

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1523/96

DATE OF ORDER : 10-03-1997.

Between :-

Ravula Venkateswarly

... Applicant

And

1. The Member (Personnel),
Telecom Commission,
Sanchar Bhavan, New Delhi.
2. The Chief General Manager,
Telecom, A.P.()Hyderabad.
3. The Director,
Telecom, Guntur - 523 077.
4. The Dy.General Manager,
Telecom, Guntur District.

... Respondents

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Counsel for the Applicant : 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 B.S.JAI PARAMESHWAR, Member (J)).

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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Heard Shri K.Lakshmi Narasimha, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant was appointed as Telephone Operator with effect from 16-1-1967 in Guntur Telecom District. While he was working as such he was awarded with punishment of dismissal from service by the Divisional Engineer, Telephone, Guntur vide order No.E1/Disc-case/EV/83-84 dt.14-11-84. Against the said order of dismissal the applicant preferred an appeal to the appellate authority i.e. the respondent No.3 and the appellate authority by his order dt.21-5-1985 imposed punishment of reduction of his pay to the minimum of time scale of pay applicable to Telephone Operator i.e. Rs.260-480 effective from the date of his joining the duty and that he would earn increments thereafter and that reduction is effective for a period of 10 years. Vide order dt.10-4-96 setting aside the order of dismissal and imposed a punishment of reduction of his pay to the minimum time scale of pay applicable to Telephone Operator i.e. Rs.260-480 with effect from the date of his joining duty for a period of 10 years with further direction that he would earn increments during the period of reduction and on the expiry of the period ^{it} he would have the effect of postponing the increments and the period from the dismissal till the date of joining may be treated as leave due and admissible as if he was on leave and applied for the same on or before 30-5-95.

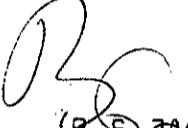
3. It is this order that has been challenged in this O.A. with respect to the direction stipulated that the reduction of minimum pay scale for a period of 10 years with effect from the date of joining duty with a further direction that it will have the effect of postponing the future increments. The learned counsel for the applicant relies upon the decision in the case of R.K.Bharati Vs. Union of India 1986 (2) CAT 227 and contends that the period by which future increments are postponed cannot exceed the period for which the penalty will be operative, consequently, if during the period of operation of the penalty it is specified that the increments are earned during the period of reduction of pay the question of postponement of future increments does not arise. The postponement of future increments will arise only when it is stated in the order that the increment will not be earned during the specified period of reduction of pay. In that case the disciplinary authority can also say whether there will be any postponement of future increment and to what extent. The postponement cannot in any case exceed the period for which the reduction is specified. But once it is ordered that the period for which the reduction is ~~directed~~ ^{Specified} will earn increments, there can be no postponement of future increment. The principle enunciated in the above case applied to the facts of this case and the impugned order passed by the Respondent No.3 is defective to the extent, it will have the effect of postponing the future increment after the reduction of 10 years period is over.

4. The learned counsel for the respondents also appreciated the point advanced by the learned counsel for the applicant

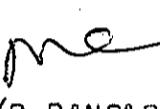
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and submitted that the impugned order to the extent indicated above ~~be~~ is set aside.

5. Hence the order dt.10-4-96 passed by the respondent No.4 is set aside to the extent indicated above in regard to postponing of future increments after the 10 year's period ~~is~~ over. Respondent No.4 may issue a fresh order for implementation of the direction given in this O.A. Any consequential arrears, if arises, the same will be paid to the applicant in accordance with the rules expeditiously. No order as to costs.


(B.S. JAI PARAMESHWAR)

Member (J)


(R. RANGARAJAN)

Member (A)

10.3.97

Dated: 10th March, 1997.

Dictated in Open Court.

Avl/br
D4 Regd No 17382

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Copy to:-

1. The Member(Personnel), Telecom Commission, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecom, A.P.Hyd.
3. The Director, Telecom, Guntur.
4. The Dy. General Manager, Telecom, Guntur District.
5. One copy to Sri. K.L.Lakshmi Narasimha, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Deputy Registrar A), CAT, Hyd.
8. One spare copy.

Res/-

9/3/97
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APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. SAI PARMESHWARI
M(J)

DATED:

10/3/97

ORDER/JUDGEMENT

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

O.A. NO.

1523196

ADMITTED INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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