

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 1204/94

Date of Decision: 26.8.1999

Bharatiya Telecommunication Technicians Union, & Ors.
Applicant.

Shri H.Y.Deo

Advocate for
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Shri S.S.Karkera for Shri P.M.Pradhan

Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. D.S.Baweja, Member (A)

Hon'ble Shri. A.M.Sivadas, Member (J)

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

D.S.Baweja
(D.S.BAWEJA)
MEMBER (A) *✓*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA NO. 1204/94

Thursday this the 26th day of August, 1999

CORAM : Hon'ble Shri D.S.Bawej, Member (A)
Hon'ble Shri A.M.Sivadas, Member (J)

1. Bharatiya Telecommunication
Technicians Union,
Maharashtra Circle.
Through: Shri. U.P. Gadekar
Circle Secretary

2. Shri. U.P. Gadekar
3. Shri. N.J. Upasani
4. Shri. V.V. Juvekar
5. Shri. J.P. Purandare
6. Shri. S.R. Deshpande

(Applicants at Sri.No. 2 to 6 are working
as Technicians, under G.M. Pune Telecom)

7. Shri. V.P. Nirmal
8. Shri. H.V. Bhope
9. Shri. K.S. Wakhure
10. Shri. S.J. Kulkarni
11. Shri. M.N. Malekar
12. Shri. A.B. Karale
13. Shri. A.G. Shaikh
14. Shri. D.S. ^H Shinde
15. Shri. V.D. Bhawar
16. Shri. R.K. Kshirsagar
17. Shri. A.N. Ingale
18. Shri. A.G. Gagare
19. Shri. K.Y. Kadagadkai
20. Shri. S.B. Raut
21. Shri. V.D. Dixit
22. Shri. D.B. Aglawe
23. Shri. V.B. Kakade
24. Shri. C.M. Surpure
25. Shri. B.G. Deshmukh
26. Shri. G.S. Salunke
27. Shri. R.B. Nikam

28. Shri. A.S. Sali
29. Shri. S.K. Kakade
30. Shri. A.N. Muttyal
31. Shri. S.Y. Pathak
32. Shri. R.K. Shekade
33. Shri. R.B. Shukre
34. Shri. R.B. Wable
35. Shri. S.S. Mhaske
36. Shri. D.B. Misal
37. Shri. P.S. Unde
38. Shri. S.L. Auti
39. Shri. B.D. ~~Daifale~~ Dahipale
40. Shri. S.B. Borkar
41. Shri. R.M. Khan
42. Shri. S.V. Unde
43. Shri. P.A. Ransing
44. Shri. M.V. Garad
45. Shri. S.B. Shaikh
46. Shri. D.V. Waghmare
47. Shri. W.A. Kotecha
48. Shri. I.A.S. Naveed
49. Shri. B.N. Toradmal
50. Shri. R.H. Zinjurke
51. Shri. K.B. Shevate
52. Shri. N.R. Gorhe
53. Shri. P.G. Kulkarni
54. Shri. K.B. Shaikh
55. Shri. S.S. Suryawanshi
56. Shri. V.K. Joshi
57. Shri. J.P. Chawan
58. Shri. A.U. Inamdar
59. Shri. ~~B~~ M. Gaykar
60. Shri. S.S. Kulkarni
61. Shri. R.K. Chumble

62. Shri. G.R. Mojad
 63. Shri. A.M. Thombre
 64. Shri. T.P. Shelke

(Applicants at Srl.No. 7 to 64 are working as Technicians, under T.D.M. Ahmednagar)

65. Shri. D.K. Pacharne
 66. Shri. S.G. Borsarkar

(Applicants at Srl.No. 65 and 66 are working as Technicians, under Director Maintenance, Pune, and Aurangabad respectively)

67. Shri. V.M. Jawale
 68. Shri. R.S. Daithankar

69. Shri. S.K. Pathan

70. Shri. S.C. Vyas

71. Shri. C.N. Mapari

72. Shri. A.A. Khan

73. Shri. B.Y. Jadhav

74. Shri. P.M. Bhuyar

75. Shri. R.M. Sardar

76. Shri. K.A. Pathan

77. Shri. D.A. Kshirsagar

78. Shri. S.B. Salve

79. Shri. A.N. Nikam

80. Shri. S.M. Joshi

81. Shri. W.S. Nirantar

82. Shri. A.S. Patil

83. Shri. P.P. Vaidya

84. Shri. V.J. Dhande

85. Shri. V.S. Latpate

86. Shri. M.G. Maid

87. Shri. N.S. Gonewad

88. Shri. P.N. Kolte

89. Shri. G.D. Deshpande

90. Shri. N.D. Shaikh

91. Shri. N.M. Atre

92. Shri. B.V. Joshi
93. Shri. N.D. Khisty
94. Shri. J.R. Hishwankar
95. Shri. A.K. Gawai
96. Shri. P.Y. Gawande
97. Shri. R.V. Thakare
98. Shri. S.N. Ladde
99. Shri. N.B. Kulkarni
100. Shri. B.V. Apshingikar
101. Shri. P.B. Waikos
102. Shri. Md. Azimuddin
103. Shri. S.B. Lahane
104. Shri. D.R. Deshpande
105. Shri. M.R. Shaikh
106. Shri. H.H. Vaidya
107. Smt. S.M. Bhatmuley
108. Shri. V.P. Dikkar
109. Shri. R.N. Bhavsar
110. Shri. S.R. Kathar
111. Shri. G.A. Khobare
112. Shri. R.U. Ankush
113. Shri. B.G. Lahane
114. Shri. M.K. Bankar
115. Shri. J.A. Moghale
116. Shri. S.N. Patil
117. Shri. B.T. Bansod
118. Shri. P.S. Kulkarni
119. Shri. R.R. Deshmukh
120. Shri. S.A. Dhore
21. Shri. G.S. Upadhyा
22. Shri. I.M. Khan
23. Shri. S.D. Vaidya
124. Shri. V.V. Hattekar
125. Shri. J.O. Gawai

126. Shri. L.D. Nikam
 (Applicants at Srl.No. 67 to 126 are working as Technicians, under T.D.E. Aurangabad)

127. Shri. B.N. Wagh

128. Shri. K.S. Pathare

129. Shri. S.N. Khobragade
 (Applicants at Srl.No. 127 to 129 are working as Technicians, under T.D.M. Ahmednagar)

130. Shri. D.R. Waikos

131. Shri. Mohd. Attequddin
 (Applicants at Srl.No. 130 and 131 are working as Technicians, under T.D.E. Aurangabad)

132. Shri. A.R. ~~Paranjape~~ Paranjape

133. Shri. S.G. Kulkarni

134. Shri. R.R. Ghauge

135. Shri. D.R. Lakhole

136. Shri. A.R. Kulkarni

137. Shri. S.D. Thorve

138. Shri. J.M. Dhokne

139. Shri. G.S. Deshpande

140. Shri. V.A. Doifode

141. Shri. A.S. Thorave

142. Shri. B.G. Joshi

143. Shri. A.M. Joshi

144. Shri. A.T. Doifode

145. Shri. K.S. Koranne
 (Applicants at Srl.No. 132 to 145 are working as Technicians, under T.D.E. Jalana)

146. Shri. S.K. Sonawane ... APPLICANTS.
 (working as Technician under G.M.T. Pune)
 By Advocate Shri H.Y. Des
 V/S.

1. Union of India
 Through: The Chairman
 Telecam Commission
 Department of Telecommunication
 Sanchar Bhavan
 Ashoka Road
 New Delhi 110 001.

2. The Chief General Manager,
Maharashtra Telecom Circle,
G.P.O. Building,
Opp: Bombay V.T.
Bombay 400 001.

3. The Chief General Manager,
Maintenance,
(Western Telecom Region),
Telephone House, 12th Floor,
V.S. Marg, Prabhadevi,
Dadar, Bombay 400 028. ... Respondents.

By Advocate Shri S.S.Karkera
for Shri P.M.Pradhan

O R D E R (ORAL)

(Per: Shri D.S.Baweja, Member (A)

This application has been filed jointly by Bharatiya Telecommunication Technicians Union, Maharashtra Circle and other 145 applicants who are all working as Technicians in various offices in the Telecommunication department in Maharashtra Circle and are members of the Union. The applicants have sought the relief of directing the respondents to treat the period spent on training as on duty for the purpose of grant of increment.

2. All the applicants were directly recruited as Technicians before 1.1.1986. As per the laid down rules, they were required to undergo training before being posted on the post. It is further stated that some applicants underwent 12 months of the training and others were subjected to 15 months of training.

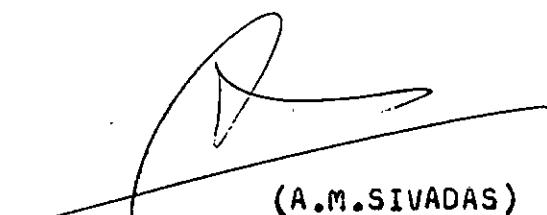
Their case is that the other categories like Clerks and Operators who are also recruited in the same scale have to undergo training of only 3 months. It was therefore the case of the applicants that they are at disadvantage and their training period should be treated as on duty for the purpose of earning increment. The applicants have brought out that the respondents as per order dated 22.10.1990 had provided that the benefit of counting the training period for the purpose of earning increment will be given to those who had undergone training after 1.10.1990. This cut-off date was further modified as per the O.M. dated 31.3.1992 wherein it was provided that those who have undergone training after 1.1.1986 will be given benefit of counting the training period for earning increment. The respondents' submit that the applicants have undergone training before 1.1.1986 and therefore are not entitled to the benefit of O.M. dated 31.3.1992. It is the case of the applicants that implementation of the cut-off date of 1.1.1986 for counting the training period for the purpose of increment is discriminatory and violates the provisions of Articles 14 and 16 of the Constitution of India.

3. The respondents have filed written reply opposing the application. Applicants have not filed rejoinder reply. (Q)

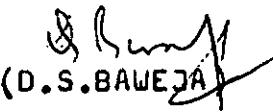
4. Heard the arguments of Shri H.Y.Deo, learned counsel for the applicants and Shri S.S.Karkera on behalf of Shri P.M.Pradhan, learned counsel for the respondents.

5. The learned counsel for the respondents brought out during the arguments that the issue raised in the present OA. is no longer res-integra as the matter has been since decided by the Full Bench through its order dated 22.1.1996 in OA.NO. 1295/94 and OA.NO. 79/95. The counsel for the respondents made available a copy of this order. On going through the order, we find that the issue involved in the present OA. is already gone into in this order. The Full Bench in para 29 has held that the stipulation of cut-off date of 1.1.1986 is valid. In view of this decision, we do not consider it necessary to go into the contentions raised in the OA. The relief prayed for by the applicants cannot be allowed in view of the decision of the Full Bench.

6. In the result of the above, the OA. stands dismissed with no order as to costs.



(A.M.SIVADAS)
MEMBER (J)



(D.S.BAWEDA)
MEMBER (A)

mrj.