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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.798/92

Date of Judgement: 15-2-1993

BETWEEN:

K.L.N.Sarma (

1. K.Venkata Ramana

2. Kum.K.Kamala Vasini .. Applicant.

(LRS 1 &2 are brought on record as per
Court's order dt.29.10.92 in MA 985/92)

A N D

1. Union of India, Rep. by
its Secretary, Ministry
of Communications,
New Delhi - 110 001.

2. Director General, Dept.
of Telecommunications,
Sanchar Bhavan, 20
Ashoka Road,
New Delhi - 110 001.

3. Chief General Manager,
(Telecommunications),
Andhra Pradesh Circle,
Hyderabad - 500 001.

.. Respondents.

Counsel for the Applicants .. Mr.M.Prasad

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

CORAM:

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

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

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(69)

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

This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to extend the benefit of fixation of pay of one K.L.N.Sarma under F.R.22-C on his promotion to the cadre of Lower Selection Grade Telegraph Master (Operative) in the pay scale of Rs.425-640 from the post of Assistant Telegraph Master w.e.f. 6.6.1992 in the light of the judgement of the Hon'ble Principal Bench of Central Administrative Tribunal, New Delhi dated 21.7.1989 passed in O.A.Nos. 72 and 73 of the year 1989 with all consequential benefits and pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this O.A. in brief are as follows:-

One K.L.N.Sharma had worked in substantive post of Telegraphist in the pay scale of Rs.260-8-300-EB-8-340-10-360-12-420-EB-12-480. There after the said K.L.N.Sarma was selected and appointed as Assistant Telegraph Master on 9.11.1981 in the pay scale of Rs.380-12-500-EB-15-560, after successful completion of training. Afterwards K.L.N.Sarma was promoted to the post of Lower Selection Grade Telegraph Master (Operative) on 6.6.1992 in the pay scale of Rs.425-15-560-EB-20-640. The pay of K.L.N.Sarma in the said scale of Rs.425-640 was fixed at the same stage at which he was drawing as Assistant Telegraph Master in the pay scale of Rs.380-560 without applying the provisions of F.R.22-C. In this regard K.L.N.Sarma seems to have made a representation to the competent authority for redressal of his grievance/grievances for fixing his pay under F.R.22-C on his promotion from the

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post of Assistant Telegraph Poster to the post of Lower Selection Grade Telegraph Master. There was no response from the respondents. K.L.N.Sarma died on 10.11.1991. The applicants one and two being the son and daughter of the said Sarma are his legal representatives. The legal representatives of the said Sarma have filed the present O.A. for the relief as already indicated above.

We have heard Mr.M.Prasad, Advocate for the applicants and MR.N.R.Devraj, Standing Counsel for the respondents at the admission stage.

O.A.72/89 on the file of this Tribunal had been filed by similarly placed employees ~~as~~ of that of K.L.N.Sarma who had worked as Lower Selection Grade Telegraph Master and promoted to the posts of Assistant Telegraph Masters for similar relief as in this O.A. This Tribunal in O.A.78/89 as per its judgement dated 21.7.1989 had directed the respondents to extend the benefit of fixation of the applicants pay therein (O.A.78/89) under F.R.22.C on their promotion to the Lower Selection Grade Telegraph Master in the pay scale of Rs.425-640 from the post of Assistant Telegraph Master. As already pointed out the said K.L.N.Sarma was placed in all respects in a similar position to those of the applicants in O.A.72/89. So, the benefit of the judgements in O.A.72/89 is liable to be extended to the applicants in this O.A. as the applicants in this O.A. are claiming only the monetary benefits through the said K.L.N.Sarma ~~having~~ ^{being} the L.Rs (son and daughter) ~~as~~ of the said K.L.N.Sarma.

This O.A. had been filed on 3.9.1992. As already pointed out the said K.L.N.Sarma had died on 10.11.1991. So, any monetary benefits that are to be extended to the applicant are subject to the period of limitation as laid down under Section 21 of the Administrative Tribunals Act. So, the actual monetary benefits can be awarded only from ~~the~~ year

T. C. M.

Copy to:-

1. Secretary, Ministry of Communications, Union of India, New Delhi.
2. Director General, Department of Telecommunications, Sanchar Bhavan, 20 Ashoka Road, New Delhi-001.
3. Chief General Manager, (Telecommunications), Andhra Pradesh Circle, Hyderabad-001.
4. One copy to Sri. M.Prasad, advocate, 13, SRT colony, Ameerpet, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One spare copy.

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(from 3.9.1991) prior to the filing of this O.A. in view of the Section 21 of the Administrative Tribunals Act. Hence appropriate directions are liable to be given to the respondents while allowing this O.A.

In the result we direct the respondents to extend the benefit of the judgement in O.A.72/89 dated 21.7.1989 to the said K.L.N.Sarma father of the applicants 1 and 2 by fixing the pay notionally under F.R. 22(C) in the pay scale of Rs.425-640 with all consequential benefits with effect from 6.6.1982 upto 10.11.1991 (which is the date of the death of K.L.N.Sarma) and also to fix the pension payable to the applicants herein with all consequential benefits w.e.f. 10.11.1991 after fixation of pay of K.L.N.Sarma as indicated. The respondents are directed further to pay the actual monetary benefits including arrears of pay etc to the applicants which the said K.L.N.Sarma was entitled from 3.9.1991 (which is one year prior to the filing of this O.A) upto 10.9.1991 (date of death of K.L.N.Sarma) after deducting the payments if any made already. We direct also ~~to~~ the respondents to pay all arrears of pension to the applicant ~~is~~ w.e.f. 10.11.1991 in accordance with Law and continue to pay the family pension to the applicants in accordance with Law for the period they are entitled.

The parties shall bear their own costs.

R.Balasubramanian
(R.BALASUBRAMANIAN)

Member (Admn.)

T.C. Reddy
(T.CHANDRASEKHARA REDDY)

Member (Judl.)

Dated: 15 February, 1993

sd

S.1393
D.Y. Registrar (Adm.)

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OA 798/93

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.

DATED: 15/2/1993

ORDER/JUDGMENT:

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

in

M.A. No.

798/92

F.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

