CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * * * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 28 JUN 1989

APPLICATION NOS. 1865 TO 1874/88(F)
AND IA I IN A.NOS.

Applicants

Smt B.S. Vimala Devi & 9 Ors

V/s

Respondents

The Secretary, Dept of Communications,
New Delhi & 6 Ors

To

1. Smt B.S. Vimala Devi
No.228, New Layout
III Cross, Indiranagar
Mysore - 570 010

2. Shri H.V. Srinivasa Murthy
No. 16, Ist Cross
Vishweshwaranagar
Mysore

3. Shri K.G. Nanjappa
No. 1125, Bhavani Road
Ittigegudu
Mysore - 570 010

4. Shri B.V. Venkatesh Bharadwaj
No. 3, C.I.T.B. Quarters
Behind Kamakshi Hospital
Mysore - 570 022

5. Shri K.S. Anantharaman
No. 18, C.I.T.B. Quarters
Behind Kamakshi Hospital
Mysore - 570 022

6. Shri G.N. Subramanya
No. 2884/1, IV Cross
Chamundipuram
Mysore - 570 004

7. Smt V. Vasantha
No. 656/H, 16th Main Road
Saraswathipuram
Mysore

8. Shri B.S. Nagaraj
No. EWS 48, Karnataka Housing Board
Near Mallikarjuna High School
Udayagiri
Mysore

9. Smt N. Susheelamma
No. 905/89, 4th Main, V Cross
Vidyaranyapura
Mysore - 570 006

10. Smt Elizabeth Prema
No. 4554, 6th Cross
St. Mary's Road
N.R. Mohalla
Mysore

11. Shri H.R. Ananthakrishna Murthy
Advocate
No. 143, 'Kamala Mansion'
Infantry Road
Bangalore - 560 001

12. The Secretary & Director General
Department of Telecommunications
Sanchar Bhavan
New Delhi - 110 001

13. The General Manager
Telecommunications
Karnataka Circle
Bangalore - 560 009

14. Shri M. Hanumanthappa
Asst. Traffic Superintendent
Telephone Exchange
under Telecom District Engineer
Mangalore

15. Smt Chandrakala G. Naik
Telephone Superintendent
Telephone Exchange
Mangalore

16. Shri V.P. Kulkarni
Telephone Superintendent
Telephone Exchange
Haveri
under Telecom District Engineer
Hubli

17. Shri S.S. Shankaraiah
Telephone Supervisor
Telephone Exchange
Mysore

18. Shri T.S. Vasudevamurthy
Telephone Supervisor
Telephone Exchange
Mysore

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

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Subject : FORWARDING COPIES OF ORDER PASSED BY THE BENCH

Enclosed herewith please find copies of ORDER passed by this Tribunal in the above said applications on 23-3-89 & 19-6-89.

DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH:BANGALORE

DATED THIS THE TWENTYTHIRD DAY OF MARCH,1989

PRESENT: HON'BLE SHRI JUSTICE K.S.PUTTASWAMY ...VICE-CHAIRMAN

HON'BLE SHRI P. SRINIVASAN ...MEMBER (A)

APPLICATION NOS.1865/88(F), 1866/88(F)
1867/88(F), 1868/88(F), 1869 TO 1874/88(F)

1. Smt. B.S. Vimala Devi,
Telephone Supervisor,
Telephone Exchange,
Mysore-10. .... Applicant in A.No. 1865/88

2. Shri H.V. Srinivasa Murthy,
Telephone Supervisor,
Telephone Exchange,
Mysore-10. .... Applicant in A.No.1866/88

3. Sri K.G. Nanjappa,
Telephone Supervisor,
Telephone Exchange,
MYSORE. .... Applicant in A.No.1867/88

4. Sri B.V. Venkatesh Bharadwaj,
s/o B.V. Narayana Rao,
major, Telephone Supervisor,
Telephone Exchange, Mysore ... Applicant in A.No. 1868/88

5. Sri K.S. Anantharaman,
Telephone Supervisor(Operative)
Telephone Exchange,
Mysore. ... Applicant in A.No.1869/88

Sri G.N. Subramanya,
Telephone Supervisor,
Telephone Exchange,
Mysore. ... Applicant in A.No. 1870/88

7. Smt. V Vasantha,
Telephone Supervisor,
Telephone Exchange,
Mysore. .... Applicant in A.No.1871/88

8. Sri B.S. Nagaraj,
Telephone Supervisor,
Telephone Exchange,
Mysore. ... Applicant in A.No.1872/88

9. Smt. N. Susheelamma,
Major, Telephone Supervisor,
Telephone Exchange,
Mysore. ...Applicant in A.No. 1873/88

10. Smt. Eligabeth Prema,
Telephone Supervisor,
Telephone Exchange,
Mysore. ...Applicant in A.No.1874/88

Vs.

1. Union of India,
Ministry of Communications,
Department of Telecommunications,
New Delhi, represented by
its Secretary & Director General,
Telecommunications Department,
New Delhi.

2. The General Manager,
Telecommunications,
Karnataka Circle,
Bangalore.

3. Sri M. Hanumanthappa,
Telephone Supervisor,
Telephone Exchange,
Mysore.

4. Smt. Chandrakala G. Raykar,
Telephone Supervisor,
Telephone Exchange,
Mysore.

5. V.P. Kulkarni,
Telephone Supervisor,
Telephone Exchange,
Mysore-9. ... Respondent in A.No.1866/88

6. Sri S.S. Shankaraiah,
Telephone Supervisor,
Telephone Exchange,
Mysore.

7. Sri T.S. Vasudevamurthy,
Telephone Supervisor,
Telephone Exchange,
Mysore. ... Respondents in A.No.1868/88

(Shri M.Vasudeva Rao.....Advocate)

These applications having come up for hearing before this Tribunal to-day, Hon'ble Shri P. Srinivasan, Member (A), made the following :-

O R D E R

All these applications have been set down for hearing today, but neither the applicants nor their counsel are present. Shri M. Vasudeva Rao for the respondents is present. The last occasion when counsel for the applicants was present in Court was on 15.2.1989, when the matter was adjourned to 15.3.1989. On 15.3.1989, neither the applicants nor their counsel appeared in Court and the case was adjourned and posted for final hearing on 22.3.1989. On 22.3.1989 also the applicants and their counsel did not appear, though the case was called several times before and after lunch break. As a last chance, the matter was fixed for hearing today. But even today the applicants and their counsel have not appeared, even though the case was called several times. In these circumstances we have decided to proceed with these cases with the assistance of Shri M. Vasudeva Rao, learned counsel for the respondents.

The issues raised in all these applications are common and they are, therefore,

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conveniently disposed of by this common order.

3. The claim of all the applicants before us is that their pay should be stepped up to equal the pay of their juniors who have been made respondents in these applications. Applicants are working as Telephone Supervisors in the Karnataka Circle of the Telecom Department. Applicants in Application Nos. 1865/1988, 1867/1988 and 1869 to 1874/1988 allege that respondents 3 and 4 in their applications, Shri M. Hanumanthappa and Smt. Chandrakala G. Raykar are junior to them, but were drawing higher pay in the grade of Telephone Supervisors as on 1.4.1988. On this ground they contend that their pay should be stepped upto equality with that of these 2 respondents.

4. The simple answer of the respondents is that neither Shri Hanumanthappa nor Smt. Chandrakala are junior to the applicants. The applicants in Application nos. 1865, 1867 and 1869 to 1974/1988 were initially appointed as Telephone Operators on various dates between 2.2.1961 and 10.11.1961. Smt. Chandrakala G. Raykar (Respondent no.4) was similarly

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appointed on 12.1.1962 and Shri Hanumanthappa (Respondent no.3) on 16.9.1963. It is on this basis that these applicants claim seniority over the 2 respondents and consequent relief of equal pay with them. The respondents however, state that Smt. Chandrakala G. Raykar having been recruited in a different Division, i.e., Mangalore Division, her seniority in the grade of Telephone Operators was fixed in that Division and according to that seniority she was confirmed in that post before the applicants were confirmed in their Divisions and thus became senior to the applicants. She got promotion to the next higher post on 1.6.1974 while the 8 applicants got promotion in 1980 onwards. That is why Smt. Chandrakala G. Raykar gets a higher pay on 1.4.1988. It is also pointed out that the gradation lists of Telephone Operators published in the year 1971 and periodically thereafter consistently show Smt. Chandrakala G. Raykar as senior to the applicants. Thus the fact that Smt. Chandrakala is senior to all the 8 applicants became concluded as early as in 1971. Similarly Shri M. Hanumanthappa, though his initial appointment was subsequent to that of the 8 applicants, being an ST candidate,

....6/-

was given accelerated promotion to the higher post as early as in 1973 in a vacancy reserved for his community, while the applicants were promoted to the next higher post much later in the general category. That is the reason why Hanumanthappa was drawing higher pay than these 8 applicants on 1.4.1988. Thus both Smt. Chandrakala and Hanumanthappa by virtue of their earlier promotion to higher posts are clearly senior to the applicants and as pointed out by the learned counsel for the respondents they have been consistently shown senior to the applicants from 1971 onwards. Therefore, we have no hesitation in rejecting the claim of these 8 applicants to have their pay stepped upto to equality with that of Shri Hanumanthappa and Smt. Chandrakala G. Raykar. If at all the applicants have a grievance, that arose when Shri Hanumanthappa and Smt. Chandrakala G. Raykar were promoted to higher posts in 1973 and 1974 or when both these persons were shown as senior to the applicant in the gradation list of 1971. It is too late in the day now to agitate that grievance and it has therefore rightly not been raised in their applications.

5. We now come to Application No. 1866/1988, the applicant being Shri H.V. Srinivasa

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Murthy. Shri Srinivasa Murthy claims that his pay should be stepped up to equality with that of Shri V.P. Kulkarni, who, he claims is junior to him but was drawing higher pay on 1.4.1988. Shri V.P. Kulkarni is impleaded as Respondent - 3 in this application. The position in this regard has been explained by the respondents as follows:- Both the applicant and Shri V.P. Kulkarni are now working as Telephone Supervisors. The applicant was promoted to that post in November 1983 while Shri Kulkarni was promoted in January, 1984. Even though the applicant was promoted in 1984, for some reason or the other his date of increment now falls in the month of August. On 1.1.1986, both the applicant and Shri Kulkarni were drawing the same pay in the old scale in the post of Telephone Supervisors and they were both fixed on the same pay in the revised pay scale introduced from 1.1.1986. The date of next increment for the applicant was August 1986 while for Shri Kulkarni it was January 1987. Thus Kulkarni actually reaches the same pay as the applicant about 5 months later because of the difference in the dates of increment. Though on 1.4.1988, the pay drawn by the applicant and Kulkarni were equal, ~~that~~ if the applicant would get his

next increment on 1.8.1988, i.e earlier than Kulkarni (1.1.1989). The applicant cannot make a grievance of Kulkarni's pay being equal to his on 1.4.1988. Shri Kulkarni is however, drawing an additional amount of Rs. 20/- per month as personal pay and not as basic pay. Personal pay is granted to particular persons for various reasons and a senior cannot claim higher pay merely because his junior gets personal pay. In view of this the claim of the applicant, Shri Srinivasa Murthy to get his pay raised to equality with that of Shri Kulkarni is misplaced because in actual fact he gets his increment earlier than Shri Kulkarni and his claim with reference to personal pay of Shri Kulkarni cannot be allowed. In view of this, Application No. 1866/1988 also deserves to be dismissed.

6. We now come to Application nos. 1868/1988 the applicant in which is Shri B. Venkatesh Bharadwaj. Shri Bharadwaj who is also working as Telephone Supervisor in the Karnataka Circle claims that his pay should be stepped up to equality with that of Shri S.S. Sankaraiah and Shri T.S. Vasudeva Murthy - Respondents 3 & 4 in that applications. The explanation of the respondents here is the same as in the 8 applications which we have dealt with earlier in this order. Shri Sankaraiah

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and Shri Vasudeva Murthy, though appointed as Telephone Operators after the applicant, were confirmed in that post earlier than the applicant, because they were working in a different Division which had its own gradation list. Thus having been confirmed as Telephone Operators prior to the applicant they got their promotion to the higher post before the applicant and that is why their pay as on 1.4.1988 was more than that of the applicant. Moreover, Shri Sankaraiah and Shri Vasudeva Murthy have been consistently shown as senior to the applicant from 1971 onwards. Therefore, for the same reasons set out by us while dealing with application nos. 1865, 1867/1988 and 1869 to 1874/1988 this application also deserves to be dismissed.

8. In the result all the applications are dismissed as devoid of merit, leaving the parties to bear their own costs.

Sd/-
VICE-CHAIRMAN
22/2/89

Sd/-
MEMBER (A)

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DEPUTY REGISTRAR (JDL)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE.

DATED THIS THE NINETEENTH DAY OF JUNE 1989

Present: Hon'ble Shri Justice K.S.Puttaswamy .. VICE CHAIRMAN

Hon'ble Shri P.Srinivasan .. MEMBER(A)

I.A.IN APPLICATION NOS. 1865 to 1874/88

1.Smt.B.S.Vimala Devi,

2.H.V.Srinivasa Murthy,

3.KG Nanjappa,

4.BV Venkatesh Bharadwaj,

5.K.S.Anantharaman,

6.GN Subramanya,

7.V Vasantha

8.BS Nagaraj

9.Smt.N.Susheelamma,

10. Smt.Elijabeth Prema, .. Applicants.

(All the applicants are working as Telephone Supervisors in Telephone Exchange, Mysore)

(Shri HR Ananthakrishna Murthy ..Advocate)

vs.

1.The Secfetary &Director General, D/o Telecommunications, M/o Communications, New Delhi.

2.The General Manager, Telecommunications, Karnataka circle, Bangalore.

3.M.Hanumanthappa, Telephone Supervisor, Telephone Exchange, Mysore.

4.Smt.Chandrakala G.Rayker, Telephone Supervisor, Telephone Exchange, Mysore.

5.VP Kulkarni, Telephone Supervisor, Telephone Exchange, Mysore.

6.SS Shankaraiah, Telephone Supervisor, Telephone Exchange, Mysore.

7.TS Vasudevamurthy, Telephone Supervisor, Telephone Exchange, Mysore.

.. Respondents

(Shri M.Vasudeva Rao .. Advocate)

This application has come up today before this Tribunal for orders. Hon'ble Member(A) made the following:

ORDER

By this interlocutory application, the applicants in A.Nos.1865 to 1874/88 want us to recall our common order dated 23.3.1989 by which all these applications were disposed of. When the above mentioned applications were fixed for hearing on 23.3.1989 the applicants and their counsel were absent. in view of this we proceeded to dispose of the applications on merit with the assistance of learned counsel for the respondents. Shri H.R. Ananthakrishna Murthy, learned counsel for the applicants appears and submits before us that he could not appear on 23.3.1989, when the said application were set down for hearing on account of certain unavoidable personal reasons. He prays that he be heard on merits, since he did not have the opportunity to present his case earlier. Shri M.Vasudeva Rao, learned counsel for the respondents opposes the request.

2. Out of consideration for the request of Shri Murthy we have heard him on merits. He draws our attention to an O.M. dated 15.2.1983 appearing as Exhibit II to the original applications. We have perused this O.M. which deals with cases where a senior promoted to a higher post earlier happens to draw lower pay then a junior promoted to the higher post later. We may here point out that in our order under reference we have clearly noticed that the applicants were juniors to the respondents with whom they claimed equality of pay. We also noticed that

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the respondents in the applications having been recruited in different divisions from those in which the applicants were appointed, the said respondents had been confirmed in their posts earlier than the applicants in the initial cadre itself and that was why they were promoted to higher posts before the applicants. We have no reason to alter our finding after hearing Shri Murthy. As will be immediately clear, the situation which arose in these applications was the reverse of the situation mentioned in O.M. dated 15.2.1983 relied upon by Shri Murthy. That O.M. therefore has no application to the facts of these applications. We have, therefore, no reason to make any change in our earlier common order.

3. We, therefore, reject interlocutory application leaving the parties to bear their own costs.

CENTRAL ADMINISTRATIVE TRIBUNAL BANGALORE

Sd/-
VICE CHAIRMAN
19/6/89

Sd/-
MEMBER(A)

bk.

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DEPUTY REGISTRAR (JDL) 28/6/89
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE