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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

OA 1262/93.

Dt. of Order: 3-3-94.

N.V.V. Satyanarayana Rao

...Applicant

Vs.

Union of India rep. by

1. Chief General Manager, Telecom,
Projects, 3, Etiraj Road, Madras.
2. General Manager, Transmission Projects,
2nd Floor, Babu Khan Estate,
Basheerbagh, Hyderabad.
3. Divisional Engineer Telecom,
Microwave Project, Vijayawada.

...Respondents

Counsel for the Applicant : Shri K.S.R. Anjaneyulu

Counsel for the Respondents : Shri V. Bhimanna, Addl. CGSC

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHAR REDDY : MEMBER (J)

SKP

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OA 1262/93

Dr. B. Decision, 3.3.94

JUDGEMENT

[As per Hon'ble Sri T. Chandrasekhara Reddy, Member(J)]

This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents to restore the pay of the applicant under FR 22(C) in conformity with the rules and pay the applicant on that basis with effect from 1.3.1988 with all consequential benefits and to pass such other orders as may deem fit and proper in the circumstances of the case.

2. The facts so far necessary to adjudicate this OA in brief are as follows:

3. The applicant was initially appointed as HG Draughtsman in the office of DE Telecom, Coaxil Cable Project, Rajahmundry on 26.3.1984. According to the applicant, he appeared in the competitive examination for the post of Junior Engineer (Civil) in the year 1987 and that he came out successful in the examination and he was selected and posted as Junior Engineer(Civil) in the office of the third respondent and that he reported for duty on 19.2.1988. The fact that the applicant was posted as Junior Engineer in the office of the third respondent is not disputed by the respondents. After the applicant was appointed as Junior Engineer, the respondents treated his appointment as Junior Engineer (Civil) as promotion and fixed his pay at Rs.1520/- with effect from 1.3.1988. The applicant as Junior Engineer also earned ~~xxx~~ increment and his pay was also raised from 1520 to 1560. While so, the ~~app~~ Director, Telecom, Coaxil Hyderabad issued memo dated 23.8.1989 revising the pay of the applicant at Rs.1400/- (which pay the applicant was drawing as HG Draughtsman) with retrospective effect from 19.02.1988

19.02.1988 → in → supersession →

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of the earlier order fixing his pay at Rs.1520/- with effect from 1-3-1988. The action of the respondents in revising the pay of the applicant from Rs.1520/- as to Rs.1400/- is questioned in this OA and the present OA is filed for the relief as already indicated above.

3. Counter is filed by the respondents opposing this OA. In the counter of the respondents, it is maintained that the pay of the applicant was liable to be fixed under FR.22(A)ii for the reasons that the appointment of the JE does not involve assumption of duties or responsibilities of greater importance and that mistake had been committed in fixing pay of the applicant at Rs.1520/- with effect from 19-2-1988 instead of fixing his pay at Rs.1400/- and that this mistake had been corrected subsequently as per orders dated 23-8-88 by refixing the pay of the applicant at Rs.1400/- and the applicant has absolutely no grievance and so the application is liable to be dismissed.

4. We have heard today Mr. K.S.R. Anjaneyulu, for the applicant and Mr V.Bhimanna, Standing counsel for the respondents.

5. During the course of hearing of this OA, Mr. K.S.R. Anjaneyulu, took us through Annexure-A.8, which is the representation of the applicant dated 21-1-1993 to the General Manager, Telecom, Transmission Project. In the said representation, the applicant had specifically brought to the notice of the Department that one Shri J. Rama Rao, JE(Civil), Telecom Civil Sub Division, Visakhapatnam, who worked as HG Draughtsman was promoted as JE(Civil) and that the Superintending Engineer, Telecom Civil Circles, as per Orders dated 17-5-1988 (vide his memo no.9(10)/88/1509) had fixed the pay of the said J. Rama Rao under FR.22(C)

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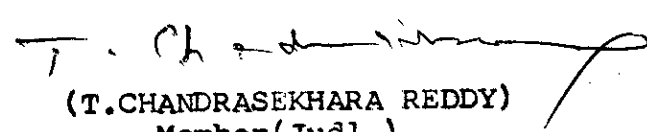
stating that the post involves higher responsibilities. In the very same representation, it is also brought to the notice of the said General Manager, Telecom Transmission Projects, by the applicant enclosing therewith a copy of the letter of the Executive Engineer, Telecom Civil Division-I, Hyderabad No.59(2)/TCDG-I/89/1569 dated 2.11.89 wherein one KSSN Raju, JE(Civil) who was promoted from the post of HG Draughtsman was recommended for pay ~~fixtationxxxxxxx~~ fixation under FR 22(C). As a matter of fact, it is argued by Sri KSR Anjaneyulu, learned Counsel for the applicant that the said Rama Rao and Raju, who were working as HG Draughtsman as and when they were appointed as Junior Engineers, that their appointment had been treated as promotions and that, their pay had been fixed giving all the benefits under FR 22(c). It is also further argued by Sri Anjaneyulu that for a person to be appointed to the post of Junior Engineer(Civil) while working as Head Draughtsman that, he would become eligible for the appointment to the said post of JE(Civil) on completion of five years of service as HG ~~Draught~~ Draughtsman, and after passing the competitive written examination that a regular Departmental Selection Committee selects the qualified candidates to the posts of Junior Engineers and as the post of JE carries higher responsibilities when a person working as HG Draughtsman is appointed as JE(Civil) such appointment has to be treated as an appointment on promotion and so the applicant has a right for fixation of his pay under FR 22(c). It is also further contended that the action of the respondents in not extending the benefit of FR 22(c) in fixation of pay on the applicant's appointment as JE is arbitrary, and discriminatory as similarly placed persons as already mentioned above, who are M/s Rama Rao and Raju had been given the benefit of FR 22(C) on their appointment as Junior Engineers treating the said appointment as promotion from the post of HG Draughtsman to JE(Civil). It is not in dispute that M/s Rama Rao and Raju are similarly placed as that

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of the applicant in all respects. If the respondents had treated their appointments from the posts of HG Draughtsman to that of JE(Civil) as promotions and had fixed ~~may~~ their pay under FR 22(C) in the post of JE(Civil), we see no reason why extended to the said Rama Rao and Raju, to the applicant herein. So, in view of the facts and circumstances of the case, it will be just and proper to dispose of this OA by giving appropriate directions to the respondents.

6. In the result, the respondents are hereby directed to fix the pay of the applicant herein also by applying the same rules, regulations and principles on appointment of the applicant as Junior Engineer from the post of HG Draughtsman as had been done in the cases of Mr J. Rama Rao JE(Civil) Telecom Sub Division, Visakhapatnam and KSSN Raju, JE(Civil) Telecom Civil Division-I, Hyderabad on their appointment as JE(Civil) from the post of HG Draughtsman and extend the same consequential benefits to the applicant in accordance with law as had been given to the said Rama Rao and Raju. The above directions shall be complied by the respondents within three months from the date of communication of this order. No costs.


(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated: 3rd March, 1994

(Dictated in the open court)


Dy.Registrar(J)CC

sk/mvl

To

1. The Chief General Manager, Telecom, Projects, 3, Etiraj Road, Union of India, Madras.
2. The General Manager, Transmission Projects, 2nd Floor, Babu Khan Estate, Basheerbagh, Hyderabad.
3. The Divisional Engineer, Telecom, Microwave Project, Vijayawada.
4. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT.Hyd.
5. One copy to Mr.v.Bhimanna, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

• TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE W. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. E. GORTHI : MEMBER(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 3 - 3 - 1994.

ORDER/JUDGMENT:

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

O.A.No. 1262/93.

T.A.No. (W.F.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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