

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 349/96

Between:

1. A.Tirumalanath
2. Md.Hafeezuddin

.. Applicants

and

1. The Telecom District Manager,
Nalgonda.
2. The Chief General Manager,
Telecommunication, Doorsanchar Bhavan,
Nampally Station Road,
Hyderabad.
3. Union of India, rep. by the Director General,
Dept.of Telecommunication, New Delhi.

Respondents.

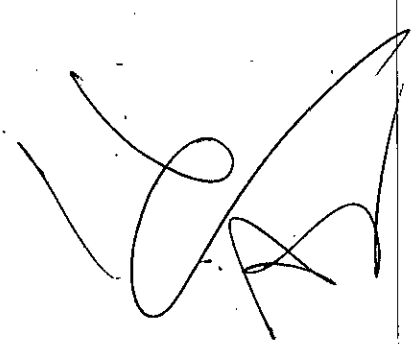
For the Applicant :- Mr. K.Venkateswar Rao, Advocate.

For the respondents: Mr. ~~Ex~~./Add.CGSC

CORAM:

THE HON'BLE MR.JUSTICE MG. CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE MR.H.RAJENDRAPRASAD: MEMBER(ADMN)



CA 349/96

Dt. of Order: 11-3-96.

(Order passed by Hon'ble Justice Shri M.G. Chaudhari,
Vice-Chairman).

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The case of the two applicants in this Original Application appears to us similar to the case of the applicants who had filed D.A. 739/93, which was decided by this Bench on 22-9-1994. It also appears to us that the present applicants are similarly situated to those applicants. By that decision, the respondents were directed to treat the applicants in that case as regular Telephone Operators from 15-6-1984 and to fix their pay notionally. The arrears were directed to be paid on such fixation along with the consequential benefits. That exercise was to be completed within three months.

2. The applicants have been regularised as Telephone Operators with effect from 20-3-1986 and ^{respectively} another 3-9-1986. Their short grievance is that they are entitled to be given regularisation with retrospective effect from 15-6-1984. The applicants submitted a representation on 26-12-1994 seeking that benefit relying upon the above mentioned decision of the Tribunal. Since the respondents did not respond, they have filed this D.A. It appears to us ^{that} where a ^{ratio} decision is laid down by the Tribunal, the Respondents are expected to follow the decision and apply the same uniformly to other similarly situated persons and they are not expected to drive such persons to

(23)

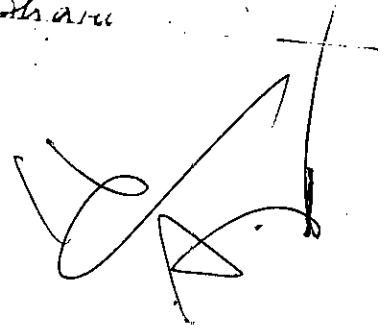
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- 3 -

litigation. Prima facie it appears to us that the case of the present applicants would stand covered by the earlier decision of the Tribunal mentioned above and they appear to be similarly situated persons. It was therefore much more necessary to have responded to the representation of the applicants. We therefore feel that instead of keeping the matter pending for hearing, it will be in the interest of justice to direct the respondents to dispose of the representation of the applicants dt.26-12-94 in the light of the earlier decision of the Tribunal in OA 739/93 dt.22-9-94 and the contentions raised by the applicants in this G.A. The Respondents shall take a decision in the matter within a period of three months from the date of receipt of the copy of this order and shall communicate the same to the applicants. In the event of being aggrieved by the said decision, the applicants will be at liberty to adopt such remedies as they are advised, in accordance with Law. The applicants may supply an additional copy of the O.A. and if it is so supplied, it may be sent to the respondents along with the copy of this order to enable the respondents to consider the contentions of the applicants for the purpose of taking a decision as directed above. Subject to the above directions, the G.A. is disposed of at the admission stage.

No order as to costs.

1. *For Sharu*



प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]
न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
इदराबाद न्यायालय

VENKATESWAR RAO B. A., LL. B.
ADVOCATE
(Retired Audit Officer)

Phone : 4653409
2-2-1136 3-1, Jaya Lakshmi Nivas,
Near Ramalayam Opposite Flour Mill,
New Nallakunta, Hyderabad - 44

DT: 12.7.96

To

- ✓ 1. Shri.K.Sampath Kumar, T.D.M. Nalgonda.
2. Shri.M.V.Bhaskar Rao, C.G.M. Telecom,
A.P.Circle, Hyderabad.

Under unstructions of my clients Sarvashti
1.A.Tirumalanath, 2.Md.Hafeexuddin I am to address you
as follows:-

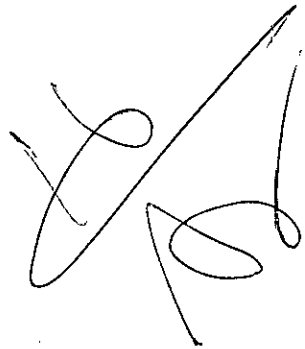
2. My clients filed O.A.No.349/96 for a declaration
that they are entitled for regular appointment as
Telephone operators with effect from date on which
they joined as reserved Trained pool Telephone op-
erators i.e.15.6.94 with all consequetial benefits
such as arrears of pay and allowances, seniority and
other attendant benefits in terms of judgement in
OA.No.739/93 dated 29.9.94 etc, . The above O.A.
was disposed of on 11.3.96 with a direction ~~to~~ to
dispose of the representation dated 22.9.94 in the
light of the earlier decision of the Tribunal in
O.A.No.739/93 dated 22.9.94. So far more than
three months lapsed but no appropriate orders were
passed.

I, therefore request' you to cause appropriate
orders passed so that contempt proceedings can be
avoided.

With regards.

Yours sincerely


K.Venkateswara Rao.



Reg. - Contempt- Petition

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT :: HYDERABAD

C.P.NO. 111 OF 1997

in

O.A.No. 349 of 1996



PETITION FILED UNDER SEC.17 OF
THE CENTRAL ADMINISTRATIVE
TRIBUNAL'S ACT, 1985

Recd. copy
28.1.97
R. N. R. Denny
an

May be filed
on
29/1/97

Mr. K.Venkateswara Rao,
Counsel for Applicants.