

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 030.

Dated: 31 MAR 1995

APPLICATION NO. 785 of 1994 and 893 to 904 of 1994.

APPLICANTS: Sri.P.N.Hampiholy and twelve others,
v/s.

RESPONDENTS: District Manager(Telecom),Srinath Complex,
Hubli and four others.,

To

1. Sri.M.B.Nargund, Advocate,
No.799,Third Main,Fourth Block,
Rajajinagar,Bangalore-560 010.
2. Sri.G.Shanthappa, Additional Central
government 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 20-03-1995.

Issued on
31/03/95

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NOS. 785/1994
AND 893 TO 904/1994

DATED THIS THE TWENTIETH DAY OF MARCH, 1995

MR. V. RAMAKRISHNAN, MEMBER(A)

MR. A.N. VUJJANARADHYA, MEMBER (J)

1. Mr. P.N. Hampiholy
Technical Supervisor
Office of the Asstt. Engineer
(Trunk), Hubli.
2. Mr. V.D. Dodawad
Technical Supervisor
Telephone Exchange,
Haveri.
3. Mr. S.Y. Bedi
Technical Supervisor
Auto Exchange
Hubli.
4. Mr. D.Y. Tarikere
Technical Supervisor
Auto Exchange, Hubli.
5. Mr. G.H. Gulahi
Telephone Supervisor
Telephone Exchange
Belgaum.
6. Mr. N.A. Ghaste
Supervisor
T.O.M. Office
Belgaum.
7. Mr. S.R. Urankar
Technical Supervisor
Tax Exchange, Belgaum.
8. Mr. A.R. Urankar
Technical Supervisor
Cross Bar Exchange
Belgaum.
9. Mr. A.S. Sathigeri
Technical Supervisor
Power Plant, C.T.S. Belgaum.
10. Mr. G.P. Kalyana Setty
Technical Supervisor
Auto Exchange, Gokak.
11. Mr. G.G. Sawanth
Retd. Technical Supervisor
C.T.D., Belgaum.



12. Mr. V.R. Kulkarni
Technical Supervisor under
A.E.T.M.C.
Office of the D.E.,
Engineering 14/3, Bangalore-2.

13. Y.J. patil
Office of the Accounts Officer
(Cash), G.M. Telephone Centre
Ulsoor, Dist. Bangalore.

..... Applicants

(By Advocate Mr. M.B. Nargund)

Vs.

1. Telecom District Manager
Srinath Complex
N.C.M. Hubli

2. Telecom Divisional Engineer
Davangere at Davangere.

3. Telecom District Manager
Belgaum I Belgaum.

4. The Chief General Manager of
Telecommunication, Karnataka Cricile
Gandhinagar, Bangalore-9.

5. Union of India by its Secretary
Telecom Department, Sancharbhavan
New Delhi.

..... Respondents

(By Mr. G. Shanthappa, A.C.G.S.C.)

O R D E R

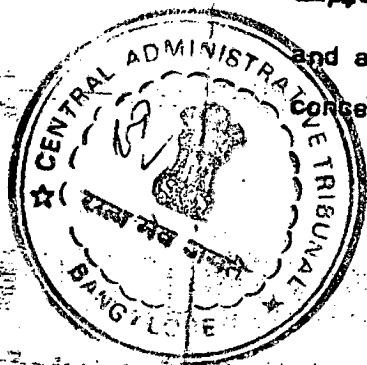
Mr. V. Ramakrishnan, Member (A):

The applicants herein have approached this Tribunal with the prayer that the department should be directed to extend to them the same benefit which has been made available to their colleagues by virtue of the direction given by this Tribunal in O.As 324 and 325/1992 and their belated options to come over to the revised pay scales should be accepted.

2. The facts in brief are as follows: The applicants are all Technicians/Operators in the Department of Telecommunications working in Karnataka/Bangalore Circles. Consequent to the recommendations of the IVth pay Commission, the pay scale of the post was revised from Rs 425-640 to Rs 1400-2300 and options were called for from the various officials to be exercised before 31.8.1988. Subsequently, there was a further circular which extended this date to 31.10.1990. The applicants contend that they have exercised their option before 31.10.1990 and acceptance of such option was recommended by the Chief General Manager, Karnataka Circle to Director General, Telecommunication, New Delhi. But the latter did not accept the belated option by its letter dated 27.11.1991. Some of the officials whose names figured in the letter dated 12.12.1990 from the Chief General Manager to the Director General Telecommunications requesting for accepting the belated options had approached this Tribunal in O.A. 324/1992. The Tribunal after considering their case struck down the department's order dated 27.11.1991 rejecting the request for acceptance of the belated options. The department was further directed to consider again the case of the applicants in that O.A. after taking into account all relevant factors and pass appropriate orders within 3 months from the date of receipt of a copy of that order.

3. We are informed that the department have implemented the directions of the Tribunal in that O.A. and allowed further 10 days time to the employees of the concerned office to exercise their option for opting the

....4/-



revised pay scale. This was done by the letter dated 25.8.1993, which is enclosed as Annexure-A4. The applicants in the present O.A. approached the department with their request that their case should also be favourably considered on the same lines as the applicants in O.A. 324/1992. The applicants claim that the department had not moved in the matter and hence they have filed this application.

3. We have heard Mr. M.B. Margund, learned counsel for the applicant and Mr. Shanthappa for the respondents department.

4. Mr. Margund submits that the Tribunal having already struck down the communication from the Ministry dated 27.11.1991 (which rejected the recommendation of the Chief General Manager to accept the belated option), the department cannot now take the plea that the present applicants are not entitled to the same benefits as admissible to the applicants in O.A. 324/1992. He further argues that the delay in exercising the option was on account of genuine and bonafide reasons and these difficulties had not been considered by the department while rejecting the request earlier and the Tribunal had rightly struck down such an order. He submits that as the case of the applicants stand on the same footing as their colleagues who had since got the reliefs by approaching this Tribunal, the same reliefs should be extended to the present applicants also.

5. Mr. Shanthappa states that unlike the applicants in O.A. 324/1992, the present applicants had not taken steps in time and they have approached the Tribunal very

late and they are not entitled to the same benefits. He, However, does not bring out any other difference between the case of the applicants in the present O.A. as compared to their colleagues who approached this Tribunal in O.A. 324/1992.

6. We have considered the submission of both sides and have gone through the relevant records. Mr. Shanthappa's argument is that the cause of action arose when the Ministry had turned down the recommendation of the Chief General Manager by the letter dated 27.11.1991 and the applicants had approached this Tribunal only on 18.4.1994. We notice that this letter dated 27.11.1991 had been struck down by the Tribunal in order dated 3.2.1992 in O.A. 324/1992. We also find that the applicants herein had submitted the representation to the department in 1993 itself followed by legal notice which was served on the department in February, 1994. The representation of the applicants to extend them the benefit has still not been disposed of by the department. Mr. Shanthappa tells us that the name of the applicants 1 to 12 were also included in the letter of the Chief General Manager dated 12.12.1990 which was rejected by the Ministry on 27.11.1991. As regards Mr. Y.J. Patil, the department's contention is that as he is serving in Bangalore District he should have made the General Manager, Bangalore Telecom as a party. Mr. Nargund at this stage submitted that Mr. Y.J. Patil was in Hubli and he had given his option when he was serving in HUBLI and he is at present in Bangalore. As regards the contention of non-joinder of parties, we find that the Chief General Manager, Karnataka Circle as also the Union of India by its Secretary,

Telecommunication, New Delhi are made parties in the present O.A. and as such there is no substance in the argument that the application in respect of applicant no.13 is bad for non-joinder of parties.

7. After taking into account all the relevant factors, we hold that the department would have done well on their own to extend the benefit of the judgement of the Tribunal in O.A. 324/1992 to similarly placed persons. We deem it appropriate to direct the respondents to extend to the applicants herein who had actually opted to come over to the revised pay scale and whose names figure in the letter dated 12.12.1990 from the Chief General Manager addressed to the Director General Telecommunication to be given the benefit extended to their colleagues in O.A. 324/1992. There is no dispute with regard to the applicants 1 to 12 as the respondents themselves in para-3 of their reply statement state that their names were also included in the report of the Chief General Manager. As regards Mr. Y.J. Patil, the benefit would be available to him provided he is the same person who figures at sl.no.11 against TDM, Hubli as referred to in the Chief General Manager's letter dated 12.12.1990.

8. With the above directions, the case is finally disposed of. No costs.



TRUE COPY

Section Officer

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

(V. RAMAKRISHNAN)
MEMBER (A)

Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Dated: 11 OCT 1995

MA 402/95 in

APPLICATION NO. OA 785/94 & 893 to 904/94

APPLICANTS: Telecom Dist Manager, Hubli & ns
V/S.

RESPONDENTS: P. N. Hampi haly and rs.

To

1. Sri. G. Shantappa,
Adl. C.G.S.C.
High Court Bldg
B'lore - 1

2. Sri. M. B. Narayana,
Advocate,
No. 799, 3rd Main Rd
4th ~~Block~~ Block, Rajaji Nagar,
B'lore - 10.

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 27-9-95

Issued on 11/10/95

gm*

En

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

In the Central Administrative Tribunal

Bangalore Bench

Bangalore

MA 402/95 for Extng Time

ORDER SHEET

in Application No. 785 of 199 Read 893 to 904 Per

Applicant

P. N. Hampiholy & 12085.

Advocate for Applicant.

Sr. P. B. Narayana.

Respondent

Dr. S. Srinivasa Murthy

Advocate for Respondent

Sr. G. Srinivasa Murthy
Respondent.

Date	Office Notes	Orders of Tribunal
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PKS (VC)/TVR (MA)
27.9.95

Heard.

Time for compliance is
extended by three more months.
No further extension.

M(A)

VC



TRUE COPY

[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Misc. Appln. No. 3 of 1996. in

Dated: **11 JAN 1996**

Application No. 785 and 893 to 904 of 1994.

Applicant(s) : Telecom District Manager, Hubli & Others.,

V/s.

Respondents : Mr. P.N. Hampiholy and others.,

To

1. Sri. G. Shanthappa, Addl. CGSC,
High Court Bldg, Bangalore-1.
2. Sri. M. B. Nargund, Advocate,
No. 799, 3rd Main Road,
Fourth Block, Rajajinagar,
Bangalore-10.

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

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- 04-01-1996.

Issued
(W. K. K. K. K.)
gm* 11.01.96

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for Deputy Registrar
Judicial Branches.

Leecom District Manager Hubli & others. v/s. P. N. Hampiholy & others.

O.A. 48548934904/94.

Date	Office Notes	Orders of Tribunal
4/1/96. <i>[Signature]</i>	<div data-bbox="404 654 1547 799" data-label="Text"><p><i>Sd-</i> <i>Sd-</i></p></div> <div data-bbox="639 867 1003 1235" data-label="Image"></div>	<div data-bbox="906 326 1172 408" data-label="Text"><p><u>PKS (VC)/VR (MA)</u> 4.1.96</p></div> <div data-bbox="906 440 1547 592" data-label="Text"><p>Heard. Time for compliance of the directions of the Tribunal is extended by a month.</p></div> <div data-bbox="1031 776 1110 821" data-label="Text"><p>M(A)</p></div> <div data-bbox="1392 776 1439 810" data-label="Text"><p>VC</p></div> <div data-bbox="1141 936 1361 982" data-label="Text"><p>TRUE COPY</p></div> <div data-bbox="1063 1083 1455 1235" data-label="Text"><p><i>[Signature]</i> 11/1/96 Section Officer Central Administrative Tribunal Bangalore Bench Bangalore</p></div>