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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1481/94

Dt. of Decision : 10-06-96.

N. Ramanujam

.. Applicant.

Vs

1. The Union of India, rep. by
the Chairman Telecom Commission,
Dept. of Telecommunications,
No.20, Ashok Road, Sanchar Bhavan,
New Delhi-110 001.
2. The Chief General Manager,
Telecom, Maintenance, Southern
Telecom Region, Wavee Mansion,
39, Rajaji Salai, Madras-600 001.
3. The Sub Divisional Engineer (TT),
STR, 6-1-85/6. Prasanthi Nilavem.

Counsel for the Applicant : Mr. K.S.R. Anjaneyulu

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CCRAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

O.A. 1481/94.

Dt. of Decision : 10-06-96.

ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Shri K.S.R.Anjaneyulu, learned counsel for the applicant and Shri N.R.Devaraj, learned counsel for the respondents.

2. This OA is filed praying for a direction to the respondents to re-fix the pay of the applicant herein on par with his junior Mr.K.Siva Shankaran Pillai notionally w.e.f., 18-04-1979 and the actual benefit with revised pay w.e.f., 10-02-1989 i.e.; from the date from which the applicant is actually working in higher post in T.E.S.Group 'B' with all consequential benefits.

3. The applicant herein had joined as Telecom Engineering Supervisor which was subsequently redesignated as Junior Engineer in the year 1968. He passed the qualifying examination for TES Group-B in November 1976. He was promoted as Assistant Engineer Group-B T.E.S.Service on 1986 and his basic pay was fixed on the basis of his promotion to Group 'B' service. He compares his pay with that of one Mr. K.Siva Shankaran Pillai his reported junior as he passed the qualifying examination for promotion to Group 'B' later than him.

4. It is the contention of the applicant that Mr.K.Siva Shankaran Pillai had passed the qualifying examination for Group-B service in the year 1977 i.e., later than his passing of the said examination. Hence in view of the judgement of the Hon'ble Supreme Court reported in 1994 SCC (L&S) 964 (The Telecommunication Engineering Service Association (India) and Another Vs. Union of India & Others), he is entitled for fixation of his pay and allowances on par with his junior

Mr.K.Siva Shankaran Pillai who had been promoted to TES Group-B service earlier to him taking his seniority on the basis of his joining service instead of taking the seniority on the basis of passing the qualifying examination.

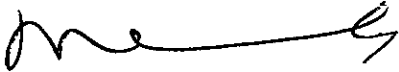
5. Both the sides agree that this case is squarely covered by the Judgement of this Tribunal in OA.1482/94 delivered on 01-05-96 wherein I was a party to that judgement.

6. In view of the above submission, the following direction is given:-

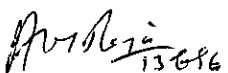
If any junior who has been promoted as Assistant Engineer earlier to the dates of promotion of the applicant herein as Assistant Engineer, passed the qualifying examination later to the dates on which the applicant passed the qualifying examination, then the applicant has to be given notional promotion from the date on which such junior was promoted as Assistant Engineer and the pay of the applicant in the post of Assistant Engineer has to be fixed on the respective date of notional promotion.

7. The monetary benefit on that basis has to be given from the respective dates on which the applicant assumed the promotional post of Assistant Engineer.

8. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 10th June 1996.
(Dictated in Open Court)


Dy. Registrar (3).

10/7/96
TYPED BY
COMPARED BY

1481/94
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

HON'BLE SHRI R. RANGARAJAN : M(A)

DATED: 10/6/96

~~ORDER~~ JUDGEMENT ✓

M.A. NO/R.A/C.A. No.

IN

B.A. NO.

1481/94

ADMITTED AND INTERIM DIRECTIONS ISSUED

~~ALLOWED~~

DISPOSED OF WITH DIRECTIONS

DISMISSED.

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

* * *

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