

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 307/94 and 422/94.

Date of Decision: 17.12.1997

H.G.Joshi & Ors.

Applicant.

Shri S.P.Kulkarni

Advocate for
Applicant.

Versus

Union of India & Anr.

Respondent(s)

Shri S.S.Karkera

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. B.S.Hegde, Member(J),

Hon'ble Shri. M.R.Kolhatkar, Member(A).

- (1) To be referred to the Reporter or not?
- (2) Whether it needs to be circulated to other Benches of the Tribunal?


(B.S. HEGDE)
MEMBER(J).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

1. ORIGINAL APPLICATION NO. 307 /1994.

Wednesday, this the 17th day of December, 1997.

Coram: Hon'ble Shri B.S.Hegde, Member(J),
Hon'ble Shri M.R.Kolhatkar, Member(A).

1. H.G.Joshi,
Asstt. Chief Superintendent.
2. D.N.Rane,
Assistant Chief Superintendent.
3. S.D.Apte,
Assistant Chief Superintendent.
4. B.B.Walekar,
S.S.T. (Tfc.), Division,
Nasik.
5. P.A. Haranhalli,
Assistant Chief Superintendent.
6. N.S.Murkutkar,
Assistant Chief Superintendent,
7. M.V.Hegde,
Assistant Chief Superintendent.

(Applicants No.1 to 3 and 5 to 7
are working in CTO, Mumbai-400 001.) ... Applicants.

(By Advocate Shri S.P.Kulkarni)

V/s.

1. Union of India through
The Chairman,
Department of Telecommunication,
Sanchar Bhavan,
Ashoka Road,
New Delhi - 110 001.
2. The Chief General Manager,
Maharashtra Telecom Circle,
G.P.O. Building,
Bombay - 400 001.

... Respondents.

(By Advocate Shri S.S.Karkera)

2. Original Application No.422/94.

R.D.Chiplunkar,
Retired Ex-Superintendent,
C.T.O., Nasik,
Al/1, Krutika Hsg. Complex,
Behind Tejas Society,
Kothrud, Pune - 411 029.

(By Advocate Shri S.P.Kulkarni)

V/s.

1. The Chairman,
Department of Telecommunications,
Sanchar Bhawan,
Ashoka Road,
New Delhi - 110 001.

2. The Chief General Manager,
Maharashtra Telecom Circle,
G.P.O. Building,
Bombay - 400 001. ... Respondents.

(By-Advocate Shri S.S.Karkera)

O R D E R

(Per Shri B.S.Hegde, Member(J))

Heard Shri S.P.Kulkarni, counsel for the applicants and Shri S.S.Karkera, counsel for the respondents.

2. The learned counsel for the respondents draws our attention to the recent decision of the Supreme Court in the case of Union of India & Ors. V/s. R.Swaminathan etc. etc. (1997(2) S.C. SLJ 383). Pursuant to the Supreme Court direction, the Mumbai Bench of the Tribunal vide order dt. 27.10.1997 in O.A. 1253/96 was disposed of by passing the following order :

" The point in dispute has been covered by a recent decision of the Apex Court reported in (1997 SC SLJ 383) Union of India & Ors. V/s. R. Swaminathan etc. etc., where an identical question arose for consideration and the Supreme Court has observed that if the junior is getting higher pay on account of ad-hoc promotion, the senior cannot get more pay on that ground. In our view, the point raised by the applicant has been covered by the above decision of the Apex Court and, therefore, the applicant is not entitled to any relief in the present application.

The learned counsel for the applicant made a submission that the applicants before the Supreme Court have filed a Review Application and, therefore, the applicant's right may be protected, in case the Review application is allowed by the Apex Court. We only observe that if and when the Review Application is allowed and the order of the Apex Court is modified or reversed, then liberty is given to the applicant to move this Court for review of this order according to law.

3. The O.A. is disposed of accordingly. No costs!
3. The learned counsel for the applicants submitted

that in case the Review Application filed before the Supreme Court is allowed then he should be given liberty to approach this Tribunal. The applicants are given liberty to approach this Tribunal in case the Review Application is allowed and the order of the Apex Court is modified or reversed.

4. The O.A. is disposed of accordingly. No costs.

M.R.Kolhatkar

(M.R.KOLHATKAR)
MEMBER(A)

B.S.Hegde

(B.S. HEGDE)
MEMBER(J).

B.