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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 Hagerath | : Applicant in OA.32/94 |
| 2. K. Bapaiah | : Applicant in OA.1253/93 |
| 3. G. Haragopal | : Applicant in OA.1030/93 |
| 4. G. Chidrasekhara 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 UOI
Min. of Communications,
New Delhi | |
| 2. The Chairman
Telecom Commission
Dept. of Telecommunication
Sanchar Bhavan, New Delhi. | |
| 3. Asst. Director General (TE)
Min. of Communications,
Sanchar Bhavan, New Delhi. | |
| 4. Chief General Manager,
Telecommunications:
AP Circle, Hyderabad 500 001. | : Respondents in all the OAs |
| Counsel for the applicants
in all the OAs | : V. Venkateswara Rao, Advocate |
| Counsel for the respondents:
in OA.32/94; 1253/93; 947/93 | : V. Bhimanna, SC for Central
Government. |
| Counsel for the respondents
in OA.1030/93 | : N.R.Devaraj, SC for Central
Government |
| Counsel for the respondents
in OA.931/93 | : N.V.Raghava Reddy, SC for
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.'94.

J U D G M E N T

[AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE)]

Heard Sri V. Venkateswara Rao, learned Counsel for
the applicants and Sri V. Bhaimanna, learned Standing Counsel
for respondents in all the OAs.

Contd.....3/-

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 STI Group-B on adhoc basis. 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 STI 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, and Sri P. Panjiara as STI Group-B on adhoc 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/ASTI 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 Group-B.
6. While the applicants in OAs 32/94 & 1253/93 were regularly promoted as STI 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 of their junior Sri Baleswara Singh as STI 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 STI 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 STI Group-B. An anomaly has arisen as Sri Panjiara/Sri Baleswara Singh were promoted as STI Group-B on adhoc basis and their period of service as STI Group-B when they worked on adhoc basis in that cadre was being taken into consideration for fixing their pay on the 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 Supervisors/ASTI Group-C. But it is a case where Sri P. Panjiara and Sri Baleswara Singh were promoted on adhoc 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 adhoc basis to Sri Baleswara Singh and also 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.

.....5/-

10. For the reasons stated ther in, we hold that the
... .. 32/93 and 1253/93 have to be given the pay
equal to the pay of Sri P. Panjiera as on the date of his
regular promotion to STI Group-B on notional basis. 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 STI 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 herein, 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.

CERTIFIED TO BE TRUE COPY
Sd/- xx xx xx xx xx xx x
Dt: 15/12/1994

COURT Officer, CENTRAL
ADMINISTRATIVE TRIBUNAL :
HYDERABAD BENCH : HYD' BAD

// True copy //

CP 32/95
in
OA 931/93.

(128)
Dt. of Order: 14-9-95.

(Order passed by Hon'ble Justice Shri V. Neeladri Rao,
Vice-Chairman).

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It is submitted for the Respondents that Respondent No.1 had given direction to Respondent No.4 by letter dt.13.9.95 to implement the judgement; but it will be subject to the outcome of the SLP filed in the Supreme Court. It is stated for the learned standing counsel that thereby the payment will be made as per the judgement in the O.A. by obtaining an undertaking from the applicant that in case the SLP is going to be allowed or modified, the necessary amount will be recovered from the applicant.

2. Hence the C.P. is closed.//


(A.B. GORTHI)
Member (A)


(V. NEELADRI RAO)
Vice-Chairman

Dt. 14th September, 1995.
Dictated in Open Court.

avl/

To

1. Sri R.K.Thakar, Secretary,
Ministry of Communications,
Govt.of India, New Delhi.
2. Sri Thakkar, Chairman, Telecom Board, Sanchar Bhavan, New Delhi.
~~Ministry of Communications,~~
~~Govt. of India, New Delhi.~~
3. Sri Buch Prakash, Assistant Director General (TE),
Ministry of Communications, Dept.of Telecom,
Sanchar Bhavan, New Delhi.
4. Sri M.V.Bhaskar Rao, Chief General Manager,
Telecom, A.P.Circle, Doorsanchar Bhavan,
Hyderabad.
5. One copy to Mr. V.Venkateswar Rao, Advocate, CAT.Hyd.
6. One copy to Mr. N.V.Raghava Reddy, Addl.CGSC.
7. One spare copy.

pvm.

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

C.P.NO.32/95

in

O.A.No. 931/93

Date of Order: 14-9-95.

Between:

P.V.P. Sarma

.. Applicant.

and

1. Sri R.K.Thakar, Secretary,
Ministry of Communications,
Govt.of India, New Delhi.
2. Sri Thakkar, Chairman,
Telecom Board, Sanchar Bhavan,
New Delhi.
3. Sri Budh Prakash, Assistant Director General (TE)
Ministry of Communication, Dept.of Telecom,
Sanchar Bhavan, New Delhi.
4. Sri M.V.Bhaskar Rao, Chief General Manager,
Telecom, A.P.Circle, Doorsanchar Bhavan,
Hyderabad.

.. Respondents.

~~For the Applicant: Mr. N.V. Raghava Reddy, Addl. CGSC.~~

For the Applicant: Mr.V.Venkateswar Rao, Advocate.

For the Respondents: Mr.N.V. Raghava Reddy.
Addl.CGSC.

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.A.B.GORTHY : MEMBER(ADMN)

The Tribunal made the following Order:-

(Order passed by Hon'ble Sri V.Neeladri Rao, Vice-Chairman)

...

It is submitted for the Respondents that Respondent No.1 had given direction to Respondent No.4 by letter dt.13-9-1995 to implement the judgment, but it will be subject to the outcome of the SLP filed in the Supreme Court. It is stated by the learned counsel for the Respondents that thereby the payments will be made as per the Judgment in the O.A. by obtaining an undertaking from the applicant that in case the SLP is going to be allowed or modified, the necessary amounts will be recovered from the applicant.

2. Hence the C.P. is closed.


Deputy Registrar(J)CC.

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

and

A. B. Gorkhi

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

DATED:- *14-9-1995*.

~~ORDER/JUDGMENT.~~

~~M.A./R.A/C.A.No.~~

32/95

in

O.A.No.

931/93

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

C.P. closed

Disposed of with directions.

Dismissed.

Dismissed for default

Ordered/Rejected.

No order as to costs.

pvm.

