

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1483/94.

Dt. of Decision : 10-06-96.

T.R. Chetty

.. Applicant.

Vs

1. The Union of India, Rep. by the Chairman Telecom Commission, Dept. of Telecommunications, No.20, Ashok Road, Sanchar Bhawan, New Delhi-110 001
2. The Chief General Manager, Telecom, T & D Circle, Sanchar Vikas Bhawan, Presidency Road, Jalsalpur-482 001.
3. The Director, Telecom (A/T), T & D Circle, 5th Floor, Hyderabad-500 001

.. Respondents

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

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

CGRAM:

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

.. 2

ORDER

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

Hear 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., 18-04-79 and the actual benefit with revised pay [w.e.f., 10-02-1989 i.e.], from the date from which the applicant 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.

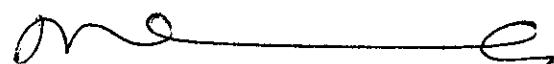
6. In view of the above submission, the following direction is given:-

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

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 premotional post of Assistant Engineer.

..... No costs.


(R. Rangarajan)
Member (Admn.)

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


Dy. Registrar (Adm.)

Contd. 4/

: 4 :

Copy to:-

1. The Chairman Telecom Commission, Department of Telecommunications, Union of India, 20, Ashok road, Sanchar Bhavan, New Delhi-1.
2. The Chief General Manager, Telecom, T&D Circle, Sanchar Vikas Bhavan, Residency road, Jabalpur-001.
3. The Director Telecom (A/T), T&D Circle, 5th floor, Samrat Complex, Saifabad, Hyderabad.
4. One copy to Sri. K.S.R.Anjaneyulu, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.

Rsm/-

77-1483/94

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M&A)

DATED: 10/6/96

ORDER/JUDGEMENT

B.A. NO.

IN
1483/94

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISMISSED UP WITH DIRECTIONS

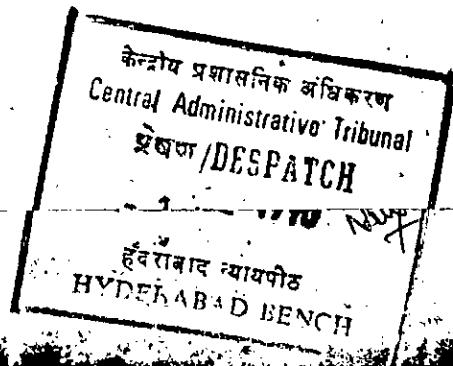
DISMISSED

DISMISSED AS WITHDRAWN

NO ORDERS AS TO COSTS

* * *

100.00/-



(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

C.P.NO.126/96 in O.A.1483/94.

Date of Order: 22-11-96

Between:

T.R.Chetty.

Applicant.

and

1. Sri A.V.Gokak, Chairman,
Telecom Commission,
Dept.of Telecommunications (DOT)
Union of India, Sanchar Bhavan,
20 Ashoka Road, New Delhi-1.

2. Sri V.V.Chaudhary, Chief General Manager,
Telecom, T&D Circle, Residency Road,
Jabalpur-1.

3. Sri N.R.Deshpande, Director,
Telecom, T&D Circle, 6th Floor,
Samrat Complex, Saifabad, Hyderabad-4.

.. Respondents.

For the Applicant: Mr. K.S.R.Anjaneyulu, Advocate, CAT.Hyd.

For the Respondents: Mr. W.Satyanarayana, Adv. for Mr.N.R.Devraj,
Sr, CGSC.

CORAM:

THE HON'BLE MR. JUSTICE M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

In similar matters in view of the S.L.P. the respondents which the local office is at Hyderabad have stated that action to comply with the original order has already been initiated. In the ~~end of~~ ^{inst} about two months the orders will be complied with. The applicant is working in the Chief General Manager, T&D Circle, Jabalpur although he is posted in A.P. The learned counsel for the respondents is seeking instructions from the Jabalpur Office. We are of the view that the respondents ought to have been able to explain the correct position by this time particularly when the Respondent No.3 is the head of the local office. Even if the Jabalpur Office has not initiated action so far, since the respondent No.1 is bound by the original order, we expect in line of other matters that the original order will be complied with in respect of the present applicant also by the end of January, 1997. The C.P. is accordingly disposed of with liberty to the applicant to apply for the same relief in the event of non-compliance of the order by 31-1-97.



Deputy Registrar (J) dc

17/11/96. (25)
I COURT

TYPED BY

CHECHED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LAW COURT

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI

AND

THE HON'BLE MR.H.RAJENDRA PRASAD

Dated: 22-11-1996

UNDER ~~JUDGMENT~~

126/96

in

T.A.No.

(W.P.)

Admitted and remitted.
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

----- for stay.

Ordered/Rejected.

No order as to costs.

p.m.

नियम प्रशासनिक विधिकरण
Central Administrative Tribunal

16 DEC 1996 New

हैदराबाद न्यायपीठ
HYDERABAD BENCH