

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.519/96

DATE OF ORDER : 27-09-1996.

Between :-

1. The Bharatiya Telecom Admn. Officers, Employees Union, Group C & D, AP Circle, Hyderabad-500 001, represented by its Circle Secretary S.V.S.Subrahmanyam, Working as Welfare Inspector, Office of the Chief General Manager, Telecom, AP Circle, Hyderabad.
2. B.O.Lingamurthy
3. T.Nagasena

.... Applicants

And

1. The Secretary to the Govt. of India, Ministry of Communication, Dept. of Telecom, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecom, AP Circle, Hyderabad.

.... Respondents

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Counsel for the Applicants : Shri K.Venkateshwar Rao

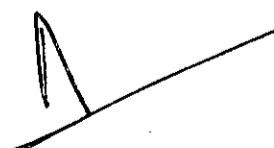
Counsel for the Respondents : Shri V.Bhimanna, Addl.CGSC

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CORAM:

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

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(Oral Orders per Hon'ble Shri R.Rangarajan, Member (A) ).

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Heard Shri K.Venkateswar Rao, for the applicant. Shri V.Bhimanna, learned standing counsel for the Respondents.

2. There are three applicants in this O.A. The first applicant is the Bharatiya Telecom Administrative Officers Employees Union, Group C & D, AP Circle represented by its Circle Secretary S.V.S.Subrahmanyam. The other two applicants are members of the Union and are the concerned parties in this Original Application. Though the application is filed by the Union, the direction in this O.A. is restricted only to applicants 2 and 3. The applicants in this O.A. while working as UDCs, <sup>were</sup> which is equivalent to the post of Jr.Accountant, promoted as TOA-II in the scale of pay of Rs.1400-2300 on 9.9.92. While working as UDCs, they were given a special pay of Rs.70/- per month. While fixing their pay in the Grade of TOA-II under F.R.22(C), the special pay drawn by them was not taken into account. They represented their cases through their Union for fixing their pay as TOA taking into account the special pay drawn by them when they were working as UDCs.

3. But the representation for counting the special pay while fixing the pay in the higher grade was not agreed to by order dt.5.2.96 (Annexure-I). It is stated that the special pay granted to them will not be counted for fixing their pay in the higher grade in view of the para-8 (q) of the letter No. 27-4/87-TE.II dt.9.9.92. This O.A. is filed impugning the rejec-

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tion letter dt.5-2-96 issued by the Department of Telecommunication by holding the same as illegal, arbitrary, discriminatory and for a consequential direction to fix their pay in the higher grade taking into account the special pay drawn by them.

4. The main contention of the applicant is that the special pay drawn by some others has been taken into account for fixation of pay in the higher grade of pay as TOA and hence they are also entitled for similar fixation. They also rely on the judgement of this Tribunal in OA 95/91 decided on 22.11.91 to substantiate their case. It is further contended by the learned counsel for the applicant that the special pay drawn by them in an identified post should be taken into consideration for fixation of pay when promoted to higher grade irrespective of the fact that the LDC/UDC pattern had been abolished and new pattern of TOA-I & II has been introduced.

5. The respondents have filed a reply. In my opinion the reply does not touch any of the points mentioned in the affidavit. The reply only indicates that the LDC/UDC system has been replaced by TOA pattern and hence the special pay cannot be taken into consideration. They further submit that the conversion from UDC to TOA cannot be treated as promotion and the conversions have been given on the basis of option respondents submit that the exercised by the applicants. Hence the fixation of pay without taking into consideration the special pay is in order. Reasons to come to such a conclusion has not been indicated.

6. In a similar O.A. filed on the Ernakulam Bench of the Tribunal, which is enclosed to the reply, that Bench had

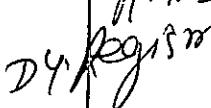
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disposed of that O.A. directing the Director General, Telecommunications to dispose of their (Applicants therein) representations pending with the Director General, Telecommunications. The above direction by the Ernakulam Bench is not a decision <sup>final</sup> ~~reached~~ in this case. Similar direction in this case also is considered appropriate.

7. In view of the above, I am of the opinion that this case should also be examined in the light of the contentions made by the applicants herein by Respondent No.1 within a period of 4 months from the date of receipt of a copy of this order. Detailed speaking order should be issued to the applicant after a decision is taken by the Respondent No.1

8. With the above direction, the O.A. is disposed of. No Order as to costs.

*one*   
(R. RANGARAJAN)  
Member (A)

*Amalgamated*  
Dated: 27th September, 1996.   
Dictated in Open Court.

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## Copy to:-

1. The Secretary to the Govt. of India, Ministry of Communication, Dept. of Telecom, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telecom, A.P.Circle, Hyd.
3. One copy to Sri. K.Venkateswara Rao, advocate, CAT, Hyd.
4. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

9/29/96

MA 519/96

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Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED:

27/9/96

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

O.A.NO.

in  
5/9/96

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED  
DISPOSED OF WITH DIRECTIONS  
DISMISSED  
DISMISSED AS WITHDRAWN  
ORDERED/REJECTED  
NO ORDER AS TO COSTS.

YLKR

II COURT

No Spare Copy

