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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD

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O.A. No. C.P.11/93

Dt. of Decision 27.4.1993

T.A. No. <sup>in</sup> O.A. 188/92

T.Subba Rao and 4 others.

Petitioner

Mr.G.Bikshapathy

Advocate for  
the petitioner  
(s)

Versus

Sri H.P.Wagle, Chairman, Telecom Commission,

Ministry of Communications Dept, 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 REDDY : 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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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

C.P.No.11/93  
in  
O.A.No.188/92

Date of Order 27.4.93

BETWEEN:

- T.Subba Rao  
2. K.S.K.Prasad Sarma  
3. S.D.Prasada Rao  
4. S.Ranga Rao  
5. K.Ananda Rao

.. Applicants.

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

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Counsel for the Applicants .. Mr.G.Biskhapath  
Counsel for the Respondents .. Mr.N.R.Devraj

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CORAM:

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

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

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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 O.A.162/92 dt. 12.3.1992 has not been complied <sup>with</sup> 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 O.A.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 of the applicants 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.

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2. From the reply affidavit filed on behalf of the respondent it is seen that the respondent's contention is that our judgement order dt. 12.3.1992 has been fully complied with. The applicants have been given the deemed <sup>the dates</sup> dates of promotion from dates prior to when the other employees who passed the departmental examination subsequently were promoted. 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, the applicants have been given deemed date of promotion from different dates between 1979-83. From a careful examination of the material on 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 <sup>as regards</sup> the seniority of those who passed the examination subsequent to the date when the applicants passed the examination but were 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>who</sup> his 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 ~~of~~ 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 Biswana

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who had been promoted earlier are continuing to draw higher emoluments compared to those now being fixed for the applicants. This, they say, is violative of the last portion of our judgement we have referred to <sup>in</sup> para 'C' above.

4. This contention does not appear to be correct because what was directed in our judgement was that the 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 being enjoyed by employees like Mr. Pradhan Biswanat 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 have 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 but the same is <sup>dis-</sup>reputed by Mr. Bikshapathy. Not withstan- the same, we are of the opinion that any grievance of the petitioners with regard to their pay fixation vis-a-vis those who are promoted earlier to them is a matter which does not come within the four corners of this contempt matter.

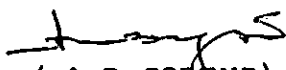
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6. In the result we find that the respondent is not in contempt; the contempt petition is accordingly consigned and notice issued, if any, shall stand discharged. The parties shall bear their own costs.

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

  
(T.CHANDRASEKHARA REDDY)  
Member (Judl.)

Dated: 27th April, 1993

(Dictated in Open Court)

  
Deputy Registrar (J)

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To

1. Sri H.P.Wagle,  
Chairman, Telecom Commission,  
Ministry of Communications, Department,  
Telecommunications, Samachar Bhavan,  
New Delhi-1.
2. One copy to Mr.G.Bikshapathy, Advocate, Race Course Road,  
Old Malakpet, Myderabad.
3. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd-
4. One copy to Hon'ble Mr.A.B.Gorthi, Member (A) CAT.Hyd.
5. One spare copy.

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