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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

OA.873,874,875 of 1993
OA.930,932,948 of 1993
OA.1250 and 1579 of 1993

date of decision : 5-11-94

Between

1. T. Srinivasa Rao	- OA.873/93
2. M. Hanumantha Rao	- OA.874/93
3. K.R. Parasuram	- OA.875/93
4. V.V. Subbarayudu	- OA.930/93
5. K. Krishnamurthy	- OA.932/93
6. V. Subbanarasaiah	- OA.948/93
7. Y. Ramakrishna Rao	- OA.1250/93, and
8. W. Morris	- OA.1579/93

: Applicants

and

1. Union of India, rep. by
Secretary to Govt. of India
Min. of Communications
New Delhi

2. The Chairman
Telecom. Commission
Deptt. of Telecommunications
Sanchar Bhavan
New Delhi

3. Asstt. Director General (TS)
Min. of Communications
Deptt. of Telecommunications
Sanchar Bhavan
New Delhi

4. Chief General Manager
Telecommunications
AP Circle, Hyderabad 1

Common respondents
: in all the OAs

Counsel for the applicants in
all the above OAs

: V. Venkateswara Rao,
Advocate

Counsel for the respondents
in all the above OAs

N.V. Raghava Reddy, SC
: for Central Government

CORAM

HON. Justice Sri V. Neeladri Rao, Vice Chairman
HON. Sri R. Rangarajan, Member (Admn.)

! AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,
VICE-CHAIRMAN !

J U D G E M E N T

Heard Shri V. Venkateswara Rao, learned
counsel for the applicant and also Shri N.V. Raghava
Reddy, learned standing counsel for the Respondents.

2. As the same point has arisen for considera-
tion, ^{then GAs} they can be conveniently disposed of by a
common order.

3. All these applicants joined service as Tele-
graphists and then promoted as Traffic Supervisor
which was All India seniority unit till 1979. Grade
of Traffic Supervisor was made circle unit from
1979. Thus those who were working as Traffic Super-
visors by 1979 were required to make options ^{for all circles} to the
various circle units and accordingly they were
allotted to circle units.

4. Even before the grade of Traffic Supervisor
was made circle unit, Shri Baleswara Singh and Shri
P. Panjiara and Shri L.S. Shaw were promoted as
STTs Group B on ad hoc basis. Allegations for these
applicants that they were not offered ad hoc promoti
by the date of promotion of Shri Baleswara Singh
Shri P. Panjiara and Shri L.S. Shaw as STT Group B
on ad hoc basis was not denied.

5. The post of Traffic Supervisor was re-designa
as ASTT Group C with effect from 1984. Avenue for
promotion from ^{Traffic Supervisor} ASTT Group C is to STT Group B which
All India seniority unit from the begining. Even af
Traffic Supervisor/ASTT Group C was made circle uni
all the officers in the said cadre in all the unit
of all the circles who are eligible may volunt
consideration for promotion to the grade
Group B.

6. While the applicants in OA 1250/93 & 1579/93 were regularly promoted as STT Group B even prior to the date of the ^{regular} promotion of their junior Shri P. Panjiara, other applicants herein were regularly promoted as STT Group B earlier to the date of ^{regular} promotion of their junior Shri Baleswara Singh as STT Group B.

7. The allegations for the applicants in OA 1250/93 and OA 1579/93 that their pay was more/equal to the pay of Shri Panjiara in the cadre of Traffic Supervisor, and the pay of the other applicants herein was more/equal to the pay of Shri Baleswara Singh in the cadre of Traffic Supervisor were not denied. Thus it is a case where the pay of the respective applicants was either more or equal to the pay of their respective junior Shri ^{in the cadre of Traffic Supervisor} Baleswara Singh/Shri Panjiara, ^{their} and the ~~pay of the~~ applicants in the cadre of STT Group B is less than the pay of their respective junior Shri Baleswara Singh/P. Panjiara as on the date of regular promotion of the latter ^{to the post of} as STT Group B. An anomaly has arisen as Shri Baleswara Singh/Shri Panjiara were promoted as STT Group B on ad hoc basis and their period of service as STT Group B when they worked on ad hoc basis in that cadre was being taken into consideration for fixing their pay on their regular promotion as STT Group B.

8. It is true that by the date of promotion of these applicants as STT Group B, their respective juniors were not in the same circle while they were working in the grade of Traffic Supervisors/ASTT Group C. But it is a case where Shri Baleswara Singh and Shri Panjiara were promoted on ad hoc basis ^{to} as STT Group B even before the grade of Traffic Supervisor was made circle unit. Thus it is a case where the applicants were not offered promotion ^{to} as STT Group B when it was offered on ad hoc basis to Shri Baleswara Singh and to Shri Panjiara. Then the question of denial of the offer of promotion when it was on ad hoc basis

To

1. The Secretary to Govt. of India,
Ministry of Communications, Union of India,
New Delhi.
2. The Chairman, Telecom Commission,
Dept. of Telecommunications,
Sanchar Bhavan, New Delhi.
3. The Assistant Director General (TE)
Ministry of Communications, Dept. of Telecommunications,
Govt. of India, Sanchar Bhavan, New Delhi.
4. The Chief General Manager, Telecommunications,
A.P. Circle, Hyderabad-1.
5. One copy, to Mr. V. Venkateswar Rao, Advocate, CAT. Hyd.
6. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

pvm

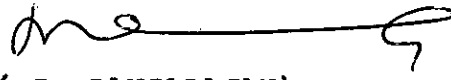
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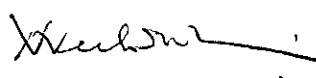
on the part of the applicants does not arise.

The question as to whether the benefit of stepping up has to be given to a senior if the ad hoc promotion was given ^{to junior} after the lower post was made circle unit does not arise for consideration for disposal of these OAs, and hence we do not deal with the same for disposal of these OAs.

9. We held in OA 974/93 & OA 1001/93 that if stepping up is not going to be allowed in the circumstances referred to ^{herein}, which are similar in the OAs 974/93 & 1001/93, the same will be violative of article 14 of the Constitution of India. // For the reasons stated therein, we hold that the applicants in OA 1250/93 & 1579/93 have to be given the pay equal to the pay of Shri Panjiara as on the date of his regular promotion as ^{STT} STT Group B on notional basis. Other applicants herein have to be given the pay equal to the pay of Shri Baleswara Singh as on the date of his regular promotion as ^{STT} STT Group B on notional basis. We held in OAs 974/93 & 1001/93 that the applicants therein should be given the monetary benefit from 3 years prior to the date of filing of the respective OA. For the reasons stated ^{herein}, we find that the applicants herein also have to be given the monetary benefit from 3 years prior to the date of filing of the respective OA.

10. These OAs are disposed of accordingly. No costs./



(R. RANGARAJAN)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Dated the 5th November, 1994

Open court dictation

NS


Deputy Registrar (JCC)