

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DA No. 171 of 1995

Tuesday, this the 11th day of February, 1997

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. K.V. Sankarankutty Nair,
S/o Velayudhan Nair,
R/o Kottayam
Superintendent (Telegraph Traffic),
Central Telegraph Office,
Ernakulam. .. Applicant

By Advocate Mr. GD Panicker

Versus

1. Union of India represented by the
Secretary to the Government,
Ministry of Communications, New Delhi.
2. Chairman, Telecom Commission,
Sanchar Bhavan, New Delhi.
3. Chief General Manager,
Telecommunications, Kerala Circle,
Thiruvananthapuram. .. Respondents

By Advocate Mr. TR Ramachandran Nair, ACGSC

The application having been heard on 11-2-1997, the
Tribunal on the same day delivered the following:

O R D E R

The applicant was appointed as Assistant Superintendent of Telegraph Traffic on 4-11-1974 in the scale of pay of Rs.425-750. In the All India seniority list of Telegraph Traffic Supervisors (later designated as Assistant Telegraph Traffic Superintendents) (Group-C) as on 30-6-1979, the applicant was placed at rank No.372. Sri Niranjana S. Shah

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belonging to Maharashtra Telecom Circle was appointed as Assistant Superintendent of Telegraph Traffic with effect from 19-4-1976, who was junior to the applicant. His rank in the seniority list is 386. The applicant was promoted as Group-8 Officer on regular basis with effect from October, 1990 and was posted to Central Telegraph Office, Shillong as Superintendent. The applicant joined the new post on 16th of July, 1991 and his pay was fixed at Rs.2180/- in the scale of pay of Rs.2000-3500. The said Niranjana S. Shah was also promoted on regular basis as Group-8 Officer along with the applicant and was posted to Gujarat Telecom Circle as Superintendent in October, 1990. The applicant says that the said Niranjana S. Shah was given a higher pay than him in spite of the fact that he is junior to the applicant. The applicant submitted a representation to the 2nd respondent on 29-1-1994 for stepping up of his pay on par with that of his junior Niranjana S. Shah with effect from 16th of July, 1991. As per A-3 order dated 5-4-1994 the representation of the applicant was turned down. Subsequently, the applicant filed OA No. 1114/94 before this Tribunal to quash A-3 order and for a declaration that he is entitled to get his pay stepped up on par with that of Niranjana S. Shah. This Tribunal as per order dated 10th of August, 1994 disposed of the OA, quashing A-3 order and directing the competent authority to reconsider the matter and pass a speaking order. The applicant submitted a representation to the second respondent. That representation was rejected.

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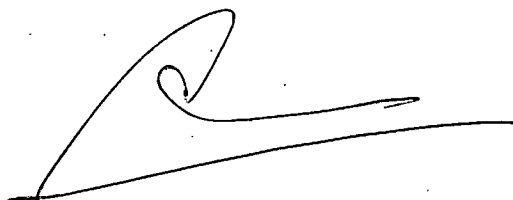
2. According to respondents, the request of the applicant for stepping up of his pay on par with that of Niranjana S. Shah is not allowable due to the reasons that the said junior is drawing more pay not only due to his officiating promotion, but also due to his joining in the promoted post earlier than the applicant, that as per R1 the criterion for allowing stepping up is the gradation list in the lower cadre and the same has been upheld by this Tribunal in the judgment in OA 1489/93.

3. When the matter came up for hearing the learned counsel appearing for the applicant submitted that it is suffice to permit the applicant to submit a fresh representation before the 2nd respondent and to direct the 2nd respondent to dispose of the same within a reasonable period and that the reliefs prayed for in the OA are not pressed.

4. Accordingly, the application is disposed of without granting any of the reliefs prayed for, but permitting the applicant to submit a fresh representation detailing all the grounds which he relies before the 2nd respondent, Chairman, Telecom Commission, New Delhi. The applicant shall make the fresh representation before the 2nd respondent within one month from today and the 2nd respondent on receipt of the same shall consider and dispose it of on merits according to law, within three months from the date of receipt of the representation.

5. Application is disposed of as aforesaid. No costs.

Dated the 11th of February, 1997



A. M. SIVADAS
JUDICIAL MEMBER

List of Annexures

1. Annexure A-3:- True copy of the order No.STB/928/T dtd. 5.4.1994 issued by the Asst. Director,Tele(T) for Chief General Manager, Telecom North Eastern Circle, Shillong.
2. Annexure R-1:- True copy of the circular of the Department of Telecom No.4/57/67-P&T dated 16.1.1968.