

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 252  
T. A. No.

199 1

DATE OF DECISION 6.1.1992

K. A. Joy Applicant (s)

Mr. M. R. Rajendran Nair Advocate for the Applicant (s)

Versus

The General Mangger, Respondent (s)  
Telecommunications, Ernakulam and others

Mr. George Joseph, AOGSC 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? *h*
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. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant is a Telephone Inspector under the second respondent. Briefly stated, he was appointed as a Technician on 12.8.1965 on a pay scale of Rs. 260-480. The Rules provided that on completion of 10 years of service, he will be considered for the higher grade of Technician i.e. Rs. 425-640 scale of pay. *was completed, h*

2. However, before this period/he appeared for a competitive examination and was promoted as a Telephone Inspector on 13.8.1974 in the pay scale of Rs. 380-560. Had he continued as Technician, he would have completed 10 years of service on 12.8.1975 and he should have

become eligible for higher pay scale of Rs. 425-640. His prayer is that notwithstanding <sup>the</sup> ~~this~~ <sup>that</sup> fact ~~he~~ he is now working <sup>but</sup> as Telephone Inspector, considering the fact that he has been confirmed in that post only from 1.3.1976 i.e. long after completing 10 years of service as Technician and also due <sup>to that</sup> to the fact, his juniors in the lower cadre who completed 10 years of service have been given pay scale of Rs. 425-640, he should also be given the benefit of the pay scale from 13.8.75 and his pay as <sup>Telephone Inspector</sup> ~~Technician~~ in the pay scale of Rs. 380-560 be re-fixed on that basis.

3. In this regard, he submitted Annexure-I representation stating therein that a similar benefit has already been granted in Judgment of this Tribunal in O.A.K. 126/87. As the second respondent to whom this was forwarded did not <sup>a</sup> give/reply, this application was filed.

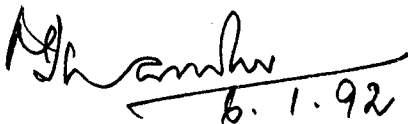
4. When the case came up for final hearing today, the learned counsel for the applicant submitted that he would be satisfied if Annexure-I representation is directed to be disposed of by the second respondent in the light of the principle enunciated in the judgment in O.A.K. 126/87 <sup>in</sup> and another judgment O.A. 545/90 referred to by him in the rejoinder for the proposition that on promotion as Phone Inspector, he is entitled to get pay fixation under FR 22-C in the ~~higher~~ pay scale of Rs. 425-640. The learned counsel for the applicant however, submits that the second respondent

<sup>a</sup>  
be directed not to reject his representation on the only ground that the judgments of the Tribunal are applicable only to the applicants in those cases.

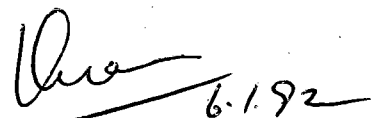
5. We have heard the learned counsel for the respondents also. He submitted that instead of waiting for a reply, the applicant filed the <sup>b</sup>application in haste. However, in <sup>c</sup>reply ~~refer~~ to a query whether he has any objection for a direction to the second respondent to consider Annexure A-1 representation for disposal, he replied in the negative.

6. In the circumstances, we are satisfied that the interest of justice will be served if we issue a direction to the second respondent to dispose of the Annexure-I representation within two months from the date of receipt of a copy of this judgment, keeping in view the principles enunciated in O.A.K. 126/87 and O.A. 545/90, even though the applicant was not a party to those cases.

7. The application is disposed of with the above directions.

  
6.1.92

(N. DHARMADAN)  
JUDICIAL MEMBER

  
6.1.92

(N. V. KRISHNAN)  
ADMINISTRATIVE MEMBER