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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD

O.A. No. CP.10/93  
T.A. No. in ~~EX~~  
OA. 462/92

Dt. of Decision 27.4.93

P.Ramanarayana Chetty and 17 others Petitioner

Mr.G.Bikshapathy Advocate for  
the petitioner  
(s)

Versus

Sri B.P.Wagle, Chairman, Telecom Commission,  
Min. of Communications, New Delhi. Respondent.

Mr. N.R.Devraj Advocate for  
the Respondent  
(s)

CORAM

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

THE HON'BLE MR. T.CHANDRASEKHARA REDD : MEMBER (JUDL.)

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
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.)

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M(A)

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(HTCSR)  
M(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.P. 10/93

in

O.A.162/92

Date of Order: 27.4.1993

BETWEEN:

1. P.Ramanarayana Chetty
2. N.Nagaiah
3. S.Subhash Chandra
4. G.S.Sastry
5. S.V.K.S. Sarma
6. S.Devadas
7. K.V.Singh
8. P.David Raju
9. K.T.Srinivas Gopal
10. A.Venkateswar Rao
11. P.Sunder Rao
12. P.Krupachary
13. T.Sambasiwa Rao
14. M.Venkateswara Rao
15. G.Srinivas Rao
16. S.Vijay Kumar
17. S.B.G.V.Prasada Rao
18. G.Suryanarayana

.. Petitioners/Applicants.

A N D

Sri H.P.Wagle, Chairman, Telecom  
Commission, Ministry of Communications  
Department, Telecommunications,  
Samachar Bhavan, New Delhi - 110 001. .. Respondent/Respondent.

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Counsel for the applicants .. Mr.G.Bikshapathy

Counsel for the Respondents .. Mr.N.R.Devraj

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CORAM:

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

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

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10/93

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

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In this Contempt Petition the allegation is that our judgement in OA.162/92 dt. 12.3.1992 has not been complied by the respondent who was respondent No.2 in the said O.A. The relevant portion of the Judgement reads as under:-

" In the result we direct the respondents to extend the benefit of the judgement delivered by the C.A.T. on 7.6.1991 in OA.1599/87 and batch to the applicants herein also. The applicants shall be deemed to have been promoted with effect from the date prior to the date of promotion of any person who passed departmental examination subsequent to the applicants and their seniority to be revised in TES Group 'B' cadre. The applicants shall also be entitled to refixation of the pay with effect from the said date. This order shall be implemented within six months from the date of receipt of the order. The application is thus disposed of at the admission stage itself with no order as to costs."

The afore-said operative portion of the judgement would clearly indicate that the following directions were given to the respondents:

(A) The applicants shall be deemed to have been promoted with effect from the date prior to the date of promotion of any person who passed departmental examination subsequent to the applicant.

(B) The seniority <sup>of the applicants</sup> to be revised in TES Group 'B' cadre accordingly.

(C) The applicants shall be entitled to refixation of the pay with effect from the said date of their promotion.

2. From the reply affidavit filed on behalf of the respondent\$ it is seen that the respondent's contention is

(12) (5)

that our judgement order dt. 12.3.1992 has been fully complied with. The applicants have been given the deemed date of promotion from dates prior to when the other employees who passed the departmental examination subsequently <sup>were promoted.</sup> This particular aspect has been vehemently disputed by the learned counsel for the petitioners. He stated that although one Mr. Pradhan Biswanath who was junior to the applicants was promoted in 1977, <sup>has been</sup> the applicants given deemed date of promotion from different dates between 1979-83. From a careful examination of the material on ~~the~~ record, we find that there is sufficient compliance with our judgement order but from the elaborate arguments advanced by Mr. N.R. Devraj, Standing Counsel for the respondents, we find that the seniority of those who passed the examination subsequent to the date when the applicants passed the examination ~~was~~ <sup>but</sup> promoted in 1977, their deemed date of promotion has been altered and as could be seen from the specific case of Mr. Pradhan Biswanath <sup>his</sup> ~~xx~~ deemed date of promotion has been brought down to 11.5.1981. Subsequently the applicants were also given the deemed date of promotion with effect from the date prior to that of Mr. Pradhan Biswanath. As a result of the exercise so undertaken by the respondents the seniority of the applicants, undoubtedly, has been protected/restored vis-a-vis those who passed the departmental examination later.

3. The contention now raised on behalf of the petitioners is that employees like Mr. Pradhan Biswanath who had been promoted earlier are continuing to draw higher emoluments compared to ~~these~~ now being fixed for the applicants. This, they say, is violative of the last portion of our judgement we have referred to para 'C' above.

4. This contention does not appear to be correct because ~~of what~~ <sup>what</sup> was directed in our judgement was that the

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To

1. Sri H.D. Nagle,  
Chairman, Telecom Commission,  
Ministry of Communications, Department,  
Telecommunications, Conacher House,  
New Delhi-1.
2. One copy to Mr. G. Nishanath, Advocate, Race Course Road,  
Old Malapet, Hyderabad.
3. One copy to Mr. H.F. Iqbal, Mr. C.C.C. C.T. Hyderabad.
4. One copy to Hon'ble Mr. A.D. Corchi, Member (N) C.T. Hyderabad.
5. One spare copy.
6. One copy to Library: . . .

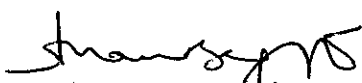
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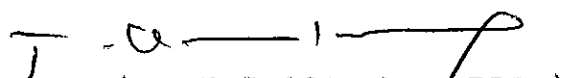
5th July  
Page 9/14  
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applicants should be given a deemed date of promotion and their pay and allowances should be refixed with effect from the said date. ~~As~~ we are satisfied that the deemed date of promotion of the applicants is in accordance with our judgement, we cannot accept the contention of the petitioners, that they should be given the benefit of pay and allowances at par with ~~\* those~~<sup>those</sup> being enjoyed by employees like Mr. Pradhan Biswanath who happened to be promoted earlier.

5. Mr. N.R. Devraj submitted that after refixation of the seniority of the affected employees including the applicants, provisional seniority lists <sup>have</sup> been published, and the individuals shown therein have been given opportunity to raise objections, if any. But the petitioners seem to have not raised any objections, <sup>but the same is reputed by Mr. Bikshapathy</sup> not withstanding the same, we are of the opinion that any grievance of the petitioners with regard to their pay fixation vis-a-vis ~~those~~ who were promoted earlier to them is a matter which does not come within the four corners of this contempt matter.

6. In the result we find that the respondent is not in contempt; the contempt petition is accordingly consigned and notice issued, if any, shall stand discharged. The parties shall bear their own costs.

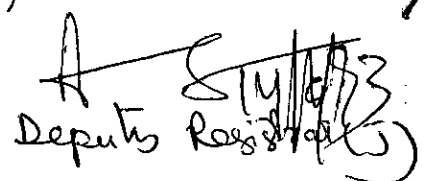
  
(A.B. GORTHI)  
Member (Admn.)

  
(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 27th April, 1993

(Dictated in Open Court)

sd

  
Deputy Registrar

