

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 10 OCT 1994

APPLICATION NO: 1232 of 1994.

APPLICANTS:- Sri.P.Pinto, Bangalore.,
V/S.

RESPONDENTS:- Secretary, Ministry of Communications,
New Delhi and others.

To

1. Sri.P.Pinto,
S/o.Pascal Pinto,
Law Officer,
O/o.Chief General Manager,
Telecommunications Karnataka Circle,
No.1, Old Madras Road, Ulsoor, Bangalore-8.
2. Sri.G.Shanthappa, Additional Central
Government Standing Counsel,
High Court Building, Bangalore-1.

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 30th September, 1994.

Issued on
10/10/94

o/c

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION 1232 OF OF 1994

FRIDAY, THIS THE 30TH DAY OF SEPTEMBER, 1994.

Mr. Justice P.K. Shyamsundar,

.. Vice-Chairman.

Mr. T.V. Ramanan,

... Member(A)

P. Pinto,
Aged 52 years,
S/o Pascal Pinto,
Working as Law Officer,
O/o Chief General Manager,
Telecommunications,
Bangalore-560 008.

.. Applicant.

v.

1. Union of India,
represented by its Secretary
to the Govt. , Ministry of
Communications, New Delhi.
2. The Director General,
Telecommunications, New Delhi.
3. The Chief General Manager,
Telecommunications, Karnataka
Circle, Bangalore-560 001.

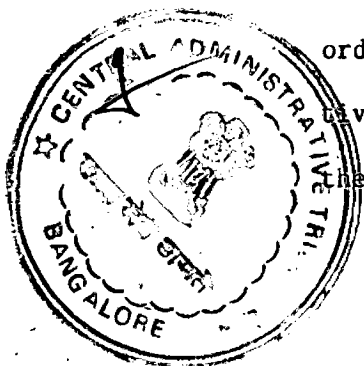
.. Respondents.

(By Standing Counsel Shri G. Shanthappa)

ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:

Admit. The controversy raised herein is already covered by the decision in O.A.No.1022 of 1993 c/w O.A.Nos.159 to 165 of 1994 decided on 29-7-1994. This aspect has been admitted notwithstanding the counter statement filed reiterating the averments taken in the earlier application which did not find favour. We do not see any reason why we should not reiterate the decision already rendered in the earlier cases. Therefore, following the same, we allow this application, quash the impugned orders dated 31-5-1993 and 13-4-1994 (Annexures A4 and A3 respectively) and issue a direction to the respondents to step up the pay of the applicant on par with a junior viz., Shri



Baleshwar Singh with all consequential monetary benefits which will, however, be limited to a period of 3 years prior to 4-8-1994 being the date of filing of the application. No costs.

Sdr

MEMBER(A)

Sdr

VICE-CHAIRMAN.

np/



TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

(761)
Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 16 AUG 1994

APPLICATION NUMBER: 1022/93 and 159 to 165/94.

APPLICANTS:

S/sh. S. Prabhakara and Others
To.

RESPONDENTS:

✓ S Secretary, M/o Communications, N. Delhi
and Others.

1. Dr. M. S. Nagaraja, Advocate, no. 11, 2nd floor, 1st Cross,
Sejathu Complex, Gandhinagar, Bangalore-9.
2. ✓ Sri. H. Vasudeva Rao, Addl. CGSC,
High Court Bldg, Bangalore-1

Certified copy
has been made
on 23.8.94
D.T. 23/8/94

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 29.7.94

Recd on 19/8/94
S

S. Shanmugan, 16/8
for DEPUTY REGISTRAR
BANGALORE BENCH

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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

APPLICATION NOS. 1022/1993
& 159 TO 165/1994

DATED THIS THE TWENTYNINETH DAY OF JULY, 1994

Mr. Justice P.K. Shyamsundar, Vice Chairman

Mr. T.V. Ramanan, Member (A)

1. Mr. S. Prabhakara
S/o. late Sri Srikantaiah
Superintendent (Telegraph
Traffic Division)
Bangalore - 560 001.
2. Mr. B. Rajashekar
Aged 53 years
Senior Superintendent
Belgaum Traffic Division
Belgaum.
3. Mr. A.K. Kunchi
Aged 55 years
Superintendent
Hubli Telegraph Traffic Divn.,
Hubli.
4. Mr. C. Narasimhaiah
Aged 51 years
Assistant Director (TSP)
O/O C.G.M.T., Bangalore-8.
5. Mr. R.S.R. Thatachar
Aged 57 years
Superintendent
Central Telegraph Office
Mysore.
6. Mr. T.N. Prabhakar Rao
Aged 51 years
Assistant Chief Superintendent (SFMS)
Central Telegraph Office
Bangalore.
7. Mr. R.G. Chimalgi
Aged 58 years
Superintendent I/C (Retd.)
Central Telegraph Office
Hubli.
8. Mr. H.N. Kulkarni
No. 51, Brindavan Layout
Kaval Basasandra,
Bangalore-560 032.

... Applicants

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



1. Union of India
represented by its
Secretary to the Government
Ministry of Communications
New Delhi.

2. The Director General
Telecommunications
New Delhi.

3. The Chief General Manager
Telecom
Karnataka Circle
Bangalore-560 001.

....Respondents

(Shri M.V. Rao, A.C.G.S.C.)

O R D E R

(Mr. T.V. Ramanan, Member(A))

The applicants are Telegraph Traffic Superintendents, Grade-B. Their grievance is that upon promotion to the said cadre as Telegraph Traffic Superintendents, Group-B, they discovered that some of the juniors in the cadre of Telegraph Traffic Superintendents, Grade-B, were getting higher pay due to fortuitous circumstances, having been promoted on an officiating basis in the lower grade of Telegraph Traffic Supervisor, Grade-C. Their representations to the authorities concerned did not elicit any favourable response. Hence, this application. Learned Standing Counsel appearing for the respondents draws our attention to D.G.P&T's letter No.4/57/67-P&T dated the 16th January, 1968 reproduced as D.G.P&T's instructions under FR-22 (Swamy's compilation of FRSR Part-I General Rules, 12th Edition, 1994). The said letter reads as follows:-

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"Stepping up only with reference to seniority list or lower cadre recruiting unit - It has been clarified in M.F., O.M. No.F.2(10)-E-III(A)/62, dated the

20th July, 1965 that in cases where the seniority list for the lower cadre is maintained locally and for the higher post the same is maintained on all India basis, then the stepping up of pay of a senior, if all the other conditions are fulfilled, can be made only with reference to a junior of the same Circle to which the senior belongs. In the case of TES Group 'B' officers, the seniority list is maintained on all India basis, while for the lower post, viz., Junior Engineers, it is on Circle level. As such their cases are to be considered only with reference to juniors of the same Circle. "

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Citing the contents of this letter, he submits that stepping up is permissible only if all other conditions are fulfilled for such stepping up only with reference to a junior of the same circle to which the senior belongs and not otherwise. Learned counsel for the applicant counters this argument by relying upon the letter of D.G.F.&T no. 3-50/74-PAT dated 21.11.1974, which is produced below:-

* Sub: Central Civil Service(RP) Rules
73-Clarification regarding:

Sir,

I am directed to invite your attention to note 4 below Rule 7 and the second proviso to Rule 8 of CCS(RP) Rules 73 notified under Ministry of Finance (Department of Expenditure) notification no.GSR 499(E) dated the 13th Nov.73 circulated under this office letter No.1-3/73-PAP dated 8th Dec. 73 and to state that the seniority of the Govt. servant for the purpose of stepping up their pay or fixing the date of increments with reference to the pay or date of increments of their juniors, as envisaged in the above mentioned rules, may be determined with reference to the seniority rosters maintained for the purpose of confirmation/promotion.

2. This issues with the concurrence of P&T Finance vide thier U.O.No.9006-FAI dated 7.11.74. "



A perusal of this letter makes it clear that the seniority of the Government servants for the purpose of stepping up their pay with reference to the pay of the juniors may be determined with reference to the seniority rosters maintained for the purpose of confirmation, promotion etc., As the seniority list in the case of Telegraph Traffic Superintendents, Group-B, is maintained at the All India level and as in point of time this letter was issued in 1974, later to the letter of 16.1.1968 cited, we find that stepping up is permissible even in the case of those senior in other circles.

2. Even otherwise there are any number of decisions in similar cases. In fact, the Ernakulam Bench of the Tribunal in K. Krishna Pillay & Ors. Vs. Union of India and Others (1994 26 ATC 645) gave relief in a similar case concerning Telegraph Traffic Superintendent, Grade-B. We rely upon the case of Anilchandra Das Vs. Union of India decided by the Calcutta Bench of the Central Administrative Tribunal (1988 7 ATC 224) and the case of N. Lalitha & Others Vs. Union of India decided by the Central Administrative Tribunal, Hyderabad Bench (1992 19 ATC 569).

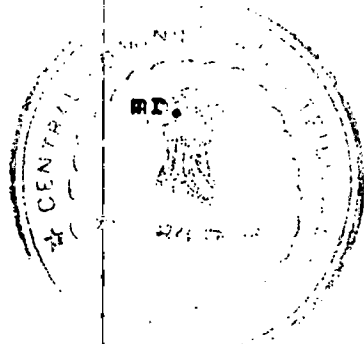
3. In the result, we allow this application and direct the respondents to step up the pay of the applicants on par with that of Shri Baleshwar Singh and grant all consequential monetary benefits which will, however, be limited to a period of 3 years prior

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to the date of filing of the application,
i.e., 21-12-1993. This direction may be
carried out within a period of 3 months from
the date of receipt of a copy of this order.
No order as to costs.

Sd/-
(T.V. RAMANAN)
MEMBER (A)

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



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S. Srinivas
SECTION OFFICER 16/8
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Miscellaneous Appln.No.167 of 1995 in Dated: **26 APR 1995**

APPLICATION NO. 1232 of 1994.

APPLICANTS: Sri.P.Pinto, Bangalore

V/S.

RESPONDENTS: Secretary, Ministry of Communications,
New Delhi and others.

To

1. Sri.P.Pinto, S/o.Pascal Pinto, *Chief*
Law Officer, Office of the General Manager,
Telecommunications, Karnataka Circle,
No.1, Old Madras Road, Ulsoor, Bangalore-8.
2. Sri.G.Shanthappa, Additional Central
Govt. Standing Counsel, High Court Bldg,
Bangalore-560 001.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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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 Sixth April, 1995.

Issued on
26/04/95

[Signature]
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

Spt. P. Printe.

N/8 Secy. M/o Communications, New Delhi & DS

OA No. 1332/94

Date

Office Notes

Orders of Tribunal

(PKS) VC / (TVR) PC (S)

6.4.1995

Order on MA 167/95

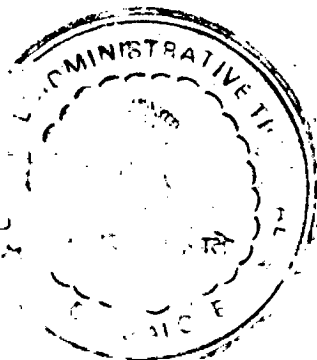
In the order we have given Government sufficient time to comply with the directions. In the circumstances the request for further extension of time in the MA to comply with the directions is rejected. MA 167/95 is rejected accordingly.

Sd/-

PC(A)

Sd/-

VC

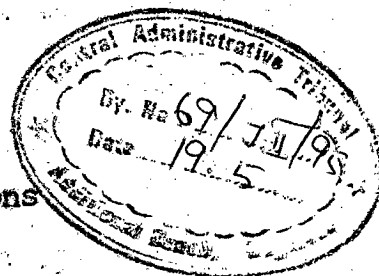


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28/4/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

Recd by post
Add to file
12/5/95
S. (JIT)

Government of India
Ministry of Communications
Department of Telecommunications
PAT Section



No.: 50-73/94-PAT (PART)

Date: 27-4-95

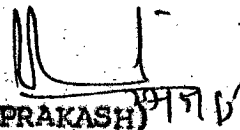
To

The Chief General Manager,
Karnataka Telecom Circle,
Bangalore.

Subject: Implementation of CAT Bangalore judgement
in OA 1232/94 filed by Shri P. Pinto, Law Officer.

In pursuance of orders dated 10-10-94, Bangalore Bench in OA no. 1232/94 filed by Shri P. Pinto, Law Officer for stepping up of pay, I am directed to inform you that it has been decided to implement the judgement to the applicant only subject to outcome of SLP being filed in this case.

This issues with the concurrence of Telecom Finance vide U.O No. 1158/95- FA I dated 26-4-95.


(BUDH PRAKASH)
ASSTT DIRECTOR GENERAL (TE)

Copy to: The Registrar, Hon'ble CAT Bangalore
w.r.t OA 1232/94.

2. FA-I (DOT) . 3-4 o/c & Spare.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

C.P. No. 57/1995 In O.A.No.1232/94

DATED THIS THE TWENTYEIGHTH DAY OF APRIL, 1995

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

MR. T.V. RAMANAN, MEMBER(A)

Mr. P. Pinto
Aged 52 years
S/o. Pascal Pinto
Working as Law Officer
O/O Chief General Manager Telecom
Ulsoor, Bangalore-560008

.... Petitioner

Vs.

1. Mr. Thakar, IAS
Secretary to Government
Ministry of Communication
Government of India
New Delhi.

2. Mr. Thakar, IAS
Director General
Telecommunications
Government of India
New Delhi.

3. Mr. N.S. Ramachandran
Chief General Manager
Telecommunications
Karnataka Circle
Bangalore-560008

.... Respondents

(By Mr. M.V. Rao, A.C.G.S.C.)

ORDER

MR. T.V. RAMANAN, MEMBER(A)

Mr. P. Pinto, applicant, present. Mr. M.V. Rao, A.C.G.S.C. produces a copy of the letter no.50-73/94-PAT(PART) dated 27.4.1995 from the Ministry of Communications, Department of Telecommunications to the Chief General Manager, Karnataka Telecom Circle, Bangalore, in which it is conveyed that this Tribunal's direction given in O.A.No.1232/94 filed by the applicant should be implemented subject to the outcome of the SLP being filed in that case. Shri Rao submits that

the Chief General Manager, Karnataka Telecom Circle would be issuing an order shortly enabling the applicant to draw the consequential monetary benefits as a result of the stepping up to be done in his case in pursuance of the order of this Tribunal. We also place on record the submission made by the A.C.G.S.C. We direct, respondent no.3, the Chief General Manager, Karnataka Circle to pass necessary orders in pursuance of the Ministry of Communication's letter dated 27.4.1995 and also ensure payment of the monetary benefits to the applicant within a period of one month from the date of this order without fail.

2. With this direction this Contempt Petition stands disposed of.

(T.V. RAMANAN)

MEMBER (A)

(P.K. SHYAMSUNDAR)

VICE CHAIRMAN

TRUE COPY

29/5/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

mr.