

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 13 JUN 1988

APPLICATION NO. 166/88(F)

Applicant

Smt S. Rajalakshmi Prabhakar

v/s

The DG, Telecommunications, New Delhi
& 10 Ores

To

1. Smt S. Rajalakshmi Prabhakar
Senior Telephone Supervisor
Trunk Manual Exchange
Bangalore Telephones
Bangalore - 560 001
2. Shri S.K. Srinivasan
Advocate
35 (Above Hotel Swagath)
Ist Main, Gandhinagar
Bangalore - 560 009
3. The Director General
Department of Telecommunications
Sanchar Bhavan
New Delhi - 110 001
4. The General Manager
Telephones
K.G. Road
Bangalore - 560 009
5. Smt H.R. Nagamma
Senior Telephone Supervisor
CMX, Bangalore Telephones
Bangalore - 560 001
6. Smt R. Cyril
Senior Telephone Supervisor
Bangalore Telephones
Bangalore - 560 009
7. Smt Chandra Baranabas
Senior Telephone Supervisor
CMX, C/o General Manager
Telecom District
Bangalore - 560 009
8. Smt K. Swarna Devi
Senior Telephone Supervisor
TMX, C/o General Manager
Telecom District
Bangalore - 560 009
9. Smt V. Vijayalakshmi
Senior Telephone Supervisor
TMX, Bangalore Telecom District
Bangalore - 560 009
10. Shri S. Murthy
Senior Telephone Supervisor
C/o UMX, General Manager
Telecom District
Bangalore - 560 009
11. Smt J. Krishnamurthy
Senior Telephone Supervisor
TMX, General Manager
Telecom District
Bangalore - 560 009
12. Smt K. Janaki
Senior Telephone Supervisor
CMX, General Manager
Telecom District
Bangalore - 560 009

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O/C

13-6-88

13. Shri M.J. Balakrishna
Senior Telephone Supervisor
CMX, General Manager
Telecom District
Bangalore - 560 009

14. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this Tribunal
in the above said applications on 3-6-88.

Encl : As above

2 copies
DEPUTY REGISTRAR
(JUDICIAL)

*Recd 2 copies
M. Vasudeva Rao
3-6-88
J.C.*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 3rd DAY OF JUNE, 1988

Present : Hon'ble Sri Justice K.S.Puttaswamy Vice Chairman
Hon'ble Sri P.Srinivasan Member (A)

APPLICATION No. 166/88(F)

Smt.S.Rajalakshmi Prabhakar,
Working as Senior Telephone Supervisor,
Trunk Manual Exchange,
Bangalore Telephone,
Bangalore - 1.

Applicant

(Sri S.K.Srinivasan ... Advocate)

vs.

1. The Director General,
Department of Tele-communications,
Sanchar Bhavan,
New Delhi - 1.
2. The General Manager,
Telephones, K.G.Road,
Bangalore - 9.
3. H.R.Nagamma,
Working as Senior Telephone Supervisor,
CMX, Bangalore - 1.
4. R.Cyril,
W/a Sr. Telephone Supervisor,
Bangalore Telephones,
Bangalore - 9.
5. Chandra Baranabas,
W/a Sr. Telephone Supervisor,
CMX, G.M. Telecom, District,
Bangalore - 9.
6. K.Swarna Devi,
W/a Sr. Telephone Supervisor,
TMX, Bangalore, G.M.Telcom
Dist. Bangalore - 9.
7. V.Vijayalakshmi,
W/a Sr. Telephone Supervisor,
TMX, Bangalore Telecom Dist.
Bangalore - 9.
8. S.Murthy,
W/a Sr. Telephone Supervisor,
C/o UMX, G.M.Telphone Dist.
Bangalore -
9. J.Krishnamurthy,
W/a Sr. Telephone Supervisor,
TMX, G.M.Telcom Dist. Bangalore.
10. K.Janaki,
W/a Sr. Telephone Supervisor,
CMX, G.M.Telcom, Dist. Bangalore.



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11. M.J.Balakrishna,
W/a Sr.Telphone Supervisor,
CMX, G.M.Telcom Dist.Bangalore. ... Respondents

(Sri M. Vasudeva Rao ... Advocate)

This application having come up today, Hon'ble Sri P.Srinivasan, Member(A) made the following :

O R D E R

The applicant who joined the Bangalore Telephones as an Operator on 19.5.1950 was promoted as Supervisor, Lower Selection Grade(LSG) in the grade of Rs.425-700. She was posted as Observation Supervisor in the same grade from 3.6.1976.

M) ~~w.e.f. 29.2.1984~~. While she was so working, the department separated the cadre of Observation Supervisors(OS) from the cadre of Supervisors(LSG). This separation took place in 1980 and thereafter, the Department of Telecommunications called for options from the existing OSs, to choose to continue as OS and to forego all subsequent benefits in their parent cadre, i.e., confirmation, promotion to LSG Monitor or HSC Monitor (Sr.Supervisors), as the case may be or to revert to their parent cadre. She exercised the option to continue as OS on 27.9.1980 and was confirmed in that post w.e.f. 1.3.80. The separate cadre of OS was abolished w.e.f. 1.4.1987. Persons who were then working as OS were given the option to go back to their original cadre, in which case, their original seniority in that cadre would be restored.

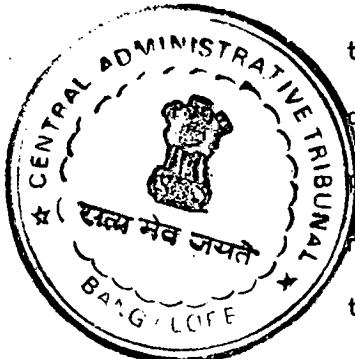
The applicant exercised the option and was restored to her original position of seniority in the cadre of Supervisors (LSG) and she was promoted to the higher post of Senior(TS) w.e.f. 22.5.1987 on an ad-hoc basis. The applicant's grievance in this application is that while she was working as OS between 1976 and 1987, persons who were junior to her in the



grade of Supervisor LSG had been promoted to posts of Senior TS and that she should also be given that promotion from the date her juniors were so promoted to the post.

2. At this stage, we may mention that there are 11 respondents in this application. Respondents 1 and 2 are the Director General of Telecommunications and the General Manager, Telephones, Bangalore, respectively. Respondents 3 to 11 are persons who were junior to the applicant in her parent cadre of Supervisor LSG and in respect of whom her claim is that she should have been promoted as Senior TS when they were promoted. All the respondents, except respondents 8 and 9, have been duly served. Notices issued to respondents 8 and 9 have been returned unserved for one reason or the other. As will be clear from what we have stated earlier, the interests of respondents 8 and 9 are identical with those of respondents 3 to 7 and 10 and 11. The Government, who are respondents 1 and 2, have been duly served. We may here mention that the applicant's claim is only that she should be promoted from the date her juniors were promoted and not that she should be promoted in their place, resulting in their reversion. We are satisfied that it is not reasonably practicable to serve notices of the application upon respondents 8 and 9. We are also satisfied that notices of application have been served on the Central Government and all other respondents, who adequately and sufficiently represent the interests of respondents 8 and 9. We hereby dispense with the issue of notices to respondents 8 and 9, and proceed to deal with the application on merits.

3. Sri S.K.Srinivasan, learned counsel for the



applicant, submits that once the applicant exercised the option to come back to her original cadre of Supervisor (LSG) and her seniority in that cadre was restored, she should have been given promotion to the next higher post of Senior TS retrospectively from the date her juniors were promoted to the post. He, therefore, submits that this Tribunal should direct the respondents to consider the case of the applicant for such retrospective promotion.

4. Sri M. Vasudeva Rao, learned counsel appearing for the respondents, submits that when the applicant was appointed as OS w.e.f. 3.6.1976, she gave up the channel of promotion available to supervisor LSG and exercised an option to that effect on 27.9.1980. Therefore, as long as the applicant was working as OS, the question of promoting her to the next higher post of Senior TS in the parent cadre did not arise. As soon as she exercised the option on the abolition of the separate cadre of OS, in April, 1987, to go back to her original cadre, the respondents promptly restored her seniority in the grade of Supervisor LSG and since her juniors in that cadre had already been promoted, gave her promotion in the next available vacancy of Senior TS w.e.f. 22.5.1987 on an ad-hoc basis. She could not be given promotion with retrospective effect from the dates her juniors were promoted, these dates ranging from 1973 to 1985, when the applicant was clearly working in a different cadre altogether. Therefore promoting the applicant to the post of Senior TS in the next available vacancy on 22.5.1987 was all that could be done. He, therefore, submitted that the application be dismissed.



P. S. J.

5. We have considered the rival contentions very carefully. The position cannot be disputed that on her appointment as OS w.e.f. 3.6.1976, the applicant left her original post and consequently gave up the channel of promotion available from that post. When the cadre of OS was separated, persons holding those posts were asked to opt either to continue as OS and forego all benefits of their parent cadre or to revert to their parent cadre. The applicant opted to continue as OS. Therefore, during the period she continued as OS, she obviously could not be given promotion in her original parent cadre. The respondents have indeed been fair to the applicant, in that on her reversion to the parent cadre in 1987, in pursuance of her option to do so exercised on 3.4.1987, they promptly promoted her to the next higher post and that is all they could do. We, therefore, cannot allow the claim of the applicant for retrospective promotion.

6. Having said so much, we must refer to a point, which has not been directly raised in this application. The respondents do not deny that on her return to her parent cadre, she was restored to her original position of seniority in the cadre of Supervisor(LSG) above respondents 3 to 11. If she had not gone out to the post of OS, she would have got promotion in her parent cadre when her juniors were promoted. In this background, the applicant could make a request to the respondents to fix her initial pay on her actual promotion to the post of Senior TS w.e.f. 22.5.1987 under F.R.27 taking into account that her juniors were drawing higher pay than her in that post on that date. The applicant may make an application



P. S. - 5

to this effect to respondents 1 and 2 and they will consider the application from the standpoint of hardship and give a decision thereon.

7. In view of what has been stated above, the application is dismissed, subject to the observations made in the previous paragraph. Parties to bear their own costs.



an.

Sd/-

VICE CHAIRMAN 3/6/0

Sd/-

MEMBER (A) 3/6/1

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SECTION OFFICER 13/6
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE