

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM

O. A. No. 256/ 199 0  
~~PA/XXX~~

DATE OF DECISION 31.12.90

V.S Ranjit Kumar Applicant (s)

Mr. K.R.B Kaimal Advocate for the Applicant (s)

Versus

Officer (Finance & Accounts) Respondent (s)  
Office of the Telecom District Engineer, Alleppey  
and 2 others

Mr. P.K Suresh Kumar, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S. P MUKERJI, VICE CHAIRMAN

&

The Hon'ble Mr. A.V HARIDASAN, 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

(Hon'ble Shri S.P Mukerji, Vice-Chairman)

In this application dated 15.3.90 filed under Section 19 of the Administrative Tribunals Act the applicant who has been working as Technical Supervisor under the General Manager, Telecommunications, Kerala Circle has prayed that the impugned order dated 24.10.89 at Annexure A1 rejecting his representation dated 1.10.1989 should be set aside and the respondents directed not to interfere with the order dated 4.2.87 giving him the benefit of stepping up of his pay by advancing the date of increment to 1.2.86 with all consequential benefits. The brief facts of the case are as follows.

2. The applicant was originally appointed as Mechanic/Technician in the P&T Department on 3.5.67 when the Mechanics' cadre was on a Circleswise basis for recruitment, seniority and

62

promotion. The next promotion of Technicians in the scale of Rs.260-480 was to be in the scale of Rs.425-640. Under the Time Bound One Promotion scheme promulgated by the D.G, P&T vide his order dated 17.12.1983 those who remained in entry grade for sixteen years were to be promoted to the next higher grade with effect from 30.11.83 or on completion of 16 years of service whichever was earlier. Accordingly vide the order dated 28.2.84 the applicant and four others were promoted to the higher scale of Rs.425-640 as Technical Supervisor with effect from 30.11.83. On the recommendations of the Fourth Pay Commission the pay scale of Technical Supervisors was revised to Rs.1400-2300 and the applicant's pay was fixed at Rs.1440/- with effect from 1.1.86 with next date of increment as on 1.11.86. Since his junior was getting higher pay by an increment due on 1.2.86 the applicant's pay was also revised vide memo dated 4.2.87 from Rs.1440/- to Rs.1480/- by one advance increment with effect from 1.2.86. On that basis he was drawing a pay of Rs.1560/- with effect from 1.2.88. His next increment was due on 1.2.89 raising his pay to Rs.1600/- . Before he could get this increment, the respondent issued an order dated 17.2.89 cancelling the O.M of 4.2.87 by which his increment <sup>had been</sup> ~~was~~ advanced from 1.11.86 to 1.2.86. The applicant moved this Tribunal in O.A 228/89 and by its judgment dated 20.8.89 to which one of us was a party, the Tribunal allowed the application and directed the respondents to give a show-cause notice to the applicant for withdrawing the order dated 4.2.87 and take a final decision about withdrawing that order after considering the representation. In pursuance of that direction a show-cause

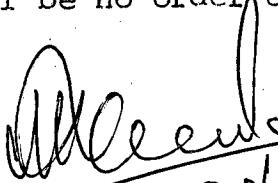
2

notice dated 31.10.89 was served on the applicant. The applicant represented at Annexure.A7 which was rejected by the impugned order at Annexure.A1 on the ground that since the Technical Supervisor's post was on a Divisional cadre, the stepping up of the pay of the applicant on the basis of his junior who was in a different Division was not admissible and ~~was~~ had been wrongly granted to him by the memo of 4.2.87 which had to be cancelled. His next increment after 1.1.86 was postponed to 1.11.86 from 1.2.86. The applicant's contention is that he was senior to Shri P.O Antony in the Circle Gradation List of Technicians as on 1.7.80 and also senior to both Shri Antony and Shri Mahadevan in the seniority list issued on 1.7.86 and accordingly his increment had to be advanced ~~from~~ <sup>to</sup> 1.2.86 on the basis of his seniority.

3. According to the respondents the Technicians' cadre was converted from Circle to Divisional cadre in 1978 vide Annexure R1(a) issued on 27.9.78. His name appeared in the seniority list of Alleppey Division while the names of Shri Antony and Shri Mahadevan did not figure in that seniority list. On promotion as Technical Supervisor(Operative) under the Time Bound One Promotion scheme, the applicant continued to be in the Divisional list and could not claim stepping up of the pay on the basis <sup>of the pay</sup> of Shri Mahadevan who was working in another Division. The stepping up of his pay by the order dated 4.2.87 was a mistake and had to be corrected. They have argued that the stepping up of pay allowed under FR 22 C is applicable only where both the senior and junior are in the same gradation list. They have explained that the

applicant and Shri Mahadevan were included in the Circle gradation list only for the purpose of considering the cases of promotion to the grade of Technical Supervisors.

4. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. The learned counsel for the applicants could not produce any order or instructions to indicate that the post of Technical Supervisor (Operative) was a Circlewise cadre. The applicant has not also challenged the order dated 27.9.78 (Annexure R-1(a)) and the circular dated 31.8.79 (Annexure R-1(b)) by which <sup>the</sup> cadre of Technicians to which the applicant fundamentally belonged had been converted from Circle cadre to Divisional cadre and options ~~were~~ obtained from all concerned. The applicant has not refuted the averment made by the respondents that the applicant as Technical Supervisor (Operative) to which grade he was promoted under the TBOP scheme continued to be in the Divisional cadre. In the circumstances we see no merit in the application and dismiss the same. There will be no order as to costs.

  
(A.V. HARIDASAN)  
JUDICIAL MEMBER

  
(S.P. MUKERJI)  
VICE CHAIRMAN

n.j.j.