(41)

CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 163/92 198
~~T.A. No.~~

DATE OF DECISION 12.3.1992

~~N.L.Narayana Sharma & 2 others~~ Petitioner

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

Versus

Union of India, rep. by its Secretary, ~~Ministry of Communications,~~ New Delhi & 3 others. Respondent

Mr.NR.Devraj, Addl.CGSC. Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.BALASUBRAMANIAN, 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 Reporter 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?

MGIPRRND—12 CAT/86—3-12-86—15,000

(HRBS)
M(A)

(HTCSR)
M(J)

(92)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.163/92 Date of Order: 12.3.1992

BETWEEN:

1. N.L.Narayana Sharma
2. P.V.Ramana Rao
3. M.Sambasiva Rao .. Applicants.

A N D

1. Union of India,
   rep. by its Secretary,
   Ministry of Communications,
   Dept. of Telecommunications,
   Govt. of India, New Delhi.

2. Chairman, Telecom Commission,
   Ministry of Communications Dept.,
   Telecommunications, Samachar Bhavan,
   New Delhi - 110 001.

3. Director General,
   Telecommunications,
   New Delhi - 110 001.

4. Chief General Manager,
   Telecommunications,
   A.P., Hyderabad. .. Respondents.

Counsel for the applicants .. Mr. G.Bikshapathy

Counsel for the Respondents .. Mr.NR.Devraj,Addl.CGSC.

CORAM:

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

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

(Order of the Division Bench delivered by Hon'ble T.Chandrasekhara Reddy, Member(Judl.)).

43

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to give the benefit of Judgement in OA.603 and 605 of C.A.T. Ernakulam Bench and OA.1599/87 and batch of Principal Bench of the C.A.T. dated 7.6.1991 to the applicants herein also with a direction that they 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 be revised in TES Group 'B' cadre by refixing their pay with effect from the respective dates with all consequential benefits and to pass such other order or orders as are deemed fit and proper in the circumstances of the case.

2. OA.Nos.1599/87, 1125/88, 1673/87, 2141, 2139/88, 1597 & 1671/87 had been filed before the C.A.T., Principal Bench, New Delhi by the applicants who are similarly placed in all respects as the applicants in then present OA for the very same reliefs the applicants have prayed for in the present OA. The Principal Bench as per the Judgement dated 7.6.91 had allowed all the said OAs by giving appropriate directions. As against the said Judgements the department (Respondents herein) carried the matter in appeal by filing Special Leave Petitions to the Supreme Court. The Supreme Court as per its orders dated 6.1.1992 dismissed the S.L.Ps after observing as follows:-

> "These Special Leave Petitions are directed against the judgement of the Central Administrative Tribunal, Principal Bench, Delhi dated June, 7, 1991. The Principal Bench has followed the Judgement of the Allahabad High Court in Writ Petitions 2739 and 3652 of 1981 decided on February, 20, 1985. SLP (C) Nos.3384-86/86 against the Judgement of the Allahabad High Court have already been dismissed by this Court on April 8, 1986. We see

contd...3

no grounds to interfere. Special Leave Petitions are dismissed."

So, from the said orders of the Supreme Court it is quite evident that the Judgements of the C.A.T., New Delhi dated 7.6.1991 had become final in all respects.

3. As the directions in the said OAs(1599/87,etc.,) were not implemented by the department, the applicant therein had filed Contempt Petitions before the C.A.T., Principal Bench. The said Contempt Petitions had come up for orders before the C.A.T., New Delhi on 28.2.1992. On 28.2.1992 in the said Contempt Petitions ~~pending~~ before the C.A.T. on the undertaking given by the respondents recorded in the order of the C.A.T. is produced before us and the same is as follows:-

"The anomely in seniority of TES, Group 'B' has arisen as a consequence of implementation of the decision of C.A.T., Principal Bench, New Delhi dated 7.6.1991 in OA.Nos.1599/87, 1671/87, 1125/88,1673/87,2141/88,2139/88 and 1597/87 in respect of the petitions in the said O.A.s, which inother words is implementation of said decision in respect of limited No. of TES, Group 'B' officers who have gone to Hon'ble Tribunal instead of its implementation to the entire cadre of TES, Group 'B'. It may also be pointed out that in the light of recent Supreme Court decision upholding the decision of Principal Bench, the proposal to revise the seniority of entire cadre of TES, Group 'B' Officers as per para 206 of P & T Manual, Vol.IV is under consideration of the dept. Since the cadre of TES, Group 'B' exceeds 10,000, the entire exercise of collecting/conciling/organisation the information is likely to take at least six months time. The exercise has already been initiated. The names of petitioners would be accordingly placed, in TES, Group 'B' seniority list and thereafter would be considered for further promotion according to revised list in accordance with rules, availability of vacancies and on the basis of recommendations of DPC."

Contd..

So, in view of the undertaking given by the respondents here in the said Contempt Petitions before the C.A.T., We are of the opinion that the interests of the Justice would be met by deciding this OA by giving the very same directions that were given by C.A.T., Principal Bench in the Judgement dated 7.6.1991 in OA.1599/87 and batch.

4. 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 G 'B' cadre. The applicants shall also be entitled to refixatio 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.

(R.BALASUBRAMANIAN)
Member(Admn.)

(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated 12th March, 1992.

(Dictated in the Open Court)

Dy. Registrar(J)

To

1. The Secretary, Union of India, Ministry of Communications, Dept. of Telecommunications, Govt. of India, New Delhi.
2. The Chairman, Telecom Commission, Ministry of Communications Dept., Telecommunications, Sanchar Bhavan, New Delhi-1.
3. The Director-General, Telecommunications, New Delhi-1.
4. The Chief General Manager, Telecommunications, A.P.Hyderabad.
5. One copy to Mr.C.Bikshapathy, Advocate, CAT.Hyd.
6. One copy to Mr. N.R. Devraj, Addl.CGSC. CAT.Hyd.
7. One spare copy.

pvm.