

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 Hagarath | : Applicant in OA.32/94 |
| 2. K. Bapaiah | : Applicant in OA.1253/93 |
| 3. G. Haragopal | : Applicant in OA.1030/93 |
| 4. F. Chidrasekhara Rao | : Applicant in OA.947/93 |

And

1. Union of India, Rep.by
The Secretary to UCI
Min. of Communications,
New Delhi

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

3. Asst. Director
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 : 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 : N.R.Devaraj, SC for Central
in OA.1030/93 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 (ADMIN.)

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.

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 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,

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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.

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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 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

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