

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 297/2000

DATE OF DECISION: 3/ 5/2001

Shri B.R.Tambe & 6 Ors.

Shri M.S.Ramamurthy

-----Advocate for
Applicant.

Versus

Union of India & 3 Ors.

-----Respondents.

Shri V.S.Masurkar

-----Respondents.

Coram:

Hon'ble Shri Justice Ashok C Agarwal, Chairman.
Hon'ble Smt. Shanta Shastry, Member (A).

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to
other Benches of the Tribunal?
3. Library. ✓

Shanta Shastry
(SHANTA SHAstry)
MEMBER(A)

abp

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO.297/2000
DATED THE 3RD DAY OF MAY 2001.

CORAM:HON'BLE SHRI JUSTICE ASHOK C AGARWAL, CHAIRMAN
HON'BLE SMT. SHANTA SHAstry, MEMBER(A)

1. Shri B.R.Tambe
2. Shri P.B.Kamble
3. Shri D.S.Chavan
4. Shri D.S.Pawar
5. Shri A.K.Sakpal
6. Shri S.P.Rane
7. Shri C.K.Bhosale

... Applicants

By Advocate Shri M.S.Ramamurthy

V/s.

1. Union of India
through the Secretary,
Ministry of Communications,
Department of Telecommunications,
Government of India,
Sanchar Bhavan,
20, Ashoka Road,
New Delhi - 110 001.
2. The Director (MPP),
Ministry of Communications,
Deparmtnet of Telecommunications,
Sanchar Bhavan,
20, Ashoka Road,
New Delhi - 110 001.
3. The Chief Superintendent,
Department of Telecommunications,
Central Telegraph Office,
Mumbai - 400 001.
4. General Manager (Telecom),
Raigad at Mumbai,
Wireless Compound,
Linking Road,
Santacruz (W),
Mumbai - 400 054.

... Respondents

By Advocate Shri V.S.Masurkar

(ORAL) (ORDER)

Per Smt. Shanta Shastri, Member(A)

This application is directed against the order dated 15/2/2000 by which the earlier orders dated 6/10/99 were cancelled and the applicants had ^{been} _^ divested of the OTBP scheme of pay of Rs.4000-6000 and were placed in the scale of Rs.3200-4900 of Phone Mechanic. The applicants were working as Phone Mechanics and were allotted the scale of pay of Rs.4000-6000 w.e.f. 1/12/98. They were also granted pay fixation and the benefit of OTBP was given to them as per the letter dated 20/4/99 of the Department of Telecommunication. By aforesaid order it was advised that the officials who after getting qualified and trained enter the restructured cadre before completion of 16 years of the pre structured cadre shall be placed in the pay scales indicated below on completion of 16 years of total service including that rendered in the pre restructured cadre provided that he/she has put in a minimum of 4 years of service including officiating spell in the restructured cadre. Action has now been taken by the respondents to withdraw the OTBP scale ^{as it is} _^ could not be given to the applicants in view of letter dated 17/1/2000 from the Ministry of Communication wherein it has been clarified that the Phone Mechanics who were inducted from the cadre of Telegraphmen are also eligible to be placed in the appropriate pay scales on completion of 16/26 years of total services in terms of Order dated 20/4/99. However, the service rendered in the cadre of Telegraphmen in the Group 'D' capacity (i.e. before 01.01.1996) shall not count towards the eligibility period of

16/26 years. It means placement of such Phone Mechanics in the respective higher grade shall be done only when the official completes a total of 16/26 years comprising of the period spent as Phone Mechanic plus the service rendered as Telegraphman in Group 'C'. The applicants want their earlier services in Group 'D' also to be counted for the above purpose.

2. The learned counsel for the applicants submits that prior to re-structuring, the post of Telegraphman was a Group 'D' post and therefore there is a continuity and that service should be counted.

3. The learned counsel for the respondents however submits that in this case the applicants have not put in sixteen years service in the restructured post and therefore comparison of these cadres with the Group 'D' cadre of Telegraphman is baseless and hence the service in Group 'D' cannot be counted because they have already got the benefit of the OTBP scheme in Group 'D'.

4. The learned counsel for Applicant has drawn our attention to an order passed by Hyderabad Bench of the Tribunal in OA No.1966/99 in an identical matter wherein the Tribunal allowed the counting of service in Group 'D'.

5. We have heard the learned counsel for both the parites. It is a fact that the Hyderabad Bench of the Tribunal has allowed the OA. However, on going through the facts carefully, we find that there is a difference in that the applicants have been promoted on a regular basis and therefore their service in Group 'D' cannot be considered for the benefits of Group 'C' and the applicants have not put in 16 years in Group 'C'.

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6. In view of this matter, according to us there is no merit in this case and the OA is dismissed. We do not order any costs.

Shanta S
(SHANTA SHAstry)
MEMBER(A)

Ashok C Agarwal
(ASHOK C AGARWAL)
CHAIRMAN

abp.