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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.556/91

Date of Order: 19.1.94

BETWEEN:

B.Dayananda Reddy

-- Applicant.

A N D

Union of India represented by:

1. The Chairman, Telecom Commission,  
New Delhi.
2. The Chief General Manager,  
Telecommunications, Hyderabad.
3. The Senior Superintendent,  
Tele Traffic, Vijayawada.

-- Respondents.

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Counsel for the Applicant

-- Mr.K.S.R.Anjaneyulu

Counsel for the Respondents

-- Mr.N.V.Ramana

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CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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*5/8/94*  
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Order of the Division Bench delivered by  
Hon'ble Shri A.B.Gorthi, Member (Admn.).

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The relief claimed in this application is that on the lines of the judgement of the Principal Bench of the Tribunal in O.A.1627/87, the pay of the applicant be stepped up equal to the level of his next junior, with all consequential benefits.

2. The applicant was appointed as a Telegraphist on 19.3.64 and was promoted to the post of Assistant Superintendent Telegraph Traffic after being duly selected, w.e.f. 28.9.82. With the introduction of the one time bound promotion (non functional selection grade), some of his juniors who were not promoted to the post of A.S.T.T. were given the benefit of such promotion w.e.f. 30.11.83. Mr.K.R.Sastry who was junior to the applicant in the grade of Telegraphist received such one Time Bound promotion and was later on promoted as Assistant Superintendent of Tele Traffic on 31.5.84. The pay of the applicant as on 31.5.84 was Rs.500/- only whereas that of Mr.K.R.Sastry was fixed at Rs.530/- as A.S.T.T.

3. A similar case had come up for consideration before the Principal Bench of the Tribunal in O.A.1627/87 which was decided on 28.4.89. In that case the Tribunal held that the policy decision of the Government of India as contain in decision No.10 below F.R.22(C) dated 15.2.83 secondly applied to a case of this nature and consequently the pay of the senior had to be stepped up equal to that of his immediate junior. The operative portion of the judgement in OA.1627/87 is re-produced below:-

20/10/89  
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To

1. The Chairman, Telecom Commission,  
Union of India, New Delhi.
2. The Chief General Manager,  
Telecommunications, Hyderabad.
3. The Senior Superintendent, Tele Traffic, vijayawada.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
5. One copy to Mr.N.v.Ramana, Addl CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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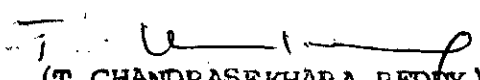
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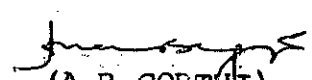
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"In the result, we allow the present application and quash the impugned orders dated 15.1.1987 and 18.9.1987 and direct the respondents to step up the pay of the applicant to the level of his next junior. The applicant would also be entitled to the consequential relief by way of payment of arrears arising from stepping up of pay. The respondents shall comply with the above directions within one month of the receipt of a copy of this order. There will be no order as to costs."

4. The respondents despite having been given adequate opportunity, did not choose to file a counter. Learned counsel for the respondents however drew our attention to a communication dated 13.11.1991 from the Directorate of Telecom Department which is to the effect that the benefit of the judgement in O.A.1627/87 would be restricted to the applicant therein only and that it was not to be extended to other similarly placed officials. We do not find the respondents version as a plausible excuse for not extending the same benefit to other similarly situated employees, as such a course of the action by the respondents would amount to discrimination violative of Articles 14 and 16 of the Constitution of India. In these circumstances, we allow the application with a direction to the respondents to notionally step up the pay of the applicant to the level of his immediate junior w.e.f. 30.11.83 with all consequential benefits. Actual <sup>monetary</sup> consequential benefits accruing to the applicant will be given to him w.e.f. 30.5.90 i.e. one year prior to the filing of this application. Arrears arising on this account will be paid to the applicant within a period of 4 months from the date of communication of this judgement. No order as to costs.

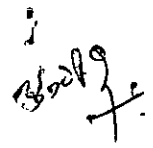
  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

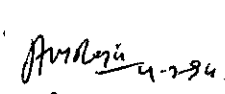
  
(A.B. GORTHI)  
Member (Admn.)

Dated: 19th January, 1994

(Dictated in Open Court)

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Deputy Registrar (J)ec