

(56)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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O.A.No. 984/95.

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Date of decision: 6th May, 1998
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Between:

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|------------------------|-------------------------|
| 1. K.Samba Murthy. | 9. T.Anjaneyulu. |
| 2. G.V.Hanumantha Rao. | 10. G.Gangadhar. |
| 4. T.Srinivas. | 12. T.Kishore Kumar |
| 5. D.S.V.Prasad. | 13. G.Manohar. |
| 6. V.Srinivasa Reddy. | 14. K.Bhavani. |
| 7. A.Anjaiah. | 15. V.Neeraja. |
| 8. G.Lalitha. | 16. Ch.Srinivas Gandhi. |

Applicants.

And

1. Union of India represented by its Secretary,
Telecommunications, Sanchar Bhavan, Ashoka Road,
New Delhi.
2. Chairman, Telecom Commission, Sanchar Bhavan,
Ashoka Road, New Delhi - 1.
3. The Chief General Manager, Telecom Circle,
Sanchar Bhavan, Andhra Pradesh, Hyderabad.

Respondents.

Counsel for the applicants: Sri M.Keshava Rao.

Counsel for the respondents: Sri K.Bhaskara Rao.

CORAM:

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

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

JUDGMENT.

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

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Heard Sri M.Keshava Rao, the learned counsel for the
applicants and Sri K.Bhaskara Rao for the respondents.

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There are 16 applicants in this O.A. They are all three year Diploma holders in Engineering and working as Telecom Technical Assistants on adhoc basis in the pay scale of Rs.1320-2040.

It is their case that previously the qualification and for Technician was 10th Class or ITI or Diploma/ that during the year, 1983 the qualification for Technician has been raised from the above qualifications to Diploma in Telecommunications/ Electronic/Electricals/ Mechanical Engineering. They submit that that the old pay scale of Rs.260-480 revised as 975-1660 was maintained without any increased. They further submit that all the Engineering Diploma holders appointed in the corresponding posts in all the other Central Government Departments were given higher scale of Rs.425-700 revised as 1400--2300. The applicants are doing the same ^{duties} ~~job~~ of abovementioned Diploma-holders.

Hence they have filed this O.A., to declare the action of the respondents in not restructuring the cadre of Technicians to that of Telecom Technical Assistants by allowing the scale of Rs.1400--2300 on par with the other Engineering Diploma holders with effect from 1-1-1986 i.e., the date of implementation of the Fourth Pay Commission as highly arbitrary, illegal, contrary to the submissions made by the representatives of the respondents before the IV Pay Commission and also descrimination^{ve} and violative of Articles, 14, 16 and 21 of the Constitution of India and for consequential directions to attach the scale of Rs.1400-2300 with effect from 1.1.1986 i.e., from the date of implementation of the IV Pay Commission to the restructuring cadre of Telecom Technical Assistants and to grant all consequential benefits.

The respondents have filed their counter stating that the Department of Telecom had introduced restructuring in technical cadres and two new cadres viz., Phone Mechanic and TTA with a pay scale of Rs.975-1540, Rs.1320-2040 respectively and all these technicians who were having a qualification of 3 years diploma in ^E engineering were deputed for training and all such applicants ^{were} ~~are~~ promoted as TTA in the pay scale of to the V Pay Commission for revision of pay scale of technicians but the V Pay Commission has not accepted the proposal of the DOT vide their recommendation in para 62.36 Part IV, Vol.II of the report.

The applicants have relied upon the decision of the Calcutta Bench of the C.A.T., in O.A.617/1987 dated 13.9.1993. The applicants in O.A.617/1987 were diploma-holders working under ^{the} Calcutta Telephones. The reliefs claimed in this O.A., ^{are} ~~is~~ similar to the reliefs claimed by the applicants in O.A.617/1987 of the Calcutta Bench.

In order to ascertain ^{what} ~~whether the~~ ^{has been} action/taken by the Department, we ~~have~~ heard the learned counsel for the respondents and directed him to check up the position and submit, but inspite of long lapse of time, the learned counsel for the respondents submits that he is yet to get the details from the respondents.


As we feel that the applicant in this O.A., is similarly situated to that of the applicants in O.A.617/1987 of the Calcutta Bench of the Tribunal, the same direction shall be passed in this O.A., as even in that O.A. (O.A.617/87) the case of the applicants had to be considered on the basis of the Report of Agarwal Committee and decided the issue.

Even if we pass the same directions, the respondents may have an opportunity to examine the issue in the light of Agarwal Committee Report and pass orders.

On the basis of the facts and circumstances of the case this O.A., is disposed of directing the respondents to consider the representation of the applicants already made in the light of the Report of Agarwal Committee and if the Central Government is satisfied that the applicants are entitled to higher scale of pay in consideration of the recruitment rules, qualifications and job contents, then necessary orders in that regard shall be passed within six months from the date of receipt of this order. In such a case, the applicant will be entitled to the benefits as per the report of the Agarwal Committee with effect ~~the~~ from the date when the similar benefits ~~are~~ ^{were} allowed to the employees of other Departments viz., Junior Engineers

With the above directions, the O.A., is disposed of.

There will be no order as to costs.


B.S. JAI PARAMESHWAR,
Member (J)


R. RANGARAJAN,
Member (A)

615198
Date: 6-5-1998.

Dictated in open Court.

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Copy to:

1. The Secretary, Telecommunications, Sanchar Bhavan,
Ashoka Road, New Delhi.
2. Chairman, Telecom Commission, Sanchar Bhavan,
Ashoka Road, New Delhi.
3. The Chief General Manager, Telecom Circle,
Sanchar Bhavan, Andhra Pradesh, Hyderabad.
4. One copy to Mr. M. Keshava Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. K. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One copy to HBSJP(M)(J), CAT, Hyderabad.
8. One duplicate copy.

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YLKR

27/5/98

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II COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

AND

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

DATED: 6/5/98

~~ORDER~~/JUDGMENT

~~M.A/R.A/C.P.NO.~~

in

O.A.NO. 984/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद ब्याचपीठ
HYDERABAD BENCH
19 MAY 1998
Dispatch
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विभाग/RECEIVED SECTION