

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH/HYDERABAD.

(29)

O.A.No. 323/91.

Date of Decision: 18.8.92

XXXXXX

M.A.Majeed & another

Petitioner.

Shri P.Naveen Rao

Advocate for  
the Petitioner(s)

Versus

The Chief General Manager, Telecom., A.P.Circle,  
Dept. of Telecommunications, Govt. of India,  
Triveni Complex, Hyderabad-500001 & another Respondent.

Shri N.V.Ramana, Addl. CGSC

Advocate for  
the Respondent  
(s)

COPM:

THE HON'BLE MR. R.Balasubramanian : Member(A)

THE HON'BLE MR. C.J.Roy : Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporters or not ?
3. whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on Columns 1,2,4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

NS

HRBS  
M(A).

HCJR  
M(J).

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.323/91.

Date of Judgement 18.8.92 (30)

1. M.A.Majeed  
2. Md. Ankoos

.. Applicants

Vs.

1. The Chief General Manager,  
Telecom., A.P.Circle,  
Dept. of Telecommunications,  
Govt. of India, Triveni Complex,  
Hyderabad-500001.

2. The Supdt., Telegraph Traffic,  
Warangal Division,  
Dept. of Telecommunications,  
Govt. of India,  
Warangal-506002.

.. Respondents

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Counsel for the Applicants : Shri P.Naveen Rao

Counsel for the Respondents: Shri N.V.Ramana, Addl. CGSC

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CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

X Judgement as per Hon'ble Shri R.Balasubramanian, Member(A) X

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This application has been filed by Shri M.A.Majeed & another against the Chief General Manager, Telecom., A.P.Circle, Dept. of Telecommunications, Govt. of India, Triveni Complex, Hyderabad-500001 & another under section 19 of the Administrative Tribunals Act, 1985. The prayer in the O.A. is for a direction to the respondents to fix the pay and allowances of the applicants on par with their juniors like Shri G.Venkataiah with all consequential benefits.

2. The applicants joined the erstwhile P&T Department in 1954 and 1957. In 1981, the applicants who were working in the Postal Wing opted to go over to the District Telegraph Office when the new Telegraph Office was set up. On 14.8.81, they were appointed as Telegraphmen. Subsequently, they had secured promotion under different schemes. In two draft seniority lists issued in 1985 and 1988 they were shown senior to person like one Shri G.Venkataiah. All of a sudden, in another

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seniority list issued on 5.7.89 the applicants were shown junior to Shri G.Venkataiah. They have challenged this reversal in O.A.No.935/90 which is stated to be pending. This apart, their pay was lower than that of Shri G.Venkataiah who is their junior

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O.A. They represented against it and finally vide letter No.TAC/TT/Genl/89-90 dt. 2.2.90 the Chief General Manager, Telecom., A.P.Circle, Hyderabad informed them that their pay cannot be stepped up on par with their junior Shri G.Venkataiah since the latter had been promoted in June, 1974 itself in the Telecom. Wing much earlier than seniors like the applicants who were in the Postal Wing at that time. Aggrieved, the applicants have filed this O.A.

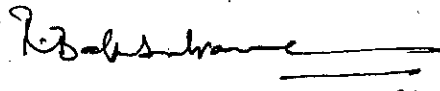
3. The respondents have filed a counter affidavit and opposed the application. It is stated that whenever combined offices handling both postal and primary telegraph facilities are upgraded to independent telegraph offices, the Telegraph Messengers working in the Telegraph Branch had been taken on Telegraph side and their interse seniority is protected. The thrust of their case is that Shri G.Venkataiah was promoted to the Selection Grade in June, 1974 itself and the applicants who joined the Telecom. Wing much later cannot claim parity with his pay.

4. We have examined the case and heard the rival sides. The main question is whether stepping up of pay of the applicants on par with that of their junior is permissible or not.


5. The applicants belonged to the Postal Wing. They came over to the Telegraph Branch only in August, 1981. As against this, Shri G.Venkataiah, to whose pay the applicants want theirs to be stepped up, belonged to the Telegraph Branch right from the beginning. He had been promoted regularly and not fortuitously, in June, 1974 itself. *On the question of seniority,* In fact, we find from the file of O.A.No.935/90 that the O.A. had been disposed of on 18.12.91 to the advantage of the applicants.

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6. The applicants though senior to Shri G.Venkataiah do not fulfil the conditions laid down in Govt. of India orders under F.R.22 (Govt. of India, Ministry of Finance O.M.No.F.2(78)- E.III(A)/66 dt. 4.2.66) <sup>for stepping up of pay.</sup> Shri G.Venkataiah was promoted long back and his pay was accordingly fixed in June, 1974 itself much longer before the applicants joined the Telecom. Wing. There is no provision in the rules to step up pay in such cases. Under these circumstances, the application is dismissed with no order as to costs.

  
( R.Balasubramanian )  
Member(A).

  
( C.J.Roy )  
Member(J).

  
Dated: 18<sup>th</sup> August, 1992.

  
Deputy Registrar(J)

To

1. The Chief General Manager, Telecom.,  
A.P.Circle, Dept. of Telecommunications,  
Govt. of India, Tribeni Complex,  
Hyderabad-1.
2. The Superintendent, Telegraph Traffic,  
Warangal Division, Dept. of Telecommunications,  
Govt. of India, Warangal-2.
3. One copy to Mr.P.Naveen Rao, Advocate,  
MIG II B16/R2, Baghlingampally, Hyderabad
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Hon'ble Mr.C.J.Roy : Member(J)CAT.Hyd.
6. One spare copy.

pvm.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE MR.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :  
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 18-8-1992

ORDER / JUDGMENT

~~R.A./C.A./M.A. No~~

in

O.A.No. 323/91

~~T.A.No.~~ (W.P.No)

Admitted and interim directions  
issued

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs

pvm.

