

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.454/93

Thursday, this the 27th day of January, 1994.

CORAM:

SHRI N DHARMADAN, MEMBER(J)

K Vasu Nair,
Junior Telecom Officer,
Telephone Bhavan, Tellicherry,
Kannur District-670 101.

- Applicant

By Advocate Mr Aravindakshan represents Mr PV Narayanan Nambiar

VS.

1. The Chief General Manager,
Telecom, Kerala Telecom Circle,
PMG Junction, Trivandrum-695 033.
2. The General Manager, Telecom,
Kannur Telecom District,
Tharakkara, Kannur.
3. Union of India represented by
Secretary, Ministry of Communication,
New Delhi. - Respondents

By Advocate Mr S Krishnamoorthy, ACGSC

O R D E R

Applicant is a re-employed Ex-serviceman. At present he is working as Junior Telecom Officer under the second respondent. He is aggrieved by the failure of the respondents to fix his pay in the re-employed post as Junior Engineer in accordance with the Government of India orders issued in this behalf.

2. Applicant served in the Indian Air Force from 24.11.1960 to 30.9.1976. After his discharge from Air Force Service he was re-employed in the Telecommunication Department, first as a Technician with effect from 17.2.1980 and later as Junior Engineer, Telecom with effect from 17.8.1981. The post of J.E., Telecom is redesignated as Junior Telecom Officer. Right from the beginning, the applicant was requesting for fixation of his pay in the re-employed post taking into

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consideration the relevant Government orders as interpreted by the Tribunal in the Full Bench judgement. The latest representation filed by the applicant is Annexur-X dated 15.7.1992.

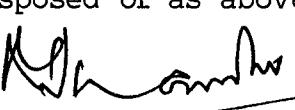
3. According to the applicant, the ratio in the Full Bench decision in OA-3/89 would apply to the facts of the case and the OA can be disposed of with appropriate directions.

4. Respondents submitted that the facts are distinguishable from the facts in OA-3/89 because the applicant did not exercise the option for fixation of his pay within the stipulated time in terms of the order of appointment. This is stoutly denied by the applicant. In fact he has stated in the OA itself that he had given the option in terms of appointment order and hence the applicant has satisfied all the requirements for getting the proper fixation of pay in terms of the Government orders.

5. However, this OA can be disposed of with appropriate directions in view of the pendency of Annexure-X representation before the Government. The respondents have no case that Annexure-X has been disposed of so far. Hence I am satisfied that it is pending.

6. Accordingly, I direct the third respondent to consider the claim of the applicant and pass appropriate orders on Annexure-X representation, in accordance with law bearing in mind the Full Bench decision of this Tribunal in OA-3/89, within a period of four months from the date of receipt of a copy of this order.

7. In the result, the OA is disposed of as above. No costs.


(N DHARMADAN)
MEMBER(J)

27.1.94