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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 333/95

Date of Order: 23-1-96

Between:

- |                         |                                |
|-------------------------|--------------------------------|
| 1. V.Pitchi Babu.       | 11. S.Jagannadhan.             |
| 2. G.V.Rama Krishna.    | 12. B.Venkata Rao.             |
| 3. B.Rama Krishna.      | 13. S.Adinarayana.             |
| 4. M.V.Narasiah.        | 14. S.Murali Krishna Rao.      |
| 5. K.Annapurnamma.      | 15. T.Krishna Murthy.          |
| 6. P.Surya Prakash Rao. | 16. P.V.Krishnaiah.            |
| 7. A.Subba Rao.         | 17. <u>M.Siva Sambi Reddy.</u> |
| 8. A.Appa Rao.          | 18. R.Vadivelu Modali.         |
| 9. Sripada Srihari.     | 19. A.Satyanarayana.           |
| 10. A.Basava Raju.      |                                |

.. 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. V .Bheemanna,  
~~Mr.~~ /Add.CGSC

CORAM:

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

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

O.A.No.333/95

JUDGEMENT

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

There are 19 applicants in this O.A. who are working as Accounts Officers under R-1. They were promoted as Accounts Officers during the period 30-4-91 to 29-4-94. Their pay was fixed under relevant F.R. when they were promoted from Asst. Accounts Officers to Accounts Officers.

2. One Sri R.C.Chakraborty was promoted on regular basis on 27-6-94 in Gujarat Circle as Accounts Officer from the lower post of AAO. By virtue of his working on adhoc basis in Gujarat Circle 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 Chakraborty is junior to them and also he was regularised as Accounts Officer later than <sup>them</sup> him and hence their pay should also be equal to that of Sri Chakraborty. Hence, they submitted an application for stepping up of their pay with respect to their junior Sri Chakraborty. But the department rejected the application on the ground that they <sup>are</sup> not entitled for stepping up of pay under the existing rules.

3. Hence, they filed this Original Application xxx praying for declaration that they are entitled to have their pay stepped up under relevant F.R. on par with their junior Sri R.C.Chakraborty (Staff No.82209) to the stage of Rs.2825/- as on 1-8-94 in the scale of Rs.2375-3500 ~~afforded~~ 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 Lr.No.4/31/92-PAT, dt.31-5-93 of the DOT as illegal, arbitrary, discriminatory and violative of Arts.14 and 16 of the Constitution.

4. It is further submitted by the learned counsel for the applicant that Sri Chakraborty though promoted on 27-6-94, his pay in the grade of Accounts Officer was fixed as on 1-8-94 as his next increment in the lower grade of A.A.O. fell on that date. Hence, the applicants also pray for stepping up of their pay to the stage of Rs.2825/- in the scale of Rs.2375-3500 w.e.f. 1-8-94.

5. The applicants rely on the judgement of this Tribunal where both of us were party to that judgement in OA 1001/93 and batch dt.29-11-94 for getting the relief as prayed above. In that batch case the applicants therein were also promoted to Accounts Officers from lower cadre of AAOs. They have pinpointed 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.

6. Those OAs were allowed but the monetary benefit was limited to three years prior to filing those OAs. As the applicants herein 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 will be given from 1-8-94. When the pay of their junior Sri Chakraborty was fixed as Accounts Officer in Gujarat Circle.

7. 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.

8. 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.

9. 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

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the applicants are entitled for the reliefs as granted in Para 6 supra.

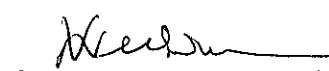
If the CA Nos. quoted above is allowed by the Apex Court, then this OA stands dismissed.

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.

10. 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.

11. The O.A. is ordered accordingly. No costs. //

  
( R. Rangarajan)  
Member(A)

  
(V. Neeladri Rao)  
Vice Chairman

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

  
28-1-96  
Deputy Registrar(J)CC

To kmv

1. The Chief General Manager, Telecommunications, A.P.Hyderabad.
2. The Director General, Union of India, Dept.of Telecommunications, 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.V.Bheemanna, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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8/2/1996

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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 / -1996

ORDER/JUDGMENT

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

O.A.No. 333/95 in

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 Spare Copy

