

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1321/96

Date of Order: 11.11.96

BETWEEN :

V.Hari Babu

.. Applicant

AND

1. Telecom District Manager,
Telecom Dept., Vijayawada.
2. Telecom District Engineer,
Telecom Dept., Adilabad.
3. Sri G.V.L.N.Rao, Telephone
Operator, Telephone Exchange,
Vijayawada.

.. Respondents.

Counsel for the Applicant

.. Mr.S.Ramakrishna Rao

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

CORAM:

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

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

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The applicant while working as Telephone Operator in the grade of 260-480, that scale was replaced by the IV th Pay Commission scales of pay w.e.f. 1.1.86 and was brought on Rs.975-1660. In the replacement scale his pay was fixed at the stage of Rs.1210/- w.e.f. 1.1.86. As his date of increment

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~~fell~~ in September of the year his pay was raised from 1.9.86 onwards in the replacement scale. R-3 is stated to be his junior. The pay of R-3 who was also ^a Telephone Operator in the grade of Rs.260-480 earlier to the introduction of the IVth Pay Commission scale of pay was brought on replacement scales of pay of Rs.1200-1660 w.e.f. 1.1.86 and his pay was fixed at the stage of Rs.1210/- w.e.f. 1.1.86 in the replacement scale. The date of increment for R-3 fell in the month of April of the year. Hence the increment was given to him in the replacement scale from 1.4.86. Thus the learned counsel for the applicant submits that the pay of the applicant is less than R-3 as on 1.4.86 and his date of increment in the replacement scale should also be preponed to 1.4.86 thereby his pay and that of his junior will be the same.

3. The applicant filed a representation and the same was rejected by the order No.Q-131/MNC/89-90/77 dated 3.2.90.

4. This OA is filed praying for a direction to the respondent No.2 to step up the pay of the applicant on par with R-3 who is junior to the applicant w.e.f. 1.4.86.

5. The respondents do agree that ~~the~~ anomaly has arisen ^{and} that has to be set right if the applicant is senior to R-3. But they bring to the notice of the Bench by producing letter No.366/Payfix/PS-VJ/16, dated 6.11.96 to state that R-3 is senior to applicant ^{on} the basis of the date of substantive entry into the grade of Telephone Operator. Hence the learned counsel for the respondents submits that the applicant is not entitled for stepping up of pay.

6. This OA is ^{not} filed challenging any seniority list. The present application is for stepping up of pay on par with his junior namely R-3. If the applicant is senior to R-3 on the basis of the seniority list issued by the respondents then

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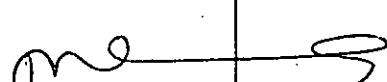
the applicant is entitled for the stepping up of pay. If he is not senior to R-3 the applicant cannot claim the stepping up of pay. However the decision taken in this OA by the respondents in regard to the stepping up of pay on the basis of the seniority of the applicant vis-a-vis R-3 will not stand in the way of the applicant to challenge the seniority ~~list of the service~~ ~~is erroneous~~ made.

7. In the result, the following direction is given:-

The applicant is entitled for stepping up of pay on par with his junior R-3 w.e.f. 1.4.86 if he is senior to R-3. R-2 should decide this fixation of pay on the basis of the above direction within a period of 3 months from the date of receipt of a copy of the order and the applicant should be advised ^{of} the result. In case a favourable decision is taken by the respondents for stepping ^{up} of pay, then the applicant is entitled for arrears only from one year prior to the i.e. filing of the OA w.e.f. 23.7.95. (This OA was filed on 23.7.96).

8. The OA is disposed of at the admission stage itself. No costs.

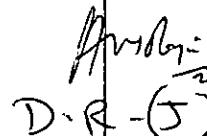

(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

Dated: 11th November, 1996

(Dictated in Open Court)

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