

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 5 APR 1989

APPLICATION NOS. 1123 TO 1130/83(F)

Applicants

Shri C. Shanmugasundaram & 7 Ors v/s

Respondents

The Director General, Telecom,  
New Delhi & 5 Ors

To

1. Shri C. Shanmugasundaram  
Junior Engineer (Civil)  
Office of the General Manager  
Telecommunications  
Maruthi Complex  
Gandhinagar  
Bangalore - 560 009
2. Shri D.R. Moorthy  
Junior Engineer (Civil)  
Office of the Superintending  
Engineer  
Postal Civil Circle  
Bangalore - 560 020
3. Shri H.V. Nagaraju  
C/o Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
Ist Main, Gandhinagar  
Bangalore - 560 009
4. Shri M. Vedanthachar  
Draughtsman (Civil) Gr-I  
Office of the Superintending  
Engineer  
Postal Civil Circle  
Bangalore - 560 020
5. Shri D.M. Srikantaiah  
Junior Engineer (Civil)  
Office of the Assistant  
Executive Engineer  
Postal Civil Sub-Division-I  
Bangalore - 560 010
6. Shri T.V. Rajmohan  
Junior Engineer (Civil)  
Office of the Superintending  
Engineer  
Postal Civil Circle  
Bangalore - 560 020
7. Shri T. Basavaraja  
Draughtsman Grade -II  
Office of the Executive  
Engineer  
Telecom Civil Division  
Bangalore - 560 001
8. Smt M.A. Vijayakumari  
Draughtsman Grade-II  
Office of the Executive  
Engineer  
Postal Civil Division  
Bangalore - 560 001
9. Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
Ist Main, Gandhinagar  
Bangalore - 560 009
10. The Director General  
Telecommunications  
Sanchar Bhavan  
New Delhi - 110 001
11. The Director General (Posts)  
Dak Tar Bhavan  
New Delhi - 110 001

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5-4-81

OK

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

13. The Superintending Engineer  
Telecom Civil Circle  
Madras - 600 105

14. The Superintending Engineer  
Postal Civil Circle  
Bangalore - 560 020

15. The Executive Engineer  
Postal Civil Division  
Bangalore - 560 001

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

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Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER passed by this  
Tribunal in the above said applications on 31-3-89.

Encl : As above

*Rs Venkatesh*  
DEPUTY REGISTRAR  
(JUDICIAL)

*4/89*  
*R. M. J. R.*  
*5-4-89*

*dc*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE.

DATED THIS THE THIRTYFIRST DAY OF MARCH 1989

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

APPLICATION NO.1123 to 1130/1988(F)

1. C.Shanmugasundram,  
Junior Engineer(Civil)  
Office of the General Manager,  
Telecommunications,  
Karnataka Circle,  
Bangalore-560 009.
2. D.R.Moorthy,  
Junior Engineer(Civil)  
Office of the Supdtg. Engineer,  
Postal Civil Circle,  
Bangalore-560 020.
3. H.V.Nagarajau,  
Draughtsman(Civil)Gr.I,  
(Voluntarily retired),  
Office of the Supdtg. Engineer,  
Postal Civil Circle,  
Bangalore-560 020.
4. M.Vedanthachar,  
Draughtsman(Civil) Gr.I,  
Office of the Supdtg. Engineer,  
Postal Civil Circle,  
Bangalore-560 020.
5. D.M.Srikantaiah,  
Junior Engineer(Civil),  
Office of the Asst. Executive Engineer,  
Postal Civil Sub-Division.I,  
Bangalore-560 010.
6. T.V.Rajachan,  
Junior Engineer(Civil),  
Office of the Supdtg. Engineer,  
Postal Civil Circle,  
Bangalore-560 020.
7. T.Bagavaraia,  
Draughtsman Grade-II,  
Office of the Executive Engineer,  
Telecom Civil Division,  
Bangalore-560 001.



P. f - 6

S.M.A.Vijayakumari,  
Draughtsman Grade-II,  
Office of the Executive Engineer,  
Postal Civil Division,  
Bangalore-560 001.

... Applicant

( Dr.M.S.Nagaraja ... Advocate)

Vs.

1. The Director General,  
Telecom,  
New Delhi.
2. The Director General, Posts,  
New Delhi-110 001.
3. The General Manager,  
Telecom,  
Bangalore-560 009.
4. The Superintending Engineer,  
Telecom Civil Circle,  
Madras-600 105.
5. The Superintending Engineer,  
Postal Civil Circle,  
Bangalore-560 020.
6. The Executive Engineer,  
Postal Civil Division,  
Bangalore-560 001.

... Respondents

(Shri M.V.Rao ... Advocate)

These applications have come up today before this Tribunal  
for Orders. Hon'ble Member, Shri P.Srinivasan, made the following:

P.S. Srinivasan

ORDER

All the eight applicants before us have a common grievance which was heard together and is conveniently disposed of by this common order.

2. To understand the case of the applicants, it is necessary to set out the background to the controversy. Prior to October 1977, there were three grades of Draughtsmen, in the Post and Telegraph Civil Wing (P&T CIVIL WING) to which all the applicants belong, viz., Grade I in the scale of Rs.425-700, Grade II in the Scale of Rs.330-560 and Grade III in the scale of Rs.260-430. These scales were in force from 1.1.1973. In the Central Public Works Department (CPWD) also, there were 3 grades of Draughtsmen designated Grade I, II and III with the same scales of pay as given above. It appears that a similar structure of posts of Draughtsmen Grade I, II and III with the same scales of pay existed in other departments as well. The Third Pay Commission had recommended higher pay scales of Rs.550-750, Rs.425-700 and Rs.330-560 for the three grades of Draughtsmen (I, II and III respectively) but this recommendation was not accepted by the Government. Draughtsmen in CPWD pleaded that they should be given the scales of pay recommended by the Third Pay Commission and when this was not agreed to by the Government, they went in for arbitration. The arbitration award went in their favour and as a result, they were given the benefit of the higher pay scales recommended by the Third Pay Commission nationally from 1.1.1973 with actual monetary benefit from 16.11.1978.

3. Thereupon Draughtsmen in the P & T Civil Wing agitated for being given the same benefit as their counterparts in CPWD i.e. fixation of their pay in the pay scales recommended by the Third Pay Commission for Grade I, II and III nationally from 1.1.1973 and actually from 16.11.1978. On this being rejected by the Government three Draughtsmen of the P & T Civil Wing

*P. S. N. Rao*

filed a Writ Petition before The Delhi High Court which was decided by a Single Judge in their favour (Civil Writ Petition No.911 of 1981 Dharam Vir Sehdev vs. Union of India, decided on 22.2.1988). We are told that this decision has been challenged by the Government in a Writ Appeal which is still to be heard and decided by a Division Bench of the same High Court. Meanwhile, the judgement of the single Judge has been implemented in respect of the three Draughtsmen of the P & T Civil Wing who filed the Writ Petition and not in regard to others. The applicants before us say that they should also be extended the same benefits as the three Writ Petitioners before The Delhi High Court, and not doing so would be hostile discrimination against them.

4. The respondents have resisted these applications and have filed their reply accordingly. Dr. M.S.Nagaraja for the applicants and Shri M.Vasudeva Rao for the respondents have been heard.

5. The first objection of the respondents is that these applications are badly delayed. The cause of action for them arose in 1980 when revised scales of pay were allowed to Draughtsmen in CPWD as a result of arbitration and the same benefit was not extended to Draughtsmen working in the P & T Civil Wing. In a letter dated 12.9.1984 issued by the Director General Post and Telegraphs (DGP&T) pay scales of Draughtsmen Grade I and Grade II in the P & T Wing were revised to Rs.550-750 and Rs.425-700 notionally from 13.5.1982 with actual monetary benefit from 1.11.1983. Even at that time the applicants had failed to go to Court seeking notional application of the revised scales from 1.1.1973 and actual benefit from 16.11.1978 as in the case of Draughtsmen in CPWD. On the other hand, the three petitioners in Dharam Vir Sehdev's case approached the Delhi High Court as early as in 1981 and the decision of the learned Single Judge granted them relief. These applications should therefore be either as relating to a cause action which

P. S. S. S.

arose prior to 1.11.1982 and therefore in-competent or rejected as having been filed well beyond the limitation prescribed for the purpose in Section 21 of the Administrative Tribunals Act. M

6. Dr. Nagaraja submitted that the grievance of the applicants is a continuing one as they continue to draw pay every month. Moreover, the pay of the three petitioners before the Delhi High Court was fixed by the Ministry of Communications in accordance with the judgement in that case only on 17.6.1986 (Annexure A-3); and 22.9.1986 (Annexure A-4) and in a letter dated 10.9.1986, the Assistant Director General of the said Ministry had stated that "decision in respect of admissibility of pay scales to the Draughtsmen in general is under consideration." Thus, even though the revised scales recommended by the Third Pay Commission were extended to the applicants and other Draughtsmen in the P & T Wing notionally from 13.5.1982 and actually from 1.11.1983 by Director General P & T's letter dated 12.9.1984, the question of backdating the national and actual benefit to 1.1.1973 and 16.11.1978 respectively-which is the prayer here- was still under the active consideration of the authorities even in September 1986. In fact some information in this regard was sought by the Ministry of Communications in a letter dated 2.12.1987. Dr. Nagaraja therefore submitted that the application is in time.

7. We have considered the matter carefully. So far as extending to the applicants the same benefit as that given to CPWD Draughtsmen is concerned viz., fixation of pay in the scales of pay recommended by the Third Pay Commission notionally from 1.1.1973 and actually from 16.11.1978 we must agree with learned counsel for the respondents that this grievance dates back to 1980 when the arbitration award in the case of CPWD Draughtsmen was announced. And so it cannot be entertained by us. (V.K.Mehra Vs. The Secretary, Ministry of Information and Broad Casting, New Delhi. ATR 1986 CAT 203 - Dr.Smt.Kshama Kapur Vs.Union of India 1987(4)ATC 329). However, to the extent that the pay now being drawn by the applicant is less than what it would have been if the revised pay scales had been notionally implemented w.e.f. 1.1.1973 as in the case of CPWD Draughtsmen or the three petitioners before the Delhi High Court, the grievance can certainly be agitated

*P. S. - 1/2*



before us. In other words, the applicant's claim for actual benefit of revised pay scales from 16.11.1978 is too late in the day for us to adjudicate but not their claim for actual benefit from a subsequent date to be determined by us below.

8. Coming to the merits of the case, Shri Rao contended that the case of Draughtsmen in the P & T Civil Wing is not the same as that of their counterparts in CPWD and that this difference was overlooked by the Delhi High Court in Dharam Vir Sehdev's case which was therefore wrongly decided. After October 1977 there were only two grades of Draughtsmen in the P & T Civil Wing namely Grade I and Grade II, Grade III having been abolished on the recommendation of the Staff Inspection Unit (SIU) of the Finance Ministry. All Draughtsmen in Grade III at the time were inducted in Grade II and Grade II became thereafter the initial recruitment grade instead of the erstwhile Grade III. Thereafter the same qualifications prescribed for recruitment to the erstwhile Grade III were adopted to recruitment to Grade II. Therefore the post of Draughtsmen Grade II in the P & T Civil Wing corresponds to Grade III in CPWD which continues to have three grades of Draughtsmen. Consequently Grade I Draughtsmen in the P & T Civil Wing corresponds to Grade II Draughtsmen in CPWD. There was no case therefore to revise the pay scales of Rs.330-560 and Rs.425-700 applicable to Grade II and Grade I Draughtsmen in the P & T Civil Wing to Rs.550-750 and Rs.425-700 respectively as in CPWD.

9. Dr. Nagaraja submitted that the whole question had been examined in depth by the single Judge in Dharam Vir Sehdev's case who held that there was no justification for different scales of pay for Draughtsmen Grade I and II in the P & T Civil Wing from those made applicable to their counterparts (in designation) in CPWD. The respondents had themselves conceded this, in effect, by revising the pay scales of Grade I and II Draughtsmen in the P & T Civil Wing nationally from 13.5.1982 and effectively from

P. J. - 40

1.11.1983 in the Director General P & T's letter dated 12.9.1983. They cannot now be heard to say now that it was a wrong decision as <sup>they</sup> ~~extended~~ contended in their reply and reiterated by Shri Rao.

10. We have given anxious thought to the whole issue. It is common ground that upto October 1977 there were three grades of Draughtsmen in the P & T Civil Wing and in CPWD and the qualifications for recruitment for these posts were the same in both the departments. Applicants No. 1 to 5, 7 & 8 joined the P & T Civil Wing as Draughtsmen Grade III on different dates before October 1971. Applicant No. 6 also joined as Draughtsman Grade III on 1.10.1977 presumably because that grade had not yet been abolished by then. All of them were promoted to Grade II between 7.4.1965 and 1.3.1978 indicating that till the last mentioned date the three grade structure was still actually functioning. Therefore so far as all the applicants are concerned, the three grade structure was operative. It is clear therefore that so far as they are concerned, the correspondence of qualifications and other eligibility requirements between the three grades in P & T Civil Wing and CPWD—which was upheld by the Single Judge in Dharan Vir Sehdev's case from whose views we <sup>see</sup> no reason differ—had to be reflected by the same scales of pay. The abolition of Grade III in the P & T Civil Wing—it is not clear when this took effect—cannot affect the applicants who started in Grade III and worked in that grade for some time.

11. The respondents themselves revised the scales of pay of Grade I and Grade II Draughtsmen in 1984 to bring them on par with their counterparts in CPWD. We cannot accept their contention after 5 years that this was a mistake. But the revised scales of pay were applied notionally from 13.5.1982 and effectively from 1.11.1983. We see no reason for national fixation only from 13.5.1982 as the disparity vis-a-vis their counterparts in CPWD dates back (notionally) to 1.1.1973. We



P. S. —

will not interfere with the second date i.e. 1.11.1983 from which they were given actual monetary benefit as the applicants did not pursue their rights in this regard in good time.

12. In the result we pass the following order :

The respondents will fix the pay of each of the applicants in the revised pay scale as adopted in CPWD- ~~in each~~ <sup>of the</sup> grade in which he was working from time to time notionally with effect from 1.1.1973 or the date from which he was appointed to that grade, which ever was later. But actual monetary benefits arising from such fixation will accrue to the applicants from 1.11.1983 only.

13. All the applications are disposed of on the above terms leaving the parties to bear their own costs.

Sd/-

( SHRI K.S.PUTTASWAMY )  
VICE-CHAIRMAN

Sd/-

(SHRI P.SRINIVASAN)  
MEMBER (A)

TRUE COPY

For ~~Deputy Chairman~~ of  
DEPUTY CHAIRMAN (JN) <sup>2/11/83</sup>  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 2 JUN 1989

REVIEW APPLICATION NOS. 21 to 28/89  
IN APPLICATION NOS. 1123 to 1130/88(F)

Applicants

The Director General,  
Telecommunications,  
New Delhi & 5 Ors

V/s

Shri C. Shanmugasundaram & 7 Ors

To

1. The Director General  
Telecommunications  
Sanchar Bhavan  
New Delhi - 110 001
2. The Director General (Posts)  
Dak Tar Bhavan  
New Delhi - 110 001
3. The General Manager  
Telecommunications  
Karnataka Circle  
Bangalore - 560 009
4. The Superintending Engineer  
Telecom Civil Circle  
Madras - 600 105
5. The Superintending Engineer  
Postal Civil Circle  
Bangalore - 560 020
6. The Executive Engineer  
Postal Civil Division  
Bangalore - 560 001
7. Shri M. Vasudeva Rao  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001
8. Shri C. Shanmugasundaram  
Junior Engineer (Civil)  
Office of the General Manager  
Telecommunications  
Maruthi Complex  
Bangalore - 560 009
9. Shri D.R. Moorthy  
Junior Engineer (Civil)  
Office of the Superintending Engineer  
Postal Civil Circle  
Bangalore - 560 020
10. Shri H.V. Nagaraju  
C/o Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009
11. Shri M. Vedanthachar  
Draughtsman (Civil) Gr-I  
Office of the Superintending Engineer  
Postal Civil Circle  
Bangalore - 560 020
12. Shri D.M. Srikantaiah  
Junior Engineer (Civil)  
Office of the Assistant Executive  
Engineer  
Postal Civil Sub-Division I  
Bangalore - 560 010

13. Shri T.V. Rajmohan  
Junior Engineer (Civil)  
Office of the Superintending  
Engineer  
Postal Civil Circle  
Bangalore - 560 020

14. Shri T. Basavaraja  
Draughtsman Grade - II  
Office of the Executive  
Engineer  
Telecom Civil Division  
Bangalore - 560 001

15. Smt M.A. Vijayakumari  
Draughtsman Grade - II  
Office of the Executive Engineer  
Postal Civil Division  
Bangalore - 560 001

16. Dr M.S. Nagaraja  
Advocate  
35 (Above Hotel Swagath)  
1st Main, Gandhinagar  
Bangalore - 560 009

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Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER passed by this Tribunal  
in the above said Review applications on 30-5-89.

Encl : As above

*Mr. Venkatesh Rao*  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE.

DATED THIS THE THIRTIETH DAY OF MAY 1989.

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

REVIEW APPLICATION NOS. 21 TO 28/89  
(O.A.Nos. 1123 to 1130/88)

1. The Director General,  
Telecommunications,  
Sanchay Bhawan,  
New Delhi 1.
2. The Director General(Posts)  
Dak Tar Bhawan,  
New Delhi 1.
3. The General Manager,  
Telecommunications,  
Karnataka Circle,  
Bangalore 9.
4. The Supdtg. Engineer,  
Telecom Civil Circle,  
Madras 15.
5. The Supdtg. Engineer,  
Postal Civil Circle,  
Bangalore 20.
6. The Executive Engineer,  
Postal Civil Division,  
Bangalore 1.

Review applicants

(Shri M.Venkateswar Rao .. Advocate)

vs.



1. C.Shamugasundaram,  
Jr.Engineer (Civil)  
O/o General Manager,  
Telecommunications,  
Maruthi Complex,  
B'lore 9.

2. DR.Murthy,  
Jr.Engineer (Civil)  
O/o Supdtg Engineer,  
Postal Civil Circle,  
B'lore 20.

3. M.Vedanthachar,  
Draughtsman (Civil)  
O/o Asst. Exec. Engineer,  
Postal Civil Sub-Division-I,  
B'lore 10.

5. TV.Rajachang  
Jr. Engr.(Civil)  
O/o Supdtg Engineer,  
Postal Civil Circle,  
Bangalore 20.

6. T.Basavaraja,  
Draughtsman Grade II,  
O/o Exec. Engineer,  
Telecom Civil Dn.,  
Bangalore 1.

4. D.M.Srikantaiah,  
Jr.Engineer(Civil)  
O/o Asst&ExecEngineer,  
Postal Civil Sub-Division I,  
Bangalore 10.

7. Smt. MA.Vijayakumari,  
Draughtsman Grade II,  
O/o Exec. Engineer,  
Postal Civil Dn.,  
Bangalore 1.

8. MV.Nagaraja,  
Draughtsman(Civil) Gr.I.  
(Voluntarily Retired)  
Office of the Supdtg. Engineer,  
Postal Civil Circle,  
B'lore 20.

Review Respondents.

(Dr. M.S.Nagaraja .. Advocate)

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

D. N. D E R

By these applications the respondents in Original Application nos.1123 to 1130 of 1988 seek a review of our common Order dated 31.3.1989 disposing of the said original applications. In that order we had directed the respondents \* to fix the pay of each of the applicants in the revised pay scale as adopted in CPWD in each grade in which he was working from time to time notionally with effect from 1.1.1973 or the date from which he was appointed to that grade whichever is later\*. In doing so, we relied on a judgement of the Delhi High Court in Dharanvir Sachdev Vs. Union of India (Civil Writ petition no.911/1981 decided on 22.2.1988). The respondents state in the present application that in Dharanvir Sachdev's case refixation of the pay of the petitioners therein was ordered with effect from 22.8.1973 and not from 1.1.1973 and pray that the direction in our aforementioned order be modified suitably in the interest of consistency.

P. J. [Signature]

2. The application came up for admission on 29.5.1989, when Shri M.Vasudeva Rao appeared for the review applicants.

At our direction Dr.M.S.Nagaraja took notice for the original applicants and the matter was posted for being heard today.

3. We have heard both Shri M.Vasudeva Rao and Dr.Nagaraja.

4. This is actually not so much a case for review as for a clarification of our original order. Since we were following the decision of the Delhi High Court in Dharam Vir Sachdev's case the relief to be given by us had to be the same as in that case. We have perused the judgement of the Delhi High Court. In terms of that judgement, the revised pay scales had to be made applicable to the original applicants in Application Nos. 1123 to 1130 of 1988 with effect from 22.8.1973 and not from 1.1.1973. We, therefore, modify the direction contained in para 12 of our order dated 31.3.1989 to read as follows:

"The respondents will fix the pay of each of the applicants in the revised pay scale as adopted in CPWD in each grade in which he was working from time to time notionally with effect from 22.8.1973 or the date from which he was appointed to that grade, whichever was later. But actual monetary benefits arising from such fixation will accrue to the applicants from 1.11.1983 only".

5. Review application nos.21 to 28/89 are disposed of on the above terms, leaving the parties to bear their own costs.



TRUE COPY

DEPUTY REGISTRAR (JD) 21  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

Sd/-  
Vice Chairman  
20/5/89

Sd/-  
MEMBER (A) 21  
20/5/89

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

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated :

31 AUG 1989

REVIEW APPLICATION NO (S) 100 to 107 / 89  
IN APPLICATION NOS. 1123 to 1130/88(F)  
W.P. NO (D) /

Applicant (s)

The Director General  
Telecommunications, New Delhi  
To & 5 Ors

V/s Shri C. Shanmugasundaram & 7 Ors

1. The Director General Telecommunications Sanchar Bhavan New Delhi - 110 001	5. The Superintending Engineer Postal Civil Circle Bangalore - 560 020
2. The Director General (Posts) Dak Tar Bhavan New Delhi - 110 001	6. The Executive Engineer Postal Civil Division Bangalore - 560 001
3. The General Manager Telecommunications Karnataka Circle Maruthi Complex Gendhinagar Bangalore - 560 009	7. Shri M. Vasudeva Rao Central Govt. Stng Counsel High Court Building Bangalore - 560 001
4. The Superintending Engineer Telecom Civil Circle Madras - 600 015	

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/934X/1989X/ORDER  
Review  
passed by this Tribunal in the above said application(s) on 30-8-89.

*Re-verified*  
DEPUTY REGISTRAR  
(JUDICIAL)

Enc1 : As above

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE.

DATED THIS THE THIRTIETH DAY OF AUGUST 1989.

Present: Hon'ble Shri Justice K.S.Puttaswamy .. VICE CHAIRMAN  
Hon'ble Shri P.Srinivasan .. MEMBER(A)

REVIEW APPLICATION NO.100 to 107/89  
( in O.A.No. 1123 to 1130/89)

1. The Director General,  
Telecommunications,  
Sanchay Bhavan,  
New Delhi 1.
2. The Director General(Posts),  
Dak Tar Bhavan,  
New Delhi 1.
3. The General Manager,  
Telecommunications,  
Karnataka Circle,  
Bangalore 9.
4. The Superintending Engineer,  
Telecom Civil Circle,  
Madras 15.
5. The Superintending Engineer,  
Postal Civil Circle,  
Bangalore 20.
6. The Executive Engineer,  
Postal Civil Division,  
Bangalore 1.

.. Review  
Applicants.

(Shri M.Vasudeva Rao .. Advocate)

v/s.



1. C.Shamugasundram,  
Jr. Engr.(Civil),  
O/O General Manager,  
Telecommunications,  
Maruthi Complex,  
Bangalore 9.
2. DR Murthy,  
Jr. Engr.(Civil),  
O/o Superintending Engineer,  
Postal Civil Circle,  
Bangalore 20.
3. M Vedanthachar,  
Draughtsman(Civil),  
O/o Asst. Executive Engr.,  
Postal Civil Sub-Div. I,  
Bangalore 10.

..2/-

4.TV Rajmohan,  
Jr. Engr.(Civil),  
O/o Superintending Engr.,  
Postal Civil Circle,  
Bangalore 20.

5. DM Srikanataiah,  
Jr. Engr.(Civil)  
o/o Asst. Executive Engr.,  
Postal Civil Sub Bn I,  
Bangalore 10.

6.T.Basavaraja,  
Draughtsman Grade II,  
o/o Exec. Engineer,  
Telecom Civil Dn.,  
Bangalore 1.

7. Smt.MA Vijayakurmaru,  
Draughtsman Grade II,  
o/o Exec. Engineer,  
Postal Civil Divn,

8.MV Nagaraja,  
Draughtsman (Civil) Gr.I,  
Voluntarily retired),  
o/o Superintending Engineer,  
Postal Civil Circle,  
Bangalore 20.

.. Respondents.

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

ORDER

In these Review Petitions, the respondents  
in original applications No.1123 to 1130/88 seek a review of  
our common order dated 30.5.1989 disposing of earlier review  
petitions No.21 to 28/89 filed by them.

2. We have heard Shri M.V.Rao for the review  
applicants. Under Rule 17 of the Central Administrative  
Tribunal (Procedure) Rules, 1987, as amended, no second  
review petition can be made when one review petition has  
already been heard and disposed of. Further, in this review  
petition it is contended that we went wrong in relying on a

P. Srinivas

judgment of Delhi High Court in disposing of the earlier review petitions since that judgment is under appeal before the Supreme Court. We see no merit in this contention, since the judgment of the Delhi High Court holds the field till it is reversed in appeal.

3. For the reasons stated above the review petitions are rejected at the threshold itself.



SD -

VICE CHAIRMAN

30/8/84

SL -

MEMBER(A)

30/8/84

TRUE COPY

*R. Venkatesh*  
DEPUTY REGISTRAR (JD) 31/8  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

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

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 18 JAN 1993

REVIEW APPLICATION NO (8)  
W.P. NO (S)

19  
IN APPLICATION NOS. 1123 to 1130/88

Review Applicant (s)

Shri T.V. Rajamohan & 7 Ors

v/s

To

1. Shri T.V. Rajamohan

2. Shri D.R. Moorthy

(Sl Nos. 1 & 2 -

Junior Engineers (Civil)  
Office of the Executive Engineer  
Postal Civil Division  
5th Floor, G.P.O. Building  
Bangalore - 560 001

3. Shri C.S. Shanmugasundaram  
Assistant Engineer  
Office of the Chief General Manager  
Telecommunications  
Karnataka Circle  
Maruthi Complex  
Gandhinagar  
Bangalore - 560 009

4. Shri D.M. Srikantaih  
Assistant Engineer  
Office of the Assistant Executive Engineer  
Postal Civil Sub-Division-I  
Bangalore - 560 010

5. Shri M. Vedanthachar  
Draughtsman Grade-I  
Office of the Superintending Engineer  
Postal Civil Circle  
Bangalore - 560 020

Respondent (s)

The Director General, Telecom, New Delhi  
& 5 Ors

6. Smt. M.A. Vijayakumari  
Draughtsman Grade-II  
Office of the Executive Engineer  
Postal Civil Division  
5th Floor, G.P.O. Building  
Bangalore - 560 001

7. Shri H.V. Nagaraju  
C/o Shri M.R. Rajagopal  
Advocate  
No. 294, 7th Main  
Nagendra Block  
Banashankari III Stage  
Bangalore - 560 050

8. Shri T. Basavaraja  
Draughtsman Grade-II  
Office of the Executive Engineer  
Telecom Civil Division  
Bangalore - 560 001

9. Shri M.R. Rajagopal  
Advocate  
No. 294, 7th Main  
Nagendra Block  
Banashankari III Stage  
Bangalore - 560 050

Subject : FORWARDING COPIES OF THE ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of the ORDER ~~REVIEW~~  
~~INTERIM ORDER~~ passed by this Tribunal in the above said Review  
application (s) on 11-1-93.

  
For DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE ELEVENTH DAY OF JANUARY, 1993

Present: Hon'ble Shri Syed Fazlulla Rezvi, Member (J)

Hon'ble Shri S. Gurusankaran, Member (A)

REVIEW APPLICATION NO. 19/1992

1. Shri T.V. Rajamohan  
Junior Engineer Civil  
Major, Office of the  
Executive Engineer  
Postal Civil Division  
5th Floor, General Post  
Office Buildings, Bangalore.
2. Shri D.R. Moorthy  
Junior Engineer (CIVIL)  
Office of the Executive Engineer  
Postal Civil Division  
5th Floor, G.P.O., Building  
Bangalore.
3. Shri C.S. Shanmugasundaram  
Asst. Engineer  
Office of the General Manager  
Telecommunications, Meruthi Complex  
Gandhinagar, Bangalore.
4. Shri D.M. Srikantaiah  
Asstt. Engineer, Office of the  
Asstt. Executive Engineer  
Postal Civil Sub-Division-1  
Bangalore.
5. Shri R. Vedanthacher  
Draughtsman, Office of the  
Superintendent Engineer,  
Postal Civil Circle, Bangalore.
6. Smt. M.A. Vijayakumari  
Draughtsman Grade-II  
Office of the Executive Engineer,  
Postal Civil Division, 5th Floor  
G.P.O., Building, Bangalore.
7. Shri H.V. Nagaraju  
No.35, 1st Main, Gandhinagar  
Bangalore-9.
8. Shri T. Basavareja  
Draughtsman, Grade-II  
Office of the Telecom Civil Division  
Bangalore-9.

..... Applicants.

(Shri M.R. Rajagopal, Advocate)

vs.

1. The Director General  
Telecom, New Delhi.
2. The Director General Posts  
New Delhi-110 001.
3. The General Manager, Telecom  
Bangalore-560 009.

2/11

contd..2/-



4. The Superintending Engineer  
Telecom Civil Circle  
Madras-600 015
5. The Superintending Engineer  
Postal Civil Circle  
Bangalore-560 020.
6. The Executive Engineer  
Postal Civil Division  
Bangalore-560 001.

..... Respondents

This Review Application having come up for hearing before this Tribunal today, Hon'ble Shri Syed Fazlulla Razvi, Member(J), made the following:

O R D E R

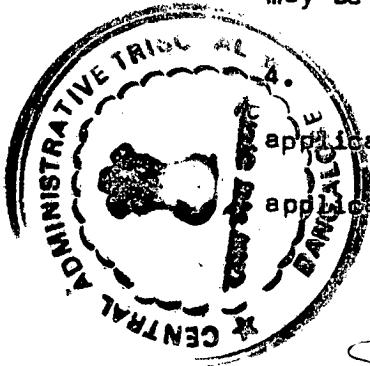
This is an application for review filed by the original applicants in Application nos. 1123 to 1130/1988 which was disposed of by a Bench of this Tribunal by order dated 31.3.1989. After the passing of the said order by a Bench of this Tribunal, 2 review applications came to be filed on behalf of the respondents in review application nos. 21 to 28/1989 and 100 to 107/1989, which applications came to be rejected by this Tribunal. The applicants by way of the present review application have sought for reviewing the order dated 31.3.1989 for the reasons mentioned in the review application.

2. By orders of the Hon'ble Chairman, this review application has to be heard by a Bench consisting of both of us (Hon'ble Shri Syed Fazlulla Razvi, Member(J) and Hon'ble Shri S. Gurusankaran, Member(A)) and that is how the matter came to be placed before us.

3. Today, when the review application was taken up for preliminary hearing, Shri M.R. Rajagopal, the learned counsel appearing for the review applicants has filed Memo to the effect that by virtue of the recent decision of the Principal Bench,

KD  
11/1

New Delhi, in O.A. No.1978/1988 disposed of on 31.7.1992, it has been directed to extend the revised pay scale benefit actually from 16.11.1978 at the instance of the application filed by the Union of non-gazetted employees of the Telecommunication and the Postal Department. It is further stated in the memo that the applicants may be permitted to withdraw the review application and the review application may be dismissed as withdrawn in the ends of justice and equity.



In view of the memo filed by the review applicants, we permit the applicants to withdraw this review application. The review application is disposed of as withdrawn.

Sd/-

(S. GIRUSANKARAN)  
MEMBER(A)

Sd/-

(SYED FAZLULLA RAZVI)  
MEMBER(J)

Mr.

TRUE COPY

*B. S. J. (S)*  
SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDRESS: IN BENCH  
BANGALORE