

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

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

Dated: 8 FEB 1995

APPLICATION NO: 1103/94 and 1142 to 1149 of 1994.

APPLICANTS:- Sri.Shantharaju and eight others.,
V/S.

RESPONDENTS:- The Director General,Dept of Telecommunications,
new delhi and another.

To

1. Sri.K.V.Surayanaiah,Advocate,
No.HL-587,Fort,Krishnarajapuram,
Bangalore-560 036.
2. Sri.M.Vasudeva Rao,Additional
Central Govt.Stng.Counsel,
High Court Bldg,Bangalore-1.

*Recd copy
KVS
Advocate
10/2/95*

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
8/2/95*

9/2

[Signature]
for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NOS. 1103/94 AND 1142 TO 1149/94

FRIDAY, THE TWENTY SEVENTH DAY OF JANUARY, 1995

SHRI V.RAMAKRISHNAN.

... MEMBER (A)

SHRI A.N.VUJJANARADHYA.

... MEMBER (J)

1. Sri Shantharaju, aged about 31 years, S/o Muthyalappa, Assistant Superintendent Telegraph Traffic, Bangalore CTO, Residing at IV Cross, Nagappa Block, Srirampuram, Bangalore-21.
2. Smt. B.K.Rohini Prabhakar, aged about 42 years, W/o B.V.Prabhakar, A.S.T.T., Bangalore CTO, Residing at No.137/1A, J-5 Road, Jeevanbheemanagar, Bangalore-75.
3. Sri S.G.Joshi, aged about 36 years, S/o G.B.Joshi, A.S.T.T., Hubli CTO Residing at B.C.Angadi Buildings, Vivekanandanagar, Vidyagiri, Dhärwad.
4. Smt. Sandhya S.Patil, aged about 33 years W/o Sri P.G.Subbangouda, A.S.T.T. Hubli CTO, Residing at 'Vashista' B-48/3 Kumara Park, Gandhinagar, Hubli.
5. Sri H.A.Sridhara Jois, aged about 35 years, S/o H.Anantha Jois, A.S.T.T. Shimoga DTO, Residing at No.54, Sree Veerabhadreswara Nilaya, III Cross, I Stage, Vinobanagar, Shimoga.
6. Sri G.Srinivasa R.Kamath, aged about 35 years, S/o Rama Kamath, A.S.T.T., Mangalore CTO, Residing at Quarter No. C-7 Telecom Quarters, Telephone Exchange Compound, Pandeshwar, Mangalore-575 001.
7. Sri N.R.Galagali, aged about 43 years, S/o R.N.Galagali, A.S.T.T. Belgaum CTO, Residing at Shivkunj No.2, Athale Guruji Road, Belgaum-590 001.



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8. Sri M.M.Badami, aged about 45 years,
S/o Mallappa M.Badami, A.S.T.T.
Chikmagalur DTO, Residing at
Sangameswaranilaya, Shadimahal Road,
Chikmagalur.
9. Sri B.D.Yaragatti, aged about 33 years,
S/o B.D.Yaragatti, A.S.T.T., Mangalore CTO,
Residing at C/o Sri M.T.Shettigar,
H.No.5-84-A, Srideviprasad House,
Ganeshnagar Kodikal Road, Mangalore-6. ...Applicants

By Advocate Shri K.V.Surayananarayanaiah.

Versus

1. Union of India,
by the Director General,
Department of Telecommunications,
New Delhi.
2. The Chief General Manager,
Department of Telecommunications,
Karnataka Circle,
Bangalore.

...Respondents

By A.C.G.S.C. Shri M.Vasudeva Rao.

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 Assistants 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

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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 1.10.90. 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 ~~applied~~ 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 OA 101/92 had held that such restriction is unreasonable and unjustified and had quashed the orders dated 23.8.91 which is known 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

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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 were promotees and the training period will be treated as duty for the purpose of increment notionally and the actual financial benefit will be available to them from 19.7.93 i.e. one year prior to the date of filing of these applications. The department will extend the benefit flowing from this order within two months from the date of receipt of copy of this order.

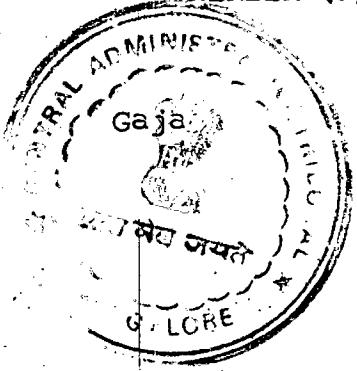
5. With the above observations, the applications are finally disposed of with no orders as to cost.

Sd/-

Sd/-

(A.N.VUJJANARADHYA)
MEMBER (J)

(V.RAMAKRISHNAN)
MEMBER (A)



TRUE COPY
20/7/93
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Miscellaneous Appn. No. 191 of 1995 in

Dated: 27 APR 1995

APPLICATION NO. 1103 of 1994 and 1142 to 1149 of 1994.

APPLICANTS: Sri. Shantharaju and eight others.,

V/S.

RESPONDENTS: The Director General, Deptt. of Telecommunications,
New Delhi and another.

To

1. Sri. K. V. Surayana Rayanaiah, Advocate,
No. HL 7587, Fort Krishnarejapuram,
Bangalore-560 036.
2. Sri. M. Vasudeva Rao, Additional Central
Govt. Standing Counsel, High Court Bldg,
Bangalore-560 001.

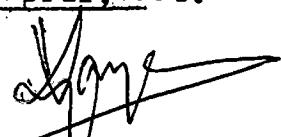
Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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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 20th April, 1995.

Issued on
27/04/95

9/2

for 
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

Sri. Shanthanu & Ors. v/s. The Director General, Telecommunications
New Delhi & Ors
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CA Nos 1103 & 1142 to 1149/96

Date	Office Notes	Orders of Tribunal
		<p>VR(MA) [ANN(MJ)] 20.4.95</p> <p>Heard. MA. 191/95 is allowed granting extension of time by another period of 3 months from 17.4.95</p> <p>Sd/- m(J)</p> <p>Sd/- N. ... m(A)</p> <p>TRUE COPY</p> <p><i>Shyam</i> 20/4/95</p> <p>Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p>

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 036.

Miscellaneous Appln.No.315 of 1995 in Dated: 28 JUL 1995

APPLICATION NO. 1103 of 1994 and 1142 to 1149 of 1994.

APPLICANTS: Sri.Shantharaju and eight others.,
V/S.

RESPONDENTS: The Director General,Dept of Telecommunications,
New Delhi and another.

To

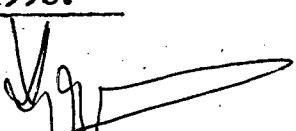
1. Sri.K.V.Suryanarayanaiah,Advocate,
No.HL-587, Fort,Krishnarajapuram,
Bangalore-560 036.
2. Sri.M.Vasudeva Rao,Additional Central
Govt.Standing Counsel,High Court Bldg,
Bangalore-1.

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 19-07-1995.

Issued on
28/07/95


for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm* 0/C

Sri. Shantharajulu & 8 others vs. The Lt. Gen. Telecommunications
MA No. 315/95 in OAs 1103/94 & 1112 to 1149/94 New Delhi 100011

Date

Office Notes

Orders of Tribunal

VR(MA)

19-7-1995

Heard Shri. M. V. Rao.
Extension of time is by two
more months up to 16-9-1995 is
granted as last chance.

Sd-

TRUE COPY M(A)


27/7/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore



In the Central Administrative Tribunal

Bangalore Bench

Bangalore

MA NO. 401/95 in OA 1103/94 & 1142 to 1149/94.

Point.

Application No. of 199

ORDER SHEET (Contd.)

Sri. Shantharaju & Ors v/s. The Director General, DoT. *Customs N. Della & Ors*

Date | Office Notes | Orders of Tribunal

VR (MA)

25.9.95.

I have heard Shri M.V. Rao in MA 401/95 in OA 1103/94 & 1142 to 1149/94 praying for extension of time by a period of three more months to comply with the directions of the Tribunal. I find that adequate time has been given by the Tribunal earlier and no new material has been produced by the respondents which would warrant acceding to their request and in the circumstances the MA 401/95 is rejected.



Sd/-
TRUE COPY

04/10/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

M(A)