

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.868/96

DATE OF ORDER : 20-01-1997.

Between :-

1. Vaddi Satyanarayana
2. V.E.G.Tilak
3. B.Narasinga Rao

.... Applicants

And

- 1.The Chairman, Telecom Commission,
M/o Communications Dept.,,
Telecommunications, Sanchar Bhavan,
New Delhi - 110 001.

2. The Chief General Manager,
Telecommunications,
AP, Hyd.

... Respondents

Counsel for the Applicants : Shri K.Lakshmi N

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

CORAM:

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

THE HON'BLE SHRI E.S.JAI PARAMESHWAR : MEMBER

(Order per Hon'ble Shri R.Rangarejan, Member

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

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

2. There are 4 applicants in this O.A. They were initially appointed as Jr.Engineers. Their next promotion is to the cadre of Asst. 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 Jr.Engineers who had passed the qualifying examination later were promoted to the cadre of Asst.Engineer earlier to them and they were shown seniors though the applicants are entitled to be treated as seniors, in view of the fact that they had passed the departmental qualifying examination earlier.

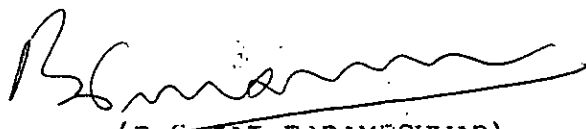
3. In OA 178/92, OA 195/92 etc., this Tribunal had held that those who qualified in the departmental examination earlier are to be treated seniors to those who qualified in the Departmental Examination later in accordance with para-206 of P & T Manual. When that was not implemented, CP in OA 178/92 and Batch was filed on the file of this Bench which was disposed of on 5-1-96. 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 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.

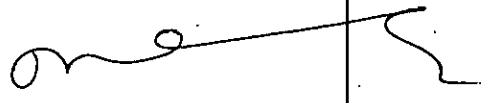
4. When the Review Petition on the SLP is only under contemplation, the department has no other alternate except to grant the same benefit to the applicants in this O.A. as was granted in CP 18/93 to CP 21/93.

5. In view of the submission we allow this application and direct the respondents to implement the orders ^{in this case also} as given in CP 18/93 to CP 21/93 on the file of this Bench.

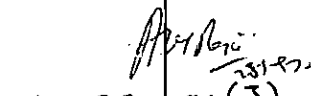
6. The Original Application is ordered accordingly. No costs. Time for compliance is 3 months from the date of receipt of a copy of this Judgement.


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

20.1.97


(R. RANGARAJAN)
MEMBER (A)

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


Dy. Registrar (J)

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