

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A. 465/96.

Dt. of Decision : 27-09-96.

Y. Krishna Murthy

.. Applicant.

Vs.

1. The Union of India,  
Rep. by the Director General,  
Telecommunications,  
New Delhi-110 001.

2. The General Manager,  
Telecom District,  
Suryalok Complex,  
Hyderabad-500 033.

.. Respondents.

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Counsel for the Applicant : Mr. J.V. Lakshmana Rao  
Counsel for the respondents : Mr. N.R. Devaraj, Sr. CGS<sup>C</sup>

CORAM:

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

ORDER

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

Heard Mr.J.V.Lakshmana Rao, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant in this OA joined as a Technician on 09-07-56. He was promoted to the Selection Grade Technician posts on 29-6-63. Later he was promoted as Auto Exchange Assistant on 8-12-65 after passing the selection process. He was promoted as Phone Inspector on 6-10-69. It is stated in the counter that the applicant was given time bound promotion w.e.f., 1-1-92 taking into account the services rendered as AEA in scale of Rs.1640-2900/-. However, the applicant submits that he came to the scale of Rs.1640-2900/- from 1-4-83 itself. But there is no need to look into this discrepancy as it is not a very relevant point in this case for consideration of the circular No.27-4/87-TE-II (Pt.) dated 14-1-94 (Annexure-I). He exercised his option to come over to his parent cadre viz., Technician cadre and he was posted to that Technician cadre on 28-6-94 and he retired on 30-6-94. It is stated that his status and pay fixation in Technician cadre has not been done yet. As he has retired immediately 2 days after joining in the Technician cadre, his final settlement is yet to be finalised.

3. This OA is filed to refix his pay in his parent cadre of Technician with deemed promotion including 10% BCR scheme promotion in the scale of pay of Rs.2000-3200/- with all monetary benefits besides stepping up of his pay equal to that of his juniors and revision of pension and other pensionary benefits on that basis.

4. The main prayer in this OA is that the applicant is to be posted in the grade of Rs.2000-3200/- against the 10% quota for promotion for this grade as his juniors in the Technician cadre had already been promoted to that grade. The pay of the applicant has not been suitably fixed in the grade yet and in view of that his pension and pensionary benefits also are not fixed correctly.

5. The respondents in their reply affidavit state that the applicant joined as Technician on 28-06-94 i.e., 2 days before his retirement and as such he could not be promoted for that reason. However, it is further stated that the case of the applicant is being examined and a clarification is sought on 26-12-95 as to whether 10% of the BCR in the cadre of Rs.2000-3200/- can be given to the applicant with retrospective effect and clarification is awaited from R-1.

6. The applicant filed rejoinder, Annexure-II, in the rejoinder bearing No.BE-198/VI/37 dated 11-9-96 is a letter from the Divisional Engineer (Staff), Telecom District, Hyderabad-1 addressed to the Chief Accounts Officer and the General Manager, Hyderabad (Telephone) wherein it is requested that the cases of fixation of pay of 5 Phone Inspectors similar to the applicant who opted for reversion to the basic cadre is yet to be finalised and the CAO and the General Manager, Hyderabad were requested by this letter to settle their cases in accordance with the various DOT orders issued on subject. It is also stated that the DOT orders are enclosed for reference. The learned standing counsel submitted that he is not aware of the further development in this case. However, the case is not closed and is kept open and instructions in this connection received from R-1 will be implemented in toto.

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7. The learned counsel for the applicant also submitted that he will be satisfied if a direction is given to dispose of the case of the applicant for fixation of his pay when he joined in the Technician cadre in accordance with instructions of R-1 and finalise his pension and other final settlement dues accordingly. It is further prayed that the above may be done in a time bound schedule. From the above, I am of the opinion that the case is not fully decided by DOT as can be seen from the letter dated 11-9-96 (Annexure-II to the rejoinder). It is evident that the case of the applicant is still under scrutiny. As the applicant himself prays for disposal of his case on the lines quoted above, I feel that there is no further

8. In the result, the following direction is given:-

R-2 should decide the case of the applicant in regard to the fixation of his pay in the appropriate grade in Technician cadre when he was reverted back to the Technician cadre and also to decide the fixation of pension and other pensionary benefits on that basis within a period of three months from the date of receipt of a copy of this order.

9. The OA is ordered accordingly. No costs.



(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 27th Sep. 1996.  
(Dictated in the Open Court)

SPR

For the  
F-1096  
Dy. Registrar (3)