

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.899/96

Date of Order: 30.8.96

BETWEEN:

B.Nagesh Rao

.. Applicant.

AND

The Chief General Manager,
Telecommunications, A.P.Telem
Circle, Abids,
Hyderabad - 500 001.

.. Respondents.

Counsel for the Applicant

.. Mr.N.R.Srinivasan

Counsel for the Respondent

.. Mr.N.R.Devraj

CORAM:

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

JUDGEMENT

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

Heard Mr.Srinivasan, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant joined as an Engineering Supervisor (now re-designated as Junior Telecom Officer) on 12.5.70 and his initial substantive pay was fixed at Rs.240/- on the scale of pay of Rs.180-380 after granting him six advance increment for possessing a Bachelor's Degree in Engineering as per the rules then in force. His pay was refixed when the 3rd and 4th pay commission recommendations were accepted in accordance with the rules. It is stated that the 3rd and 4th pay commission had not recommended any advance increments for those who possess Engineering while joining as Junior Telecom Officer. Subsequently the government had reconsidered the issue for

grant of advance increments to those who possess Engineering Degree at the time of joining service or at a later date when they acquire a degree while in service. After reconsideration the government had decided to grant 2 advance increments to the Engineering graduates joining as Junior Telecom Officer and to these JTOs and the higher officers the ~~same~~ ^{advance} increment was also granted ~~whenever~~ whenever they acquired the higher qualification while they were in service w.e.f. 1.5.90.

3. It is stated for the applicant that Sri V.G.Dhavle who acquired the qualification of Engineering Degree was granted two advance increments w.e.f. 1.5.90 and because of that he was drawing more pay than the applicant from that time onwards.

4. The Telecom department vide the letter No.4-24/90-PAT dated 10.2.94 (A-1) instructed all the subordinate units to step up the pay of the seniors with respect to their juniors if their juniors were getting more pay than the seniors due to the instructions of the scheme of granting two advance increments for possessing Engineering Degree qualification w.e.f. 1.5.90. But the order referred to above stipulates certain conditions for granting stepping up of pay. One of the conditions is that the junior should not have worked on adhoc basis as Assistant Engineer.

5. The recognised unions and others, agitated for removal of these conditions incorporated in the order dated 10.2.94. ^{which} Representations in this connection ~~was~~ examined by the DOT and a fresh order was issued vide letter No.4-24/90-PAT dated 1.6.94 (A-2). The applicant submits that he is entitled for stepping up of pay with respect to his junior Sri V.G.Dhavle w.e.f. 1.5.90 in view of the revised instructions at A-2.

6. The applicant submitted a representation addressed to the respondent by his representation dated 10.6.94 (A-3) for



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stepping up of his pay on par with his junior Sri V.G.Dhavle following the office order dated 1.6.94. The Chief General Manager it is stated is delegated with powers for stepping up in this connection. The respondent by the impugned letter No.TA/ACB/19-BNR/94-95, dated 4.3.96 (A-7) rejected his representation on the ground that his junior Sri V.G.Dhavle was earlier working as adhoc A.E., because of that the stepping up of the pay for the applicant ~~cannot be granted~~. The impugned letter is re-produced below:

Re-produced below

"With reference to the letter cited, on the subject mentioned above it is to state that had the junior officer V.G.Dhavle, not officiated as A.E., he would have drawn Rs.2750/- on 1.5.90 on par with his senior Sri B.Nagesh Rao even after getting 2 advance increments, and hence there is no anomaly. The officer Sri B.Nagesh Rao, SDE may be informed accordingly. The SB of Nagesh Rao is returned. Please acknowledge the receipt of SB".

7. The applicant submits that the reason given in the impugned letter at Annexure - 7 is contrary to the revised office letter issued by the DOT by letter dated 1.6.94 (A-2). The applicant submits that one Sri N.S.Murthy who is senior to Sri V.G.Dhavle has been given the stepping up of pay on par with Sri V.G.Dhavle and ~~because~~ as his case is also similar to that of Sri N.S.Murthy he should also been given the same relief as was granted to Sri N.S.Murthy. If the same relief is not extended to him it will be a case of discrimination metted out to the applicant.

8. Aggrieved by the above he has filed this OA to quash the impugned letter dated 4.3.96 (A-7) and for a consequential direction to the respondents to step up his pay w.e.f. 1.5.90 at the stage of Rs.2900/- on par with his junior Sri V.G.Dhavle and also payment of arrears there on.

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9. The applicant has to fully utilise the grievance redressal machinery available in the department before approaching the Court/Tribunal. He can easily approach the Member DOT Incharge of Personnel for redressing his grievance if the Chief General Manager, Hyderabad Telecom has not followed the rules in giving him the relief as requested by him. Even if the appeal to the Member Incharge of Personnel in DOT is not a statutory one, the employee should take the opportunity available to him to set right the wrong order, if any, issued by lower officers.

10. The Court or Tribunal should not give a decision in such cases if alternate remedy is available to the employees. If the practice of rushing to courts without exhausting the departmental remedies, it will only add burden to the Courts/Tribunals. Appealing to the superiors will be easier, less costly and also the relief can be reaped by them much earlier. In view of the above I am of the opinion that this case should be examined by the Member Incharge of Personnel in DOT and dispose of his representation dated 14.6.94 (A-3) in accordance with the rules in force.

11. The Member Incharge of Personnel in DOT should dispose of the representation of the applicant dated 14.6.94 (A-3) in accordance with the rule in force at present taking due note of the observations made as above within a period of 2 months from the date of receipt of a copy of this order.

12. The OA is ordered accordingly at the admission stage itself. No costs.

13. Registry should sent a copy of this OA along with the judgement to the Member Incharge of the Personnel, Department of Telecommunications. The learned counsel for the applicant



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will supply the correct address of the Member ~~in charge of~~ personnel in DOT to the Registry to enable the Registry to send the judgement along with the OA to that official.

M *E*

(R. RANGARAJAN)
Member (Admn.)

Dated: 30th July, 1996

(Dictated in Open Court)

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D-R (S)

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O.A.NO.899/96

Copy to:

1. The Chief General Manager,
Telecommunications,
A.P.Telcom Circle,
Abids, Hyderabad.
2. One copy to Mr.N.R.Srinivasan, Advocate,
CAT, Hyderabad.
3. One copy to Mr.N.R.Devraj, Sr.CGSC,
CAT, Hyderabad.
4. One copy to Library,CAT, Hyderabad.
5. One duplicate copy.
6. One copy to member Incharge of personnel,
Dept. of Telecommunications, Sanchalan Bhawan,
20, Ashoka Road, New Delhi - 001

YLKR

03/08/96
O.P. 899/96

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

~~Typing~~

DATED: 30.7.96

ORDER/JUDGEMENT

D.A. NO./R.A./C.P. No.

in

D.A. NO. 899/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

C.C. (Copy to Plaintiff
along with the copy of all to
the member of the panel
Draft of the order
No. 899/96
केन्द्रीय प्रशासनक अधिकारी
Central Administrative Tribunal
इच्छा/DESPATCH

21 AUG 1996 NRP