

70

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*\*\*

O.A. No. 293/96.

Dt. of Decision :

2-6-98

1. A.Durga Rao
2. Ch.S.Johnson
3. D.Ramesh BabuRs
4. K.Srihari
5. K.Sivaji Rao
6. G.Kishan Roy
7. A.Sugunakar Rao
8. Khursheed Hussain
9. B.Lakshmi Prasad
10. B.Sanjeeva Rao
11. E.Srinivasa Rao
12. K.M.M.Krishna Raju
13. M.Subramanyeswari
14. N.Sadasiva Rao
15. G.Varaprasada Rao
16. R.V.Bhanu Prasad
17. T.N.D.Malleswari
18. T.Srinivasa Rao
19. T.Mohana Rao
20. A.Lingaiah
21. M.Muralidhar
22. M.Raju
23. Md.Khaja Moinuddin
24. Y.Konda Reddy
25. D.Sampath Rao
26. M.Ramanaiah
27. B.Surender Singh
28. B.Perumandla Swamy
29. N.Mohan Raj
30. A.Sri Ranga Rao
31. K.Kishan Rao
32. K.Rajarathnam
33. G.Prabhakara Rao
34. K.Ramesh Reddy
35. M.Prasad
36. Mahendra Gajjala
37. M.Venkateswarlu
38. N.Venkateswara Rao
39. G.Satyanarayana
40. M.Venkata Mohan
41. K.Venkateswara Rao
42. Azeez Baig
43. G.Ramakrishna Rao
44. U.S.K.Choudary
45. D.Vallabha Rao
46. M.Venkatanarayana Rao
47. P.Srinivasa Jayaprada
48. R.Lingeswara Rao
49. V.Venkata Ratnam
50. P.Balarama Prasad
51. V.Butchi Babu
52. B.V.Seshaiah
53. J.Appi Reddy
54. G.Krishna Prasad
55. A.Subhash Chandra Bose
56. R.H.V.Prasad

57. M.N.B.Sastry	82. S.Raghunadh Babu
58. M.Sankara Babu	83. G.Krishna Murthy
59. V.N.V.Mohana Rao	84. K.Koteswara Rao
60. A.Anjaneyulu	85. K.Prasad Rao
61. K.G.K.Reddy	86. P.Srinivas Rao
62. K.Vanajakshi	87. Ch.Sunder Rao
63. P.V.Rao	88. K.Srinivas Murthy
64. K.Narasimha Rao	89. K.A.Rama Rao
65. Gulam Mustafa	90. R.Srinivas
66. T.Sreenivasu	91. K.V.Siva Rao
67. V.Venkateswarulu	92. V.Satyanarayana Raju
68. B.Mallikarjun	93. B.Venugopal
69. N.Venkata Sesha Rao	94. J.Madhusudhana Rao
70. B.Krishna Rao	95. S.Murali Krishna
71. G.Ranadhir	96. G.Jagadeswara Rao
72. M.Srinivas Guptha	97. J.Krishna Rao
73. S.V.Ramanaiah	98. K.Balakrishna
74. M.Venkata Ram Reddy	99. N. Sankara Rao
75. Md.Saleem	100. S.V.Ramana
76. A.Narasimha	101. M.Venkateswara Rao
77. D.Bharat Kumar	102. C.Narasimha Rao
78. J.Laxma Reddy	103. Mohd.Abdul Qader
79. V.Nagendra Rao	104. G.Rajaiah
80. R.Chakrapani	105. K.Bhaskara Rao
81. B.Narasimha Rao	106. Ch.V.Sastry

.. Applicants.

vs

1. The Union of India, rep. by its Secretary, Telecommunication, Sanchar Bhavan, Ashok Road, New Delhi-1.
2. The Chairman, Telecom Commission, Sanchar Bhavan, Ashok Road, New Delhi-1.
3. The Chief General Manager, Telecom Circle, Sanchar Bhavan, Andhra Pradesh, Hyderabad. .. Respondents.

Counsel for the applicants : Mr.M.Kesava Rao

Counsel for the Respoondents : Mr.K.Ramulu, Addl.CGSC.

CORAM:-

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

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

ORDER

ORAL ORDER (PER HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

Heard Mr.S.Ramakrishna Rao for Mr.M.Kesava Rao, learned counsel for the applicants. None for the respondents.

2. There are 106 applicants in the OA. While the OA was filed they were working as Technicians, Technical Supervisors, Officiating Telecom Technical Assistants and Telecom Technical Assistants in the pay scale of Rs.975-1660/-, 1400-2300/- and 1320-2040/- respectively. They are all Diploma holders in Engineering. Previously the qualification for Technician was 10th Class or ITI or Diploma. In the year 1983, the qualification for Technician had been raised to Diploma in Telecommunications / Electronics / Electricals / Mechanical Engineering. In the 4th Pay Commission the scales of pay for Technician was revised and fixed as Rs.975-1660/- equivalent to Rs.260-480/- of the 3rd Pay Commission scales of pay.

3. The applicants submit that the 4th Pay commission was about to recommend the pay scale of Rs.1400-2300/- to the Technicians. But the respondents submitted before the 4th Pay commission that the issue had already been taken up by the department under the rationalisation programme. Hence the matter was kept open to be decided by the rationalisation committee. For this they have enclosed Annexure-II and Annexure-III documents. After a lapse of 6 years, in the year 1990 the respondents have introduced restructuring scheme and created a new cadre of Telecom Technical Assistant in the pay scale of Rs. 1320-2040/-. Under the above new scheme, Technicians and Technical Supervisors holding a diploma can come over to the post of Telecom Technical Assistant cadre through seniority <sup>u</sup> fitness. The candidates from Group-C & D other than technicians and Technical Supervisors can also be taken in the Telecom

R

A

Technical Assistant cadre in the same way if they possess the required diploma. ~~certificates~~ The applicants submit that though the respondents state that restructure is the policy decision of the Government to meet the requirements of the department in moulding up a fresh set of employees competent to handle the advance technologies as introduced in the Telecommunication System, they are not satisfied with that as their real grievances are not at all redressed and they are not at all benefited by ~~the~~ restructure. Further the scale of pay of Rs.1320-2040/- has been introduced from the date of conversion as Telecom Technical Assistant. But they demand the benefit of the scale of pay of Rs.1400-2300/- from 1-1-86 itself i.e., the date of introduction of 4th Pay Commission scales of pay.

4. The applicants also submit, that the other cadre such as Junior Engineer, the scale of pay has been upgraded from Rs.1400 to Rs.1640/- and they were redesignated as Junior Telecom Officer on 10-4-87 w.e.f., 1-1-86 (Annexure-IV), even though the qualification was increased for them from Diploma to Engineering degree in the year 1991 only. But such concession was not granted to the applicants herein. The case of Asst. Superintendent Telegraph Traffic was also upgraded to the scale of pay of Rs.1640-2900/- from the scale of pay of Rs.1400-2300/- w.e.f., 1-4-91 based on the direction given by Ernakulam Bench of this Tribunal.

5. The applicants also compare their scales of pay with that of Draughtsmen Grade-II in the Civil/Electrical Wing of the department wherein the scale of pay of Rs.1400-2300/- was given. The Draughtsmen in the CPWD possessing the same qualifications were also given the higher scale of pay of Rs.1400-2300/- w.e.f., 1-1-86. Similar is the upgradation in the case of Engineering Assistants working in All India Radio with diploma qualification.

6. Considering the above facts, the applicants submit that they are entitled for the scale of pay of Rs.1400-2300/- w.e.f.,



1-1-86.

7. This OA is filed for a declaration that the action of the respondents in not fixing the pay scale of Rs.1400-2300/- to the cadre of Technicians w.e.f., 1-1-86 and fixing them in the pay scale of Rs.1320-2040/- to the cadre of Telecom Technical Assistants from the date of conversion of the cadre is highly arbitrary, illegal, contrary to the rules and for a consequential direction to the respondents to grant them the pay scale of Rs.1400-2300/- w.e.f., 1-1-86 i.e., from the date of implementation of 4th Pay Commission irrespective of the date of conversion as Telecom Technical Assistants and order all other consequential benefits.

8. A reply has been filed in this OA. This is a very short reply. The pay scale of Rs.975-1660/- to those who were initially appointed as Technicians were given the pay scale of Rs.1320-2040/- by restructuring. The cadre of Technician is declared as a wasting cadre. However all the Technicians who were having a qualification of 3 years Diploma in Engineering were deputed for training for promotion to the cadre of Telecom Technical Assistants and all the applicants were promoted as TTAs in the pay scale of Rs.1320-2040/-.

9. The 5th Pay Commission also recommended only the replacement scale in their report for the reasons stated in that paragraph. This para reads as below:-

"Technicians in the entry pay scale of Rs.975-1660/- are recruited with a minimum qualification of diploma in mechanical or telecommunication engineering, whereas similar persons in the Door Darshan, Railways etc., are placed in the scale of Rs.1400-2300/-. THE ADMINISTRATIVE DEPARTMENT HAVE ALSO CITED THIS AS AN ANOMALY AND FAVOURED ITS REMOVAL. In the Scheme of restructuring, Telecom Technical Assistants are a "walk-in" post for Technicians with the same qualifications and their upgradation has been proposed in the chapter relating to restructuring of Telecom services. Because restructuring has been made attractive enough for a switchover TECHNICIANS MAY BE GIVEN ONLY REPLACEMENT SCALES RECOMMENDED ELSEWHERE in this report. In view of the existence of the provision

for a competitive examination for Technicians along with others, for the level of JTOs, WE DO NOT RECOMMEND INTRODUCTION OF AN EXCLUSIVE DIRECT LINE OF PROMOTION BETWEEN THE TWO."

10. The respondents also submit the job evolution done by the NPC in 1986 will not be applicable to the present day work done by the Technicians. For the reasons stated above the respondents submitted that the OA has no merits.

11. Though the respondents raised objection in regard to the limitation, the OA was admitted on 28-2-96 keeping the question of limitation open. In the reply there is no mention in regard to limitation. Hence it is presumed that the respondents do not want to persist their contention of limitation. Before admitting the OA an MA for filing a single OA was considered. Though repeated adjournment was given no reply was filed in the MA in regard to the prayer for filing single application. As there was no reply inspite of repeated adjournment the MA was allowed and single OA was allowed to be filed representing 106 petitioners.

12. The learned counsel for the applicants submitted that a similar OA bearing No.617/87 had already been disposed of by the Calcutta Bench of this Tribunal on 13-09-93 and as that OA is also for the same relief, similar direction may be given in this OA also.

13. We have perused the above direction given in the OA 617/87 of the Calcutta Bench of this Tribunal. There were 75 applicants in that OA. They were all Diploma Holder Technicians working under the Calcutta Telephones. They prayed for a direction to the respondents to give them the higher pay scale of Rs.1400-2300/- with appropriate designation as recommended by the 4th Central Pay Commission. In that OA it was stated that a <sup>had</sup> committee known as Agarwal committee ~~had~~ gone in to this issue and the said committee had already made its recommendation in

*T*

*A*

respect of some posts. But the recommendation of the committee in regard to the Technician was reported to have not been implemented. There also it is stated that the action taken by respondents on the report of Agarwal committee is not known. The posts held by the applicants in that OA is a dying cadre and that the Telecom Technical Assistant cadre has been created to replace that cadre of Technicians. Considering all the submissions made by the respondents in that OA the Calcutta Bench directed the respondents to consider the representation of the applicants therein already made in the light of the report of the Agarwal Committee and if the Central Govt. is satisfied that the applicants are entitled to a higher scale of pay in consideration of their recruitment qualifications and job contents, then necessary orders in that regard shall be passed within six months from the date of communication of that order. In such case the applicants will be entitled to the benefits as per report of the Agarwal Committee with effect from the same date when similar benefits were allowed to other employees of the Department viz., Jr. Engineers.

14. This Bench also in OA.No.984/95 dt.6-5-98 had given the same relief as directed in OA.617/87 on the file of the Calcutta Bench of the Tribunal. The prayer in the present OA is similar. When the Bench questioned the respondents while dealing with OA.984/95 as to what action had been taken on the basis of the Agarwāl Committee report the learned counsel for the respondents submitted that he will enquire and submit subsequently. No answer was given to the query subsequently also. Hence, the Bench was left with no other alternate <sup>to the</sup> except to dispose of the OA.984/95 dt.6-5-98 giving the same direction as was given by the Calcutta Bench of the Tribunal.

15. As this OA is also similar to the OA.617/87 on the file of the Calcutta Bench and the earlier OA.984/95 disposed of this

J

A

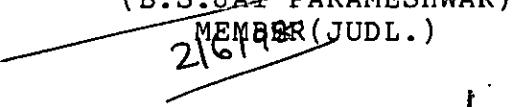
-8-

Bench on 6-5-98 we see no reason to deviate from the direction already given. Hence the following direction is given:-

The respondents are directed to consider the case of the applicants in the light of the report of the Agarwal committee and if the Central Govt. is satisfied that the applicants are entitled to a higher scale of pay in consideration of their recruitment qualifications and job contents, then necessary orders in that regard shall be passed within 6 months from the date of communication of this order. While passing the order Government is at liberty to take note of the recommendations of the 5th Pay commission also. If the case is decided in favour of the applicants then the applicants are entitled to the benefits as per report of the Agarwal committee with effect from the same date when similar benefits were allowed to other employees of the department, viz., Jr. Engineers.

16. The OA is ordered accordingly. No costs.

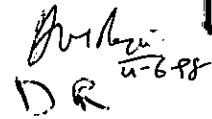
  
(B.S. JAI PARAMESHWAR)

  
26/5/98  
MEMBER (JUDL.)

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

(Dated : The 26, 1998)

SPR

  
DR  
u-6-98

Copy to:

1. The Secretary, Telecommunication, Sanchar Bhavan, Ashok Road, New Delhi.
2. The Chairman, Telecom Commission, Sanchar Bhavan, Ashok Road, New Delhi.
3. The Chief General Manager, Telecom Circle, Sanchar Bhavan, Andhra Pradesh, Hyderabad.
4. One copy to Mr. M. Kesava Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. K. Ramulu, Addl. CGSC, CAT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

21/6/98  
7  
II COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 21/6/98

ORDER/JUDGMENT

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

in  
O.A. NO. 293/98

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

