

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 203/91  
~~XXXXXX~~

100

DATE OF DECISION 30.06.1992

P.K.Rajappan Applicant (s)

Mr.G.Sasidharan Chempazhanthi Advocate for the Applicant (s)

Versus

Union of India, represented Respondent (s)  
by its Secretary, Ministry of  
Communications, New Delhi.

Mr. N.N.Sugunapalan, SCGSC for R.1 & 2) Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.S. Habeeb Mohamed, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *le*
2. To be referred to the Reporter or not? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement? *no*
4. To be circulated to all Benches of the Tribunal? *no*

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicant is working as an officer of TES Group-B cadre under the 2nd respondent. Before becoming an officer of TES Group-B he was engineering Supervisor now designated as Junior Telecom Officer. There is no direct recruitment to TES Group-B. The only source of recruitment to TES Group-B is by promotion from the cadre of Junior Telecom Officers as per Telegraph Engineering (Group B) Recruitment Rules, 1981. Rule 206 of the P&T Manual, Vol. IV, is supplementary to the recruitment rules. According to this rule all Engineering Supervisors after serving for five years will have to pass a departmental qualifying examination before being considered for

promotion to the Group-B cadre. The validity of this rule was challenged in Writ Petition No.2739/1981 and 3652/1981 before the Allahabad High Court and it was upheld. The S.L.P. filed before the Supreme Court against the Allahabad High Court judgment was dismissed. This Tribunal followed the judgment of the Allahabad High Court in a number of cases. The applicant who passed in the departmental qualifying examination was not given promotion <sup>and</sup> seniority over the 3rd respondent in terms of the Allahabad judgment referred to above. Hence he has filed this application under Section 19 of the Administrative Tribunals Act, 1985 for a direction to Respondents 1 & 2 to review the 1989 gradation list and to refix the seniority of officers including the applicant in TES Group-B strictly in accordance with rule 206 of P&T Manual Vol.IV and grant him all consequential benefits.

2. At the time when the matter came up for final hearing the learned counsel appearing for the applicant submitted that this case is covered by the decision of this Tribunal in O.A.1062/90 and connected cases. We have followed the aforesaid judgment in a number of similar cases. Hence we are satisfied that this case can be disposed of following the judgment in O.A.1062/90 and connected cases. Accordingly, we allow the application and direct the Department, as has been done earlier in the order dated 30.3.90 passed by this Bench in OAK 603/88 and OAK 605/88, to extend the benefits of the judgment dated 20th February 1985 of the High Court of Allahabad in Writ Petition Nos. 2739/1981 and 3652/1981 to the applicant herein and to promote him to the Telecommunication Engineering (Group B) Service with effect from date prior to

..... 3/-

the date of such promotion of his juniors including the 3rd respondent who passed the departmental qualifying examination subsequent to the passing of such examination by the applicant and revise his seniority in the TES Group-B cadre on that basis. The Department is further directed to grant the applicant's pay and allowances from the revised date of promotion.

3. The application is accordingly allowed. There will be no order as to costs.

  
( N.DHARMADAN )  
JUDICIAL MEMBER

  
( P.S.HABEEB MOHAMED )  
ADMINISTRATIVE MEMBER

v/-

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

C.P(C) Nos. 145/92 in O.A.1671/91, (2) 152/92 in OA 840/91  
(3) 158/92 in O.A.1475/91 (4) 159/92 in OA 889/91  
(5) 165/92 in OA.999/90 (6) 167/92 in OA 817/91  
(7) 171/92 in OA 1062/90 (8) 176/92 in OA 1188/91  
(9) 178/92 in OA 1516/91 (10) 181/92 in OA 215/91  
(11) 183/92 in OA 1648/91 (12) 182/92 in OA 98/91  
(13) 187/92 in OA 794/91 (14) 2/93 in OA 836/91  
(15) 19/93 in OA 1653/91 (15) 20/93 in OA 1649/91  
(17) 22/93 in OA 1801/91 (18) 47/93 in OA 1741/91  
(19) 146/92 in OA 612/91 (20) 3/93 in OA 835/91  
(21) 18/93 in OA 1654/91 (22) 31/93 in OA 93/91  
(23) 42/93 in OA 1026/91 (24) 55/93 in OA 616/91  
(25) 63/93 in OA 203/91 (26) 66/93 in OA 641/91

MONDAY THIS THE 5TH DAY OF DECEMBER, 1994.

CORAM

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

CA. 145/92 in OA 1671/91

1. T.S.Govinda Warriar, Assistant Engineer(Adm)  
Office of the Director Maintenance  
Southern Telecom Sub Region, Ernakulam.
2. M.A.Jose, Assistant Engineer,  
U.H.F.Station, Palai.
3. Antony Lopez, Assistant Engineer(Planning)  
Office of the General Manager(Telecom)  
Ernakulam, Cochin-31.
4. N.N.Bhagaval Das, Assistant Engineer,  
Minor Installation, Microwave Station,  
Kaloor, Cochin-17.
5. A.Shamsudeen, Assistant Engineer,  
U.H.F.Station, Karunagappally.
6. K.G.Raveendran, Assistant Engineer  
Construction & PCM, Kottayam.
7. K.D.Radharaman Nair, Assistant Engineer  
(Phones) Palai.
8. K.Surendra Mohan, Assistant Engineer  
Coaxial Maintenance, Shoranoor.

E.Kunhirama Warriar, Assistant Engineer  
(Cables) Palakkad.

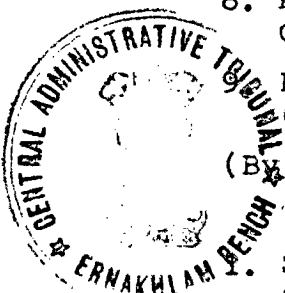
...Petitioners

(By Advocate Mr.N.Sugathan)

Vs.

Shri H.P.Wagle, Secretary (Communications)  
Sanchar Bhavan, New Delhi.

.....2



2. Shri B.R.Nair, Director General  
(Telecommunications), Sanchar Bhavan,  
New Delhi.
3. Shri Rustam Ali,  
Chief General Manager (Telecom)  
Kerala Circle, Thiruvananthapuram. ... Respondents

(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

C.P(C) No.152/92 inOA 840/91

1. A Thampi, SDO(Phones) Alwaye.
2. V.E.Thomas, SDOT, Alwaye.
3. S.R.Jayakumar, SDO(Phones) Kottayam.
4. K.V.Pankajakshan, Assistant Engineer,  
Interstice Maintenance, Ernakulam.
5. P.S.Sivadasakurup,  
Assistant Engineer, Carrier Long Distance  
Ernakulam.
6. A.Vikraman Nair, Assistant Engineer,  
Installation, Ernakulam.
7. C.P.Namboodiri, SDO(Phones)  
Kanjangadu.
8. P.Krishna Iyer, Assistant Engineer(Adm)  
O/o TDM, Kollam.
9. R.Raghavan Pillai, SDO(Phones) Kollam.
- 10.M.Thamara, Assistant Engineer  
Installation, Telephone Exchange,  
Palghat. ... Petitioners

(By Advocate Mr.G.Sasidharan Chempazhanthiyil)

Vs.

1. Shri H.P.Wagle, Chairman,  
Telecom Commission, New Delhi. ... Respondent

C.P(C) 158/92 in O.A.1475/91

1. H.Padmanabhan, Asst.Engineer,  
Central Telephone Exchange,  
Thiruvananthapuram.
2. T.K.Jinarajan, Asst.Engineer  
RTTC, Thiruvananthapuram.
3. Annamma Oommen, A.E.(Plg.I)  
Office of the TDM,Thiruvalla.
4. K.P.Kunjappy, SDOT, Mavelikkara.
5. Cheriyan Varghese T, A.E. ICP Exchange,  
Thiruvalla. ... Petitioners

(By Advocate Mr.G.Sasidharan Chempazhanthiyil)

Vs.

1. H.P.Wagle, Chairman,  
Telecom Commission, New Delhi. ... Respondent

C.P(C) 159/92 in OA 889/91

1. L.Thomas, AE A/T, O/o CGMT  
Thiruvananthapuram. .... 3

2. K.V.Padmanabhan, AE, OKI Exchange, Kaithamukku, Thiruvananthapuram.
3. K.Appu Thampi, AE(Groups) Kallambalam.
4. Susamma Thomas, A.E. Tax Monitoring Thiruvananthapuram.
5. T.M.Omana, A.E.(SBP) Thiruvananthapuram.
6. N.Premachandran, A.E. Cable Maintenance, Vellayamblam, Thiruvananthapuram.
7. K.G.Rajasekharan Nair, JTO Telegraph under orders of promotion as AE Thiruvananthapuram.

.... Petitioners

(By Advocate Mr.G.Sasidharan Chempazhanthiyil)

Vs.

1. Shri H.P.Wagle, Chairman, Telecom Commission, New Delhi.

... Respondent

C.P(C) No.165/92 in O.A.999/90

1. K.Ramachandran, A.E.(Staff.II) O/o CGMT, Kerala, Trivandrum.
2. G.Renganatha Iyer, A.E.(I/c) O/o CGMT, Thiruvananthapuram.
3. J.Gopalakrishnan Nair, AD(General) O/o C.G.M.T. Trivandrum.
4. K.R.Gopalakrishna Pillai, AD(SP) O/o CGMT, Trivandrum.
5. S.K.Muraleedharan Nair, AD(Efficiency) O/o CGMT, Trivandrum.
6. N.N.Sukumaran, Officer Engg(CML) O/o CGMT, Trivandrum.
7. R.Krishnaswamy, A.D. (Computer) O/o CGMT, Trivandrum.
8. D.V.Raveendranath, AE(Mtc) O/o CGMT, Trivandrum.
9. V.Thampi, A.E(Plg) O/o TDM Bakery Junction, Trivandrum.
10. George Thomas C. AD O/o CGMT Trivandrum.
11. R.Ramachandran Nair, AD(Cable Plg) O/o CGMT Trivandrum.
12. P.N.K.Namboodiri, AE(Lecturer) RTTC, Trivandrum.
13. Thampy NMJ, Lecturer, RTTC, Trivandrum.
14. N.Krishnan Nair, AE(Admn) O/o TDM, Trivandrum-23.

.... Petitioners

(By Advocate Mr. G.Sasidharan Chempazhanthiyil)

Vs.

Shri H.P.Wagle, Director General,  
Department of Telecommunications, New Delhi.

... Respondent

(By Advocate Mr.Varghese P.Thomas, ACGSC)

C.P(C) 167/92 in O.A.817/91

1. K.Rama Das, AE(Trunks) Trichur.
2. K.Rajendran, AE(Cables.I), Trichur.
3. James Payl, AE,Wellington Island,Cochin.3.
4. P.N.G. Kaimal, AE,Telecom Construction,Thodupuzha.
5. A.D.John, AE,Coaxial Maintenance,(O/D)Trichur.
6. C.D.Namboodiri, AE (Cables), Trichur.
7. P.K.Sankunnikutty, AE,Crossbar, Maintenance, Trichur.
8. M.J.Thomas, AE, Cross Bar.II Telephone Exchange,Trichur.
9. K.C.Antony, AE, HRD O/o the TDM,Trichur.
- 10.C.P.Parameswaran, AE,Carrier & VET Installation, Trichur.
- 11.K.Balaraman, AE, PCM Maintenance,Trichur.
- 12.C.L.Lonappan, AE,FCM Installation,Trichur.
- 13.P.Peethambaran, AE,Carrier Maintenance Groups,Trichur.
- 14.T.K.Narayanan, SDO(Phones),(N) Trichur.
15. K.V.Sreedevi, AE, Co-axial,Trichur. .... Petitioners  
(By Advocate Mr.G.Sasidharan Chempazhanthiyil)

Vs.

Shri H.P.Wagle, Director General,  
Department of Telecommunications,  
New Delhi.

..... Respondent

CP(C) 171/92 in O.A.1062/90

1. J.J.Sarma, AD(TAX PLG)  
C/o the CGMT, Trivandrum.
2. K.Rajan, AD(Est) -do-
3. C.S.Mohan Kumar, SDO(T),Nedumangadu.
4. C.Victor, AD(Staff) O/o CGMT,Trivandrum.
5. P.G.Pappachan, AD(Operation), -do-
6. V.A.Venugopal, AE,Telephone Exchange,  
Kaithamukku,Trivandrum.
7. N.S.Janardhanan Pillai, Staff Officer(AE).  
O/o CGMT, Trivandrum.
8. V.S.Krishna Moorthy,AD (PP) -do-
9. V.Gopinath, A.E(Plg) O/o Telecom Dist  
Engineer, Trivandrum.
- 10.M.Abdul Khader, PRO O/o the Telecom Dist  
Manager, Trivandrum.
- 11.M.Raghavan Nair, SDO Telegraphs,Pathanamthitta.
- 12.R.Ramachandra Kurup, SDOP (South) Enchakkal,Trivandrum.
- 13.V.Janardhana Iyer, AE, Lecturer RTTC,Trivandrum.10.
- 14.R.Subramania Iyer, Lecturer RTTC,Trivandrum.
- 15.T.K.Vijayakumar, Lecturer -do-
- 16.U.K.Narayanan, Lecturer -do-

17. S.Hariharan, Lecturer, RTTC, Trivandrum.
  18. K.U.K.Nair, AE A/T Transmission, T & D Circle, Trivandrum.
  19. P.J.Varghese, AE(CML) O/o Telecom District Engineer, Kottayam.
  20. S.Thanu Pillai, SDO, Telecom, Attingal.
  21. G.Goopalakrishna Kurup, AD(RP) O/o the CGMT, Trivandrum.
  22. M.P.Sethumadhavan, AD (Network Plg) -do-
  23. S.Ramachandran, AE Computer O/o CGMT Trivandrum.
  24. George Oommen, Lecturer RTTC, Trivandrum.
  25. Joseph John, A.E. Cable Maintenance, South I Cable Division, Trivandrum Telecom Dist. Trivandrum.
- .... Petitioners  
(By Advocate Mr.G.Sasidharan Chempazhanthiyil)

Vs.

Shri H.P.Wagle, Chairman,  
Telecom Commission, New Delhi. ... Respondent

C.P(C) No.176/92 in OA 1188/91

1. K.Gopalan Nair, AE, Telecom Transmission Project, Trivandrum.36.
  2. M.N.Gopinathan Pillai, AE, Co-axial Maintenance (HF) OFS, Ernakulam.
  3. M.K.Saseendranathan, AE, Transmission Project, Palghat-678014.
- ... Petitioners  
(By Advocate Mr.G.Sasidharan Chempazhanthiyil)

Vs.

Shri H.P.Wagle, Director General,  
Department of Telecommunications,  
New Delhi. ... Respondent

C.P(C) No.178/92 in OA 1516/91

G.Leelamony Devi, AE  
C/o the Director Maintenance,  
Southern Telecom Sub Region,  
Cochin-16. .. Petitioner

(By Advocate Mr G.Sasidharan Chempazhanthiyil)

Vs.

1. Shri H.P.Wagle, Chairman,  
Telecom Commission, New Delhi. .. Respondent

CP(C) No.181/92 in O.A.215/91

1. R.Vijayan, A.E. (Groups), Anchal.
2. G.Mathai, AE, CGMT Office, Trivandrum.
3. S.Narayana Iyer, AE CGM(O), Trivandrum.
4. R.Ramachandran Nair, AE Tax Planning, Trivandrum.
5. G.Samuel, AE, CGMT(O), Trivandrum.
6. G.Varghese, AE(NET Work Planning), Trivandrum.





7. T.Chacko, AE, Cable Planning(Rural),Trivandrum.
8. P.P.Narayana Panicker, AE, CGMT Office,Trivandrum.
9. P.A.Pareeth, AE, Cross Bar, Ernakulam.
10. T.K.Vijayan, AE, Installation,Ernakulam.
11. R.Snehalatha, AE(Internal), Kalamassery.
12. P.M.Albert, AE(Installation) Scattered Assets,  
Ernakulam. ... Petitioners

(By Advocate Mr.G.Sasidharan Chempazhanthiyil)

Vs.

1. Shri H.P.Wagle, Chairman,  
Telecom Commission, New Delhi

C.P(C) 183/92 in OA 1648/91

D.Philip, Lecturer, RTTC,  
Thiruvananthapuram. .. Petitioner

(By Advocate Mr.G.Sasidharan Chempazhanthiyil)

Vs.

Shri H.P.Wagle, Chairman,  
Telecom Commission, New Delhi. .. Respondent

C.P(C) 182/92 in O.A.98/91

1. P.C.Johny, Officer Engineering,  
Co-axial Maintenance, Ernakulam.
2. N.P.Surendran, Officer Engineering  
Microwave Maintenance, Ernakulam,Cochin-17.
3. K.Sivasankaran, AE, Co-axial Mtce. Co-axial  
Station, Moovattupuzha.
4. T.C.Abraham, Officer Engineer(Telecom)  
Telecom Sub Division, Muvattupuzha.
5. K.Sivadas, Officer Engineer  
Co-axial Maintenance, Ernakulam. .. Petitioners

(By Advocate Mr.G.Sasidharan Chempazhanthiyil)

Vs.

1. Shri H.P.Wagle, Chairman, Telecom  
Commission, New Delhi. ... Respondent

C.P(C) No.187/92 in O.A.794/91

M.P.Lokanath, Assistant Engineer,  
U.H.F.Telephone Exchange  
Building, Kayamkulam. ... Petitioner

Vs. (By Adv.MR Rajendran Nair)

1. Shri H.P.Wagle, Chairman, Telecom Commission  
and Secretary, Deptt. of Telecommunications,  
New Delhi.
2. Mohamed Rustom Ali, C.G.M.T. Kerala  
Circle, Trivandrum. ... Respondents

(By Advocate Mr. TPM Ibrahim Khan, SCGSC)

C.P(C) 2/93 in O.A.836/91

1. V.Gopinathan Nair, AE, Microwave Project, Trivandrum.
  2. T.V.Abraham, A.E. A/c and Power Ernakulam.
  3. M.Kesavan Nair, AE, Strowgar Installation, Ernakulam.
  4. P.J.Joseph, AE, Microwave (Survey) Ernakulam.
  5. A.V.Raphael, AE, Telex Outdoor, Ernakulam.
  6. V.P.Rajachandra Dev, AE, Auto Installation, 28/230, Super Market Building, Ernakulam.
  7. C.D.Thomas, A.E.(Trunks), Ernakulam.
  8. K.S.Jayanthi Bai, AE (Computer) Office of the G.M.T. Ernakulam
  9. M.Chandran, AE(Telephones) Trikkakara.
  - 10.P.V.Yacob, SDO Telegraphs, Perumbavoor.
  - 11.M.Bhaskaran, AE Coaxial (I/D) Alwaye-1. ... Petitioners
- (By Advocate Mr. G.Sasidharan Chempazhanthiyil)

Vs.

1. Shri H.P.Wagle, Chairman, Telecom Commission, New Delhi. ... Respondent

C.P(C) 19/93 in O.A.1653/91

1. J.Suseelan Nair, AE(Planning) O/o General Manager, Telecom District Thiruvananthapuram.
2. Annamma Thomas, A.E.Phones (Indoor) Adoor.
3. K.S.Vikraman Nair, AE(Cables Planning) O/o Telecom District Manager Thiruvananthapuram.
4. T.K.Kuriakose, SDO(Telephones), Muvattupuzha.
5. M.P.Paulose, AE(Cables), Palarivattom. Ernakulam Telephone District. .... Petitioners

(By Advocate Mr. N. Sugathan)

Vs.

1. Shri H.P.Wagle, Secretary (Communications) Sanchar Bhavan, New Delhi.
2. B.R.Nair, Director General(telecommunications) Sanchar Bhavan, New Delhi.
3. Shri Rustom Ali, Chief General Manager (Telecom) Kerala Circle, Thiruvananthapuram.... Respondents

C.P(C). 20/93 in O.A.1649/91

1. V.J.D.Nair, AE(Lecturer)  
R.T.T.C. Thiruvananthapuram.
2. P.Somasekharan Nair, AE(Retired)  
Soorya, Sankar Road,  
Sasthamangalam, Thiruvananthapuram. ... Petitioners

(By Advocate Mr. N. Sugathan)

Vs.

1. Shri H.P.Wagle, Secretary  
Communications, Sanchar Bhavan,  
New Delhi.
2. Shri B.R.Nair, Director General  
(Telecommunications) Sanchar Bhavan,  
New Delhi.
3. Shri Rustom Ali, Chief General Manager  
(Telecom), Kerala Circle, Trivandrum. ... Respondents

C.P(C) No.22/93 in O.A.1801/91

V.C.Suresh Babu, Asst.Engineer  
Transmission Project, Kozhikode. ... Petitioner

(By Advocate Mr. N.Sugathan)

Vs.

1. Shri H.P.Wagle, Secretary (Communications)  
Sanchar Bhavan, New Delhi.
2. Shri B.R.Nair, Director General  
(Telecommunications), Sanchar Bhavan  
New Delhi. ... Respondents

C.P(C) 47/93 in O.A.1741/91

1. T.Santhakumari Amma, AE(Plg.and Works)  
O/o TDM, Alapuzha.
2. P.J.Mariamamma, AE(Auto) Unit.II  
Kottayam.
3. Jaya M. Nair, AE, PRX II,  
Changanassery.
4. Mariamma George, AE(Computer)  
Office of the TDM, Kottayam.
5. K.P.Jayadevan, AE, Auto Installation,  
Kottayam.
6. B.Vasanthakumari Amma, AEAdministrative  
Office of the TDM, Palakkad. .... Petitioners

(By Advocate Mr. T.R.RamachandranNair)

Vs.

1. Shri H.P.Wagle, Chairman, Telecom Commission,  
Deptt. of Telecommunication, New Delhi.
2. Shri Rustom Ali, the Chief General Manager  
Kerala Circle, Telecom, Trivandrum. ... Respondents

C.P(C) No.146/92 in O.A.612/91

N.Ravindran, SDOT, Changanassery. ... Petitioner

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

Vs.

1. H.P.Wagle, Chairman,  
Telecom Commission and Secretary,  
Department of Telecommunication,  
New Delhi.
2. Mohamed Rustom Ali,  
Chief General Manager, Telecom  
Kerala Circle, Trivandrum. ... Respondents

C.P(C) No.3/93 in O.A.835/91

1. P.B.Kurup, Assistant Engineer,  
Trunk Traffic, Ernakulam.
2. K.N.Rajagopala Ganakan,  
Assistant Engineer, SPC Telex, Ernakulam.
3. C.Durga Das, Public Relations Officer,  
G.M.T(C) Ernakulam.
4. T.K.Dayanandan, A.E. Digital Trunk  
Automatic Xge, Ernakulam.
5. P.E.Valiyudhan, Asst.Engineer, Phones  
External Phones, Palarivattom.
6. M.Leela Krishnan, A.E.  
Planning O/o the TDM Kannur.
7. K.Saraswathy Amma, AE(HRD)  
O/o T.D.M. Kottayam.
8. Mrs. M.V.Savithri, A.E.(Admn)  
O/o the TDM, Trichur.
9. C.M.Nair, A.E. Transmission  
Project, Kollam. ... Petitioners

(By Advocate Mr. G.Sasidharan Chempazhanthiyil)

Vs.

Shri H.P.Wagle, Chairman,  
Telecom Commission,  
New Delhi .. Respondent

C.P(C) 18/93 in O.A.1654/91

1. K.Padmakumaran Nair, A.E.(PABX)  
Office of the Telecom Dist.Manager,  
Thiruvananthapuram.
2. K.M.Philip, SDO(Phones)North  
Office of the Telecom Dist.Manager  
Thiruvananthapuram. ... Petitioners

(By Advocate Mr. B.Sugathan)

Vs.

1. H.P.Wagle, Secretary(Communications), Sanchar Bhavan  
New Delhi.
2. Shri B.R.Nair, Director General (Telecommunications),  
Sanchar Bhavan, New Delhi.
3. Shri Rustom Ali, Chief General Manager(Telecom)  
Kerala Circle, Thiruvananthapuram. ... Respondents

C.P(C) 31/93 in O.A.93/91

V.A.Mathukutty, Assistant Engineer,  
Cables East, Housing Board Building,  
Kochi.16. .. Petitioner

(By Advocate Mr. N.Sugathan)

Vs.

1. Shri H.P.Wagle, Secretary (Communications)  
Sancha Bhavan, New Delhi.
2. Shri Rustom Ali, Chief General Manager  
(Telecom) Kerala Circle, Thiruvananthapuram... Respondents

G.P(C) No.42/93 in O.A.1026/91

1. MD Pamkajakshan, A.E. SPC Telex  
Telephone Exchange, Ernakulam. Cochin.11.
2. T.Kunhayamu, AE, Transmission Projects,  
Kozhikode. 32.
3. Savithri R.Menon A.E. Multiplexing  
Co-axial Station, Calicut 32.
4. M.A.Rappai, A.E. Cable Planning  
GMT (O) Calicut-1.
5. V.P.Sivaraman, SDO Telecom Malappuram-5. ... Petitioners

(By Advocate Mr.G.Sasidharan Chempazhanthiyil)

Vs.

1. Shri H.P.Wagle, Chairman,  
Telecom Commission, New Delhi. ... Respondent

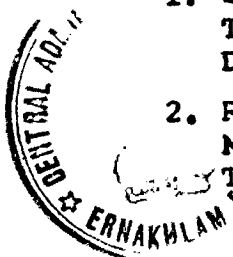
C.P(C) 55/93 in O.A.616/91

1. V.K.Suseela Devi, A.E. Auto Exchange,  
Alapuzha.
2. D.Vijayamma, A.E. Power Telecom  
Coordination Committee,  
Chief General Manager, Telecom Kerala  
Circle, Thiruvananthapuram.
3. Rumold Joe Nettar, A.E. Cable Maintenance,  
Quilon.
4. R.Surendran Achari, A.E. Auto II, Kollam.
5. M.Thulaseebai Amma, A.E. Computer  
Telecom District Manager, Kollam. ... Petitioners

(By Advocate Mr. Ramachandran Nair)

Vs.

1. Shri H.P.Wagle, Chairman,  
Telecom Commission,  
Deptt. of Telecommunications, New Delhi.
2. Rustom Ali, Chief General  
Manager, Telecom Kerala Circle,  
Thiruvananthapuram. .... Respondents



C.P(C) 63/93 in O.A.203/91

P.K.Rajappan, Asst.Engineer,  
Regional Spares Organization,  
Southern Telecom Region,  
Cochin-35.

... Petitioner

(By Advocate Mr.G.Sasidharan Chempazhanthiyil)

Vs.

1. Shri H.P.Wagle, Chairman,  
Telecom Commission,  
New Delhi.

... Respondent

C.P.(C) No.66/93 in O.A.641/91

1. Thresiamma Jacob, A.E.(Phones)  
Kottayam.

2. Mariamma Mathew, A.E.  
Microwave, Ponkunnam.

3. K.Leelamma, A.E. Human Resources  
Development, Kottayam.

... Petitioners

(By Advocate Mr.T.R.Ramachandran Nair)

Vs.

1. H.P. Wagle,  
Chairman,  
Telecom Commission,  
Department of Telecommunications,  
New Delhi.

2. Shri Rustom Ali,  
the Chief General Manager,  
Telecom,  
Kerala Circle,  
Thiruvananthapuram.

: 12 :

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Petitioners in all these Contempt Petitions are Group 'B' Officers of Telecom Engineering Services. They approached this Tribunal earlier, for certain reliefs. This Tribunal granted a declaration:

"To promote them with effect from the dates prior to the date of promotion of any Junior Engineers who passed the departmental qualifying examination subsequent to passing of that examination by the respective applicants, to revise their seniority in TES Group B accordingly and to revise the pay of the applicants with effect from the respective revised dates of promotion with all consequential benefits...."

2. In good many of these applications, Special Leave Petitions were filed. They were disposed of by the Supreme Court of India by the judgment in C.A.1814/93 and connected cases decided on 13.5.94. The Supreme Court observed:

".... It would be noticed that the judgment of the Allahabad High Court was delivered in writ petitions which were filed by two individuals as far back as 1981 and the judgment was delivered in 1985 which was affirmed by this Court on 8th April, 1986. Most of the petitioners before the Tribunal filed their applications claiming promotion from earlier date on the basis of the Allahabad High Court judgment only in 1988. They will get refixation of their seniority and notional promotion with retrospective effect and would be entitled to fixation of their present pay which should not be less than to those who are immediately below them and the question is only whether they would be entitled to back wages from the date of notional promotion. We are of the view that the Tribunal was justified, in view of the peculiar circumstances of the case and enormity of the problem dealing with 10,000 persons, in declining the grant of

back wages except with effect from the date they actually worked on the higher post. The same view was taken by this Court in the aforesaid judgment of Paluru Ramakrishnaiah and others where this Court declined similar reliefs. ....

The Bench in Janakiraman's case ( (1991)4 SCC 109) was not dealing with the case of due date of promotion on revision of seniority as a result of any decision of this Court effecting thousands of employees, and revised seniority list being prepared in pursuance thereof and notional promotion being granted with respective effect. The Special Leave Petition No.16008 of 1992 is accordingly dismissed.

All the connected Civil Appeals and Special Leave Petitions are disposed of in the light of the aforesaid judgments. There is however, no order as to costs."

3. In view of the judgment, the orders of this Tribunal have to be complied with, as affirmed by the Supreme Court. Respondents have filed an affidavit dated 2.12.94 stating:

"the work of refixation and drawal of arrears is in progress at various subordinate units. There are 168 applicants... some of the units have already complied with the orders by refixing the pay and disbursing the arrears... It is expected that full compliance shall be made within another four weeks' time."

4. We record the submission and the undertaking. Respondents will adhere to the undertaking and complete the process in the case of all the 168 applicants on or before 10.1.1995. This undertaking will be fully and faithfully adhered to in time and spirit.
5. Contempt Petitions are disposed of recording the undertaking.
6. Parties will suffer their costs.

Dated the 5th December, 1994.

*sd/-*  
P.V.VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

*sd/-*  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN

njj/6.12



CERTIFIED TRUE COPY

Date 12.12.94

*Mmm*  
Deputy Registrar

*PZ*  
12/12