

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 27 APR 1994

APPLICATION NUMBER: 863/93 & 878 To 881/93

APPLICANTS:

D.H. Mantra Setty and VS. The Chief Supdt. of Central
To. Others vs. The Chief Supdt. of Central
Telegraph Office, Bangalore & others

RESPONDENTS:

1. Dr. M. S. Nagaraj, Advocate
No. 11, Cauathna Complex
Graudhinganagar, Bangalore - 560 009.

2. The Chief Supdt. of Central
Telegraph office,
Raja Bhavan Road,
Bangalore - 560 001.

3. Shri N. Vasudeva Rao,
Standing Counsel for
Central Govt.
High Court Bldg., Bangalore.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 12-4-1994

Issued on
27/4/94

of

S. Shanthi, 27/4
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATIONS No.863/93 & 878 to 881/93

TUESDAY, THIS THE 12TH DAY OF APRIL, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR ... VICE CHAIRMAN

SHRI T.V. RAMANAN ... MEMBER (A)

1. Sri D.H. Mantra Setti,
Aged 41 years,
S/o Sri H.D. Mantra Shetty,
49/3, (Out House), 6th Main,
Appa Rao Road, Chamarajpet,
Bangalore-560 018.

2. Sri Sharanappa Shettar,
Aged 36 years,
S/o Basappa Shettar,
22/9, M.G.K. Murthy Layout,
Chamarajpet,
Bangalore-560 018.

3. Sri C.H. Chauhan,
Aged 38 years,
S/o Sri H.L. Chauhan,
2/4, 2nd Floor, 7th Main,
Palace Guttahalli,
Bangalore-560 003.

4. Sri K. Mohanavelu,
Aged 38 years,
S/o Late V.C. Krishna Swamy,
Dafedar,
44, Muthuswamy Street, Mandipet,
Tirupattur, North Arcot-635 601.

5. Sri G.N. Hiremath,
Aged 39 years,
S/o Sri N.C. Hiremath,
1211, 23rd Cross, 2nd Block,
Rajajinagar, Bangalore-560 010. ... Applicants

(By Advocate Dr. M.S. Nagaraja)

Vs.

1. The Chief Superintendent of
Central Telegraph Office,
Raj Bhavan Road,
Bangalore - 560 001.

2. The General Manager,
Telecommunications,
Karnataka Circle,
Bangalore - 560 009.

... Respondents

Contd. ...2...



3. Union of India,
represented by
Secretary to Government,
Ministry of Communications,
New Delhi.

... Respondents

(By Advocate Shri M. Vasudeva Rao)
Central Govt. Addl. Standing Counsel

O R D E R

Shri T.V. Ramanan, Member (A):

Admit.

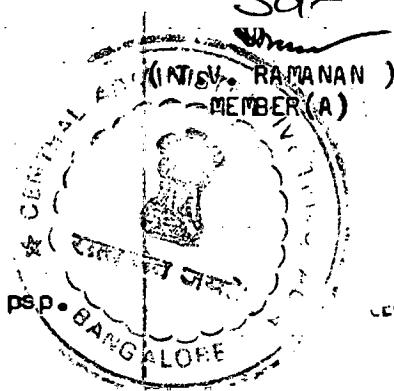
2. We have heard the learned counsel for the applicants and the learned standing counsel for the respondents.

3. It is now an admitted position that the department has since issued orders refixing the pay of the applicants No.1,2,3 and 5 after giving two increments to which they are entitled ~~on~~ on account of their completing training in Hindi Morse/TP and allowing payment of arrears as a result of such refixation. As regards applicant No.4, the department has stated in the reply filed that a copy of the D.O.T's letter (apparently Annexure-A7) will be forwarded to A.S.T.T., I/c, Tirupattur, Villupuram Division, where he is presently working, for taking necessary action in his case.

4. Learned counsel for the applicants, while satisfied with the action taken/being taken by the department, however, tells us that what the applicants should have been allowed in 1988 itself, on the basis of the orders of the Department of Telecommunication dated 7.7.1988 at Annexure-A7, they have been allowed only now, i.e., after a period of about six years. He particularly draws our attention to Annexure-A8, a letter dated 5.6.1993, from the Chief Superintendent, Central Telegraph Office, Bangalore, addressed to applicant No.1, justifying the recovery of the two advance increments already paid. This was despite the fact the order dated 7.7.1988 issued by the Dept. of Telecommunication was available

with the department. According to the learned counsel, the department had miserably failed to observe the instructions issued by their Head quarters in Delhi and after harassing the applicants all these years has finally, in terms of those very instructions, allowed refixation of pay of all the applicants. He, therefore, prays that interest at the rate of 18% should be allowed to be paid to the applicants. Learned standing counsel opposes this submission made by the learned counsel for the applicants.

5. We have carefully considered the matter. In the light of the instructions issued by the Dept. and the various orders issued regarding refixation of pay taking into account the two increments to which the applicants are entitled on account of their having completed training in Hindi Morse/TP, it has become unnecessary for us to proceed further in the matter. However, the point made by the learned counsel for the applicants about the payment of interest seems to us to be valid. We find the department has inordinately delayed refixation of the pay of the applicants over the years. While we consider allowing payment of interest at 18% to be too high, we feel that allowing interest at the rate of 10% on the payment of arrears due to the applicants from the date on which recovery was made till the date of payment is fully justified. We order accordingly and dispose of this application finally. No order as to costs.



Sd/-
(P.K.SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY

S. Shyam Sundar
SECTION OFFICER 27/4
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE