

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 31 1993.

DATE OF DECISION 13.1.93

Joseph Lopez Applicant (s)

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

Versus

The Chief General Manager Respondent (s),
Telecom, Kerala Circle, Trivandrum and another

Mr. K. Karthikeya Panicker, ACGSC Advocate for the Respondent (s)

CORAM :

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

The Hon'ble Mr. R. Rangarajan, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
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 at present working as ASTT, CTO, Cochin under the first respondent. He is aggrieved by the refusal of the first respondent to fix his pay under FR 22-C on his promotion from the post of Asst. Telegraph Master to that of Telegraph Master in the light of the judgment of the xxxxx Tribunal in O.A. 1334/91, copy of which is produced as Annexure-II.

2. The applicant while working as Asst. Telegraph Master in the pay scale of Rs. 380-560 was promoted as officiating Telegraph Master (Operative) as per Annexure-I order dated 26.11.81. Applicant's pay as Asst. Telegraph Master was

fixed under FR 22-C and he was drawing Rs. 500/- as on 2.8.81 in the Pay scale of Rs. 380-560. But consequent on his Promotion to the cadre of Telegraph Master, his pay was not fixed under FR 22-C. Hence, after the judgment Annexure-II the matter was taken up before the authorities by the Association by filing Annexure-III representation dated 26.6.92. The said representation has not ~~xxxxxx~~ been disposed of.

3. Learned counsel for applicant submitted that the applicant is similarly situated like the applicant in O.A. 1334/91 and he is eligible for the benefit of declaration of law laid down by the Tribunal in the case.

4. Learned counsel Shri K. Karthikeya Panicker, ACGSC appearing for the respondents was also heard.

5. Having heard counsel on both sides, we are of the view that the first respondent has a duty to examine the case of the applicant and decide whether he is similarly situated like the applicant in O.A. 1334/91 and whether he is also entitled to similar benefits. When an issue has been decided by the Tribunal it is for the administrative authority to grant the benefits ^{of} such decision to others who are ~~xxxxxx~~ similarly situated persons when they approach the authorities for identical reliefs.

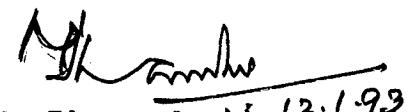
6. In the light of the facts, we are of the view that this application can be disposed of with appropriate direction without waiting for a detailed reply from the respondents.

7. Accordingly, we admit the application and dispose of

the same directing the first respondent to consider the case of the applicant in the light of Annexure-II judgment and take a decision in accordance with law as to whether he is also entitled to similar benefits. He shall take the decision and communicate the same to the applicant within a period of two months from the date of receipt of a copy of this judgment.

8. The application is disposed of on the above lines.
9. There shall be no order as to costs.


13/1
(R. Rangarajan)
Administrative Member


13.1.93
(N. Dharmadan)
Judicial Member

13.1.93

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