

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

D.A. No. 405 of 1995.

Tuesday this the 23rd day of July 1996.

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Vanaja Raveendran Pillai,
Telecom Office Assistant,
Office of the Telecom District
Manager,
Alapuzha, residing at:
B-18, Block VI,
Type - II, P&T Quarters,
Vellakkinar Junction,
Alapuzha. .. Applicant

(By Advocate Shri Sasidharan Champazhanthiyil)

Vs.

1. Chief General Manager,
Telecommunications,
Kerala Circle, Thiruvananthapuram.
2. Chief General Manager,
Mahanagar Telephone Nigam Ltd.,
Telephone House, V.S. Marg,
Dadar (W), Bombay - 400 028.
3. Director General,
Telecom Department,
New Delhi.
4. Union of India, represented by
Secretary, Ministry of
Communications,
New Delhi. .. Respondents

(By Advocate Shri Saji Varghese for Shri P.R. Ramachandra
Menon, ACGSC)

The application having been heard on 23rd July 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR (J), VICE CHAIRMAN

Applicant challenges A5 and A7 orders fixing
her pay on transfer to the Kerala Circle, on the basis
that the transfer involves reversion.

2. Applicant commenced service as Lower Division Clerk in the Bombay Telecom District on 30.7.82, and she was promoted as Upper Division Clerk in the same division on 24.8.89. She requested for Cadre change, as she wanted to come to her home state. By A2 order, Cadre change was allowed and applicant was transferred to Kerala, as Telecom Office Assistant under Rule 38 of the P&T Manual Vol. IV. Upon such transfer, her pay was refixed on the basis that she had suffered reversion. Applicant submits that there is no reversion, but only cadre change and that cadre change does not involve reduction of emoluments. For that matter, posts of Lower and Upper Division Clerks existed only in Metropolitan Cities and not elsewhere. By A8, there was restructuring of posts integrating the posts of Lower and Upper Divisions, with posts of Telecom Office Assistants in all Telecom Districts, also directing fixation of pay applying FR 22 (1)(a)(2). This also is an indication that only a change of cadre is involved, submits applicant. According to her, if the Chief General Manager, Kerala Circle had any doubt, he should have taken up the matter to the Director General, Telecom for clarification.

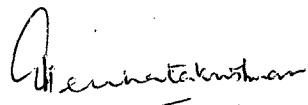
3. Instead of deciding the issue, we would relegate applicant to seek redress at the hands of the Director General. Applicant may make a representation before the Director General, regarding her grievances and the Director General shall consider:

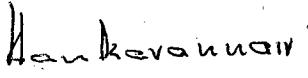
- (a) whether A2 signifies a change of cadre or reversion; and
- (b) whether pay on transfer is to be fixed in terms of FR 22 1 (a) (2).

If a representation is made within one month from today, a final decision thereon will be taken by the Director General within six months from the date of receipt of the representation. Counsel for applicant will cause a copy of the representation to be served on the Additional Standing Counsel for Respondents for appropriate action. Order for recovery evidenced by A5 and A7 will be held in abeyance, till the Director General takes a decision in the matter.

4. Original application is disposed of as aforesaid.
No costs.

Tuesday this the 23rd day of July 1996.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN

rv24/7