

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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O.A.No.948/95.

Date of decision: 23.2.1998.

Between:

V. Subba Rao.

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Applicant.

and

1. The Chief General Manager, Telecommunications, Andhra Pradesh, Hyderabad.
2. Union of India represented by the Director General, Department of Telecommunications, New Delhi.
3. The Secretary to the Ministry of Telecommunications, New Delhi.
4. The Chief General Manager, Telecom Factory, Jehalpur.

Respondents.

Counsel for the applicant: Sri K.Venkateswara Rao.
Counsel for the respondents: Sri N.V.Raghava Reddy.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

~~Hon'ble Sri N.V.Raghava Reddy, Member (J)~~

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

Judgment.

(per Hon'ble Sri R. Rangarajan, Member (A))

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Heard Sri K.Venkateswara Rao, for the applicant
and Sri N.V.Raghava Reddy for the respondents.

The applicant in this O.A. was originally appointed as Clerk in the P & T Department on 17-12-1951 and on passing the examination for Junior Accounts Officer (Part I and II) he was promoted as Junior Accounts Officer on regular basis and joined as such on 2-7-1973. He submits that his junior Sri K.Srinivasa Raghavan

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was promoted as Junior Accounts Officer from 2.5.1973. It is submitted that the applicant and his junior Sri K. Srinivasa Raghavan were promoted by the same order of Director General, Posts & Telegraphs Lr. No.9-1/80-SEA(1) dated 6.11.1980 and the applicant joined on 15.12.1980 whereas his junior K.Srinivasa Raghavan joined on 6.11.1980. The seniority of the applicant is not changed because of his junior joined that post ~~later~~ earlier. The grievance of the applicant is that even though he was promoted along with his junior he was drawing lesser pay than his junior while his junior was drawing a pay of Rs.960/- as on 1.3.1981 he was drawing Rs.880/- as on 1-2-1981.

This O.A., is filed praying for a declaration that the applicant is entitled to his pay stepped up on par with his junior Sri K.Srinivasa Raghavan to the stage of Rs.960/- as on 1-3-1981 in the pre-revised scale of Rs.840-40-1200 of Accounts officer with all consequential benefits from time to time including the benefits of fixation in revised scale of pay of Rs.2375--3500(IV Pay Commission pay scale) and also the pensionary benefits on that basis by setting aside the rejection of his claim on par with his junior by letter No.4/31/92-PAT dated 31.5.1993 (Annexure I to the O.A.).

A reply has been filed in this O.A.

In a similar case in Civil Appeal No.8658/96 (UNION OF INDIA AND ANOTHER V. R.SWAMINATHAN) the Apex Court ^{by the respondents} in that C.A., rejected the contentions raised/by its order dated 12.9.1997 on the ground that "the employees in questions are, therefore, not entitled to have their pay stepped up under the said Government Order because the difference in the pay drawn by them and the higher pay drawn by their juniors

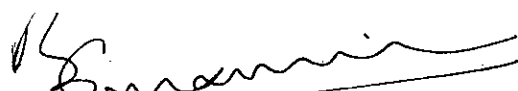
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is not as a result of any anomaly; nor is it a result of the application of Fundamental Rule 22(1)(a)(1)."

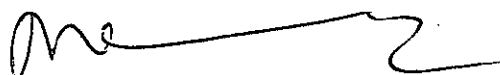
In view of the Apex Court's judgment referred to above this O.A., is also liable to be dismissed and it is accordingly dismissed. No costs.



B.S. JAI PARAMESHWAR

Member (J)

23.2.98



R. RANGARAJAN,

Member (A)

Date: 23.2.1998.

Dictated in open Court.



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Copy to:

1. The Chief General Manager, Telecommunications,
Andhra Pradesh, Hyderabad.
2. Director General, Dept. of Telecommunications,
New Delhi.
3. The Secretary to the Min.of Telecommunications,
New Delhi.
4. The Chief General Manager, Telecom Factory,
Jabalpur.
5. One copy to Mr.K.Venkateswara Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One duplicate copy.

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23/98

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR:
M(J)

DATED: 23/2/98

ORDER/JUDGMENT

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

in

B.A.NO. 948/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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| केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal बेच/DESPATCH 27 FEB 1998 हैदराबाद न्यायपीठ HYDERABAD BENCH |
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