

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	
2. U. Purna Chandra Rao	
3. T. Subramanyam	
4. P. Narayana Murthy	
5. N. Lakshmana Murthy	
6. P. Venkat Rao	.. Applicants in OA.1035/93
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.B.R.P.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	.. Applicants in OA.69/94
25. v. s. -	

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 .. (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 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 ~~xxxxx~~ 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 - Baidyanath Bandopadhyay Vs. Union of India and anor. I.

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(21)

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 ~~to be given~~ 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 ~~the~~ ~~the~~ promotions. It is stated by the applicants that the anomaly in their monthly emoluments was ~~erected~~ 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 ~~the~~ ~~promoted 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.As.No.349/94 & 357 to 367/94; and

(iii) Stepping up of pay as prayed for in O.A.No. 69/98 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 ^{had} were retired from service on their superannuation, their terminal benefits have to be re-fixed taking into ~~--- fixation of pay if required and arrears of the terminal benefits, if any, have to be paid~~.

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

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CERTIFIED TO BE TRUE COPY

Date: 13/12/94
Court Officer
Central Administrative Tribunal
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.

6/12/94

: 5 :

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 benefit from one year prior to filing of the OAs as followed by this Bench in all 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 ... --- similarly situated as the applicants in O.A. Nos. 974/93 & 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. 1035/93 is allowed in regard to the applicants therein. But, the monetary benefit is limited from 1.9.1990 ...
- (ii) Stepping up of pay as prayed for in O.A. No. 1366/93 is allowed in regard to the applicants therein, but the monetary benefit is limited from 25.4.1991. as (Sri K. Sankara Narayanan, junior to the applicants with reference to whose pay, the pay of the applicants has to be stepped up was promoted to the said post of Accounts Officer on 25.4.1991.)

... 6/-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT: HYDERABAD

M.A. NO. 54 OF 1993

in

O.A. No. 3953 OF 1993

Between :-

1. B.Balasailu.
2. T.Venkatacharyulu.
3. G.R.C.S.Sastry.
4. K.venkata Ramana.
5. G.Venkata Krishna Murthy.
6. A.Kiriti Rao.
7. Narayana Rao.
8. Y.Saheb Saran.

... APPLICANTS

And

1. The Chief General Manager,
Pradesh, Hyderabad.
2. Union of India, represented by the
Director of General, Department of
Telecommunications, New Delhi.

... RESPONDENTS

For the reasons stated in the accompanying

..... it is desired that this Hon'ble Tribunal
may be pleased to permit the applicants to file one O.A.
as the cause of action is same, relief sought for same,
.....
..... same and pass such other order or orders as this Hon'ble
Tribunal may deem fit and proper in the circumstances

Hyderabad,

Dated :

Kevellet et al.
Counsel for the Applicants.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

M.A.NO.

OF 1993

in

O.A.No.

OF 1993

Between:-

1. B.Balasailu.
2. T.Venkatacharyulu.
3. G.R.C.S.Sastry.
4. K.Venkata Ramana.
5. G.Venkata Krishna Murthy.
6. A.Kiriti Rao.
7. Narayana Rao.
8. Y.Saheb Saran.

... APPLICANTS

A N D

1. The Chief General Manager,
Telecommunications, Andhra
Pradesh, Hyderabad.
2. Union of India, represented by the
Director General, Department of
Telecommunications, New Delhi.

... RESPONDENTS

BRIEF FACTS OF THE CASE:-

1. We are the 3 Applicants herein and as such we are well acquainted with the facts of the case.
2. We submit that we are all working as Accounts Officers in the Department of Telecommunications. The relief sought for is same, the cause of action is same and the respondents

RELIEF:- It is therefore prayed that this Hon'ble Tribunal

of all of us and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances

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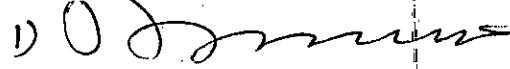
VERIFICATION

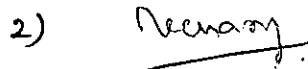
We, the undersigned applicants do hereby solemnly and sincerely affirm that the contents of the above paras are true to our personal knowledge and the facts stated above are true from our personal knowledge and we have not suppressed any material facts.

Hyderabad,

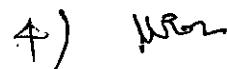
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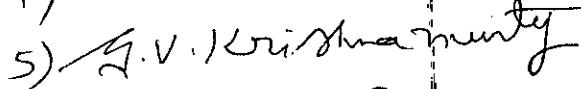
Signature of the Applicants

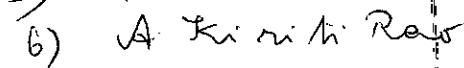
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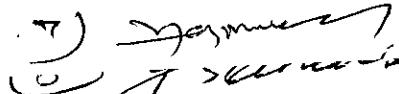
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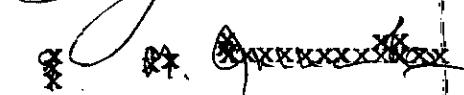
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Signature of the Applicants

Petition to the High Court

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL AT: HYDERABAD

M.A.NO. OF 1993

in

O.A.No. OF 1993



PETITION UNDER SEC.4 (5) (a)
OF CAT PROCEDURE

*2nd Dec 1993
F. A. P. 2153
for filing*

*may be filed
10/1*

Mr. K. Venkateshwara Rao,

Applicant