

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated:- 5 AUG 1994

651 of 1993.

APPLICATION NUMBER:

APPLICANTS:

Sri. M. RamaSwamy
To.

RESPONDENTS:

Secretary, Deptt of Telecommunication,
New Delhi and Other.

1. Sri. R. D. Biliqirah, Advocate, No. 2625, 2515 Main,
37th Cross, 915 Block, Jayanagar, Bangalore - 560069.
2. Sri. M. S. Padmarajah, Sr. C.G.S.C, High Court Bldg,
Bangalore-560001.
3. Secretary and Director General,
Department of Telecommunication,
Sanchar Bhawan, 20, Ashoka Road,
New Delhi - 110001. [A copy of the application has already
been sent to Respondent no-1 by Regd. Ack Due, which
has been acknowledged by him vide RPAO No. 1395/138.93/
178.93].

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 19-07-94

ofc

Se Shree
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 651/ 1993

TUESDAY, THE 19TH DAY OF JULY, 1994

Shri Justice P.K. Shyamsundar ... Vice Chairman
Shri T.V. Ramanan ... Member (A)

Shri M. Ramaswamy, S/o Shri T. Muthaiah,
aged 48 years, working as Assistant
Engineer (MNT), City II Telephone
Exchange, Sampangiramanagara,
Bangalore - 27 residing at No.1014,
1st Main Road, III Block, III Phase,
Banashankari III Stage,
Bangalore - 560 085.

... Applicant

(By Advocate Shri R.D. Biligiraiyah)

Vs.

1. The Union of India by its
Secretary to Government of India
and the Director General,
Department of Tele Communication,
Sanchar Bhavan,
New Delhi - 110 001.

2. Chief General Manager,
Department of Tele Communication,
Old Madras Road, Ulecoor,
Bangalore - 560008.

... Respondents

(By Advocate Shri M.S. Padmarajaiah, Senior
Standing Counsel for Central Government)

ORDER

Shri T.V. Ramanan, Member (A)

We have heard the learned counsel for the applicant and the
learned Senior Standing Counsel for the Central Government.

2. In this case the applicant has primarily claimed promotion
to the grade of Senior Assistant Engineer in the Telecom Department
on the basis of two of his juniors having been promoted to that
grade in the Madras Circle and other reliefs. It may be pointed
out here that the seniority of Assistant Engineers in TES Group 'B'



is on All India basis managed at the central level. A new grade of Senior Assistant Engineers with a pay scale of Rs. 2200 - 4000 was created in 1990 in order to remove stagnation in the grade of Assistant Engineers. The grade created outside the TES Group 'B' cadre happens to have the same pay scale as that of junior time scale in ITS Group 'A' i.e., the grade of Executive Engineers to which promotions would still be made from TES Group 'B' despite creation of the new grade of Senior Assistant Engineers. By a circular letter dated 14.8.92 (Annexure A-2) addressed to all the General Managers, Telecom Circles and others, the Telecom Commission in New Delhi conveyed delegation of the powers of placement of Assistant Engineers as Senior Assistant Engineers in the scale of Rs. 2200 - 4000 on a regular basis to them. Assistant Engineers in TES Group 'B' who have completed 12 years of regular and continuous service as Assistant Engineers are eligible for consideration for promotion to the posts of Senior Assistant Engineer. There is a reservation of 15% of the posts for SC and 7½% for ST. The instructions contained in the circular letter provided, inter alia, that in the event of a short fall in the availability of SC/ ST officers with 12 years of regular and continuous service in the grade of Assistant Engineers, SC/ ST officers with 8 years of regular and continuous service could be considered for placement in the higher grade to the extent of such short-fall. The promotion to the grade of Senior Assistant Engineers is also to be on the basis of seniority subject to the rejection of the unfit.

3. The grievance of the applicant who belongs to a Scheduled Caste is that he was not considered for promotion to the grade of Senior Assistant Engineer although he fulfills the requisite eligibility criteria. Further, he has challenged the circular letter referred to

above (Annexure A-2) on the ground that the delegation ordered by the Telecom Commission would result in juniors in certain circles getting promoted earlier to their seniors, thereby disturbing the All India Seniority of the TES Group 'B' officers and it could also lead to the anomaly of a junior drawing higher pay than the senior in the event of their getting promoted to the junior time scale of ITS Group 'A' which is the normal regular promotion channel open to the Assistant Engineers in TES Group 'B'. In this regard, the applicant has cited that two of his juniors, who also happen to belong to SC category, but in the Madras Circle, have been promoted to the grade of Senior Assistant Engineers (Annexure A-4) while he, the senior working in the Bangalore Circle, has been left out by his non promotion to the higher grade. At this stage, the learned counsel for the applicant makes the submission that very recently the applicant has been promoted to the grade of Senior Assistant Engineer but this will not redress the grievance of the applicant that he should be given promotion retrospectively with effect from the date his juniors were promoted.

4. The respondents have not filed any reply so far although a period of about a year has passed since this application was filed before the Tribunal. The Central Government Senior Standing Counsel, Shri M.S. Padmarajaiah today produces before us a letter dated 8th July, 1994 addressed by the Ministry of Communications, Department of Telecommunications to the General Manager (O), Karnataka Telecom Circle. The contents of the said letter, copy of which placed on record, are reproduced below:-



"I am directed to refer your D.O. letter No. Court/Misc./93-94/I dated 5.7.94 addressed to Shri Narendra Sharma, DOG (Pers.) on the subject mentioned above and to say that the anomaly in placement of SC Assistant Engineers in the Grade of Sr. AEs has come to the notice to this office after issue of the orders delegating the powers for placement in Sr. AEs Grade to Chief General Manager's of respective Circles.

Dept. of Telecom. is collecting the Data in respect of such anomalies from various Circles and will be taking corrective action as soon as the data is received from all the Circles. This position may be brought to the notice of CAT Bangalore tomorrow, i.e. 9th July, 1994 the date when this case is coming up for hearing with the prayer to grant three months time to complete the exercise and remove the anomaly in respect of AEs belonging to SC/ST category.

Progress of the case may be intimated to this office on return FAX."

5. Shri M.S. Padmarajaiah, the Senior Central Government Standing Counsel, makes a submission that in the light of the aforesaid letter, it would be in the fitness of things if the representation dated 19.1.93 (Annexure A-3) made by the applicant to the Chairman of Telecom Commission, which has not been disposed of so far, were to be considered and disposed of within a time frame to be specified by us. The learned counsel for the applicant has no objection to this. We also agree with the submission made by Shri M.S. Padmarajaiah as the representation referred to above is yet to be disposed of and also because of the contents of the letter dated 8.7.94 reproduced above. We also note that in para 6 of the application before us a point regarding the prospect of a junior getting more pay than a senior in the junior time scale of ITS Grade 'A' upon promotion from TES Group 'B' has been made. While considering any corrective action that is contemplated as stated in the letter of 8.7.94 reproduced above, with reference to the instructions contained in the circular letter dated 14.8.92 as at Annexure A-2, this point would also need consideration.

6. We, accordingly direct respondent No. 1 to consider the representation dated 19.1.93 made by the applicant (Annexure A-3) as also the point made by him in para 6 of this application. A copy of the application be made available to R1. This direction is to be complied with within a period of three months of receipt of a copy of this order.

7. With the above observations, this application stands disposed of finally with no order as to costs.

Sd/-

ben
(T.V. Ramanan)
Member (A)

Sd/-

✓
(P.K. Shyamsundar)
Vice Chairman

TCV

TRUE COPY



R. Shankar
SECTION OFFICER 5/8
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 29 NOV 1994

APPLICATION NO: MA 527 of 1994

APPLICANTS:- Secretary, D/o Telecom, New Delhi & Ors.
v/s.

RESPONDENTS:- Sri. M. Ramaiah

1. Sri. M. V. Rao
Addl. C.G. S.C.
High Court Bldg.
Bangalore-1.

2. Sri. R. D. Bilegiriah
Advocate
No. 2625 (40/3) 26th Main
37th cross, 9th Block,
Jayanagar, Bangalore-560069.

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

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Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER/~~ passed by this Tribunal in the above
mentioned application(s) on 23rd November 1994

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Issued on 29/11/94
Kab.

for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

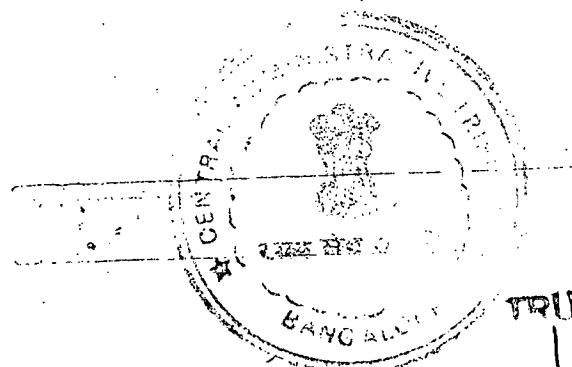
Sri. M. Ramaswamy Vs. Seey, D/o Telecom, New Delhi & ors.

651

Application No..... of 1993

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
		<p>PKS (VC)/TVR (MA)</p> <p>23.11.1994</p> <p>d Orders on M.A.527/94 for extension of time.</p> <p>1 Heard. In the circumstances, we grant six more weeks to the Govt. to comply with the directions made in O.A. No.651/93.</p> <p>he All that the department has to do is to consider the representation that has been made by the applicant. We do not see why the department should have found it difficult to comply with a simple direction as above. Anyhow, we accede to the request now made for extension of time and grant six weeks time for compliance. No further extension.</p>



TRUE COPY MEMBER (A)

VICE CHAIRMAN

29/11/94
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

B - 7a

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

Contempt Petition No.88 of 1995 in

Dated: 13 FEB 1996

Application No. 651 of 1993.

Applicant(s) : M.Ramaswamy,

V/s.

Respondents : Sri.R.K.Takkar,Secretary,
Dept. of Telecommunications,
New Delhi.

To

1. Sri.R.D.Biligiraiyah, Advocate,
No.2625, 26th Main Road,
37th Cross,Nineth Block,
Jayanagar,Bangalore-560 069.

2. Sri.R.K.Takkar, Secretary,
Dept. of Telecommunication,
Shastri Bhavan,New Delhi-110001.

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3. Sri.M.S.Padmarajaiah, Senior Central
Government Standing Counsel,
High Court Bldg,Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by
Central Administrative Tribunal,Bangalore-33

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A copy of the Order/Stay Order/Interim Order,
Passed by this Tribunal in the above mentioned application(s)
is enclosed for information and further necessary action.
The Order was pronounced on First February, 1996.

Shay
For Deputy Registrar
Judicial Branches.

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE

CONTEMPT PETITION No.88/1995 IN
ORIGINAL APPLICATION No.651/1993

THURSDAY, THIS THE 1ST DAY OF FEBRUARY, 1996

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI V. RAMAKRISHNAN .. MEMBER (A)

M. Ramaswamy, 50 years,
S/o T. Muthaiah,
Senior Assistant Engineer (Out Door),
City External, Lal Bagh Road,
Bangalore - 27.

Petitioner
(By Advocate Shri R.D. Biligiraiyah)

Vs.

Sri R.K. Takkar,
Secretary,
Department of Telecommunication,
Government of India,
Shastri Bhavan, New Delhi-110 001. .. Respondent
(By Advocate Shri M.S. Padmarajaiah,
Senior Central Govt. Stg. counsel)

O R D E R

Shri Justice P.K. Shyamsundar, Vice Chairman :

We have heard Shri Biligiraiyah for the applicant and the learned Senior Central Government Standing Counsel for the respondent, viz., department of communication.

2. On the earlier occasion while disposing off O.A. No.651/1993, we had directed the department to consider and dispose off the representation admittedly made by the applicant and pending before the department, complaint made being that juniors to the applicant had been promoted and therefore the applicant should also be promoted. It was pointed out that there are some errors in computing the applicant's ranking in the seniority list. The applicant said to be senior to those who had



been promoted ahead and we were then told that the respondents had decided to set right the error and to make amendments for the error. We hoped the same would be done while disposing off the applicant's representation although we did not say in so many words. The broad order was that the respondents should not only disposed off applicant's representation pending before it but also to set right the mistake which they had made. The applicant has filed this contempt petition for action against the department for not having complied with the directions of the Tribunal. Today, the learned Standing Counsel produces before us an order dated 23.1.1996, which is addressed to the applicant as well. We have read that order and find that while it does admit that there were some errors in ranking apropos the seniority of the applicant, it was now proposed to set right that error and a proposal is being made to redo the applicant's seniority and to tie-up all loose ends following from that exercise.

3. As the applicant always wanted and desired is that his promotion should be marked back to the date from which his juniors were promoted. He has apparently been promoted, but, that is only after his juniors were promoted. He only wants the department to mark back his promotion to the date his juniors were promoted and consequently for the grant of any financial benefits flowing from such retrospective promotion. This aspect

the department had to consider and we now see from the order which is produced today, it has held out the hope of bringing this controversy to an end by granting the applicant the higher promotion he claims. We read the order produced before us in that light and express a wish that the department will not demur again but even grant the applicant the promotion he has sought for.

4. With these observations, the contempt proceedings are dropped. However, we take occasion to notify the department to take action appropos the memorandum produced before us and give this matter a quietus by taking appropriate steps leaving no room for the applicant to make any further complaints.

5. Let a copy of the order be sent to the department for information. We expect the department will go and put an end to this controversy within two months from this date.

Sd-

Sd-

(V. RAMAKRISHNAN)
MEMBER (A)

psp.

TRUE COPY

(P.K.SHYAMSUNDAR)
VICE CHAIRMAN

10/01/1996
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore