

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.369/93

DATE OF DECISION : 20.09.1993

1. Balakrishnan Nair
2. N.C.Raveendran
3. T.S.Thankamany
4. T.R.Prabhakaran

.. Applicants

Mr. M.R.Rajendran Nair

.. Adv. for applicants

V/s

1. Union of India, rep. by
Secretary, Ministry of
Communications,
New Delhi.

2. Chief General Manager,
Telecommunication,
Kerala Circle,
Trivandrum.

.. Respondents

Mr. Kodoth Sreedharan, ACGSC

.. Adv. for respondents

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

JUDGEMENT

MR. N.DHARMADAN, JUDICIAL MEMBER

Applicants are retired Telegraph Masters. They are aggrieved by the refusal on the part of the second respondent to give the benefits of earlier judgement of this Tribunal in OA 1334/91 and fixation of their pay under FR 22-C on their promotion as Telegraph Masters.

2. The applicants have averred that they were promoted as Telegraph Masters with effect from 20.10.80, 10.6.82, 10.8.81 and 17.8.83 respectively. Subsequently they retired as Telegraph Masters. The duties of Telegraph Masters involve higher responsibilities and supervisory functions. Hence, they are entitled to get fixation of their pay in

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the post of Telegraph Masters under FR 22-C. Similarly situated persons filed OA 1334/91, which was heard and allowed as per Annexure-I judgment dated 1.6.92. It was disposed of with the following directions:-

"6. Accordingly, we dispose of this application with the declaration that the applicants are entitled to fixation of their pay under FR 22(c) on their promotion from the post of Assistant Telegraph Masters to that of Telegraph Masters/HG (Telegraphists) and accordingly, the respondents are directed to revise their pay and grant them all consequential financial benefits within a period of three months from the date of receipt of this judgment. We also declare that letter No.213/47/76-STM/PAT dated 29.11.78 of Director General of P&T produced as Annexure-R2(A) void to the extent that it denies the applicability of FR 22(c) in regard to fixation of pay on promotion from the post of Assistant Telegraph Master to LSG Telegraph Master."

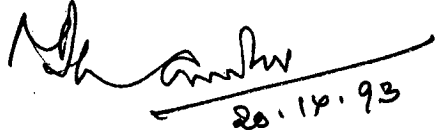
After this judgment, the fourth applicant filed Annexure-II representation before the second respondent. Similar representations were filed by other applicants also for proper fixation of their pay under FR 22-C on promotion to the post of Telegraph Masters considering the principles laid down in Annexure-I judgment. Since these representations have not been disposed of, they have filed this application under Section 19 of the Administrative Tribunals Act for a declaration that they are entitled to get correct fixation of pay in the post of Telegraph Master under FR 22 (C) with all consequential benefits.

3. The respondents in the reply did not deny the factual position stated by the applicants. They have admitted that Telegraph Masters on promotion are entitled to fixation of their pay under FR 22(a)(ii). But they have contended that the judgement, Annexure-I, will apply to Shri Joseph Thomas and others figured as applicants in that case and it cannot be applied to the applicants in this case. The learned counsel for the applicants submitted that

the stand of the respondents in the reply statement is contrary to the decision of this Tribunal that a declaratory judgment is binding on the respondents and they are bound to examine each case individually and decide whether the principles laid down in that case are applicable to any such person who approaches them with similar claim stating that he is also similarly situated like the applicant in that case.

4. In the instant case the respondents have not denied that the applicants are similarly situated like the applicants in OA 1334/91 so as to enable me to take a different view and distinguish the decision in OA 1334/91 (Annexure-I). Since the respondents have no such case, I presume that the applicants are similarly situated like the applicants in the above case. Accordingly, I am persuaded to accept the arguments of the learned counsel for the applicants for issuing a declaration as prayed for in the application. In the result, I allow the application declaring that the applicants are entitled to fixation of their pay in the post of Telegraph Masters under FR 22-C in the light of the principles laid down by this Tribunal in Annexure-I judgment. The second respondent is directed to fix the pay of the applicants as declared above and disburse to them without any further delay.

5. The application is allowed as above. No costs..


(N.DHARMADAN)
JUDICIAL MEMBER
20.09.1993

LIST OF ANNEXURES:

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| 1. Annexure-I | .. Copy of judgment dated 1.6.92
in OA 1334/91. |
| 2. Annexure-II | .. Copy of representation dated
10.8.92. |