

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No : 1098/95Date of Order: 1.10.07

BETWEEN.

K.A.Sahadev Pillai

..Applicant.

AND

1. The Secretary, Telecom Board,
Sanchar Bhavan, No.a,
Asoka Road, New Delhi.
2. The Chief General Manager,
Telecom, A.P.Circle, Abids,
Hyderabad.
3. Accounts Officer, O/o E.E.Postal
Unit Division, 3rd Floor,
Endowment building, Tilak Road,
Abids, Hyderabad.

.. Respondents.

Counsel for the Applicant

..Mr.S.RamakrishnaRao

..Mr.S.RamakrishnaRao

Counsel for the Respondents

..Mr.V.Bhimanna

CORAM :

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

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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J U D G E M E N T

)(As per Hon'ble Shri R.Rangarajan, Member(Admn,)) (

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Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.V.Bhimanna, learned standing counsel for the respondents.

2. The applicant in this OA joined as Higher Grade Draftsman Gr-III. The applicant was promoted as Draftsman Gr-II w.e.f.26.12.71. He was confirmed in that post on 31.3.73. He was later promoted as Junior Engineer (Civil) on 20.1.77 and he joined in that post on 30.1.77.

3. In the meantime a memo was issued bearing No.22-5/92-TE-II, dated 23.8.93 (A-1) conveying the sanction of the Telecom Commission for introduction of three grades in the pre-revised pay scales of Rs.330-560, Rs.425-700 and Rs.550-750 designated as Draughtsman Gr-III, Draughtsman Gr-II and Draughtsman Gr-I respectively. Thus, there will be 3 grades of Draughtsman in the Telecom Department. It is further stated in para-4 of that memo that the revised pay scales will be admissible notionally from 22.8.73 and actual financial benefits from 16.11.78 or from the date of their appointment/promotion in each grade whichever is later. The applicant submits that he is eligible for consideration to the post of Draughtsman Gr-I as he had completed 4 years of service in the grade earlier to his promotion as J.E.(Civil) on 30.1.77. As he was posted as Gr-II Draughtsman w.e.f. 26.12.71, the applicant submits if he had been promoted to Gr-I in the scale of pay of Rs.550-750 on the basis of the memo dated 23.8.93 he would have gained for his fixation of pay when he ^{was} promoted as J.E.(Civil). As the respondents fail to fix him in the cadre of Draughtsman Gr-I earlier to his posting as J.E.(Civil) in view of the memo dated 23.8.93 he lost his higher pay fixation in the cadre of J.E.(Civil) and his

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 juniors/ came via the Draughtsman Gr-I was fixed in a higher pay fixation when they became J.E. and thereby he was made to draw lesser pay than his juniors. Inorder to get the benefit of pay scales in the department of Telecom the applicant submitted a representation on 23.9.93 addressed to R-2. It is stated that representation is still to be disposed of.

4. This OA is filed praying for a direction to the respondents to effect the orders contained in the memo dated 23.8.93 and the Ministry of Finance bearing No.13/A/IC/91, dated 19.10.94 (A-3) notionally w.e.f. 22.8.73 instead of 13.5.82 of notional promotion to Gr-I draughtsman and actual benefits w.e.f. 16.11.78 instead of 1.11.83 and to allow him to draw arrears of Rs.71,650/- with penal interest of 21%.

5. No reply has been filed in this connection. It is not understood why the respondents ~~fail~~^{fail} to file the reply.

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

If the applicant is entitled for promotion to Draughtsman Gr-II and Gr-I from a date earlier to 30.1.77 due to the memo of the Telecom division in August 1993 and the Ministry of Finance memo dated October 1994 then he should be shown as having been promoted to that cadre and ^{be} his pay, notionally fixed on that basis provided he fulfils ^{eligibility} the/conditions for those posts. On that basis if arrears due to him has to be given. His pay fixation in the higher post of Junior Engineer (Civil) and further promotion to the higher grade should also be done on the basis of the pay fixation in the cadre of Draughtsman.

7. Time for compliance is four four months from the date of communication of this order.

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8. The O.A. is ordered accordingly. No order as to costs.



(B.S. JAI PARAMESHWAR)
Member (Judl.)

1.10.97

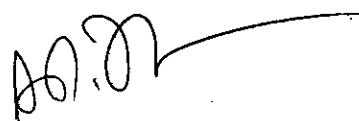
Dated : 1st October, 1997

(Dictated in Open Court)

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(R. RANGARAJAN)
Member (Admn.)



D.R. (S)

DA.1098/95

1. The Secretary, Telecom Board, Sanchar Bhavan,
No.a, Asoka Road, New Delhi.
2. The Chief General Manager, Telecom A.P. Circle,
Abids, Hyderabad.
3. The Account Officer, O/o E.E.Postal Unit Division,
3rd Floor, Endowment Building, Tilak Road, Abids,
Hyderabad - 1.
4. One copy to Mr. S.Rama Krishna Rao, Advocate, CAT., Hyd.
5. One copy to Mr. V.Bhimanna, Addl.CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

srr

22/10/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 1/10/97

ORDER/JUDGMENT

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

in

G.A.NO. 1098/95

~~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

II Court

