

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.A.699/96Dt. of Decision : 17-09-98

1. G.Sambasiva Rao
2. G.Pedakapu
3. G.V.Ramana
4. M.N.Murthy
5. A.Appa Rao
6. Y.Prabhakara Rao
7. K.Appa Rao
8. EVVT.Satyanarayana
9. U.Mohite Rao
10. U.Someswara Rao
11. P.akshmi Narasimham
12. B.Appa Rao
13. Uppada Mohan Das
14. V.Venkata Ramana
15. M.Trimuthulu
16. V.Satyanarayana
17. G.Venkata Rao

19. V.V.Satyanarayana
20. Ch.V.Nancharaiah
22. G.Naga Raju
23. Ch.R.G.Deekshitulu
24. D.S.Kameswara Rao
25. A.Eswara Rao
26. J.V.Ramana
27. K.Satyanarayana
28. L.Umasankar Babji
29. PVVSL.Sarma
30. R.Prasad
31. M.Subba Rao
32. T.Ajantha Moses
33. L.Appa Rao
34. Maturi Krishna Rao
35. T. Atchuta Rao
36. D.Ramanaiah
37. Narla Appa Rao
38. Kanakam Satyanarayana
39. A.Venkatesh

..Applicants.

Vs

1. The Union of India, rep. by the Secretary,
to the Govt. of India, Dept. of Telecomm-
unication, New Delhi.

2. The Chief General Manager,
Telecommunication, A.P.Circle,
Hyderabad.

..Respondents.

Counsel for the applicants : Mr.K.Venkateswara Rao

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSC.

CORAM:-

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

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

ORDER

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

Heard Mr.K.Venkateswara Rao, learned counsel for the applicants and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. There are 39 applicants in this CA. They are Technicians under R-2, who are now working as TTAs under the same respondents. They prayed for a declaration that the applicants herein are entitled for pay scale of Rs.1400-2300/- from 1-1-86 with all consequential benefits such as arrears of pay and allowances and other attendant benefits by holding the action of the respondents in not giving the aforesaid scale of Rs.1400-2300/- to the applicants while extending still higher scales to similarly qualified persons working in the posts of Junior Engineers/Assistant Superintendent Telegraph Traffic/ and Draughtsman vide DoT letter No.1-5/94-PAT dated 11-3-96 and denying the said benefit to the applicants herein is illegal, arbitrary and discriminatory..

3. It is stated that the 5th Pay Commission has considered the case of the applicants and rejected the same. Hence, the applicants submit that the CA is already covered by the judgement of this Tribunal in OA.779/96 decided on 26-08-98.

4. The learned counsel for the respondents submit that it is a covered case. However, he wants to add that the issue was also decided by the Agarwal's committee. But the learned counsel for the applicants submit that the recommendation of the 5th Pay commission having more force than the recommendation of the lower committee viz., Agarwal's committee. Hence, it is not necessary to go into the recommendation of the lower committee when the 5th Pay commission which is ^a higher body had decided against the prayer of the applicants in this CA.

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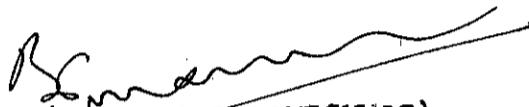
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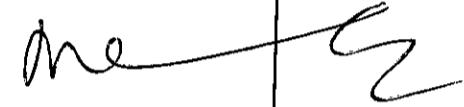
5. In view of the above submission it will be incongruent on the part of the Bench to over rule the decision of the 5th Pay Commission on the basis of the materials available in this OA.

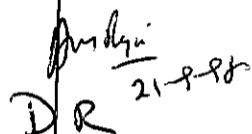
Applicants if they are so advised request the department to refer their cases to Anomalies Committee for reconsideration in regard to their upgradation of scales of pay. Hence, we do not pass any order in this connection and liberty is given to the applicants to take such action as deemed fit.

6. With the above observation, the OA is disposed of.
No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

17.9.98


(R. RANGARAJAN)
MEMBER (ADMN.)


DR 21-9-98

Dated : The 17th Sept. 1998.
(Dictated in the Open Court)

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Copy to:

1. The Secretary, Dept. of Telecommunications,
New Delhi.
2. The Chief General Manager,, Telecommunications,
A.P.Circle, Hyderabad.
3. One copy to Mr.K.Venkateswara Rao,Advocate,CAT,Hyderabad.
4. One copy to Mr.V.Rajeswara Rao,Addl.CGSC,CAT,Hyderabad.
5. One copy to D.R(A),CAT,Hyderabad.
6. One Duplicate copy.

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II COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI G.S. DAI PARAMESHWAR:
M(J)

DATED: 17/9/98

ORDER/JUDGMENT

M.A/B.A/C.P.NO.

in
C.A.NO. 688/88

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

