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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 594/96

DATE OF ORDER : 20-1-96.

Between :-

1. B. Devadanan
2. Ch. Velli Satyanarayana Murthy
3. Goddu Jagannadha Rao
4. Bhogi Sanyasi Rao
5. C.K.Rao
6. Munduru Narasa Rao
7. Manchukonda Sreeman Narayana

... Applicants

And

1. Chairman, Telecom Commission,
M/o Communications Dept.,
Telecommunications, Sanchar Bhawan.
2. The Chief General Manager,
Telecommunications, AP Hyderabad.

... Respondents

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Counsel for the Applicants : Shri K. Lakshmi Narasimha

Counsel for the Respondents : Shri N. V. Raghava Reddy

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CORAM:

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

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

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

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

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Heard Shri K.Lakshmi Narasimha for the applicant and Shri N.V.Raghava Reddy for the respondents.

2. There are 7 applicants in this OA. They were initially appointed

as Asst.Engineers in the order of OA 178/92

Engineer. For promotion to the Asst.Engineer, they should qualify themselves in a departmental examination called "TES Group B Examination". As per para-206 of the P & T Manual, the date of passing the said qualifying examination decides the seniority in the higher grade of Asst.Engineer. The applicants submit that some of the junior Engineers who had passed the qualifying examination later were promoted to the cadre of Asst.Engineer earlier to them though they were shown senior entitled to them. The applicants are to be treated as seniors, in view of the fact that they had passed the departmental qualifying examination earlier.

3. In OA 178/92, OA 195/92 etc., this Tribunal had held that those who qualified in the departmental examination are to be treated seniors to those who qualified in the Departmental Examination later in accordance with para-206 of P & T Manual. When that was not implemented,

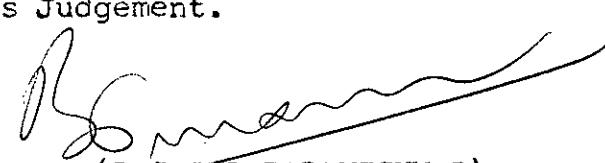
C.P. IN OA 178/92 and Batch was filed on the file of this Bench which was disposed of on 5-1-1996. It was held in that order of CP that "Petitioners in the CP have to be given notional promotion from the date which the respective junior as per the seniority list actually assumed charge as A.E. and as on that date the pay of each of them in the CP in the post of A.E. has to be fixed and thereafter the pay of each of them on the date on which actually assumed as A.E. has to

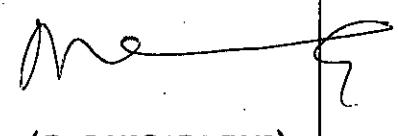
(46)

be fixed and thereafter the pay of each of them on the date on which actually assumed as AE has to be re-fixed and the arrears have to be paid basing on the same". Against that order a Civil Appeal No.1814/93 and batch was filed in the Apex Court which was disposed of on 23-10-96 dismissing the SLPs.

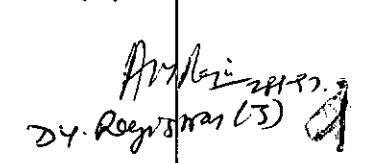
~~on the 8th~~

4. When the Review Petition is only under contemplation, the department has no other alternate except to grant the same benefit to the applicants in this O.A. as was granted in CP 18/93 to 21/93.
5. In view of the submission we allow this application and direct the respondents to implement the orders as given in CP 18/93 to 21/93 on the file of this Bench.
6. The Original Application is ordered accordingly. No costs. Time for compliance is 3 months from the date of receipt of a copy of this Judgement.


(B.S.JAI PARAMESHWAR)
Member (J)


(R.RANGARAJAN)
Member (A)

Dated: 20th January, 1997.
Dictated in Open Court.


D.Y. Rayarao (3)

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Copy to:-

1. Chairman, Telecom Commission, M/o Communications Dept., Telecommunications, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecommunications, AP Hyd.
3. One copy to Sri. K.Lakshminarasimha, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Raghava Reddy Addl. CGSC, CAT, Hyd.
5. One copy to Sri. N.V.Raghava Reddy Addl. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-

8/11/19

TYPED BY CH
COMPARED BY AB

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

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

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

DATED: 20/1/97

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

0.R. NO. 594/96

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

II COURT

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