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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH :
AT HYDERABAD

OA.873, 874, 875 of 1993
OA.930, 932, 948 of 1993
OA.1250 and 1579 of 1993

Dt.of decision:5-11-'94

Between:

- | | |
|-----------------------|------------------|
| 1. T. Srinivasa Rao | - OA.873/93 |
| 2. M. Hanumantha Rao | - OA.874/93 |
| 3. K.R. Parasuram | - OA.875/93 |
| 4. V.V. Subbarayudu | - OA.930/93 |
| 5. K. Krishnamurthy | - OA.932/93 |
| 6. V. Subbanarasaiah | - OA.948/93 |
| 7. Y. Ramekrishna Rao | - OA.1250/93 and |
| 8. W. Morris | - OA.1579/93 |

...Applicants

And

1. Union of India, Rep.by
Secretary to Govt. of India,
Min. of Communication
New Delhi.

2. The Chairman,
Telecom, Commission Deptt.
of Telecommunications,
Sanchar Bhavan, New Delhi.

3. Asst. Director General (TS)
Min. of Communications
Deptt. of Telecommunications
Sanchar Bhavan, New Delhi.

4. Chief General Manager,
Telecommunications, AP Circle,
Hyderabad.

Common respondents
...in all the OAs.

Counsel for the Applicants in : V. Venkateswara Rao,
all the above OAs Advocate.

Counsel for the Respondents : M. V. Raghava Reddy, MSC
in all the above OAs for Central Government.

CORAM

HON. Justice Sri V. Neeladri Rao, Vice Chairman
HON. Sri R. Rangarajan, Member (Admn.)

OAs 873/93, 874/93, 875/93, 930/93,
932/93, 948/93, 1250/93 and 1579/93

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

Heard Shri V. Venkateswara Rao, learned Counsel for
the Applicant and also Shri N.V. Raghava Reddy, learned
standing counsel for the Respondents.

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2. As the same point has arisen for consideration, that can be conveniently disposed of by a common order.
3. All these applicants joined service as Telegraphists and then promoted as Traffic Supervisor which was All India seniority unit till 1979, Grade of Traffic Supervisor was made circle unit from 1979. Thus those who were working as Traffic Supervisors by 1979 were required to make options for allocation to the various circle units and accordingly they were allotted to circle units.
4. Even before the grade of Traffic Supervisor was made circle unit, Shri Baleswara Singh and Shri P. Panjiara and Shri L.S.Shaw were promoted as STI Group B on ad hoc basis. Allegation for these applicants that they were not offered ad hoc promotion by the dates of promotion of Sri Baleswara Singh Shri P. Panjiara and Shri L.S.Shaw as STI Group B on ad hoc basis was not denied.
5. The post of Traffic Supervisor was re-designated as ASTI Group C with effect from 1984. Avenue for promotion from Traffic Supervisor ASTI Group C is to STI Group B which is All India seniority unit from the beginning. Even after Traffic Supervisor/Astt Group C was made circle unit, all the officers in the said cadre in all the units of all the circles who are eligible may volunteer for consideration for promotion to the grade of STI
6. While the applicants in OA.1250/93 & 1579/93 were regularly promoted as STI Group B even prior to the date of the regular promotion of their junior Shri P. Panjiara, other applicants herein were regularly promoted as STI Group B earlier to the date of regular promotion of their junior Shri Baleswara Singh as STI Group B.
7. The allegations for the applicants in OA.1250/93 and

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UA.1579/93 that their pay was more/equal to the pay of Shri Panjiara in the cadre of Traffic Supervisor, and the pay of the other applicants herein was more/equal to the pay of Shri Baleswara Singh in the cadre of Traffic Supervisor were not denied. Thus it is a case where the pay of the respective applicants was either more or equal to the pay of their respective junior Shri Baleswara Singh/Shri Panjiara on the cadres of Traffic Supervisor and thus pay in the cadre of STI Group B is less than the pay of their respective junior Shri Baleswara Singh/P. Panjiara as on the date of regular promotion of the letter to the first of STI Group B. An anomaly has arisen as Shri Baleswara Singh/Shri Panjiara were promoted as STI Group B on ad hoc basis and their period of Service as STI Group B when they worked on ad hoc basis in that cadre was being taken into consideration for fixing their pay on their regular promotion as STI Group B.

8. It is true that by the date of promotion of these applicants as STI Group B, their respective juniors were not in the same circle while they were working in the grade of Traffic Supervisor/ASTI Group C. But it is a case where Shri Baleswara Singh and Shri Panjiara were promoted on ad hoc basis to STI Group B even before the grade of Traffic Supervisor was made circle unit. Thus it is a case where the applicants were not offered promotion to STI Group B when it was offered on ad hoc basis to Shri Baleswara Singh and to Shri Panjiara. Then the question of denial of the offer of promotion when it was on ad hoc basis on the part of the applicants does not arise. The question as to whether the benefit of stepping up has to be given to a senior if the ad hoc promotion was given to junior after the lower post was made circle unit does not arise for consideration for disposal of these OAs and hence we do not deal with the same for disposal of these OAs.

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9. We held in OA 974/93 & OA 1001/93 that if stepping up is not going to be allowed in the circumstances referred to herein which are similar in the OAs 974/93 & 1001/93, the same will be violative of article 14 of the Constitution of India.

For the reasons stated therein, we hold that the applicants in OA 1250/93 & 1579/93 have to be given the pay equal to the pay of Shri Panjiara as on the date of his regular promotion to STI Group B on notional basis. Other applicants herein have to be given the pay equal to the pay of Shri Baleswara Singh as on the date of his regular promotion to STI Group B on notional basis. We held in OAs 974/93 & 1001/93 that the applicants herein should be given the monetary benefit from 3 years prior to the date of filing of the respective OA. For the reasons stated therein, we also hold that the applicants herein also have to be given the monetary benefit from 3 years prior to the date of filing of the respective OA.

10. These OAs are disposed of accordingly. No costs.

CERTIFIED TO BE TRUE COPY
Sd/- xx xx xx xx xx xx xx
Date 08 - 02 - 1994.
Court Officer
Central Administrative
Tribunal Hyderabad Bench
Hyderabad.

To

1. The Secretary to Govt. of India.,
Ministry of Communications, Union of India, New Delhi.
2. The Chairman, Telecom Commission, Dept. of Telecommunications,
Sanchar Bhavan, New Delhi.
3. The Assistant Director General (TE) Ministry of Communications,
Dept. of Telecommunications, Govt. of India, Sanchar Bhavan, ND.
4. The Chief General Manager, Telecommunications,
A.P. Circle, Hyderabad - 500 001.
5. One copy to Mr. V. Venkateswar Rao, Advocate, CAT, Hyd.
6. One copy to Mr. N.V. Raghava Reddy, Addl. CGSC. CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One Spare copy.

// True copy //