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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :: HYDERABAD BENCH ::
AT HYDERABAD.

O.A.No.1071/91.

Date of Decision: 21.2.92.

Between:

1. S.Yellaiah
2. V.Yadaiah
3. C.Jagan Applicants

Vs.

1. The Chief General Manager,
Telecommunications,
Andhra Pradesh, Hyderabad.
2. The General Manager,
Hyderabad Telecom District
Hyderabad.
3. The Secretary to Govt. of
India, Ministry of Communi-
cations, New Delhi .. Respondents

For the applicants : Sri U.R.S.Gurupadam, Advocate.

For the respondents : Sri Naram Bhaskara Rao, Addl.
Standing Counsel for Central Govt.

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SHRI C.J. ROY, MEMBER (JUDL.)

(JUDGMENT OF THE BENCH AS PER HON'BLE SRI C.J.ROY, MEMBER(J) X

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This application is filed under sec. 19 of the Administrative Tribunals Act, 1985 for a direction to the respondents to adopt the pay scales approved by the C.P.W.D. in the case of Pump Operators and Assistant Pump Operators from the time the applicants are entertained in the Department of Telecom as Pump Operator.

2. The applicants joined as Pump Operators initially on two months employment basis in 1974, 1975 and 1977 respectively and were absorbed in the said post carrying the scale of pay of Rs.196-232. The applicants state that they were promoted as Jamedars by orders dt. 14-10-1981 from the said post.

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The applicants allege that the post of Jamedar is a promotion for Group 'D' cadre but not to the Pump Operator. The eligible cadre to the Asst. Pump Operator is Khalasi i.e. a Group 'D' official, and in the case of Pump Operator is Asst. Pump Operator. The applicants allege that they should have been placed in the scale of pay of Rs.210-290 instead of 196-232. It is also alleged that they should^{be} placed in the scale of Rs.210-290 for a period of 2 years and subsequently should have been promoted as pump operators in the scale of Rs.260-400. The applicants state that they had applied to the department but did not yield any fruitful result. The applicants averred that the scales of^{pay} approved by the C.P.W.D. are to be extended to the other departments of the Government of India where similar posts exist performing the same duty. The applicants alleged that the scales approved by the CPWD for the posts of Junior Engineer and D'man had been adopted, but the request of the applicants to extend the same principle for the posts of Asst. Pump Operators and Pump Operators is not adopted. The applicants allege that the action of respondents is against the directive principles contained in Art.39(2) under which it has been enacted Equal Remuneration Act, 1976 etc. The applicants state that the respondents did not consider request for adopting the pay scales inspite of repeated requests and hence filed this O.A.

3. The applicants also filed an application in M.A.No.1420/91 with a prayer to condone the delay of 4 years in preferring the O.A. The applicants stated that they were not aware of the scales given to them on their appointment as Pump Operators in 1974, 1976 and 1977 respectively and that by the time they were made aware of the situation sufficient time has passed. It is also stated that the decision of the Department

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Copy to:-

1. The Chief General Manager, Telecommunications, Andhra-Pradesh, Hyderabad.
2. The General Manager, Hyderabad Telecom District, Hyderabad.
3. The Secretary to Govt. of India, Ministry of Communications, New Delhi.
4. One copy to Shri. U.R.S. Gurupadam, advocate, CAT, Hyd.
5. One copy to Shri. N.Bhaskar Rao, Addl. CGSC, CAT, Hyd-bad.
6. One spare copy.

Rsm/-

Handwritten signature and number
57362

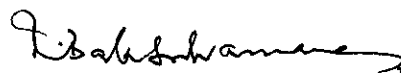
of Telecommunications, New Delhi is still awaited even-
after 11 years.

4. This case was coming up for admission hearing
along with M.A.1420/91 for condonation of delay, from
10-12-1991. The respondents were directed to file counter
but no counter has been filed by them.

5. We heard Sri U.R.S. Gurupadam, learned counsel for
applicant and Sri Naram Bhaskara Rao, Addl. Standing Counsel
for Central Govt. and perused the records carefully.

6. The learned counsel for respondents opposed the
admission and contended that the application is barred by
limitation. It is also contended that the applicants
represented in the matter in the year 1982 followed by
reminders since then. It can also be seen that the app-
licants went on representing the matter, but failed to
approach this Tribunal within the limitation prescribed
u/s. 21 of the A.T. Act. Therefore it can be seen that
there is a delay of about 11 years admittedly.

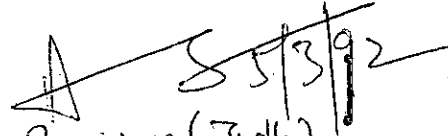
7. We, therefore, propose to dispose of this application
on the point of limitation, without going into its merits,
in admission stage. Repeated representations will not save
the delay. Admittedly there is a delay of about 11 years.
Therefore, we hold that the application is ^{hopelessly} time-barred and
accordingly dismissed. No order as to costs.


(R. BALASUBRAMANIAN)
MEMBER (A)


(C. J. ROY)
MEMBER (J)

Dated 21st February, 1992.

grh.


Dy. Registrar (Judl.)