

(25)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.23/93

Date of Order: 8.3.1993

BETWEEN:

1. M.Savaranna
2. N.Hussain Saheb .. Applicants

A N D

1. The Director of Maintenance,
Southern Telecom Sub-Region,
6-1-85/10, Second Floor,
Saifabad, Hyderabad - 4.
2. The General Manager (Maintenance),
Southern Telecom Region,
Infantry Road,
Bangalore.
3. The Chief General Manager (Maintenance),
Southern Telecom Region,
Madras - 1.
4. Chief General Manager,
Telecommunications, Hyderabad.
5. Director General Telecommunications,
New Delhi. .. Respondents.

Counsel for the Applicants .. Mr.Krishna Devan

Counsel for the Respondents .. Mr.N.V.Ramana

CORAM:

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

--- T.C.R

Order of the Single Member 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 refix the pay of the applicants on promotion as SGTA w.e.f. 20.7.1983 with regard to the first applicant and w.e.f. 1.4.1983 with regard to the second applicant under F.R. 22(C) with all consequential benefits and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. Mr.Krishna Devan, Advocate for the applicant and Mr.N.V.Kamana, Standing Counsel for the respondents are present and are heard.

3. Mr.N.V.Kamana sought for time. This O.A. is covered by the Judgement of Division Bench of this Tribunal in O.A.730/92. In view of this position we are not inclined to grant adjournment as prayed for by Mr.N.V.Kamana.

4. Mr.N.V.Kamana argued that this applicants ~~had~~ approached the Tribunal without exhausting the alternative remedy and as such the O.A. is not maintainable. A copy of the representation dt. 10.12.1992 put in by the applicants herein to the competitive authorities is filed along with this O.A. From the representation dt. 10.12.92 it is quite evident both the applicants herein had represented to the competitive authorities on 6.4.1992 for fixation of pay by applying F.R.22(C) from their respective dates of promotion. So, as there was no response to the representation dt. 6.4.1992, the second representation dt. 10.12.1992 to which a reference is made had been put in by the respondents to the competitive authority for redressal of their grievance/grievance

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As final orders had not been passed by the respondents on the representation dated 6.4.1992 the applicant had approached this Tribunal within one year after the expiry of six months for the first representation dt. 6.4.1992. In view of the said position, we do not have any difficulty to come to the conclusion that the applicant is maintainable.

6. The applicant had been promoted from clerical cadre to the higher cadre of Transmission Assistant on 18.11.1986. On completion of 10 years, the applicant was promoted as SGTA on 1.4.1984. The basic pay of the applicant prior to promotion as SGTA was Rs.476/- but on promotion ~~xx~~ it was fixed at Rs.500/- by applying The applicant's date of promotion had been advanced to 20.7.1983 and his pay had been fixed at Rs.464/-. It is the grievance of the applicant that his pay had not been fixed in accordance with F.R.22(C).

7. The second applicant had been promoted to the cadre of Transmission Assistant on 8.6.1974 in the pay scale of Rs.380-560. On completion of 10 years, the second applicant was promoted as SGTA on 1.4.1984 in the pay scale of Rs.425-750. The date of promotion of the applicant was advanced as 1.4.1983. The applicant's pay had also been revised w.e.f.

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Copy to:-

1. The Director of Maintenance, Southern Telecom Sub-Region, 6-1-85/10, Second Floor, Saifabad, Hyderabad-4.
2. The General Manager(Maintenance), Southern Telecom Region, Infantry road, Bangalore.
3. The Chi ef General Manager (Maintenance), Southern Telecom Region, 'Carries Annexure Building, Madras-1.
4. Chief General Manager, Telecommunications, Hyderabad.
5. Director General Telecommunications, New Delhi.
6. One copy to Sri. Krishna Devan, advocate, CAT, Hyd.
7. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
8. One spare copy.

Rsm/-

19/3/83

1.4.1983 at Rs.464/- . So, as already pointed out as the representations of the applicant ~~were~~ did not met with any response, the present O.A. is filed for the relief/reliefs as already ~~so~~ indicated above.

8. As already pointed out the present O.A. and the O.A.730/92 decided by the Division Bench of this Tribunal are identical in all respects and ~~so similar directions as are~~ given in O.A.730/92 are liable to be given to the respondents. Even though the applicant had claimed all monetary benefits w.e.f. 20.7.1983 respectively their pay is liable to be ~~multaneously~~ refixed as on 20.3.1983 and 1.4.1984 with all consequential benefits as per Provisions of F.R.22(C). In view of the provisions of Section 21 of the Administrative Tribunals Act, the applicants are entitled for actual monetary benefits only for a period of one year prior to the filing of this O.A. This O.A. had been filed on 1.1.1993 and so the applicant will be entitled to the actual monetary benefits only w.e.f. 1.1.1992 as already pointed out after the pay of the applicant is fixed notionally with all consequential benefits w.e.f. 20.7.1983 in accordance with F.R.22(C).

10. In the result we direct the respondents to fix the pay of the applicant notionally with all consequential benefits under F.R.22(C) w.e.f. 20.7.1983 in the pay scale of Rs. 455/-⁷⁵⁰. Further, we direct the respondents to pay the actual monetary benefits to the applicant w.e.f. 1.1.1992 which is one year prior to the filing of this O.A. O.A. is disposed of accordingly, leaving the parties to bear their own costs. This order shall be implemented within 6 months from the date of the receipt of this order. ~~same~~.

T - W
(T.CHANDRASEKHARA REDDY)
Member (Jud1.)

Dated : 8th March, 1993

(Dictated in Open Court)

8/3/93
Dy. Registrar (Jud1.)

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O.A.23/93
TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY

APPROVED BY

HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR.R. BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.T. CHANDRASEKHAR REDDY:M(J)

AND

THE HON'BLE MR.C.J. ROY : MEMBER(JUDL)

Dated: 8/3/1992

ORDER/JUDGMENT:

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

O.A. No.

23/93

T.A. No.

(W.P. No.)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.

