in the standards of duties and responsibilities to the post of Assistant Telegraph Masters and Telegraph Masters and for that reason the provisions of FR-22-C are inapplicable. I am in respectful agreement with the view taken by the Bench in OA-1334/91 that on promotion to the post of Telegraph Master from Assistant Telegraph Master, the incumbents are entitled to have their pay fixed under FR-22-C. Hence I am of the view that the applicants are entitled to the reliefs claimed in this application.

4. In the result the application is allowed. I declare that the applicants are entitled to have their pay fixed under FR-22-C on their promotion as Telegraph Masters on the basis of pay drawn by them as Assistant Telegraph Masters and I direct the respondents to fix their pay accordingly and to disburse to them the consequential monetary benefits arising out of such fixation within a period of two months from the date of receipt of a copy of this order. There is no order as to costs.



(AV HARIDASAN)  
JUDICIAL MEMBER  
25-2-1993

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