

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.193/93

dt.12-3-97

Between

P. Gopalam

: Applicant

and

1. Telecom District Manager
Rajahmundry 533150

2. Chief General Manager
Telecommunications AP
Hyderabad 500001

3. Director-General, Telecom
Representing Union of India
New Delhi 110001

: Respondents

Counsel for the applicant

: C. Suryanarayana
Advocate

Counsel for the respondents

: N.V. Raghava Reddy,
Addl. CGSC

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

Hon. Mr. B.S. Jai Parameswar, Member (Jud1)



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2. Hence, he has filed this OA challenging the impugned order dated 12-8-1992 on the ground that he is entitled to arrears and fixation of pay as consequence to change in date of his confirmation i.e., 1-3-1963 that he is entitled for arrears of pay from 20-9-1976. The applicant relied upon the principles enunciated in the case of Narendra Dev Asija Vs. Union of India and others (1992(20) ATC 863) wherein the Principal Bench of the CAT declared that after having given paper promotion to the applicant ante-dating his promotion and seniority is not adequate compensation to him. And that in order to do full justice to him the respondents could have given arrears of pay and allowances from the due date together with interest, once they had realised the mistake committed by them. He also relied on the decision in Ramesh Chander vs. R.S. Gahlewat [1992(1) SLJ (CAT) 484] wherein Jodhpur Bench of the CAT held that a person who was wrongly denied promotion is entitled to arrears of salary from the date of notional promotion. He also relied upon the decision of the High Court of AP in the case of A. Venkata Rao and others Vs. State of AP and others (1991(1) APIJ 364).

3. The respondents filed their counter contending that the date of confirmation of Bangaraiah and Prakasha Rao was revised from 1-3-1965 to 1-3-1963 from 1978 and 1979 respectively. That applicant did not bring to the notice that he was senior to the above mentioned officials viz. Bangaraiah and Prakasha Rao. That the official was passed over for promotion against 2/3rd seniority quota of vacancies during the years 1979-1980 in the DPC held on 7-3-1980 and 15-12-1980. That the applicant was not consistent with his request for stepping up of his pay. That he failed to bring to the notice of the higher authorities that his confirmation in the basic cadre

160(a) in the Circle Gradation List above Sri Bangaraiah who was at Sl.No.160 and Sri Prakasha Rao who was shown at Sl.No.161. That a notice was given to the Employees to the proposed fixation of seniority. That as the date of confirmation was revised as 1-3-1963 and as the seniority was fixed at Sl.No.160(a). That consequently Dy. General Manager(Admn.) of R-2 office vide Memo No.TA/STB/13-7/806 dated 12-8-1992 issued orders to promote him to the cadre of Telephone Supervisors (SCO) in the scale of pay of Rs.425-640 (pre-revised) on regular basis, notionally, with effect from 20-9-1976 against the supernumerary post sanctioned vide memo No.TA./Est./29-29/8/90-92 dt.29-7-92 at Rajahmundry East Godavari SSA for the period from 20-9-1976 to 11-8-1982. That subsequently on reference by R-1, the impugned order (Annexure-3), clarification was made to the effect that cash payment of arrears has to be made with effect from the date of issue of orders i.e. 12-8-1992. That any of the representations made by him on 4-12-1990, 17-12-1990, 2-2-91, and 3-5-91 to grant benefits which ^{were} consequential to the revision of date of confirmation and retrospective promotion were ignored. That in his representations he had requested for arrears of salary by fixing his pay in the grade of Rs. 425/- p.m. as on 20-9-76 and granting him arrears thereof besides stepping up of his pay in relation to the pay of his juniors, more particularly that of Sri Satyanarayana, whose name was shown at Sl.No.260 of the Circle Gradation List circulated under the Respondent-2 letter No.TA/STB/33-25/92/CGL dated 14-8-1992. That his name was shown at Sl.No.255. That he submitted for stepping up of his pay on par with that of his junior from the date of the junior's promotion for fixation of pay so that he would not draw amount less than what his juniors are drawing. But his representation was not considered.

required revision which was resulted in disparity in his pay. That the applicant submitted his request for payment of arrears of pay from the date of his notional promotion through his representation dated 18-1-1993 that the same was received in the office on 8-2-1993. That by the impugned order they partially conceded the request of the applicant effective from 12-8-1982 i.e. from the date of his regular promotion and order were issued on 18-3-1993. That the applicant has approached this Tribunal in haste.

4. During the course of arguments the learned counsel for the respondents submitted that the applicant is entitled to fixation of pay on account of the change of date of confirmation from 1-3-1965 to 1-3-1963 and that he is entitled to arrears of pay from 20-9-1976. In support of his contention he relied upon the decisions cited above.

5. Since the respondents ^{admit} conceded that the representation of the applicant dated 18-1-1993 is partially conceded and his request for arrears of pay from 20-9-1976 is still under consideration, we feel it proper to direct the respondents to consider the representation in accordance with rules taking due note of the principles laid down in the cases cited above.

6. Time for compliance is preferably two months as he is going to retire by the end of this month.

7. OA is ordered accordingly. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

Dushyant

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH