

(25)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.1035/93; 1366/93
and 69/94

date of decision : 30-11-94

Between

1. K. Venkateswarlu .. Applicants in OA.1035/93
2. U. Purna Chandra Rao
3. T. Subramanyam
4. P. Narayana Murthy
5. N. Lakshmana Murthy
6. P. Venkat Rao
7. S. Siva Ramakrishna Murthy
8. P. Narasimham
9. M. Bhavanarayana
10. K. Eswar Rao
11. B. Pitchaiah
12. G.T.V.S.K. Acharyulu
13. Y. Chandrasekhar Rao
14. N. Venkoba Rao
15. K.R.G. Durga Prasada Rao
16. T.S.R.A. Prasada Rao
17. S. Rajesam .. Applicants in OA.1366/93
18. B. Balasailu
19. T. Venkatacharyulu
20. G.R.C.S. Sastry
21. K. Venkata Ramana
22. G. Venkata Krishna Murthy
23. A. Kiriti Rao
24. Narayana Rao
25. Y. Sahab Saran .. Applicants in OA.69/94

and

1. The Chief General Manager
Telecommunications
Andhra Pradesh
Hyderabad

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

Common respondents in
.. all the OAs.

COUNSEL FOR THE APPLICANTS: K. VENKATESWARA RAO, ADVOCATE
(in all the OAs.)

COUNSEL FOR THE RESPONDENTS : N.V. RAGHAVA REDDY, SC for
CENTRAL GOVT. (In all the OAs)

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN
HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

(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 dated 4.2.1966 wherein three conditions were stipulated for stepping up 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 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 two 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. If at all the ~~above~~ 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 1994(3) SLJ (CAT) 378 Baidyanath Bandopadhyay Vs. Union of India and anor. 1.

: 3 :

them in the cadre of Junior Accounts Officer.

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

7. In all the above 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 to step up of their pay with respect 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 was created 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 of this Tribunal 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.S.No.349/94 & 357 to 367/94; and

(30)

(iii) Stepping up of pay as prayed for in O.A.No. 69/94 is allowed in regard to the applicants therein. But, the monetary benefits are limited from 1.1.1991 (this OA was filed on 28.12.1993). As the applicants No.4, 5, 6 and 8 ~~were~~^{had} retired from service on their superannuation, their terminal benefits have to be re-fixed taking into revised fixation of pay if required and arrears of the terminal benefits, if any, have to be paid accordingly.

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

CERTIFIED TO BE TRUE COPY

[Signature] *Q. 69/94*
 Date: 13/12/94
 Court Officer
 Central Administrative Tribunal
 Hyderabad Bench
 Hyderabad.

To

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

pvm

OA.1035/93-
 O.A.1366/93-69/93
 Date: 30-12-94
 Copy: 16-12-94
[Signature]