

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

R.P. 28/94
in
O.A. 1031/93.

20-10-94.

1. Chief Superintendent,
Central Telegraph Office,
Hyderabad-500 001.
2. Asst.Chief Superintendent(Admn.)
Central Telegraph Office,
Hyderabad-500 001.

.. Applicants/
Respondents.

Vs

C. Mohan Reddy

.. Respondent/
Applicant.

Counsel for the Applicants/
Respondents : Mr. N.R.Devaraj, Sr.CG SC.

Counsel for the Respondent/
Applicant. : Mr. V.Venkateswara Rao

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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

J U D G E M E N T

Heard Shri N.R. Devaraj, learned ^{Sr.} Standing
counsel appearing for the applicants in the RP
and also Shri V. Venkateswara Rao, learned counsel
for the Respondents in the RP.

2. The Respondents in the OA filed this RP
praying for reviewing the judgement dated 19-10-93
in the OA and to set aside same in so far as the
payment of arrears of commission to the Respondent/
applicant in the OA.

3. The said OA was filed praying for setting
aside the order whereby the applicant in the OA
was placed on put off duty from PT on 14-7-93,
and also the charge memo. dated 4-8-93. The said
OA was dismissed in regard to the relief for quashing
the charge memo. dated 4-8-93. ^{But the order dt. 14-7.93} placing the applicant
on put off duty was set aside. It was further
stated therein that the applicant has to be paid
commission which he would have got from 25-8-93
till his reinstatement, and the same ^{has to be} was ascer-
tained on the basis of the average commission for
six months prior to the date on which the applicant
was ^{on} put off duty. It is now stated that the
average commission per month for the relevant
period works out to Rs.5,645/- and hence an amount
of 12,419/- is payable to the applicant in the OA
as per the said order.

4. It is stated for the Respondents in the OA that the applicant in the OA is a non-departmental PT Attendant and ^{he} was engaged on contractual basis and he ~~is~~ deemed to be licensee as per provisions of Indian Telegraph Act and the rules framed there under and the maximum remuneration allowed to non-departmental PT attendants ~~is~~ ^{should} not to exceed Rs.250 ^{p.m.} as per D.G P&T, New Delhi Lr. No. 12-2-81/RDTF/5 dated 23-12-1982.

5. The Respondents in the OA cannot rely upon the same as it is not a case where the applicant in the OA was engaged on payment of Rs. 250/- per month. He was actually engaged on commission basis.

5. At the time of the hearing of the OA 1031/93, the average monthly commission realised by the applicant was not brought to the notice of this Tribunal. If the same was brought to the notice of this Tribunal, the monetary benefit payable to ^{PH} PT attendant on put off duty would not have been ordered to that extent. It is stated that during the relevant period that is ^{the} period ^{in the OA} during which the applicant ^{was} placed on put off duty, the said work was got attended by regular Telephone Operator. In such a case, the amount payable to the applicant during that period should ^{not} ^{any work} ^{not} be more than the total emoluments of Telephone Operator during that period.

6. It is submitted for the Respondents in this OA that in view of the order in OA 502/91 on the file of this Bench, a scheme has to be formulated for absorption of Physically handicapped PT ^{and} Attendants/ ^{the} department has decided to apply the scheme as applicable to casual labourers in

Group 'D' while the PH PTs are demanding that the scheme applicable to Casual labourers of Gr. 'C' has to be made applicable and the same is the subject matter in the OA 220/94 & the batch and they are pending. We make it clear that we are not deciding for disposal of this OA as to whether the applicant has to be given the benefit of Casual labourer in Gr. 'D' or Casual labourer in Gr. 'C' and it is a matter for consideration in the above OAs.

7. As the commission realised by the applicant during the relevant period appears to be far more than the total emoluments of even a Sr. officer, and as it is stated that during the relevant period Telephone Operator attended to the same, we feel that the commission payable to the applicant during the relevant period should be limited to the total emoluments payable to a Telephone Operator Gr. 'C' at the minimum of the lowest scale of the ~~minimum~~ pay scales + DA + HRA & CCA.

8. In the result, the order dated 19-10-93 in the OA 1031/93 is modified as under:

The following portion in para 4 of the said order has to be deleted:

" The applicant has to be paid commission which he would have got from 25-8-93 till he is reinstated ~~on 25-8-93~~

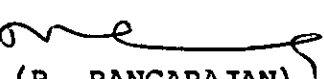
The same has to be ascertained on the basis of the average commission for 6 months prior to the date on which the applicant was placed on put off duty." The same has to be substituted by the following:

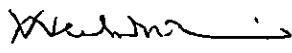
" The applicant has to be paid the total emoluments (basic pay + DA + HRA + CCA) which a

Telephone Operator at the minimum ^{of} ~~in~~ the lowest scale would have got, towards the commission which the applicant would have got from 25-8-93 till he is reinstated.


9. Time for payment is by the end of January, 1995.

10. The RP ^{and G.A over} ~~is~~ ordered accordingly. No costs. /


(R. RANGARAJAN)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Dated the 20-10-94
Open Court dictation.


Deputy Registrar (J) CC

To

1. The Chief Superintendent, Central Telegraph Office, Hyderabad-1.
2. The Assistant Chief Superintendent (Admn.) Central Telegraph Office, Hyderabad-1.
3. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
4. One copy to Mr. V. Venkateswar Rao, Advocate, CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

pvm

Handwritten notes at bottom left:
30-10-94
27/10/94