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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 913/96.

Dt. of Decision : 05-03-97.

Mr.M.Suryanarayana Rao

.. Applicant.

Vs

1. The Union of India, through
the Secretary, Mib. of Communications,
Dept. of Telecommunication,
Sanchar Bhavan, New Delhi.1.
2. The Chief General Manager (Maintenance),
Northern Telecom Region,
Kidwai Bhavan, New Delhi.1.
3. The Chief General Manager,
Telecommunication, AP. Circle,
Doordarshan Bhavan, Nampally Road,
Hyderabad ..

.. Respondents.

Counsel for the applicant : Mr. V.Venkateswara Rao

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

CORAM:

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

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ORDER

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

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

2. The applicant in this OA joined as Telegraphist on 6-10-1965. He was promoted to Telegraph Traffic Service Group-C (in short T.T.S Group-C), which ^{was} later redesignated as Asst. Supdt. Telegraph Traffic (in short A.S.T.T.) w.e.f., 14-1-74, after passing the departmental competitive examination. He was promoted to Telegraph Traffic Service Group-B (Gazetted) in the pay scale of Rs.2000-3500/- w.e.f., 13-12-86 (Annexure-2 to the OA). He compares his pay fixation with that of one Mr.N.S.Shah, ^{when} ~~when~~ Mr.N.S.Shah was promoted regularly as TTS Group-B service w.e.f., 11-2-91 (Annexure-3). He also compares his pay fixation with respect to the another TTS Group-B official Mr.P.Panjiara who was promoted regularly to the TTS Group-B service w.e.f., Sep.89. The applicant submits that Mr.N.S.Shah and Mr.P.Panjiara were given adhoc promotion earlier as TTS Group-B service and because of that when those two officials were promoted regularly to TTS Group-B service they were drawing more pay than him. He further submits that he is senior to both the officials viz., Mr.N.S.Shah and Mr.P.Panjiara in the lower grade of TTS Group-C and also his pay in the lower grade is more than the other two officials with whom ^{he} ~~is~~ comparing his pay after those two officials are regularly promoted to TTS Group-B.

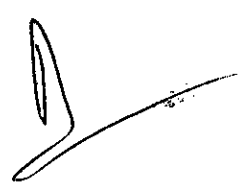
3. The applicant submitted a representation for stepping up of his pay with respect to Mr.P.Panjiara when ~~the~~ later was promoted regularly to TTS Group-B service by his representation dated 23-10-92 (Annexure-4 to the OA). But his representation was rejected by general order No.4-31/92-PAT dated 31-5-93 (Annexure-1 to the OA) wherein it is stated that stepping up

of pay should be restricted only to those for whom direction has been given by the Tribunal. In view of the above the applicant submits that his pay was not stepped up on par with others Mr.N.S.Shah ~~and~~ or Mr.P.Panjiara.

4. This OA is filed for quashing the impugned letter No.4-31/92-PAT dated 31-5-93 (Annexure-1 to the OA) and for a consequential direction to step up his pay on par with his junior Mr.N.S.Shah and Mr.P.Panjiara from the date they have been drawing higher pay than the ~~applicant~~ ^{him} with all consequential benefits, arrears of pay and allowances etc.,

5. The applicant contends that his case is covered by the judgement of this Tribunal in OA.No.1027/93 and batch decided on 5-12-94. He further submits that the SLP filed against the judgement was also dismissed by the Apex Court in Civil Appeal Nos.26229-31/95 dated 29-11-95. Hence, the applicant contends that he is eligible for stepping up of pay on par with his junior viz., Mr.N.S.Shah and Mr.P.Panjiara.

6. A short reply has been filed in this OA. There are two main contention in the reply. The first contention is that the applicant has not filed any representation for stepping up of pay on par with Mr.N.S.Shah. Hence he cannot pray for stepping up of pay on par with Mr.N.S.Shah without representing his case to the departmental authorities. However, it is admitted that he has filed a representation to step up his pay on par with Mr.P.Panjiara. The above contention was considered. Though he has not filed a representation for stepping up of pay on par with Mr.N.S.Shah when he was regularly promoted to TTS Group-B he has filed a representation for stepping up with respect to ~~Mr.N.S.Shah~~ ^{Mr.P.Panjiara}. Hence the stepping up of pay on par with Mr.P.Panjiara can be allowed as he has represented his case for



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stepping up on par with Mr.P.Panjiara to the departmental authorities which has been rejected. || The next contention is Mr.P.Panjiara was promoted way back in 1989 and the applicant has filed this OA only in 1996. Hence, OA is barred by limitation OA.1465/93 was filed on the file of the Principal Bench on 21-7-93. That OA was transferred to this Bench by Hon. Chairman and it was re-numbered as 913/96 on the file of this Bench and the date of registration is noted as 30-7-96. Hence, it has to be held that the OA was filed on 21-7-93 and that date is relevant for consideration of limitation. There is no doubt that even taking into account the date of registration in the Principal Bench as 21-7-93 the OA was filed 4 years after Mr.P.Panjiara was promoted to TTS Group-^B~~A~~. Hence taking on that date also filing of the OA is delayed. Even in the earlier case decided ^{by} ~~at~~ this Tribunal in OA.1027/93 and batch there was delay because of that delay only the monetary benefits in ^{that} ~~that~~ OA ^{was} ~~was~~ restricted from three years prior to the date of filing of the respective OAs in that batch cases. Similar direction is also ~~g~~ to be given in this case also as the OA was filed belatedly. || There is no doubt that Mr.P.Panjiara is junior to the applicant herein. Mr.P.Panjiara was given adhoc promotion earlier to the applicant though both ~~the~~ Mr.P.Panjiara and the applicant belonging to the same seniority unit and the applicant was ranked senior in the lower grade and also drawing more pay than Mr.P.Panjiara in the lower grade. There is no reason to believe that before granting Mr.P.Panjiara adhoc promotion to TTS Group-B the applicant was also considered and his case was rejected or he refused to take up higher responsibility on adhoc basis. Hence, it has to be held that the applicant is entitled for stepping up of pay on par with his junior Mr.P.Panjiara from the date Mr.P.Panjiara was drawing more pay than the applicant when Mr.P.Panjiara was regularly promoted to TTS Group-B service. But the arrears on

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account of stepping up of pay is to be limited three years prior to filing of the OA. As the OA was filed on 21-7-93 the three year period earlier to filing of this OA for grant of monetary benefits is ^{the} counted from 3 years prior to 21-7-93.

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

The applicant is entitled for stepping up of his pay on par with his junior Mr.P.Panjiara from the date his junior was drawing more pay than him on his regular promotion as TTS Group-B service. However, the monetary benefit is to be restricted from 3 years prior to filing of the OA in the Principal Bench i.e., ^{from} 21-7-90 (This OA was filed in the Principal Bench on 21-7-93).

8. The OA is ordered accordingly. No costs.

(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 5th March 1997.
(Dictated in the Open Court)

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For the
D.R (J)