

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.618/94

Friday, this the 2nd day of September, 1994

CORAM:

HON'BLE MR S KASIPANDIAN, ADMINISTRATIVE MEMBER

SK Narayanan,  
S/o Kannan Nair,  
Telephone Operator,  
Telephone Exchange, Kannur. - Applicant

By Advocate Mr MR Rajendran Nair

Vs.

1. Union of India represented by  
Secretary to Government,  
Ministry of Communications,  
New Delhi.
2. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum.
3. The General Manager,  
Telecom District, Kannur. - Respondents

By Advocate Mr V Ajith Narayanan, ACGSC

O R D E R

Applicant retired from Air Force after a service of 15 years and 9 months on 14.10.1981 and he was re-employed in the Telecommunication Department with effect from 2.5.1983 as Telephone Operator in the scale of pay of Rs.260-480. The office of the third respondent fixed his pay as in Annexure-A1 order dated 15.11.1985. The pay was duly revised by the third respondent as in Annexure-A2. Subsequently, as the learned



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counsel for applicant pointed out, the respondents have issued the order at Annexure-A3 cancelling the earlier fixation of pay as in Annexure-A1 order. This was done without giving due notice to the applicant, as is normally required. Further, in pursuance of Annexure-A3 order, they have subsequently issued the orders at Annexure-A4 and A8 which are also impugned.

2. Learned counsel for the respondents argued that even though the contention of applicant is supported by the Full Bench of this Tribunal in O.A.3/89, the respondents have gone in appeal against this decision to the Supreme Court and they have also granted a stay in that Special Leave Petition. Learned counsel for respondents argued that respondents are awaiting the final decision of the Supreme Court before considering the claim of applicant.

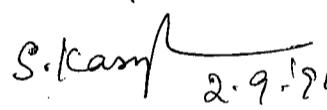
3. After having heard the learned counsel on both sides, the main issue for consideration is whether the stay granted by the Supreme Court can stand in the way of respondents considering the claim of the applicant. As the learned counsel for applicant pointed out, there are several cases in which this Tribunal has held that the claims in other cases can be considered independently by the respondents without linking up these claims with a case pending before the Supreme Court. In the present case, since it is an admitted fact by the respondents that

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the impugned orders were issued without giving due notice to the applicant, I have no hesitation in holding that the impugned orders, Annexure-A3, A4 and A8 deserve to be quashed. Accordingly I do so. It is however, open for the respondents to consider any representation that may be filed by the applicant without being influenced by the stand that they have taken in the reply statement in the O.A. and dispose of the representation in accordance with law, within a period of four months from the date of receipt of such representation.

4. The application is allowed as above. No costs.

Dated, 2nd September, 1994.

  
2.9.94  
( S KASIPANDIAN )  
ADMINISTRATIVE MEMBER

trs/2994

### LIST OF ANNEXURES

1. Annexure A1 True copy of the letter No.45-192/85-PAT dated 18.10.1985 issued by the 1st respondent to the applicant.
2. Annexure A2 True copy of the Statement of Fixation of Pay dated 7.10.1986 issued by the Divisional Engineer Telegraphs to the applicant.
3. Annexure A3 True copy of the letter No.AP/90-902/85 dated 25.1.1988 issued by the 2nd respondent to the applicant.
4. Annexure A4 True copy of the Memo No. Q-1246/35 dated 29.2.1988 issued by the 3rd respondent to the applicant.
5. Annexure A8 True copy of the order No.Q-1246/63 dated 18.3.1994 issued by the 3rd respondent to the applicant.

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