

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Application No. OA 83/1987

A. Krishnan : Applicant

Versus

1. Secretary, Deptt. of Tele-
communication, New Delhi. ,
2. Director of Telecommuni-
cation, New Delhi. ,
3. General Manager, Tele-
communications, Kerala , Respondents
Circle, Trivandrum. ,
4. District Manager, Tele-
communications, Ernakulam ,
District, Ernakulam. ,
5. Divisional Engineer,
Telegraphs, Ernakulam. ,

Sri K.K. Balakrishnan : Counsel for applicant

Sri K. Karthikeya Panicker: Counsel for respondents
ACGSC

CORAM:

Hon'ble Sri G. Sreedharan Nair, Member(Judicial)

ORDER

The applicant, a Wireless Operator, who has been promoted to the higher grade has filed this application to direct the fifth respondent to fix his basic pay on promotion by removing the anomaly by stepping up of the pay so as to make it not less than that of his junior.

2. In the counter affidavit it is contended that the applicant was due for promotion to the Selection grade with effect from 1-10-1983, but the orders could be issued only on 12-6-1984 on administrative grounds. With the introduction of one time-bound promotion with effect from 30-11-1983 promotion to the Selection Grade ceased to exist, but the applicant was offered promotion under the said scheme with effect from 30-11-1983. In view of the order promoting the applicant to the Selection Grade with effect from 1-10-1983 his pay was originally fixed under F.R-23(a)(ii) for the period from 1-10-1983 to 29-11-1983. Subsequently as certain anomalies were noted in the fixation a revised fixation was made and his pay has now been stepped up with effect from 4-6-1985, the date on which his juniors were promoted to the higher grade.

3. In view of the order dated 11-2-1987, copy of which is at Annexure II, under which the pay of the applicant has been stepped up under the provisions of F.R. 27 with effect from 4-6-1985, the date on which his juniors were placed on higher grade, the counsel of the applicant submitted that the remaining grievance relates ~~only~~ to the ^{grant} ~~denial~~ of the financial benefits ~~by~~ of the

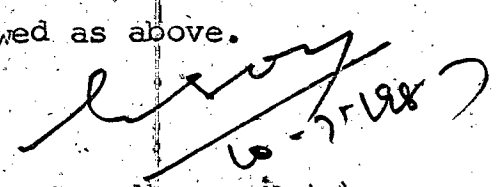
stepping up only from 4-11-1986. It was submitted that it should have been allowed with effect from 4-6-1985, the date on which the juniors were promoted to the higher grade.

4. It is seen from the order dated 11-2-1987 that the date of accrual of financial benefits on account of the stepping up of the pay has been fixed at 4-11-1986 solely on the basis that the letter of the second respondent, the Director of Telecommunication was issued only on that date. Counsel of the respondents attempted to support the same on the strength of the opening clause in F.R. 27, making it "subject to any general or special orders that may be made by the President in this behalf". There is no merit in this submission for in the letter of the second respondent cannot be considered as a general or special order made by the President. Actually it is admitted in the counter affidavit that the applicant ^{was} ~~is~~ due for promotion to the Selection Grade with effect from 1-10-1983, and it was only on account of administrative delay that the order could not be issued in time.

5. In the circumstances the respondents are hereby directed to make available the financial

benefits of the stepping up of the pay of the
applicant as a result of the order dated 11-2-1987,
from 4-6-1985.

6. This application is allowed as above.


(G. Sreedharan Nair)
Member (Judicial)
10-7-1987

Index : ~~YES~~ / NO

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