

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1271/96

DATE OF ORDER : 03-09-1998.

Between :-

K.S.R.Murthy

... Applicant

And

1.Chief General Manager,
Telecom Circle, AP, Hyd.

2. Telecom District Manager,
West Godavari, Eluru.

3. Divisional Engineer,
Telecommunications,
Eluru.

... Respondents

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Counsel for the Applicant : Shri K.S.Murthy

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Sri K.S.Murthy, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the respondents.

2. The applicant in this OA joined in a Group-D service in 1992. Later he was promoted to Group-C Telephone Operator termed as Lower Grade Official. He was sent for training before he was posted to Group-C. The training period lasted from 26-8-88 to 19-9-88. The plea of the applicant is that the training period has to be counted as service in Group-C to grant increments etc.,. For this he relies on the OM dt.22-10-90 (Annexure-I page-6 to the OA). He also submits that some of his colleagues similarly placed were given that relief. We also find letter at Annexure-IV (page-13) to the OA stating that the training period can be counted for the purpose of drawing increments. It may be possible that some of his colleagues ^{were} ~~was~~ given on that basis. But there are no details in this connection in the OA or in the reply.

3. The applicant submitted representation dt.11-10-95 for counting training period for the purpose of drawing increments. It is stated that no reply was given to the above representation.

4. Aggrieved by the above, this OA is filed praying for a direction to the authorities to treat the training period undergone from 26-8-88 to 19-9-88 as duty for the purpose of drawing increments after declaring that the applicant is covered by memorandum dt. 22-10-90 and for a consequential direction to the respondents to effect necessary payments.



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5. A reply has been filed in this OA. The respondents submit that the OM dt.22-10-90 is applicable only in the case of Direct Recruitess and that point also clarified in the memorandum dt. 23-08-1991 (Annexure R-2 to the reply). The applicants are promotees. Their case is covered by FR 26. As per FR 26 "duty in a post on a time scale counts for increments in that time scale". The ~~appli-~~ ^{respondents} ~~cant~~ submits that the applicant having been promoted from Group-D service till he completes his training period, he is in Group-D service and on that time scale he will be given increments. He is not entitled for increments in the higher grade of Group-C post during the training period. || We see force in the reply of the respondents. FR 26 is applicable for a Group-D staff while undergoing training for a higher post. As per that, the applicant cannot demand for counting training period for the purpose of increments in higher post. We also find in the government of India orders under Rule FR-26 that the training period to be treated as duty was agreed to for direct recruitess as they were not holding lien in any lower post at the time of training. Hence the applicant in our opinion cannot ask for the relief as prayed for in this OA.

6. However, the applicant submits that some of his ~~colleagues~~ colleagues even when they were promoted were given the relief of treating the training period as on duty and they were given higher scale increment from the ~~date~~ of training started. Such a relief was not given to him. It is for the applicant to approach the authorities if his case is similar to some of his colleagues and he fulfills the conditions as ~~is~~ required for granting him the ~~relief~~

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relief. There is no order necessary in this OA *in that aspect.*

7. *in para 6*
With the above observation *L* the OA is dismissed. No
order as to costs.

[Signature]
(B. S. JAI PARAMESHWAR)
Member (J)

39.98

[Signature]
(R. R. ANGARAJAN)
Member (A)

Dated: 3rd September, 1998.
Dictated in Open Court.

[Signature]
DR 9888

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Copy to:

1. The Chief General Manager, Telecom Circle, A.P., Hyderabad.
2. Telecom District Manager, West Godavari, Eluru.
3. Divisional Engineer, Telecommunications, Eluru.
4. One copy to Mr.K.S.Murthy, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.R.Devraj, Sr.CCSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLR

30/9/98 (7)

II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 3/9/88

ORDER/JUDGMENT

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

in

C.A.NO. 1271/88

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 न्यायालय
Central Administrative Tribunal
भारत / DESPATCH
21 SEP 1998
हैदराबाद बेंच
HYDERABAD BENCH