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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

BENCH: AT HYDERABAD

OA.32/94; 1253/93;
1030/93; 947/93 & 931/93 date of decision: 5-12-94

Between

1. Raja Hajarath	: Applicant in OA.32/94
2. K. Bapaiah	: Applicant in OA.1253/93
3. G. Haragopal	: Applicant in OA.1030/93
4. G. Chandrasekhara Rao,	: Applicant in OA.947/93
5. P.V. Padmanabha Sarma	: Applicant in OA.931/93

and

1. Union of India, rep. by
The Secretary to GOI
Min. of Communications
New Delhi

2. The Chairman
Telecom Commission
Dept. of Telecommunication
Sanchar Bhavan
New Delhi

3. Asstt. Director General (TE)
Min. of Communications
Sanchar Bhavan
New Delhi

4. Chief General Manager
Telecommunications
AP Circle, Hyderabad 500001 : Respondents in all the OAs

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

Counsel for the respondents : V. Bhimanna, SC for Central
in OA.32/94; 1253/93; 947/93 Government

Counsel for the respondents
in OA.1030/93 : N.R. Devaraj, SC for Central
Government

Counsel for the respondents : N.V. Raghava Reddy, SC for
in OA.931/93 Central Government

CORAM :

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

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

O.A.No.32/94; 1253/93; 1030/93;
947/93 & 931/93.

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.Venkateshwara Rao, learned counsel for the applicants and Sri V.Bhimanna, learned Standing Counsel for respondents in all the OAs.

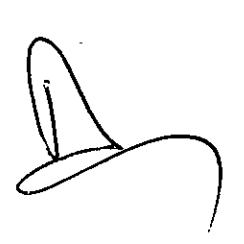
2. As the same point has arisen for consideration, these OAs can be conveniently disposed of by a common order.

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 are 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 Sri P.Panjiara were promoted as STTs Group-B on adhoc basis. Allegation for these applicants that they were not offered adhoc promotion by the dates of promotion of Sri Baleswara Singh, 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

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

6. While the applicants in OAs 32/94 & 1253/93 were regularly promoted as STT Group-B even prior to the date of the regular promotion of their junior Sri Panjiara, the applicants in other OAs 103/93, 947/93 & 931/93 were regularly promoted as STT Group-B earlier to the date of regular promotion of their junior Sri Baleshwara Singh as STT Group-B.

7. The allegations for the applicants in OAs 32/94 and 1253/93 that their pay was more/equal to the pay of Sri P.Panjiara in the cadre of Traffic Supervisor, and the applicants in other three OAs viz. 1030/93, 947/93 & 931/93 was more/equal to the pay of Sri 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 Sri P.Panjiara/Sri Baleswara Singh 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 Sri Panjiara/Baleswara Singh as on the date of regular promotion of the latter to the post of STT Group-B. An anomaly has arisen as Sri Panjiara/Sri Baleswara Singh 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.

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 P.Panjiara and Sri Baleswara Singh 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 and to Sri 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 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.

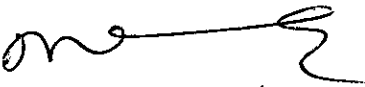
10. For the reasons stated therein, we hold that the applicants in OAs 32/94 and 1253/93 have to be given the pay equal to the pay of Sri P.Panjiara as on the date of his regular promotion to STT Group-B on notional basis.

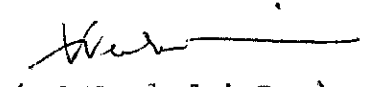
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The applicants in other OAs viz. 1030/93, 947/93 and 931/93 have to be given the pay equal to the pay of Sri Baleswara Singh as on the date of his regular promotion to STT Group-B on notional basis. We held in OAs 974/93 and 1001/93 that the applicants 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

Grh.

To

1. The Secretary to Govt. of India,
Union of India, Ministry of Communications,
New Delhi.
2. The Chairman, Telecom Commission,
Dept. of Telecommunication,
Sanchar Bhavan, New Delhi.
3. The Assistant Director General (TE)
Ministry of Communications, 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 Mr. N. V. Raghava Reddy, Addl. CGSC. CAT. Hyd.

8. One copy to Library, CAT. Hyd.

9. One spare copy.

10. One copy to Mr. V. B. Sharma Addl. Secy. CAT, Hyderabad.

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