

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 385
T. A. No.

1989

DATE OF DECISION 14.1.91

Mr. Ramamoorthy Applicant (s)

Mr. V. Narayanan Tampi Advocate for the Applicant (s)

Versus

Union of India represented by Respondent (s)
Secretary, Ministry of Communication
Sanchar Bhavan, New Delhi

Mr. C. Kochunni Nair 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

HON'BLE SHRI N. V. KRISHNAN, ADMINISTRATIVE MEMBER

The applicant is a Technician in the Telecommunication Department in the office of the Assistant Engineer, TMG, Trivandrum. His main grievance is that though the Fourth Pay Commission stated in para 10.67 of its Report that the matter regarding revision of pay scales of the Telecommunication Engineering staff, which includes the technician, besides others, was considered by the Sarin Committee and a study of the cadre was undertaken based on the Committee's recommendation and as a result, a scheme of rationalisation has been evolved covering the entire structure of the Department, including this particular category of staff; Yet, it is contended by the applicant, ~~xxx~~ nothing has come out of this scheme.

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2. It appears that in pursuance of the Pay Commission's Recommendation, the Agarwal Committee was set up (An.I) and according to the applicant, this Committee has recommended a revised pay scale of Rs. 1200-2040 which, in their view, is less than those granted to similar cadres by the Fourth Pay Commission. It is stated that the Government of India has not taken any final decision in this regard. It is therefore prayed as follows:

- " i) the respondents may be directed to revise the scale of pay of the applicant from the existing pay scale of Rs. 975-1600 to Rs. 1400-2,300;
- ii) a direction may also be given that the revised pay scale shall come into force from the date when the minimum qualification for Technicians was raised to Diploma in Engineering and
- iii) such other relief the Hon'ble Tribunal may think just and proper in this case."

3. When the case came up for hearing today, the learned counsel for the applicant drew our attention to Annexure-IV xx which is the minutes of discussions held in the Chamber of the Dy. Chief Labour Commissioner on 7.3.1988. Therein it has been stated ^{that} the representatives of the Union ^{informed} that the department ^{to} was already suggesting/give them a pay scale of Rs. 1320-2040.

4. The learned counsel for the applicant has also produced before us what appears to be a photo copy of a letter dated 17.7.90 (mistyped as 1989) from the Chairman, Telecom. Commission to M. V. Mukerji, Secretary General, BTEF, New Delhi, which states that a Cabinet decision has been taken.

5. A further letter dated 18.7.1990 from the Dy. Director General (Establishment) to the said Mukerji, refers ~~xxx~~ to the earlier letter dated 17.7.1989 from the Chairman, Telecom Commission ~~xxxxxx~~ and ~~xxxxxx~~ enclosed therewith ^{is the} proposal of the Department of Telecommunications in respect of

restructuring and second time-bound promotion. It is stated in para 5 therein that the new cadre structure of Telecom Technical Assistants will be Rs. 1320-2040 for Grade-A and Rs. 1600-2600 for Grade-B. It was stated that a Technician is being re-designated as Telecom. Technical Assistant.

6. The respondents have filed a counter affidavit stating that the application deserves to be rejected as the recommendation of the Agarwal Committee is under active consideration. Further, Shri Gayanchand, Secretary of the Technicians' Union and another have also filed O.A. 698/87 before the Principal Bench of the Tribunal raising identical issues and therefore, the respondents have requested that this application may also be transferred to the Principal Bench.

7. This application was admitted on 28.6.1989 and if the respondents wanted this application to be transferred to the Principal Bench to be heard along with the earlier application O.A. 698/87 filed before that Bench, they could very well have filed an application to the Hon'ble Chairman under section 25 of the Act. Not having done so, ^{for} we have proceeded to render a decision in this case.

8. The letter of the Chairman, Telecom. Commission dated 18.7.1990 was shown to the learned counsel for the respondents also. He submitted that he was not aware of any such letter having been sent to the BTEF and therefore he was in no position to say whether the Cabinet has finally approved this re-structuring as indicated in the Chairman's letter. He, however admits that the Government has been keen to improve the service conditions of the Technicians in the Telecom. Department and the matter is under consideration.

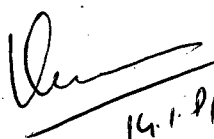
9. He however indicated that the proposal of giving the scale of Rs. 1320-2040 as mentioned in the letter referred to above according to his information is under active consideration of the Government. In fact, on 4.10.90

when respondents wanted further time to indicate whether the requests made in the application have been finally decided by the respondents or not, we observed that if no decision is taken by the respondents before the next date of hearing i.e. 3.12.90, the case will be heard finally.

10. In this view of the matter we are satisfied that what needs to be done is only to issue a suitable direction to the respondents to take appropriate decision within a time ~~xxx~~ limit.

11. We are of the view that the matter has been pending for a long time and it should be possible for the respondents to take a final decision soon. In the circumstances, we direct the respondents to consider the reliefs sought by the applicant and take a decision in respect of the revised pay scale to be made applicable to the applicant and the date from which it should be so made applicable, in the light of the various Reports ~~in~~ culminating with the Report of the Agarwal Committee, as well as the pay scale of Rs. 1320-2040 stated by the counsel for the respondents to be under active consideration. Such decision should be taken within three months from the date of receipt of this order. The application is disposed of with the above direction. There will be no order as to costs.


(N. Dharmadan)
Judicial Member 14/1/91


(N. V. Krishnan)
Administrative Member