

APPLICATION FILED UNDER SECTION 19 OF THE ADMINISTRATIVE  
TRIBUNALS ACT, 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD

O.A.NO.

OF 2001

BETWEEN

Gulam Hasan Mohiuddin S/o Gulam Ahmed Mohiuddin aged about 41 Years, Occ:  
Draughtsman, office of Director of Census  
Operations Kendriya Sadan Sultan Bazar, Hyderabad

The address for service of notices etc, on the applicant is that of his  
Counsel Mr.V.Venkateswar Rao, Advocate, 1-8-430, 1st floor, Uma  
Gardens, Chikkadanallu, Hyderabad - 500 020

AND

- 1) The Union of India, Represented by Under Secretary to  
Government of India(AD,III), Department of Census,  
Ministry of Home Affairs, Central Secretariat, New Delhi
- 2) The Registrar General India, 2/A, Mansingh Road,  
New Delhi - 11
- 3) The Director, Census Operation, Government of India,  
Andhra Pradesh, Hyderabad
- 4) The Assistant Director, Census Operations,  
Government of India, Andhra Pradesh, Hyderabad ... RESPONDENTS

The address for service of notices etc, on the respondents are the same  
As shown in the cause title.

**DETAILS OF THE APPLICATION**

1. **ORDERS AGAINST WHICH THE O.A. IS FILED:** The applicant herein  
files the present O.A. aggrieved by the Order No.11014/94-Estt(10 ) dated  
23.11.2001 issued by the 4<sup>th</sup> respondent refixing his pay in the pay scales of  
Rs.1400-2300, Rs.1600-2660, Rs.5500-9000 respectively with effect from  
26.4.1989, 26.4.1991 and 9.8.1999 and ordering recovery of Rs. 1,44,145/-  
representations submitted by the applicant on 13.9.2001 and 3.10.2001 have  
been rejected.
2. **JURISDICTION:** The applicant submit that the original application filed is  
Well within the jurisdiction of this Hon'ble Tribunal as provided under Section 14(1)  
of the Administrative Tribunals Act, 1985.



OA 1035 / 1993 Batch  
(maincase)

- 1) OA 1035 / 93
  - 2) OA ~~13~~ 66 / 93
  - 3) OA 69 / 94
-



STEPPING UP PAY OF SENIOR ON PAR WITH JUNIOR -- INCREMENTS EARNED DURING *AD HOC* PROMOTION ON THE BASIS OF LOCAL SENIORITY LEADING TO FIXATION OF PAY OF JUNIOR AT A STAGE HIGHER THAN THE SENIOR'S PAY -- IN SUCH CIRCUMSTANCES, THE SENIOR, HELD, ENTITLED TO FIXATION OF HIS PAY ON PAR WITH THE PAY OF SUCH JUNIOR

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5. The fact that on promotion as UDCs juniors were placed at a higher stage than the senior on *ad hoc* promotion which does not affect the seniority but gives them the benefit of higher pay fixation by virtue of increments earned by them due to the fortuitous *ad hoc* promotion. In a similar case before this Tribunal *V. Vivekananda v. Secretary, Ministry of Water Resources*, O.A. No. 622 of 1989 while reviewing the case in R.P. No. 71 of 1990 thereto this Bench followed the decision of the Calcutta Bench of this Tribunal in *Anil Chandra Das v. Union of India* (1988) 7 ATC 234 (Cal). In that case also the juniors were fixed at a higher point by virtue of the *ad hoc* promotion they enjoyed. This Bench, following the Calcutta Bench judgment decided that not having had the benefit of fortuitous *ad hoc* promotions the senior should not be at a disadvantage in pay fixation and, therefore, directed the respondents to step up the pay of the applicant therein on par with his juniors. This matter was appealed against by the Government to the Hon'ble Supreme Court which, by its order, dated 22-8-1991 in disposing of the SLP No. 13994 of 1991 upheld the decision of this Bench. Thus, the point of law now is in favour of the applicants herein.

—*N. Lalitha (Smt.) and others v. Union of India and others*. (1992) 10 JCC 100

Adm 22



OA 1035/93 Batuk

1) OA 1035/93

2) OA 1366/93

3) OA 69/94



1

OA. 1035/93.

Date	Office Note	Orders
6-12-93		Adjourned to 17-2-94.  HTCSR m(J)      HABB m(A)
17.2.94		Adjourned to 28-2-94.  HTCSR m(J)      HABB m(A)
	The Hon'ble Supreme Court has granted stay of the operation of the a similar OA. no. 864/92 against which SCP. 22/7/94	17/2/94.
30.11.94		OA 1035/93 + 1366/93 + 69/94 OAs disposed of by separate orders. NO costs. HARR m(A)      HARR VC.




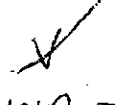
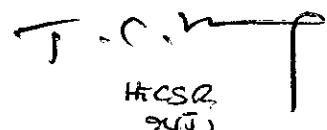
# CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

O.A. NO. ~~PA~~ NO. 1035 / 1993

Applicant (S)

Versus

Respondent (S)

Date	Office Note	Orders
26-8-93	MA 651/93 seeking permission to add addl. applicants in the OA	MA 651/93 is allowed as prayed for. Register the OA if otherwise in order and list it for admission.  <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  HPTT </div> <div style="text-align: center;">  HVNRJ </div> </div> <p>Mr. K. Venkateswara Rao, for the applicant present and Mr. V. Rajeswara Rao, for the respondents present.</p> <p>Issue notice to the respondents and list this on for admission on 27.7.93.</p> <div style="text-align: right; margin-top: 20px;">  HCSR (S) </div> <p style="text-align: right;">contd - 2</p>
30-8-93		

NBA  
M  
20/8



OA 1035/93

(2)

(2)

Date	Office Note	Orders
29-9-93		<p>ADMIT. <del>list</del> <sup>list</sup> it along with O.A. No. 974/93 and batch and post them on 5-10-1993 before the 2nd court, at the top of the list.</p> <p>✓</p> <p>HPTT 7(A)</p> <p>✓</p> <p>HVNR.J VC</p>
<u>5/10/93</u>		<p>Heard both the parties. Respondents are directed to file a short reply <sup>statements</sup> whether the applicants herein <sup>are</sup> similarly situated as those in OA 816/88 which was allowed on 15/11/91, if so why. The <del>order</del> <sup>order</sup> OA should not be granted. Reply to be filed within 2 weeks. Post for orders on 21.10.93.</p>
<u>21/10/93</u>		<p>T.S.P. ✓</p> <p>H/CSR 9(A)</p> <p>H/ABG 9(A)</p> <p>4 weeks additional time is given to the respondents to file counter.</p> <p>T.S.P. ✓</p> <p>H/CSR 9(A)</p> <p>H/ABG 9(A)</p>

P-11  
92/93  
20/9



# Central Administrative Tribunal

HYDERABAD BENCH : HYDERABAD

# INDEX SHEET

OA/TAX/RA/CR No. 1035 of 1993

Name of parties  
(a) Applicants K. Venkateshwarlu & Ors.

Versus

(b) Respondents The Chief General Manager,  
Telecommunications, A.P.,  
Hyderabad & Another.

[illegible]



GA 1035/93

Date	Office Note	Orders
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5/10/93		<p>Heard both the parties. Respondents are directed to file a short <sup>statements</sup> reply, whether the applicants herein <sup>are</sup> similarly situated as those in OA 816/88 which was allowed on 15/11/91, if so why. The <del>decision</del> <sup>order</sup> on should not be granted. Reply to be filed within 2 weeks. Post - for orders on 21.10.93.</p> <p>T.C.M. <sup>L</sup></p> <p>HCSR <sup>HABG</sup> T(A) <sup>T(A)</sup></p>
21/10/93		<p>4 weeks additional time is given to the respondents to file counter. List it for orders on 22.11.93.</p> <p>T.C.M. <sup>L</sup></p> <p>HCSR <sup>HABG</sup> T(A) <sup>T(A)</sup></p>

P-11  
92/309





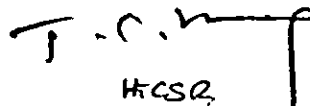
# CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

O.A. NO. ~~PA~~ NO. 1035 / 1993

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NBA  
M  
20/8





OA 1035/93.

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17.2.94		Adjourned to 28-2-94.  HTCSR      HABG. m(A)      17/4/94.
30.11.94	11.10.101 Supreme Court has granted stay of the operation of the a similar OA. no. 864/92 against which SCP. 22/7/94 filed by U.O.I. Jal. ant	OA 1035/93 + 1366/93 + 69/94  OAs disposed of by Common Judgment-like separate sheets. NO costs.  HTCSR m(A)      V.C.



By to declare the Applicants are entitled to have their pay stopped up  
as per with their junior.

(3)

stopping up pay  
Takes

Englishman.com

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT : HYDERABAD

O.A.NO. 1035 OF 1993

Between:-

K.Venkateswarlu and others.

And

Mx Laksh

The Chief General Manager,  
Telecommunications, A.P.,  
Hyderabad and another.



Applicants

... Respondents

CHRONOLOGICAL EVENTS

- |    |  |  |    |
|----|--|--|----|
| 1. | 3.8.76,<br>19.3.78.<br>10.2.78.<br>8.2.78<br>3.1.78        | The Applicants were<br>appointed as Clerks. 15<br>Junior accounts clerks | 2. |
| 2. | 25.4.1978.   | Junior to the applicants<br>was promoted.                                | 2. |
| 3. | 21.9.87.<br>29.6.87.<br>20.4.88.<br>4.12.87.<br>25.1.1988. | Applicants were later<br>promoted as Accounts<br>Officers.               | 2. |
| 4. | 12.6.89.   | Junior to the applicants   |    |
| 5. | 21.9.92.   | Representation was forwarded<br>to the 2nd respondent.                   | 3. |
| 6. | 31.5.93.   | Rejected the representation<br>of the Applicants.                        | 4. |

RECEIVED COPY Hyderabad,

Dated:

K Venkateswarlu  
Counsel for the Applicants.

N.R. Reddy  
Sr. Clerk  
Allotted to: N.V. Raghav Reddy  
ACGSC



IN THE ANDHRA PRADESH ADMINISTRATIVE TRIBUNAL AT: HYDERABAD

O.A.NO. 1035 OF 1993

I N D E X

S.No.	Description of the Documents.	Pg.Nos.	A.Nos.
1.	APPLICATION	1 to 7.	-
2.	No.4-31/92-PAT, dt.31.5.1993.	8.	1.
3.	No.TA/ACD/19-48/92, dt.21.9.92.	9	2.
4.	Judgement in O.A.No.816/89 dt.15-11-91.	10 to 12	3.
5.	S.I.P.N. 13934/91 dt.22/11	13	4
6.	Extraordinary Bank G- Ghacen	14 to 17	5

Signature of the Applicant

*[Handwritten Signature]*

FOR OFFICE USE ONLY

1. Date of Filing :

Date of Registration :

Signature of the Registrar.



25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 1035 OF 1993

Between:-

1. K.Venkateswarlu, S/o.K.Parendamaiah, aged about 48 years, Accounts Officer, O/o.the Chief General Manager, Telecommunications, Doorsanchar Bhavan, Hyderabad.
  2. U.Purna Chandra Raok, S/o.Narasimha Rao, (Narasimha Rao) aged about 45 years, Accounts Officer, O/o.the Hyderabad Telephone District. Hyderabad
  3. T.Subramanyam, S/o.T.Appanna, aged about 56 years, Office of the General Manager, Hyderabad Telephone District.
  4. P.Narayana Murty, S/o.P.Mulaswamy, aged about 52 years, Accounts Officer, O/o. the G.M.Projects, Hyderabad.
  5. N.Lakshmana Murthy, S/o.N.Akkayya, aged about 43 years, Accounts Officer, O/o.the General Manager, Hyderabad Telephone District, Hyderabad.
  6. P.Venkat Rao, S/o.P.Narayana, aged about 46 years, Accounts Officer, O/o.the Director, Mtcc. Hyderabad.
- ... APPLICANTS

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

PARTICULARS OF THE APPLICATION

1. Particulars of the Applicants : As shown as above  
Address for Services of Notices: Mr.K.Venkateshwara Rao,  
Near Ramalayam, Opp.Fbour Mill,  
New Nallakunta, Hyderabad.
2. Particulars of the Respondents:- The address of the respondents for the purpose of service of all notices, etc., is as given in the cause title.
3. Particulars of the Order:-
  1. Order No. & Date
  2. Subject in brief

4-31/92 CAT dated 31-5-92  
with the Secy to the  
Govt of Hyderabad  
Rax with Tumar



4. JURISDICTION:- The subject matter of this application comes within the jurisdiction of this Hon'ble Tribunal under Section 14 of the Administrative Tribunal's Act, 1985.

5. LIMITATION:- This application is filed ~~within~~ by the ~~petitioner~~ within time under Section 21 of the Administrative Tribunal's Act, 1985.

6. FACTS OF THE CASE:-

(A) The Applicants are aggrieved by the impugned action of the respondents in not considering their cases for stepping up of their pay on par with their Junior namely J.N.Mishra (Staff No.81099) in the cadre of Accounts Officers in the Department of Telecommunications in the guise of the Lr.No. 4-31/92-FAT, dt.31.5.1993 issued by the Department of Telecommunications without any valid reason or justification which is illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

(Annexure I B-8)

(B) The Applicants submit that they were originally appointed as Clerks in the department of Telecommunications/Department of Posts and subsequently promoted as Junior Accounts Officers from 3.8.1976, 19.1.1978, 24.5.1978, 10.2.1978, 8.2.1978, 3.1.1978 respectively while their Junior Sri J.N.Mishra was promoted as Junior Accounts Officer on 25.4.1978. It is thus seen that all the applicants were promoted earlier than J.N.Mishra and as such they are seniors to him in the cadre of Junior Accounts Officers also. It is also pertinent to submit that the applicants were later promoted as Accounts Officers on 21.9.1987, 29.6.1987, 20.4.1988, 4.12.1987, 4.12.1987, 20.1.1988 respectively on regular basis while the Junior namely J.N.Mishra was promoted to the said cadre on 12.6.1989. The grievance of the applicants is that even though they were promoted earlier as Junior Accounts Officers and Accounts Officers than their Junior Sri J.N.Mishra, they were drawing lesser pay than their junior in that while their junior is drawing Rs.3,125 as on 1.2.1992, the applicants were drawing only Rs.2,825, 2,825, 2,900, 2,750, 2,675, 2,825 as on 1.2.1992 in the cadre of Accounts Officers.

(Annexure V Page 14/17)



(C) The Applicants submit both the cadres of Junior Accounts Officers and Accounts Officers are all India Cadres. It is relevant to submit that promotions to the cadre of Junior Accounts Officers are made on the basis of merit obtained in the P&T Accounts Service Examination and that shall be the seniority for next promotion to the cadre of Accounts Officers. The promotion to the cadre of Accounts Officers are made on the basis of seniority cum fitness. The Applicants submit that as aforesaid they were seniors to Sri J.N.Mishra in the cadre of Junior Accounts Officers and Accounts Officers.

(D) The Applicants submit that before promotions were made to the posts of Accounts Officers the panel of the Officers eligible for promotion is prepared on All India Basis. However due to administrative exigencies where a panel does not exist local arrangements are permitted whereby the officers in the respective circles will be promoted on Adhoc Basis and then as Accounts Officers, and become entitled to draw annual increments, but such promotions, do not confer any benefit of seniority in the cadre of Accounts Officers. The applicants submit that their Junior J.N.Mishra was likewise promoted as Accounts Officer on Adhoc basis in the same circle and has drawn annual increments in the scale of Accounts Officers. The Applicants submit that this is how their junior J.N.Mishra was drawing more pay than the applicants. The Applicants submit that similarly placed Accounts Officers, e.g., M.A. Sadullah and others submitted representations for stepping up their pay on par with their junior Sri B.Balasubramanian duly endorsing the copy of the judgement of this Hon'ble Tribunal in O.A.No.816/89, dated 15.11.1991. The said representations were forwarded by the first respondent to the second respondent vide their Lr.No. TA/ACB/19-40/92, dated 21.9.1992. However unfortunately the second respondent in the Lr.No.4-31/92-PAT, dated 31.5.1993

(Annexure 1-9)



rejected their just request for stepping up of their pay on the untenable ground that the benefits of the judgement cannot be extended to others similarly placed Government Servants and requested the concerned authorities not to forward such representations in future which is highly arbitrary, irrational unjust and cannot be justified in the eye of law. The Applicants submit that it is well settled by the Hon'ble Supreme Court that persons similarly placed are entitled for the same relief irrespective of the fact that they approach the Hon'ble Tribunal or not.

(E) The Applicants submit that the Government of India Ministry of Finance issued guidelines with regard to stepping up of pay of seniors on promotions drawing less pay than his junior as a result of application of F.R.22-C (now FR 22(1) (a) (i)) in their O.M.No.F.2(78)-E.III(A)/66, dated 4.2.1966, wherein instructions have been issued with regard to anomaly of a government servant promoted or appointed to a higher post on or after 1.4.1961 drawing a lower rate of pay in the post than another Government servant junior to him in the lower grade and promoted subsequently to another identical post. The Government have clarified that in such cases the pay of the senior officer in the higher post should be stepped up to a figure equal to the pay as fixed for the Junior Officer in that higher post. It has been laid down that stepping up of pay should be done subject to the conditions. (A) Both the Junior and Senior Officers should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre, (B) the scale of pay of the lower and higher posts in which they are entitled to draw pay should be identical and (C) the anomaly should be directly as a result of application of F.R.22-C. In the instant case the applicants submit that they satisfy all the aforesaid conditions namely that they and their junior belong to the same cadres with identical scales and the posts to which they were promoted are identical and in the same cadre. and the scales of pay of lower and higher ~~ka~~ posts are also



identical and the anomaly with regard to the pay drawing by them is directly on account of application of F.R.22.C.

It is thus seen that as the applicants satisfy all the stipulated conditions as laid down by Government of India, they are entitled to have their pay stepped up on par with their junior from time to time and therefore the rejection of their request for stepping up of their pay by the second respondent is wholly untenable in the eye of law. It is also relevant to submit that this Hon'ble Tribunal in O.A.No.816/89 filed by Smt.N. Lalitha and others Vs.Union of India and others reported in (1991) 10 A.A.M. 1000 increments earned during Adhoc promotions on the basis of local seniority leading to fixation of pay of junior at a stage higher than the senior pay, the senior is entitled to fixation of pay of such junior in the above case juniors were placed at a higher stage in the scale of pay than the seniors because the juniors had the benefit of adhoc promotions which does not affect the seniority but the benefit of higher pay fixation by virtue of increments earned by them due to forthuitous adhoc promotions. It is relevant to submit that this matter was appealed against by the Government to the Hon'ble Supreme Court which by its order dated 22.8.1991 in disposing of S.L.P.No.13994/91, upheld the decision of this Hon'ble Tribunal. The Applicants submit that their case is squarely covered by the aforesaid judgement of this Hon'ble Tribunal as affirmed by the Hon'ble Supreme Court and therefore, the point of law is in favour of the applicants and therefore the applicants are entitled to have their pay stepped up on par with their junior. The Applicants submit that the second respondent has not applied his mind for not conceding the claim of the applicants and has not adduced any reasons for distinguishing the aforesaid judgement in their case. The Applicants are therefore constrained to approach this Hon'ble Tribunal as they have no other alternative remedy.



(10)

7. DETAILS OF THE REMEDIES:- The Applicants have ~~not filed~~ <sup>no</sup> any writ, suit or appeal before in any court or authority.

*other effective remedy exists to file this O.A.*

8. MATTERS NOT PREVIOUSLY FILED:- The Applicant further submit declares that ~~we have~~ not previously filed any application, Writ or suit regarding the matter in respect of which this application has been as a before any court of law or any other authority of any bench of the Tribunal and nor any such application, Writ Petitioner or suit is pending before any of them.

9. MAIN RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to declare that the applicants are entitled to have their pay stepped up on par with their Junior Sri J.N.Mishra (Staff No.81099) to the stage of Rs.2,900/- as on 12.6.1989 in the scale of Rs.2,375-75-3200-100-3500 of Accounts Officers under F.R.27 with date of next increments on 12.6.1990 with all consequential benefits by holding the action of the respondents in not considering their claims for stepping up of their pay on par with their of the Department of Telecommunications, Sanchar Bhavan, New Delhi, as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution and also opposed to all cannons of law, equity, justice and fair play and pass such other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

10. INTERIM RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to fix an early date for final hearing and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

11. COURT FEE:-

a) I.P.O.No. & Date.

b) Name of the F.O. which drawn.

12. ENCLOSURES:- I.P.O., Material Papers, Covers, Pads & Etc.

*805-88 1924 15/12/93*  
*NEW Nalla Wale P.O. Hvy*  
*2/12.50/- A*  
**LP.O.B.C./D.D./Removed**



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VERIFICATION

We, the undersigned applicants, do hereby verify that the contents of paras 1 to 6 are true to <sup>our</sup> personal knowledge and paras 7 to 12 are believed to be true on legal advice and that We have not suppressed with any material facts. 12

Hyderabad,

Dated:

Signature of the Applicants

- (1) G Venkatesh Guesly
- (2) h
- (3) T Subhany
- (4) In huty
- (5) Karmare - Muf
- (6) T Agun

K. Venkatesh Manthar  
Counsel for the Applicants



(12)

A108

ANNEXURE-1

Government of Andhra Pradesh  
Ministry of Communications  
Department of Telecommunications,  
Sanchar Bhavan, New Delhi.

No.4-31/92-PAT.

Dated : 31.5.1993.

To

- All Heads of Telecom. Circles/
- All Heads of Telephone Districts/
- All Heads of other Administrative Offices/
- M.T.N.L. New Delhi/Bombay.
- V.S.N.L. New Delhi/Bombay.

Sub : Stepping up of pay of Senior in case Junior drawing more pay due to fortuitous increase of pay.

\*\*\*

Sir,

received from different circles with requests for stepping up of their pay with reference to that of their juniors who are drawing more pay due to fortuitous increase viz. adhoc or officiating promotions etc. To support their claim they had been referring to the judgement dtd.13.11.91 given by CAT, Hyderabad Bench in O.A.No.816/1989 filed by Smt. N.Lalitha and others of Department of Mines.

consultation with the DGP & Tng. and it has been clarified that the benefits of the judgement can not be extended to other similarly placed Govt. Servants. These cases do not constitute an anomaly and stepping up of pay can not be allowed under the existing orders.

As such the circles may inform the concerned officials/officers accordingly and representation in future, needs not be forwarded to this Directorate. The cases already pending with us along with the service books will be returned to the circles separately.

Yours faithfully,

Sd/- XXXXXX,  
(BUDH PRAKASH)  
Asstt. Dir. General (TE).

// TRUE COPY //

1/Chellamurthy  
A. Anant



ANNEXURE-I

DEPARTMENT OF TELECOMMUNICATIONS

From

O/o.C.G.M.Telecommunications,  
A.P., Hyderabad.

To

The Asst. Director General  
(SEA),  
Department of Telecom.,  
Sanchar Bhavan,  
New Delhi 110 001.

No.TA/ACD/19-48/92.

Dated : 18.09.1992.

Sub : Stepping up of pay on par with juniors -  
cases of Accounts Officers in A.P.Telecom  
Circle - Reg.

\*\*\*\*

The following Accounts Officers of A.P.Telecom Circle  
represented for stepping up of pay on par with their juniors  
in view of the recent CAT's judgement OA.No.818/1989 decided  
in November 15, 1991.

Senior A.Os.

Junior A.Os

- |   |                            |
|---|----------------------------|
| 1. Sri G.Ramulu A.O.(Plg.)C.O.MD.                   | Sri B.Balasubramanian A.O. |
| 2. Sri Mohd.Sadullah A.O.(F), C.O., MD.             | -do-                       |
| 3. Sri T.R.M.Rao A.O.(TA) C.O., MD.                 | -do-                       |
| 4. Sri M.Koteswara Rao A.O.O/o.GMTD-MD.             | -do-                       |
| 5. Sri G.Mohan Prasad A.O.(TA)C.O.MD.               | Sri P.Satyanarayana A.O.   |
| 6. Sri G.S.R.Merthy, A.O.O/o.DE(Corr.<br>& VFT)-MD. | Sri B.Balakubramanian A.O. |

A comparative statement showing pay drawn by both Seniors and  
as well as juniors from time to time may kindly be seen at  
Annexure-A. Copies of representations (6 Nos.) along with the  
judgement copy referred to above are enclosed for further action  
at your end.

Chief Accounts Officer (TA),  
O/o.Chief General Manager,  
Telecom,  
A.P., Hyderabad.

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## (1992) 19 Administrative Tribunals Cases 569

Central Administrative Tribunal, Hyderabad

(BEFORE R. BALASUBRAMANIAN, ADMINISTRATIVE MEMBER)

N. LALITHA (SMT) AND OTHERS

.. Applicants;

Versus

UNION OF INDIA AND OTHERS

.. Respondents.

O.A. No. 816 of 1989, decided on November 15, 1991

Pay — Stepping up pay of senior on par with junior — Increments earned during ad hoc promotion on the basis of local seniority leading to fixation pay of junior at a stage higher than the senior's pay — In such circumstances, the senior, held, entitled to fixation of his pay on par with the pay of such junior — FR 22-C — Promotion (Paras 5 and 7)

*V. Vivekananda v. Secretary, Ministry of Water Resources*, O.A. No. 622 of 1989; *Anil Chandra Das v. Union of India*, (1988) 7 ATC 224 (Cal), relied on SLP No. 13994 of 1991, decided on 22-8-1991 (SC), referred to

Administrative Tribunals Act, 1985 — Laches and delay in filing application for fixation of pay on regular promotion at par with the pay of junior who had been given benefit of annual increments earned during ad hoc promotion — Effect — Law, on merits, being in favour of the applicant, application not dismissed but relief granted from the date only one year prior to the filing of the application (Paras 6 and 7)

Application partly allowed

H-M/A-0625

*V. Venkateswara Rao*, Counsel, for the Applicants;  
*N.V. Ramana*, Addl. CGS Counsel, for the Respondents.

## ORDER

1. This application has been filed by Smt N. Lalitha and 9 others under Section 19 of the Administrative Tribunals Act, 1985 against the Union of India, represented by Secretary, Ministry of Steel and Mines, Department of Steel, for fixation of their pay on par with their immediate juniors in the same category of Upper Division Clerks (UDCs for short), w.e.f. 1-3-1985 in the old scale and w.e.f. 1-1-1986 in the new scale.

2. The applicants who joined the Geological Survey of India (GSI for short) in the grade of Rs.260-400 were all promoted as UDCs in the scale of Rs.260-400. Others remained undisturbed after promotion also. However, in the fixation of their pay w.e.f. 1-3-1985 they were placed at a lower point in the promoted scale than some of the juniors. When the new scales were introduced w.e.f. 1-1-1986, this difference persisted. Aggrieved, they represented and the representation was rejected by respondent 4, vide his impugned letter No. 8781-82/A.20012/61/68/15A, dated 5-8-1987. Thereafter also the applicants have been aggrieved by the impugned letter dated 5-8-1987 be quashed and the respondents directed to

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*Chakravarthy*  
*Advocate*



step up their pay on par with the juniors, w.e.f. 1-3-1985 in the old scale and w.e.f. 1-1-1986 in the new scale.

3. The respondents have filed a counter-affidavit and oppose the application. It is their case that their pay has been fixed on promotion by application of FR 22-C as required. It is admitted that some of the juniors have been placed at a higher point and this was due to the ad hoc promotions enjoyed by the juniors in the cadre of UDCs. It is contended that such ad hoc promotions were given based on local seniority and the juniors who have been placed at a higher point of scale had earned many annual increments in the course of their ad hoc promotions. When they were promoted regularly to the cadre of UDCs their pay was fixed taking into account the increments earned by them in the course of the ad hoc promotions.

4. I have examined the case and heard the learned counsels for the applicants and the respondents.

5. The fact that on promotion as UDCs juniors were placed at a higher stage in the scale of pay than the seniors is admitted. The reason given is that the juniors had the benefit of ad hoc promotion which does not affect the seniority but gives them the benefit of higher pay fixation by virtue of increments earned by them due to the fortuitous ad hoc promotion. In a similar case to which I was a party *V. Vivekananda v. Secretary, Ministry of Water Resources*, O.A. No. 622 of 1989 while reviewing the case in R.P. No. 71 of 1990 thereto this Bench followed the decision of the Calcutta Bench of this Tribunal in *Anil Chandra Das v. Union of India*<sup>1</sup>. In that case also the juniors were fixed at a higher point by virtue of the ad hoc promotions they enjoyed. This Bench, following the Calcutta Bench judgment decided that not having had the benefit of fortuitous ad hoc promotions the senior should not be at a disadvantage in pay fixation and, therefore, directed the respondents to step up the pay of the applicant therein on par with his juniors. This matter was appealed against by the Government in the Hon'ble Supreme Court which, by its order dated 22-8-1991, in disposing of the SLP No. 13994 of 1991 upheld the decision of this Bench. Thus, the point of law now is in favour of the applicants herein. It is seen from the statement at page 5 of the application that 3 of the applicants Sri N. Lalitha, Sri Ranganatha Murthy and Sri K.A. Narayana Neer juniors shown in the statement was given a higher stage. The other 7 applicants are, however, adversely affected and in my opinion entitled to higher pay fixation.

6. The learned counsel for the respondents Shri N.V. Ramana, raised the point of limitation. It is seen that even at the time of admission, this question was considered and the application was admitted subject to limitation. The representation of the applicants was rejected on 5-8-1987 and this was enough cause for the applicants to seek legal redressal within the time-limit of one year

<sup>1</sup> (1988) 7 ATC 224 (Cal)

*(Chel Chelwanda)*  
*A. K. S.*



1992]

S.S. SAMBHUS v. UNION OF INDIA (Hyd)

571

a thereof. They, however, pursued the matter at other levels and this does not  
b save them from limitation. The learned counsel for the respondents, therefore,  
c wanted the application to be dismissed on this score. No doubt, there had been  
d laches on the part of the applicants but then this is a recurring event and every  
e month when the seniors draw less pay than their juniors for no fault of theirs, it  
is a grievance repeating itself regularly. At the same time, the question of  
limitation cannot also be overlooked. Sub-section 1(a) of Section 21 of the  
Administrative Tribunals Act, 1985 requires that where a final order causing  
grievance had been passed, the application should be made within one year  
from the date on which such final order had been made. In this case the  
applicants had clearly failed to do this. However, I am not inclined to dismiss  
the application on this score and since the point of law is very much in favour of  
the applicants I am inclined to give them the benefit of higher pay fixation but  
within the limits imposed by Section 21 of the Administrative Tribunals Act,  
1985. Cause of action as having arisen on 22-9-1988.

7. In view of the above, I direct the respondents to fix the pay of the  
applicants 3, 4, 6, 7, 8, 9 and 10 on par with the pay of their immediate juniors  
in the cadre of UDCs, w.e.f. 22-9-1988. They are also entitled to all the con-  
sequential benefits including arrears due to difference in pay because in this  
order be implemented w.e.f. 22-9-1988. I direct that this  
of this judgment. There is no order as to costs.

(1992) 19 Administrative Tribunals Cases 571 (FB)

[BEFORE S.P. MUKERJI, VICE-CHAIRMAN (ERNAKULAM BENCH),  
D.K. AGRAWAL, JUDICIAL MEMBER (ALLAHABAD BENCH)  
AND A.V. HARIDASAN, JUDICIAL MEMBER (ERNAKULAM BENCH)]

O.A. No. 306 of 1990

S.S. SAMBHUS

UNION OF INDIA AND OTHERS

.. Applicant;

.. Respondents.

And

O.A. No. 307 of 1990

R.Y. DESHMUKH

UNION OF INDIA AND OTHERS

.. Applicant;

.. Respondents.

Versus

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STEPPING UP PAY OF SENIOR ON PAR WITH JUNIOR — INCREMENTS  
EARNED DURING *AD HOC* PROMOTION ON THE BASIS OF LOCAL SENIO-  
RITY LEADING TO FIXATION OF PAY OF JUNIOR AT A STAGE HIGHER  
THAN THE SENIOR'S PAY — IN SUCH CIRCUMSTANCES, THE SENIOR,  
HELD, ENTITLED TO FIXATION OF HIS PAY ON PAR WITH THE PAY OF  
SUCH JUNIOR  
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5. The fact that on promotion as UDCs juniors were placed at a higher stage in the scale of pay than the seniors is admitted. The reason given is that the juniors had the benefit of *ad hoc* promotion which does not affect the seniority but gives them the benefit of higher pay fixation by virtue of increments earned by them due to the fortuitous *ad hoc* promotion. In a similar case before this Tribunal *V. Vivekananda v. Secretary, Ministry of Water Resources*, O.A. No. 622 of 1989 while reviewing the case in R.P. No. 71 of 1990 thereto this Bench followed the decision of the Calcutta Bench of this Tribunal in *Anil Chandra Das v. Union of India* (1988) 7 ATC 234 (Cal). In that case also the juniors were fixed at a higher point by virtue of the *ad hoc* promotion they enjoyed. This Bench, following the Calcutta Bench judgment decided that not having had the benefit of fortuitous *ad hoc* promotions the senior should not be at a disadvantage in pay fixation and, therefore, directed the respondents to step up the pay of the applicant therein on par with his juniors. This matter was appealed against by the Government to the Hon'ble Supreme Court which, by its order, dated 22-8-1991 in disposing of the SLP No. 13994 of 1991 upheld the decision of this Bench. Thus, the point of law now is in favour of the applicants herein.

(Hyderabad)

1/12/1991  
Advocate



Page 14 (18)  
 Approved  
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Extract of Jan

List of Officers

Department of Telecommunications

Ministry of Communications

(Blue Book)

Page 32-1

Blue Book

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Staff No.	Name	Date of Birth	Date of entry in service	Seniority No. in the	If confirmed	Date of promotion
80835	PARMAR P.B. (SC)	241054		00607		
80836	VIRENDRASINGH(SC)		011086	00608		
80837	RAM MURAT (SC)			00609		
80838	PANCHAMI RAM (SC)	010151		00610		
80839	PATEL M.H. (ST)	010653		00611		
80840	PAWAR S.A. (SC)	050741		00612		
80841	N.VISWAM	150638		00613		080487
80842	PARLIANAJ H	05/ 48		00614		241487
80843	VAIDYANATHAN R	150940		00615		120587
80845	GUPTA V.N.	020744		00617		140487
80846	KUMALAGIRI D.G.	070140		00618		140587
80847	VIJAYAPALSINGH	270138		00619		120687
80848	HANBANSAL VIMMA	1407/		00620		110487
80849	GUPTA M.L.	060943		00621		091087
80850	MOHINI HISSAIN BHARATI	210443		00622		130387
80851	BHAGYA LAL BHARYA	120543		00623		010487
80852	BHIVANJAYA H.N.	040146		00624		170187
80853	VENKATESWARALU K.	150345		00625		210987
80854	SHI SHTA H.M.	100538		00626		240487
80855	SINGH B.N.	130142		00627		120587
80857	GUPTA RAMJILAL	100246		00629		
80858	MISRA R.A.	150244		00630		090787
80859	KRISHNAMURTHY S.V.R.	061140		00631		180687
80860	GOVINDRAJ P.	200547		00632		230487
80861	HAMBALAM H	100640		00633		200787
80862	SANNALHAPPA B.	160246		00634		010587
80863	MANDAL HEMANT KUMAR	010133		00635		010587
80864	GUPTA RAMPHASAD	070244		00636		140387

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 Exhibit - Jan List - 2 of Officers  
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The Department of Telecommunications  
 Ministry of Communications

Blue Book

Page 322

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Blue Book

Sl. No.	Name	Date of Birth	Date of entry in the dept	Seniority No. in the present Dept	If Confirmed Grade Date	Date of DPC or promotion
80867	DUTTA MANIKLAL	060242		00638		070587
80868	ELIAS V.V.	150142		00640		120587
80869	GOHLESH CHANDRA	171041		00641		
80870	KANHAIAHAL	230144		00642		250287
80871	DURAIRAJ P.	250139		00643		180487
80872	KANTIMATH M.A.K.	081232		00644		
80873	VERMA KHUSHNAM	100143		00645		061187
80874	SRIVASTAVA G.L.	110741		00646		050687
80875	DEYGIKAR S.K.	010734		00647		250587
80876	MUJIBULLAH KHAN	010746		00648		280487
80877	SARDANA OMPIKASH	091032		00649		310787
80878	PHADIA KASTURILAL	140140		00650		130787
80879	POORNACHANDRA RAD U.	010648		00651		200687
80880	RAJA RAD K.V.V.	150742		00652		160487
80881	RANA D.S.	130140		00653		160587
80882	GOUDHARI HANUMANT	000146		00654		091587
80883	NAMASIVAYAM A.	121038		00655		140287
80884	SATYANAKHAIN MUDGAL	140136		00656		091087
80885	NAIK MOHAN M.	100447		00657		250587
80886	VISWESWARIAH S.	031144		00658		240487
80887	KAMSHAMET SINGH	010746		00659		270787
80888	VIJAY KUMAR BHARMA	101237		00660		091207
80889	VYASAKAO S.M.	240639		00661		220687
80890	KRISHNAMURTHY S.R.	010635		00662		270587
80891	BHATTIA HANISHCHANDRA	261046		00663		261087
80892	BAJASAILU B	000639		00664		091087
80893	THIAGASUNDARAM V.	060637		00665		110937
80894	JAGANNATHRANA	031041		00666		190887
80895	RAJATARA MOHA K.			00667		

Appendix  
 No 2

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25/6/87

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Blue Book

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Slack No	Name	Date of birth	Date of entry in the dept	Seniority as in the present Cadre	If confirmed Cadre Date	Date of UPC or promotion
80899	ASHOK KUMAR FADDEY	130643		(R087)		230887
80900	MURTHIAL CHUDH	021038		100676		211287
80901	BRANDEAL MENTA	0110349		100678		281287
80902	SHIAM SUNDAR PRASAD	110140		100674		
80903	MURTESH CHATTOPAD	040946		100670		180588
80904	HAGHAVENDRAN T	290946		000676		191187
80905	RATHINDRANATH PAL	060443		000677		160688
80906	KARTHICKARATHI R	290136		100678		101187
80907	KUTUBUDDIN AHMED	100446		100679		171187
80908	EDURAMATHAN M	040741		100680		201187
80909	HANMANTH PRASAD VENMA	071040		100681		301188
80910	MUTHUSWAMY G	100740		100682		011287
80912	KALYANASUBRAMANIAM	040546		000683		120588
80913	CHATURVEDI M D	250744		000685		290288
80914	SRINIVASAN T	090546		000686		121187
80915	DEVI L K	190036		000687		041287
80916	SAWNEY JAGDISHAL	091232		000688		151287
80917	HAKHEM S A	120731		000689		
80918	KAPUR MADANLAL	020138		000690		031287
80919	CHANDRANATH	150138		100691		151287
80920	RAJESH CHANDRA CHAWLA	060841		000692		140788
80921	SRINIVASAN V	080432		000693		041287
80922	RAMANATHAN R	210637		000694		211287
80923	KASHMIRI AL CHAWLA	121035		000695		180388
80924	CHAIK MAGUIR SAHEB	100847		000696		100788
80925	SREENATH C	070750		000697		071287
80926	SWAMINATHAN R	041042		000698		160288
80927	KRISHNAMACHANDRAN V	150733		000699		041287
80928	JAYAKRISHNAN T	020244		000700		230288
80929	CHANDRANATH M	140448		000701		230288
80930	RAMANATHAN T	240637		000702		200488

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Blue Book

Staff No.	Name	Date of birth	Date of entry in the depl.	Seniority no in the present Cadre	If confirmed		Date of DPC or promotion
					Cadre	Date	
80933	RAMSARUP SEHGAL	130138		00706			900488
80934	SHIVASTAVA M.C.	180538		00708			000188
80935	VENKATACHARYULU T.	310148		00707			100288
80936	DANDAPANI R.	250135		00708			073787
80938	SHILPAM SINGH	100847		00710			100588
80939	BHARAT SINGH	150337		00711			050588
80940	RAM DHANI SINGH	010542		00712			280588
80941	RAMESH KUMAR	050947		00713			090588
80942	WARGHAT E.N.	140147		00714			041287
80943	THIGARAJAN K.	250642		00715			181287
80944	CHAKRABARTHY SAMARNATH	030842		00716			071287
80945	PREMSAGAR	190439		00718			
80947	NAGARAJAN M.	290749		00719			
80948	NAHAYANAMURTHY R.	220241		00720			041287
80949	LAASHMANAMURTHY N.	010450		00721			041287
80950	GILLTHAHAMASWAMY M.	141041		00722			041287
80951	HAJWANT SINGH	020145		00723			170388
80952	SUKHDEV SINGH GILL	100248		00724			110387
80953	D. SHORE TRIVEDI	300747		00725			190487
80954	VITHALANAO P.	060448		00727			250188
80956	THIRUGNANA SAMBANDAM M.	130333		00728			280288
80957	KANAKADA B. (SC)	160550		00729			040288
80958	RAM (SC)	180151		00730			250188
80959	BIHOLI V SINGH (SC)	061246		00731			010288
80960	BISWAS ANINDHANATH (SC)	211181		00732			010288
80961	BUNDUWA GUNANAM (P-I)	010250		00733			010288
80962	KARJA PUNJIAJI (SC)	120949		00734			011388

80948 ✓  
80949 ✓

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J U D G M E N T

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Sri K.Venkateswara Rao, learned counsel for the applicants and Sri N.V.Raghava Reddy, learned Standing Counsel for respondents in all the above OAs

2. The contentions in all these OAs are same and so was the relief asked for. Hence, all these OAs are clubbed together and disposed of by a common order.

3. All the 6 applicants in O.A.No.1035/93 are working as Accounts Officers under the control of R-1, Department of Telecom, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to them in the immediate lower

4. The applicants numbering 11 in O.A.No.1366/93 are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri K.Sankara Narayanan(Staff No.81537) who was junior to them in the immediate lower cadre of Junior Accounts Officer in O.A.No.69/94

5. Applicant Nos.1, 2, 3 & 7/are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. Applicant Nos.4, 5, 6 and 8, were also working as Accounts Officers under the control of R-1, Department of Telecommunications, A.P., Hyderabad and they were retired on superannuation. All the applicants in this O.A. prayed for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to

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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
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
14. N. Venkoba Rao
15. K.R.G. Durga Prasada Rao
16. T.S.R.A. Prasada Rao
17. S. Rajesam
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
25. Y. Sahab Saran

.. Applicants in OA.1035/93

.. Applicants in OA.1366/93

.. Applicants in OA.69/94

and

1. The Chief General Manager  
Telecommunications  
Andhra Pradesh

2. Union of India  
rep. by the Director General  
Dept. of Telecommunications  
New Delhi

Common respondents in  
.. all the OAs.

COUNSEL FOR THE APPLICANTS: K. VENKATESWARA RAO, ADVOCATE  
(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



(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 conditions for stepping up of their pay 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.

As the letter 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 [1994(3) SLJ (CAT) 378 - Baidyanath Bandopadhyay Vs. Union of India and anor. ].

...5/-

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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 ~~drawn~~ <sup>draw</sup> 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 such adhoc promotions. It is stated by the applicants that the anomaly in their monthly emoluments ~~was created~~, 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 pay was permitted 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



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(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 <sup>had</sup> ~~were~~ retired from service on their superannuation, their terminal benefits have to be re-fixed taking into revised fixation of pay if required and arrears of the terminal benefits, if any, have to be paid accordingly.

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

CERTIFIED TO BE TRUE COPY  
*[Signature]*  
Date..... 13/12/94  
Court Officer  
Central Hyderabad Bench  
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.

pvm

*[Handwritten signature]*  
13/12/94



10. It was also held in those two OAs disposed of by this 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 in all these OAs are similarly situated as the applicants in O.A.Nos.974/93 & 1002/93 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 (this O.A. was filed on 18.8.1993).

(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/-



J U D G M E N T

1. as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Sri K.Venkateswara Rao, learned counsel for the applicants and Sri N.V.Raghava Reddy, learned Standing Counsel for respondents in all the above OAs.

2. The contentions in all these OAs are same and so was the relief asked for. Hence, all these OAs are clubbed together and disposed of by a common order.

3. All the 6 applicants in O.A.No.1035/93 are working as Accounts Officers under the control of R-1, Department of Telecom, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

4. The applicants numbering 11 in O.A.No.1366/93 are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri K.Sankara Narayanan(Staff No.81537) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

5. Applicant Nos.1, 2, 3 & 7/are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. Applicant Nos.4, 5, 6 and 8, were also working as Accounts Officers under the control of R-1, Department of Telecommunications, A.P., Hyderabad and they were retired on superannuation. All the applicants in this O.A. prayed for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to

75



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
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.R.G. Durga Prasada Rao
16. T.S.R.A. Prasada Rao
17. S. Rajesam
18. B. Balasailu
19. T. Venkatacharyulu
20. G.R.C.S. Sastry
21. K. Venkata Ramana
22. G. Venkata Krishna Murthy
24. Narayana Rao
25. Y. Sahab Saran

.. Applicants in OA.1035/93

.. Applicants in OA.1366/93

.. Applicants in OA.69/94

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 APPLICANTS: K. VENKATESWARA RAO, ADVOCATE  
(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 conditions were not fulfilled for stepping up of their pay 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 ~~above~~ 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 1 1994(3) SLJ (CAT) 318 - Baidyanath Bandopadhyay Vs. Union of India and anor. 1.

...5/-

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Aug



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 entitled to step up of their 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 such adhoc promotions. It is stated by the applicants that the anomaly in their monthly emoluments ~~was created~~, 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 pay was permitted 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) Seepping 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 <sup>had</sup> were retired from service on their superannuation, their terminal benefits have to be re-fixed taking into revised fixation of pay if required and arrears of the terminal benefits, if any, have to be paid accordingly.

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

CERTIFIED TO BE TRUE COPY

*[Signature]*

Date.....

Court Officer

Central Administrative Tribunal

Hyderabad Bench

Hyderabad.

13/12/94

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.
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5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

*[Handwritten signature]*  
13/12/94



: 5 :

10. It was also held in those two OAs disposed of by this 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 in all these OAs are 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 (this OA was filed on 18.8.1993).

(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/-



J U D G M E N T

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Sri V.Venkateswara Rao, learned counsel for the applicants and Sri N.V.Raghava Reddy, Counsel for respondents in all the above OAs.

2. The contentions in all these OAs are same and hence, all these OAs are clubbed together and disposed of by a common order.

3. All the 6 applicants in O.A.No.1035/93 are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

4. The applicants numbering 11 in O.A.No.1366/93 are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri K.Sankara Narayanan (Staff No.81537) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

5. Applicant Nos.1, 2, 3 & 7 are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. Applicant Nos.4, and 8, were also working as Accounts Officers under the control of R-1, Department of Telecommunications, A.P. Hyderabad and they were retired on superannuation. All applicants in this O.A. prayed for stepping up of their pay in the cadre of Accounts Officer so as to equal pay of Sri J.N.Mishra (Staff No.81099) who was junior to them in the immediate lower cadre of Junior Accounts Officer.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

DA.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
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21. A. Kiriti Rao
22. Narayana Rao
23. Y. Sahab Saran

.. Applicants in DA.1035/93

.. DA.1366/93

.. Applicants in DA.69/94

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 APPLICANTS: K. VENKATESWARA RAO, ADVOCATE  
(in all the OAs.)

COUNSEL FOR THE RESPONDENTS : N.V. RAGHAVA REDDY, SC for  
CENTRAL GOVT.

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 conditions were not fulfilled for stepping up of their pay, 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 bearing to these cases as it will have only prospective effect. If at all the ~~above~~ 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 in the judgment dated 18.8.1994 in O.A.No.1426/93 in Baidyanath Bandopadhyay Vs. Union of India and anor. I.

...5/-



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 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 such adhoc promotions. It is stated by the applicants that the anomaly in their monthly emoluments was ~~created~~ 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 pay was permitted 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. 10.2.1994 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 <sup>had</sup> ~~were~~ retired from service on their superannuation, their terminal benefits have to be re-fixed taking into terminal benefits, if any, have to be paid accordingly.

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

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CERTIFIED TO BE TRUE COPY  
*[Signature]*  
Date..... 13/12/94  
Court Officer  
Central Administrative Tribunal  
Hyderabad Bench  
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.
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6. One spare copy.

pvm

13/12/94



10. It was also held in those two OAs disposed of by this 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.

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.

(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 (this OA was filed on 18.8.1993).

(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/-



J U D G M E N T

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Sri K.Venkateswara Rao, learned counsel for the applicants and Sri N.V.Raghava Reddy, learned Standing Counsel for respondents in all the above OAs.

2. The contentions in all these OAs are same and so was the relief asked for. Hence, all these OAs are clubbed together and disposed of by a common order.

Applicants Nos. 1, 2, 3 & 4 in O.A. No. 1035/93 are working as Accounts Officers under the control of R-1, Department of Telecom, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

Applicants Nos. 5, 6, 7 & 8 in O.A. No. 1366/93 are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri K.Sankara Narayanan(Staff No.81537) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

5. Applicant Nos.1, 2, 3 & 7 <sup>in O.A.No.69/94</sup> are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. Applicant Nos.4, 5, 6 and 8, were also working as Accounts Officers under the control of R-1, Department of Telecommunications, A.P., Hyderabad and they were retired on superannuation. All the applicants in this O.A. prayed for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to

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D



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. Purna Chandra Rao
3. Subramanyam
4. p. Narayana Murthy
5. N. Lakshmana Murthy
6. P. Venkat Rao
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13. Y. Chandrasekhar Rao
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15. K.R.G. Durga Prasada Rao
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20. G.R.C.S. Sastry
22. G. Venkata Krishna Murthy
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24. Narayana Rao
25. Y. Sahab Saran

.. Applicants in OA.1035/93

.. Applicants in OA.1366/93

.. Applicants in OA.69/94

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 APPLICANTS: K. VENKATESWARA RAO, ADVOCATE  
(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  
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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 conditions were not fulfilled for stepping up of their pay 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 ~~above~~ 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 1994(3) SLJ (CAT) 378 - Baidyanath Bandopadhyay Vs. Union of India and anor. I.



(29)

: 3 :

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 entitled to step up of their 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 such adhoc promotions. It is stated by the applicants that the anomaly in their monthly emoluments ~~was created~~, 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 pay was permitted under similar circumstances. The relied upon judgments are -

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- (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

...4/-

D



(111) Stepping up of pay as prayed for in O.A.No. 69/94 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 <sup>had</sup> were retired from service on their superannuation, their terminal benefits have to be re-fixed taking into revis<sup>ion</sup> fixation of pay if required and arrears of the terminal benefits, if any, have to be paid accordingly.

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

CERTIFIED TO BE TRUE COPY  
*[Signature]*  
 Date: 13/12/94  
 Court Officer  
 Central Administrative Tribunal  
 Hyderabad Bench  
 Hyderabad.

To

1. The Chief General Manager, Telecommunications, Andhra Pradesh, Hyderabad.
2. The Director General, Dept. of Telecommunications, Union of India, New Delhi.
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5. One copy to Library, CAT.Hyd.

~~One~~ spare copy. <sup>Two</sup> 1/5

pvm

OA 1035/93

Case Number	OA 1366/93 & 69/93
Date of filing	30.11.94
Copy made	16.12.94

*[Signature]*



: 5 :

10. It was also held in those two OAs disposed of by this 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 in all these OAs are 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 (this OA was filed on 18.8.1993).

(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. (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/-



CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH - HYDERABAD

ORIGINAL APPLICATION NO. 1035 OF 1993

Shri K. Venkateswarlu & 5 Ors. Applicant (s)

Versus

Chief G. M., Telangana, AP, Hyderabad  
Santhi

Respondent (s)

This Application has been submitted to the Tribunal

By Mr K. Venkateswarlu Rao Advocate under section 19 of the  
Administrative Tribunals Act, 1985 and same has been scrutinised with reference to the points mentioned  
in check list in the light of the provisions.

The application has been in order and may be listed for admission on SP3

Ch. Venkateswarlu

Deputy Registrar (J)



8. Has the index of documents been filed and has the paging been done properly? 4
9. Have the chronological details of representations made and the outcome of such representations been indicated in the application? 11
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal? 4
11. Are the application/duplicate copy/spare copies signed? 4
12. Are extra copies of the application with annexures filed.
  - a) Identical with the original 4
  - b) Defective 2
  - c) Wanting in Annexures 1
  - d) No ..... / Page Nos .....  
Distinctly Typed? 4
13. Have full size envelopes bearing full address of the Respondents been filed? 4
14. Are the given addresses, the registered addresses? 5
15. Do the names of the parties stated in the copies, tally with those indicated in the application? 1
16. Are the statements verified by an affidavit affirming that they are true?
17. Are the facts for the case mentioned under item No. 6 of the application.
  - a) Concise? 4
  - b) Under distinct heads? 5
  - c) Numbered consecutively? 1
18. Have the particulars for interim order prayed for, stated with reasons? 184



Check Sheet

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**INDEX SHEET (DUPLICATE)**

APPLICANT (S) *K. Venkateshwar & Son*

RESPONDENT (S) *Chief G.M. T. Chem. P.B. Hrd & anr*

**Particulars to be examined**

**Endorsement as to result  
of examination**

1. Is the applicant competent to file this application? *Y*
2. a) Is the application in the prescribed form? *Y*  
b) Is the application in paper book form? *Y*  
c) Have prescribed number of complete sets of the application been filed? *Y*
3. Is the application in time? *Y*  
If not by how many days is it beyond time? *—*  
Has sufficient cause for not making the application in time stated? *—*
4. Has the document of cost been filed?
5. Is the application accompanied by B.D. / I.P.O. for Rs. 50/-? Number of B.D. / I.P.O. to be recorded. *Y*
6. Has the copy/copies of the order (s) against which the application is made, been filed? *Y*
7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed? *Y*  
(b) Have the documents referred to in (a) above duly attested and numbered accordingly? *Y*  
(c) Are the documents referred to in (a) above neatly typed in double space? *Y*

P.T.O.



**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**INDEX SHEET (ORIGINAL)**

O.A. NO. \_\_\_\_\_ 1035 of 1993.

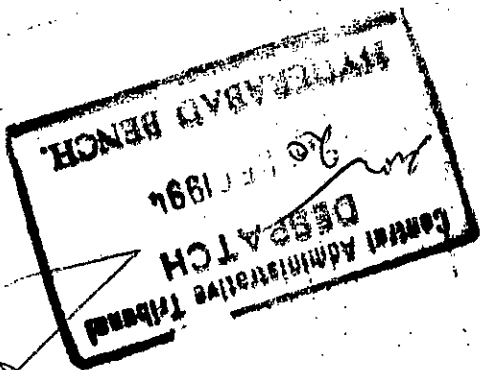
CAUSE TITLE K. Venkateswarlu & s/o

VERSUS

Chief G.M., Telum & s/o

Sl.No.	Description of Documents	Page No.
1.	Original Application	1 to 7
2.	Material papers	- 1 -
3.	Vakalat	1
4.	Objection Sheet	1
5.	Spare Copies <u>2 (Two)</u>	
6.	Covers <u>2 A</u>	





Pvm

No order as to costs.  
Ordered/Rejected  
Dismissed for default.  
Dismissed as withdrawn  
Dismissed.  
Disposed of with directions.  
Allowed.

Admitted and interim directions  
issued.

M.A./R.A/C.A.No. \_\_\_\_\_  
in  
O.A.No. 1035/93 : 1366/93  
P.A.No. 2069/93 (W.P. 94)

DATED: 20-11-1994

THE HON'BLE MR. R. RANGARAJAN : M (JUDGE)

AND

VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

TYPED BY \_\_\_\_\_  
CHECKED BY \_\_\_\_\_  
COMPARED BY \_\_\_\_\_  
APPROVED BY \_\_\_\_\_



CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

Date: 18-8-73

To Mr. K. Venkateswara Rao,  
O.A. Regd. No. 2508/73  
Address

Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action Under Rule 5 (4) will follow.

1. Medical Form 13 is not in proper format. The 12th, 13th and 14th questions are not filled.
2. Copy of the application of the applicant is not attached.
3. Medical Form 13 is not in proper format.

Sir,

(1) Since conflict with  
(2) No objection certificate is submitted as  
the Department of Telecom communications  
(3) No objection certificate is submitted as  
the Department of Telecom communications  
(4) No objection certificate is submitted as  
the Department of Telecom communications

dated 31-5-73 (Surfing letter)  
asked all heads of Telecom circles (etc)  
not to forward any objection to them  
regarding the application of the applicant  
till the receipt of the Department of Telecom

(3) Surfing letter

~~1/1/73~~

Amalgam  
Deputy Registrar (Judl)



Regarding <sup>up</sup>stepping the pay of the  
Applicant on par with his junior.

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) No. 2217 OF 1994  
(Petition under Article 136 of the Constitution of India  
for Special Leave to Appeal from the order dated the 26th  
March, 1993 of the Central Administrative Tribunal (Hyderabad  
Bench), at Hyderabad in O.A. No. 864 of 1992).

WITH

INTERLOCUTORY APPLICATION NO. 2

(Application for stay with a prayer for  
an ex-parte order).

1. Union of India, through  
Divisional Railway Manager,  
S.C. Railway, Guntakal,  
Anantapur District.

South Central Railway, Guntakal, Anantapur District.

2.

.... Petitioners

Versus

P. Ramappa S/o Kondappa  
Goods Driver, Office of the  
Loco Foreman Running (Diesel),  
South Central Railway, Gooty,  
Distt. Ananthapur, A.P.

.... Respondent.

CORAM:

HON'BLE MR. JUSTICE A.M. AHMADI  
HON'BLE MR. JUSTICE YOGESHVAR DAYAL.

For the Petitioners : Mr. Anand Prakash, Senior Advocate,  
(Ms. Ameeka Singh and Mr. C.V.S. Rao,  
Advocates with him.)

THE PETITION FOR SPECIAL LEAVE TO APPEAL alongwith  
THE APPLICATION FOR STAY above-mentioned being called on  
for hearing before this Court on the 1st day of February, 1994  
UPON hearing counsel for the Petitioners herein THIS COURT  
while directing issue of Notice returnable within six weeks  
to the Respondent herein to show cause why Special Leave  
be not granted to the petitioners herein to Appeal to this  
Court against the Order of the Central Administrative Tribunal  
above-mentioned, DOTH ORDER that pending the hearing and  
final disposal by this Court of the aforesaid Application  
for Stay after notice, the operation of the Order dated  
the 26th March, 1993 of the Central Administrative Tribunal

.....2



Hyderabad Bench) at Hyderabad in O.A.No.864 of 1992,  
be and is hereby stayed till then;

AND THIS COURT DOTH FURTHER ORDER that this ORDER  
be punctually observed and carried into execution by all  
concerned.

WITNESS the Hon'ble Shri Mahipalli Narayanarao  
Venkatchalish, Chief Justice of India, at the Supreme Court,  
New Delhi, dated this the 1st day of February, 1994.

Sd/-

(C.L.CHAWLA)

//True Copy//

DEPUTY REGISTRAR.

CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH, HYDERABAD.

Endt.No.CAT/HYD/JUDL/SC/12/94

Dt:16-2-1994.



Communicates

Sd/-

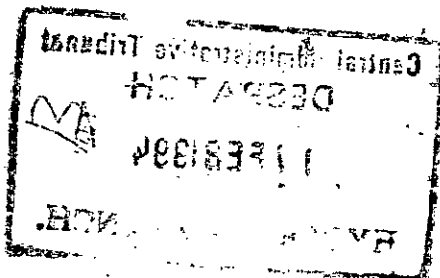
Dy.Registrar(Judl)C.C.

Sd(Judl.)

To:

1. The Divisional Railway Manager, S.C.Railways, Anantapur District, Guntakal.
2. The Senior Divisional Personnel Officer, S.C.Rlys, Guntakal, Anantapur Dist.
3. One copy to Mr.S.Lakshma Reddy, Advocate, CAT, Hyd.
4. One copy to Mr.D.Gopal Rao, S.C.for Rlys, CAT, Hyd.
5. One spare copy.

....





K. VENKATESWAR RAO B. A., LL. B.  
ADVOCATE  
(Retired Audit Officer)

Phone :  
2-2-1136/3/1, Jaya laxmi Nivas,  
Near Ramalayam Opposite Flour Mill,  
New Nallakunta, Hyderabad - 44.

List of stepping up cases to be posted on  
7-11-1994 as directed.

- 44/94 today 14/11/94*
- |               |                  |
|---------------|------------------|
| 1. OA.974/93  | 10. OA.1078/94   |
| 2. OA.1001/93 | 11. OA.1193/94 ✓ |
| 3. OA.1135/93 | 12. OA.1222/94 ✓ |
| 4. OA.1132/93 | 13. OA.1225/94 ✓ |
| 5. OA.1166/93 | 14. OA.1226/94 ✓ |
| 6. OA.1366/93 | 15. OA.616/94    |
| 7. OA.1523/93 | 16. OA.832/94    |
| 8. OA.69/94   |                  |

*(K. Venkateswar Rao)*  
(K. Venkateswar Rao)  
Counsel for the Applicants.

Points to note

Pl list the stepping up of better cases  
as shown above from S. No 3 to 17 on 30/11/94.

*(30)*  
*29/11/94*



+ 0 A 1826/93 -  
+ 69/94

69/94

2)) Applicant (S) K. Venkateswaraiah and 2 others

b) Respondent(s) The Chief General manager

Telcom No. 172 on another

Page No.

Page No.	
Order sheet.	182
Original Application	3 to 11
Material Papers	12 to 21
Order dated 30-11-94.	22 to 28
Counter Affidavit.	
Reply Affidavit	
Order Dated.	
Part. II	
Duplicate Order Sheet.	
" Application	
" Material papers.	
" Order Dt.	
" Counter Affidavit.	
" Reply Affidavit.	
" Order Dt.	
Part. III	
Vakalat. ✓	
Notice papers. ✓	
Memo of Apperiance. ✓	
27/1/95	



(22)

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
7. S. Siva Ramakrishna Murthy
8. P. Narasimham
9. M. Bhavanarayana
10. K. Eswar Rao
11. B. P. S. Acharyulu
12. Y. Chandrasekhar Rao
13. N. Venkoba Rao
14. K.R.G. Durga Prasada Rao
15. T.S.R.A. Prasada Rao
16. S. Rajesam
17. B. Balasailu
18. T. Venkatacharyulu
19. G.R.C.S. Sastry
20. K. Venkata Ramana
21. G. Venkata Krishna Murthy
22. A. Kiriti Rao
23. Narayana Rao
24. Y. Sahab Saran

.. Applicants in OA.1035/93

.. Applicants in OA.1366/93

.. Applicants in OA.69/94

and

1. The Chief General Manager  
Telecommunications  
Andhra Pradesh  
Hyderabad

2. Union of India  
Dept. of Telecommunications  
New Delhi

Common respondents in  
.. all the OAs.

COUNSEL FOR THE APPLICANTS: K. VENKATESWARA RAO, ADVOCATE  
(in all the OAs.)  
COUNSEL FOR THE RESPONDENTS : N.V. RAGHAVA REDDY, SC for  
CENTRAL GOVT. (In all the OAs)

CORAM

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)



93

O.A.Nos.1035/93; 1366/93 & 69/94.

Date: 30.11.1994.

J U D G M E N T

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Sri K.Venkateswara Rao, learned counsel for the applicants and Sri N.V.Raghava Reddy, learned Standing Counsel for respondents in all the above OAs.

2. The contentions in all these OAs are same and so was the relief asked for. Hence, all these OAs are clubbed together and disposed of by a common order.

3. All the 6 applicants in O.A.No.1035/93 are working as Accounts Officers under the control of R-1, Department of Telecom, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

4. The applicants numbering 11 in O.A.No.1366/93 are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri K.Sankara Narayanan(Staff No.81537) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

5. Applicant Nos.1, 2, 3 & 7<sup>in O.A.No.69/94</sup> are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. Applicant Nos.4, 5, 6 and 8, were also working as Accounts Officers under the control of R-1, Department of Telecommunications, A.P., Hyderabad and they were retired on superannuation. All the applicants in this O.A. prayed for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to

1-2

D



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.

On all the above OAs there is no challenge to the earlier adhoc promotion of juniors. The only relief sought for by the applicants is that they are also entitled to step up of their 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 such adhoc promotion. It is stated by the applicants that the anomaly in their monthly emoluments was created by 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 pay was permitted under similar circumstances. The relied upon judgments are -

- (i) Judgment dt. 11.1.1994 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.1156/93.
- (iii) Judgment dt. 19.7.1994 of Bangalore Bench in O.As.No.349/94 & 357 to 367/94; and

D

1382



(25)

: 4 :

(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 conditions were not fulfilled for stepping up of their pay 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 these OAs, 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 ~~above~~ 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 the letter. This is also in accordance with the view taken by the Calcutta Bench of the Tribunal reported in [1994(3) SLJ (CAT) 378 - Baidyanath Bandopadhyay Vs. Union of India and anor. ].

...5/-

✓

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: 5 :

10. It was also held in those two OAs disposed of by this 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 in all these OAs are similarly situated as the applicants in O.A.Nos.974/93 & 1002/93 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 (this OA was filed on 18.8.1993).

if 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/-

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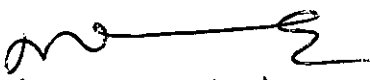


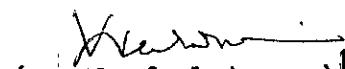
927

: 6 :

(iii) Stepping up of pay as prayed for in O.A.No. 69/94 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 ~~were~~ retired from service on their superannuation, their terminal benefits have to be re-fixed taking into revised fixation of pay if required and arrears of the terminal benefits, if any, have to be paid accordingly.

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

  
(R. Rangarajan)  
Member (Admn.)

  
( V. Neeladri Rao )  
Vice Chairman

Dated 30th Nov., 1994.

  
Deputy Registrar (J) CC

GRN.

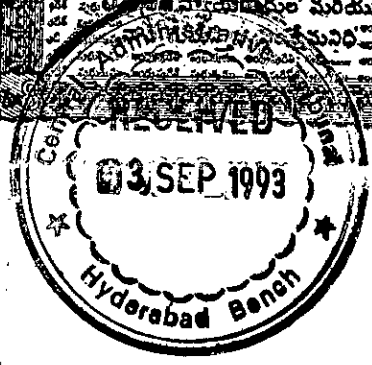
To

1. Anitha Pradeesh, Hyderabad: Telecommunications
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.

pvm

16/12/94  
13/12/94





DISTRICT

**Central Administrative Tribunal  
Hyderabad Bench, Hyderabad.**

O. A. No. 1035 of 1993

**Memo of Appearance**

By

**N. V. RAGHAVA REDDY**  
ADVOCATE

ADDL. STANDING COUNSEL FOR  
CENTRAL GOVERNMENT

Address for service :

Phone 92

202, Bahmat Commercial Complex



**In The Central Administrative Tribunal  
Hyderabad Bench, A.P.**

O.A. No. 1035 of 1992

K. Venkateswarlu and others

Applicant

**Vs.**

The chief General Manager,  
Telecommunications, A.P.  
Hyderabad and another

Respondent

To  
THE DEPUTY REGISTRAR,  
CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD



Sir

Please enter my appearance on behalf of the Applicant/Respondent in the  
above case

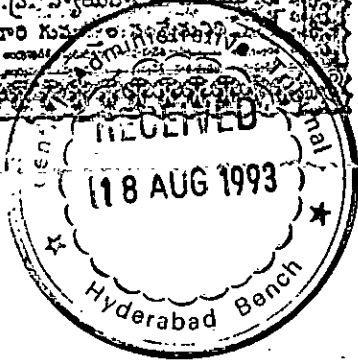
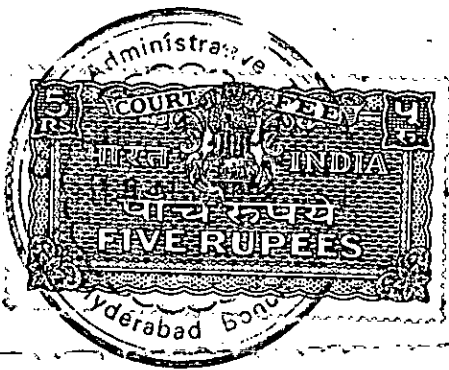
*N. V. Raghava Reddy*  
**N. V. RAGHAVA REDDY**  
ADDL. STANDING COUNSEL FOR  
CENTRAL GOVERNMENT TRIBUNAL  
CENTRAL ADMINISTRATIVE  
HYDERABAD

Hyderabad.

3-9-1992

Applicant...





S.R. No.

DISTRICT

*Central*  
**Andhra Pradesh**

**Administrative Tribunal  
at Hyderabad**

**VAKALAT**

IN

S.R. No.

OF 199

ACCEPTED

*K. Venkateswaraiah*

Advocate for

APPLICANT  
PETITIONER  
RESPONDENT

Advocate for

APPLICANT  
PETITIONER  
RESPONDENT

Address for service of the said Advocate is at :

*K. Venkateswaraiah*

*2-2-1136/3/1*

*Jaya Lakshmi Nivas  
New Mallabadi  
Narasaraopeta*



*Central*  
**In the Andhra Pradesh Administrative Tribunal,  
 at Hyderabad.**

(1) K. Venkateswarlu (2) U. Purna chandra Rao (3) T. Subramanyam (4) P. Narayana Murthy (5) N. Lakshmana Murthy (6) P. Venkata Rao (Applicants)

O.A. No. 1035 of 1993

Applicant's  
Petitioner

**VERSUS**

(1) The Chief General Manager Telecommunications Hyderabad (Respondent 1)

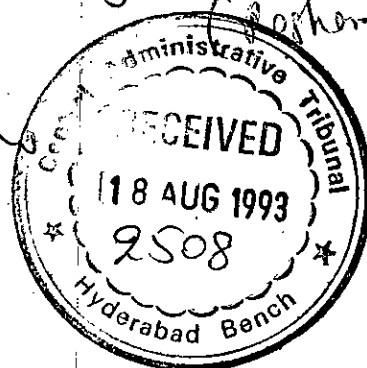
& (2) Mang-India represented by M/s. Telecommunications DOT New Delhi

Applicant  
Petitioner  
Respondents

(1) K. Venkateswarlu (2) U. Purna chandra Rao (3) T. Subramanyam (4) P. Narayana Murthy (5) N. Lakshmana Murthy (6) P. Venkata Rao

In the above Petitioner do hereby appoint and retain,

*C. Venkateswarlu*



Advocate's of the High Court to appear for me/us in above Petition and to conduct and prosecute [or defend] the and all proceedings that may be taken in respect of any application connected with the same any degree or order passed therein. including all application for return of documents or the receipt or any moneys that may be payable to me/us in the said all applications for review and for relief to me/us in the order. Clause XV of the Letters Patent and in

(1) *K. Venkateswarlu*  
 (2) *U. Purna chandra Rao*  
 (3) *T. Subramanyam*  
 (4) *P. Narayana Murthy*  
 (5) *N. Lakshmana Murthy*  
 (6) *P. Venkata Rao*

I Certify that the contents of this VAKALAT were readout and explained in English and Telugu.....in my presence to the executents who appeared perfectly to understand the same and made his/her/their signature of mark in my presence.

Executed before me this 11th day of August 1993.

*[Signature]*  
 Advocate. Hyderabad.



# ANNEXURE - I

## FORM OF INDEX

List of papers in MA/~~CT/RP~~ No.

651 /1993<sup>88</sup> O.A. No. 2508/1993

Serial no of papers  
on record part I  
part II part III

Date of paper  
or  
Date of filing

Description  
of  
papers

Remarks

18/8/93.

Petition  
&  
Affidavit

2 spare copying



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT : HYDERABAD

M.A.NO. 651 OF 1993

in

O.A.<sup>82</sup>No. 2508 OF 1993

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.

And

The Chief General Manager,  
Telecommunications, Andhra Pradesh,  
Hyderabad.

Union of India, represented by the  
Director General, Department of  
Telecommunications, New Delhi.

... Respondents

PETITION UNDER SECTION 4(5)(a) OF CAT PROCEEDURE

For the reasons stated in the accompanying petition,  
it is humbly prayed that this Hon'ble Tribunal may be pleased  
to permit the applicants to file one O.A. as the case of  
action ~~of~~ is same, relief sought for same, are working in  
the same department and respondents are same and pass such  
other order or orders as this Hon'ble Tribunal may deem  
fit and proper in the circumstances of the case.

Hyderabad,

Dated:

  
Counsel for the Applicants.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT : HYDERABAD

M.A.NO. 651 OF 1993

in

O.A.No. 2508 OF 1993

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

And

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

... Respondents.

BRIEF FACTS OF THE CASE:-

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 respondents are same.

RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to permit us to file single O.A. on behalf of all of us and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

VERIFICATION

We, the undersigned applicants do hereby solemnly and sincerely affirm and 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,

Signature of the Applicant

Dated:

(1) K. Venkateswarlu  
(2) U. Purna Chandra Rao  
(3) T. Subramanyam  
(4) P. Narayana Murthy  
(5) N. Lakshmana Murthy  
(6) P. Venkat Rao



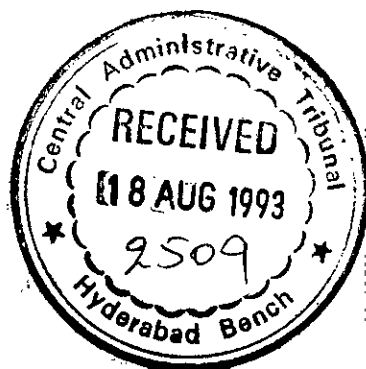
*Petition to file single O.A.*

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL AT : HYDERABAD

M.A.NOL. OF 1993

in

O.A.No. OF 1993



MISCELLANEOUS APPLICATION

\*\*\*

*Under Rule 4(5), (A) &  
CAT Procedure*

RECEIVED COPY

*18/8/93*  
N R. Devraj  
Sr CCSC

Allotted to:

*NVRR*

*may be filed*  
*2/8*

Mr. K.Venkateshwara Rao,  
Counsel for the Applicants.



ORIGINAL

TELECOM

SINGLE MEMBER CASE

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL HYDERABAD BENCH AT  
HYDERABAD. A.P.

M.A. No. 6511 1993  
O.A. No. 2508 1993  
IN 26/8/93

PETITION FOR SEEKING PERMISSION  
TO ADD ADDITIONAL APPLICANTS IN  
A SINGLE ORIGINAL APPLICATION

*Alto*  
Mr. K. Venkateswara Rao  
COUNSEL FOR THE APPLICANTS.

AND  
Mr. M. V. Jaghava Reddy  
ADDL. STANDING COUNSEL  
FOR C.G. REVS.



# CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

CP 52/95  
in

## RECORD SECTION INDEX SHEET

O.A. No. OA 1035/93 /199

a) Applicant (S) R Venkateswarlu & S O S

Versus

b) Respondent (S) MV Bhaskar Rao, C.M.

Sl.No.	Description of Documents.	Page. No.
	<b><u>Part. I</u></b>	
	Order Sheet	1-2
	Original Application <span style="float: right;">24.7.95</span>	2A-4
	Ma-terial Papers	5-16
	Order dated <span style="float: right;">14.12.95 order placed in</span>	
	Counter Affidavit. <span style="float: right;">CP 99/95</span>	-
	Reply Affidavit	-
	Order dated	-
	<b><u>Part. II</u></b>	
	Duplicate Order Sheet.	1-2
	" Application <span style="float: right;">24.7.95</span>	2A-4
	" Material Papers	5-16
	" Order dt. <span style="float: right;">14.12.95 order placed in</span>	
	" Counter Affidavit <span style="float: right;">CP 99/95</span>	-
	" Reply Affidavit	-
	" Order dt.	-
	<b><u>Part-III</u></b>	
	✓ Vakalat <span style="float: right;">24.7.95</span>	
	✓ Notice Papers <span style="float: right;">29.11.95</span>	
	Memo of Appearance	

54/96



# CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

CP. No. 52/95

O.A. No. 1035 of 1995

K. Venkateswamy & 5 others Applicant (S)

VERSUS

M.V. Bhaskar Rao, Chm, Telum, Hyd & 3 others

Respondent (S)

DATE	OFFICE NOTE	ORDERS OF THE TRIBUNAL
27-7-95		<p>Link it on 3-8-95</p> <p>HRR m(A) HNRJ</p> <p>By order</p> <p>DR(S)</p>
21-9-95		<p><u>CP. 43, 47 to 50, &amp; 52 to 55 of 95</u></p> <p>It is stated for the respondents that all these matters were referred to Telecom Board and in some cases the Chief General Manager, Hyderabad, circle, was advised to pay the amount as per the judgement in the case of Traffic Officers and they were awaiting orders in regard to the Accounts Officers who are the applicants in this OA and hence time is prayed.</p> <p>Call on 19-10-1995.</p> <div style="display: flex; justify-content: space-between;"> <div>HRR m(A)</div> <div>HNRJ VC</div> </div>
26-10-95		<p>List on 2-11-95 at the request for respondents.</p> <div style="display: flex; justify-content: space-between;"> <div>HRR m(A)</div> <div>HNRJ VC</div> </div>

DR(S)







ANNEXURE - I

FORM OF INDEX

List of papers in ~~MA/CP/PA~~/NO. 52/95 in OA.NO. 1035/1993

Serial No. of papers on record part I	Date of papers or Date of filing	Description of papers	Remark
--	--	--------------------------	--------

24/7/95

Petition  
&

A.S. copy

Abdullah



24

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT : HYDERABAD BENCH  
AT :: HYDERABAD

C.P.NO. 52 OF 1995

in

O.A.NO. 1035 OF 1993

Between:-

1. K.Venkateswarlu, S/o.K.Parendamaiah, aged about 50 years, Accounts Officer, O/o.the Chief General Manager, Telecommunications, Doorsancahr Bhavan, Hyderabad.
2. U.Purna Chandra Rao, S/o.Narasimha Rao, aged about 47 years, Accounts Officer, O/o.the Hyderabad Telephone District, Hyderabad.
3. T.Subramanyam, S/o.T.Appanna, aged about 58 years, Accounts Officer O/o.the General Manager, Hyderabad Telephone District.
4. P.Narayana Murthy, S/o.P.Mulaswamy aged about 54 years, Accounts Officer, O/o.the General Manager, Hyderabad Telephone District, Hyderabad.
5. N.Lakshmana Murthy, S/o.N.Akkayya, aged about 45 years, Accounts Officer, O/o.the General Manager, Hyderabad Telephone District, Hyderabad.
6. P.Narayana Murthy, S/o.P.Mulaswamy, aged about 48 years, Accounts Officer, O/o.the Director, Mtce, Hyderabad.

... APPLICANTS

A N D

1. Shri M.V.Bhaskar Rao, the Chief General Manager, Telecommunication, A.P.Circle, Hyderabad.
2. Shri R.K.Thakkar, the Director General and Chairman Telecom Commission, New Delhi.
3. Shri K.N.Viswanathan, CGM Maintenance, S.T.R. Madras, 39, Rajaji Salai, Madras - 600 001.
4. Shri R.Ranganathan, the Chief General Manager Projects, No.3. Ethraj Sali Madras - 600 105.

... RESPONDENTS

PETITION FILED UNDER SEC.17 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.

For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Tribunal may be pleased to take cognisance of the contempt case filed against the respondents and punish them for deliberately flouting the orders in O.A.No.1035/93 and pass such relief or reliefs as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case Hyderabad;

Dated:

*K.Venkateswarlu Rao*  
Counsel for the Petitioner



3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT : HYDERABAD BENCH  
AT :: HYDERABAD

C.P.NO. 52 OF 1995

in

O.A.NO. 1035 OF 1993

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

A N D

1. Shri M.V.Bhaskar Rao, the Chief General Manager, Telecommunications, A.P.Circle, Hyderabad.
2. Shri M.V.Bhaskar Rao, the Director General and Chairman Telecom Commission, New Delhi.
3. Shri K.N.Viswanathan, CGM, S.T.R., Madras, 39, Rajaji Salai, Madras, 600 001.
4. Shri R.Ranganathan, the Chief, Group 1, Madras, 39, Rajaji Salai, Madras, 600 001.

... RESPONDENTS

AFFIDIVIT

I, K.Venkateswarlu, S/o.K.Parandamaiah, aged about 50 years, Working as Chief Accounts Officer in the Department of Telecommunication, Hyderabad do hereby solemnly and sincerely affirm and state as follows:-

1) I am the main O.A. and as such I am well acquainted with the facts of the case. I am filing this affidavit on my behalf as well as on behalf of other applicants in the O.A. who have authorized me to file this the same.

3) I, submit that we filed the above O.A. for a declaration that we are entitled to have our pay stepped up on par with our junior J.N.Mishra to the stage of Rs.2900/- as on 12.6.89 in the scale of 2375-75-3200-100-3500 of Accounts Officers with all consequential benefits. The above O.As. was disposed of by the Hon'ble Tribunal along with other O.As. on 30.11.94 allowing stepping up of our pay/prayed for ~~that~~ but the monetary benefits is limited from 1.9.90. I have given notice to the Director General & Chairman Telecom Commission



812 (4)

Director General & Chairman Telecom commission and also the Chief General Manager, A.P.Circle, on 27.4.95 for implementing the judgement of the Hon'ble Tribunal but so far there has been no response. The fourth & fifth applicants in the O.A. have also made representations to the Chief General Manager Projects, Madras, Chief General Manager Maintenance STR Madras, respectively.

4) I submit that even though the Hon'ble Tribunal allowed the above O.A. as early as on 30.11.94 the respondents have not implemented the said judgement without any valid reasons, or justifications. The respondents have deliberately and willfully disobeyed the orders of this Hon'ble Tribunal which cannot be permitted in a democratic set up ordained by rule of law. The respondents have therefore committed withfull in O.A.No.1035/93 and thus committed contempt of court under Sec.17 of the Admn.Tribunal's, Act, 1985 and are therefore liable to be punished.

5) I, therefore pray that this Hon'ble Tribunal may be pleased to admit that contempt case against the respondents and punish them for deliberately and willfully flouting the orders of this Hon'ble Tribunal.

6) I submit that similar judgement of Hon'ble Ernakulam, Bangalore, Bombay Benches relating to steeping up of pay were already implemented by the respondents. It is <sup>relevant</sup> ~~the~~ relevant to the respondents against the judgement and order of the Hon'ble Nagpur bench in O.A.91/93 in a similar matter was dismissed by the Hon'ble Supreme Court. It is only in the case of the applicant discrimination was shown.

7) I, therefore pray that this Hon'ble Tribunal may be pleased to admit the contempt case against the respondents and punish them for deliberately and willfully flouting the orders of this Hon'ble Tribunal dt.30.11.94 in O.A.No.1035/93 and pass such order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Solemnly and sincerely affirm  
at Hyderabad this 11 day of Nov. 1995

*M. Srinivas*  
Advocate at Hyderabad

*[Signature]*  
Deponent



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD  
AT HYDERABAD :

OA.1035/93; 1366/93  
and 69/94

date of decision : 30-11-94

Between

1. K. Venkateswarlu
2. U. Purna Chandra
3. T. Subramanyam
4. P. Narayana Murthy
5. N. Lakshmana Murthy
6. P. Venkat Rao
7. S. Siva Ramakrishna Murthy
8. P. Narasimham
9. M. Bhavanarayana
10. K. Eswar Rao
11. D. Pitchaiah
12. G.T.V.S.K. Acharyulu
13. Y. Chandrasekhar Rao
14. N. Venkoba Rao
15. K.R.G. Durga Prasada Rao
16. T.S.R.A. Prasada Rao
17. S. Rajesam
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
25. Y. Sahab Saran

.. Applicants in OA.1035/93

.. Applicants in OA.1366/93

.. Applicants in OA.69/94

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 APPLICANTS: K. VENKATESWARA RAO, ADVOCATE  
(in all the OAs.)  
COUNSEL FOR THE RESPONDENTS : N.V. RAGHAVA REDDY, (SC, Hyderabad)

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN  
HON. MR. R. RANGARAJAN, MEMBER (ADMN.)



J U D G M E N T

I as per Hon'ble Sri R.Rangarajan, Member (Administrative) X

Sri K.Venkateswara Rao, learned counsel for the applicants and Sri N.V.Raghava Reddy, learned Standing Counsel for respondents in all the above OAs.

2. The contentions in all these OAs are same and so was the relief asked for. Hence, all these OAs are clubbed together and disposed of by a common order.

3. All the 6 applicants in O.A.No.1035/93 are working as Accounts Officers under the control of R-1, Department of Telecom, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

4. The applicants numbering 11 in O.A.No.1366/93 are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri K.Sankara Narayanan (Staff No.81537) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

5. Applicant Nos.1, 2, 3 & 7 <sup>in O.A.No.69/94</sup> are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. Applicant Nos.4, 5, 6 and 8, were also working as Accounts Officers under the control of R-1, Department of Telecommunications, A.P., Hyderabad and they were retired on superannuation. All the applicants in this O.A. prayed for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to



OK (7)

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 entitled to step up of their 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 such adhoc promotions. It is stated by the applicants that the anomaly in their monthly emoluments was created, i.e. the junior drawing more than the senior in the same department and hence their pay should be stepped up. They rely on the following judgments wherein the stepping up of pay was permitted 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

12

...A/-



1 4 1

(iv) Judgment dt. 18.8.1994 of Calcutta Bench

In O.A.No.1426/93.

fb(8)

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 conditions were not fulfilled for stepping up of their pay 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 Allahabad, 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 ~~above~~ 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) 178 - Naidyanath Bandopadhyay Vs. Union of India and anor. I.

...5/-



1 5 1

170

10. It was also held in those two OAs disposed of by this 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 in all these OAs are similarly situated as the applicants in O.A.Nos.974/93 & 1001/93 we do not find any reasons to depart from the practice 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 (this OA was filed on 18.8.1993).

(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/-



98 (10)

(11) Stepping up of pay as prayed for in O.A.No. 69/94 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 <sup>had</sup> retired from service on their superannuation, their terminal benefits have to be re-fixed taking into revised fixation of pay if required and arrears of the terminal benefits, if any, have to be paid accordingly.

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

SENT TO FE TRUE COPY  
*[Signature]*  
Date: .....  
Chief Officer  
Central Administrative Tribunal  
Hyderabad Bench  
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.

pvm

OB-10356/5  
ON 13/01/94  
30.11.94  
16-12-94  
- [Signature]



K. VENKATESWAR RAO B. A., LL. B.

ADVOCATE

(Retired Audit Officer)

Phone : 553409  
2-2-1136/3/1, Jaya Ram Nivas,  
Near Ramalayam Opposite Flour Mill,  
New Nallakunta, Hyderabad - 44.

Dt. 27.4.95

Shri. R. R. THAKUR I.A.S.  
Chairman Telecom Commission  
Sanchar Bhavan  
New Delhi.

Most Respected Sir,

Subj:- O.A.Nos.  
1001/93 ✓  
214/93 ✓

Date of Judgement  
by Hon'ble CAT, Hyd

1222/94, 1223/94 ✓  
616/94, 1035/94 ✓  
1366/94, 69/94 ✓  
1523/93-43/94 ✓

30.11.1994

1078/93, 1193/94, 11226/94 ✓

address you sir as follows:-

My clients filed the above original applications in the Hon'ble Central Administrative Tribunal Hyderabad on par with their respective Juniors who had the benefit of fortuitous promotion in the cadre of Accounts officers. The original applications mentioned above were allowed by the Hon'ble Tribunal Hyderabad on 29.11.94 and 30.11.94, by directing the respondents therein to step up the pay of the applicants as prayed for. The Judgements were not implemented to this day. It is relevant reliably learnt that similar Judgements in other circles namely Kerala, Karnataka,



14  
P-12

K. VENKATESWAR RAO B. A., LL. B.

ADVOCATE  
(Retired Audit Officer)

Ph 553409  
2-2-1136/3/1, Jaya laxmi Nivas,  
Near Ramalayam Opposite Flour Mill,  
New Nallakunta, Hyderabad - 44.

Maharashtra circles etc., were already implemented.  
It is also relevant to state that the S.L.P. filed  
by the Government in these matters was already dis-  
missed.

In view of the above, I request you Sir, to  
cause necessary instructions to implement the  
Judgements without any delay in the  
proceedings.

With Best Regards,

Yours truly  
*K. Venkateswara Rao*  
(K. Venkateswara Rao)

Copy to:-

Shri. M.V. Bhaskar Rao, Garu Chief General Manager  
Telecom, A.P. Circle Door Sanchar Bhavan, Nampally  
Station Road, Hyderabad for kind information and  
necessary action.

*K. Venkateswara Rao*  
Advocate



(15) 013

HYDERABAD,  
16/01/'95.

HYDERABAD - 14

29

The Chief General Manager,  
Southern Telecom Projects,  
No:3, Ethiraj Salai,  
MADRAS - 600 105.&

( THROUGH PROPER CHANNEL )

Sub:- Stepping up of pay of Senior Officer at  
par with that of Junior - Request for  
implementation of the Judgement dated  
30-11-94 of Hon'ble CAT., Hyderabad in OA.  
No: 1035/93 - Regarding.

\* \* \* \* \*

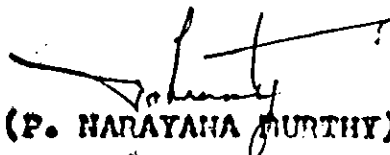
Sir,

I submit that Hon'ble CAT., Hyderabad Bench in their  
judgement No. 1035/93, 1000/93 & 09/94 dated 30-11-94 has ordered  
that my pay should be stepped up on par with my Junior Shri.  
J.N.MISHRA, Accounts Officer and monetary benefit should be allowed  
for to me from 01-9-90. A Photo copy of the said judgement dated  
30-11-94 has already been forwarded to your office by G.M.T.P., HYD  
for taking further necessary action in the matter.

It is learnt that in a similar case, the judgement  
dated 19-7-94 of Hon'ble CAT., Bombay bench in OA.No: 928/93 has  
orders issued by C.G.M.Projects, Bombay vide No: CGMP/BY/Gen.5150/20.  
dated 10-1-95 is enclosed for favour of information.

I therefore request you to consider my case in  
the same manner and cause to issue necessary orders at an early  
date for implementation of the judgement dated 30-11-94 of Hon'ble  
CAT., Hyderabad in OA.No: 1035/93 by stepping up my pay on par with  
my Junior Shri. J.N.MISHRA, Accounts Officer.

Thanking you Sir,

  
(P. NARAYANA MURTHY)

Encl: CGMP., Bombay letter dtd. 10-0-95.



पत्र-7

Corr-7

दूरसंचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

From: Chief Accounts Officer  
O/o Director Maintenance,  
Southern Telecom, Sub-Region,  
Bailabad, HYDERABAD-500 004.

To: The Chief Accounts Officer,  
% Chief General Manager Mtee,  
STR, Madras - 600 001.

No. DMH/AC/E-32/92-95/87

Dated at MD-4 the 15-3-95.

Subj: Stepping up of Pay case of Sri P.Venkata Rao, Sr.AO % DM STR Hyderabad.

A copy of Judgement delivered by CAT, Hyderabad regarding stepping up of pay of Sri P.Venkata Rao, Sr.AO along with comparative Statement with reference to Sri N.Mishra and representation from the Officer is enclosed for favour of necessary action please.

Asst. Chief Accounts Officer  
O/o Director Maintenance,  
Southern Telecom, Sub-Region,  
Bailabad, HYDERABAD-500 004.

16/3



Contempt case

CENTRAL ADMINISTRATIVE TRIBUNAL  
AT :: HYDERABAD

C.P.NO. OF 1995

in

P.A.NO. 10350F 1993



PETITION FILED UNDER SEC.17 OF  
THE CENTRAL ADMINISTRATIVE  
TRIBUNAL ACT, 1985

\* \* \*

Recd  
24.7.95  
P.V.V.R. Reddy  
Mr

Mr. K.Venkateswara Rao

Counsel for the Petitioners

Page 12 filed  
[Signature]



S. R. No.

DISTRICT

*Central*  
**Andhra Pradesh**

**Administrative Tribunal**

**at Hyderabad**



**VAKALAT**

IN

O. A. No.

of 199

ACCEPTED

*[Signature]*

APPLICANT

Advocate for PETITIONER

APPLICANT

Advocate for PETITIONER

Address for Service of the said Advocate is at.

*2.2-1136/3/1 Page*  
*Laxmi Nagar*  
*New Malakal*  
*Hydrabad*



Centre  
In the Andhra Pradesh Administrative Tribunal  
at Hyderabad

C.P. NO. 52/95



D.A. No. 1035 of 1993

(1) P. Narayana Murthy (2) P. Venkata Rao  
(3) K. Venkateswari (4) U. Poorna Chandra Rao  
(5) T. Subramanyam

**VERSUS**

(1) M. V. Bhaskar (2) R. K. Thakkar  
(3) K. V. Krishnamoorti (4) R. Ranganathan

Respondent

Applicant  
Petitioner

(1) K. Venkateswari (2) U. Poorna Chandra Rao  
(3) T. Subramanyam (4) P. Narayana Murthy (5) P. Venkata Rao

I, the above Petitioner do hereby appoint and retain.

K. Venkateswari

Advocate's of the High Court to appear for me/us in above Petition and to conduct and prosecute (or defend) the and all proceedings that may be taken in respect of any application connected with the same any degree or order passed therein including all application for return of documents or the receipt or any moneys that may be payable to me/us in the said Appeal/Petition and also to appear in all applications under Clause XV of the Letters Patent and for leave to the Supreme Court of India.

(1) [Signature] (4) [Signature]  
(2) [Signature] (5) [Signature]  
(3) [Signature]

I Certify that the contents of this [blank] and Telugu.....in my presence to the executants who appeared perfectly to understand the same and made his/her/their signature or mark in my presence.

1000  
N. D. [Signature]  
Advocate's Hyderabad.



Supreme Court File Nos. 43/96 + 42/96 + 44/96 + 46/96 +

95/96

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

CIVIL APPEAL Nos. 8690 to 8694, 8680-82, 8684-8686, 8687,  
~~SUPREME COURT LEAVE PETITION~~ Nos. 8689 of 1996, 689, 6267-6268,  
690, 6277, 6278, 6284 & 6287 of 1997

Petition/Appeal was filed in the SUPREME COURT OF INDIA  
by ~~the~~ The Chief General Manager, Telecom : AP, Hyd. & Ors. Against N. Balakrishna  
& Ors.  
Department seeking leave to appeal/~~appeal~~ against the  
Order/Judgment of this Hon'ble Tribunal dated 30-11-94, 28-12-90, 10-3-95  
1035, 1366/93 & 69/94, 1222/93, 1223/93 & 616/94, 389/94  
and made in S.A./D.A. Nos. 108/95, 1523/93, 43, 1078/94, The Supreme Court  
was pleased to ~~dismiss~~/Allow/ the ~~leave to appeal~~ ~~Petition~~/  
~~stay the operation of Judgment~~ on 12-9-97.

and the letter/order of the Supreme Court of India are enclosed  
herewith for perusal.

Submitted.

Deputy Registrar (J)

~~Registrar~~

~~Hon'ble Vice-Chairman~~

~~Hon'ble Member (A) I~~

~~Hon'ble Member (A) II~~

~~Hon'ble Member (J)~~

Note: Supreme Court Order  
dt. 12-9-97 Circulated  
to all H. members. Hence  
Circulation of Decree  
not necessary.



15145  
D.No.2164/95/etc.etc./XIIA.  
Supreme Court of India  
New Delhi.

Dated this the May, 1998.

From: The Registrar (Judicial),  
Supreme Court of India,  
New Delhi.

To: The Registrar,  
Central Administrative Tribunal,  
Hyderabad Bench,  
No.5-10-193, 1st Floor,  
HACA Bhavan. Post Box No.10  
(Opp: Public Gardens),  
Hyderabad - 500 004.

CIVIL APPEAL NOS.8690 TO 8694, 8680-82, 8684-8686, 8687,  
8689 OF 1996, 689, 6267-6268, 690, 6277, 6278, 6284 AND  
6287 OF 1997.

The Chief General Manager,  
Telecommunications, A.P.,  
Hyderabad and Ors.

Appellants.

Versus

N.Balakrishna and Ors.

Respondents.

Sir,

In continuation of this Registry's letter of even number dated the 5th November, 1997, I am directed to transmit herewith for necessary action a certified copy of the Decree dated the 12th September, 1997 of the Supreme Court in the said appeals.

Please acknowledge receipt.

Yours faithfully,

for Registrar (Judicial).

9/6  
jud  
set sent 2

केन्द्रीय प्रशासनिक न्यायालय Central Administrative Tribunal हैदराबाद बेंच HYDERABAD BENCH
- 9 JUN 1998
RECEIVED विभाग/APPAL SECTION

325  
9/6/98

16/6/98



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdev, D.N. Rana, Hemant,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

For Respondent Nos. 1, 2,  
4-9, 10-16 and 18-22. : M/s. L. Nageshwara Rao and S.U.K. Sagar, Advocates.

The Appeals above-mentioned alongwith connected matters

days of April, 1997, UPON perusing the record and hearing counsel  
for the appearing parties above-mentioned,

the Court took time to consider its Judgment and the appeal  
being called on for Judgment on the 12th day of September, 1997,

THIS COURT DOTH PASS <sup>inter alia</sup> the following ORDER:

"The employees in question are,...., not entitled to have their pay stepped up under the said Government Order\* because the difference in the pay drawn by them and the higher pay drawn by their juniors is of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the impugned orders of different Benches of the Central Administrative Tribunal which have held to the contrary are set aside. There will, however, be no order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned;  
WITNESS the Hon'ble Chief Justice of India, Justice of India at the Supreme Court, New Delhi dated this the 12th day of September, 1997.

(R.P. DUA)  
JOINT REGISTRAR



Certified to be true copy

*Pradyumn Ramesh*

Assistant Registrar (Jedl.)

29-5-88 199

Supreme Court of India

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

266725

CIVIL APPEAL NOS. 8690 TO 8694 OF 1996.

(Appeals by special leave from the Judgment and Order dated the 30th November, 1994 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application Nos. 1523 of 1993, 43 of 1994, 1078 of 1994, 1193 of 1994 and 1226 of 1994).

1. The Chief General Manager, Telecommunications,  
Andhra Pradesh, Hyderabad.
2. Union of India, rep. by  
The Director General, Deptt. of  
Telecommunications, New Delhi.
3. The Secretary,  
Ministry of Tele communications
4. The Chief General Manager,  
Southern Telecom Region,  
Madras 600 001.

Appellants.

Versus

1. N. Balakrishna
2. S. Rishna Murthy
4. A. Rajeshwara Rao
5. O. Bhaskara Rao
6. Bhamidi Suryanarayana
7. Ch. V. Subba Rao
8. U. Thukaram
9. G. V. V. Satyanarayana
10. T. Lakshminarayana
11. V. V. Koteswara Rao
12. P. Sree Ramamurthy
13. B. V. Narshimhan.
14. B. Sithapathi Rao
15. Ch. Narayanaswamy
16. D. Sitaramaiah
18. Ch. Veeraraghavulu
19. S. Ganapathi
20. T. Narashimhamurthy
21. B. Lakshmi Narayana
22. V. Naga Chari

C/o Chief General Manager,  
Telecommunications,  
Hyderabad, A.P.

Respondents.

(For addresses of respondent please see the Formal Order dated 5th March, 1997 already sent).



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8690 TO 8694 OF 1996.

The Chief General Manager,  
Telecommunications, A.P.  
Hyderabad and Ors.

Appellants.

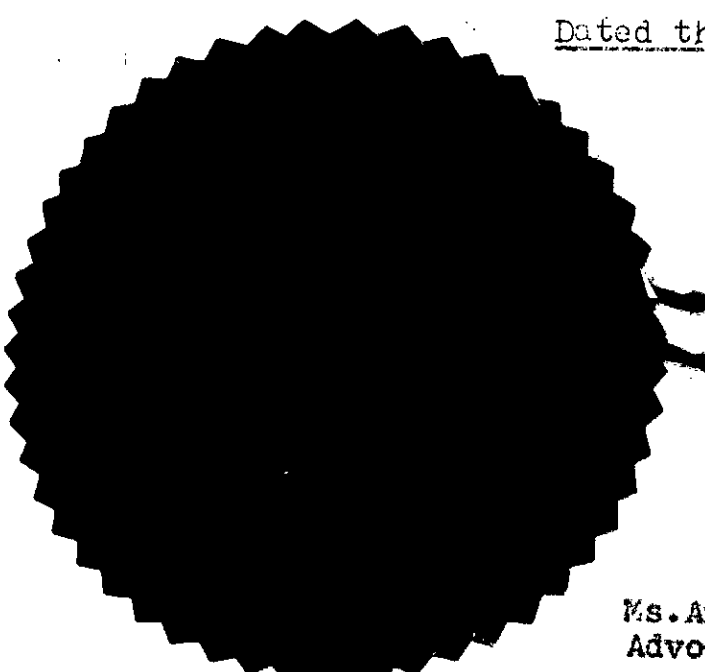
N. Balakrishna and Ors.

Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH, HYDERABAD.  
C.A. Nos. 1523/93, 43/94, 1078/94, 1193/94  
and 1226/94.

WITH NO ORDER AS TO COSTS.

Dated this the 12th day of September, 1997.



Ms. Anil Katiyar,  
Advocate on record for the Appellants.

Mr. S.U.K. Sagar,  
Advocate on record for Respondent Nos.  
1, 2, 4 to 9, 10-16 and 18-22.

SEALED IN MY PRESENCE

sg.



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and others).

For Respondent Nos. 1 to 4,  
6 to 12 and 15 to 25. : M/s. L. Nageshwar Rao and S.U.K. Sagar, Advocates.

The Appeals above-mentioned along with connected matters  
being called on for hearing before this Court on the 22nd and 23rd  
days of April, 1997, UPON perusing the record and hearing counsel  
for the appearing parties above-mentioned,

the Court took time for  
being called on for Judgment on the 12th day of September, 1997,

THIS COURT DOTH PASS <sup>inter alia</sup> the following ORDER:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

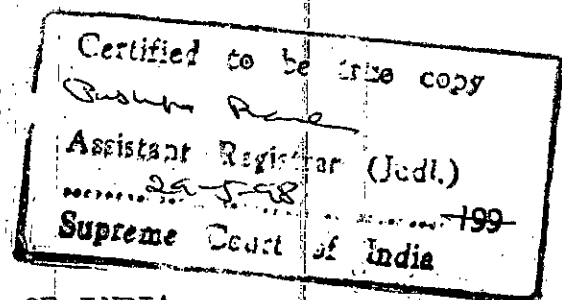
The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

(R.P. DUA)  
JOINT REGISTRAR





IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

266715

CIVIL APPEAL NOS. 8680-92 OF 1996.

(Appeals by special leave from the Judgment and Order dated the 30th November, 1994 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application Nos. 1035 of 1993, 1366 of 1993 and 69 of 1994).

The Chief General Manager, Telecommunications  
Andhra Pradesh, Hyderabad and Amr.

Appellants.

Versus

K. Venkateswarlu and Ors.

Respondents.

(Enclosed case title please see  
Order dated 5th March, 1997 already  
sent).



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8680-82 OF 1996.

The Chief General Manager,  
Telecommunications, A.P.  
Hyderabad and Anr.

Appellants.

Versus

K.Venkateswarlu and Ors.

Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH AT HYDERABAD.

Original Application Nos. 1035 of 1993,  
1366 of 1993 and 68 of 1994.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Dated this the 12th day of September, 1997.



Ms. Anilkatiyar,  
Advocate on record for the Appellants.

Mr. S.Udaya K.Sagar,  
Advocate on record for Respondent Nos.  
1-4, 6-12, 15 to 25.

sg. **SEALED IN MY PRESENCE**



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam. Advocates with them)

For Respondent Nos. 1  
to 5, and 7 to 9. : M/s. L. Nageshwara Rao and S.U.K. Sagar, Advocates.

being called on for hearing before this Court on the 22nd and 23rd  
days of April 1997. ~~UPON perusing the record and hearing counsel~~  
~~for the appearing parties above-mentioned,~~

the Court took time to consider its Judgment and the appeal

being called on for Judgment on the 12th day of September 1997  
THIS COURT DOETH PASS the following ORDER:

"The employees in question are,...., not entitled to have their pay stepped up under the said Government Order\* because the difference in the pay drawn by them and the higher pay drawn by their juniors is not as a result of any anomaly; nor is it a result of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the impugned orders of different Benches of the Central Administrative Tribunal which have held to the contrary are set aside. There will, however, be no

AND THIS COURT DOETH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief Justice of India at the Supreme Court, New Delhi dated this the 12th day of September, 1997.

*SL*  
JOINT REGISTRAR

\* No.F.2(78)-E.III(A)/66 dated the 4th February, 1966,



266717

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Certified to be true copy

*Pradyumn Kumar*

Assistant Registrar (Judl.)

.....29.5.98

.....199-

Supreme Court of India

CIVIL APPEAL NOS. 8684-8686 OF 1996.

(Appeals by special leave from the Judgment and Order dated the 30th November, 1994 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application Nos. 1222, 1223 and 616 of 1994).

The Chief General Manager,  
Telecommunications, Andhra  
Pradesh, Hyderabad and Ors.

Appellants.

Versus

T.R.L. Sarma S/o T. Laxminarayan  
and Ors.

Respondents.

(For full cause title please see  
schedule 'A' attached with Formal

Order dated 5th March, 1997 already  
sent).



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8684-8686 OF 1996.

The Chief General Manager,  
Telecommunications, A.P.,  
Hyderabad and Ors.

Appellants.

Versus

M. L. Sarma, and Ors.

Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH, HYDERABAD.  
Original Application Nos. 1222, 1223  
and 616 of 1994.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Dated this the 12th day of September, 1997.

Mrs. Anil Katiyar,  
Advocate on record for the Appellants.

Mr. S. Uday Kr. Sagar,  
Advocate on record for Respondent Nos.  
1 to 5, 7 to 9.

SEALED IN MY PRESENCE

sg.



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. G.N. Keddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

The Appeal above-mentioned being taken on board on the  
23rd day of April, 1997 and being called on for hearing along with  
~~appealed~~ ~~the said date and~~ UPON  
perusing the record and hearing counsel for the Appellants herein,

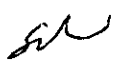
the Court took time to consider its Judgment and the appeal  
being called on for Judgment on the 12th day of September  
~~the Court~~ ~~DOH PASS~~ the following ORDER:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the ~~the~~ Court, New Delhi dated this the  
12th day of September, 1997.

  
(R.P. DUA)  
JOINT REGISTRAR



266670

Certified to be true copy

*Prashant Rao*

Assistant Registrar (Judl.)

.....29.12.1994.....199

Supreme Court of India

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8637 OF 1996.

(Appeal by special leave from the Judgment and Order dated the 28th December, 1994 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application No.330 of 1994).

1. The Director General  
Department of Posts,  
New Delhi.
2. The Post Master General,  
A.P. Eastern Region,  
Vijayawada.
3. The Senior Superintendent  
of Post Offices  
Prakasam Division,  
Ongole.

Appellants.

Versus

M.S.Kameswar Rao,  
Assistant Superintendent of  
Post Office (R),  
Office of the Senior Superintendent  
Prakasam Division,  
Ongole (A.P.).

Respondent.



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8687 OF 1996.

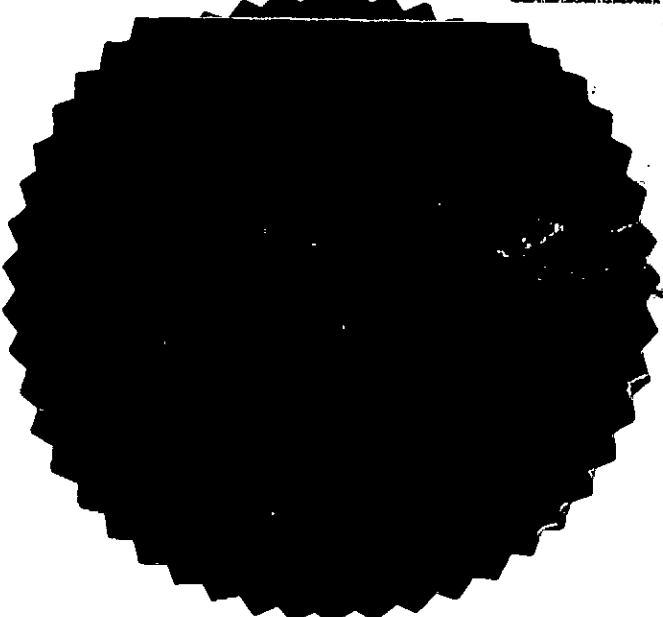
The Director General, Dept. of  
Posts, New Delhi and Ors. Appellants.

*Respondent*  
M.S.Kameswar Rao. Respondent.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH AT HYDERABAD.  
Original Application No.380 of 1994.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Dated this the 12th day of September, 1997.



Mr. C.V.Subba Rao,  
Advocate on record for the Appellants.

SEALED IN MY PRESENCE

*1/5/97*



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

The Appeal above-mentioned being taken on board on the  
23rd day of April, 1997 and being called on for hearing alongwith  
connected matters ~~being~~ before this Court on the said date and

~~upon~~ parties above-mentioned,

the Court took time to consider its Judgment and the appeal  
being called on for Judgment on the 12th day of September, 1997,

THIS COURT DOTH PASS <sup>inter alia</sup> the following ORDER:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

*Signature*  
JOINT REGISTRAR



Certified to be true copy

*Ghosh Rana*

Assistant Registrar (Jcdl.)

24-5-98 199-

Supreme Court of India

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

268674

CIVIL APPEAL NO.8689 OF 1996.

(Appeal by special leave from the Judgment and Order dated the 10th March, 1995 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in R.A.No.20 of 1995 in O.A.No.108 of 1995).

1. The Chief General Manager,  
Telecommunication, A.P.,  
Hyderabad.
2. Union of India,  
rep. by the Director General,  
Department of Communication,  
New Delhi.
3. The Secretary,  
Ministry of Communication,  
New Delhi.

Appellants.

Versus

1. M. Subba Rao,  
S/o M. Achanna,  
Aged about 54 years,  
working as Senior  
Accounts Officer in the  
Office of the Area Manager,  
North Telecom  
Minerva Complex,  
Secunderabad.
2. G. Muniratham,  
S/o Chelama Naidu  
aged about 44 years,  
working as Accounts Officer  
in the o/o the Chief General  
Manager, Telecom  
A.P. Circle, Hyderabad.

Respondents.



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8689 OF 1996.

The Chief General Manager.  
Hyderabad and Ors. Appellants.

Versus

M. Subba Rao and Anr. Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL.  
HYDERABAD OF 1995 IN O.A.No. 708 of 1995.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Dated this the 12th day of September, 1997.



Mr. C.V. Subba Rao,  
Advocate on record for the Appellants.

Mr. S. Udaya Kr. Sagar,  
Advocate on record for Respondent No. 1.

SEALED IN MY PRESENCE

*11/2/97*



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

The Appeal above-mentioned alongwith connected matters  
being called on for hearing before this Court on the 22nd and  
23rd days of April, 1997, UPON perusing the record and hearing  
counsel for the Appellants herein,

the Court took time to consider its Judgment and the appeal  
being called on for Judgment on the 12th day of September, 1997,  
THIS COURT DOTH PASS the following ORDER:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1)."

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

(R.F. DUA)  
JOINT REGISTRAR



Certified to be true copy

*Amr Pal*

Assistant Registrar (Judl.)

.....22.5.97.....1997

Supreme Court of India

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

266680

CIVIL APPEAL NO. 589 OF 1997.

(Appeal by special leave from the Judgment and Order dated the 11th April, 1996 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application No. 421 of 1995).

1. Director General  
Telecommunications,  
New Delhi.

2. Chief General Manager,  
A.P. Circle, Hyderabad,  
Andhra Pradesh.

Appellants.

Versus

S. G. V. Reddy (GTT)  
C/o CGMT. A.P. Circle,  
Hyderabad.

Respondent.



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 689 OF 1997.

Director General, Telecommunications,  
Sanchar Bhawan, New Delhi  
and Anr.

Appellants.

Versus

P.C.V. Reddy (STT).

Respondent.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
UPPER APPELLATION NO. 421 of 1996.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Dated this the 12th day of September, 1997.

Mr. C.V. Subba Rao,  
Advocate on record for the Appellants.

SEALED IN MY PRESENCE

sg.

1/4/97



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

The Appeal above-mentioned alongwith connected matters  
being called on for hearing before this Court on the 22nd and  
23rd days of April, 1997, UPON perusing the record and hearing  
counsel for the Appellants herein,

the Court took time to consider its Judgment and the appeal  
being called on for Judgment on the 12th day of September, 1997.  
THIS COURT DOTH PASS the following ORDER:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

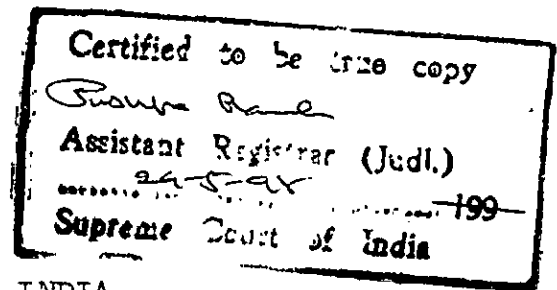
AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

(R.P. DUA)  
JOINT REGISTRAR

\* No.F.2(78)-E.III(A)/66 dated the 4th February, 1966,





IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

266682

CIVIL APPEAL NO.690 OF 1997.  
(Appeal by special leave from the Judgment and Order dated the 11th April, 1996 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application No.422 of 1996).

1. Director General  
Telecommunication  
Sanchar Bhavan,  
New Delhi.

2. Chief General Manager,  
A.P.Circle, Hyderabad,  
Andhra Pradesh.

Appellants.

Versus

C/o CGMT, A.P.Circle,  
Hyderabad.

Respondent.



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 690 OF 1997.

Director General, Telecommunication  
Dept. Appellants.

Versus

K. Prasad Rao. Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH AT HYDERABAD.  
Signal Application No. 422 of 1996.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Date: this the 12th day of September, 1997.

Mr. C.V. Subba Rao,  
Advocate on record for the Appellants.

SEALED IN MY PRESENCE

*1/6/97*



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddam, <sup>Advocates</sup> with them).

The Petition for Special Leave to Appeal above-mentioned  
alongwith connected matters being called on for hearing before this  
Court on the 22nd and 23rd days of April, 1997, UPON perusing the  
record and hearing counsel for the Appellants herein,

the Court took time to consider its Judgment and the <sup>matter</sup> appeal  
being called on for Judgment on the 12th day of September, 1997,  
**grant special leave to appeal and DOTH PASS inter-alia**  
THIS COURT DOTH ~~PASS~~ the following ORDER: **in the resultant appeals**

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

*RP*  
(R.P. DUA)  
JOINT REGISTRAR

\* No.F.2(78)-E.III(A)/66 dated the 4th February, 1966,



266688

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Certified to be true copy  
Shri Ramesh  
Assistant Registrar (Judl.)

.....24-5-1998.....199

Supreme Court of India

CIVIL APPEAL NO. 6284 OF 1997.

ARISING OUT OF:

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3117 OF 1997.  
(Petition under Article 136 of the Constitution of India from the  
Judgment and Order dated the 12th April, 1996 of the Central  
Administrative Tribunal, Hyderabad Bench at Hyderabad in Original  
Application No. 110 of 1996).

1. Director General

Telecommunications

New Delhi.

2. Chief General Manager

A.P. Circle, Hyderabad

Andhra Pradesh.

Appellants.

Versus

G.V.Narasimha Rao (STT)

C/o. CGMT A.P. Circle,

Hyderabad.

Respondent.



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6284 OF 1997.

Director General, Telecommunications  
New Delhi and Anr. Appellants.

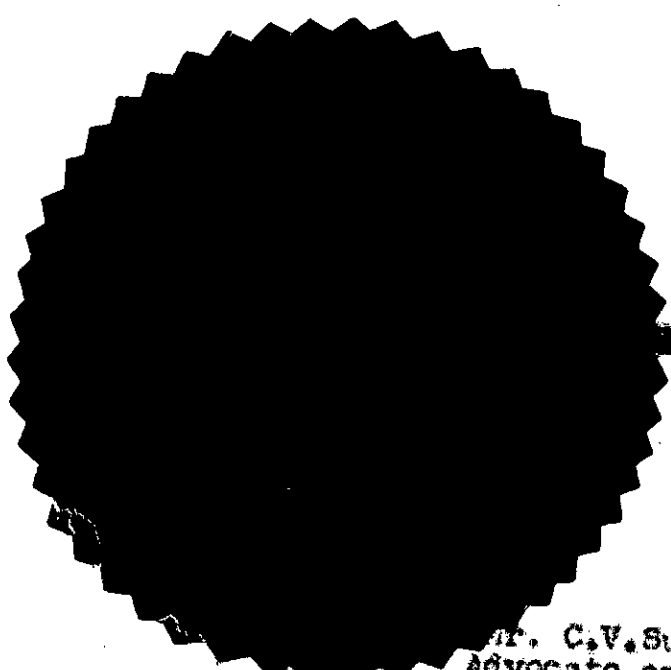
Versus

G. Vasimha Rao (STT). Respondent.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH AT HYDERABAD.  
Original Application No. 170 of 1996.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Dated this 12th day of September, 1997.



Mr. C.V. Subba Rao,  
Advocate on record for the Appellants.

SEALED IN MY PRESENCE

sg.

11/6/97



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

For the Respondent : Mr. L.K. Pandey, Advocate (Not present).

The Petition for Special Leave to Appeal above-mentioned  
being taken on board on the 23rd day of April, 1997, and being  
called on for hearing alongwith connected matters before this  
Court on the said date and UPON perusing the record and hearing  
counsel for the Appellants herein, respondent not <sup>being</sup> present, ~~the Court took time~~  
being called on for Judgment on the 12th day of September, 1997,  
~~grant special leave to appeal and DOTH PASS~~ <sup>intra-alia</sup>  
THIS COURT DOTH ~~PASS~~ the following ORDER: in the resultant appeal:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

*Sd/-*  
(R.P. DUA)  
JOINT REGISTRAR



266694

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6287 OF 1997.

Certified to be true copy

*Rusya Rane*

Assistant Registrar (Jedl.)

24.8.97 199

Supreme Court of India

ARISING OUT OF:

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3796 OF 1997.  
(Petition Under Article 136 of the Constitution of India from the Judgment and Order dated the 25th March, 1996 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application No.390 of 1996).

1. Director General

Sanchar Bhawan,

New Delhi.

2. Chief General Manager,

A.P.Circle, Hyderabad,

Andhra Pradesh.

Appellants.

Versus

A.S.T.Sayi

Retd. Asstt. General Manager,

Office of C.G.M. Telecom,

A.P.Circle, Hyderabad,

H.No.5-13-1 New Maruti

Nagar, P & T Colony,

Hyderabad - 60.

Respondent.



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6287 OF 1997.

Director General, Telecommunications,  
Sanchar Bhawan, New Delhi and Anr. Appellants.

Versus

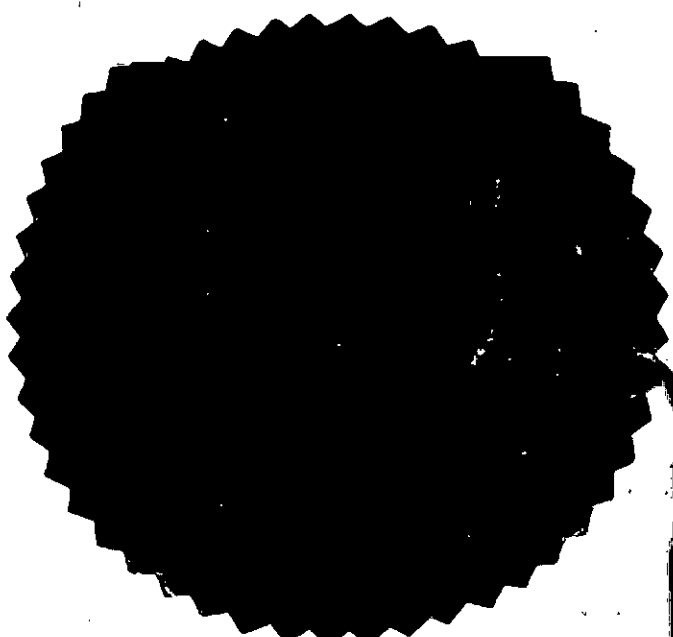
A.S.T. Sayi.

Respondent.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH AT HYDERABAD.  
Original Application No. 380 of 1996.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Dated this the 12th day of September, 1997.



Mr. C.V.S. Rao,  
Advocate on record for the Appellants.

Mr. L.K. Pandey,  
Advocate on record for the Respondent.

SEALED IN THE PRESENCE OF

sg.



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

For Respondent Nos. 2,  
4 to 6, 8 to 11, 13 & 14: M/s. L. Nageshwar Rao and S.U.K. Sagar, Advocates.

The Petitions for Special Leave to Appeal above-mentioned  
alongwith connected matters being called on for hearing before  
this Court on the 22nd and 23rd days of April, 1997, UPON perusing  
the record and hearing counsel for the appearing parties above-  
mentioned,

the Court took time to consider its Judgment and the <sup>matter</sup> appeal *AS*

being called on for Judgment on the 12th day of September, 1997,

*Grant special leave to appeal and Pass inter-alia*  
THIS COURT DOTH ~~make~~ the following **ORDER in the resultant appeals:**

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

*SP*  
(R.P. DUA)  
JOINT REGISTRAR



266700

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Certified to be true copy

*Shyam Lal*

Assistant Registrar (Jadl.)

22-5-98 199

Supreme Court of India

CIVIL APPEAL NOS. 6267-6268 OF 1997.

ARISING OUT OF:

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 11886-11887  
OF 1996.

(Petitions Under Article 136 of the Constitution of India from  
the Judgment and Order dated the 29th November, 1994 of the  
Central Administrative Tribunal, Hyderabad Bench at Hyderabad  
in Original Application Nos. 974 and 1001 of 1993).

The Chief General Manager,  
Telecommunications,  
Andhra Pradesh, Hyderabad  
and others *Ans.*

Appellants.

Versus

V. Gopalam and others.

Respondents.

(For full cause title please see  
<sup>formal</sup>  
earlier order dated 5th March, 1997).



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6267-6268 OF 1997.

The Chief General Manager,  
Telecommunications, A.P.  
Hyderabad and Ors. ~~Ans.~~

Appellants.

Versus

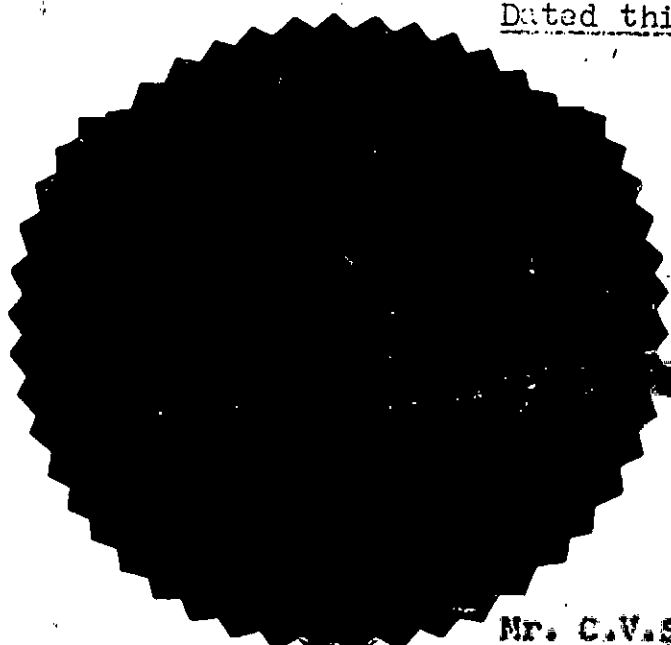
V. Gopalan and Ors.

Respondents.

CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH AT HYDERABAD  
Original Application Nos. 94 and 1001  
of 1993.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Dated this the 12th day of September, 1997.



Mr. C.V. Subba Rao,  
Advocate on record for the Appellants.

Mr. S.U.K. Sagar,  
Advocate on record for Respondent Nos. 2, 4 to 6,  
8 to 11, 13 and 14.

SEALED IN MY PRESENCE



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

For the Respondent : M/s. L. Nageswara Rao and S.U.K. Sagar, Advocates.

The Petition for Special Leave to Appeal above-mentioned  
alongwith connected matters being called on for hearing before this  
Court on the 22nd and 23rd days of April, 1997, UPON perusing the  
record and hearing counsel for the parties herein.

THE COURT TOOK TIME TO CONSIDER ITS JUDGMENT AND THE APPEAL  
being called on for Judgment on the 12th day of September, 1997,

~~grant special leave to appeal and DOth Pass~~ *Inter alia*  
THIS COURT DOth ~~Pass~~ the following ORDER: **in the resultant appeal:**

"The employees in question are,...., not entitled to  
have their pay stopped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOth FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

(R.P. DUA)  
JOINT REGISTRAR



266696

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Certified to be true copy

Assistant Registrar (Judl.)

20-5-97  
Supreme Court of India

CIVIL APPEAL NO.6277 OF 1997.

ARISING OUT OF:

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO.24725 OF 1995.  
(Petition Under Article 135 of the Constitution of India from the Judgment and Order dated the 13th September, 1995 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application No.934 of 1995).

1. The Chief General Manager,  
Telecommunications,  
Andhra Pradesh,  
Hyderabad.
2. Union of India,  
through the Director General  
Department of Telecommunications,  
Sanchar Bhawan,  
New Delhi-110 001.
3. The Secretary to the  
Sanchar Bhawan,  
New Delhi - 110 001.

Appellants.

Versus

A. Jayarami Reddy,  
S/o A. Venkata Reddy  
aged about 44 years,  
Working as Senior Accounts Officer,  
O/o the General Manager, Telecom  
District, Hyderabad.

Respondent.



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6277 OF 1997.

The Chief General Manager,  
Telecommunications, A.P.,  
Hyderabad and Ors.

Appellants.

Versus

A. Jayarani Reddy.

Respondent.

ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH AT HYDERABAD.  
Original Application No. 934 of 1995.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Dated this the 12th day of September 1997

Mr. C.V.G. Rao,  
Advocate on record for the Appellants.

Mr. B.U.K. Sagar,  
Advocate on record for the Respondent.

SEALED IN — PRESENCE



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

~~For the Respondents~~

The Petition for Special Leave to Appeal above-mentioned  
alongwith connected matters being called on for hearing before this  
Court on the 22nd and 23rd days of April, 1997, UPON perusing  
the record and hearing counsel for the <sup>Appellants</sup> ~~parties~~ herein,

the Court took time to consider its Judgment and the <sup>matter</sup> ~~appeal~~  
being called on for Judgment on the 12th day of September, 1997,  
~~grant special leave to the following~~ ORDER in the resultant appeal:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

(R.P. DUA)  
JOINT REGISTRAR



268676

Certified to be true copy

*Shri. P. S. Rao*

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Supreme Court of India

CIVIL APPEAL NO. 6278 OF 1997.

ARISING OUT OF:

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 24729 OF 1996.  
(Petition Under Article 136 of the Constitution of India from the Judgment and Order dated the 13th September, 1995 of Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application No. 947 of 1995).

1. The Chief General Manager,  
Telecommunications,  
Andhra Pradesh,  
Hyderabad - 500 001.
2. Union of India  
Director General,  
Department of Telecommunications,  
Sanchar Bhawan,  
New Delhi-110 001.
3. The Secretary to the  
Government of India,  
Ministry of Telecommunications,  
New Delhi.

Appellants.

Versus

S.V.R. Krishna Murthy  
G/o S. Subba Rao,  
aged about 55 years,  
Senior Accounts Officer,  
Office of the General Manager,  
Telecom District,  
Area Manager, North  
Monerva Complex, Hyderabad.

Respondent.



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6278 OF 1997.

The Chief General Manager,  
Telecommunications, A.P.,  
Hyderabad and Ors.

Appellants.

Versus  
S.V.V. Krishna Murthy.

Respondent.

ORDER OF ADMINISTRATIVE TRIBUNAL,  
HYDERABAD Bench at Hyderabad.  
Original Application No. 947 of 1995.

DECREE ALLOWING THE APPEAL  
WITH NO ORDER AS TO COSTS.

Dated this the 12th day of September, 1997.

Mr. C.V. Subba Rao,  
Advocate on record for the Appellants.

SEALED IN MY PRESENCE



Central Administrative Tribunal: Hyderabad Bench

No. CAT/Hyd/Jud/SC/43, 42, 44, 46 & 95/96 Date: 17/6/98

The Decretal Order of the  
Supreme Court of India in C.A. nos.  
8690 to 8694, 8680-82, 8684-8686, 8687, 8689 of  
1996, 689, 6267-6268, 690, 6277, 6278, 6284 &  
6287 of 1997. dt. 12-9-97 may be  
Communicated to the Govt.

17/6  
SO (J)

OR (J)

To

All Concerned

Copy of Dec.



CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

CIVIL APPEAL

~~SUPREME COURT LEAVE PETITION~~

8680 to 8682 of 1996

Nos. 8684 to 8686 of 1996; 8687/96

8689/96 & 8690 to 8694 of 1996

~~Petition~~ <sup>where</sup> Appeal was filed in the SUPREME COURT OF INDIA  
by ~~the~~ The Chief General Manager & Anr. Against K. Venkateshwarlu &

~~Department~~ seeking leave to appeal/~~Appeal~~ against the  
Order/Judgment of this Hon'ble Tribunal dated 30-11-94, 28-12-94, 10-3-95  
and made in R.A./O.A. Nos 1035, 1366/93 & 69/94, 1222, 1223/93 & 616/94, 380/94, 10/94  
The Supreme Court  
was pleased to ~~Dismiss~~/Allow/ the ~~leave to appeal~~/petition/  
~~stay the operation of Judgment on 12-9-97.~~

The Judgment of the Tribunal in O.A. Nos mentioned above  
and the letter/order of the Supreme Court of India are enclosed  
herewith for perusal.

Submitted.

Deputy Registrar (J)

~~Hon'ble Vice-Chairman~~

Hon'ble Member (A) I

and H.V.C. (D/E)

Hon'ble Member (A) II

Hon'ble Member (J)

Give copy by 10-11-97  
A copy to me: 9/11/97

Accepted

19/11



All communications should be  
addressed to the Registrar.  
Supreme Court, by designation.  
NOT by name  
Telegraphic address :—  
"SUPREMECO"

D. No. 237/96/XII-A

SUPREME COURT  
INDIA

NEW DELHI

Dated. the 5th November, 1997

From: The Addl. Registrar

To : The Registrar  
Central Administrative Tribunal  
(Hyderabad Bench) at Hyderabad  
Andhra Pradesh

CIVIL APPEAL NO. 8680 TO 8682 OF 1996  
(Ref: D.A.Nos. 1035/93, 1366/93 & 69/94)

WITH

C.A. NO. 8684 TO 8686 OF 1996  
(Ref: D.A.Nos. 1272, 1223 and 616/94)

WITH

C.A.NOs. 8687/96  
(Ref: D.A.Nos. 388/94)

AND

C.A.NOS. 8689 OF 1996 & 8690 TO 8694 OF 1996  
(Ref: Review Application No. 20/95 in  
D.A.No. 108/95 & 1523/93, 43, 1078, 1193, & 126/94)

The Chief General Manager & Anr.

...Appellants

Versus

K. Venkateswerlu & Drs.

...Respondents

Sir,

Under Order XIII, Rule 6, S.C.R., 1966, I am directed to  
transmit herewith for your information and necessary action a  
certified copy of the Signed Order dated the 12th September, 1997  
in the Supreme Court in the matter of the  
aforesaid matter will be sent to you in due course.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
दस्तावेज / DESPATCH  
13 NOV 1997  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH

Yours faithfully,

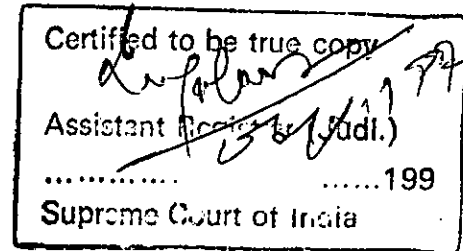
FOR ADDITIONAL REGISTRAR

SC Seal  
AM. Alk  
567  
17/11/97 13/11/97



These appeals have been filed from the judgments of different Benches of the Central Administrative Tribunal. The employees who are before us belong to the Departments of Posts and Telegraph and Telecommunications. They can be broadly classified into two categories: those who belong to the Accounts stream and those who belong to the Engineering stream. In the Accounts stream we are concerned with two posts, the posts of Assistant Accounts Officer and the next promotional post of Accounts Officer. In the Engineering stream, there are employees belonging to the Telegraph Traffic Services and employees belonging to Posts & Telegraph Electrical Wing Services. In the Telegraph Traffic Services, we are concerned with the posts of Junior Engineer and the next promotional post of Assistant Engineer. In the stream of Telegraph Traffic Services we are concerned with the posts of Assistant Superintendent, Telegraph Traffic subsequently re-designated as Junior Telecom Officer and the next promotional post of Superintendent, Telegraph Traffic now designated as Sub-Divisional Engineer. In the Posts & Telegraph Electric Wing we are concerned with the post of Junior Engineer and the next promotional post of Assistant Engineer. In C.A. No.8730/96 the respondent was a Junior Stenographer in the National Aerospace Laboratories, Council of Scientific and Industrial Research. The question raised is the same: of Pay fixation on promotion.





215411

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8658 OF 1996

Union of India & Anr.

... Appellants

versus

R. Swaminathan

... Respondent

[With C.A.Nos. 8810, 8690-94, 8731-8777, 8876, 8813, 8680-82, 8684-8686, 8873, 8874, 8778-8800, 8814-8816, 8817-8818, 8875, 10978 of 1996, 8811-8812, 8687, 8730, 8689, 8872 of 1996 689, 690 of 1997, C.A.Nos. .... 6267-6287 ..... of 1997 [ @ SLP(C) Nos.11886-11887, 13830-13832, 18255, 18903, 20988, 23712, 20488, 24726, 24729, 25067-25068, 25132, 24759, 24238 of 1996, 3117, 2849 of 1997, 17452../97 (cc 3258/97), 3796/97]

**JUDGMENT**

Mrs. Sujata V. Manohar, J.

Delay condoned.

Leave granted in the Special Leave Petitions.



anomaly arose and that he should be paid all arrears arising on account of such refixation. The Tribunal by its judgment dated 9.2.1994 allowed the respondent's application on the basis of its earlier decision which is also the subject matter of appeal before us.

Fixation of pay on promotion to a higher post is governed by Fundamental Rule 22(I)(a)(1) which was formerly Fundamental Rule 22-C. It is as follows:

"F.R.22(I): The initial pay of a Government servant who is appointed to a post on a time-scale of pay is regulated as follows :-

(a)(1) Where a Government servant holding a post, other than a tenure post, in a substantive or temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity, as the case may be, subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time-scale of the higher post shall be fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued or rupees twenty-five only, whichever is more."

.....

.....



All these appeals and special leave petitions raise a common question relating to interpretation of certain Fundamental Rules which govern the services of all these employees, and certain Government Orders issued in this behalf. The promotees who are respondents in these appeals claim that they are getting in the promotional post less pay than their juniors who have been subsequently promoted to the same post. This is an anomaly which should be removed by stepping up their pay to the same level as their junior from the date he was promoted.

For the sake of convenience we are referring to the facts in Civil Appeal No.8658 of 1996. The respondent, R.Swaminathan, at the time of his promotion was an Accounts Officer with the Madras Telephones. Prior to his promotion as Accounts Officer he held the post of Assistant Accounts Officer. On his promotion to the post of Accounts Officer on 18.2.1988 his pay was fixed at Rs.2675/-. One J.N.Misra, who was junior to the respondent, was also subsequently promoted to the post of Accounts Officer. His pay, however, was fixed at Rs.3125/-. The respondent thereupon filed O.A.No.1324 of 1993 before the Central Administrative Tribunal, Madras Bench claiming that his pay should be stepped up to equal that of his junior J.N.Misra from the date on which the



The fixation of this pay in the higher post is, however, subject to the proviso. If the person so promoted has earlier officiated in that higher post or substantively held that higher post for short or long duration, then, (1) his initial pay which is fixed under Rule 22(I)(a)(1) shall not be less than the last pay which he drew when he last held the higher post. (2) The period during which he drew that pay on such last and any previous occasions shall count for increments in the time-scale of the pay for the higher post. For example, if the promotee had previously, on various occasions, officiated in that higher post for different periods, and if the sum total of periods for which he so officiated is more than 12 months, he would be entitled to an increment in that higher pay-scale. His initial pay, therefore, on his regular promotion will be fixed taking into account not merely his entitlement on the basis of his notional pay in the pay-scale of the lower post, but also taking into account the last pay drawn by him while he was officiating in the higher post and also counting the previous periods during which he so officiated for his increment in the higher pay scale. The Department has also, in this connection, drawn our attention to Fundamental Rule 26 which, inter alia, provides as follows:



The proviso to Fundamental Rule 22 is as follows:

"Provided that, both in cases covered by Clause (a) and in cases..... covered by Clause (b), if he--

(1) has previously held substantively or officiated in

(i) the same post,

(ii).....

(iii).....

(2) .....

then the initial pay shall not, except in cases of reversion to parent cadre governed by proviso (1)(iii), be less than the pay, other than special pay, personal pay or any other emoluments which may be classed as pay by the President under Rule 9(21)(a)(iii) which he drew on the last occasion, and he shall count the period during which he drew that pay on a regular basis on such last and any previous occasions for increment in the stage of the time-scale equivalent to that pay. ...."

For the fixation of pay on promotion, therefore, one has to first look at the pay being drawn by the promotee in the lower post. This pay in the lower post must be increased by one increment in that pay-scale. His initial pay in the time-scale of the higher post is fixed at the stage next above this notional pay arrived at in the lower post.



charge of the higher post for a limited duration. This is purely out of administrative considerations and is resorted to in order to tide over the exigencies of work. This practice, we are informed, has been followed in all Circles in the Department of Telecommunications since 1970. This is because, at times it is not possible to fill up all the vacancies in a particular Circle for various reasons such as non-joining by a particular person, chain promotions or short-term vacancies arising on account of leave etc. It is submitted before us by the Department that it is not always possible to convene the meetings of the departmental promotion committee for filling up all the posts which are only available for short periods on an All India basis because of administrative problems. To fill up this gap, Government has issued instructions from time to time to allow local officiating arrangements in the interest of work. The department has also pointed out that all the aggrieved employees in these appeals have availed of such officiating promotions as and when such occasion arose in their Circle and they were eligible. The juniors, therefore, in each of these cases who have received a higher pay on their regular promotion than the seniors, have received this higher pay on account of the application of the proviso to Fundamental Rule 22.



"F.R.26(a): All duty in a post on a time-scale counts for increments in that time-scale:

Provided that, for the purpose of arriving at the date of the next increment in that time-scale, the total of all such periods as do not count for increment in that time-scale, shall be added to the normal date of increment."

.....

We are, however, in the present case, concerned basically with Fundamental Rule 22(I)(a)(1) and the proviso to Fundamental Rule 22 because, in all these appeals, the junior employees who have got higher pay on promotion than their seniors, had officiated in the promotional post for different periods on account of local ad hoc promotions granted to them. This is because the Department of Telecommunications is divided into a number of Circles within the country. The regular promotions from the junior posts in question to the higher posts are on the basis of all India seniority. The Heads of Circles have, however, been delegated powers for making local officiating arrangements based on Circle seniority to the higher posts in question against short-term vacancies upto 120 days in the event of the regular panelled officers not being available in that Circle. This period of 120 days was subsequently revised to 180 days. Under this provision for local officiation, the senior-most official in the Circle is allowed to hold the



to time a higher rate of pay than the senior by virtue of grant of advance increments, the above provisions will not be invoked to step up the pay of the senior officer.

The orders refixing the pay of the senior officers in accordance with the above provisions shall be issued under F.R.27. The next increment of the senior officer will be drawn on completion of the requisite qualifying service with effect from the date of refixation of pay.

As the Order itself states, the stepping up is subject to three conditions: (1) Both the junior and the senior officers should belong to the same cadre and the posts in which they have been promoted should be identical and in the same cadre; (2) the scales of pay of the lower and higher posts should be identical and ; (3) anomaly should be directly as a result of the application of Fundamental Rule 22-C which is now Fundamental Rule 22(1)(a)(1). We are concerned with the last condition. The difference in the pay of a junior and a senior in the cases before us is not a result of the application of Fundamental Rule 22(1)(a)(1). The higher pay received by a junior is on account of his earlier officiation in the higher post because of local officiating promotions which he got in the past. Because of the proviso to Rule 22 he may have earned increments in the higher pay-scale of the post to which he is promoted on account of his past service and



According to the aggrieved employees, this has resulted in an anomaly. Government Order bearing No.F.2(73)-E.III(A)/66 dated 4<sup>th</sup> of February, 1966, has been issued for removal of anomaly by stepping up of pay of a senior on promotion drawing less pay than his junior. It provides as follows:

"(10) Removal of anomaly by stepping up of pay of Senior on promotion drawing less pay than his junior.--(a) As a result of application of F.R.22-C.-- In order to remove the anomaly of a Government servant promoted or appointed to a higher post on or after 1-4-1961 drawing a lower rate of pay in that post than another Government servant junior to him in the lower grade and promoted or appointed subsequently to another identical post; it has been decided that in such cases the pay of the senior officer in the higher post should be stepped up to a figure equal to the pay as fixed for the junior officer in that higher post. The stepping up should be done with effect from the date of promotion or appointment of the junior officer and will be subject to the following conditions, namely:--

- (a) Both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;
- (b) The scale of pay of the lower and higher posts in which they are entitled to draw pay should be identical;
- (c) the anomaly should be directly as a result of the application of F.R.22-C. For example, if even in the lower post the junior officer draws from time



(c) If a senior joins the higher post later than the junior for whatsoever reasons, whereby he draws less pay than the junior, in such cases senior cannot claim stepping up of pay at par with the junior."

(d) .....

.....

There are also other instances cited in the Memorandum. The Memorandum makes it clear that in such instances a junior drawing more pay than his senior will not constitute an anomaly and, therefore, stepping up of pay will not be admissible. The increased pay drawn by a junior because of ad hoc officiating or regular service rendered by him in the higher post for periods earlier than the senior is not an anomaly because pay does not depend on seniority alone nor is seniority alone a criterion for stepping up of pay.

The aggrieved employees have contended with some justification that local officiating promotions within a Circle have resulted in their being deprived of a chance to officiate in the higher post, if such chance of officiation arises in a different Circle. They have submitted that since there is an All India seniority for regular promotions, this All Indian seniority must prevail even while making local officiating appointments within any Circle. The question is basically of



also his previous pay in the promotional post has been taken into account in fixing his pay on promotion. It is these two factors which have increased the pay of the juniors. This cannot be considered as an anomaly requiring the stepping of the pay of the seniors.

The Office Memorandum dated 4.11.1993, Government of India, Department of Personnel & Training, has set out the various instances where stepping of pay cannot be done. It gives, inter alia, the following instances which have come to the notice of the department with a request for stepping up of pay. These are:

- "(a) Where a senior proceeds on Extra Ordinary Leave which results in postponement of Date of Next Increment in the lower post, consequently he starts drawing less pay than his junior in the lower grade itself. He, therefore, cannot claim pay parity on promotion even though he may be promoted earlier to the higher grade;
- (b) If a senior foregoes/refuses promotion leading to his junior being promoted/appointed to the higher post earlier, junior draws higher pay than the senior. The senior may be on deputation while junior avails of the ad hoc promotion in the cadre. The increased pay drawn by a junior either due to ad hoc officiating/regular service rendered in the higher posts for periods earlier than the senior, cannot, therefore, be an anomaly in strict sense of the term.



administrative exigency and the difficulty that the administration may face if even short-term vacancies have to be filled on the basis of All India seniority by calling a person who may be stationed in a different Circle in a region remote from the region where the vacancy arises, and that too for a short duration. This is essentially a matter of administrative policy. But the only justification for local promotions is their short duration. If such vacancy is of a long duration there is no administrative reason for not following the all India seniority. Most of the grievances of the employees will be met if proper norms are laid down for making local officiating promotions. One thing, however, is clear. Neither the seniority nor the regular promotion of these employees is affected by such officiating local arrangements. The employees who have not officiated in the higher post earlier, however, will not get the benefit of the Proviso to Fundamental Rule 22.

The employees in question are, therefore, not entitled to have their pay stepped up under the said Government Order because the difference in the pay drawn by them and the higher pay drawn by their juniors is not as a result of any anomaly: nor is it a result of the application of Fundamental Rule 22(I)(a)(1).



Central Administrative Tribunal: Hyderabad Bench

Endt. No. CAT/Hyd/Judl/SC/42,43,44,46 & 95/96 Date: 18-11-97

The Order of the Supreme Court of India in C.A. Nos. 8680 to 8682, 8684 to 8686; 8687, 8688, 8689, 8690 to 8694 of 1996, dt. 12-9-97 may be communicated to the concerned.

~~12/11/97~~  
S.C. (T)

||  
D.R.(T)

T  
All concerned.



Supreme Court File No. 43/96

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

CIVIL APPEAL NOS. 8680 to 8682 of 1996

Appeals were filed in the SUPREME COURT OF INDIA  
BY The Chief General manager & Am. Against K. Venkateshwarlu & others  
~~Department seeking appeal~~ against the order/Judgment of  
this Hon'ble Tribunal dated 30-11-94 and made in  
O.A.Nos. 1035, 1366/93 & 69/94. The Supreme Court  
pleaded to adjourn the case for some time on 5-3-1997, and to  
~~and further~~ the Court's order dt. 10-5-96 granting stay  
of the Judgment, ~~as and to hereby vacated.~~

The Judgment of the Tribunal in O.A.No.8 (as above)  
and the letter/order of the Supreme Court of India are  
enclosed herewith for perusal.

Submitted.

Deputy Registrar (J)

Hon'ble Member (A)  
& I/c Vice-Chairman

Hon'ble Member (A) II

Hon'ble Member (J)



*Jedf*

*Subject*

*3497*

D.NO. 237 /96 /XII-A  
SUPREME COURT OF INDIA,  
NEW DELHI.

DT. 20th March, 1997

From : R.K. Talwar,  
Assistant Registrar.

To : The Registrar,  
Central Administrative Tribunal  
(Hyderabad Bench) at Hyderabad.

INTERLOCUTORY APPLICATION NOS. 4 TO 6  
(Applications for Stay)

IN

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO.

(Petition under Art. 136 of the Constitution of  
India for Special Leave to Appeal from the  
Judgment and Order dated \_\_\_\_\_ of the  
Central Administrative Tribunal (Hyderabad Bench)  
at Hyderabad in \_\_\_\_\_)

CIVIL APPEAL NOS. 8680 TO 8682 OF 1996

(Ref: O.A. Nos. 1035 of 1993, 1366 of 1993 & 69 of 1994)

The Chief General Manager and Anr. ..Appellants  
versus

Sir,

In continuation of this Registry's letter of  
even number, dated 20th May, 1996, I am directed  
to forward herewith a Certified Copy of the Order  
of this Court dated 5th March, 1997 passed in the  
matter above-mentioned for your information and  
necessary action.

Please acknowledge receipt.

Yours faithfully,

ASSISTANT REGISTRAR

प्रादेशिक न्यायालय  
Central Administrative Tribunal  
HYDERABAD BENCH

- 7 APR 1997

RECEIVED

*173*

*7/4/97*

50/15-3-97.



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

104765

INTERLOCUTORY APPLICATIONS NOS. 4 TO 6  
( Applications for Stay after Notice )

IN THE MATTER OF :

CIVIL APPEAL NOS. 8680 TO 8682 OF 1996  
( Appeals by Special Leave granted by this Court's Order dated the 10th May, 1996 in Petitions for Special Leave to Appeal (civil) Nos. 3438 to 3440 of 1996 from the Judgment and Order dated the 30th November, 1994 of the Central Administrative Tribunal (Hyderabad Bench) at Hyderabad in O.A. Nos. 1035 of 1993, 1366 of 1993 and 69 of 1998 )

The Chief General Manager and Another

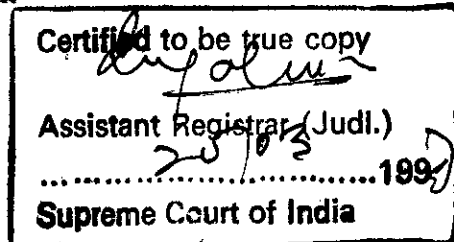
...Appellants

versus

K. Venkateswarlu and Others

...Respondents

( FOR COMPLETE CAUSE TITLE, KINDLY SEE  
SCHEDULE A ATTACHED HEREWITH )





5th March, 1997.

CURAM :

HON'BLE MR. JUSTICE J. S. VERMA.

HON'BLE MR. JUSTICE B. N. KIRPAL.

For the ~~Appellant~~ ~~Respondent~~

Mr. V. R. Reddy, A.S.G.

Mr. M. N. Goswami, Senior Advocate.

(Mr. Anil Katiyar, Advocate with them)

For Respondent  
Nos. 1 to 4, 6 to 12  
and 15 to 25

Mr. S. Uday Kr. Sagar, Advocate.

The Application for Stay alongwith connected matters above-mentioned being called on for hearing before this Court on the 5th day of March, 1997, UPON hearing counsel ~~appearing parties above-mentioned~~ ~~for the Petitioner/Respondent~~ HIS COURT DOTH inter alia pass the following Order:-

"The foundation of the case of the Union of India is the practice of making ad hoc officiating promotions to the post of Assistant Accounts Officer (AAO) (prior to 1987 known as Deputy Accounts Officer) on the basis of the seniority within the circle and not on All-India basis, even though the impact of this practice appears to have a lasting adverse effect on a person senior in the list but in a different circle who does not get the benefit of the ad hoc officiating promotion simply because he is then posted in a different circle. Prima facie, this practice appears to be the reason for pay being fixed for



the senior person even after promotion to the rank of the Accounts Officer and the consequent adverse effects in several ways, including those in the retiral benefits. The legality of the practice adopted of making ad hoc officiating promotions based on the circle seniority alone excluding from consideration those seniors who are in other circles even though the promotion from the post of AAO to AO is to be made on All India basis is also a matter which would require consideration. To enable proper preparation of the case and its presentation at the hearing on behalf of the Union of India, we deem it fit to adjourn the case for some time. However, the adjournment being occasioned for the above reason, the Union of India must pay the costs of this hearing to the other side and there is no justification now to continue the stay which has been granted in these matters to the Union of India.

stay granted in these matters in favour of the Union of India and direct the Union of India to pay Rs. 10,000/- as costs of the hearing to the other side."

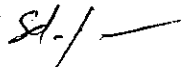
THIS COURT DOETH FURTHER ORDER THAT this Court's Order dated 10th May, 1990 granting stay in pursuance of the Judgment and Order dated 30th November, 1994 of the Central Administrative Tribunal (Hyderabad Bench) at Hyderabad in O.A.Nos. 1038 of 1993, 1366 of 1993 and 69 of 1994

above-mentioned be and is hereby vacated;



AND THIS COURT DOth FURTHER ORDER THAT this ORDER  
be punctually observed and carried into execution by  
all concerned.

WITNESS the Hon'ble Shri Aziz Mushabber Ahmadi,  
Chief Justice of India at the Supreme Court, New Delhi,  
dated this the 5th day of March, 1997.

  
(SURESH CHANDRA)  
ADDITIONAL REGISTRAR



CA 4600 - 1996

9/10-23)

Schedule A

10

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

34838-410/96

SPECIAL LEAVE PETITION(C) NO. \_\_\_\_\_ OF 1995

IN THE MATTER OF

1. The Chief General Manager,  
Telecommunications,  
Andhra Pradesh,  
Hyderabad.

2. Union of India representative by  
The Director General  
Department of Telecommunication

all the O.As.

.....Petitioners

Vs.

1. K.Venkateswarlu  
aged about 48 years, Accounts  
Officer O/o The Chief General Manager  
Telecommunications, Doorancher  
Bhavan Hyderabad.

2. U.Purna Chandra Rao S/o Verdasingha Rao  
aged about 45 years, Accounts  
officer, O/o the Hyderabad Telephone  
District.



10 (a)

3. T.Subramanyam S/o T.Appanna,  
aged about 56 years,  
Office of the General Manager,  
Hyderabad Telephone  
District.
4. P.Narayana Murthy S/o P.Mulaswamy  
aged about 52 years,  
Accounts officer, O/O  
the G.M. Projects,  
Hyderabad.  
  
N.Lakshmana Murthy S/o N.Akkayya  
aged about 43 years, Account officer,  
O/o the General Manager,  
Hyderabad Telephone  
District Hyderabad.
6. P.Venkat Rao, S/o P.Narayana  
aged about 46 years accounts  
officer O/o The Director  
M.T.C.E. Hyderabad. Applicants in OA 1035/93.
7. S.Siva Ramakrishna Murthy  
aged about 41 years, Accounts officer,  
O/c Chief General Manager, Telecommuni-



10(L)

cations, Door, Sanchar Bhavan,  
Hyderabad.

8. P. Narasimham S/o Nagiah, aged about  
46 years, Accounts Officer,  
O/o Telecom District Manager,  
Nellore. (A.P.)
9. M. Bhavanarayanan S/o Venkateswarlu,  
aged about 46 years, Accounts  
O/o General Manager,  
Telecommunications, Guntur. (A.P.)
10. K. Eswar Rao, S/o Samba Murty aged  
about 43 years Accounts officer,  
O/o Telecom Dist.  
Manager, Eluru. (A.P.)
11. B. Pitchairah S/o Bichi Ramiah,  
aged about 45 years, Accounts Officer,  
O/o Chief General Manager,  
Telecommunications,  
Hyderabad. (A.P.)
12. G.T.V.S.K. Acharyulu S/o G.T. Sesha  
Acharyulu, aged about 40 years Accounts  
Division II, Cally,  
Hyderabad.



10(c)

13. Y.Chandra Sekhar Rao, S/o Viswanatham  
aged about 47 years, Accounts Officer  
O/o General Manager, Telecommunications  
Hyderabad. A. P.
14. N.Venkobhar Rao S/o Guru Murthi Rao,  
aged about 77 years Accounts Officer  
O/o ~~Chief~~ General Manager,  
Telecommunications,  
Hyderabad. A. P.
15. K.R.G.Durgaprasada Rao, S/o K.V.Subha Rao,  
aged about 50 years, Accounts Officer,  
Tirupath. A. P.
16. T.S.R.A.Prasada Rao, S/o Sundara Ramamurthy,  
aged about 44 years, Accounts officer,  
Tirupathi. A. P.
17. S.Rajesam S/o Perusuramulu,  
aged about 44 years, Accounts officer,  
O/o Telecom Divisional Engineer,  
Adilabad. A. P. Applicants



10(d)

18. B. Balasailu S/o Lingaiah aged,  
about 50 years, Accounts Officer,  
O/o the Telecom. District  
Engineer, Mahabubnagar. P. P.
19. T. Venkatecharayulu S/o T. V. Krishnama  
Charyaulu aged about 50 years,  
Accounts officer,  
O/o The General Manager  
Telecom District  
Vijayawada. P. P.
20. G. R. C. S. Sestry S/o Late Satyanarayana  
Accounts officer,  
O/o The General Manager,  
Telecom District.  
Rajahmundry. P. P.
21. K. Venkata Ramana S/o Late Appa Rao,  
Accounts Officer  
(Regd) 29.15-20 Eortgate Kandakam  
Street, Rajahmundry-1. P. P.



22. G. Venkata Mrishna Murthy S/o Late  
Goli Venkanna aged about 59 years,  
Accounts officer (Regd.) H.No. 79-17-22  
Lanagar, Rajahmundry-3. A. P. /

23. Narayana Rao, S/o Late Tippanam Rao  
aged about 40 years Accounts  
Officer O/o Telecom  
Engineer Mahabuhagar. A. P. /

24. Y. Sahab Saran, S/o Y. Narayana Setty  
aged about 60 years Accounts  
officer  
Yelkur Gate, Kurnool. A. P. Applicant  
69/94

25. Accounts Officer, (Regd)  
Telecom District Engineer, A. P. /  
Mahabunagar. .... Respondents



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

**INT**

CIVIL APPEAL NOS. 8680 TO 8682 OF 1906

**The Chief General Manager & Atr.**

... Respondent(s)

Dated this, the 5th day of March, 1997.

**Andi Lityar, \***

### Advocate-on-record for the Appellants

**Mr. S. Uday K. Sagar,**

Advocate-on-Record for Respondent Nos.1 to 4,6 to 12  
and 15 to 25.

SJ/15-3-97.

✓ 21/3 PRESENT



Central Administrative Tribunal: Hyderabad Bench

Endt. No. CAT/Hyd/Jud/SC/43/96

Date: 22-4-97

The Order of the Supreme Court of India in C.A. Nos. 8680 to 8682 of 1996, dt. 5-3-97, may be Communicated to the Concerned.

S.O. (T)

O.R. (T)

To

1. The Chief General Manager,  
Telecommunications, A.P.

2. The Director General,  
Dept. of Telecommunications,  
U.O.I., New Delhi.

3. Mr. K. Venkateshwarlu & sons.

4. The Chief General Manager,  
Telecommunications, Deccanacher Bhavan,  
Hyderabad.

5. Mr. K. Venkateshwar Rao, Advocate, CAT, Hyd.

6. Mr. M.V. Raghava Reddy, Addl. CSE, CAT Hyd.

7. One Space Gpy.



Supreme Court File No. 43/96

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD

CIVIL APPEAL  
~~SUPREME COURT LEAVE PETITION~~

NO. 8680 to 8682 of 1996

Petition/Appeal was filed in the SUPREME COURT OF INDIA by Sri The Chief General Manager and Anr. Against K. Venkatawela & Co. Department seeking leave to appeal/appeal against the Order/Judgment of this Hon'ble Tribunal dated 30-11-94 and made in F.A./O.A. Nos. 1035, 1366/93 & 69/94. The Supreme Court was pleased to dismiss the leave to appeal/petition/stay the operation of judgment on for service on Respondents Nos. 5, 13 & 14 and transmit the original records on 10-5-96.

The Judgment of the Tribunal in F.A./O.A. Nos. 1035, 1366/93 & 69/94 and the letter/order of the Supreme Court of India are enclosed herewith for perusal.

Submitted.

Deputy Registrar (J)

1/8/96

Registrar

~~Hon'ble Vice-Chairman~~

~~Hon'ble Member (A)~~

~~Hon'ble Member (B)~~

2/8/96  
Hence  
for



Tue  
22796

**SUPREME COURT  
INDIA**

$$\underline{22796}$$

: The Registrar,  
Central Administrative Tribunal-1,  
Hyderabad Bench, Hyderabad.  
Andhra Pradesh.

(Appeals by Special Leave granted by this Court's Order dated by the 10-5-1996 in petition for Special Leave to Appeal (Civil) Nps. 3438 to 3440 of 1996 from the Judgment and Order dated the 30-11-94 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in O.A.Nos.1035/93 1366/93 and 69/94.

22/7

- Versus -

..... Respondents.

~~True Circuits~~

H. BERNARDI DEBON

प्राप्त/RECEIVED

...2/-

$$\frac{323}{227196}$$

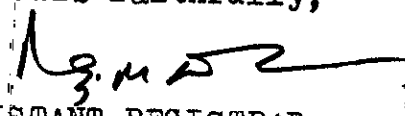


The Respondents Nos.1 to 4, 6 to 12 and 15 to 25 are represented by Mr.S.Udaya Kumar Sagar, Advocate. He has been served directly with the notice under Rule 11 of Order XVI, SCR, 1966.

You may now, as required by Rule 11, Order XV, SCR, 1996 cause the enclosed notice of Lodgment of Petition of Appeal to be served on the Respondent Nos. 5,13 and 14, and transmit to this Court a certificate as to the dates on which the said notice has been served within three months from the date of receipt of Notice of Lodgment, Petition of Appeal, failing which the matter will be listed before the Court for further directions.

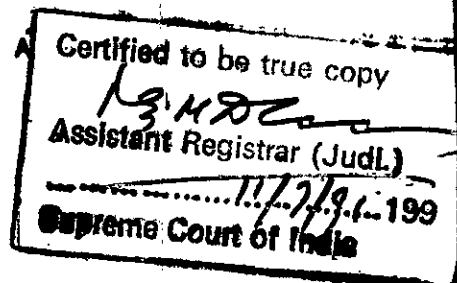
Regarding the preparation of the appeal record, your attention is invited to the provisions contained in amended Rules 11 A of Order XVI, SCR, 1966 (amended on 15.3.91) and appropriate steps may be taken in the matter in accordance with the said rules.

Yours faithfully,

  
ASSISTANT REGISTRAR.

11/7



SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civ11) No. 14784/95  
(From the judgement and order dated 09/02/94 in OA 1324/9  
of the High Court of MADRAS)

UNION OF INDIA &amp; ANR

Petitioner (s)

VERSUS

R. SWAMINATHAN

Respondent (s)

( With Appln(s). for stay )  
( With Office Report )

With

SLP(Civ11)No.25485-25489/95, SLP(Civ11)No.26086-26132/95, SLP(Civ11)No.3164/96,  
SLP(Civ11)No.3243/96, SLP(Civ11)No.3246/96, SLP(Civ11)No.3279/96,  
SLP(Civ11)No.3381/96, SLP(Civ11)No.3438-3440/96, SLP(Civ11)No.3858-3860/96,  
SLP(Civ11)No.4239/96, SLP(Civ11)No.4240/96, SLP(Civ11)No.5111/96,  
SLP(Civ11)No.9034-9036/96, SLP(Civ11)No.9106-9128/96, SLP(Civ11)No.9371-9372/96,  
SLP(Civ11)No.9387/96, SLP(Civ11)No.9391-9392/96, SLP(Civ11)No.9805/96  
SLP(C)...../96 (CC 2375/96) With SLP(C) No.11142/96

Date : 10/05/96 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.P. SINGH  
HON'BLE MR. JUSTICE S. SAGHIR AHMAD

For Petitioner (s)

Mr. V.R. Reddy, A.S.G.  
Mr. A.M. Jayar Ram, A.S.G.  
M/s CV Subba Rao, Ms. Indra Sawhney &  
Ms. Anil Katiyar, Advs.

~~xxx xxx xxx xxx~~ (s)

Mr. Rakesh U Upadhyay & Mr. CV Subba Rao, Advs.  
Mr. Arvind Kumar Sharma, Adv.

~~XX~~  
~~XX~~

For res:

Mr. Nageshwar Rao & Mr. SU Kumar Sagar, Advs.  
Mr. Somvir Singh Dogwal & Mr. R. Tyagi,  
Mr. Shree Pal Singh, Advs.  
Mr. S.M. Garg, Adv.



Delay condoned.

Leave granted.

There shall be stay of the impugned orders in all the appeals. No recovery shall be made in respect of payments already made, pending disposal

Hearing be expedited.

Ganga

*M. Moorjani*  
(M. Moorjani)  
Court Master.

14/11



94660

CA 8680-82/96

10

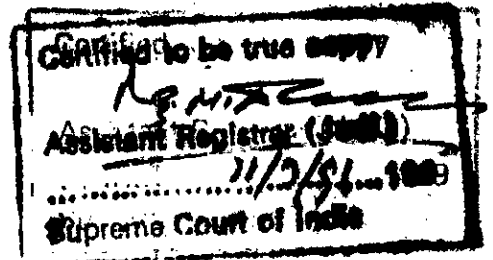
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 3288-3440 OF 1996

IN THE MATTER OF:

1. The Chief General Manager,  
Telecommunications,  
Andhra Pradesh,  
Hyderabad.



2. Union of India, rep. by

The Director General  
Deptt. of Telecommunications,

New Delhi. : Common Respondents in  
all the O.As.

... PETITIONERS

VERSUS

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. Narsimham,
9. M. Bhavanarayana
10. K. Eswar Rao

contd../-



11. B. Pitchaiah
12. G.T.V.S.K. Acharyulu
13. Y. Chandrasekhar Rao
14. N. Venkoba Rao
15. K.R.G. Durga Prasada Rao
16. T.S.R.A. Prasada Rao
17. S. Rajesam : Applicants in OA 1366/93
19. T. Venkatacharyulu
20. G.R.C.S. Sastry
21. K. Venkata Ramana
22. G. Venkata Krishna Murthy
23. M. Venkata Rao
24. Narayana Rao
25. Y. Sahab Saran : Applicants in OA 69/94

... RESPONDENTS.

PETITION UNDER ARTICLE 136 OF THE  
CONSTITUTION OF INDIA FOR GRANT OF  
SPECIAL LEAVE TO APPEAL AGAINST THE  
JUDGEMENT AND ORDER DATED 30.11.1994  
PASSED BY THE HYDERABAD BENCH OF  
HYDERABAD IN O.A. NO.1035/93, 1366/93  
AND 69/1994.

-----



TO

THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUSTICES OF THE  
SUPREME COURT OF INDIA, NEW DELHI.

THE HUMBLE PETITION OF THE  
PETITIONERS ABOVE-NAMED -

MOST RESPECTFULLY SHOWETH:

1. That the Petitioners are filing this  
against the judgement and order dated 30.11.94  
passed by the Central Administrative Tribunal,  
Hyderabad Bench in O.A. No. 1035/93, 1366/93 and  
69/1994.
2. That the Petition raises the following  
amongst other substantial question of law of  
general public importance, which need to be  
decided by this Hon'ble Court :
  - i) Whether after obtaining regular promotion  
a senior employee can demand stepping  
up of his pay equal to that of his  
junior, who is getting higher pay due  
to ad-hoc promotion at his credit while  
working in different circle/zones than  
the seniors ?

contd../-



ii) Whether the applicants who had not resented the promotion of their junior in preference to them can resent the consequential benefit of increments of pay to such juniors?

iii) Whether counting of period during which applicants were not working as ad hoc Accounts Officers/TTS Group B Officers for drawal of increment in that grade at par with the juniors who had actually worked as ad hoc AO/TTS Gr. B does not amount to equal treatment of unequals?

3. That briefly stated that the facts giving rise to the filing of the present petition for Special Leave to Appeal are as under :

1) That the Respondents belong to P & T Accounts and Finance Service. This matter of fixation of pay on promotion to a higher post is governed by FR 22 (Formerly FR - 22 - O). In accordance with the provisions as contained in the instructions/decisions thereunder, the spell of period spent by an official, while working on a higher post on adhoc basis also counts towards increment. The

contd../-



provision results in juniors getting a higher pay in promotional posts, if they have a longer spell of ad hoc service at their credit than their seniors. This scheme has been in vogue unquestioned since long.

ii) That the Respondents 1 to 6 are working as Accounts Officers under the control of Petitioner No.1, Department of Telecommunications, A.P., Hyderabad. They filed O.A. No. 1035/1993 praying for stepping up of their pay in the cadre of Junior Accounts Officer to equal to the pay of Sri J.N. Mishra (Staff No. 81099) who was junior to them in the immediate lower cadre of Junior Accounts Officer. A copy of the O.A. No. 1035/1993 is Annexure P-1.

ANNEXURE P-1.

iii) That the Respondents 7 to 17 are also working as Accounts Officers under the control of Petitioner No.1, DOT, A.P., Hyderabad. They filed O.A. No. 1366/1993 before the Hyderabad Bench of the Tribunal praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri K. Sankara Narayanan (Staff No.81537) who was junior to them in the immediate lower cadre of Junior Accounts Officer. A copy of the O.A. No. 1366/93 is Annexure P-2.

ANNEXURE P-2.



15

iv) That the Respondents 18 to 20 are also working as Accounts Officers under the control of Petitioner No.1, DOT, A.P., Hyderabad. The Respondents 21 to 23 and 25 were also working as Accounts Officers under the control of Petitioner No.1, DOT, A.P., Hyderabad and they retired on superannuation. The Respondents 18 to 25 filed O.A. No.69/1994 before the ~~understand that the Respondents~~ stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N. Mishra (Staff Nos. 1099) who was junior to them in the cadre of junior Accounts Officer. A copy of O.A. No. 69/1994 is Annexure P-3.

ANNEXURE P-3.

O.A. of the Respondents and relied upon GIMP O.M. No.F.2(78) E III (A)/66 dated 4.2.1966 wherein three conditions were stipulated for stepping up of their pay. A copy of the O.M. dated 4.2.1966 is Annexure P-4. The said conditions specified in the O.M. were not fulfilled for stepping up of their pay, the Respondents are, therefore, not entitled for any relief of stepping up of their pay. The stepping up of pay is also prohibited in accordance.

ANNEXURE P-4.



ANNEXURE P-5.

with letter dated 31.5.1993 and a copy thereof is Annexure P-5.

vi) That vide common judgement and order dated 30.11.1994 the Hon'ble Tribunal directed that the pay of the Applicants in O.A. 1035/1993 be stepped up and allowed their O.A. However, the monetary benefits are limited from 1.9.1990. The Hon'ble Tribunal also allowed the stepping up of pay as prayed in O.A. No. 1366/1993 but the monetary benefits are limited from 25.4.1991. The Hon'ble Tribunal also allowed the relief of stepping of pay to Respondents 18 to 25 in O.A. No. 69/1994 but the monetary benefits are limited from 1.1.1991. It was also held that as Respondents 21 to 23 and 25 had retired from service on their superannuation, their terminal benefits have to be refixed taking into account revised fixation of pay, if required, and arrears of the terminal benefits, if any have to be accordingly.

vii) That feeling aggrieved by the impugned common judgement and order dated 30.11.1994 passed by the Hyderabad Bench of Tribunal, the petitioners are filing the present petition for Special Leave to Appeal before this Hon'ble Court on the following amongst other -



G R O U N D S:

- A) BECAUSE the impugned common judgement and order is contrary to the provisions of law, instructions and material on record and the same is liable to be set aside by this Hon'ble Court.
- B) BECAUSE the Hon'ble Tribunal erred in allowing the O.A's of the Respondents and giving the directions as contained in last para of the impugned judgement.
- C) BECAUSE the Hon'ble Tribunal erred in relying on the decision dated 29.11.1994 in O.A. No. 974/1993 and 1001/93 and other decision of the Tribunal, because some of the judgements have already been challenged by the petitioners before this Hon'ble Court.
- BECAUSE the Hon'ble Tribunal failed to appreciate that the Respondents' pay have been properly fixed on their promotion and there is no miscarriage of justice. The Hon'ble Tribunal ought to have dismissed the O.A. of the Respondents.



- E) BECAUSE the Hon'ble Tribunal completely overlooked the fact that the Respondents have not worked on higher post as ad hoc/ officiating for more than S/Shri J.N. Mishra and K. Shankaranarayanan. Therefore, the benefit could not be given to the Respondents in fixing their pay on promotion to higher grade.
- F) BECAUSE the Hon'ble Tribunal failed to appreciate that FR 22(C) note (10) is applicable to the facts of the case.
- G) BECAUSE the Hon'ble Tribunal erred in holding that the Respondents were justified in seeking stepping up of their pay.
- H) BECAUSE the Hon'ble Tribunal failed to appreciate that it is necessary that when a person, who is said to be compared for the purposes of stepping up has been granted the so called benefits of the rules prevailing, then, it could not be said that he was junior to the Respondents.

contd../-



- I) BECAUSE the Hon'ble Tribunal failed to appreciate the settled principle of law that no monetary benefits to be given on account of deeming promotion granted to the employees as laid down by this Hon'ble Court in Palaru Ramakrishnaiah Vs. Union of India reported in 1989 (2) SCC 541.
- J) BECAUSE the impugned judgement runs counter to the decision reported in JT 1992 (5)\* SC 595, Junior Telecom Officer, Forum Vs. U.O.I. and JT 1994 (7) SC 58, Telecommunication Engineering Service Association Vs. U.O.I.
- K) BECAUSE the impugned judgement has far reaching implications and creates a great administrative problem in respect of ad hoc appointment to the officials as per their seniority in circle, instead of seniority in cadre on all India basis.
- L) BECAUSE the judgement of Ernakulam Bench of the Tribunal on identical issue have already been challenged before this Hon'ble Court and other special leave

contd../-



Petitions are pending like Supdt.  
Engineer (E), Telecom Electrical Circle  
Vs. M. Ramakrishnan and others.

M)

BECAUSE the Hon'ble Tribunal failed to appreciate that ad hoc promotion cannot necessarily be on the strict basis of seniority. In services, where the seniority in a cadre is on an all India basis with functionaries in different stations or centres, it may not be possible to ensure appointment of the senior most, whenever an ad hoc promotion become necessary. It is all such cases, the pay of all those who happen to be senior in the lower post to the ad hoc promotees, is to be stepped up, it will inevitably result in considerable strain on the exchequer.

N)

BECAUSE the Hon'ble Tribunal failed to appreciate that the stepping up of pay is admissible only if the junior is promoted subsequent to the senior. In these cases the juniors were promoted earlier than the seniors.



That the Petitioners crave leave of this Hon'ble Court to add, amend or alter the above grounds of appeal.

That the Petitioners have not filed any other petition in this Hon'ble Court against the impugned judgement and order dated 30.11.1994 passed by the Central Administrative Tribunal Hyderabad, Bench, in O.A. No. 1035/93, 1366/93 and 69/1994.

P R A Y E R

It is, therefore, most respectfully and humbly prayed that this Hon'ble Court may be graciously pleased to -

- a) grant Special Leave to Appeal against the impugned judgement and order dated 30.11.1994 passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A. Nos. 1035/93, 1366/93 and 69/1994; and
- b) pass such further and other orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS YOUR HUMBLE

PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.  
DRAWN BY:

(MRS. B. RANA)  
ADVOCATE.

( MRS. ANIL KATIYAR )  
ADVOCATE FOR THE PETITIONERS.

NEW DELHI

FILED ON: August, 1995.



IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. \_\_\_\_\_ OF 1995.

IN THE MATTER OF:

The Chief General Manager,

Telecommunication, Hyderabad. ... PETITIONERS

VERSUS

K. Venkateswarlu & Ors.

... RESPONDENTS

A F F I D A V I T

AFFIDAVIT OF SURE BOND PRAKASH, Assistant  
Director General (TE), Department of Telecom,  
Sanchar Bhawan, New Delhi.

I, the deponent above named do hereby  
solemnly affirm and state as under :-

1. That I am the Assistant Director General (TE)  
in Telecommunication Department and in that capacity  
I am acquainted with the facts of the case and  
competent to swear this affidavit on behalf of the  
petitioners.

2. That I have read the accompanying petition  
for Special Leave and the Stay Application and I say  
that the facts stated therein are true to my  
knowledge on the information derived from the official  
record of the petitioners.

contd../-



3. That the Annexures annexed with the accompanying Petition are the true copies of their respective originals.

D E P O N E N T.

VERIFICATION:

I, the above named deponent, do hereby solemnly verify that the contents of the aforesaid Affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therein.

VERIFIED AT NEW DELHI ON THIS THE DAY OF  
AUGUST, 1995.

D E P O N E N T.



Central Administrative Tribunal: Hyderabad Bench

Endt. No. CAT/Hyd/Judl/SC/43/96

Date: 1-8-96

The Service of notice of Lodgment  
of Appeal on Respondents Nos. 5, 13 & 14, in  
CA NO. 8680-82/96  
pursuant to the Order of the Supreme Court  
dt. 10-5-96 be effected.

18/8/96  
S.O.

DR (J)

Registrar

To

1. N. Laxeshmona Murthy (R5)  
S/o N. Akkayya,  
Account Officer,  
o/o the General Manager,  
Hyderabad Telephone District,  
Hyderabad. (A.P.) ✓
2. Y. Chandra Sekhar Rao (R13)  
S/o Viswanatham,  
Account Officer,  
o/o General Manager,  
Telecommunications,  
Hyderabad. (A.P.) ✓
3. M. Venkoba Rao (R14)  
S/o Gura murthi Rao,  
Account Officer,  
o/o Chief General Manager,  
Telecommunications,  
Hyderabad, (A.P.) ✓



Supreme Court File No. 43/96

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH AT HYDERABAD


CIVIL APPEAL


~~SUPREME COURT LEAVE PETITION~~ NOS. 8680 to 8682 of 1996


~~Petition/Appeal~~ <sup>were</sup> filed in the SUPREME COURT OF INDIA  
by ~~Secy~~ The Chief General Manager & Anr. against K. Venkateshwarlu &  
~~Department seeking leave to appeal/appeal~~ <sup>Ors.</sup> against the  
Order/Judgment of this Hon'ble Tribunal dated ~~10-5-96~~ 30-11-94  
and made in T.A./O.A.Nos. 1035, 1364/93 & 69/94. The Supreme Court  
was pleased to ~~dismiss the leave to appeal/petition/stay the~~  
operation of judgment on 10-5-96.

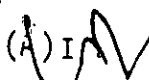
The Judgment of the Tribunal in T.A./O.A.Nos. 1035, 1366/93 &  
and the letter/order of the Supreme Court of India are <sup>69/94</sup>  
enclosed herewith for perusal.

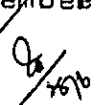
21/6/96  
Submitted.

Deputy Registrar (J) 

Registrar 

Hon'ble Vice-Chairman 

Hon'ble Member (A) I 

Hon'ble Member (A) II  




All communications should be addressed to the Registrar, Supreme Court, by designation. NOT by name  
Telegraphic address :—  
"SUPREMECO"

D. No. 237/96/XII A

SUPREME COURT  
INDIA

Dated New Delhi, the 20th May, 1996 19

FROM : Rajmal Dhiman,  
Assistant Registrar.

TO : The Registrar,  
Central Administrative Tribunal  
(Hyderabad Bench) at  
Hyderabad.

INTERLOCUTORY APPLICATION NOS. 4 TO 6  
( Applications for Stay )

IN THE MATTER OF :

CIVIL APPEAL NOS. 8680 TO 8682 OF 1996

The Chief General Manager and Another

versus

K. Venkateswarlu and Others

..Petitioners/  
Appellants

..Respondents

Sir,

I am directed to forward herewith a certified copy of the Order of this Court dated 10th May, 1996, passed in the action.

Please acknowledge receipt.

Yours faithfully,

ASSISTANT REGISTRAR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH

- 4 JUN 1996

RECEIVED

10/6/96

File  
30/5  
255  
4/6/96



## IN THE SUPREME COURT OF INDIA 88177

CRIMINAL/CIVIL APPELLATE JURISDICTION

Certified to be true copy

INTERLOCUTORY APPLICATION NOS. 4 TO 6  
 ( Applications for Stay by Notice of Motion )

Assistant Registrar (Judl.)

IN THE MATTER OF :-

No.

of

22/5/96  
 1996  
 Supreme Court of India

CIVIL APPEAL NOS. 8680 TO 8682 OF 1996

( Appeals by Special Leave granted by this Court's Order dated the 10th May, 1996 in Petitions for Special Leave to Appeal (civil) Nos. 3438 to 3440 of 1996 from the Judgment and Order dated the 30th November, 1994 of the Central Administrative Tribunal (Hyderabad Bench) at Hyderabad in O.A. Nos. 1035 of 1993, 1366 of 1993 and 69 of 1994 )

The Chief General Manager and Another

...Petitioners/  
Appellants

Versus

K. Venkateswarlu and Others

...Respondents

( FOR COMPLETE CAUSE TITLE, KINDLY SEE  
 SCHEDULE 'A' ANNEXED HERewith )

CORAM :10th May, 1996

HON'BLE MR. JUSTICE N.P. SINGH

HON'BLE MR. JUSTICE S. SAGHIR AHMAD

For the Petitioners/  
Appellants

: Mr. V.R. Reddy and Mr. A.N. Jaya Ram,  
 Additional Solicitors General of India.  
 (Mr. C.V. Subba Rao, Ms. Indra Sawhney and  
 Mrs. Anil Katiyar, Advocates with them)

For Respondent  
 Nos. 1 to 4, 6 to 12  
 and 15 to 25

: M/s Nageshwar Rao and S. Uday Kumar  
 Sagar, Advocates.

THE APPLICATIONS FOR STAY above-mentioned being called on for hearing before this Court on the 10th day of May, 1996. UPON hearing counsel for the appearing parties above-mentioned THIS COURT DOOTH ORDER that pending the hearing and final disposal by this Court of the Appeals above-mentioned ~~the~~ <sup>the</sup> ~~the matters~~ the operation of the Judgment and Order dated 30th November, 1994 of the Central Administrative Tribunal



(Hyderabad Bench) at Hyderabad in O.A.Nos.1035 of 1993, 1366 of 1993 and 69 of 1994 be and is hereby stayed and further no recovery shall be made in respect of payments already made;

AND THIS COURT DOth FURTHER ORDER THAT this ORDER be punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Aziz Mushabber Ahmad, Chief Justice of India at the Supreme Court, New Delhi, dated this, the 10th day of May, 1996.

*Sd/-*  
( I.J. Sachdeva )  
JOINT REGISTRAR



CA 8640-82/96 2(10-23)

10

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

3438-40/96  
SPECIAL LEAVE PETITION(C) NO. \_\_\_\_\_ OF 1995

IN THE MATTER OF

1. The Chief General Manager,  
Telecommunications,  
Andhra Pradesh,  
Hyderabad.

2. Union of India representative by  
The Director General  
Department of Telecommunication

New Delhi.

Common Respondents in  
all the O.As.

.....Petitioners

Vs.

1. K. Venkateswarlu  
aged about 48 years, Accounts  
Officer O/o The Chief General Manager  
Telecommunications, Doorancha  
Bhavan Hyderabad.

2. U. Purna Chandra Rao S/o Verdasingha Rao  
aged about 45 years, Accounts  
officer, O/o the Hyderabad Telephone  
District.

contd../-



10(a)

3. T. Subramanyam S/o T. Appanna,  
aged about 56 years,  
Office of the General Manager,  
Hyderabad Telephone  
District.
4. P. Narayana Murthy S/o P. Mulaswamy  
aged about 52 years,  
Accounts officer, O/O  
the G.M. Projects,  
Hyderabad.
5. N. Lakshmana Murthy S/o N. Akkayya  
aged about 43 years, Account officer,  
O/o the General Manager,  
Hyderabad Telephone  
District Hyderabad.
6. P. Venkat Rao, S/o P. Narayana  
aged about 46 years accounts  
officer O/o The Director  
M.T.C.E. Hyderabad. Applicants in OA 1035/93.
7. S. Siva Ramakrishna Murthy  
aged about 41 years, Accounts officer,  
O/c Chief General Manager, Telecommuni-

ccntd../-



106(h)

cations, Doer, Sanchar Bhavan,  
Hyderabad.

8. P. Narasimham S/o Nagaiah, aged about  
46 years, Accounts Officer,  
O/o Gelecom District Manager,  
Nellore. (A.P.)

9. M. Bhavanarayana S/o Venkateswarlu,  
aged about 46 years, Accounts  
Officer, O/o General Manager,  
Telecommunications, Guntur. (A.P.)

10. K. Eswar Rao, S/o Samba Murty aged  
about 43 years Accounts officer,  
O/o Telecom Dist.  
Manager, Eluru. (A.P.)

11. B. Pitchairah S/o Buchi Ramaiah,  
aged about 45 years, Accounts Officer,  
O/o Chief General Manager,  
Telecommunications,  
Hyderabad. (A.P.)

12. G.T.V.S.K. Acharyulu S/o G.T. Sesha  
Acharyulu, aged about 41 years Accounts  
officer O/o Executive Engineers, Civil  
Division II, Chikkadpally,  
Hyderabad. (A.P.)



- 10(c)
- 4 -
13. Y. Chandra Sekhar Rao, S/o Viswanatham  
aged about 47 years, Accounts Officer  
O/o General Manager, Telecommunications  
Hyderabad. P. P.
14. N. Venkobar Rao S/o Guru Murthi Rao,  
aged about 57 years Accounts Officer  
O/o Chief General Manager,  
Telecommunications,  
Hyderabad. P. P.
15. K. R. G. Durgaprasada Rao, S/o K. V. Subha Rao,  
aged about 50 years, Accounts Officer,  
O/o Telecom District Manager,  
Tirupath. P. P.
16. T. S. R. A. Prasada Rao, S/o Sundara Ramamurthy,  
aged about 44 years, Accounts officer,  
O/o Telecommunication Division Manager  
Tirupathi. P. P.
17. S. Rajesam S/o Perusuramulu,  
aged about 44 years, Accounts officer,  
O/o Telecom Divisional Engineer,  
Adilabad. P. P. Applicants  
in O.A. No. 1366/93

contd../-



10(d)

18. B. Balasailu S/o Lingaiah aged,  
about 50 years, Accounts Officer,  
O/o the Telecom. District  
Engineer, Mahabubnagar. A.P.
19. T. Venkatecharayulu S/o T.V. Krishnama  
Charyaulu aged about 50 years,  
Accounts officer,  
O/o The General Manager,  
Telecom District  
Vijayawada. A.P.
20. G.R.C.S. Sastry S/o Late Satyanarayana  
Murthy aged about 50 years,  
Accounts officer,  
O/o The General Manager,  
Telecom District.  
Rajahmundry. A.P.
21. K. Venkata Ramana S/o Late Appa Rao,  
aged about 50 years Accounts officer  
(Regd) 29.15-20 Bortgate Kandakam  
Street, Rajahmundry-1. A.P.

contd../-



22.

G. Venkata Mrishna Murthy S/o Late  
Golli Venkanna aged about 59 years,  
Accounts officer (Regd.) H.No. 79-17-22  
Syama Nagar, Rajahmundry-3.

23.

Narayana Rao, S/o Late Tippanam Rao  
aged about 40 years Accounts  
Officer O/o Telecom District  
Engineer Mahabunagar.

24.

Y.Sahab Saran, S/o Y.Narayana Setty  
aged about 60 years Accounts  
officer (Regd) 32/81 Fort  
Yelkur Gate, Kurnool. P.I.P. Applicant in OA No.  
69/94

25.

A.Kiriti Rao;  
Accounts Officer, (Regd)  
Telecom District Engineer, Mahabunagar.  
..... Respondents

PETITION UNDER ARTICLE 136 OF THE  
CONSTITUTION OF INDIA FOR GRANT OF  
SPECIAL LEAVE TO APPEAL AGAINST THE  
JUDGEMENT AND ORDER DATED 30.11.1994  
PASSED BY THE HYDERABAD BENCH OF HYDERABAD  
IN O.A. NO.1035/93, 1366/93 and 69/94

contd../-



# SUPREME COURT

~~CRIMINAL~~/CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NOS.4 TO 6

( Applications for Stay by Notice of Motion )

No.  
IN THE MATTER OF :

of 1996

CIVIL APPEAL NOS. 8680 TO 8682 OF 1996

~~The State General Manager and Another~~

Appellant s

Versus

K. Venkataraju and Others

Respondent s

ORDER GRANTING STAY

Dated the 24 day of May, 1996

Mrs. Anil Katiyar,

Advocate on Record for the Petitioners/Appellants

Compared with SHRI S. Uday Kr. Sagar,

No. of folios Advocate on Record for Respondent Nos. 1 to 4, 6 to 12  
and 15 to 25

SEALED IN MY PRESENCE  
*[Signature]*



TO THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD Bench  
AT HYDERABAD

03

OA.1035/93; 1366/93  
and 69/94

date of decision : 30-11-94

Between

1. K. Venkateswarlu
2. U. Purna Chandra I
3. T. Subramanyam
4. P. Narayana Murthy
5. N. Lakshmana Murthy
6. P. Venkat Rao
7. S. Siva Ramakrishna Murthy
8. P. Narasimham
9. M. Bhavannarayana
10. K. Eswar Rao
11. D. Pitchaiah
12. G.T.V.S.K. Acharyulu
13. Y. Chandrasekhar Rao
14. N. Venkoba Rao
15. K.R.G. Durga Prasada Rao
16. T.S.R.A. Prasada Rao
17. S. Rajesam
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
25. Y. Sahab Saran

.. Applicants in OA.1035/93

.. Applicants in OA.1366/93

.. Applicants in OA.69/94

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 APPLICANTS: K. VENKATESWARA RAO, ADVOCATE  
(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 (ADPN.)

1/6 ADV



## J U D G M E N T

1. As per Hon'ble Sri R.Rangarajan, Member (Administrative) X

Sri K.Venkateswara Rao, learned counsel for the applicants and Sri N.V.Raghava Reddy, learned Standing Counsel for respondents in all the above OAs.

2. The contentions in all these OAs are same and so was the relief asked for. Hence, all these OAs are clubbed together and disposed of by a common order.

3. All the 6 applicants in O.A.No.1035/93 are working as Accounts Officers under the control of R-1, Department of Telecom, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

4. The applicants numbering 11 in O.A.No.1366/93 are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. This OA was filed praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri K.Sankara Narayanan (Staff No.81537) who was junior to them in the immediate lower cadre of Junior Accounts Officer.

5. Applicant Nos.1, 2, 3 & 7 <sup>in O.A.No.69/94</sup> are working as Accounts Officers under the control of R-1, Department of Telecommunications, Andhra Pradesh, Hyderabad. Applicant Nos.4, 5, 6 and 8, were also working as Accounts Officers under the control of R-1, Department of Telecommunications, A.P., Hyderabad and they were retired on superannuation. All the applicants in this O.A. prayed for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N.Mishra (Staff No.81099) who was junior to



OS

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 entitled to step up of their 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 such adhoc promotions. It is stated by the applicants that the anomaly in their monthly emoluments was created, 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 pay was permitted 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

...A/-

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(19) 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 conditions were not fulfilled for stepping up of their pay 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 ~~xxxx~~ 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) SLT (CAT) 370 - Baidyanath Bandopadhyay Vs. Union of India and anor. I.

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10. It was also held in those two OAs disposed of by this 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 in all these OAs are 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 (this OA was filed on 18.8.1993).

(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. (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.)

.../-

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12.

FORWARDED TO THE TRUE COPY  
(5) 11/10/10 11/10/10 11/10/10  
Date 11/10/10 11/10/10 11/10/10  
Sent to Chief  
Sent to Chief  
Sent to Chief  
Sent to Chief

To

1. The Chief General Manager, Telecommunications,  
Hyderabad.
2. The Director General, Dept. of Telecommunications,  
Union of India, New Delhi.
3. The 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.

р. 170

00.03565  
00.03660349/03  
6-15-44  
- 112-114 -  
16/AN



Central Administrative Tribunal: Hyderabad Bench

Endt. No. CAT/Hyd/Jud/SC/43/96

Date: 21-6-96

The Order of the Supreme Court of India in C.A. Nos. 8680 to 8682 of 1996, dt. 10-5-96, may be communicated to the concerned.

12/6/96  
S.O.

DR(J)

Registrar

To

1. The Chief General Manager,  
Telecommunications  
Andhra Pradesh, Hyderabad
2. The Director General,  
Dept. of Telecommunications,  
Union of India, New Delhi.
3. Mr. P. S. Rao, Advocate, CAT Hyd.
4. Mr. N. V. Raghava Reddy, Advocate, CAT Hyd.
5. One Spare copy.



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NOS. 4 TO 6  
(Applications for Stay by Notice of Motion)

IN THE MATTER OF :-

CIVIL APPEAL NOS. 8680 TO 8692 OF 1996

(Appeals by Special Leave granted by this Court's Order dated the 10th May, 1996 in Petitions for Special Leave to Appeal (Civil) Nos. 3438 to 3440 of 1996 from the Judgment and Order dated the 30th November, 1994 of the Central Administrative Tribunal (Hyderabad Bench) at Hyderabad in C.A. Nos. 1035 of 1993, 1366 of 1993 and 69 of 1994)

1. The Chief General Manager  
Telecommunications,  
Andhra Pradesh,  
Hyderabad.

...Petitioners/  
Appellants

2. Union of India represented by  
the Director General  
Dept. of Telecommunications,  
New Delhi.

..Common respondents  
in all the OAs.

...Petitioners/  
Appellants

Versus

1. K. Venkateswarlu  
2. U. Purnachandra Rao  
3. T. Subramanyam  
4. P. Varayana Murthy  
5. N. Lakshmana Murthy  
6. P. Venkat Rao  
7. B. Srinivasan  
8. Bhavanarayana  
9. K. Eswar Rao  
10. B. Pitchaiah  
11. G. I. V. S. K. Acharyulu  
12. Y. Chandrasekhar Rao  
13. N. Venkatarao Prasad Rao  
14. T. S. R. A. Prasad Rao  
15. S. Rajesam  
16. B. Balasailu  
17. T. Venkatesacharyulu  
18. G. T. C. S. Sastri  
19. K. Venkata Ramana  
20. G. Venkata Krishna Murthy  
21. A. Kiriti Rao  
22. Narayana Rao  
23. Y. Sahabasaaran

..Applicants in OA. 1366/93

..Applicants in OA. 69/94

....Respondents

CERTAIN:

HON'BLE MT. JUSTICE N.P. SINGH  
HON'BLE MT. JUSTICE

10th May, 1996

...contd..2



For the Petitioners/  
Appellants

: Mr.V.R.Reddy and Mr.A.N.Jaya Ram  
Additional Solicitors General of India  
(Mr.C.V.Subba Rao, Mr. Indra Sawhney and  
Mrs. Anil Katiyar, Advocates with them)

For Respondent Nos.1 to  
4,6 to 12 and 15 to 25.

: M/s. Nageshwar Rao and S.Uday Kumar  
Sagar, Advocates.

THE APPLICATIONS FOR STAY above-mentioned being called  
on for hearing before this Court on the 10th day of May, 1996,  
UPON hearing counsel for the appearing parties above-mentioned  
THIS COURT DOOTH ORDER that pending the hearing and final disposal  
by this Court of the Appeals above-mentioned the operation of the  
Judgment and Order dated 30th November, 1994 of the Central  
Administrative Tribunal (Hyderabad Bench) at Hyderabad in O.A.  
Nos.1035 of 1993, 1366 of 1993 and 69 of 1994 be and is hereby  
stayed and further no recovery shall be made in respect of  
payments already made;

AND THIS COURT DOOTH FURTHER ORDER THAT this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Aziz Muhammad Ahmad, Chief  
Justice of India at the Supreme Court, New Delhi, dated this,  
the 10th day of May, 1996.

Sd/-  
(I.J. Sachdeva)  
JOINT REGISTRAR

Endt.No.CAT/Hyd/Jud1/SC/43/96

Date:21-5-96

The Order of the Supreme Court of India in C.A.Nos.  
8680 to 8682 of 1996, dt. 10-5-96, is communicated to the  
concerned herein.

Sd/-

// true copy //

To

1. The Chief General Manager,  
Telecommunications,  
Andhra Pradesh, Hyderabad.

2. The Director General,  
Dept. of Telecommunications,  
Ministry of India, New Delhi.

3. Mr. K. Venkateswarlu & Ors,  
Accounts Officer,

O/o The Chief General Manager,  
Telecommunications, Doorsanchar Bhavan  
Hyderabad.

4. Mr. K. Venkateshwar Rao, Advocate  
C.A.T., Hyd.

5. Mr. N.V. Raghava Reddy, Addl. CCSC  
C.A.T. Hyd.

6. One spare copy.



BY R.P.

**CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH**

5-10-193, 1st floor,  
HACA Bhavan, Opp. Public Garden,  
Hyderabad-500 004.

Date: 9-8-96

Notice Under Rule 140 of CAT, Rules  
of Practice, 1993.

CIVIL APPEAL NOs. 8680 to 8682 of 1996 (on the file of Supreme Court  
(O.A. Nos. 1035/93, 1366/93 and 69/94, on the file of C.A.T., Hyd.)

The Chief General Manager, Telecom, A.P. & Ors. ... Appellants  
Versus

K. Venkateshwarlu & Ors. ... Respondents

To  
The Chief General Manager,  
Telecommunications,  
Andhra Pradesh,  
HYDERABAD.

in his letter dt. 27-6-96 in D.No. 237/96/SEC-XIIIA, requested  
the office of this Tribunal for transmission of original  
records in O.A. Nos. 1035/93, 1366/93 and 69/94 from the file  
of this Tribunal for reference in C.A. Nos. 8680 to 8682/96  
on the file of the Supreme Court of India, New Delhi  
which was filed by you.

Rule 140 of the C.A.T., Rules of Practice, 1993 reads as follows:-

- (A) Unless otherwise ordered by the Supreme Court, the  
appellant or his Advocate shall be notified to deposit the  
transmission charges and cost of preparation of records,
- (B) When the party or Advocate fails to deposit the amount  
as aforesaid, the Registrar shall forthwith submit a report  
thereof, to the Registrar of the Supreme Court of India.

Therefore, you are requested to take immediate  
steps to deposit the transmission charges for transfer of  
the original records in O.A. Nos. 1035/93, 1366/93 & 69/94  
to the Supreme Court in a sum of Rs. 75/- by way of Cash or  
IPO/DD, drawn in favour of the Registrar, C.A.T., Hyderabad  
by 26-8-96.

Copy to:-  
Mr. N.V. Raghava Reddy,  
C.G.S.C.  
C. A. T. Hyd.

*Tab at*  
DEPUTY REGISTRAR (J)

*Mr. N.V. Raghava Reddy  
A/65  
13/8/96*



BY R.P.A.D.

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

S-10-193, 1st Floor,  
NACA Bhavan, Opp. Public Gardens  
Hyderabad-500004.

Endt. No. CAT/Hyd/Jud1/RN/SC/43/96

Date: 1-8-96

The Service of Notice of Lodgment of Appeal  
on Respondents Nos. 5, 13, & 14, pursuant to the Order  
of the Supreme Court of India dt. 10-5-96, be effected.

Sd/-  
Registrar

*For S.O. (J)*

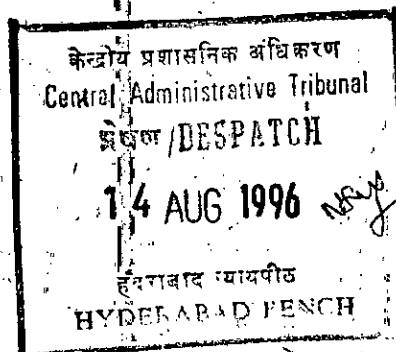
To

1. N. Lakshmana Murthy (R5)  
S/o N. Akkayya,  
Accounts Officer,  
O/o the General Manager,  
Hyderabad Telephone District,  
Hyderabad (A.P.)
2. Y. Chandra Sekhar Rao (R13)  
S/o Viswanatham,  
Accounts Officer,  
O/o General Manager,  
Telecommunications,  
Hyderabad (A.P.)
3. N. Venkoba Rao (R14)  
S/o Guru Murthi Rao,  
Accounts Officer,  
O/o Chief General Manager,  
Telecommunications,  
Hyderabad (A.P.)

Sd. on 20-8-96

Returned with endorsement  
No Such A.O. in the O/o G.M.  
Telecoms, Suryabhi  
Empress  
Hqd.  
on 21-8-96

On 16-8-96  
Returned with endorsement  
addressee retired from service.





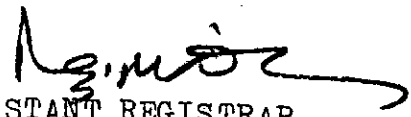
-: 2 :-

Petition for Special Leave to Appeal (Civil) Nos. 3440/96 (copy enclosed) from the Judgment and of the Tribunal Court above-mentioned and pursuant to this Court's Order dated 10-5-1996 granting Special Leave to Appeal the cases have been registered as Civil Appeal Nos. 8680 to 8682 of 1996.

NOTICE is hereby given to you that if you wish to contest the Appeal you may within thirty days of the receipt of this Notice enter appearance before this Court either in-person or by an Advocate-on record of this Court and take such part in the proceedings as you may be advised.

TAKE FURTHER NOTICE that in default of appearance within the time prescribed the Appeal will be proceeded with and determined in your absence and no further Notice in relation thereto shall be given to you.

DATED THIS THE 18th DAY JUNE, 1996.

  
ASSISTANT REGISTRAR.

1/2



(NOTICE OF LODGMENT OF THE PETITION OF APPEAL TO THE  
RESPONDENTS

(RULE 11 OF ORDER XV, S.C.R., 1966)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8680-82 OF 1996

(Appeals from the Judgment and Order dated the 30  
of the Central Administrative Tribunal, Hyderabad  
at Hyderabad in O.A.Nos.1035,1366/93 and 69/94) -

The Chief General Manager & Anr.

....Appellants

-Versus-

M K.Venkateshwarlu. and Ors.

....Respondent.

To

1. Mr.S.Udaya Kumar Sagar,  
Advocate for the respondents Nos.1 to 4,  
6 to 12 and 15 to 25.

~~N. Lakshminarayana Murthy, S/o N. Venkateshwarlu,~~  
O/o the General Manager,  
Hyderabad Telephone  
District Hyderabad. A.P.

3. I.Chandrab Sekhar Rao, S/o Viswanatham  
aged about 47 years, Accounts Officer  
O/o General Manager, Telecommunications  
Hyderabad. Andhra Pradesh.
4. N.Venkobhar Rao S/o Guru Murthi Rao,  
aged about 57 years Accounts Officer.  
O/o Chief General Manager,  
Telecommunications,  
Hyderabad. Andhra Pradesh.

TAKE NOTICE that the Appellants above-named have  
on 27-9-1995 filed in the Registry of the Supreme Court,



-: 2 :-

Petition for Special Leave to Appeal (Civil) Nos. 31  
3440/96 (copy enclosed) from the Judgment and and  
of the Tribunal Court above-mentioned and pursuant  
this Court's Order dated 10-5-1996 granting Special  
Leave to Appeal the cases have been registered as  
Civil Appeal Nos. 8680 to 8682 of 1996.

NOTICE is hereby given to you that if you wish  
to contest the Appeal you may within thirty days of  
the receipt of this Notice enter appearance before  
this Court either in-person or by an Advocate-on record  
of this Court appointed by you in that behalf and  
take such part in the proceedings as you may be advised.

TAKE FURTHER NOTICE that in default of your appearance  
within the time prescribed the Appeal will be proceeded  
with and determined in your absence and no further  
Notice in relation thereto shall be given to you.

DATED THIS THE 28<sup>th</sup> DAY, JUNE, 1996.

ASSISTANT REGISTRAR.



(NOTICE OF LODGMENT OF THE PETITION OF APPEAL TO THE  
RESPONDENTS

(RULE 11 OF ORDER XV, S.C.R., 1966)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8680-82 OF 1996

(Appeals from the Judgment and Order dated the 30  
of the Central Administrative Tribunal, Hyderabad  
at Hyderabad in O.A.Nos.1035,1366/93 and 69/94) -

The Chief General Manager & Anr.

....Appellant

-Versus-

M K.Venkateshwarlu. and Ors.

....Respondent

To

1. Mr.S.Udaya Kumar Sagar,  
Advocate for the Respondents Nos.1 to 4,  
6 to 12 and 15 to 25.
2. N.Lakshmana Murthy S/o N.Akkayya  
aged about 43 years, Account Officer,  
O/o the General Manager,  
District Hyderabad. A.P.
3. Y.Chandra Sekhar Rao, S/o Viswanatham  
aged about 47 years, Accounts Officer  
O/o General Manager, Telecommunications
4. N.Venkobhar Rao S/o Guru Murthi Rao,  
aged about 57 years Accounts Officer  
O/o Chief General Manager,  
Telecommunications,  
Hyderabad. Andhra Pradesh.

TAKE NOTICE that the Appellants above-named have  
on 27-9-1995 filed in the registry of the Supreme Court.



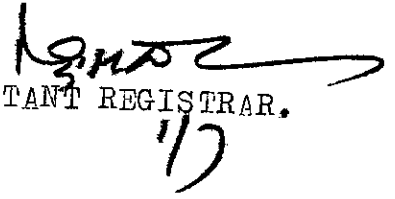
-: 2 :-

Petition for Special Leave to Appeal (Civil) Nos. 3440/96 (copy enclosed) from the Judgment and of the Tribunal Court above-mentioned and this Court's Order dated 10-5-1996 granting Special Leave to Appeal the cases have been registered as Civil Appeal Nos. 8680 to 8682 of 1996.

NOTICE is hereby given to you that if you wish to contest the Appeal you may within thirty days of the receipt of this Notice enter appearance before this Court either in-person or by an Advocate-on record of this Court appointed by you in that behalf and take such part in the proceedings as you may be advised.

TAKE FURTHER NOTICE that in default of your appearance the appeal will be proceeded with and determined in your absence and no further Notice in relation thereto shall be given to you.

DATED THIS THE 28th DAY JUNE, 1996.

  
ASSISTANT REGISTRAR.



(NOTICE OF LODGMENT OF THE PETITION OF APPEAL TO THE  
RESPONDENTS

(RULE 11 OF ORDER XV, S.C.R., 1966)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8680-82 OF 1996

(Appeals from the Judgment and Order dated the 30  
of the Central Administrative Tribunal, Hyderabad  
at Hyderabad in O.A.Nos.1035,1366/93 and 69/94) -

The Chief General Manager & Anr.

....Appellants

-Versus-

M K.Venkateshwarlu. and Ors.

....Respondent.

To

1. Mr.S.Udaya Kumar Sagar,  
Advocate for the respondents Nos.1 to 4,  
6 to 12 and 15 to 25.
2. N.Lakshmana Murthy S/o N.Akkayya  
aged about 43 years, Account Officer,  
O/o the General Manager,  
Hyderabad Telephone  
District Hyderabad. A.P.
3. Y.Chandra Sekhar Rao, S/o Viswanatham  
aged about 47 years, Accounts Officer  
O/o General Manager, Telecommunications  
Hyderabad. Andhra Pradesh.
4. N.Venkobhar Rao S/o Guru Murthi Rao,  
O/o Chief General Manager, Officer  
Telecommunications,  
Hyderabad. Andhra Pradesh.

TAKE NOTICE that the Appellants above-named have  
on 27-9-1995 filed in the registry of the Supreme Court,



डाक सेवार्थ  
On Postal  
Service

Central Administrative Tribunal

No 5-10-193 1st Floor.

HACA Bhavan Opp: Public Garden

HYDERABAD - 500 004

20.8.96  
HYDERABAD G.P.O.

क डाकघर की राह में  
Office of posting

केंद्र के नाम पर आधारित करण  
आवेदन

HYDERABAD BENCH

26 AUG 96

पिन PIN

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R5

No. CAT/Hyd/Jud1/N/SC/43/96 dt. 1-8-96

भारतीय डाक विभाग

आ.पी. - 54/R.P.-54

DEPARTMENT OF POSTS, INDIA

प्राप्ति स्वीकृति/ACKNOWLEDGEMENT

रजिस्ट्री - पत्र/पार्सल प्राप्त हुआ

Received Registered Letter/Parcel/

क्रमांक/No

तारीख/Dated

का/of

★ बीमे का मूल्य रुपये में

★ Insured for Rupees

पाने वाले

Addressed to

N. Lakshmana Murthy,

S/o N. Akkayya,

Accounts Officer,

O/o The General Manager,

Hyderabad Telephone District,

HYDERABAD.

वितरण डाकघर की तारीख-मोहर

Date Stamp of office of delivery

हस्ताक्षर और नाम/Signature

\* अनावश्यक को काट दिया जाए  
\* Strike out if not relevant

2868  
14/8/96



GAT

No.CAT/Hyd/Jud1/N/SC/43/96/109

To

241046

The Additional Registrar,  
Supreme Court of India,  
NEW DELHI.

28-8-96

Sir,

Sub: Service of Notice of Lodgment of  
Appeal on Respondent Nos.5,13 & 14  
in C.A.Nos.8680 to 8682 of 1996  
on the file of Supreme Court -  
Certificate - Reg.

Ref: Your letter D.No.237/96/SEC-VIIA,  
dt.27-6-96.

...

With reference to your letter cited on the  
above subject I am to send herewith the Certificate  
as to service of notice of Lodgment of Appeal on  
Respondent Nos.5,13&14 in Civil Appeal Nos.8680-82  
of 1996 preferred against O.A.Nos.1035/93, 1366/93  
and 69/94 on the file of this Tribunal as desired  
therein.

Encl.: As above.

Yours faithfully,

(A.V.S.RAJU)  
Deputy Registrar(J)cc





CENTRAL ADMINISTRATIVE TRIBUNAL

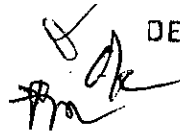
HYDERABAD BENCH

C E R T I F I C A T E

Date: 28-8-96

The Notice of Lodgment of Appeal sent to the Respondent Nos.5,13 & 14 in Civil Appeal Nos.8680 to 8682 of 1996 on the file of the Supreme Court of India, New Delhi have been served/returned on the dates mentioned against the respondents as hereunder.

<u>Respondent Number</u>	<u>Date of Service of Notice</u>
R5 -	Served on 20-8-96
R13 -	Returned with postal Endorsement "No such A.O. in the Office of G.M., Telecom, Hyderabad."
R14 -	Returned with postal endorsement "Addressee retired from service"

  
DEPUTY REGISTRAR(J)cc



CAT

COPY

BY R.P.A.D.

No.CAT/Hyd/Jud1/R/SC/43/96/169

To

The Assistant Registrar  
Supreme Court of India,  
NEW DELHI.

241046

10-10-96

Sir,

Sub: Transmission of Original Records in  
O.A.Nos.1035/93,1366/93 & 69/94 in  
C.A.Nos.8680-82 of 1996 on the file  
of Supreme Court of India, N+Delhi - Reg.

Ref: Your letter D.No.237/96/SEC-XIIA,  
dt.27-6-96. ...

I am to send herewith the Original records in  
O.A.Nos.1035/93, 1366/93 and 69/94 on the file of  
C.A.T., Hyderabad for reference in Civil Appeal Nos.  
8680-82 of 1996 on the file of the Supreme Court of  
India, as desired.

Kindly acknowledge receipt.

Encl.: Original records in  
1.OA.1035/93,  
2.OA.1366/93 &  
3.OA.69/94.

Yours faithfully,

(A.V.S.RAJU)  
Deputy Registrar (J)c.c.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

दस्तावेज/DESPATCH

- 4 NOV 1996

हैदराबाद न्यायपीठ  
HYDERABAD BENCH



D.No. 237 / 96/Sec.VII &  
SUPREME COURT OF INDIA  
NEW DELHI.

DATED: 19th December, 1996

From :

~~XXXXXXXXXXXXXX~~  
Assistant Registrar  
Supreme Court of India  
New Delhi.

Judl

Seal

11397

To:

The Registrar,  
Central Administrative Tribunal  
Hyderabad Bench  
at Hyderabad  
Andhra Pradesh

CIVIL APPEAL NO. S. 8680 TO 8682 OF 1996  
(Ref. OA Nos 1035, 1366/93 and 69/94)

The Chief General Manager & Anr. ....Appellant(s)  
Versus  
K. Venkateswarlu & Ors. ....Respondent(s)

Sir,

I am to acknowledge the receipt of Original Record/  
Transcript Record including one authenticate copy thereof  
sent with your letter No. CAT/Hyd/Judl/R/SC/43/96  
dated 10th October, 1996.

केन्द्रीय प्रशासनिक अपीकरण  
Central Administrative Tribunal  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH

12 MAR 1997

RECEIVED  
Copy to: 18/10/96

134  
12/3/97

Yours faithfully,

19/12/96.  
Assistant Registrar

Assistant Registrar



High Court of Andhra Pradesh  
HYDERABAD-500 236

D.No. 237/96 /Sec.XII A  
SUPREME COURT OF INDIA  
New Delhi.

Dt. 2nd December, 1996

From : The Assistant Registrar,

To : The Registrar,

Central Administrative Tribunal  
Hyderabad Bench  
at Hyderabad

CIVIL APPEAL NO. 8680 -82 of 1996  
(Ref: At Nos 1035/93, 1366/93 and 69/94)

The Chief General Manager & Am  
Versus

...Appellant(s)

K. Venkateshwarlu & Ors

...Respondent(s)

Sir,

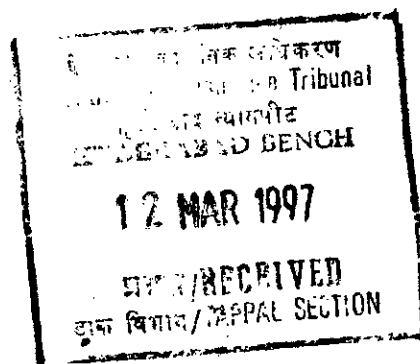
I am to acknowledge the receipt of the Certificate  
of service of Notice of Lodgment of Petition of Appeal in  
respect of Respondent No. 5 only

to this Registry alongwith your letter in C.A.T/Hyd/Judl/N/  
SC/43/96/109 dated 28-8-1996

in the appeal above-mentioned.

Yours faithfully,

for 21/12/96  
ASSISTANT REGISTRAR





CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

No.CAT/Hyd/Jud1/SC/43/96

Date: 22-4-97

The Order of the Supreme Court of India  
in Civil Appeal Nos.8680 to 8682 of 1996, dt.5-3-97,  
is communicated to the concerned herewith.



//True copy//

Sd/-  
D.R.(J)cc

S.O. (3)

To

1. The Chief General Manager,  
Telecommunications, A. P.,  
Hyderabad.
2. The Director General,  
Dept of Tele communications,  
U. G. I., New Delhi.
3. Mr. K. Venkateshwarlu, Accounts Officer,  
O/o The Chief General Manager,  
Tele communications, Doorsanchar Bhavan,  
Hyderabad.
4. Mr. K. Venkateshwar Rao, Advocate, CAT, Hyd.
5. Mr. N. V. Raghava Reddy, Addl. CGSC, CAT, Hyd.
6. One spare copy.



5th March, 1997.

CURAM :

HON'BLE MR. JUSTICE J. S. VERMA.

HON'BLE MR. JUSTICE B. N. KIRPAL.

For the ~~Appellants~~  
~~Appellants~~

Mr. V. R. Reddy, A.S.G.

Mr. E. N. Goswami, Senior Advocate.

(Mr. Anil Katiyar, Advocate with them)

For Respondent  
Nos. 1 to 4, 6 to 12  
and 15 to 25

Mr. S. Uday Kr. Sagar, Advocate.

The Application for Stay alongwith connected matters above-mentioned being called on for hearing before this Court on the 5th day of March, 1997, UPON hearing counsel appearing parties above-mentioned for the ~~Petitioner~~ ~~Appellants~~ HIS COURT DOTH inter alia pass the following Order:-

"The foundation of the case of the Union of India is the practice of making ad hoc officiating promotions to the post of Accounts Officer (AO) from the lower rank of the Assistant Accounts Officer (AAO) (prior to 1987 known as Deputy Accounts Officer) on the basis of the seniority within the circle and not on All-India basis, even though the impact of this practice appears to have a lasting adverse effect on a person senior in the list but in a different circle who does not get the benefit of the ad hoc officiating promotion simply because he is then posted in a different circle. Prima facie, this practice appears to be the reason for the situation which results ultimately in lower pay being fixed for

...3/-



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

104765

INTERLOCUTORY APPLICATIONS NOS. 4 TO 6  
( Applications for Stay after Notice )

IN THE MATTER OF :

CIVIL APPEAL NOS. 8680 TO 8682 OF 1996

( Appeals by Special Leave granted by this Court's Order dated the 10th May, 1996 in Petitions for Special Leave to Appeal (civil) Nos. 3438 to 3440 of 1996 from the Judgment and Order dated the 30th November, 1994 of the Central Administrative Tribunal (Hyderabad Bench) at Hyderabad in O.A. Nos. 1035 of 1993, 1366 of 1993 and 69 of 1994 )

The Chief General Manager and Another

... Appellants

versus

K. Venkateswarlu and Others

... Respondents

(FOR COMPLETE CAUSE TITLE, KINDLY SEE  
SCHEDULE 'A' ANNEXED HEREWITH)

Certified to be true copy

Assistant Registrar (Judl.)

Supreme Court of India



-4-

AND THIS COURT DOTH FURTHER ORDER THAT this ORDER  
be punctually observed and carried into execution by  
all concerned.

WITNESS the Hon'ble Shri Aziz Mushabber Ahmedi,  
Chief Justice of India at the Supreme Court, New Delhi,  
dated this the 5th day of March, 1997.

*Sd/-*  
(SURESH CHANDRA)  
ADDITIONAL REGISTRAR

SJ/15-3-97.



the senior person even after promotion to the rank of the Accounts Officer and the consequent adverse effects in several ways, including those in the refiral benefits. The legality of the practice adopted of making ad hoc officiating promotions based on the circle seniority alone excluding from consideration those seniors who are in other circles even though the promotion from the post of AAO to AO is to be made on All India basis is also a matter which would require consideration. To enable proper preparation of the case and its presentation at the hearing on behalf of the Union of India, we deem it fit to adjourn the case for some time. However, the adjournment being occasioned for the above reason, the Union of India must pay the costs of this hearing to the other side and there is no justification now to continue the stay which has been granted in these matters to the Union of India.

For the above reason, we vacate the interim stay granted in these matters in favour of the Union of India and direct the Union of India to pay Rs. 10,000/- as costs of the hearing to the other side."

THIS COURT DOETH FURTHER ORDER THAT this Court 's Order dated 10th May, 1996 granting Stay of the Operation of the Judgment and Order dated 30th November, 1994 of the Central Administrative Tribunal (Hyderabad Bench) at Hyderabad in O.A.Nos. 1038 of 1993, 1366 of 1993 and 69 of 1994

made in Interlocutory Application No. S.4 to 6

above-mentioned be and is hereby vacated;

...4/-



10(a)

3. T.Subramanyam S/o T.Appanna,  
aged about 56 years,  
Office of the General Manager,  
Hyderabad Telephone  
District.
4. P.Narayana Murthy S/o P.Mulaswamy  
aged about 52 years,  
Accounts officer, O/O  
the G.M. Projects,  
Hyderabad.
5. N.Lakshmana Murthy S/o N.Akkayya  
aged about 43 years, Account officer,  
O/o the General Manager,  
Hyderabad Telephone  
District Hyderabad.
6. P.Venkat Rao, S/o P.Narayana  
aged about 46 years accounts  
officer O/o the  
M.T.C.E. Hyderabad. Applicants in OA 1035/93.
7. S.Siva Ramakrishna Murthy  
aged about 41 years, Accounts officer,  
O/c Chief General Manager, Telecommuni-

contd../-



CA 4645 1-56  
9(10-73)  
Schedule A

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION(C) NO. 3438-41/96 OF 1995

IN THE MATTER OF

1. The Chief General Manager,  
Telecommunications,  
Andhra Pradesh,  
Hyderabad.
2. Union of India representative by  
The Director General  
Department of Telecommunication  
New Delhi. Common Respondents in  
all the O.As.  
.....Petitioners

Vs.

1. K.Venkateswarlu  
aged about 48 years, Accounts  
Officer O/o The Chief General Manager  
Telecommunications, Deorancher  
Bhavan Hyderabad.
2. U.Purna Chandra Rao S/o Verdasingha Rao  
aged about 45 years, Accounts  
officer, O/o the Hyderabad Telephone

Filed at

contd../-



10(c)

13. Y.Chandra Sekhar Rao, S/o Viswanatham  
aged about 47 years, Accounts Officer  
O/o General Manager, Telecommunications  
Hyderabad. *ff*
14. N.Venkobhar Rao S/o Guru Murthi Rao,  
aged about 57 years Accounts Officer  
O/o Chief General Manager,  
Telecommunications,  
Hyderabad. *ff*
15. K.R.G.Durgaprasada Rao, S/o K.V.Subha Rao,  
aged about 50 years, Accounts Officer,  
O/o Telecom District Manager,  
Tirupath. *ff*
16. T.S.R.A.Prasada Rao, S/o Sundara Ramamurthy,  
aged about 44 years, Accounts officer,  
O/o Telecommunication Division Manager  
Tirupathi. *ff*
17. S.Rajesam S/o Perusuramulu,  
aged about 44 years, Accounts officer,  
O/o Telecom Divisional Engineer,  
Adilabad. *ff* Applicants  
in O.A.No.1366/93



10(h)

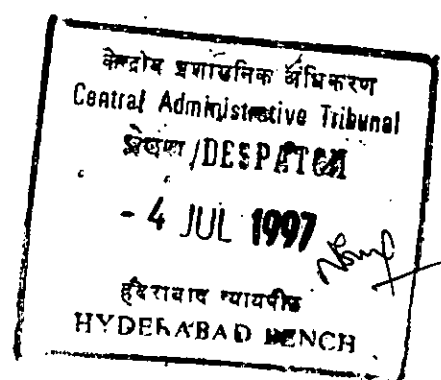
cations, Deccan, Sanchar Bhavan,  
Hyderabad.

8. P. Narasimham S/o Nagaiiah, aged about  
46 years, Accounts Officer,  
O/o Telecom District Manager,  
Mellore. (A.P.)
9. M. Bhavanarayanan S/o Venkateswarlu,  
aged about 46 years, Accounts  
Officer, O/o General Manager,  
Telecommunications, Guntur. (A.P.)
10. K. Eswar Rao, S/o Samba Murty aged  
about 43 years Accounts officer,  
Manager, Eluru. (A.P.)
11. B. Pitchairah S/o Ruchi Ramaiiah,  
aged about 45 years, Accounts Officer,  
O/o Chief General Manager,  
Telecommunications,  
Hyderabad. (A.P.)
12. G.T.V.S.K. Acharyulu S/o G.T. Sesha  
Charyulu, aged about 41 years Accounts  
officer O/o Executive Engineers, Civil  
Division II, Chakraborty,  
Hyderabad.



✓  
11

22. G. Venkata Mrishma Murthy S/o Late  
Goli Venkanna aged about 59 years,  
Accounts officer (Regd.) H.No. 79-17-22  
Syama Lanagar, Rajahmundry-3. A. P. ✓
23. Narayana Rao, S/o Late Tippanam Rao  
.....  
Officer Q/o Telecom District  
Engineer Mahabuhagar. A. P.
24. Y. Sahab Saran, S/o Y. Narayana Setty  
aged about 60 years Accounts  
officer (Regd) 32/81 Fort  
Yelkur Gate, Kurnool. A. P. Applicant in OA No.  
69/94
25. A. Kiriti Rao,  
Accounts Officer, (Regd)  
Telecom District Engineer, A. P.  
Mahabunagar. .... Respondents





10(d)

18. B. Balasailu S/o Lingaiah aged,  
about 50 years, Accounts Officer,  
O/o the Telecom. District  
Engineer, Mahabubnagar. *10/1*
19. T. Venkatecharayulu S/o T.V. Krishnama  
Charyaulu aged about 50 years,  
Accounts officer,  
O/o The General Manager,  
Telecom District  
Vijayawada. *10/1*
20. G.R.C.S. Sestry S/o Late Satyanarayana  
Murthy aged about 50 years,  
Accounts officer,  
O/o The General Manager,  
Telecom District.  
Rajahmundry. *A. P.*
21. K. Venkata Ramana S/o Late Appa Rao,  
aged about 50 years Accounts officer  
(Regd) 29.15-20 Eortgate Kandakam  
Street, Rajahmundry-1. *10/1*



CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH:HYDERABAD

No. CAT/Hyd/Jud1/SC/42,43,44,46&95/96

Date: 17-6-98

The Decretal order of the Supreme Court of India in Civil Appeal Nos.8680 to 8682, 8684 to 8686,8687,8689 to 8694 of 1996, 689, 6267 to 6268, 690, 6277, 6278, 6284 & 6287 of 1997, ddt. 12-9-97 is communicated to the concerned herewith.

1.

Sd/-  
Dy.Registrar(J)cc

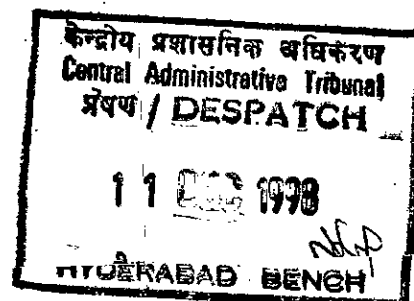
// true copy //

TNRdd  
S.O.(J) +



To

1. The Chief General Manager,  
Telecommunications, A.P.,  
Hyderabad.
2. The Director General, Telecoms,  
New Delhi.
3. The Director General,  
Dept. of Posts,  
New Delhi.
4. The Post Master General,  
A.P. Eastern Region,  
Hyderabad Vijayawada.
5. The Sr. Supdt. of Post Offices,  
Prakasam Division,  
Ongole.
6. The Secretary,  
Ministry of Communications,  
New Delhi.
7. The Chief General Manager,  
Southern Telecom Region.
8. Mr. K. Venkateshwar Rao, Advocate, CAT, Hyd.
9. Mr. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
10. Mr. V. Bhimanna, Addl. CGSC, CAT, Hyd.
11. Mr. V. Rajeshwar Rao, Addl. CGSC, CAT, Hyd.
12. 5 spare copies.





12th September, 1997

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

For Respondent Nos. 1, 2,  
4-9, 10-16 and 18-22. : M/s. L. Nageshwara Rao and S.U.K. Sagar, Advoca

The Appeals above-mentioned alongwith connected matters  
being called on for hearing before this Court on the 22nd and 23rd  
days of April, 1997, UPON perusing the record and hearing counsel  
for the appearing parties above-mentioned,  
the Court took time to consider its Judgment and the appeal  
being called on for Judgment on the 12th day of September, 1997,  
THIS COURT DOTH PASS <sup>inter alia</sup> the following ORDER:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

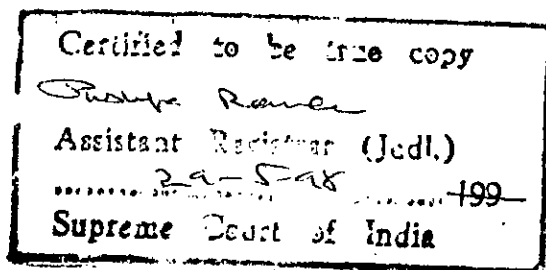
AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the

(R.P. DUA)  
JOINT REGISTRAR

\* No.F.2(78)-E.III(A)/66 dated the 4th February, 1966,





IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

268725

CIVIL APPEAL NOS. 8690 TO 8694 OF 1996.

(Appeals by special leave from the Judgment and Order dated the 30th November, 1994 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application Nos. 1523 of 1993, 43 of 1994, 1078 of 1994, 1193 of 1994 and 1226 of 1994).

1. The Chief General Manager, Telecommunications,  
Andhra Pradesh, Hyderabad.
2. Union of India, rep. by  
The Director General, Deptt. of  
Telecommunications, New Delhi.
3. The Secretary,  
Ministry of Tele communications,  
New Delhi.
4. The Chief General Manager,  
Southern Telecom Region,  
Madras 600 001.

Appellants.

Versus

1. N. Palakrishna
2. S. Panchalaiah
3. S. Krishna Murthy
4. A. Rajeshwara Rao
5. O. Bhaskara Rao
6. Bhamidi Suryanarayana
7. Ch. V. Subba Rao
8. U. Thukaram
9. G. V. V. Satyanarayana
10. T. Lakshminarayana
11. V. V. Koteswara Rao
12. P. Sree Ramamurthy
13. B. V. Narshimhan.
14. B. Sithapathi Rao
15. Ch. Narayanaswamy
16. D. Sitaramaiah
17. K. L. N. Moorthy
18. Ch. Veeraraghavulu )
19. S. Ganapathi )
20. T. Narashimhamurthy )
21. D. Lakshmi Narayana )
22. V. Naga Chari )

C/o Chief General Manager,  
Telecommunications,  
Hyderabad, A.P.

Respondents.

(For addresses of respondent please see the Formal Order dated 5th March, 1997 already sent).



12th September, 1997

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam. Advocates with them).

For respondent nos. 1 to 4,

6 to 12 and 13 to 29. : M/s. L. Nageshwar Rao and S.U.K. Sagar, Advoc.

The Appeals above-mentioned along with connected matters being called on for hearing before this Court on the 22nd and 23rd days of April, 1997, UPON perusing the record and hearing counsel for the appearing parties above-mentioned, the Court took time to consider its Judgment and the appeal being called on for Judgment on the 12th day of September, 1997, <sup>inter alia</sup> THIS COURT DOTH PASS the following ORDER:

"The employees in question are,...., not entitled to have their pay stepped up under the said Government Order\* because the difference in the pay drawn by them and the higher pay drawn by their juniors is not as a result of any anomaly; nor is it a result of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the impugned orders of different Benches of the Central contrary are set aside. There will, however, be no order as to costs."

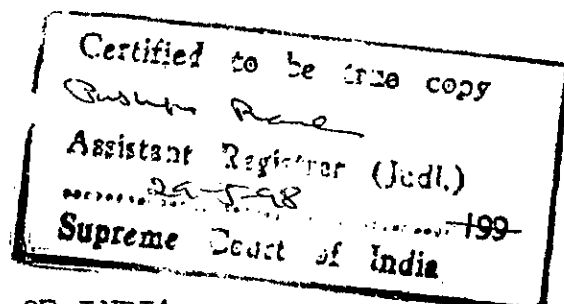
AND THIS COURT DOTH FURTHER ORDER that this ORDER be punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief Justice of India at the Supreme Court, New Delhi dated this the 12th day of September, 1997.

(R.P. DUA)  
JOINT REGISTRAR

\* No.F.2(78)-E.III(A)/66 dated the 4th February, 1966.





IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

266715

CIVIL APPEAL NOS. 8630-32 OF 1996.

(Appeals by special leave from the Judgment and Order dated the 30th November, 1994 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application Nos. 1035 of 1993, 1366 of 1993 and 69 of 1994).

The Chief General Manager, Telecommunications  
Andhra Pradesh, Hyderabad and Sur.

Appellants.

Versus

K. Venkateswarlu and Ors.

Respondents.

(For full cause title please see  
schedule 'A' attached with Formal  
Order dated 5th March, 1997 already  
sent).

ed



CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam)

to 5, and 7 to 9. : M/s. L. Nageshwara Rao and S.U.K. Sagar, Advocates

The Appeals above-mentioned alongwith connected matters  
being called on for hearing before this Court on 12th day of  
September, 1997, UPON perusing the record and hearing counsel  
for the appearing parties above-mentioned,

the Court took time to consider its Judgment and the appeal  
being called on for Judgment on the 12th day of September, 1997,  
THIS COURT DOTH PASS <sup>inter alia</sup> the following ORDER:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

*Se*  
(R.P. DUA)  
JOINT REGISTRAR



266717

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Certified to be true copy

*Gurpreet Singh*

Assistant Registrar (Jadl.)

.....24-5-98

.....199-

Supreme Court of India

CIVIL APPEAL NOS. 8684-8686 OF 1996.  
(Appeals by special leave from the Judgment and Order  
Tribunal, Hyderabad-har. 1994 of the Central Administrative  
Application Nos. 1222, 1223 and 616 of 1994).

The Chief General Manager,  
Telecommunications, Andhra  
Pradesh, Hyderabad and Ors.

Appellants:

T.R.L. Sarma S/o T. Laxminarayan  
and Ors.

Respondents.

(For full cause title please see  
schedule 'A' attached with Formal  
Order dated 5th March, 1997 already  
sent).



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

For Respondent No.1 : M/s. L. Nageshwara Rao and S.U.K. Sagar, Advocates

The Appeal above-mentioned being taken on board on the  
23rd day of April, 1997 and being called on for hearing along with  
connected matters ~~being~~ before this Court on the said date and  
UPON perusing the record and hearing counsel for the appearing  
parties above-mentioned,  
the Court took time to consider its Judgment and the appeal  
being called on for Judgment on the 12th day of September, 1997,  
THIS COURT DOTH PASS <sup>inter alia</sup> the following ORDER:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

(R.P. DUA)  
JOINT REGISTRAR

\* No.F.2(78)-E.III(A)/66 dated the 4th February, 1966,



Certified to be true copy

*Shri. R. S. Rao*  
Assistant Registrar (Jadl.)

1995-24-5798 199-  
Supreme Court of India

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

268674

CIVIL APPEAL NO. 8689 OF 1995.

(Appeal by special leave from the Judgment and Order dated the 10th March, 1995 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in R.A.No.20 of 1995 in O.A.No.108 of 1995).

1. The Chief General Manager,  
Telecommunication, A.P.,  
Hyderabad.
2. Union of India,  
rep. by the Director General,  
Department of Communication,  
New Delhi.
3. The Secretary,  
Ministry of Communication,  
New Delhi.

Appellants.

Versus

1. M. Subba Rao,  
S/o M. Achanna,  
Aged about 54 years,  
working as Senior  
Accounts Officer in the  
Office of the Area Manager,  
North Telecom  
Minerva Complex,  
Secunderabad.
2. G. Muniratham,  
S/o Chelama Naidu  
aged about 44 years,  
working as Accounts Officer  
in the o/o the Chief General  
Manager, Telecom  
A.P. Circle, Hyderabad.

Respondents.



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

The Appeal above-mentioned along with connected matters  
being called on for hearing before this Court on the 22nd and  
23rd days of April, 1997, UPON perusing the record and hearing  
counsel for the Appellants herein,

~~the Court took time to consider its judgment and the appeal~~  
being called on for Judgment on the 12th day of September, 1997,  
~~inter-alia~~  
THIS COURT DOETH PASS the following ORDER:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly or irregularity."

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOETH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

(R.P. DUA)  
JOINT REGISTRAR

\* No.F.2(78)-E.III(A)/66 dated the 4th February, 1966,



Certified to be true copy

*Pradyumn Pandey*

Assistant Registrar (Jedl.)

.....24.5.97

1997

Supreme Court of India

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

266680

CIVIL APPEAL NO.689 OF 1997.

(Appeal by special leave from the Judgment and Order dated the 11th April, 1996 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application No.421 of 1995).

1. Director General

Telecommunications,

Sanchar Bhavan,

New Delhi.

2. Chief General Manager,

A.P.Circle, Hyderabad,

Andhra Pradesh.

Appellants.

Versus

P.C.V.Reddy (STT)

C/o CGMT. A.P.Circle,

Hyderabad.

Respondent.



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

The Appeal above-mentioned alongwith connected matters  
being called on for hearing before this Court on the 22nd and  
23rd days of April, 1997, UPON perusing the record and hearing  
counsel for the Appellants herein,

the Court took time to consider its Judgment and the appeal  
being called on for Judgment on the 12th day of September, 1997,  
THIS COURT DOTH PASS <sup>in per-alis</sup> the following ORDER:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

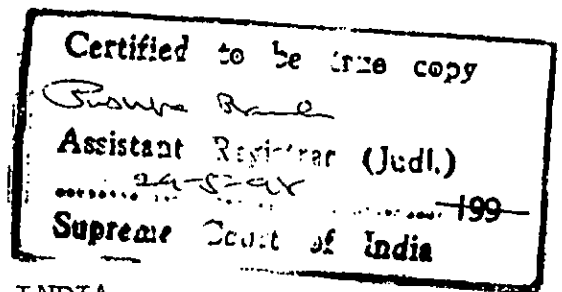
AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

(R.P. DUA)  
JOINT REGISTRAR

\* No.F.2(78)-E.III(A)/66 dated the 4th February, 1966.





IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

266682

CIVIL APPEAL NO.690 OF 1997.

(Appeal by special leave from the Judgment and Order dated the 11th April, 1996 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application No.422 of 1996).

1. Director General

Telecommunication

Sanchar Bhavan,

New Delhi.

2. Chief General Manager,

A.P.Circle, Hyderabad,

Andhra Pradesh.

Appellants.

Versus

K.Trasad Rao (STT)

C/o CGMT, A.P.Circle,

Hyderabad.

Respondent.



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

The Petition for Special Leave to Appeal above-mentioned  
alongwith connected matters being called on for hearing before this  
Court on the 22nd and 23rd days of April, 1997, UPON perusing the  
record and hearing counsel for the Appellants herein,

the Court took time to consider its Judgment and the <sup>matter</sup> appeal  
being called on for Judgment on the 12th day of September, 1997,  
**grant special leave to appeal and DOH PASS inter-also**  
THIS COURT DOTH ~~PASS~~ the following ORDER: **in the resultant appeal:**

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the hand of the Chief Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

(R.P. DUA)  
JOINT REGISTRAR



266688

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Assistant Registrar (Judl.)

..... 26-5-1998 ..... 1998  
Supreme Court of India

CIVIL APPEAL NO. 6284 OF 1997.

ARISING OUT OF:

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3117 OF 1997.  
(Petition Under Article 136 of the Constitution of India from the  
Judgment and Order dated the 12th April, 1996 of the Central  
Administrative Tribunal, Hyderabad Bench at Hyderabad in Original  
Application No. 110 of 1996).

1. Director General

Telecommunications

Sanchar Bhavan,

New Delhi.

2. Chief General Manager

A.P. Circle, Hyderabad

Andhra Pradesh.

Appellants.

Versus

G.V. Narasimha Rao (STT)

C/o. CGMT A.P. Circle,

Hyderabad.

Respondent.



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. T.V. Ratnam, Advocates with them).

For the Respondent : Mr. L.R. Pandey, Advocate (Not present).

The Petition for Special Leave to Appeal above-mentioned  
being taken on board on the 23rd day of April, 1997, and being  
called on for hearing alongwith connected matters before this  
Court on the said date and UPON perusing the record and hearing  
counsel for the Appellants herein, respondent not <sup>being</sup> present, <sup>R</sup>  
the Court took time to consider its Judgment and the appeal matter  
being called on for Judgment on the 12th day of September, 1997,  
grant special leave to appeal and DOXIT <sup>intra-alia</sup> <sup>PAS</sup>  
THIS COURT DOTH ~~PASS~~ the following ORDER: in the resultant appeal:

"The employees in question are,...., not entitled to  
order\* because the order under the said Government  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

*Sd-*  
(R.P. DUA)  
JOINT REGISTRAR

\* No.F.2(78)-E.III(A)/66 dated the 4th February, 1966,



266694

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6287 OF 1997.

Certified to be true copy

*Gusya Rane*

Assistant Registrar (Jadl.)

24-5-97 199

Supreme Court of India

ARISING OUT OF:

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3795 OF 1997.  
(Petition Under Article 136 of the Constitution of India from the Judgment and Order dated the 25th March, 1996 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application No.380 of 1996).

1. Director General

Telecommunications,

Sanchar Bhawan  
New Delhi.

2. Chief General Manager,

A.P.Circle, Hyderabad,  
Andhra Pradesh.

Appellants.

Versus

A.S.T.Sayl

Retd. Asstt. General Manager,

A.P.Circle, Hyderabad,

H.No.5-13-1 New Maruti

Nagar, P & T Colony,

Hyderabad - 60.

Respondent.



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

For Respondent Nos. 2,  
4 to 6, 8 to 11, 13 & 14: M/s. L. Nageshwar Rao and S.U.K. Sagar, Advocate

The Petitions for Special Leave to Appeal above-mentioned  
alongwith connected matters being called on for hearing before  
this Court on the 22nd and 23rd days of April, 1997, UPON perusing  
the record and hearing counsel for the appearing parties above-  
mentioned,

the Court took time to consider its Judgment and the <sup>matter</sup> appeal ~~appeal~~,  
being called on for Judgment on the 12th day of September, 1997,  
<sup>Grant special leave to appeal and Pass Inter-alia</sup>  
THIS COURT DOTH ~~make~~ the following ORDER in the resultant appeals:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

*RP*  
(R.P. DUA)  
JOINT REGISTRAR

\* No.F.2(78)-E.III(A)/66 dated the 4th February, 1966,



266700

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Certified to be true copy

*Shyam Raul*

Assistant Registrar (Judl.)

29.5.98 199

Supreme Court of India

CIVIL APPEAL NOS. 6267-6268 OF 1997.

ARISING OUT OF:

PETITIONS FOR SPECIAL LEAVE TO APPEAL (CIVIL) NOS. 11886-11887  
OF 1998.

(Petitions Under Article 133 of the Constitution of India from  
the Judgment and Order dated the 29th November, 1994 of the  
Central Administrative Tribunal, Hyderabad Bench at Hyderabad  
in Original Application Nos. 974 and 1001 of 1993).

The Chief General Manager,  
Telecommunications,  
Andhra Pradesh, Hyderabad  
and others *Ans.*

Appellants.

Versus

V. Gopalam and others.

Respondents.

(For full cause title please see  
earlier <sup>formal</sup> order dated 5th March, 1997).



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

For the Respondent : M/s. L. Hageswami & Co. and S.U.K. Sagar, Advocates

The Petition for Special Leave to Appeal above-mentioned  
alongwith connected matters being called on for hearing before this  
Court on the 22nd and 23rd days of April, 1997, UPON perusing the  
record and hearing counsel for the parties herein,

being called on for Judgment on the 12th day of September, 1997,  
~~grant special leave to appeal and DOH PASS~~ *Inter Alia*  
THIS COURT DOTH ~~PASS~~ the following ORDER: **in the resultant appeal:**

"The employees in question are,...., not entitled to  
have their pay stopped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

(R.P. DUA)  
JOINT REGISTRAR

\* No.F.2(78)-E.III(A)/66 dated the 4th February, 1966.



266696

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Certified to be true copy

Assistant Registrar (Judl.)

20-5-97  
Supreme Court of India

CIVIL APPEAL NO.6277 OF 1997.

ARISING OUT OF:

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO.24726 OF 1995.  
(Petition Under Article 133 of the Constitution of India from the Judgment and Order dated the 13th September, 1995 of the Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application No.934 of 1995).

1. The Chief General Manager,  
Telecommunications,  
Andhra Pradesh,  
Hyderabad.
  2. Union of India,  
through the Director General  
Department of Telecommunications,  
Sanchar Bhawan,  
New Delhi-110 001.
  3. The Secretary to the  
Ministry of Telecommunications,  
New Delhi - 110 001.
- Appellants.

Versus

A. Jayarami Reddy,  
S/o A. Venkata Reddy  
aged about 44 years,  
Working as senior Accounts Officer,  
O/o the General Manager, Telecom  
District, Hyderabad.

Respondent.



12th September, 1997.

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MRS. JUSTICE SUJATA V. MANOHAR  
HON'BLE MR. JUSTICE B.N. KIRPAL

For the Appellants : M/s. N.N. Goswami and P.A. Chowdhary,  
Senior Advocates.  
(M/s. K.R. Sachdeva, A.D.N. Rao, Hemant  
Sharma, Y.P. Mahajan, Ms. Renu George,  
Mr. K.C. Kaushik, Ms. Kanupriya Mittal,  
Mr. G.N. Reddy, S.K. Dwivedi and  
Mr. T.V. Ratnam, Advocates with them).

~~For the Respondent : M/s. L. Nagarajan and P.N. Nagar, Advocates~~

The Petition for Special Leave to Appeal above-mentioned  
alongwith connected matters being called on for hearing before this  
Court on the 22nd and 23rd days of April, 1997, UPON perusing  
the record and hearing counsel for the <sup>Appellants</sup> ~~parties herein~~,

the Court took time to consider its Judgment and the <sup>matter</sup> ~~appeal~~  
being called on for Judgment on the 12th day of September, 1997,  
grant special leave to appeal and ~~pass~~ <sup>inter alia</sup> ~~pass~~  
THIS COURT DOTH ~~PASS~~ the following ORDER: in the resultant appeal:

"The employees in question are,...., not entitled to  
have their pay stepped up under the said Government  
Order\* because the difference in the pay drawn by  
them and the higher pay drawn by their juniors is  
not as a result of any anomaly; nor is it a result  
of the application of Fundamental Rule 22(I)(a)(1).

The appeals are, therefore, allowed and the  
impugned orders of different Benches of the Central  
Administrative Tribunal which have held to the  
contrary are set aside. There will, however, be no  
order as to costs."

AND THIS COURT DOTH FURTHER ORDER that this ORDER be  
punctually observed and carried into execution by all concerned;

WITNESS the Hon'ble Shri Jagdish Sharan Verma, Chief  
Justice of India at the Supreme Court, New Delhi dated this the  
12th day of September, 1997.

(R.P. DUA)  
JOINT REGISTRAR

\* No.F.2(78)-E.III(A)/66 dated the 4th February, 1966.



268676

Certified to be true copy

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
199

Supreme Court of India

CIVIL APPEAL NO.6278 OF 1997.

ARISING OUT OF:

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO.24729 OF 1996.  
(Petition Under Article 136 of the Constitution of India from the Judgment and Order dated the 13th September, 1995 of Central Administrative Tribunal, Hyderabad Bench at Hyderabad in Original Application No.947 of 1995).

1. The Chief General Manager,  
Telecommunications,  
Andhra Pradesh,  
Hyderabad - 500 001.
2. Union of India  
represented by the  
Director General,  
Department of Telecommunications,  
Sanchar Bhawan,  
New Delhi-110 001.
3. The Secretary to the  
Government of India,  
Ministry of Telecommunications,  
Sanchar Bhawan,  
New Delhi.

Appellants.

Versus

S.V.R.Krishna Murthy  
S/o S.Subba Rao,  
aged about 55 years,  
Senior Accounts Officer  
Office of the General Manager,  
Telecom District,  
Area Manager, North  
Nemerva Complex, Hyderabad.

Respondent.



70  
D. No. 237/96/XIIA  
SUPREME COURT OF INDIA  
NEW DELHI.

Dated this the July, 1998

From: The Assistant Registrar,  
Supreme Court of India,  
New Delhi.

To: The Registrar,  
Central Administrative Tribunal,  
Hyderabad Bench, No.5-10-193, 1st Floor,  
HACA Bhavan, Post Box No.10  
Hyderabad 500 004.

CIVIL APPEAL NO. 8680-82 OF 1996.

The Chief General Manager, Telecommunications  
A.P. Hyderabad and Anr. Appellants.

Versus


Sir, K.Venkateswarlu and Ors.

Respondents.

In continuation of this Registry's letter of even number dated the , I am directed to transmit herewith the original record relating to the matter forwarded to this Court vide your letter no. CAT/Hyd/Judl/R/SC/43/96 dated 10th October, 1996 as per the details given below.

Please acknowledge receipt.

Yours faithfully,

  
ASSISTANT REGISTRAR

Details of O.R.

Original records in O.A. Nos. 1035/93, 1366/93 and 69/94.

RECEIVED  
HYDRABAD BENCH

30 JUL 1998

RECEIVED

RECEIVED SECTION

442  
30/7/98

Ser-just  
2



BY R.P.A.D.

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

5-10-193, 1st Floor,  
HACA Bhavan, Opp. Public Gardens  
Hyderabad-500004.

Endt.No.CAT/Hyd/Jud1/RN/SC/43/96

Date: 1-8-96

The Service of Notice of Lodgment of Appeal  
on Respondents Nos. 5, 13, & 14, pursuant to the Order  
of the Supreme Court of India dt. 10-5-96, be effected.

Sd/-  
Registrar

*[Signature]*  
S.D.(J)

To

1. N. Lakshmana Murthy (R5)  
S/o N. Akkayya,  
Accounts Officer,  
O/o the General Manager,  
Hyderabad Telephone District,  
Hyderabad (A.P.)
2. Y. Chandre Sekhar Rao (R13)  
Accounts Officer,  
O/o General Manager,  
Telecommunications,  
Hyderabad (A.P.)
3. N. Venkoba Rao (R14)  
S/o Guru Murthi Rao,  
Accounts Officer,  
O/o Chief General Manager,  
Telecommunications,  
Hyderabad (A.P.)



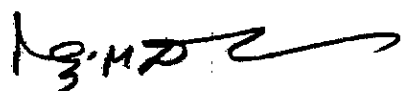
-: 2 :-

Petition for Special Leave to Appeal (Civil) Nos. 3440/96 (copy enclosed) from the Judgment and of the Tribunal Court above-mentioned and pursuant to this Court's Order dated 10-5-1996 granting Special Leave to Appeal the cases have been registered as Civil Appeal Nos. 8680 to 8682 of 1996.

NOTICE is hereby given to you that if you wish to contest the Appeal you may within thirty days of the receipt of this Notice enter appearance before this Court either in-person or by an Advocate-on record of this Court appointed by you in that behalf and take such part in the proceedings as you may be advised.

TAKE FURTHER NOTICE that in default of your appearance within the time prescribed the Appeal will be proceeded with and determined in your absence and no further Notice in relation thereto shall be given to you.

DATED THIS THE 28th DAY JUNE, 1996.

  
ASSISTANT REGISTRAR.  
1/2



(NOTICE OF LODGMENT OF THE PETITION OF APPEAL TO THE  
RESPONDENTS

(RULE 11 OF ORDER XV, S.C.R., 1966)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 8680-82 OF 1996

(Appeals from the Judgment and Order dated the 30  
of the Central Administrative Tribunal, Hyderabad  
at Hyderabad in O.A.Nos.1035,1366/93 and 69/94)-

The Chief General Manager & Anr.

....Appellants

-Versus-

M K.Venkateshwarlu. and Ors.

....Respondent.

To

1. Mr.S.Udaya Kumar Sagar,  
Advocate for the Respondents Nos.1 to 4,  
6 to 12 and 15 to 25.
2. N.Lakshmana Murthy S/o N.Akkayya  
aged about 43 years, Account Officer,  
O/o the General Manager,  
Hyderabad Telephone  
District Hyderabad. A.P.
3. Y.Chandra Sekhar Rao, S/o Viswanatham  
aged about 47 years, Accounts Officer  
O/o General Manager, Telecommunications  
Hyderabad. Andhra Pradesh.
4. N.Venkobar Rao S/o Guru Murthi Rao,  
aged about 57 years Accounts Officer  
O/o Chief General Manager,  
Telecommunications,  
Hyderabad. Andhra Pradesh.

TAKE NOTICE that the Appellants above-named have  
on 27-9-1995 filed in the registry of the Supreme Court,



CA 8682-82/96

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. \_\_\_\_\_ OF 1995.

IN THE MATTER OF:

1. The Chief General Manager,  
Telecommunications,  
Andhra Pradesh,  
Hyderabad.
2. Union of India, rep. by  
The Director General  
Deptt. of Telecommunications,  
New Delhi. : Common Respondents in  
all the O.As.

... PETITIONERS

VERSUS

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. Narsimham,
9. M. Bhavanarayana
10. K. Eswar Rao

contd../-



11. B. Pitchaiah
12. G.T.V.S.K. Acharyulu
13. Y. Chandrasekhar Rao
14. N. Venkoba Rao
15. K.R.G. Durga Prasada Rao
16. T.S.R.A. 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
25. Y. Sahab Saran : Applicants in OA 69/94

... RESPONDENTS.

PETITION UNDER ARTICLE 136 OF THE  
CONSTITUTION OF INDIA FOR GRANT OF  
SPECIAL LEAVE TO APPEAL AGAINST THE  
JUDGEMENT AND ORDER DATED 30.11.1994  
PASSED BY THE HYDERABAD BENCH OF  
HYDERABAD IN O.A. NO.1035/93, 1366/93  
AND 69/1994.

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TO

THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS COMPANION JUSTICES OF THE  
SUPREME COURT OF INDIA, NEW DELHI.

THE HUMBLE PETITION OF THE  
PETITIONERS ABOVE-NAMED -

MOST RESPECTFULLY SHOWETH:

1. That the Petitioners are filing this Petition for grant of Special Leave to Appeal against the judgement and order dated 30.11.94 passed by the Central Administrative Tribunal, Hyderabad Bench in O.A. No. 1035/93, 1366/93 and 69/1994.
2. That the Petition raises the following amongst other substantial question of law of general public importance, which need to be decided by this Hon'ble Court :
  - i) Whether after obtaining regular promotion a senior employee can demand stepping up of his pay equal to that of his junior, who is getting higher pay due to ad-hoc promotion at his credit while working in different circle/zones than the seniors ?

contd../-



- ii) Whether the applicants who had not resented the promotion of their junior in preference to them can resent the consequential benefit of increments of pay to such juniors?
- iii) Whether counting of period during which applicants were not working as ad hoc Accounts Officers/TTS Group B Officers for drawal of increment in that grade at par with the juniors who had actually worked as ad hoc AO/TTS Gr. B, does not amount to equal treatment of unequals?

3. That briefly stated that the facts giving rise to the filing of the present petition for Special Leave to Appeal are as under :

- 1) That the Respondents belong to P & T Accounts and Finance Service. This matter of fixation of pay on promotion to a higher post is governed by FR 22 (Formerly FR - 22 - O). In accordance with the provisions as contained in FR - 26 and Government of India instructions/decisions thereunder, the spell of period spent by an official, while working on a higher post on adhoc basis also counts towards increment. The

contd../-



provision results in juniors getting a higher pay in promotional posts, if they have a longer spell of ad hoc service at their credit than their seniors. This scheme has been in vogue un-questioned since long.

ii) That the Respondents 1 to 6 are working as Accounts Officers under the control of Petitioner No.1, Department of Telecommunications, A.P., Hyderabad. They filed O.A. No. 1035/1993 praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N. Mishra (Staff No. 81099) who was junior to them in the immediate lower cadre of Junior Accounts Officer. A copy of the O.A. No. 1035/1993 is Annexure P-1.

ANNEXURE P-1.

iii) That the Respondents 7 to 17 are also working as Accounts Officers under the control of Petitioner No.1, DOT, A.P., Hyderabad. They filed O.A. No. 1366/1993 before the Hyderabad Bench of the Tribunal praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri K. Sankara Narayanan (Staff No.81537) who was junior to them in the immediate lower cadre of Junior Accounts Officer. A copy of the O.A. No. 1366/93 is Annexure P-2.

ANNEXURE P-2.

Contd../-



iv) That the Respondents 18 to 20 are also working as Accounts Officers under the control of Petitioner No.1, DOT, A.P., Hyderabad. The Respondents 21 to 23 and 25 were also working as Accounts Officers under the control of Petitioner No.1, DOT, A.P., Hyderabad and they retired on superannuation. The Respondents 18 to 25 filed O.A. No.69/1994 before the Hyderabad Bench of the Tribunal praying for stepping up of their pay in the cadre of Accounts Officer so as to equal to the pay of Sri J.N. Mishra (Staff Nos. 1099) who was junior to them in the cadre of junior Accounts Officer. A copy of O.A. No. 69/1994 is Annexure P-3.

ANNEXURE P-3.

v. That the petitioners contested the O.A. of the Respondents and relied upon GIMP O.M. No.F.2(78) E III (A)/66 dated 4.2.1966 wherein three conditions were stipulated for stepping up of their pay. A copy of the O.M. dated 4.2.1966 is Annexure P-4. The said conditions specified in the O.M. were not fulfilled for stepping up of their pay, the Respondents are, therefore, not entitled for any relief of stepping up of their pay. The stepping up of pay is also prohibited in accordance

ANNEXURE P-4.



ANNEXURE P-5.

with letter dated 31.5.1993 and a copy thereof is Annexure P-5.

vi) That vide common judgement and order dated 30.11.1994 the Hon'ble Tribunal directed that the pay of the Applicants in O.A. 1035/1993 be stepped up and allowed their O.A. However, the monetary benefits are limited from 1.9.1990. The Hon'ble Tribunal also allowed the stepping up of pay as prayed in O.A. No. 1366/1993 but the monetary benefits are limited from 25.4.1991. The Hon'ble Tribunal also allowed the relief of stepping of pay to Respondents 18 to 25 in O.A. No. 69/1994 but the monetary benefits are limited from 1.1.1991. It was also held that as Respondents 21 to 23 and 25 had retired from service on their superannuation, their terminal benefits have to be refixed taking into account revised fixation of pay, if required, and arrears of the terminal benefits, if any have to be accordingly.

vii) That feeling aggrieved by the impugned common judgement and order dated 30.11.1994 passed by the Hyderabad Bench of Tribunal, the petitioners are filing the present petition for Special Leave to Appeal before this Hon'ble Court on the following amongst other -

contd../-



G R O U N D S:

- A) BECAUSE the impugned common judgement and order is contrary to the provisions of law, instructions and material on record and the same is liable to be set aside by this Hon'ble Court.
- B) BECAUSE the Hon'ble Tribunal erred in allowing the O.A.'s of the Respondents and giving the directions as contained in last para of the impugned judgement.
- C) BECAUSE the Hon'ble Tribunal erred in relying on the decision dated 29.11.1994 in O.A. No. 974/1993 and 1001/93 and other decision of the Tribunal, because some of the judgements have already been challenged by the petitioners before this Hon'ble Court.
- D) BECAUSE the Hon'ble Tribunal failed to appreciate that the Respondents' pay have been properly fixed on their promotion and there is no miscarriage of justice. The Hon'ble Tribunal ought to have dismissed the O.A.'s of the Respondents.

c ontd../-



- E) BECAUSE the Hon'ble Tribunal completely overlooked the fact that the Respondents have not worked on higher post as ad hoc/ officiating for more than S/Shri J.N. Mishra and K. Shankaranarayanan. Therefore, the benefit could not be given to the Respondents in fixing their pay on promotion to higher grade.
- F) BECAUSE the Hon'ble Tribunal failed to appreciate that FR 22(C) note (10) is applicable to the facts of the case.
- G) BECAUSE the Hon'ble Tribunal erred in holding that the Respondents were justified in seeking stepping up of their pay.
- H) BECAUSE the Hon'ble Tribunal failed to appreciate that it is necessary that when a person, who is said to be compared for the purposes of stepping up has been granted the so called benefits of the rules prevailing, then, it could not be said that he was junior to the Respondents.

contd../-



- I) BECAUSE the Hon'ble Tribunal failed to appreciate the settled principle of law that no monetary benefits to be given on account of deeming promotion granted to the employees as laid down by this Hon'ble Court in Palaru Ramakrishnaiah Vs. Union of India reported in 1989 (2) SCC 541.
- J) BECAUSE the impugned judgement runs counter to the decision reported in JT 1992 (5) SC 595, Junior Telecom Officer, Forum Vs. U.O.I. and JT 1994 (7) SC 58, Telecommunication Engineering Service Association Vs. U.O.I.
- K) BECAUSE the impugned judgement has far reaching implications and creates a great administrative problem in respect of ad hoc appointment to the officials as per their seniority in circle, instead of seniority in cadre on all India basis.
- L) BECAUSE the judgement of Ernakulam Bench of the Tribunal on identical issue have already been challenged before this Hon'ble Court and other special leave

contd../-



Petitions are pending like Supdt.  
Engineer (E), Telecom Electrical Circle  
Vs. M. Ramakrishnan and others.

M) BECAUSE the Hon'ble Tribunal failed to appreciate that ad hoc promotion cannot necessarily be on the strict basis of seniority. In services, where the seniority in a cadre is on an all India basis with functionaries in different stations or centres, it may not be possible to ensure appointment of the senior most, whenever an ad hoc promotion become necessary. In all such cases, the pay of all those who happen to be senior in the lower post to the ad hoc promotees, is to be stepped up, it will inevitably result in considerable strain on the exchequer.

N) BECAUSE the Hon'ble Tribunal failed to appreciate that the stepping up of pay is admissible only if the junior is promoted subsequent to the senior. In these cases the juniors were promoted earlier than the seniors.

contd../-



That the Petitioners crave leave of this Hon'ble Court to add, amend or alter the above grounds of appeal.

That the Petitioners have not filed any other petition in this Hon'ble Court against the impugned judgement and order dated 30.11.1994 passed by the Central Administrative Tribunal Hyderabad Bench, in O.A. No. 1035/93, 1366/93 and 69/1994.

P R A Y E R

It is, therefore, most respectfully and humbly prayed that this Hon'ble Court may be graciously pleased to -

- a) grant Special Leave to Appeal against the impugned judgement and order dated 30.11.1994 passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A. Nos. 1035/93, 1366/93 and 69/1994; and
- b) pass such further and other orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

AND FOR THIS ACT OF KINDNESS YOUR HUMBLE PETITIONERS AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN BY:

FILED BY:

(MRS. B. RANA)  
ADVOCATE.

( MRS. ANIL KATIYAR )  
ADVOCATE FOR THE PETITIONERS.

NEW DELHI

FILED ON: August, 1995.



22

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
SPECIAL LEAVE PETITION (CIVIL) NO. \_\_\_\_\_ OF 1995.

IN THE MATTER OF:

The Chief General Manager,  
Telecommunication, Hyderabad. ... PETITIONERS

VERSUS

K. Venkateswarlu & Ors. ... RESPONDENTS

A F F I D A V I T

AFFIDAVIT of Shri Budh Prakash, Assistant  
Director General (TE), Department of Telecom,  
Sanchar Bhawan, New Delhi.

I, the deponent above named do hereby  
solemnly affirm and state as under :-

1. That I am the Assistant Director General (TE) in Telecommunication Department and in that capacity I am acquainted with the facts of the case and competent to swear this affidavit on behalf of the petitioners.
2. That I have read the accompanying petition for Special Leave and the Stay Application and I say that the facts stated therein are true to my knowledge on the information derived from the official record of the petitioners.

contd../-



3. That the Annexures annexed with the accompanying Petition are the true copies of their respective originals.

D E P O N E N T.

VERIFICATION:

I, the above named deponent, do hereby solemnly verify that the contents of the aforesaid Affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therein.

VERIFIED AT NEW DELHI ON THIS THE        DAY OF  
AUGUST, 1995.

D E P O N E N T.