

(48)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.599/91

decided on : 2-1-95

Between:-

1. A. Venkateswarlu ✓
2. M. Venkateswararao ✓
3. K. Sarweswararao ✓
4. K. Sahadevan ✓
5. S. V. Subrahmanyam ✓
6. G. Venkateswarrao ✓
7. V. Venkata Ratnam. ✓
8. P. Lingeswararao ✓
9. A. Subhash Chandra Bose. ✓
10. M. Venkata Mohan ✓
11. B. Venkata Narayana ✓
12. P. Balarama Prasad ✓
13. T. V. Ramaiah ✓
14. Pitta Kanaka Reddy ✓
15. K. Vijayakumar ✓
16. Gadde Krishna prasad. ✓
17. Katha Venkateswarrao ✓
18. B. Mohanrao ✓
19. G. Galaiah ✓
20. T. V. Subrahmanya Sastri ✓
21. N. Sambasivarao ✓
22. K. Prasadarao ✓
23. Gudapati Venkata Krishnarao
24. Ch. Jayaram ✓
25. P. Kanakarao ✓
26. Md. Khasim ✓
27. T. Rangareddy ✓
28. A. Chandrakalaachararao

29. G. Bhaskararao ✓
30. J. Ramarao ✓
31. Ch. Bala kotaiah ✓
32. Ch. Narasaiah ✓
33. S. Venkateswarrao ✓
34. K. V. S. Sundararao ✓
35. G. Rosaiah ✓
36. A. Jayanarayana ✓
37. S. Sessa Talapasai ✓
38. K. Narasimhulu ✓
39. D. Venugopalrao ✓
40. J. Mahadevarao ✓
41. K. Narasimharao ✓
42. N. Aseervadam ✓
43. K. Bhaskararao ✓
44. Shaik Abdul Rahim ✓
45. G. Bhaskararao ✓
46. P. Gangaiah ✓
47. Ch. Mancharaiah ✓
48. M. Veera Madhusudanareddy ✓
49. Kola Gopala krishnareddy ✓
50. M. Sri Mannarayana ✓
51. T. Joshi ✓
52. Md. Ismail ✓
53. Komanduri Sitaramaswamy ✓
54. V. Naga Venkata Mohanarao ✓
55. K. Basavaiah ✓
56. V. Fakeer Ahmaed ✓
57. Vempati Srinivas. ✓
58. P. Pitchaiah ✓
59. Ammanabrolu Anjaneyulu ✓
60. Azeez Baig. ✓
61. T. Subbarao. ✓
62. Y. Siveaji ✓

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63. K. Sivajirao
64. Shaik Meerashai f-✓
65. B. B. V. S. Prasad. ✓
66. Bondili Lakshmi Narayana Singh.
67. Kotare Subba Row. ✓
68. Pothuru Mahanadur. ✓
69. Bodugu Krishnaiah. ✓
70. Yaddanapudi Prasad Rao. ✓

.. Applicants

1. The Government of India, represented by its Secretary, Department of Telecommunications, Central Secretariat, New Delhi.

2. The Chief General Manager, Telecommunications, Sanyal complex, Hyderabad.

3. The Deputy General Manager, Telecommunications, Vijayawada

.. respondents,

Counsel for the applicants : S. Satyanarayana Prasad
Advocate

Counsel for the respondents : N.V. Ramana, SC for
Central Government

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)



OA.599/91

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Sri S. Sathyanarayana Prasad, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. This OA was filed praying for direction to the respondents to implement Arbitrary Award dated 26-5-1989 in respect of the personnel working as Technical Supervisors and Technicians and to grant the increments as contemplated in the said award to the Technicians and Technical Supervisors irrespective of their basic pay scale or academic qualifications.

3. The facts which give rise to this OA are that the technicians in Telecom ~~who are given~~ the pay scales of Rs.975-1660 demanded pay scales of Rs.1400-2300. When the matter was referred to JCM, Ministry of Labour, New Delhi, the staff side demanded that the Technicians formerly known as Mechanics appointed/promoted before 1967 and thereafter, be granted advance increments from the date of their appointment. But the Department raised a plea as to whether the Technicians are eligible for advance increments in view of their long period of training and whether there is justification for grant of increments to those Technicians having higher entry qualifications than the minimum prescribed in the Recruitment Rules." The same were referred to the Board of Arbitration. The said Board passed the following award (vide page 20 of the

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material papers) on 26-5-1989, which reads as under :

"1. One advance increment be given in the scale of pay to the Mechanics/Technicians who have passed the matriculation or a recognised equivalent examination and those who have passed diploma/certificate course from an institution recognised by the Government of India for admission to which the minimum qualification is below matriculation, and who were/are appointed as Mechanic/Technician after undergoing training satisfactorily, with effect from the 16th April, 1986 or the date of appointment whichever is later.

2. An Additional increment over and above the one mentioned in clause (1) above be given to those who have passed the Diploma/Certificate Course, the duration of which is not less than one and a half years from an institution recognised by the Government of India for admission to which the minimum educational qualification is matriculation or a recognised equivalent examination and who were/are appointed as Mechanic/Technician after undergoing the prescribed training satisfactorily with effect from the 16th April, 1986 or the date of such appointment whichever is later.

3. This award shall cover all those who were in position as Mechanics/Technicians on 16th April 1986 and those who enter/entered service as Mechanic/Technician after that date.

4. This award will take effect on and from the 16th April, 1986."

4. It is stated for the respondents that it was being implemented in regard to all the eligible Technicians in the pay scale of Rs.975-1660 as on 16-4-1986.

5. The reliefs claimed by the applicants are :-

i) Even though the Technicians ^{who are} ~~were~~ not having the requisite educational qualifications referred to paras 1 to 4 above should also be given the advance increments as referred to in the said Award.

ii) Benefit of the said award has to be given ^{even} to these Technicians who were styled as Technical Supervisors, in the pay scales of Rs.1400-2300, as on 16-4-1986.

6. The Principal Bench adverted to the relief No.1 referred to above in OA.2034/90 and negatived the said claim by order dated 27-9-1991. We perused the said judgement.

We do not find any reason to differ from the same. For the

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reasons stated therein we negative the first claim as referred to.

7. As per para 21 of the JCM Scheme the recommendations of the Board of Arbitration are binding on both the parties subject to the over-riding authority of the Department.

In case the Central Government is of the opinion that any recommendations of the Board of Arbitration should be modified on the grounds that the recommendations affect the National Economy or Social Justice, it may lay before each House of Parliament, Report of the Board together with modifications it proposes, supported by reasons and thereupon the Parliament may ^{make} ~~lay~~ such modifications in the recommendations as it may deem fit.

8. Thus, it is manifest from the above, that the staff side are bound by the Award. It also makes it clear that the Government is also bound by the same subject to the extent referred to above. As such it is not open to the employee/officers to claim any relief over and above the Award.

9. It is not clear from the Award that the advance increments referred to in the Award have to be given even to the Technical Supervisors having the requisite qualifications referred to in the Award as on 16-4-1986, when they were in the pay scale of Rs.1400-2300. On perusal of the Award, it cannot be stated as to what was referred to by the Board of Arbitration. Hence, we require the respondents to produce reference. But after repeated adjournments some documents were produced. ^{The} ~~by the~~ relevant reference ^{to} of the Board of Arbitrators ^{is} ~~was~~ not available ^{in the said v-cod.} We refer to in this order the standard of staff and that of the Department, on the basis of the judgement of the Principal Bench in OA.2034/90.

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10. It may be noted that it is not a case where the Government was of the opinion that any of the recommendations of the Board of Arbitrators require any modification. Hence, we proceed on the basis that the Award dated 26-5-89 was accepted by the Government intoto.

11. Without perusing the reference to the Board of Arbitrators, it cannot be stated whether the said reference was only in regard to the Technicians who were in the scale of Rs.975-1660 or whether the said reference was also in regard to the Technical Supervisors who were in the scale of Rs.1400-2300.

12. Hence, in the circumstances, this OA has to be disposed of in regard to the second relief claimed as under :

R-1 has to look into the relevant reference made to the Board of Arbitrators, and if it shows that the said reference was also in regard to the Technical Supervisors who were in the pay scale corresponding to revised pay scale of Rs.1400-2300, R-1 has to decide as to whether the recommendations of the Board as per the Award dated 26-5-1989 required any modifications and if so the same has to be placed before both the Houses of Parliament as envisaged in the JCM Scheme. But if R-1 feels that the said recommendation does not require any modification then the Award has to be implemented even in regard to those who were working as Technical Supervisors (in the pay scale of Rs. 1400-2300 as on 16-4-1986).


13. But if the said reference does not indicate that it was also made in regard to Technical Supervisors in the then pay scale corresponding to revised pay scale of Rs.1400-2300, then the OA stands dismissed even in regard to that plea.

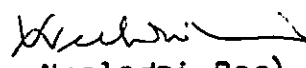
14. In the result, the OA is dismissed in regard to the relief that para-1 of the Award should be implemented even

D.S.A.

in regard to those Technicians whose educational qualification is less than the educational qualifications referred to therein.

15. It is ordered as referred to in the above para in regard to the second relief. No costs. //


(R. Rangarajan)
Member (Admn)


(V. Neeladri Rao)
Vice Chairman

Dated : January 2, 95
Dictated in the Open Court


Deputy Registrar (J) CC

To

1. The Secretary, Govt. of India,
Dept. of Telecommunications,
Central Secretariat, New Delhi.

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2. The Chief General Manager, Telecommunications,
Suryalok Complex, Hyderabad.

3. The Deputy General Manager,
Telecommunications, Vijayawada.

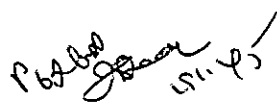
4. One copy to Mr. S. Satyanarayana Prasad, ~~CAT~~ Advocate, CAT. Hyd.

5. One copy to Mr. N. V. Ramana, Addl. OGSC. CAT. Hyd.

6. One copy to Library, CAT. Hyd.

7. One spare copy.

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5-1-95

TYPED BY

CHECKED BY

COMPARED BY

APPROVED

IN THE CENTRAL ADMINISTRATIVE APPEALS
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELAKANDH
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER

DATED: 2 - 1 - 1994

ORDER/JUDGMENT:

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

in

C.A.No. 599/91

T.A.No. (w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

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NO REPLY

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5/1/94