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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 983/95

Date of Order: 23-1-96

Between:

1. D.Krishna Murthy.
2. Y.Subba Rao.
3. T.S.N.Murthy.
4. B.Arjunaiah.

... Applicants

and

1. The Chief General Manager, Telecommunications,
A.P.Hyderabad.
2. Union of India, rep. by the
Director General, Dept.of Telecommunications,
New Delhi.
3. The Secretary to the Ministry of Telecommunications,
New Delhi.

Respondents.

For the Applicant :- Mr. K.Venkateswar Rao, Advocate

For the Respondents: Mr. K.Ramulu,
S/o/ Add.CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

C.A.No.983/95

JUDGEMENT

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

There are four applicants in this O.A. who are working as Accounts Officers under R-1. They were promoted as Accounts Officers during the period 4.2.85 to 13.3.85. Their pay was fixed under relevant F.R. when they were promoted from Asst. Accounts Officers to Accounts Officers.

2. One Sri P.K.Kar was promoted on regular basis on 7.6.86 as Accounts Officer from the lower post of AAO. By virtue of his working on adhoc basis ^{as} Accounts Officer earlier to his regular promotion as Accounts Officer, his pay in the cadre of Accounts Officer was fixed taking into account the adhoc promotion as Accounts Officer earlier to his regularisation. The applicants now submit that Sri Kar is junior to them and also he was regularised as Accounts Officer later than them and hence their pay should also be equal to that of Sri Kar. Hence, they submitted an application for stepping ^{up} of their pay with respect to their junior Sri Kar. But the department rejected the application on the ground that they are not entitled for stepping up of pay under the existing rules.

3. Hence, they filed this OA ~~for stepping up of pay~~ ~~for the OA~~ ~~now~~ praying for declaration that they are entitled to

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have their pay stepped up under relevant F.R. on par with their junior Sri P.K.Kar (Staff No.80814) to the stage of Rs.2750/- as on 7.6.1986 in the scale of Rs.2375-3500 of Accounts Officers with all consequential benefits by holding that the action of the respondents in rejecting the claim of the applicants for stepping up of their pay on par with their junior in terms of Letter No.4/31/92-PAT dated 31.5.1993 of the Department of Telecom as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution.

4. The applicants rely on the judgment of this Tribunal where both of us were party to that judgment in OA 1001/93 and batch dated 29.11.1994 for getting the relief as prayed for. In that batch case the applicants therein were also promoted to Accounts Officers from lower cadre as A.A.Os. They have pin-pointed their junior who was getting more pay as Accounts Officer due to his adhoc promotion earlier as Accounts Officer compared to them and prayed for stepping up of their pay on par with that pinpointed junior.

5. Those OAs were allowed but the monetary benefit was limited to three years prior to filing of those OAs. herein As the applicants/are also similarly situated as the applicants in the batch case, the case of the stepping up of the pay in this case also should be allowed and the monetary benefit should be given from 4-8-92 i.e. three years prior to filing of this O.A. (This OA was filed on 4-8-95)

6. But it is brought to our notice that similar stepping up of cases which was decided on the above lines by this Tribunal in OA No.153/93, 43/94, 1078/94, 1193/94 and 1226/94 were stayed when SLP was filed by the respondents in CA Nos.25485/95 to 25489/95.

7. As the stepping up in similar cases has been stayed by the Apex Court, it is proper to give a conditional order to grant relief to the petitioners herein on the basis of outcome of the result in CA Nos.25485/95 to 25489/95.

8. In the result, the following direction is given:
If the CA Nos.25485/95 to 25489/95 is dismissed by the Apex Court, then this OA has to be allowed, and the applicants are entitled for the reliefs as granted in Para 5 supra.

If the CA Nos. quoted above is allowed by the Apex Court, then this OA stands dismissed.

If any other modified order is given in the SLP in CAs quoted above, the same is applicable for the applicants in this O.A. also.

9. The applicants/respondents may file an M.A. for getting necessary clarification/modification in this order, if required after the disposal of CAs by Apex Court quoted above.

10. The O.A. is ordered accordingly. No costs.

MR

(R. Rangarajan)
Member(A)

Neeladri

(M. Neeladri Rao)
Vice Chairman

Dt. 23-1-1996
(Open Court Dictation)

AVR
Deputy Registrar (J) CC

To ^{kmv}

1. The Chief General Manager, Telecommunications, A.P. Hyderabad.
2. The Director General, Deptt of Telecommunications, Union of India, New Delhi.
3. The Secretary to the Ministry of Telecommunications, New Delhi.
4. One copy to Mr. K. Venkateswar Rao, Advocate, CAT. Hyd.
5. One copy to Mr. K. Ramulu, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

pvm.

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I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

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

Dated: 23-1-1996

ORDER/JUDGMENT

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

in
O.A.No. 983/93

T.A.No.

(w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Space Copy

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

DESPATCH

- 8 FEB 1996

हैदराबाद अधिकारण
HYDERABAD BENCH