

The reliefs are sought on the basis of the judgment of the Allahabad High Court in Writ Petitions 2739/81 and 3652/81 and of a judgment of this Bench in OAK 112/88 (Ann.III) in which the above judgment was followed.

2. The respondents filed a statement stating that the reply filed by them in OA 1062/90 be treated as a reply to this OA also. Respondent 4 has not filed any reply and was not present.

3. On 30.3.92, a batch of cases including OA 1062/90 involving the same issue were heard and reserved for orders. The parties herein have agreed that this case can be disposed of on the basis of the orders in that batch of cases.

4. In that batch of cases also, the Union of India had, in the first instance, opposed the application. However, on 30.3.92, the last date of hearing, a verified statement was made by the Assistant General Manager (Admn.), Office of the General Manager, Telecom, Ernakulam, on behalf of the Department, which is as follows:

"In view of the judgment passed by the Principal Bench of the Central Administrative Tribunal, Delhi in CCP No. 255/91, the Department has decided to revise the seniority of all the existing members of TES Group B in accordance with the Allahabad High Court judgment which lays down the principles for promotion to the TES Group B cadre. This statement is filed as per the instructions received from the Directorate General, New Delhi as per communication DO. No. 15-3/91-STG-11 dated 24.3.92."


Therefore, orders were passed on 24.4.92, granting reliefs to the applicants in those batch of cases.

5. In the circumstances, we have only to follow that decision. Accordingly, we allow this application and direct

the Department, as has been done earlier in the order dated 27.2.90 passed by this Bench in OAK 112/88 (Ann.III) to extend the benefits of the judgment dated 20th February, 1985 of the High Court of Allahabad in Writ Petition Nos. 2739 and 3652 of 1981 to the applicants herein and to promote them to the Telecommunication Engineering (Group B) Service with effect from dates prior to the dates of such promotions of any Junior Engineer, who passed the departmental qualifying examination subsequent to the passing of such examination by the applicants and revise their seniority in the TES Group B cadre on that basis. The Department is further directed to grant the applicants pay and allowances from their revised dates of promotion.

6. There shall, however, be no order as to costs.


27.5.92
(N. Dharmadan)
Judicial Member


27.5.92
(N.V. Krishnan)
Administrative Member

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
L. A. No.

215

1991

DATE OF DECISION 27.5.92

R.Vijayan & 11 others Applicant (s)

Mr. Sasidharan Advocate for the Applicant (s)
Chempazhanthiyil
Versus

U.O.I. (Secretary, Respondent (s)
Min. of Communications) & 3 others

Mr. Mathews J Nedumpara Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N.V.Krishnan, Administrative Member

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

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? >
3. Whether their Lordships wish to see the fair copy of the Judgement? >
4. To be circulated to all Benches of the Tribunal? >

JUDGEMENT

N.V.Krishnan, AM

The applicants are Assistant Engineers in the Ministry of Communication and have prayed for the following reliefs:

- "(1) Direct the 1st and 2nd respondents to give applicants seniority above the 4th respondent in TES Group B Service and promote the applicants from a date prior to the promotion of the 4th respondent to the TES Group B service and pay the applicants all consequential benefits including pay and allowances.
- (2) Direct the 1st and 2nd respondents to promote the applicants with effect from the date prior to the date of promotion of any Junior Engineer to Telegraph Engineering Service Group B who passed the departmental qualifying examination subsequent to the date of passing of the applicants or who, though, passed the qualifying examination along with the applicants, were junior to the applicants in the Junior Engineers cadre!"

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 C.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

C.P.C.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.
9. E.Kunhrama Warriar, Assistant Engineer
(Cables) Palakkad.

...Petitioners

(By Advocate Mr.N.Sugathan)

Vs.

1. 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(Group)
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
O/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. J.Samuel, AE, CGMT(O), Trivandrum.
6. K.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.Vahyudhan, 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) 18/93in 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. N.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)
Sanchaß 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.



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

Mamra
Deputy Registrar

R. J. 12/12/94

(35)

CP(C) 181/92
in OA 215/91

Mr. Sasidharan Chempazhanthiyil for applicant

Mr. Mathews J Nedumpara, ACGSC

We have heard the learned counsel for both the parties on the C.P(C)s from item 25 to item 48 in today's (25.3.1993) cause list.

The learned Sr. Central Govt. Standing Counsel, Shri G.C.P. Tharakan produced before us a copy of the order of the Hon'ble Supreme Court dated 18.3.93 in relation to CP(C) 138/92 in OA-678/91 which is listed as item No.48 in today's cause list. Therefore, further proceedings on CP(C) 138/92 in OA-678/91 are kept in abeyance. Shri Tharakan argued that in view of the stay of the operation of that part of the order pertaining to backwages in the aforesaid CP(C) 138/92, further proceedings in all other CP(C)s also would stay. We are not persuaded to accept this contention because unless the operation of judgment in the remaining cases are similarly stayed, the stay granted in CP(C) 138/92 cannot be bar on implementation of orders in other cases, even though the circumstances may be similar. In accordance with our directions dated 1.3.93 given in CP(C)s other than CP(C) 138/92, Mr. H.P. Wagle should have either complied with the judgement in full or appeared in person to explain his difficulties. Though in accordance with the statement filed by him, Shri Wagle is apologetic for his non-appearance before us on 1.2.93, he has not explained why he has not been able to appear before us today. His belief or interpretation regarding the implementation of the orders should have been explained by him in person before us. In the light of his unexplained absence today, his apologies for non-appearance on 1.2.93 lose their meaning. Considering the circumstances of the case, however, we give Mr. Wagle one more chance to appear before this Tribunal in person on 20.4.93 to explain why proceedings under the Contempt

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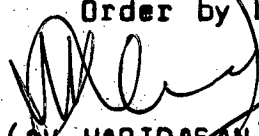
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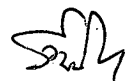
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of Courts Act be not initiated against him for non-compliance of our judgment in full in all the aforesaid OA-Nos. 1671/91, 612/91, 840/91, 1475/91, 889/91, 999/90, 817/91, 1062/90, 1188/91, 1516/91, 215/91, 98/91, 1648/91, 794/91, 836/91, 835/91, 1654/91, 1653/91, 1649/91, 1801/91, 93/91, 1741/91, 616/91 except OA-678/91.

The interim orders in CP(C) 165/92, CP(C) 171/92, CP(C) 178/92 and CP(C) 183/92 shall continue until further orders.

Order by hand.


(AV HARIDASAN)
Judicial Member


(SP MUKERJI)
Vice Chairman.

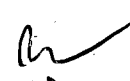
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20-4-93
(35)

List for further direction

on 2-8-93


(RR)


(AUK)

20-4-93

Received
Today

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order issued

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

R.A.No.28/97 in M.A.No.320/97
in O.A.No.215/91

Wednesday this, the 1st day of October, 1997.

CORAM:

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

HON'BLE SHRI P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. R.Vijayan,
Assistant Engineer (Groups),
Anchal.
2. G.Mathai,
Assistant Engineer,
Chief General Manager, Telecom office,
Thiruvananthapuram.
3. S.Narayana Iyer,
Assistant Engineer, Chief General Manager,
Telecom office, Thiruvananthapuram.
4. J.Samuel,
Assistant Engineer, Chief General Manager,
Telecom office, Thiruvananthapuram.
5. T.Chacko, Assistant Engineer,
Cable Planning (Rural) Thiruvananthapuram.
..Review
Applicants

(By Advocate Mr.Sasidharan Chempazhanthiyil)

vs.

1. R.Ramachandran Nair,
Assistant Engineer Tax Planning,
Thiruvananthapuram.
2. P.P.Narayana Panicker,
Assistant Engineer, Chief General Manager,
Telecom Office, Thiruvananthapuram.
3. Union of India represented by its Secretary
in the Ministry of Communications, New Delhi.
4. The Telecom Commission, represented by its
Chairman, Sanchar Bhavan, New Delhi.
5. Chief General Manager, Telecom Kerala Circle,
Thiruvananthapuram.
6. S.M.Dhanawat, Assistant Engineer,
(Ducting) A&T and M.Telephone House,
V.S.Marg, Bombay- 400028. .. Respondents

R.A.No.28/97

in.

O.A.No.215/91.

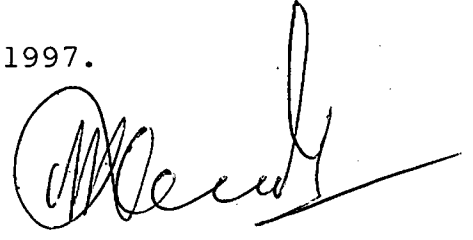
O R D E R

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

On going through the review application and the order sought to be reviewed, it is seen that the review applicants are challenging the wisdom of the finding, which is not permissible in a review application. If the review applicants are aggrieved by the decision sought to be reviewed, the remedy open to them is to approach the higher forums, in accordance with law. The review application is, therefore, rejected.

Dated the 1st October, 1997.


P.V.VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN