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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:
HYDERABAD BENCH: AT HYDERABAD

OA.1132/93 & OA.1166/93

decided on : 30-11-94

Between

1. G. Mohan Prasad
2. M. Aravindu
3. K. Anji Reddy .. Applicants in OA.1132/93
4. M. Akbar Saheb
5. G. Parandhamulu
6. A.S. Varma .. Applicants in OA.1166/93

and

1. The Chief General Manager
Telecommunications
Andhra Pradesh
Hyderabad

2. Union of India
rep. by the Director General
Dept. of Telecommunications
Sanchar Bhavan
New Delhi

Respondents in both
.. the OAs

Counsel for the applicants .. K. Venkateswara Rao,
(in both the OAs) Advocate

Counsel for the respondents .. N.V. Ramana, SC for
(in both the OAs) Central Government

CORAM:

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMIN)

AN

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Sri K.Venkateswara Rao, learned counsel for the applicants and Sri N.V.Ramana, learned Standing Counsel for respondents in O.A.No.1132/93 and 1166/93.

2. The contentions in ~~both the OAs~~ are same and so was the relief asked for. Hence, both the OAs are clubbed together and disposed of by a common order.

3. All the three applicants in O.A.No.1132 of 1993 are working as Accounts Officers under the control of R-1, Department of Telecommunications, A.P., Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri P.Satyanarayana, ~~who was~~ junior to them in the immediate lower cadre of Junior Accounts Officer.

4. The applicants numbering 3 in O.A.No.1166/93 are working as Accounts Officers under the control of R-1, Department of Telecommunications, A.P., Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri G.Ranganathan (Staff No.81222) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

5. The posts of Junior Accounts Officer and Accounts Officer in the Telecommunications Department are All India cadre. The promotion from the post of Junior Accounts Officer to Accounts Officer is on the basis of seniority-cum-fitness. The avenue of promotion for the Accounts Officer

quoted the letter No.4-31/92-PAT dt. 31.5.1993 by which stepping up of pay was prohibited.

9. This Bench had disposed of two OAs viz. O.A.No. 974/93 and 1001/93 by its judgment dt. 29.11.1994 wherein the applicants in those OAs are similarly situated as the applicants in these OAs, allowing the prayer of the applicants for stepping ~~up~~ of their pay following the judgments of Ernakulam, Madras, Bangalore and Calcutta Benches. It was held in the above OAs that it will be arbitrary if the senior's pay in the promotional cadre is less than that of their juniors and hence it will be violation of Article-14 of the Constitution of India. Letter dt. 31.5.1993 of the Department of Telecommunications quoted by the learned counsel for the respondents will have no application to these cases as it will have only prospective effect. ^{4/2} If ~~at all~~ the instructions quoted in the said letter are in order, this letter will have no bearing in regard to the cases on hand as the anomaly in all these cases had occurred earlier to the issue of that letter. This view is also in accordance with the view taken by the Calcutta Bench of the Tribunal reported in I 1994(3) SLJ(CAT) 378 - Saidyanath Bandopadhyay vs. Union of India and anor. I.

10. It was also held in those two OAs disposed of by the Judgment dt. 29.11.1994 that the applicants in those OAs are entitled to get monetary benefits for three years prior to the date of filing of those OAs or from the date from which their junior is drawing more pay than that of the applicants who are senior whichever is later. The normal convention of allowing monetary benefits from one year prior

is to the cadre of Senior Accounts officer and from there to Assistant Chief Accounts Officer and Chief Accounts Officer.

7. In both the OAs there is no challenge to the earlier adhoc promotion of their juniors. The only relief sought for by the applicants is that they are also entitled for stepping of their pay with reference to their juniors as the applicants never refused the promotion even on adhoc basis and that their juniors were promoted on adhoc basis without considering their cases for such adhoc promotions. It is stated by the applicants that the anomaly in their monthly emoluments i.e. the junior drawing more pay than the senior was the creation of the department and hence their pay should be stepped up. They rely on the following judgments wherein the stepping up of pay was permitted under similar circumstances. The relied upon judgments are -

- (i) Judgment dt. 29.10.1993 of Ernakulam Bench in O.A.No.1156/93.
- (ii) Judgment dt. 11.1.1994 of Madras Bench in O.A.No.1129/93.
- (iii) Judgment dt. 19.7.1994 of Bangalore Bench in O.A.No.349/94 and 357 to 367/94; and
- (iv) Judgment dt. 18.8.1994 of Calcutta Bench in O.A.No.1426/93.

8. The learned counsel for the respondents relied upon G.I.M.F. O.M.No.F.2(78) E.III(A)/66 dt. 4.2.1966 wherein three conditions were stipulated for stepping of pay. The respondents further stated that as the said conditions were not fulfilled for stepping up of their pay the applicants are not entitled for the same. They also

to filing of the OAs as followed by this Bench in all other cases has been varied to three years as the applicants belong to All India cadre and for other reasons stated therein.

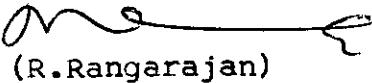
11. As the applicants in both these OAs are similarly situated as the applicants in O.A.Nos. 974/93 and 1001/93, we do not find any reasons to differ from the judgment of this Bench in the above quoted OAs.

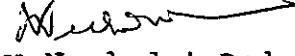
12. In the result, the following directions are given:-

(i) Stepping up of pay as prayed for in O.A.No. 1132/93 is allowed in regard to the applicants therein. But the monetary benefits are limited from 1.10.1990 (this OA was filed on 6.9.1993).

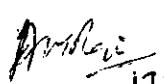
(ii) Stepping up of pay as prayed for by the applicants in O.A.No.1166/93 is allowed, but the monetary benefits are limited from 1.10.1990 (this OA was filed on 6.9.1993).

13. The above OAs are ordered accordingly. No costs. /


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 30th November, 1994.


Deputy Registrar (.....)

To Grh.

1. The Chief General Manager, Telecommunications, Andhra Pradesh, Hyderabad.
2. The Director General, Union of India, Dept. of Telecommunications, Sanchar Bhavan, New Delhi.
3. One copy to Mr. K. Venkateswar Rao, Advocate, CAT.Hyd.
4. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

PVM

15/12/94
23/12/94