

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

- 55 -

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

6 FEB 1995  
Dated:

APPLICATION NO: 920/94 AND 1007 TO 1013/1994.

APPLICANTS:- Sri.L.Janardhana and seven others.,  
V/S.

RESPONDENTS:- The Director General,Dept of Telecommunications,  
New Delhi and two others.

To

1. Sri.K.V.Suryanarayanaiah, Advocate,  
No.HL-587, Fort, Krishnarajapuram,  
Bangalore-560 036.
2. Sri.G.Santhappa, Additional Central  
Govt.Stng.Counsel, High Court Bldg,  
Bangalore-560 001.

Recd Copy  
Kb  
Shanthappa  
6/2/95

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 27-01-1995.

Issued on  
6/2/95  
g..

DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: :BANGALORE

ORIGINAL APPLICATION NOS. 920/94 AND 1007 TO 1013/94

FRIDAY, THE TWENTY SEVENTH DAY OF JANUARY, 1995

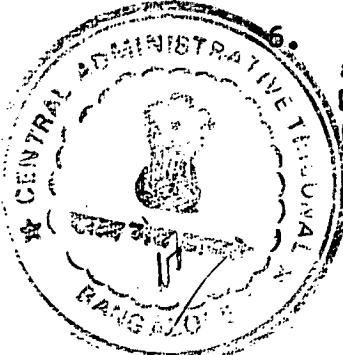
SHRI V.RAMAKRISHNAN.

... MEMBER (A)

SHRI A.N.VUJJANARADHYA.

... MEMBER (J)

1. Sri L.Janardhana,  
aged about 29 years,  
S/o N.H.Lakshmikanthan,  
No.91, VAISHNAVI,  
2nd Stage, Teachers' Colony,  
Banashankari 2nd Stage,  
Bangalore-560 070.
2. Sri S.Chandrasekaran,  
aged about 42 years,  
S/o P.Sethuraman,  
No.607A, 8th Main, HAL 3rd Stage,  
Bangalore-560 075.
3. Sri R.Venkatesha,  
S/o B.Ramarao,  
No.1367, West of Chord Road,  
2nd Stage, Mahalakshmiapuram,  
Bangalore-560 086.
4. Sri Sreekanth K.G.,  
aged about 31 years,  
S/o Ganesha Rao,  
No.2674, II Stage 11th Main,  
Rajajinagar, Bangalore-560 021.
5. Sri K.Shivaraju,  
aged about 33 years,  
S/o Kalaiah,  
No.166, K.S.R.T.C. Qrtrs,  
Shanthinagar, Bangalore-560 027.
6. Kumari Rajeshwari B.Holennavar,  
aged about 30 years,  
D/o Basavalingappa M.Holennavar,  
C/o Sudarshan Womens Hostel,  
683, II Stage, III Main West of Chord Road,  
Bangalore-560 086.



7. Sri K.Sankaran,  
aged about 33 years,  
S/o S.R.Krishnaswamy,  
No.142, 11th Main Road,  
Vasanthanagar,  
Bangalore-560 052.

8. Sri Rudrappa,  
aged about 38 years,  
S/o Lingappa,  
Assistant Superintendent (TT),  
D.T.O. Vijayanagar, Bangalore-560 040  
residing at No.2297, 3rd 'B' Main,  
R.P.C.Layout,  
Vijayanagar II Stage,  
Bangalore-560 040

...Applicants

(Applicants 1 to 7 are working as Assistant  
Suprsgintendents, Telegraph Traffic, Central  
Telegraph Office, Bangalore-560 001.)

By Advocate Shri K.V. Suryanarayanaiah

Versus

1. Union of India,  
By the Director General,  
Department of Telecommunications,  
New Delhi-110 001.

2. The Chief General Manager,  
Department of Telecommunications,  
Karnataka Circle,  
Bangalore-560 008.

3. The Chief Supreintendent,  
Central Telegraph Office,  
Bangalore-560 001.

...Respondents

By A.C.G.S.C. Shri G.Shantappa.

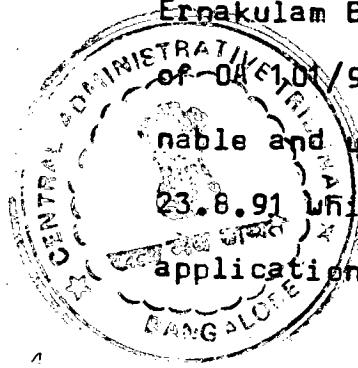
O R D E R

Shri V.Ramakrishnan, Member (A)

The applicants in this case are aggrieved  
by the fact that pre-promotional training undergone by  
them before appointment to the post of ASTT has not been  
treated as duty.

2. The applicants, who were Telecom Assistant were selected for appointment by promotion to the post of ASTT in the competitive examination. As per the rules, they are required to undergo training for a period of nine months and on completion of training, all of them were appointed to the higher post. The question of counting training period for the purpose of drawing increment was considered by the Government and it was decided as per OM dated 22.10.90 as at Annexure A2 that such training will be treated as duty for the purpose of drawing increments. This OM was issued by the Ministry of Personnel & Training. It was subsequently clarified by the Department of Telecommunications in its letter dated 23.8.91 that this benefit would be available only in the case of direct recruits and that the orders are effective only when the appointment takes place only on or after 1.10.93. On the basis of the clarification, the department has denied the benefit of counting the training period as duty to the applicants, as they are promotees. Aggrieved by this decision, the applicants are before us.

3. Some promotees had approached before Ernakulam Bench of this Tribunal, the question that the restriction of benefit only to direct recruits is not justified by the Ernakulam Bench of this Tribunal. The Ernakulam Bench by its decision dated 15.10.92 in respect of O.M. 1/92 had held that such restriction is unreasonable and unjustified and had quashed the orders dated 23.8.91 which is shown as Annexure A3 in the present application. The effect of the decision of the Ernakulam



Bench is that the benefit of treating the training period as duty will be available to all persons who had undergone training irrespective of whether they are direct recruits or promotees. It is also relevant to mention that the Bangalore Bench of the Tribunal in OA 156/92 has held by its decision dated 26th March, 93 that this benefit will be available not only to those who are appointed on or after 1.10.90 but also to the earlier appointees.

4. Following the decision of Ernakulam Bench referred to supra, we hold that the department's action in denying the benefit to the promotees is unjustified and unreasonable. Accordingly, we direct that the benefit should be extended to the applicants also who are promotees and the training period will be treated as duty for the purpose of increment notification and the actual financial benefit will be available to them from 9.6.93 i.e. one year prior to the date of filing of this applications. The department

will extend the benefit flowing from this order within two months from the date of receipt of copy of this order.

With the above observations, the application is finally disposed of with no orders as to cost.



5.  
(A. N. VUJJANARADHYA)  
MEMBER (J)

Gaja

Sir-  
2/1/95  
(V. RAMAKRISHNAN)  
MEMBER (A)

TRUE COPY  
106/02/95  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE PENCH

—63—  
Second Floor,  
Commercial Complex  
Indiranagar,  
BANGALORE - 560 038.

Misc. Application No. 183/1995 in

Dated: 24 APR 1995

APPLICATION NO. 920 and 1007 to 1013 of 1994.

APPLICANTS: Sri. L. Janardhana and seven others.

V/S.

RESPONDENTS: The Director General, Deptt. of Telecom,  
New Delhi and two others.

To

1. Sri. K. V. Suryanarayanaiah, Advocate,  
No. HL-587, Krishnarajapuram, Fort,  
Bangalore-560 036.
2. Sri. G. Shanthappa, Additional Central  
Govt. Stng. 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 Seventeenth April, 1995. (17-04-1995.)

Issued on  
24/4/95  
A/C

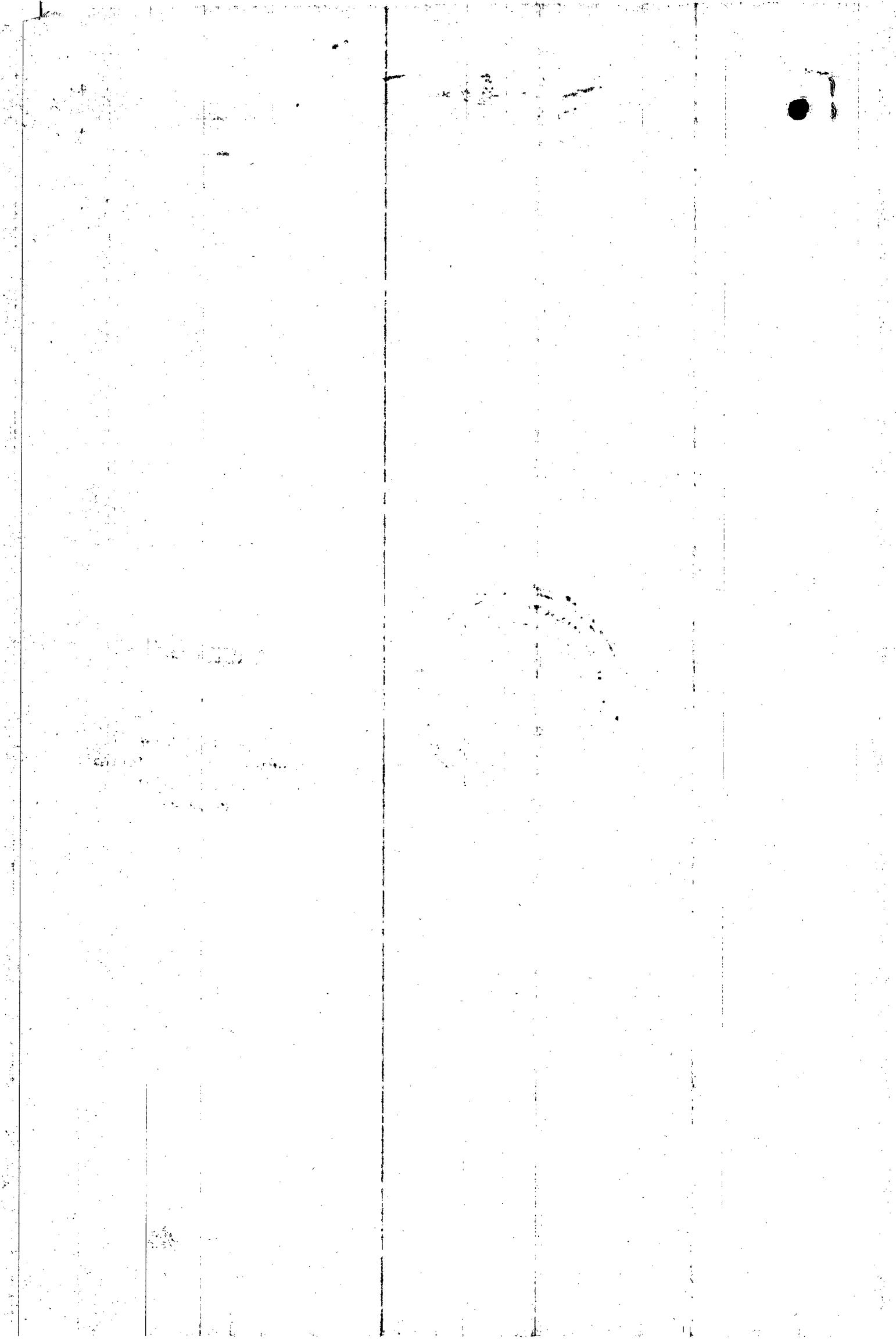
*anjaneyulu*  
A/C DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

gm\*

Sri. L. Janardhanan & Ors. v/s. The Director General, DoT, Telecom, N. Delhi.  
MA NO. 183/15 in OA 920 And 1007 to 1013/94

Date	Office Notes - 6/2/ -	Orders of Tribunal
6.2.95		<p><u>(PKS) VC / (JVR) REC'D</u> 17-04-1995</p> <p>1. Heard Sri G. Shankappa Learned Addl. Standing Counsel. 2. Time for Compliance extended by two months. NO further extension will be considered and granted. OA 183/1995 is disposed of accordingly.</p> <p>Sd/-</p>
		<p>Sd/-</p> <p><b>TRUE COPY</b></p> <p><i>10/4/1995</i></p> <p>Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>





CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH

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

Miscellaneous Application No. 276/95

IN

Dated: 26 JUN 1995

APPLICATION NO. 920 of 1994 and 1007 to 1013 of 1994.

APPLICANTS: Sri.L.Janardhana and seven others.,  
V/S.

RESPONDENTS: The Director General,Dept of Telecom,  
New Delhi and two others.,

To

1. Sri.K.V.Suryanarayanaiah, Advocate,  
No.HL~~7~~-587, Fort, Krishnarajapuram,  
Bangalore-560 036.
2. Sri.G.Shanthappa, Additional Central  
govt. standing counsel, High Court Bldg,  
Bangalore-560001.

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

---XXX---

Please find enclosed herewith a copy of the Order/  
Stay Order/Interim Order, passed by this Tribunal in the above  
mentioned application(s) on 16-06-1995.

Issued on  
26/06/95

gm\*

*fr* DEPUTY REGISTRAR  
JUDICIAL BRANCHES.

Sri. L. Janardhana & Ors 1/3. The Smt. General, D/o. Telecom,  
MA 276/95. in OAS 920 & 1007 & 1013/94 New Delhi

Date	Office Notes	TO	Orders of Tribunal
			<p><u>PKS (VC) / XVR (MA)</u> 16.6.1995 <u>ORDERS ON MA.276/1995</u></p> <p>This is the second time the respondents have sought for extension of time on the ground that some more area had to be covered to come up to the level of meeting with the directions of this Tribunal. Even so, the department had sufficient time to comply with the order. In the order itself 3 months time was given which was later extended by 2 more months. There seems to be little justification. However, acceding to the plea of the Standing Counsel we agree to extend time for 2 more months. This will be the final chance and no more extension will be given.</p>

Sd-

Sd-

M(A)

VC

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26/6/95  
Section Officer  
Central Administrative Tribunal  
Bangalore Bench  
Bangalore



-74-

In the Central Administrative Tribunal  
Bangalore Bench  
Bangalore

Application No. 920 & 1004-13 of 1995

Sri. L. Janardhana & 7 Ors. v/s. Airtel Gen. Telecom, New Delhi &c.

Office Notes	Orders of Tribunal
	<p><u>PKS VC/VR MA</u> 11th August 1995</p> <p><u>ORDERS ON MA No. 341/95:</u></p> <p>1. Heard. We see no reasons to extend time any further. The respondents already had two extensions but they do not appear to have done anything about the compliance. We are told that the department is about to file SLP but nobody is sure about it. The fact that SLP is likely to be filed is not a ground for seeking extension of time.</p> <p>MA stands accordingly rejected.</p>

Sd-

Sd-

MEMBER [A]

VICE-CHAIRMAN



TRUE COPY

24/8/95  
Section Officer

Central Administrative Tribunal  
Bangalore Bench  
Bangalore