

(34)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD.  
OA.215/96.

Date of Judgment:15-2-96.

Between:-

1. K.Seshi Reddy
2. G.Krishna Murthy
3. R.Kasi Reddy
4. M.Satyanarayana Murthy
5. A.M.K.Rao
6. J.V.Subba Rao
7. C.L.N.Murthy
8. R.K.Hemakumar
9. G.Emmanuel
- 10.K.N.Sastry
- 11.N.Lakshminarayana
- 12.

Applicants.

And

1. Chairman, Telecom Commission, Ministry of Communication, Department, Telecommunications, Sanchar Bhavan, New Delhi-110 001.
2. Chief General Manager, Telecommunications, A.P.Hyderabad.

... Respondents.

Counsel for the Applicant:Mr.K.Lakshmi Narasimha

Counsel for the Respondents:Mr.V.Bhemanna,CGSC.

CORAM:

HON'BLE MR.JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER ADMINISTRATIVE.

Vign

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri K.Lakshmi Narasimha, learned counsel for the applicant and Shri V.Bhimanna, learned standing counsel for the respondents.

2. This OA was filed praying for declaration that the action of the respondents in not extending the benefit of the judgement of the Principal Bench of C.A.T. in OA 1599/87 as followed by the order dated 5.1.96 in CP/18 to 21/93 of Hyderabad Bench, is illegal, arbitrary and unconstitutional and for consequential direction to the respondents to promote the applicants with effect from the date prior to the dates of promotions of the persons who passed the qualifying examination (TES Group-B) subsequent to the date on which the applicants passed and for payment of difference in salary and allowances in terms of the order dated 5.1.96 in CPs 18 to 21/93 on the file of this Bench.

3. The Apex Court finally decided that in view of Para 206 of P&T Manual, the year of passing qualifying examination (TES Gr.B) has to be taken as the basis for *fixation* of seniority for consideration for promotion to the post of Assistant Engineer by affirming the judgement of the Allahabad High Court in Parmanand Lal's case in WPs 2739 and 3652/81 (Parmanand Lal and Brij Mohan v. Union of India and others) ~~on the file of Allahabad High Court.~~ It was further held

by the Apex Court in the judgement in SLP(C) No.10698/92 (Telecom Engineering Service Association (India) and anr. v. Union of India and another) that notional promotion has to be given to such of those who passed the qualifying examination earlier to the date on which those who are already promoted following the seniority on the basis of the merit position at the time of recruitment as Junior Engineer and that they have to be given arrears from the date on which they actually assumed charge as Assistant Engineers. By following the said judgement, this Hyderabad Bench of CAT passed the order dated 5.1.96 in CPs 18 to 21/93 (of which one of us (VC) is a member). We do not find any reason to differ from the conclusions arrived at by the judgement dated 5.1.96 in CPs 18 to 21/93.


5. Hence this OA is ordered as under:

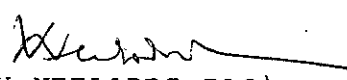
The applicants have to be shown above their respective juniors with reference to the date of passing the qualifying examination and they have to be given notional promotion as on the date on which the respective junior was promoted as Assistant Engineer, if such promotion of the junior was prior to 7.3.81 and on that basis their pay on the date on which they <sup>have to be notionally</sup> ~~were~~ promoted as Assistant Engineer has to be revised and the necessary arrears have to be paid from the date on which each of them actually assumed the charge as Assistant Engineer. The time for payment of the arrears as per this order is 31.5.96 failing which the same will carry interest @ 12% per annum from 1.6.96.

*[Signature]*

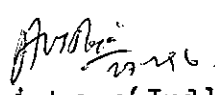
*[Signature]*

7. The OA is ordered accordingly at the admission stage. No costs.//

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
(V. NEELADRI RAO)  
VICE CHAIRMAN

DATED: 15th February, 1996.  
Open court dictation

  
Dy. Registrar (Judl)

vsn

Copy to:-

1. Chairman, Telecom Commission, Ministry of Communication, Department, Telecommunications, Sanchar Bhavan, New Delhi-110 001.
2. Chief General Manager, Telecommunications, A.P. Hyderabad.
3. One copy to Mr. K. Lakshmi Narasimha, Advocate, CAT, Hyd.
4. One copy to Mr. V. Bhimanna, CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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*Filed  
After  
23/2/96*

07-215/86

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I COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

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

Dated: 15-2-1996

~~ORDER/JUDGMENT~~ Judgment

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

in

O.A.No. 215/86

T.A.No.

(w.p.No.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

An  
28/2/86

Spare copy

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
डिस्पच/DESPATCH  
29 FEB 1996  
हैदराबाद बेंच  
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

CP No. 115/96 in OA 215/96

Dated: 14.11.96

Between

1. K.Seshi Reddy
2. G.Krishna Murthy
3. R.Kasi Reddy
4. M. Sathyanarayana Murthy
5. A.M.K.Rao
6. J.V.Subba Rao
7. CLN Murthy
8. R.K.Hemakumar
9. G. Emmanuel
10. KN Sastry
11. N.Lakshminarayana .. Applicants

and

1. Sri Gokak, Chairman,  
Telecom Commission,  
New Delhi.
2. Sri M.V.Bhasker Rao,  
Chief General Manager,  
Telecommunications,  
A.P., Hyderabad. .. Respondents

Mr. K.Lakshmi Narasimha .. Counsel for applicants  
Mr. NR Devaraj, SCGSC .. Counsel for respondents

CORAM

HON'BLE SHRI JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMN.)

O R D E R

Oral Order (Per Hon'ble Shri Justice M.G. Chaudhari, Vice Chairman)

Mr. N.R. Devaraj, learned counsel for the respondents states on instruction that the department has already initiated proceedings for extending the benefits to the present applicants also and the orders in the OA are likely to be complied with within a period of 2 months from today. He submits that in all probability the orders will be complied with within that time.

In view of the above said assurance coming from the respondents we dispose of the CP after recording the above statement with liberty to the applicants to adopt appropriate proceedings in accordance with the law if the orders are not still complied with, after expiry

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*me*

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C.P. 115/96

To

1. Sri A.V. Gokak, Telecom Commission,  
M/o Communications,  
D/o Telecommunications,  
New Delhi.
2. Sri M.V. Bhaskar Rao,  
Chief General Manager,  
Telecommunications,  
A.P. Circle, Hyderabad.
3. One copy to Mr. K. Lakshminarasimha, Advocate, CAT. Hyd.
4. One copy to Mr. N. R. Devraj, Sr. CCSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: (11-1) -1996

ORDER / JUDGMENT

M.A./R.A./C.A. No. 1157/96

in

O.A. No. 2157/96

T.A. No. (w.p.)

Admitted and Interim Directions  
Issued.

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
दस्तावेज / DESPATCH  
6 DEC 1996  
हैदराबाद ब्याण्डो  
HYDERABAD BENCH