

(49)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.776/91.

Date of Judgement 29-1-93

- | | |
|-----------------------|-------------------------------------|
| 1. R.Subbaiah | 19. K.S.Srikanthaiah |
| 2. C.Laxmanna | 20. K.Paul Vijayam |
| 3. V.Raghavachari | 21. S.Ramzan Ali |
| 4. M.F.Disousa | 22. G.Subba Rao |
| 5. B.Bhadru | 23. S.Subba Rao |
| 6. S.Lal Saheb | 24. S.Cooper |
| 7. Ch.Chintaiah | 25. K.S.N.Murthy |
| 8. P.Jogarao | 26. K.Veerabhadrarao |
| 9. M.Narasimhamurthy | 27. P.Balaramanna |
| 10. A.Narasimham | 28. Smt. M.Seshamma |
| 11. Ch.V.Anjaneyulu | 29. B.Giriraju |
| 12. A.Anjaneyulu | 30. Md. Jilani |
| 13. K.Subba Ramaiah | 31. J.Ch.V.Ramana |
| 14. P.V.Ratnam | 32. B.Satyam |
| 15. K.Siva Rama Sarma | 33. M.Pydiraju |
| 16. N.S.Prasada Rao | 34. K.S.N.Reddy |
| 17. D.S.R.Anjaneyulu | 35. BH.Suryanarayana Murthy |
| 18. M.A.Hameed | 36. K.Narasimha,urthy .. Applicants |

Vs.

1. Union of India, Rep. by the
Secretary, Min. of Communications,
New Delhi-110001.
2. Director-General,
Dept. of Telecommunications,
Sanchar Bhavan,
20, Ashoka Road,
New Delhi-110001.
3. Chief General Manager,
Telecommunications,
Hyderabad-500001.

.. Respondents

Counsel for the Applicants :: Shri T.Jayant

Counsel for the Respondents :: Shri N.R.Devaraj, Sr. CGSC

CORAM:

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

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

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

This O.A. is filed for a direction to the respondents
to fix the pay of the applicants under F.R.22(c) w.e.f. 1.6.74
on their promotion to the post of LSG Telegraph Master in the
pay scale of Rs.425-640 with all consequential monetary benefit

.....2

50

- 2 -

2. The applicants were working as Telegraphists in the scale of Rs.260-480. They were subsequently selected and appointed as Asst. Telegraph Masters (ATMs for short) in the pay scale of Rs.380-560. Thereafter, they were promoted to the post of LSG Telegraph Masters (LSG TMs for short) in the pay scale of Rs.425-640 and it was stated in the promotion order that it involved higher ^{duties and} responsibilities. But their pay in the said scale of Rs.425-640 was fixed at the same stage at which it was drawn as ATMs in the pay scale of Rs.38-560 without applying the provisions of F.R.22(c). It is contended that their promotion as LSG TMs carries higher responsibilities than the cadre of ATMs. Some persons similar to the applicants filed an O.A. in the Principal Bench and it is stated that the Principal Bench allowed their prayer to apply F.R.22(c) ⁱⁿ ~~for~~ fixing their pay on their promotion. It is stated that a number of TMs who were promoted to the said cadre have been given the benefit of F.R.22(c) for pay fixation. The applicants represented for the same benefits and not getting any favourable response have approached this Tribunal with this O.A.

3. We have examined the case and heard Shri T.Jayant and Shri N.R.Devaraj. Shri N.R.Devaraj raised two contentions:

- (a) That the applicants were all promoted as LSG TMs long before 1.11.82 and that the Tribunal has no jurisdiction.
- (b) That their representations have not yet been replied to and their approach to the Tribunal is premature in terms of section 20 of the Administrative Tribunals Act, 1985.

4. We have given our consideration to the above two contentions. It has been consistently held by this Bench that matters of pay and allowances and pension are of recurring grievance because every month when a person receives less than what he ^{thinks his} ~~due~~ ^{aggravated} he feels ~~aggravated~~. Hence we have no difficulty in dismissing the first contention of the learned counsel for the respondents.

.....3

To

1. The Secretary, Union of India,
Ministry of Communications, New Delhi-1.
2. The Director General, Dept. of Telecommunications,
Sanchar Bhavan, 20, Ashoka Road,
New Delhi-1.
3. The Chief General Manager, Telecommunications,
Hyderabad-1.
4. One copy to Mr. T. Jayant, Advocate, CAT. Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
6. One spare copy.

pvm

As for the second contention, it is the case of the applicants that they had represented and having waited and not got any response from the respondents then only they have approached the Tribunal. We have no difficulty in dismissing this contention as well.

5. Shri. T. Jayant contended that the case is fully covered by the judgement dt. 6.5.87 of the Principal Bench in their case No. T.336/85 and also by the judgement dt. 21.7.89 of this Bench in O.A. No. 73/89. The judgement of this Bench was based on the judgement of the Principal Bench wherein it was held that promotion from the grade of ATM to LSG TM involved higher duties and responsibilities. Such being the case, the respondents were directed to apply F.R.22(c) for pay fixation. We fall in line with the decision of the Principal Bench and direct the respondents to fix the pay of the applicants also on promotion from the grade of ATM to LSG TM on the basis ~~■~~ that the latter involves higher duties and responsibilities and to apply F.R.22(c) for pay fixation. Such pay fixation will be notional from the date of their promotion as LSG TMs. Since the applicants have, however, approached us very late, the law of limitation will be applied ~~only~~ in the case of arrears. After notional pay fixation in the manner directed above, the arrears need be paid to the applicants only from 30.7.90 i.e., from the date one year prior to the date of filing this O.A. The application is accordingly disposed of with no order as to costs. The orders herein are to be carried out within 3 months from the date of receipt.

R. Balasubramanian
(R. Balasubramanian)
Member (A).

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

Dated: 29th January, 1993.

82/2/93
Deputy Registrar

page
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO : V.C.

AND

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

AND

THE HON'BLE ~~MR. CHANDRA SEKHAR REDDY~~
--MEMBER(J)

AND

THE HON'BLE MR. C. J. Roy : M(5)

DATED: 29-1-1993

~~ORDER~~/JUDGMENT:

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

S.A.No.

in

776/91

T.A.No.

(W.P.No.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs.

pvm

