

(UO)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A. NO. 348 OF 1995.

Between

Dated: 26.4.1996.

B.V. Subbaiah

Applicant

And

Union of India represented by:

1. The Chairman, Telecom Commission, Department of Telecommunications, No.20, Ashoka road, Sanchar Bhawan, New Delhi.

~~Bhawan, Regional Manager, A.P. Telecom Circle, Deorsanchar~~

3. The General Manager, Hyderabad Telecom District, Suryalok Complex, Gunfoundry, Hyderabad.

...

Respondents

Counsel for the Applicant : Sri. K.S.R. Anjaneyulu

Counsel for the Respondents : Sri. K. Bhaskara Rao, Addl. CGSC.

CORAM:

Administrative Member

Contd:...2/-

O.A.348/95.

Dt. of Decision : 26-04-96.

JUDGEMENT

Oral Order (Per Hon'ble Shri R. Rangarajan, Member (Admn.))

Heard Shri K.S.R.Anjaneyulu, learned counsel for the applicant and Shri K.Bhaskar Rao, learned counsel for the respondents.

2. This OA is filed praying for a direction to the respondents to re-fix the pay of the applicant herein on par with his junior Mr.K.Siva Shankaran Pillai notionally w.e.f.. 18-04-1979 and the actual benefit with revised pay w.e.f., 10-02-1989 i.e.) from the date from which the applicant is actually working in higher post in T.E.S.Group'B' with all consequential benefits.

3. The applicant herein had joined as Telecom Engineering Supervisor which was subsequently redesignated as Junior Engineer in the year 1969. He passed the qualifying examination for TES Group-B in November 1976. He was promoted as Assistant Engineer Group 'B' T.E.S. service 1988 and his basic pay was fixed on the basis of his promotion to Group 'B' service. He compares his pay with that of one Mr. K.Siva Shankaran Pillai his reported junior as he passed the qualifying examination for promotion to Group 'B' later than him.

4. It is the contention of the applicant that Mr. K.Siva Shankaran Pillai had passed the qualifying examination for Group-B service in the year 1977 i.e., later than his passing of the said examination. Hence in view of the judgement of the Hon'ble Supreme Court reported in 1994 SCC (L&S 964 (The Telecommunication (India) and Another Engineering Service Association/ Vs. Union of India & Others),

he is entitled for fixation of his pay and allowances on par with his junior Mr. K.Siva Shankaran Pillai who had been promoted to TES Group-B service earlier to him taking his seniority on the basis of his joining service instead of taking the seniority on the basis of passing the qualifying examination.

The applicant relies on the judgement of this Tribunal in OA. 1224/94 which was decided on 19-12-1994. The learned counsel for the applicant a party to that judgement. The learned counsel for the applicant stated that the case of the applicant is squarely covered by the judgement and hence he is also entitled to the relief as given in that judgement.

6. The judgement of this Tribunal referred to above is also a case wherein the promotion to the TES Group-B was given on the basis of the service seniority and not on the basis of passing qualifying the examination. Mr. K.Siva Shankaran Pillai though joined the service in the year 1961 passed the qualifying examination only in November 1977 later than the applicant. Hence the applicant herein contends that he is entitled for the same relief as given in OA.No. 1224/94 as Shri K.Siva Shankaran Pillai was promoted earlier to him to Group 'B' service erroneously on basis of his service seniority and not on the basis of the seniority based on the date of passing the qualifying examination.

7. In OA.No. 1224/94 the pay of the applicant therein was determined on the basis of another co-employee who was promoted earlier to Group 'B' service on the basis of joining the service earlier but not on the basis of date of passing the qualifying examination.

8. In the result, the following direction is given:-
If any junior who has been promoted as Assistant Engineer earlier to the dates of promotion of the applicant he as Asst. Engineer, passed the qualifying examination later to

103

-4-

dates on which the applicant passed the qualifying examination, then the applicant has to be given notional promotion from the date on which such junior was promoted as Assistant Engineer and the pay of the applicant in the post of Assistant Engineer to be fixed on the respective date of notional promotion.

9. The monetary benefit on that basis has to be given from the respective dates on which the applicant assumed the premedical post of Assistant Engineer.

七四

(R. Rangarajan)
Member (Admn.)

Dated : The 26th April 1996.
(Dictated in Open Court)

Amherst
Mass
One

spr

021.348795
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 26/4/96

ORDER/JUDGEMENT

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

D.A. NO.

IN
348795

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

No 'Spak' Copy

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

प्रेषण/DESPATCH

- 3 JUN 1996 New

हैदराबाद बायाबीड
HYDERABAD BENCH