

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.31/94; 1251/93  
and 1252/93

decided on : 5-12-1994

Between

S. Vidhuran  
V. Satyanarayan Singh  
S. Jagannadh Prasad

: Applicant in OA.31/94  
: Applicant in OA.1251/93  
: Applicant in OA.1252/93

and

1. Union of India, rep. by  
The Secretary  
Ministry of Communications  
New Delhi

2. The Chairman  
Telecommunications Commn.  
Dept. of Telecommunications  
Sanchar Bhavan  
New Delhi

3. Assistant Director General(TS)  
Min. of Communications  
Dept. of Telecommunications  
Sanchar Bhavan  
New Delhi

4. Chief General Manager  
Telecommunications  
AP Circle, Hyderabad 500001

: Respondents in all the OAs

Counsel for the applicants in  
all the OAs

: V. Venkateswara Rao,  
Advocate in all the OAs

Counsel for the respondents

: N.R. Devaraj, SC for  
Central Government

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

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

P. J.

(18)

O.As.No.31/94; 1251/93 & 1252/93.

Date: 5.12.1994.

J U D G M E N T

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

Heard Sri V.Venkateswara Rao, learned counsel for the applicants and Sri N.V.Raghava Reddy, learned Standing counsel for the respondents.

2. As the same point has arisen for consideration, these OAs 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, Sri Baleswara Singh, Sri B.S.Shaw and Sri P.Panjiara were promoted as STTS Group-B on adhoc basis. Allegations for these applicants that they were not offered adhoc promotion by the dates of promotion of Sri Baleswara Singh, L.S.Shaw and Sri P.Panjiara as STT Group-B on adhoc basis was not denied.

5. The post of Traffic Supervisor was re-designated as ASTT Group-C with effect from 1984. Avenue for promotion from Traffic Supervisor/ASTT Group-C is to STT 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

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circles who are eligible may volunteer for consideration for promotion to the grade of STT Group-B.

6. The applicants in O.A.No.31/94 was regularly promoted as STT Group-B even prior to the date of the regular promotion of his junior Sri Baleswara Singh, the applicant in O.A.No.1251/93 was regularly promoted to the said grade even prior to the date of the regular promotion of his junior Sri N.S.Shaw, and the applicant in O.A.No.1252/93 was regularly promoted to the grade of STT Group-B even prior to the date of the regular of promotion of his junior Sri P.Panjiara as STT Group-B.

7. The allegations for the applicant in O.A.No.31/94 that his pay was more/equal to the pay of Sri Baleswara Singh in the cadre of Traffic Supervisor; in O.A.No.1251/93 that his pay was more/equal to the pay of Sri N.S.Shaw in the cadre of Traffic Supervisor; and in O.A.No.1252/93 that his pay was more/equal to the pay of Sri P.Panjiara 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 Sri Baleswara Singh/Shri N.S.Shaw/Shri P.Panjiara in the cadre of Traffic Supervisor and their pay in the cadre of STT Group-B is less than the pay of their respective junior Shri Baleswara Singh/N.S.Shaw/P.Panjiara as on the date of regular promotion of the latter to the post of STT Group-B. An anomaly has arisen as Sri Baleswara Singh/N.S.Shaw/P.Panjiara were promoted as STT Group-B on adhoc basis and their period of service as STT Group-B when they worked on adhoc basis in that cadre was being taken into consideration for fixing their pay on their regular promotion as STT Group-B.

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8. It is true that by the date of promotion of these applicants as STT Group-B, their respective juniors were not in the same circle while they were working in the grade of Traffic Supervisors/ASTT Group-C. But, it is a case where Sri Baleswara Singh, Shri N.S. Shaw and Shri P.Panjiara were promoted on adhoc basis to STT 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 STT Group-B when it was offered on adhoc basis to Sri Baleswara Singh, Sri N.S.Shaw and Sri P.Panjiara. Then the question of denial of the offer of promotion when it was on adhoc 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 adhoc 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.

9. We held in OA 974/93 and O.A.No.1001/93 that if stepping up is not going to be allowed in the circumstances referred to herein which are similar to the OAs 974/93 and 1001/93, the same will be violative of Article 14 of the Constitution of India.

10. For the reasons stated therein, we hold that the applicant in O.A.No.31/94 has to be given the pay equal to the pay of Sri Baleswara Singh as on the date of his regular promotion to STT Group-B on notional basis. The

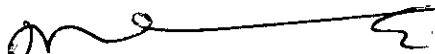
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applicant in O.A.No.1251/93 has to be given the pay equal to the pay of Sri N.S.Shaw as on the date of his regular promotion to STT Group-B on notional basis and the other applicant in O.A.No.1252/93 has to be given the pay equal to the pay of Sri P.Panjiara as on the date of his regular promotion to STT Group-B on notional basis. We held in OAs 974/93 and 1001/93 that the applicants therein 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 find 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. /

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

Dated 5th December, 1994.

  
Deputy Registrar(J)CC

- To
1. The Secretary, Union of India, Ministry of Communications, New Delhi.
  2. The Chairman, Telecommunications Communication, Dept. of Telecommunications Sanchar Bhavan, New Delhi.
  3. The Assistant Director General (TS) Min. of Communications Dept. of Telecommunications, Sanchar Bhavan, New Delhi.
  4. The Chief General Manager, Telecommunications, A.P. Circle, Hyderabad-1.
  5. One copy to Mr. V. Venkateswar Rao, Advocate, CAT. Hyd.
  6. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
  7. One copy to Library, CAT. Hyd.
  8. One spare copy.

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Pr. J. G. V. T. P.  
13/12/94