

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

R.A.15 of 1995 in O.A.22 of 1993.

Between

Dated: 8.3.1995.

M.P.Kenduli

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Applicant

And

1. The Telecom District Manager, Kurnool.
2. The General Manager(Telecom), C.T.O.Compound, Sec'bad.
3. The Chief General Manager (Telecom), Hyderabad.
4. The Director General, Telecommunications, New Delhi.

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Respondents

Counsel for the Applicant : Sri. Krishna Devan

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:....2/-

R.A. No. 15/95
in
O.A. No. 22/93.

Dt. of Decision : 08-03-1995.

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

Heard learned counsel for both the parties.

Shri Krishna Devan, learned counsel for the Review Petitioner has stated that although he placed reliance on the judgement of the Ernakulam Bench of the Tribunal in Joseph Thomas and others Vs. Union of India (O.A.No. 1334/91), the same was not found examined in the judgement. The Ernakulam Bench was dealing with the case of promotion of Assistant Telegraph Masters to Telegraph Masters in the higher scale of Rs. 425-640 and the question of pay fixation on such promotion. The Tribunal categorically held that as the pay scale of the Telegraph Masters was higher than that of the Assistant Telegraph Masters it has to be presumed that Telegraph Masters performed duties carrying higher responsibilities. This judgement will not be of any help to the Review Petitioner because the ^{Selection grade 5} scheme was introduced mainly for the purpose of giving the benefit of higher scale of pay to a certain percentage of the Transmission Assistants. On being granted selection grade, ^{they} would continue to perform the very same duties which they were performing ~~higher~~ ^{higher} to-before. In view of this there is hardly any scope for me presume or come to the conclusion that the Transmission Assistants on being granted selection grade would actually be performing duties carrying higher responsibility.

2. Shri Krishna Devan, learned counsel for the Petitioner has drawn my attention to the observation made in para 7 of my judgement wherein it was observed that there was nothing on record to indicate whether promotions ~~were~~ ordered under one time bound promotion scheme, involved assignment of higher responsibilities or not. In this context Shri Krishna Devan, learned counsel

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Copy to:-

1. The Telecom District Manager, Kurnool.
2. The General Manager(Telcom), C.T.O.Compound, Sec 'bad.
3. The Chief General Manager(Telcom), Hyderabad.
4. The Director General, Telecommunications, New Delhi.
5. One copy to Sri.Krishna Devan, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
8. One spare copy.

Rsm/-

for the petitioner has drawn my attention to the averments made in the OA to the effect that on acquiring one time bound promotion, the employee continues to perform the same duties as were being performed by him prior to such promotion. In fact the contention of the applicant's counsel is that similar is the situation in respect of promotion under the biennial cadre review also. Notwithstanding the fact that the departments chose to allow pay fixation under FR 22 C in respect of promotion under OTBP and BCR, I cannot ~~desistate~~ ^{desistate} from the view that I had already taken that under FR 22 C, the question of pay fixation under the said rule would ^{arise} ~~apply~~ only in case ^{where} the employee is posted ~~or~~ promoted to a post carrying a higher degree of responsibility. By means of the judgement of the Tribunal the respondents cannot be directed to act contrary to what has been laid down statutory.

It is evident that the respondents chose to allow pay fixation to employees promoted under OTBP/BCR by giving benefit of pay fixation under FR 22 C. It will ^{therefore} be open to them to examine whether in the case of promotions under the selection grade system also the employees given selection grade should be given the benefit of pay fixation under FR 22 C. This would meet the principle of equity and equal dispensation of justice.

4. This Review Petition is disposed of with the above observations. No order as to costs.

Amulya
(A. S. Gorthi)

Member (Admn.)

Dated : The 08th March 1995.
Dictated in Open Court

Amulya
Dy. Registrar (J)

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