

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. Bepaiah             | : 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. Padmenabha Serme | : Applicant in OA.931/93  |

And

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

2. The Chairman  
Telecom Commission  
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 : 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. N. LADRI 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 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, 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 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 of their junior Sri Baleswara 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 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 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 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'ABAD

// True copy //

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT :: HYDERABAD

C.P.NO. 117 OF 1995

in

O.A.NO. 1253 OF 1993

Between:

K.Bapaiah

.. Petitioner/  
Applicant

And

Sri.R.K.Takkar, Secretary,  
Ministry of Communications, Govt.  
of India, New Delhi and others

.. Respondents/  
Respondents

MA F F I D A V I T

K. Bapaiah, S/o.Siva Ramakrishnaiah, aged about 48  
years, Occupation: Superintendent, Teletraffic Division,

Department of Telecommunications, Warangal, R/o.Warangal,  
do hereby solemnly affirm and state on oath as follows:

1. I am the Petitioner herein as such and  
acquainted with the facts of the case.

2. I respectfully submit that I filed the above O.A  
claiming the arrears of pay of mine on notional

my Junior Sri.P.Panjiara with effect from the date on which  
the anomaly arose. Similar O.As were filed by many others

to dispose of the O.As by its Judgment dated 5-12-1994 direc-

basis on par with my junior Sri.P.Panjiara and for payment  
of monetary benefits for 3 years prior to the date of filing  
the O.As. The copy of the Judgment was made ready on 16.12.94  
and the same was despatched to the Respondents thereafter. I

(C)

also submitted a representation to the 4th Respondent enclosing a copy of the Judgment and requesting for implementation of the same. In spite of receiving copy of the Judgment and the representation of mine, the Respondents have not taken any action so far towards implementation of the Judgment by this Hon'ble Tribunal. In identical matters the Judgments rendered by the Hon'ble Central Administrative Tribunal, Bangalore were implemented. The Hon'ble Bench of Central Administrative Tribunal at Bombay and Ernakulam also delivered the judgments on the similar lines. All the judgments have become final since matters were not carried in appeal to the Hon'ble Supreme Court. ~~xx xx~~ The Respondents are bound to implement the Judgments since the Principle was upheld by the Hon'ble Supreme Court in the SLPs filed by the other Departments. The Judgments of the Hon'ble Central Administrative Tribunal, Bangalore were implemented by duly obtaining an undertaking from the applicants therein that in the event of the Supreme Court setting aside the Judgment in SLPs that may be filed, they would refund the amount received by them in implementation of the Judgment. On the same lines the Judgments delivered by this Hon'ble Tribunal also in identical matters can be implemented by the Respondents. The Petitioners in O.A Nos. 931/93, 1027/93, 1252/93 and 1579/93 from same batch filed C.F.Nos. 32/95, 34/95, 31/95 and 35/95 and the same were ordered on 14.9.95 directing the Respondents to comply directions obtaining undertakings from them. Similar benefit can be extended to me also. But, the Respondents are arbitrarily

and illegally denying the same on the ground that the each Applicant should obtain similar orders by filing C.Ps.

3. Denial of reliefs granted by this Hon'ble Tribunal in its Judgment dated 5.12.1994 by the Respondents constitute discrimination forbidden by the Provisions of the Article 14 and 16 of the Constitution of India in as much as I am herein is similarly situated and the claim is identical to that of the applicants in Bangalore Bench's Judgment. By such an unequal treatment the Respondents have discriminated between the ~~one~~ equals. Resultantly juniors are drawing higher pay than I to have their pay fixed on par with their juniors the same is denied to them even after the declaration by this Hon'ble Tribunal. In the circumstances if the Respondents are not directed to implement the Judgment dated 5.12.1994 I would suffer irreparable loss and damage.

4. Non implementation of the Judgment dated 5.12.1994 in O.A.No.1253/93 of this Hon'ble Tribunal is wilful and deliberate. It is not open to the Authorities to delay implementation of the judgment beyond the period of six months from the date of the Judgment. By non implementation of the ~~same~~ Judgment dated 5.12.1994 even after the order dated 6.4.1994 of this Hon'ble Tribunal the Respondents have shown scant regard to the orders of this Hon'ble Tribunal which is the court of Law. The Respondents are guilty of grave and wilful disobedience and execrable contempt of this Hon'ble

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Tribunal, for which they are liable for punishment under Provisions of Contempts of Courts Act, 1972. If the contempt of the court committed by the Respondents is not taken cognizance of the Respondents would view the this Hon'ble Tribunal very lightly and it sets in a very bad example to a common man. The Respondents cannot be permitted to interfere with the course of justice by non implementation of the orders passed by the courts of Law. Even the number of representations submitted by me and others similarly situated have not been taken into consideration. Their disobedience is wilful and deliberate.

5. Therefore, it is prayed that this Hon'ble Tribunal may be pleased to take cognizance of the contempt of court against the Respondents for their wilful and deliberate disobedience of the orders of this Hon'ble Tribunal dated 5.12.1994 in O.A.No.1253/93 and punish them according to Law and pass any other order or orders as is deemed fit, proper, necessary and expedient in the circumstances of the case.

Sworn and signed before  
me on this the 20<sup>th</sup> day  
September, 1995.

*S. R. S. Guruswami*  
Advocate  
*H. S. S. S.*

X *[Signature]*  
(K. BAPAIAN)