

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No 52/92

Transcriber x Appdx x ExivxoxExdx

DATE OF DECISION: 17.6.96

Shri J.P. Gurdasani and Anr. Petitioner

Shri G.R. Menghani Advocate for the Petitioners

Versus

Union of India and others Respondent

Sgri P.M.Pradhan Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri

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

*B.S. Hegde*  
(B.S. Hegde)  
Member (J)

(17)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 52/92

Shri J.P. Gurdasani and Anr.  
V/s.

... Applicants.

Union of India through the  
Secretary in the Department  
of Telecommunication,  
New Delhi.

Chief General Manager,  
Telecommunication, Maharashtra  
Circle, G.P.O. Building,  
2nd floor, Bombay.

Chief Superintendent  
Central Telegraph Office,  
Bombay.

... Respondents.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Appearance:

Shri G.R. Menghani, counsel  
for the applicant.

Shri P.M. Pradhan, counsel  
for the respondents.

ORAL JUDGEMENT

Dated: 17.6.94

( Per Shri B.S. Hegde, Member (J) )

Heard Shri G.R. Menghani for the applicant  
and Shri P.M. Pradhan for the respondents at length.

Perused the records. Counsel for the applicant has  
drawn my attention to the decision of this Tribunal  
in OA 51/92 ( R.A. Hattiholli and Anr. V/s. Union  
of India and others) decided on 23.12.93, stating  
that the facts and circumstances of the case is  
similar to that of the present case.

On perusal of the records ~~the counsel~~  
have drawn my attention to Exhibit 'A', seniority  
list of Telegraphist as well as the scheme arrived  
at by the agreement between the staff and the  
department on 17.12.1983. My attention was ~~also drawn~~  
to para 8 of the agreement which reads as follows:

(18)

" Officials on promotion to the higher scale of pay on completion of 16 years of service will maintain their inter-se-seniority in the lower grade for purposes of promotion to the supervisory posts justified on standards. This is not protect the interest of the senior officials who may not be eligible for promotion in the particular year for non-completion of 16 years of regular service, but are promoted on the basis of recommendations of a subsequent DPC. In case, however, an official who is considered unfit by a DPC (on completion of 16 years of service), he will lose seniority vis-a-vis the officials promoted to the higher scale of pay on the basis of recommendations of the DPC ".

He further submits that since the seniority list has been recommended and finalised in the year 1983, however, the same was implemented and granted promotions to the higher scale in 1986. Applicants have been promoted on Time Bound Promotion Scheme in 1983 and have been drawing their increment till 1986. Obviously, they were drawing more pay than Shri C.B. Rege. Keeping in view the judgement rendered by the Tribunal in OA 51/92, the facts and circumstances of this case are similar to that of OA 51/92. We, therefore, direct the respondents to step up the pay of 36 persons listed at Exhibit A to that of Shri Rege with effect from 1.1.87 and to pay the arrears on that basis from 1.1.87 with interest at 12% p.a. Respondents may carry out the directions within three months from the date of receipt of this order. No order as to costs.

  
(B.S. Hegde)  
Member (J)