REGISTERED

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

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 1 AUG 1988

APPLICATION NO. 45 /88(F)

W.P. NO. /

Applicant(s)

Shri B.F. Kumbar V/s

Respondent(s)

The Secy & DG, Dept of Telecommunications, New Delhi & 6 Ors

To

1. Shri B.F. Kumbar
   Transmission Assistant
   (Selection Grade)
   Carrier Station
   New Telecom Building
   Belgaum

2. Shri H.R. Ananthakrishnamurthy
   Advocate
   143, Infantry Road
   Bangalore - 560 001

3. The Secretary & Director General
   Department of Telecommunications
   New Delhi - 110 001

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

5. Shri D.V. Patil
   Technical Supervisor
   Telecommunication Department
   Telephone Exchange
   Hubli

6. Shri B.S. Kop
   Transmission Assistant
   Telephone Exchange
   Dharwar

7. Shri A.R. Uranker
   Technical Supervisor
   Telephone Exchange
   Belgaum

8. Shri B.P. Kalyan Shetty
   Technical Supervisor
   Telecommunication Department
   Telephone Exchange
   Gokak (Belgaum District)

9. Shri I.M. Jangannavar
   Telephone Supervisor
   Department of Telecommunication
   Telephone Exchange
   Gadag (Dharwar District)

10. 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/~~STAY/INTERIM ORDER~~ passed by this Tribunal in the above said application(s) on 27-7-88.

Issued
2-8-88

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

9/c

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE

DATED THIS THE 27TH DAY OF JULY, 1988

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman

APPLICATION NO. 45/88

Shri B.F. Kumbar,
Transmission Assistant,
(Selection Grade),
Carrier Station,
New Telecom Building,
Belgaum (Karnataka) ... Applicant.

(Shri H.R. Ananthakrishna Murthy, Advocate)

v.

1. Union of India,
M/o Communications,
Dept. of Telecommunications,
New Delhi. rep. by its
Secretary.
and
The Director General,
Telecommunication Department,
New Delhi.

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

3. Shri D.V. Patil,
Technical Supervisor,
Telecommunication Department,
Telephone Exchange, HUBLI.

4. Shri B.S. Kop,
Transmission Assistant,
Telephone Exchange,
DHARWAR.

5. Shri A.R. Urankar,
Technical Supervisor,
Telecommunication Department,
BELGAUM.

6. Shri B.P. Kalyan Shetty,
Technical Supervisor,
Telecommunication Department,
Telephone Exchange, GOKAK.

7. Shri I.M. Jangannavar,
Telephone Supervisor,
Dept. of Telecommunications,
Telephone Exchange, GADAG. ... Respondents.

(Shri M. Vasudeva Rao, C.G.A.S.C.)

This application having come up for hearing to-day, Vice-Chairman made the following:

ORDER

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act, 1985.

2. The applicant who initially joined service as Technician Mechanic on 16.7.1957, appeared for a departmental examination for the post of Telephone Operator and was successful. On that basis he was promoted and appointed as a Telephone Operator from 8.2.1963 and then as a Transmission Assistant from 1.10.1973. The applicant claims that many of his juniors in the initial cadre of Technical Mechanic, are drawing higher pay than the one drawn by him and therefore, his pay should be stepped up to the level of his juniors. On an examination of this claim, the authorities have declined to grant the same. Hence this application.

3. In justification of the orders made, the respondents have filed their reply and have produced their records.

4. Shri H.K. Anantha Krishnamurthy, learned counsel for the applicant, contends that whatever be the origin of the service, and the change of cadre from time to time the fact was that the applicant, who was senior in the initial cadre was drawing a lower pay than the one drawn by his juniors in the initial cadre and therefore, this is a fit case in which the pay of the applicant should be stepped up to the level of his junior in terms of rule 22(c) of the Fundamental Rules (FR) and the orders made by the Government thereon.

5. Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel appearing for the respondents, sought to support the impugned orders.

6. Before the General Manager, Telecom, (GM) the applicant represented for stepping up his pay to the level of his junior in the initial cadre of Technician Mechanic. On an examination of the same, the GM by his order dated 15.5.1985, had rejected the same in these words:

> "On review of the case it is seen that Shri B.F.Kumbar and Shri B.S. Kop were originally recruited as Technicians. Shri B.F. Kumar has opted for change of cadre as TO. His junior Shri B.S. Kop remained as Technician and subsequently promoted as HG Tech. Both the officials are promoted as T.A. and by virtue of being HG Technician, Sri B.S. Kop is drawing higher pay.
>
> The request of Sri B.F.Kumbar for stepping up of pay with that of Shri B.S. Kop cannot be accepted as both do not belong to the same cadre at the time of promotion as TA. The official may be informed accordingly. The service Book of the officials are returned herewith."

On a further examination. Government in its order dated 4.12.1995 (Annexure-III) had agreed with this order.

7. An examination of these orders discloses that the applicant who had chosen an altogether different line for reasons with which I am not now concerned,

cannot compare himself to his original juniors who had chosen a different line or cadre and had secured certain benefits in that cadre. Everyone of the reasons given by the authorities for rejecting the claim of the applicant are sound and valid, and do not call for my interference. On the facts and circumstances of this case, there is no justification to invoke FR 22(c) and the orders made thereon by Government. From this, it follows that the claim of the applicant is devoid of merit.

8. In the light of my above discussion, I hold that this application is liable to be dismissed. I, therefore, dismiss this application. But in the circumstances of the case, I direct the parties to bear their own costs.

Sd/-

VICE-CHAIRMAN 27.11

dms/Mrv.

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

REGISTERED

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

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 12 SEP 1988

REVIEW APPLICATION NO. 76 /88
IN APPLICATION NO. 45/88(F)
W.P. NO. /

Applicant(s) Respondent(s)

Shri B.F. Kumbar V/s The Secretary, Department of Telecommunications, New Delhi & 6 Ors

To

1. Shri B.F. Kumbar
   Transmission Assistant
   (Selection Grade)
   Carrier Station
   New Telecom Building
   Belgaum

2. Shri K.T. Anand
   Advocate
   No. 143, Kamala Mansion
   Infantry Road
   Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY/INTERIM ORDER~~ passed by this Tribunal in the above said Review application(s) on 7-9-88.

Encl : As above

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 7TH DAY OF SEPTEMBER,1988.

PRESENT:

Hon'ble Mr.Justice K.S.Puttaswamy. .. Vice-Chairman(J).

REVIEW APPLICATION NUMBER 76 OF 1988

B.F.Kumbar. .. Applicant.

(By Sri K.T.Anand, Advocate)

v.

Union of India and others. .. Respondents.

This Review Application having come up for admission to-day, the Tribunal made the following:

O R D E R

In filing this application, there is a delay of 6 days. In the affidavit accompanying I.A.No.I - application for condonation of delay, Sri K.T.Anand who is an Advocate and is representing the applicant, has stated that he had miscalculated the period of limitation and that is the reason for the short delay in making this application. I have no reason to disbelieve the statement of Sri Anand and I accept the same. If that is so, then what is stated in the affidavit accompanying I.A.No.I constitutes a sufficient ground for condonation of delay. I, therefore, allow I.A.No.I and condone the delay in filing the application.

2. On condoning the delay, I have heard Sri Anand on merits.

3. Every one of the submissions made by Sri Anand really touch on the merits of my order and do not constitute a patent error to justify a review under section 22(3)(f) of the Administrative Tribunals Act,1985 and Order 47 Rule 1 of the Code of Civil Procedure.

4. I will even assume that my order is erroneous on every one of the grounds stated by the applicant. But, that also will not constitute a patent error to justify a review under the Act.

5. In reality and in substance, the applicant is asking me to re-examine my order as if I am a Court of Appeal and come to a different conclusion, which is impermissible. I see no merit in the review application. I, therefore, reject the same at the admission stage without notices to the respondents.

Sd/-
(K.S.PUTTASWAMY)
VICE-CHAIRMAN. 3/9/87

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