

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1469/96

DATE OF ORDER : 19-02-1997

Between :-

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|---------------------------|--------------------------|
| 1. T.G.K.Murthy | 26.PSR Murthy |
| 2. A.A.Kumar | 27.V.Lakshmana Rao |
| 3. M.Jeremaiah | 28.K.Gunna Raju |
| 4. N.Desikan | 29.K.Krishna Rao |
| 5. P.Krishna Murthy | 30.Ippili Chandraiah |
| 6. K.Krishna Prasad | 31.N.Appa Rao |
| 7. P.Siva Prasada Murthy | 32.B.Venkatagiri |
| 8. V.Siva Rami Reddy | 33.V.V.Nagabhusana Rao |
| 9. B.Angustine | 34.K.Mangapathi Rao |
| 10.Kollipara,W.M. | 35.G.Manga Reddy |
| 11.Y.Krishna Suamy | 36.R.Satyanarayana |
| 12.B.Gangadhara Rao | 37.JVD Prasad |
| 13.D.M.Ramachandryulu | 38.YV Subba Rao |
| 14.K.Bhaskara Chari | 39.G.Sri Ramachandre Rao |
| 15.K.Subba Rao | 40.N.S.Prakash Rao |
| 16.N.A.P.U.Bhaskara Sarma | 41.K.Radhakrishnaiah |
| 17.Angam Kotaiah | 42.N.Koteswara Rao |
| 18.P.Govinda Suamy | 43.R.Papiah |
| 19.A.Satyanarayana | 44.KSN Murthy |
| 20.B.Seetaramaiah | 45.EAV Prasad Babu |
| 21.R.R.L.S.Narasimha Rao | 46.GY Ramaiah |
| 22.K.George Papa Rao | 47.G.Sridhara Rao |
| 23.B.Ramalingeshwara Rao | 48.AM Basha |
| 24.S.Mallikarjuna Rao | |
| 25.G.V.Vara Prasad | ... Applicants |

And

1. The Chairman, Telecom Commission, New Delhi.
2. The Director General, Telecommunication, STG II, New Delhi.
3. Chief General Manager, Telecommunication, AP Circle, Hyd.
4. Chief General Manager, (Maintenance) Southern Telecom Circle, Chennai, Tamil Nadu.
5. Chief General Manager, Southern Projects Circle (Telecom), Chennai, Tamil Nadu.
6. Director, TQAL, HCL Complex, Hyderabad.
7. Chief General Manager, TQAL 61, Cockburn Rd, Bangalore.

... Respondents

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Counsel for the Applicants : Shri K.Lakshmi Narasimha

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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Heard Shri K.Lakshmi Narasimha, counsel for the applicants and Shri W.Satyanarayana, for Shri N.R.Devaraj, standing counsel for Railway.

2. ~~There are~~ 48 applicants in this O.A. They were initially appointed as Jr.Engineers. Their next promotion is to the cadre of Asst.Engineer. For promotion to Asst.Engineer post they should qualify themselves in a Departmental Examination called TES Group-8 Examination. As per para-206 of the P & T Manual, the date of passing the said examination decides the seniority in the higher grade of Asst.Engineer. The applicants herein submit that some of the junior Engineers who had ~~passed~~ the qualifying examination later than them were promoted to the cadre of Asst.Engineer earlier to them and they were shown senior though the applicants ~~were~~ are entitled to be treated as seniors to those who have passed the test later than them.

3. In OA 178/92 and batch, this Tribunal had held that those who were qualified in the Departmental Examination earlier are to be treated seniors to those who qualified in the departmental examination later in accordance with para-206 of P & T Manual. When that order was not implemented CP in OA 178/92

and batch was filed on the file of this Bench, which was disposed of on 5-1-96. It was held in that order of CP that "petitioners in the CP have to be given notional promotion from the date which the respective junior as per the seniority list actually assumed charge as AE and as on the date the pay of each of them in the CP in the post of Asst.Engineer has to be fixed and thereafter the pay of each of them on the date on which actually assumed charge as Asst.Engineer has to be fixed and thereafter the pay of each of them on the date of actual assumption of charge as Asst.Engineer has to be re-fixed and arrears have to be paid on the same". Against that order a ~~Criminal Appeal~~ ^{C.A.} No.1814/93 and batch was filed in the Apex Court which was disposed of on 23-10-96 dismissing the SLP.

4. Similar relief as given in the CP referred to above was also given to the applicants in OA 594/96 who were similarly placed as ~~respondents~~ the applicants in the CP.

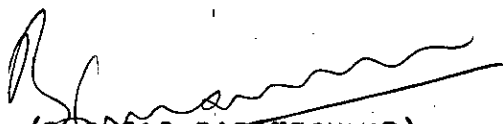
5. The applicants in this OA ^{are} also similarly placed as the applicants in the OAs referred to above. The learned counsel for the respondents fairly submits that this is a covered case.

6. In view of the above submissions, we allow this application and direct the respondents to implement the orders as given in CP 18/93 to 21/93 on the file of this Bench.

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

...4.

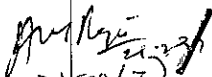
8. Time for compliance is three months from the date of receipt of a copy of this order.


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


(R. RANGARAJAN)
Member (A)

~~2-2-97~~
(9/2/97)

Dated: 19th February, 1997.
Dictated in Open Court.


Dy. Registrar

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