

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Contempt Petition No.10 of 1994 in

Dated: 1 MAR 1995

APPLICATION NO: 2420 of 1991 of PRINCIPAL BENCH.

APPLICANTS:- Sri.M.R.Viswanatha and seventeen others.,
V/S.

RESPONDENTS:- Sri.M.G.Kulkarni, Member(Services), Ministry of
Communications, New Delhi and six others.,

To

1. Sri.B.Veerabhadra, Advocate,
No.126/2, Sixth Cross,
Kadirappa Road, Doddigunta,
Cox town, Bangalore-560 005.
2. Sri.M.S.Padmaraajaiah, Senior
Central govt.stng.counsel,
High Court Building,
Bangalore-560 001.

Subject:- Forwarding of copies of the Order 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 21st Feb'95.

Issued on
01/03/95

[Signature]

o/c

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

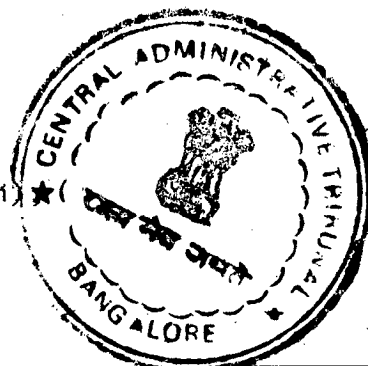
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: :BANGALORE

CONTEMPT PETITION NO. 10/94
IN
ORIGINAL APPLICATION NO.2420/91 OF PRINCIPAL BENCH

TUESDAY, THE TWENTY FIRST DAY OF FEBRUARY, 1995

SHRI V.RAMAKRISHNAN, MEMBER (A)
SHRI A.N.VUJJANARADHYA, MEMBER (J)

1. M.R.Viswanatha,
S/o Late Ramaswamiah,
55 years, DE (Trunks),
Telecom Buildings,
Basaveswara Circle,
Bangalore-560 001.
2. K.A.Visweswariah,
S/o Late K.Ananthaiah Sastry,
53 years, DET O/o Chief General Manager,
TQA Circle 61 Cockburn Road,
Bangalore-560 051.
3. B.A.Prasad,
S/o Late B.Ananthaiah,
55 years, Asst. Director General
Telecom Electronic Centre,
61 Cockburn Road,
Bangalore-560 051.
4. V.R.K.Iyengar,
S/o Late S.V.Rangachar,
54 years, Chief Public Relation Officer,
Office of General Manager,
Bangalore Telecom District,
FKCCI Buildings, K G Road,
Bangalore-560 009.
5. S.P.Venkatesha Jois,
S/o Puttashyam Jois,
55 years, Divisional Engineer OP,
Bangalore Telecom District,
19/B Hindustan Complex,
B V K Iyengar Road,
Bangalore-560 053.
6. B.N.Suryanarayana,
S/o Late B S Nanjundaiah,
54 years, Divisional Engineer (JCM),
City Exchange Buildings,
Sampangi Ramnagar,
Bangalore-560 027,



7. C.R.Gopalakrishnan,
S/o late C K Ramachandran,
57 years, Divisional Engineer (I/D),
Shankarapuram Telephone Exchange,
Bull Temple Road,
Bangalore-560 004.
8. S.V.Iyer,
S/o Late R Venkataraman,
52 years, Asst. General Manager(C&O),
O/o the Chief General Manager
Telecommunications, Karnataka Circle,
1, Old Madras Road,
Bangalore-560 008.
9. C.Sithapathi Rao,
S/o C.Venkataramana,
56 years, Asst. Director General
Telecom Engineering Centre,
61, Cockburn Road,
Bangalore-560 051.
10. C.K.Swamy,
S/o Late C N Subba Rao,
55 years, Asst. director General
Telecom Engineering Centre,
Cockburn Road,,
Bangalore-560 051.
11. E S Jois,
S/o Late E M Shastri,
54 years, Divisional Engineer (J/D),
City Exchange Building,
Sampangi Ramnagar,
Bangalore-560 027.
12. S.Sridhara Murthy,
58 years, Retired Asst. General Manager(R),
Presently residing at
7th Cross, Gangenahalli Layout,
Bangalore-560 032.
13. S.Harihara Sarma,
S/o N.Sathiavageeswara Iyer,
54 years, Divisional Engineer (I/D),
Vijayanagar Telephone Exchange,
Bangalore-560 040.
14. K R Siddeshwar,
S/o Late R T Siddeshwar,
57 years, Asst. General Manager (PC),
O/o Chief General Manager,
Karnataka Circle,
Bangalore-560 008.

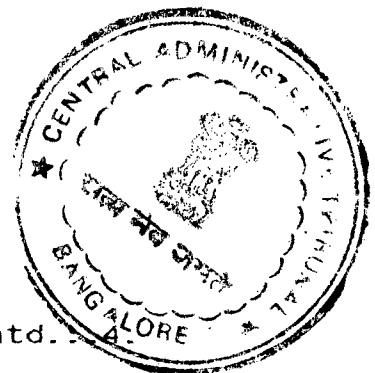
15. S.Jagadish Chandra,
S/o S.Ramachandra Rao,
52 years, Divisional Engineer (EDX/Telex),
Telecom Building, Basaveswara Circle,
Bangalore-560 001.
16. Y K Lakshminarasimhaiah,
S/o Late Y N Krishnamurthy,
48 years, Sr. Asst. Engineer,
Co-oxial Maintenance (I/D),
Telecom Building,
Bangalore-560 001.
17. B V Balasubramanya,
S/o B S Venkatasubbaiah,
48 years, Sr. Asst. Engineer (CONL),
5th Floor, BWSSB Complex,
Bangalore-560 009.
18. S.Seshu,
S/o Late S.Srinivasan,
50 years, Sr. Asst. Engineer,
O/o Chief General Manager,
TQA Circle,
61, Cockburn Road,
Bangalore-560 051.

...Petitioners

By Advocate Shri B.Veerabhadra.

Versus

1. Shri M.G.Kulkarni,
Member (Services),
Ministry of Communications,
Sanchar Bhavan,
21, Ashoka Road,
New Delhi-110 001.
2. Shri N.Vittal,
Chairman Telecom Commission,
Sanchar Bhavan,
21, Ashoka Road,
New Delhi-110 001.
3. Shri N.S.Ramachandran,
Chief General Manager Telecommunications,
Karnataka Circle,
1, Old Madras Road,
Bangalore-560 008.



Contd.

4. N.S.Ramachandran,
General Manager,
Bangalore Telecom District,
FKCCI Building,
K G Road,
Bangalore-560 009.
5. Shri G.Pandarinathan,
Chief General Manager, TQA Circle,
61, Cockburn Road,
Bangalore-560 051.
6. Shri S.Muthuswamy,
Sr. Dy.Director General,
TEC Kurshid Lal Bhavan,
Janpath,
New Delhi-110 001.
7. Shri K N Viswanathan,
Chief General Manager (Mtce),
Southern Telecom Region,
39, Wavoo Mansion,
Rajaji Salai,
Madras-600 001.

...Respondents.

By s.C.G.S.C. Shri M.S.Padmarajaiah.

O R D E R

Shri V.Ramakrishnan, Member(A)

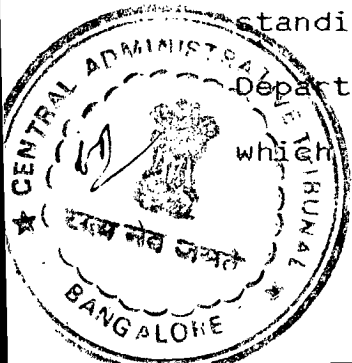
We have heard Shri Veerabhadra for the complainants and Shri M.S.Padmarajaiah, the learned senior standing counsel for the respondents. The main grievance of the complainants herein is that they have not been given the benefit of the decision of the Principal Bench in the case of Navendra Kumar & Others in OA 2420/91 decided on 17.7.92. In Navendra Kumar's case, the Principal Bench had noted that the department had granted 2 advance increments to persons, who acquired higher qualification such as BE etc., with effect from 1.5.90 and decided that the pay of the seniors, who have acquired similar qualification should

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also be stepped up to ^{the level} that of juniors. We find from the letter dated 10.2.94 that the anomaly of the seniors drawing less pay than the juniors pay on account of the incentive given by the department by their letter dated 11.7.90 is sought to be removed in respect of all seniors, who are otherwise eligible. This letter dated 10.2.94 has been furnished by the respondents as Annexure R1 to the reply statement. In view of this position, the complainants will also be entitled to the stepping up of pay as given in Navendra Kumar's case when they are otherwise eligible.

2. Shri Veerabhadra contends that it is not adequate that the pay of the complainants should be stepped up as on 1.5.90 but their date of next increment should also be readjusted, ^{in such a manner that} ~~so that~~ the date of next increment is the same as that of the juniors so that after the junior gets the increment, the senior continues to draw pay not less than the juniors. For this purpose, he draws our attention to the department's circular dated May 93 as at Annexure A4 particular to para 1(d) which says that all other conditions prescribed in FR for stepping up of pay should be fulfilled. As the complainants have approached us in the context of the decision of the Principal Bench in Navendra Kumar's case, we inquired from the learned standing counsel as to what action was taken by the department in the case of Navendra Kumar. The learned standing counsel shows us the original letter from the Department of Telecommunications, New Delhi dated 16.1.95, which says that the pay of Shri Navendra Kumar was stepped

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up with effect from 1.5.90 from Rs.3050/- to the stage of Rs.3200/- with the next date of increment on 1.5.91 in the pay scale of Rs.2000-3500. The learned standing counsel submits that in view of the position, there has been no change in the date of next increment of Shri Navendra Kumar. He also states that the department had issued a further circular dated 1.6.94, where they have clearly mentioned that the benefit is given as one time settlement without any change in the next date of increment of the seniors and this has been followed in all such cases.

2. Shri Veerabhadra states that it is possible that the normal date of increment of Navendra Kumar is 1st of May and ~~if~~ the complainants' claim for advancing their date of increment merits consideration. We do not see much force in this submission in the context of the letter dated 16.1.95 shown to us by the learned standing counsel and also the circular letter of Telecom Department dated 1.6.94.

3. In view of the clear position as brought out by the department and keeping in view the provisions of circular dated 1.6.94, we do not agree with the submissions of the learned counsel for the applicant that there should be a change in the next date of increment of the complainants herein. We, however, make it clear, that if the department were to reconsider the matter and issue a general circular pertaining to all seniors regulating the

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next date of increments, any benefit flowing therefrom would also be available to the complainants before us.

4. With the above observations, this C.P. is disposed of and the alleged contemners are discharged.

Sd/-

(A.N.VUJJANARADHYA)

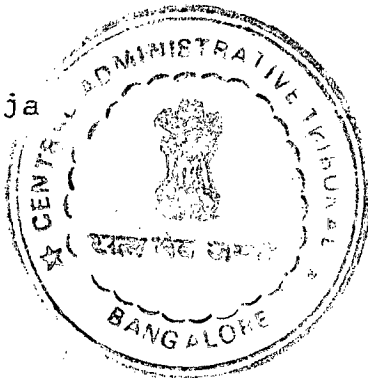
MEMBER (J)

Sd/-

(V.RAMAKRISHNAN)

MEMBER (A)

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Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore