

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.54/99.

Tuesday this the 31st day of July 2001.

CORAM:

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

P.K.Subramanian,
Telecom Mechanic,
Office of the Sub Divisional Engineer,
Telecom, Mala, Trichur District. Applicant

(By Advocate Shri M.R.Rajendran Nair).

Vs.

1. The General Manager,
Telecom District, Trichur.
2. Sub Divisional Engineer, Telecom,
Mala.
3. Union of India, represented by
Secretary to Government of India,
Ministry of Communications,
New Delhi.
4. Bharat Sanchar Nigam Limited,
represented by Chief General Manager,
Telecom, Kerala Circle,
Trivandrum. Respondents


(By Advocate Mr. Sri Hari Rao, ACGSC)

The application having been heard on 31st July 2001
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicant while working as a Group-D government servant in the Department of Telecommunications, by order dated 24.8.98, along with many others was promoted as Telecom Mechanic in the scale of Rs.3200-4900. Pursuant to the said order, the applicant was relieved to take up charge on promoted post on 29.8.98 (A3) and his pay was also fixed as is seen from



A-4 in the grade scale of the post of Telecom Mechanic. The grievance of the applicant is that by the impugned order dated 30.11.98(A1), the posting order of the applicant was kept deferred until further orders as he was undergoing a penalty of reduction in pay from the stage of Rs.2780/- to 2720/- for a period of six months with effect from 1.7.98. Aggrieved by this, the applicant has filed this application seeking to have the impugned order set aside and for a direction to the respondents to pay the full pay and allowances of the applicant for the period during which he worked as Telephone Mechanic notwithstanding A-1 order.

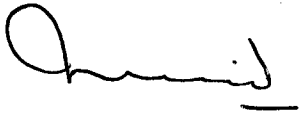
2. The respondents have in their reply statement contend that A-2 order was issued on condition that the officials are not facing any departmental proceedings, that they are not undergoing any penalty and that, as the applicant was undergoing a penalty of reduction in pay, impugned order was rightly issued.

3. The operation of the impugned order was stayed by interim order dated 19.2.99. Now, at any rate by 1.1.99 the currency of the penalty would be over and there would not be anything for the applicant in continuing as a Phone Mechanic thereafter. What remains only is the regularisation of the period between 29.8.98 and 1.1.99. Learned counsel of the applicant states that the application may be disposed of permitting the applicant to make a representation to the 3rd respondent in regard to the regularisation of the pay and allowances for the period from 29.8.98 till 1.1.99 and with a

direction to the 3rd respondent to consider and dispose of the representation within a reasonable time. Learned counsel appearing for the respondents states that the respondents have no objection in disposing of the O.A. with such a direction.

3. In the light of what is stated above, the application is disposed of permitting the applicant to make a detailed representation to the 3rd respondent regarding the regularisation of the service from 29.8.98 till 1.1.99 and directing the 3rd respondent to consider and dispose of the representation within a period of two months from the date of receipt of the representation. No costs.

Dated the 31st July 2001



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

rv

List of Annexures referred to in the order:

A-1: True copy of the Memo No.STA/231-7/98 dated 30.11.'98 issued by the Assistant General Manager, for the 1st respondent.

A-2: True copy of the Memo dated 24.8.'98 No.STA/231-7/98/45 along with the relevant portion of the list of officials posted as Phone Mechanic issued by the Assistant General Manager, for the 1st respondent.

A-3: True copy of the Memo No.E.8/KDX/98-99/9 dated 29.8.'98 issued by the Sub Divisional Engineer, Telecom, Kodakara 680684.

A-4: True copy of the Pay Slip for the month of October 1998 issued by the Accounts Officer, Thrissur Telecom District.